

Planning Committee

Reference:
OUT/20/01800

Area Team:
**Development
Management Team**

Case Officer:
Mr J Browne

Ward:
Heswall

Location: Ronan, 4 SANDFIELD PARK, HESWALL, CH60 9HX
Proposal: Outline planning application for the construction of two detached dwellings

Applicant: Mr and Mrs Hawksworth
Agent : SHACK Architecture Ltd

Qualifying Petition: Yes, Number of Signatures: 42

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

- Location: 23, Pipers Lane, Heswall. L60 9HZ
Application Type: Full Planning Permission
Proposal: Erection of a two storey side extension.
Application No: APP/89/05890
Decision Date: 12/06/1989
Decision Type: Approve
- Location: The Meadows ,Pipers Lane ,Heswall L60 9HZ
Application Type: Full Planning Permission
Proposal: Erection of detached dwellings at The Meadows, Pipers Lane
Application No: APP/80/16547
Decision Date: 03/11/1980
Decision Type: Refuse
- Location: Land at The Meadows ,Pipers Lane ,Heswall ,L60 9HZ
Application Type: Full Planning Permission
Proposal: Erection of 3 houses/bungalows
Application No: APP/79/11742
Decision Date: 21/03/1979
Decision Type: Refuse
- Location: The Meadows,Pipers Lane,Heswall
Application Type: Full Planning Permission
Proposal: 15 Houses and garages
Application No: APP/74/00385
Decision Date: 08/10/1974
Decision Type: Refuse
- Location: Land off,Pipers Lane,known as The Meadow,Heswall,CH60 9HZ
Application Type: Full Planning Permission
Proposal: Erection of 3 bungalows and 9 houses with roads and sewers.
Application No: APP/78/10606
Decision Date: 04/06/1979
Decision Type: Refuse
- Location: Land at The Meadow ,Pipers Lane ,Heswall ,L60 9HZ
Application Type: Full Planning Permission
Proposal: Erection of 9 bungalows with road and services
Application No: APP/79/11673
Decision Date: 21/03/1979
Decision Type: Refuse
- Location: 23-29 Pipers Lane,Heswall,L60 9
Application Type: Reserved Matters
Proposal: Erection of eight detached bungalows with double integral garages.
Application No: DLS/81/18873
Decision Date: 11/02/1982
Decision Type: Conditional Approval
- Location: Ronan ,4 Sandfield Park,Heswall L60 9HX
Application Type: Full Planning Permission
Proposal: Erection of double garage
Application No: APP/78/10874
Decision Date: 07/11/1978

Decision Type: Conditional Approval

Location: Ronan, 4 SANDFIELD PARK, HESWALL, CH60 9HX
Application Type: Planning Pre-Application Enquiry
Proposal: 2 no. detached 5 bed houses adjacent to existing dwelling
Application No: PRE/20/00049/ENQ
Decision Date: 15/05/2020
Decision Type: Pre-Application Reply

Appeal Details

Application No	APP/80/16547
Appeal Decision	Conditionally Allowed (Expired Code)
Appeal Decision Date	30/06/1981

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

2.1 Having regard to the requirements of the Town and Country Planning (General Permitted Development Order) (England) 2015 as amended, notification letters were sent to fifteen neighbouring addresses on 16 December 2020. The deadline for receipt of representations passed on 07 January 2021.

REPRESENTATIONS

One Petition received - Declaration of objection to the proposals (42 signatories)

Twenty-four letters of Objection, which can be summarised as follows:

Procedural matters

- No consideration for emerging Local Plan
- Incomplete planning application form
- Red line of application site and relationship to neighboring dwelling is incorrect.

Character and appearance:

- Overdevelopment (cramped development)
- Unacceptable density
- Excessive height at 2.5 storeys / 3 storeys
- Loss of green space
- Unacceptable impact on character of the surrounding area
- Contemporary style is not in keeping.
- Loss of grass verges, hedges and trees
- Loss or effect on trees (Tree strategy 2020)
- Quality of design
- Relevance of 2004 appeal

Impact on residential amenity

- Overbearing impact on neighbours
- Loss of sunlight and daylight
- Rights of Light impacts
- Impact on neighboring resident's mental health
- Noise and air pollution
- Loss of views

- Loss of rural landscape
- Loss of historic character
- Insufficient information of appearance and design of the proposals
- Creation of new development precedent in the area

Transport matters

- Impacts on Parking on Pipers Lane
- Impact of the construction process
- Lack of suitability of Pipers Lane for access
- Damage to the highway network and surface
- Highway and pedestrian safety
- Requirement for Active Travel
- Increased pollution from cars
- Lack of car parking and servicing provision
- Access road is narrow, unmade and is entirely unsuitable.
- Excess traffic in an un-adopted road and adjacent roads
- Construction vibration and dust
- Mud and dirt impacts due to construction

Impact on protected species / ecology matter

- Disturbance of Natural habitat of protected species
- Disruption to badgers
- Loss of net bio-diversity
- Bat roost assessment required

Drainage and flooding

- Loss of the soakaway
- Surface water and drainage impacts

Infrastructure matters

- No affordable housing
- Increased stress and impact on local services

CONSULTATIONS

Merseyside Environmental Advisory Service – The development was considered against regulatory compliance and action is required in the form of planning conditions.

Wirral Cheshire Badger Group – Neutral comments. However, concerns about the potential impact this development could have on wildlife, in particular the local badger population. Requested that the application demonstrates that a net gain in Bio-diversity will be achieved in accordance with the NPPF. Accepting that the local badgers pass through the site there is a risk of harm to badgers during construction activities - badgers safety must be safeguarded by condition.

Dwr Cymru Welsh Water – The discharging of surface water into on site soakaway(s) is proposed, and the use of sustainable drainage systems (SuDS) for the discharge of surface water is supported.

Environmental Protection – No objection

Committee of Heswell Society – Objection based on Section 24 of the form discloses a relationship exists but no details are given. The proposals result in a cramped overdevelopment which will be totally discordant with the current street scene. Proposed

massing further contributes to detrimental impact. Loss of amenity due to overlooking. There is evidence of badger activity and the approval of this application from the Wirral and Cheshire Badger Group should be sought. Inadequate measures proposed to produce a net gain in biodiversity

Environmental Health - No objection

Highways - No objection, recommends condition to secure provision of a cycle store.

All of the above objections and comments will be duly considered and appropriately afforded weight in the determination of this planning application.

3.1 Site and Surroundings

- 3.1.1 The site is located within a Primarily Residential Area in an area on the western side of Sandfield Park, Heswall. The site is undeveloped and historically formed part of the side garden of no. 4. To the immediate north and south are the residential dwellings of no. 4 and no. 6 respectively, which are detached properties situated within large gardens. To the east of the site and located on the other side of Sandfield Park are no. 3, 3a and 5, which are also detached properties. The scale of properties within the immediate vicinity ranges from bungalows, two storey dwellings to large and prominent three storey buildings at the junction of Piper's Lane and Sandfield Park. The surrounding area is also heavily characterised by mature trees, prominent and tall hedgerows and scrubs. This creates a very green and leafy feel and context within the local area. The site does not fall within a conservation area. Sandfield Park is not an adopted Road.

3.2 Proposed Development

- 3.2.1 The proposal seeks outline planning permission to erect two, five bedroom detached residential properties. The matters submitted for consideration are access, layout and scale only.
- 3.2.2 Access
The site would be divided into two separate residential curtilages each comprising a detached dwelling. Both proposed dwellings and their gardens would be directly accessible from via Sandfield Park via two new separate pedestrian and vehicle access points. One access route per dwelling.
- 3.2.3 Layout
The proposed residential developments are positioned set back from Sandfield Park to allow for the creation of front garden space and two off street car parking spaces per dwelling.
- 3.2.4 A separation gap of 3.70m is proposed between the two dwellings. Both properties are also set of their respective shared boundaries to the north and south. To the rear of each proposed dwelling is c. 13m by 13m of rear garden space.
- 3.2.5 Scale
The proposed dwellings both designed with a pitched roof would be 8.615m high to the ridge and 5.45m to the eaves. Single storey rear additions designed with flat roofs at 3.1m high would be positioned to the rear of the dwellings.
- 3.2.6 The potential appearance of the dwellings and any associated landscaping provisions do not form part of the outline application and are therefore not a material consideration at this point. These matters would need to be considered at the reserve matters stage.

3.3 Development Plan

3.3.1 Housing

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria within saved UDP policy HS4:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;
- (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;
- (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and
- (vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

3.3.2 Protected species

Saved NC01 Principles For Nature Conservation Strategic Policy states The local planning authority will only permit proposals which will not adversely affect, directly or indirectly, the integrity of the borough's international, national and locally designated sites for nature conservation and earth science. In considering the weight to be attached to nature conservation or earth science issues when assessing planning applications, the local planning authority will have regard to the relative significance within Wirral of international, national and local nature conservation designations. Wherever possible, networks of linear natural habitat and other corridors of importance to wildlife will also be retained and protected.

Saved UDP Policy NC7 Species Protection states Development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/ or planning obligations.

3 Transport

. Saved UDP policy TR9 states that in assessing the off-street parking provision associated with new development proposals, the Local Planning Authority will be guided by the following considerations:

- 3 (i) the contribution of the proposal in supporting the general locational policies of the UDP;
- (ii) the impact on the competitive position of urban centres;
- (iii) the availability in the locality of alternative modes of transport;
- (iv) the operational minimum and maximum level of car parking requirement associated with the proposed development;

- (v) road safety and traffic management issues in the locality of the proposal; and
- (vi) the likelihood of cars being parked on residential roads.

3.4 Other Material Planning Considerations

3.4.1

The purpose of the planning system is to contribute to the achievement of sustainable development so that opportunities to secure net gains across economic, social and environmental objectives can be taken. There is a presumption in favour of sustainable development, which means approving proposals that accord with an up-to-date development plan without delay (paragraphs 7, 8 & 11 refer). The most important development plan policies for determining this planning application are UDP Policy HS4, GR5 and GR7 [etc], which are considered as whole to be up to date in terms of their consistency with the NPPF. The Borough does not currently have the five-year housing supply as required in NPPF paragraph 73, which is to be addressed in the emerging Local Plan but these policies are still relevant in the determination of this application as they still reflect national policy and circumstances on the ground.

NPPF paragraphs 122 & 123 provide support for efficient use of land taking account of the desirability of maintaining an area's prevailing character (including residential gardens). Decisions are expected avoid low densities and ensure optimal use of the site and take flexible approach to daylight provided acceptable living standards can be achieved. Part 12 goes on to make it clear that good design is a key aspect of sustainable development, and the creation of high quality buildings and places is fundamental to what the planning process should achieve. The Council published its intention to promote higher densities subject to the impact on local character, as part of the emerging Local Plan but the final policies are still to be approved.

The National Planning Policy Framework (NPPF) at Section 12 seeks to achieve well designed places. In particular, paragraph 127 advises planning authorities that developments should: function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users, amongst other matters.

Section 11 of the National planning Policy Framework states: The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 130 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Paragraph 175 states when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special

Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 180 advises that Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways;
- Residential Amenity; and
- Ecology / protected species
- Waste and recycling
- Construction methodology
- Drainage

3.6 Principle of Development: .

3.6.1 This site is designated as part of a Primarily Residential Area where new housing development is acceptable in principle subject to compliance with all the criteria in UDP Policy HS4. The landscaping proposals for this particular scheme are also subject to UDP policy GR5 and GR7, and the Tree, Hedgerow and Woodland Strategy 2020-2030.

3.6.2 The site comprises a grass verge and undeveloped land. However, the site is not designated as Green Space within the Wirral UDP and is not accessible to the public. It should also be noted that Planning permission has been granted for similar developments at 2 Sandfield Park (ref 13/00171) Granted 3rd June 2013 and 3 Sandfield Park (ref 16/01417) granted 21.12.2016.

3.7 Design / Impact on the character of the area:

3.7.1 The development would be set back from Sandfield Park and conform to the existing building line of the neighbouring properties and the wider streetscene. The proposed building footprints set off from the shared boundaries will ensure that proposed detached properties would not result in a terracing effect either between themselves or with the

neighbouring properties. The positioning of the dwellings within spacious front and rear gardens also conforms with the established character of the area..

- 3.7.2 The scale and height of the proposed dwellings would be in keeping with the surrounding area. The materiality and appearance of the proposed residential development and any associated landscaping (inclusive planting of trees) and boundary treatment would be secured by way of reserve matters and safeguarding conditions in accordance with the requirements of Policy GR5 (Landscaping and New Development). The adoption of appropriately worded conditions would also ensure that the green and leafy, charming character of the area is retained.
- 3.7.3 The development proposals would result in the loss of up to 12 existing trees on the site. A tree report carried out by Amenity Tree in line with the recommendations in BS 5837:2012 confirmed that the overall quality on the site ranges from poor (C) to moderate (B). The loss of the trees will be mitigated with a condition requiring the planting of replacement trees elsewhere on the site in accordance with UDP Policy GR7 and the overarching aims of the Tree, Hedgerow and Woodland Strategy 2020-2030. The neighbouring existing T6 tree which has a retention value of A1 and its root protection area (RPA) will not be impacted by the proposed development either.
- 3.7.4 Considering the above and following due consideration of the objections received from neighbours and the Committee of Heswall Society, it is considered that the proposed development would not harm the character of the site and the surrounding area as a result of a loss of the grass verge, hedges and trees; the redevelopment of the site with contemporary buildings; or any perceived overdevelopment of the site in terms of scale, height density and appearance. The absence of specific details for consideration at this stage would also be addressed through appropriately worded reserve matters and conditions. Subject to the attachment of such conditions, it is therefore considered that the development would preserve and enhance the character and appearance of the immediate street and the wider local area.
- 3.8 Highways:
- 3.8.1 The proposals are all contained within a private boundary and do not impact on the adopted highway which terminates north of the proposal on Pipers Lane, therefore Sandfield Park which accesses the development is not adopted highway. The status of a road alone does not prejudice development.
- 3.8.2 The visibility splays on to Sandfield Park are considered satisfactory and due to the low level of traffic using the access road do not raise any highway safety concerns.
- 3.8.3 The proposed two additional dwellings served from Sandfield Park are unlikely to generate a significant level of traffic and it is therefore considered that the development proposals would have a minimal impact on Sandfield Park, as such there are no objections to the proposal from Wirral's Engineers (Highway officers) The level of pollution resulting from the additional car usage that the development would bring would not warrant a reason for refusal either. The objectors concerns regarding the construction phase can also be mitigated through appropriately worded planning conditions.
- 3.8.4 Cycle parking provision will also be secured by way of condition to promote sustainable forms of transport as an alternative to travelling by car.
- 3.8.5 Following the receipt of confirmation from Council's Highway officers that the development proposals are acceptable, and all transport related concerns can be mitigated through appropriately worded conditions where required. It is considered that neighbours objections in relation to access, safety, the longevity of the highway network and surfaces, active travel, congestion and the construction process can all be addressed via condition and consequently do not warrant a reason for refusal. The application is therefore considered acceptable in access and highway terms.

3.9 Residential Amenity:

3.9.1 The proposed development would not protrude beyond the rear elevation of no. 6 and would be appropriately set off the boundary.

3.9.2 Regarding the relationship with no. 4, the proposed development would extend beyond the rear building line of neighbouring property. However, in this instance such an arrangement is considered acceptable because the closest subject development is predominantly single storey beyond the rear elevation of no. 4 and the 25 and 45 degree rule is complied with when assessed from the first floor rear habitable room windows of no. 4

3.9.3 The existence of a circa 3m protruding ground floor rear extension to a neighbouring property in close proximity to a boundary is a common arrangement in the local area and the borough.

3.9.4 It is therefore considered that the development would not have a detrimental impact on the living conditions of any neighbouring residents to warrant a reason for refusal when considering the potential for loss of access sunlight and daylight, outlook and privacy.

3.9.5 Based on the above and with consideration of objections from neighbours and the Committee of Heswell Society in relation to the potential for an overbearing impact, overlooking, loss of views, sunlight and daylight, right of light implications, noise and pollution concerns and impact on mental health It is concluded that the development would accordingly safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.

3.9.6 The proposed development is also of a sufficient scale to accord with the requirements of the national space standards. With the benefit of defensible space to the front of the property and rear gardens to the rear for the enjoyment of the future residents. A high-quality standard of living would be delivered for future residents.

3.10 Ecology and Protected Species:

3.10.1 Bats

The trees on site have no potential roosting features suitable for use by bats. No further surveys or mitigation are therefore required. However, a planning condition would be required to ensure that a lighting scheme is adopted that does not result impact potential habitats on the site or an adjacent to the site in line with NPPF (paragraph 180).

3.10.2 Breeding Birds

The site has habitats which may provide nesting opportunities for breeding birds, which are protected and therefore UDP policy NC7 applies. No tree felling, scrub clearance, vegetation management, ground clearance or building works should therefore take place during the period 1 March to 31 August inclusive. The proposed development would result in the loss of habitat suitable for breeding birds. To mitigate for this loss, details of bird nesting boxes that will be erected on the site (e.g. number, type and location on an appropriately scaled plan) would need to be agreed in writing the Local Planning Authority in advance. Such matter and details will therefore be secured by way of planning condition.

3.10.3 Amphibians

There are no records of great crested newt within 1km and there are no other ponds within 500m. MEAS advised that it is unlikely that great crested newt will be present, however, the habitats on site are suitable for use by amphibians such as common toad, a Priority Species under Natural Environment and Rural Communities (NERC) Act 2006.

3.10.4 A safeguarding condition would therefore be required to ensure that Reasonable Avoidance Measures (RAMs) are undertaken during the construction phase in accordance with UDP policy NC7.

3.10.5 Terrestrial Mammals

MEAS advised that the habitats on site are suitable for hedgehog which are Priority Species and therefore UDP policy NC7 applies. Reasonable Avoidance Measures (RAMs) would

again therefore need to be secured by way of condition.

3.10.6 Badgers

The application site is situated close to three Sites of Biological Importance/Local Wildlife Sites - Wirral Way NC6/15, Wittering Lane NC6/22 and Bushway NC6/23, where there are active badger setts. There is also badger activity on Heswall Dales SSSI. Evidence of the existence of badgers in the local area has been submitted by objectors to the proposals. MEAS advised that Badgers from these setts depend on the local gardens to forage for food and to disperse. It is therefore vitally important to maintain links between badger populations and essential to protect existing wildlife corridors and maintain connectivity between sites. Given the above, it is pertinent to work on the assumption that badgers frequently do pass through the application site in the determination of this application. This is in line with the observation and comments from Committee of Heswell Society and the Wirral Cheshire Badger Society.

3.10.7 Accepting that the local badgers pass through the site there is a risk of harm to badgers during construction activities. As such, it is essential that all measures are taken to ensure the badgers safety during site clearance and the construction phase. Appropriately worded safeguarding conditions will therefore be imposed.

3.10.8 Landscaping

The habitats on site are suitable for a range of species including hedgehog, amphibians, birds, foraging and commuting bats and invertebrates.

3.10.9 The presence or otherwise of any protected species, and the extent that they may be affected by the proposed development has been established by an ecological assessment. To mitigate any potential impacts in line with recommendations within the submitted Biodiversity Enhancement Measures report, MEAS have advised that a tree, hedgerow and grassland planting should be included within the landscaping provision to be submitted at Reserve Matters Stage. The planting should include native species congruent with the surrounding landscape in order to benefit species using the site.

3.10.10 The requirement for details of a tree, hedgerow and grassland to be planted as part of a wider landscaping / planting plan for the site will therefore be secured by a suitably worded planning condition.

3.10.11 The site could also be used by Priority Species such as hedgehog and common toad. In order to ensure no net-loss in biodiversity, hedgehog highways (13cm x 13cm holes) would need to be implemented within the bottom of any fences constructed on site to allow for movement of species between the new gardens. Such measures would be secured by condition.

3.10.12 The requirement to install bat boxes, a hedgehog hibernacula/log pile and invertebrate boxes on site would also be secured by way of condition in accordance with NPPF paragraph 175 and the NERC biodiversity duty.

3.10.13 Based on the above, it is considered that the potential for any disturbance to natural habitat of protected species, a loss of net biodiversity and requirement for safeguarding measures as raised as matters of concerns by objections can all be mitigated through the use of carefully worded conditions. The protection of protected species and future proofing of the site for their habitat through condition satisfies UDP Policy NC7. An informative would also be attached advising the applicant, their advisers and contractors that if any bats or great crested newts are found, then as a legal requirement, work must cease, and advice must be sought from an ecologist.

3.10.14 Waste and recycling

No information has been submitted in relation to waste and recycling provision for the proposed two new detached dwellings. A safeguarding condition would therefore be required to ensure that the development complies with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste

(paragraph 8).

3.10.15 Construction methodology

The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) also requires the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable. However, as no demolition works are required, and the proposed development is of a minor scale. It is not considered necessary to use a waste audits or a similar mechanism such as a demolition/construction method statement to monitor waste minimisation, recycling, management and disposal in this instance.

3.10.16 A Construction Ecological Management Plan (CEMP), however, would be secured by way of condition to ensure that the construction process has limited impact on the highway network, residential amenity and to adequately demonstrate biodiversity is safeguarded.

3.10.17 Drainage

The development is proposing to discharge surface water into on site soakaway(s). Welsh Water confirmed that they support the use of sustainable drainage systems (SuDS) for the discharge of surface water.

3.10.18 To ensure that there is no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets, appropriate worded conditions and informatives would be attached to any permission granted. The issues raised by neighbours in relation to the potential loss of the soakaway, flooding and surface water and drainage impacts are not considered to be reasons for refusal.

3.10.19 Other Matters

The emerging Local Plan has not been published for public consultation or submitted for Examination and therefore carries no material weight in the assessment of these development proposals.

3.10.20 The red line of application site is considered accurate and the positioning of the adjacent properties and the scope potential for impact has been considered based upon both the submitted plans and a desk top based study via Google satellite images for completeness.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The construction of two dwellings in this sustainable location would make a modest but positive contribution to the Council's housing land supply and have modest economic, environmental and social benefits. The application demonstrates that two dwellings can be accommodated in principle on this site without resulting in a detrimental change in the character of the area, without harming neighbouring residential amenity and without having a detrimental effect on highway safety or bio-diversity. As such, the development does not result in a degree of harm that would significantly or demonstrably outweigh the benefits that the development would bring. The development proposals therefore constitute sustainable development in accordance with local and national planning policy guidance.

Recommended **Approve**
Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. NO DEVELOPMENT SHALL COMMENCE ON SITE UNTIL details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.

(a) The external **appearance** of the development;

(b) The **landscaping** of the site; and

The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the detail of the development and to comply with Section 92 of the Town and Country Planning Act (as amended).

3. The development hereby permitted shall be carried out in accordance with the approved plan received by the local planning authority on 09 December and 25 January 2020 and listed as follows:

A102 Rev B – Proposed Massing Elevations
A101 Rev C – Proposed Site Plan and Context Elevation
A100 Rev A – Existing Site Plan

Reason: For the avoidance of doubt and to define the permission.

4. No development hereby approved shall take place (including ground works and vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not limited to the following :

- a) Risk assessment of potentially damaging construction activities
- b) A pre-commencement check for terrestrial mammals, including a Badger walk-over survey of the site and 30m of adjacent land (access permitting);
- c) Identification of “biodiversity protection works” / Reason Avoidance Measures (RAMs) including but not limited to:
 - i. The working area, together with any storage areas, being kept clear of debris, and any stored materials being kept off the ground on pallets to prevent amphibians from seeking shelter or protection within them;
 - ii. Any open excavations (e.g. foundations / footings / service trenches etc) being covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets being covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them.
 - iii. Any excavation being in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians;
 - iv. Any open pipes being temporarily capped at the end of each working day to

- prevent any animals gaining access.
- v. Any holes or trenches left open overnight being either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps) in case any badger should fall in.
- vi. All building materials being stored so that badgers cannot access them.
- vii. The use of chemicals (such as herbicides & fertilisers) being avoided wherever possible. Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals.
- viii. Any obvious badger paths to be left clear of obstruction.
- ix. All the property boundaries allow for the free movement of wildlife both during & after construction.
- x. Protective fencing being erected surrounding the construction site during the building work to prevent badgers from entering the site
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- e) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. should only take place between 8am and 6pm daylight working hours and starting one hour after sunrise and ceasing one hour after sunset)
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- h) Use of protective fences, exclusion barriers and warning signs
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

Should badgers or any protected species be at risk at any point a licence may be required from Natural England to proceed lawfully.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details

Reason: To adequately demonstrate biodiversity is safeguarded.

5. No development hereby approved shall be occupied until a scheme for hard and soft landscaping of the site and including the means of enclosure and the materials to be used for hard surfacing have been submitted to and approved by the Local Planning Authority. The scheme shall include, but not be limited to:
- a) A plan showing existing vegetation to be retained and safeguarded during construction which shall be consistent with the Construction Ecological Management Plan.
 - b) Details of the species, heights and age of the new replacement trees to be planted.
 - c) Detailed planting / sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control
 - d) Details of surfacing, boundary treatments and landscaping structures including design, location, size, colour, materials and openings

Development shall be carried out in accordance with the approved scheme and in accordance with the landscape implementation plan. If at any time in the five years following planting any tree, shrub or hedge shall for any reason die, be removed or felled it shall be replaced with another tree, shrub or hedge of the same species during the next planting season to the satisfaction of the Local Planning Authority.

Reasons: In accordance with the principles of good design and the incorporation of biodiversity in and around developments.

6. No development hereby approved shall be occupied until details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent protected species using key corridors, forage habitat features or accessing roost sites.

The details shall include, but not limited to, the following:

- a) A drawing showing sensitive areas and/or dark corridor safeguarding areas
- b) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- c) A description of the luminosity of lights and their light colour
- d) A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- e) Methods to control lighting control (e.g timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reasons: To safeguard rural character from increased light pollution, visual amenity and maintain the existing value of biodiversity on and adjacent to the site to protect protected species.

7. No development hereby approved shall be occupied until details scheme for biodiversity enhancement, such as:

- a) incorporation of permanent bird boxes;
- b) nesting opportunities for birds;
- c) hedgehog highways (13cm x 13cm holes) within the bottom of any fences in order to allow for movement of species between the new gardens.
- d) hedgehog hibernacula/log pile;
- e) bat boxes; and
- f) invertebrate boxes

have been submitted to and agreed in writing with the Local Planning Authority.

No tree felling, scrub clearance, vegetation management, ground clearance or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: In order to ensure no net-loss in biodiversity.

8. No surface water and/or land drainage shall connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

9. No building hereby permitted shall be occupied until details of cycle parking provision are submitted to and approved in writing by the Local Planning Authority.

The approved details must be implemented, retained thereafter and be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

Further Notes for Committee:

. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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