

## Planning Committee

4th August 2022

Reference:  
**APP/20/01716**

Area Team:  
**Development  
Management Team**

Case Officer:  
**Mr J Browne**

Ward:  
**Hoylake and Meols**

**Location:** 100 & 102 MEOLS DRIVE, WEST KIRBY, CH48 5DB  
**Proposal:** Demolition of the existing dwellings on site and erection of a residential apartment building (Use Class C3) with associated parking, landscaping and access (Amended scheme)

**Applicant:** FCH Architects  
**Agent :** Zerum

**Qualifying Petition:** No

### Site Plan:



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### Development Plan designation:

Coastal Zone  
Primarily Residential Area  
Site of Biological Importance  
Density and Design Guidelines Area

### Planning History:

Location: Garden west of (rear) Links Cottage, 100, Meols Drive, West Kirby L48 5UB  
Application Type: Outline Planning Permission

Proposal: Erection of detached bungalow and garage, (outline).  
Application No: OUT/90/06282  
Decision Date: 20/07/1990  
Decision Type: Refuse

Location: 102 MEOLS DRIVE, WEST KIRBY, CH48 5DB  
Application Type: Full Planning Permission  
Proposal: Demolition of existing garage and brick outhouse, erection of two storey extension to the northern and western elevations and remodelling of the existing front elevations  
Application No: APP/12/00898  
Decision Date: 10/09/2012  
Decision Type: Refuse

Location: Turfcote, 102 MEOLS DRIVE, WEST KIRBY, CH48 5DB  
Application Type: Full Planning Permission  
Proposal: Demolition of existing garage and brick outhouse, erection of two storey extension to the northern and western elevations and remodelling of elevations.  
Application No: APP/12/01215  
Decision Date: 05/12/2012  
Decision Type: Approve

## **Summary Of Representations and Consultations Received:**

### **1.0 WARD MEMBER COMMENTS**

- 1.1 Councillor Tony Cox advised officers of local objections from neighbours and they raised their own objections in relation to the loss of the existing dwellings for a new flatted development. Councillor Cox requested that, should the LPA be minded to approve the application, it should be removed from delegation to be heard at a planning committee meeting on the basis of overdevelopment of a site, and it being a building out of keeping with those within a conservation area.

Councillor Alison Wright has also commented on the application, expressing concern in particular in relation to the loss of the coach house and conservatory, which are identified as assets and that their loss must be assessed properly.

### **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 twenty-seven neighbouring addresses on 1 December 2020. Following the submission of amendments to the scheme, a further round of consultation was carried out - with comments invited until 17th June 2022.

## REPRESENTATIONS

In response, a petition of objection was received containing 175 signatures, and 126 individual letters of objection were received. The petition was primarily focused on the demolition of the coach house and conservatory to the rear of 100 Meols Drive. The objections overall are summarised as follows:

- Overshadowing;
- Direct loss of light;
- Deter families living in the area;
- Increased traffic and congestion;
- Out of character;
- Impact on Royal Liverpool Golf Club and its members;
- Potential to lose future golf open tournaments;
- Density;
- Privacy;
- Destruction of mature trees;
- Contrary to Conservation Area guidelines;
- Unacceptable design with balconies;
- Overdevelopment;
- Demolition of good houses;
- Impact adjacent to two large schools;
- Harmful to Meols Drive Conservation Area;
- Inadequate car parking proposed;
- Vibration from construction;
- HGV movements on highway;
- Noise pollution during construction;
- Strain on services, insufficient health care or GPs in locality
- Not a brownfield site;
- Not affordable homes;
- Increased pressure on utility services, gas, water, drains, electricity and wifi;
- Overlooking;
- Little communal amenity space;
- Egress onto Meols Drive is difficult;
- Too big;
- Car park below sea level;
- Congestion with Aldi;
- Loss of sunlight to communal gardens of Roseacre;
- Visitor parking to spill onto highway;
- Heating systems against government directives;
- Dangerous steep slope to underground car park;
- Overlooks golf course;
- Impact on wheelchair movements;
- Driven by pound per sq ft;
- Erosion of Victorian and Edwardian character of the Conservation Area;
- Exceeds density in HS5;
- Scale – Development area increased by 425%;
- Nearby resident has a health condition and will be impacted;
- Safety of young cyclists;
- Different quality between 20<sup>th</sup> and 21<sup>st</sup> century developments;
- Poorly conceived design;
- No consideration for logistics;
- Insufficient information in consultation period;
- Factual inaccuracies in the planning submission;
- Site is opposite a Grade II listed building;
- Overly large windows proposed;
- Covid impacted consultation process;

- Embodied CO2 from demolition;
- Emerging Local Plan should be considered;
- Surface Water drainage;
- Developers are influencing the Council decision;
- Disruption to wildlife: Owls, Foxes, Natterjack Toads; and
- Applicant's son not happy with the option agreement on the site

10 letters of support and a neutral letter were received and are summarised as follows:

- Fantastic looking scheme;
- Underground parking;
- Generously sized apartments;
- Enhance to this side of Meols Drive;
- Shortage of high quality apartments;
- Minimal hard standing;
- Attract downsizers;
- Improve local economy;
- Supports younger generation; and
- Sympathetic design and architecture

## 2.2 CONSULTATIONS

Merseyside Environmental Advisory Service (MEAS) – The bat survey report (Penny Anderson Associates Ltd. May 2021. BAT SURVEY RESULTS, 100 MEOLS DRIVE, WEST KIRBY) states that a total of 14 Common pipistrelle and a single Brown long eared bat were heard calling (it is worth noting that a count of calls is not a count of individual bats) during the survey but the bats showed little interest in the structures within the site. The survey was carried out at an appropriate time of year in suitable weather conditions and by suitably qualified ecologists. The findings of the survey are accepted and, due to the bat behaviour recorded during the survey, it is considered highly unlikely bats are roosting within the building or that the local bat population would be harmed by the proposals. No further bat surveys are required. The outcome of the Habitats Regulations Assessment Report must be included in the committee report to show how the Council has engaged with the requirements of the Habitats Directive.

Natural England – No objection. The proposed development will not have a significant adverse impact on designated sites.

Historic England - No objection to the application on heritage grounds. However, amendments to the original scheme were suggested:

- Relocation of parking spaces for apartments 1 and 2 to basement;
- Side garages and projecting balconies removed;
- Repositioned closer to northern boundary;
- Limit loss of green space; and
- Further elevational design development

Historic England were further consulted on the amended scheme. They responded to advise again that they do not object but suggested amendments to the landscaping/trees to the front, and the large expanse of the side elevations. They also advise that the Local Planning Authority should determine whether they consider the Coach House and conservatory to the rear of 100 Meols Drive as a non-designated heritage asset.

Wirral Wildlife - Satisfied that the evidence provided by the applicant is sufficient to address potential impacts and implications on biodiversity receptors

Highways – No objection subject to the attachment of conditions and informative.

Local Lead Authority – No objection subject to conditions.

United Utilities – No objection subject to Surface Water and Foul Water conditions.

Hoylake Conservation Areas Association – Objection based on;

- Failure to comply with CS1B (Sustainable development) ;
- Result in harm to the Conservation Area Policy CS42;
- Need to retain the character and appearance of Meols Drive Conservation Area as a Victorian and Edwardian seaside resort

Members of Royal Liverpool Golf Club objection based on:

- Impact on skyline;
- No right of access to the Golf Club;
- Cumulative increase of 16 dwellings when considered with Wirral Point application (case APP/20/01047);
- Precedent; and

Irreparable damage to the character of the area

### **3.1 Site and Surroundings**

3.1.1 The application site is occupied by two detached two-storey properties, each set within a substantial plot. The buildings are accessed from Meols Drive and are within the Meols Drive Conservation Area.

### **3.2 Proposed Development**

3.2.1 The proposal seeks planning permission for the demolition of the existing dwellings and replacement with a purpose-built three-storey apartment building, containing 10 apartments. Car parking will be predominantly within a basement level below the building, with some visitor spaces to the front, together with landscaping to the front and rear.

3.2.2 The proposal will utilise existing accesses off Meols Drive, with 16 car parking spaces in the basement level and 6 spaces at ground level. Cycle parking will also be provided.

3.2.3 The proposed building is designed to read as a large single dwelling and is set back from the highway, The proposals would be designed with a main pitched roof and front gables.

3.2.4 The proposal would be constructed primarily in the following materials:

- red stock brick;
- terracotta tiles;
- bronze aluminium surrounds and panels;
- zinc dormer;

### **3.3 Development Plan**

3.3.1 The Wirral Unitary Development Plan 2000

HS4 Criteria for New Housing Development

GR5 Landscaping and New Development

GR7 Trees and New Development

NC2 Sites of International Importance for Nature Conservation

NC3 The Protection of Sites of National Importance for Nature Conservation

NC7 Species Protection Hoylake Neighbourhood Development Plan

CH2: Development affecting Conservation Area

TRT1 Provision For Public Transport

TRT2 Safeguarding Land For Highway Schemes

TRT3 Transport And The Environment

TR9 Requirements for Off-Street Parking

TR10 Cycle Routes Proposal

TR11 Provision for Cyclists in Highway and Development Schemes

TR12 Requirements for Cycle Parking

#### The Joint Waste Local Plan for Merseyside and Halton

WM8 Waste Prevention and Resource Management

WM9 Sustainable Waste Management Design and Layout for New Development

#### **Other Material Planning Considerations**

##### The National Planning Policy Framework (2021)

- Achieving sustainable development
- Decision-making
- Achieving well-designed places

##### Wirral SPDs

Supplementary Planning Guidance 4: Parking Standards

Supplementary Planning Document: Designing for Self-Contained Flat Development and Conversions

##### Emerging Wirral Local Plan and its status

Wirral Borough Council is in the process of submitting a new local plan for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan has been published and representations could be submitted until 25th July 2022.

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the

Framework, the greater the weight that may be given)."

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision-making process.

### **3.4 Assessment**

3.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies taken as a whole should be refused unless material considerations justify granting permission. Similarly, proposals which accord with the Development Plan should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan as whole and then take account of other material considerations.

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

- Principle of development;
- Impact on Meols Drive Conservation Area;
- Housing Quality and Provision;
- Highways;
- Residential Amenity;
- Ecology / protected species;
- Trees;
- Waste and recycling; and
- Construction methodology;

### **3.5 Principle of Development:**

3.5.1 Chapter 5 of the NPPF (July 2021) "Delivering a sufficient supply of homes" states the Government's objective of significantly boosting the supply of housing within the UK. Paragraph 60 states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.

3.5.2 The 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 and the Government's objective of significantly boosting the supply of housing within the UK, as set out within the NPPF paragraphs 60, 74 and 119.

3.5.3 The development is therefore considered acceptable in land use terms.

### **3.6 Impact on Meols Drive Conservation Area:**

3.6.1 In determining this application, the statutory duty of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas is to be considered.

3.6.2 NPPF Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.6.3 NPPF Paragraph 194 adds that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting),

- should require clear and convincing justification.
- 3.6.4 NPPF paragraph 126 - 136 provide guidance on design in developments. Paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 3.6.5 UDP Policy CH2 states that development within a Conservation Area will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance the distinctive characteristics of the Area, the general design and layout of the area, and the character and setting of period buildings. When granting permission special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials to be used.
- 3.6.6 The significance of Meols Drive Conservation Area is found in its special character and appearance as a late Victorian/Edwardian residential area located between Hoylake and West Kirby. The special interest of the Conservation Area is described in the Conservation Area Appraisal as deriving from its architectural quality and spacious tree-lined character, along with its affluent suburban housing.
- 3.6.7 The Conservation Area also contains The Royal Liverpool Golf Course, which as the country's second oldest golf club played a pioneering role in the development of the game. The application properties are 1950s infill, built within a large plot, which has been speculated was originally intended for a single villa.
- 3.6.8 The existing dwellings were identified in 2004 as making a neutral contribution to the Conservation Area, which is considered to remain an accurate assessment. The buildings are clearly later infill development between the large villas that characterise the Meols Drive and are of low significance to the Conservation Area. Their demolition will therefore not harm the designated heritage asset or affect the setting of the nearby listed Church.
- 3.6.9 The application site does contain two structures at the rear of 100 Meols Drive - a coach house and conservatory, neither of which is nationally listed nor locally listed. The impact of their demolition had not been adequately covered by the applicant in their original submission, so they have subsequently submitted an addendum to their Heritage Statement to assess the loss of these buildings. Historic England are aware of the proposed demolition of these structures. They advise that these buildings were once connected with the former Children's Convalescent Home that once stood at the corner of Lingdale Road and Meols Drive, but which has now been replaced by the modern 104 Meols Drive. They state that 'the LPA should consider whether they identify these buildings as Non-Designated Heritage Assets'.
- 3.6.10 The consideration of the demolition of these structures must be proportionate to their relative significance and the contribution they make to the overall significance of the conservation area, having regard to the current scale of any harm caused by their loss. Whilst these buildings provide a contribution to the Conservation Area, they are not considered integral to the character or appearance of the Conservation Area. They are located to the rear of what is currently a private dwelling, with limited visibility. They have also been severed from their original context in an irreversible way, and as such their demolition would not amount to harm to the Conservation Area. It is therefore not considered that their loss would provide sufficient reason to justify refusal of the application.
- 3.6.11 Information has been submitted to advise that an application is being made to the Merseyside Local Heritage List to have the buildings added to the Non-Designated Heritage Assets Register. However, guidance for such local listing states that the Local Planning Authority may consider it not appropriate to accept nominations for buildings where there are current/live planning applications. In this case, this application has been submitted since 2020 and although the applicant only recently submitted an assessment of



these outbuildings, their demolition has formed part of the application since its first submission. Historic England have advised that they are not worthy of listing and the conservation advice is that there is insufficient grounds to refuse the application in order to protect these buildings. It is therefore not currently considered that these buildings are non-designated heritage assets, and their loss is not considered to adversely affect the character of the conservation area.

- 3.6.12 Historic England originally raised no objection to the demolition of the existing dwelling and the proposals impact on Meols Drive Conservation Area. However, it was advised that the following amendments should be secured to the original submission:
- Relocation of parking spaces for apartments 1 and 2 to the basement;
  - Side garages and projecting balconies removed;
  - Building repositioned closer to northern boundary;
  - Limit loss of green space; and
  - Further elevational design development
- 3.6.13 Neighbour objections regarding the design, massing and density of the proposals and its potential to impact the character and appearance of the conservation area were also received, which were duly considered in the request for amendments.
- 3.6.14 In response to the amendment suggestions and objections raised, the applicant revised the development proposals as follows:
- The proposed front elevation has been stepped in plan and elevation to allow the building to read as two distinct scales and volumes when viewed from Meols Drive;
  - The different bays across the front elevation have been staggered in height to introduce a clear hierarchy to the principal façade;
  - A new stepping within the ridge further emphasises the hierarchy while reducing the overall bulk of the building;
  - The building position has been updated to reduce the development's impact on neighbouring private dwellings along Lingdale Road. To facilitate this, the ramped access into the proposed basement car park has been repositioned to the opposite side of the building; and
  - The rear elevation has been re-designed to provide a more asymmetrical form.
- 3.6.15 Subsequent to this, a series of final amendments were therefore sought. The revised scheme comprises a reduction in the length of the building of 7m and the inclusion of expressed gable ends, which allowed for the removal of the side windows that served habitable rooms. There is a strong symmetrical layout to the elevations, with two strong bays providing generous glazing and private balconies. These are akin in form to the traditional villa block bays and will give the front elevation depth and interest. The right-hand side block has also been set back to make one block more prominent than the other and provide even more depth. The proposal is no greater in height than the ridge height of the existing apartment block to the south.
- 3.6.16 The immediate street scene in the Conservation Area has a notable presence of modern development, more specifically the apartment blocks which stand on either side of the application site. The scheme concept is a modern interpretation of an Arts and Crafts villa utilising traditional materials such as brick, sandstone, and rosemary tiles, in a contemporary way, providing an architectural form which is clearly modern, yet contextually appropriate. The driveway entrances of the two existing properties will be retained and utilised as site entrance and exit points, reducing the impact of the development on the immediate street scene.
- 3.6.17 For a conservation area to remain 'live' and responsive to a changing society, it is accepted changes must and will occur, however, these changes must provide a positive contribution

- to the character and appearance of the Conservation Area and not result in any serious loss of its character or features. It is considered that the proposals would go some way to enhance the Conservation Area by providing a contemporary and legible layer of development, which takes its design concept from the areas more architecturally prominent buildings and has the potential to stand out as a positive 21st century contribution to the conservation area, whilst respecting the areas past. It is worth noting that a carefully designed modern development can positively contribute to the setting of conservation area and can add to its architectural language and evolution.
- 3.6.18 Historic England were also consulted on the most recent revisions. They again did not object to the proposal on heritage grounds and consider that the impact the proposals could have on the significance of the Conservation Area as a whole amount to a low level of less than substantial harm. This is the critical assessment from Historic England. They also advise a building recording condition for the coach house and conservatory, should the application be recommended for approval.
- 3.6.19 Historic England do, however, advise that they feel that there are design improvements that could be made to allow the development to sit more comfortably within its setting. This includes alterations to the building width and position, more thought being given to the side elevations, and concern over the loss of green space and trees.
- 3.6.20 Historic England have not objected to the proposal and their concerns and suggestions, whilst fully considered, are not considered sufficient to warrant refusal of the application. The trees to be removed are all set back so that the tree line along the street edge is maintained, whilst the number of trees to be removed has been reduced from the original scheme. In relation to the side elevation, the reduction in windows and animation in these elevations have been partly sought by the LPA, in order to reduce the potential for overlooking to neighbouring properties. Additionally, with extensive planting and trees along both side boundaries it is unlikely that either side elevation will have a prominent impact on the street scene, or the character of the conservation area.
- 3.6.21 In conclusion, it is considered that the demolition of the existing dwellings and structure, and erection of a new apartment building will not harm the character of Meols Drive Conservation Area.
- 3.7 Housing provision:
- 3.7.1 NPPF paragraph 124 takes into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it. Paragraph 125 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 3.7.2 Wirral UDP Policy HS4 (Criteria for New Housing Development) requires that new housing developments blends in well with that already built and creates a safe external environment for future residents and existing neighbours
- 3.7.3 The proposed development comprises dual aspects units (two or more windows fronting different orientations), which complies with National Space Standards and provides direct access to private terraces and communal amenity space. This would ensure that the residential development would be of an acceptable standard for future residents of the development in accordance with the NPPF, Policy HS4 and Designing for Self-Contained Flats and Conversions SPD.
- 3.7.4 The developer will be required to make an affordable housing contribution as it comprises 10 units in line Policy HSG2 (Affordable Housing Strategic Policy), which will be secured via a s106 planning obligation. The payment will be the equivalent of a 20% Affordable Housing provision, as a commuted sum of 4% of the overall market value of the site.

### 3.8 Highways:

- 3.8.1 The proposals are all contained within a private boundary and do not impact on the adopted highway. The level of on-site car parking at grade and within the basement is in accordance with the SPD4 maximum standards and provides each apartment with 2 car parking spaces and this level of provision is considered appropriate.
- 3.8.2 The cycle storage combined with the car parking spaces in the basement together with additional storage space is in accordance with the TR12 Cycle Parking Requirements for apartments and is satisfactory.
- 3.8.3 The proposed access arrangements are satisfactory with a separate entry and exit configuration using the existing driveway accesses to the two former properties on the site.
- 3.8.4 The bin storage is considered appropriate and is within the private boundary therefore the design does not provide for bins to be left out on the adopted highway causing an obstruction.
- 3.8.5 Its unlikely that the proposals will generate a significant level of traffic considering that the development is within 300m of the town centre and its proximity to public transport and local shops and services. The submitted transport assessment reports that only 5 combined two-way trips would be generated by the proposals in either the AM or PM Peak periods, it is therefore considered to have a minimal impact on the highway.

### 3.9 Residential Amenity:

- 3.9.1 Paragraph 5.8 in the SPD 2 – Designing for Self-Contained Flat Development and Conversions (October 2006) states "habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable". The proposed development would have a separation distance of over 20m from the side elevation of no. 14 Roseacre Court to the north, 27m from the rear elevation of no. 10 Rosecourt to the west, and 32m – 34m to the rear elevations of no. 2 and 4 Lingdale Road and 26m from the rear elevation of no. 104 Meols Drive to the south. West Kirby Residential School across Meols Drive to the east is over 60m away. The absence of immediate facing habitable room side windows, combined with the separation distances set out would ensure that the proposal complies with the required separation distances, and there is no resulting direct overlooking which would warrant a reason for refusal.
- 3.9.2 The proposed development by reason of its limited scale at two / three storeys, form and massing would also 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, and outlook.
- 3.9.3 The proposed side windows to the expressed side gable would be high level only (i.e., above 1.7m above floor level). The inclusion of such windows would ensure the level of sunlight and daylight to the secondary bedrooms and spaces would be maximised without resulting in unnecessary overlooking of adjacent gardens.
- 3.9.4 The objections raised by third parties regarding impacts on their living conditions regarding loss of privacy, views and outlook have been assessed. However, it is concluded for the above discussed reasons that the development would safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4 due to the proximity, separation distance, orientation and height of the proposals.

### 3.10 Ecology

- 3.10.1 NPPF Paragraph 180 and UPD Policy NC7 (Species Protection) seek to ensure that

development would have an adverse effect on wildlife species protected by law.

- 3.10.2 An ecology report was submitted in accordance with UDP policy NC7 (Penny Anderson Associates Ltd. May 2021. BAT SURVEY RESULTS, 100 MEOLS DRIVE, WEST KIRBY) which meets BS 42020:2013. The application also included the following reports:
- Tyrer Ecological Consultants Ltd. November 2021. Habitats Regulations Assessment (Shadow). 100-102 Meols Drive, West Kirby, Wirral, CH48 5DB; and
  - RTi Building Solutions. Outline Construction Environment Management Plan. 100 & 102 Meols Drive, West Kirby
- 3.10.3 The development site provides functionally linked habitat to the following international and national sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Wirral Council UDP policies NC1 and NC2 apply:
- The Dee Estuary SAC;
  - The Dee Estuary SPA; and
  - The Dee Estuary Ramsar site
- 3.10.4 A Habitats Regulations Assessment was conducted and concluded that there are no likely significant effects and accordingly, no assessment of alternatives to the project or consideration of IROPI is required to be made under Regulations 64 of the Habitats Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.
- 3.10.5 The Outline Construction Environment Management Plan was also deemed acceptable and will be secured by way of condition. The safeguarding condition will include a provision for a risk assessment, pre-commencement check, protection works and measures in the interest of bio-diversity and highway interests. Natural England raised no objection to the proposal following receipt and review of the HRA findings.
- 3.10.6 In line with the National Planning Policy Framework in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity, Wirral Wildlife also requested the attachment of safeguarding conditions and bio-diversity enhancement, which included:
- Boundaries and barriers should leave gaps to allow access for hedgehogs. Sympathetic planting of boundaries and features can create useful wildlife corridors;
  - Any tree species for replanting should be native and typical of the local area and of UK provenance;
  - Bat roosting provision should be incorporated into the fabric of the new structure. Suitable examples of integral roosting provision include Schwegler 1FR tubes or habitat bat boxes;
  - Inclusion of bird nesting provision in the form of bird boxes;
  - Using native plants in the landscaping design which can provide habitat for wildlife.

The above proposed conditions are deemed to be appropriate and necessary to ensure the development would have no significant adverse effects arising from the proposed scheme on the conservation objectives or the qualifying features of the designated sites in accordance with NPPF paragraphs 180, 181 and 182 and UDP Policy NC7.

### 3.11 Trees

- 3.11.1 An Arboricultural Implications Assessment has been provided which assesses the development proposal in relation to trees and is summarised below.
- 3.11.2 A total of 22 trees are to be felled as part of the development proposals, which will be mitigated through landscaping and the replanting of 9 new trees, which are as follows:

- Acer campestre 12-14cm girth;
- Betula pendula 12-14cm girth;
- Pinus sylvestris 12-14cm girth;
- Gleditsia triacanthos 'Sunburst' 12-14cm girth;
- Liquidambar styraciflua worplesdon 12-14cm girth;
- Crataegus laevigata 'Paul Scarlet' 12-14cm girth;
- Sorbus commixta embly 12-14cm girth;
- Malus red sentinel 12-14cm girth; and
- Carpinus betulus (Pleached) 12-14cm girth.

The loss of G29 in particular would be mitigated with the planting of a pleached hornbeam hedge. This would result in the added benefits of creating screens to the adjacent properties and remove the need for re-pollarding the trees on a 3 year basis. The replacement tree proposals are considered to be acceptable, with specimens chosen to ensure that they are adequate replacements for those trees to be lost, in order to ensure the site maintains reasonable tree cover. A total of 38 trees are to be retained on the site, with a number retained along the front of the site to retain the tree-lined nature of the conservation area.

### 3.12 Waste and recycling

3.12.1 The Joint Waste Local Plan for Merseyside Policy WM9 (Sustainable Waste Management Design and Layout for New Development) sets out that the design and layout of new developments must, where relevant, provide measures as part of their design to:

- Address the facilitation of collection and storage of waste;
- provide sufficient access to enable waste and recyclable materials to be collected and transported;
- accommodate home composting in dwellings with individual gardens; and
- facilitate small scale, low carbon combined heat and power in major new employment and residential schemes where appropriate.

The waste bin and recycled goods storage area is proposed within curtilage and also considered appropriate and provides easy access for servicing to be accommodated from Meols Parade without causing any significant obstruction to through travelling traffic.

3.12.2 Subject to a safeguarding condition for the above-mentioned refuse provisions the development would accord with policy WM9 of the Merseyside and Halton Joint Waste Local Plan and the National Planning Policy for Waste (paragraph 8), which set out measures as part of design strategies for waste collection and recycling.

### 3.13 Construction methodology

3.13.1 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) require 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.

### 3.14 Drainage

The Lead Local Flood Authority have provided comments on the submitted Drainage Strategy and conclude that they have no objections to the proposal, subject to conditions which have been attached.

### 3.15 Raised Concerns

3.15.1 Neighbours raised objection to the development on residential amenity grounds (sunlight, daylight, outlook, privacy and noise and disturbance). As discussed above in detail, because of the separation distances between facing habitable rooms and the absence of

- any proposed non-high level window to the side, which would result in potential overlooking of neighbouring gardens. It is considered that the development is wholly acceptable in amenity terms.
- 3.15.2 The proposed development will also provide an affordable provision in the form of an affordable housing contribution to assist the delivery elsewhere in the borough. While it is evidential that the proposal is also acceptable in biodiversity, highways and waste and recycling terms.
- 3.15.3 In response to the comments received by the Hoylake Conservation Area Association specifically in relation to sustainable development, it is advised that the development would constitute a sustainable form of development in accordance with the NPPF and not result in any harm to the Conservation Area. The loss of the existing building and its proposed replacement is therefore acceptable.
- 3.15.4 The objections received from the Members of Royal Liverpool Golf Club have also been duly considered. However, it is concluded the development proposals will not impact the skyline, prevent access to the Golf Club or result in irreparable damage to the character of the local area. The development proposals will meet national, regional and local planning policies.
- 3.15.5 It is not considered that the approval of the development will result in a new precedent in the local area, which will automatically result in the redevelopment of other neighbour sites. The site context of this development site is very specific. Any future applications for other sites in the immediate context will be considered on their own merits.
- 3.15.6 All of the above considerations constituted material considerations to varying degrees and have been duly considered in the assessment of the development proposals. It is concluded that none of the raised concerns by third parties alone or cumulatively would warrant reason for refusal.

**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 proposed development would preserve the character and appearance of the Meols Drive Conservation Area and safeguard neighbouring residential amenity and not result in any harm in terms of highway and biodiversity matters. As such the development accords with the objectives of Wirral's Unitary Development Plan and the National Planning Policy Framework. The development is acceptable subject to the imposition of conditions and a planning obligation securing a commuted sum amounting to the equivalent of 20% affordable housing.

**Recommended Decision:**                      **Approve subject to Section 106 Agreement in relation to affordable housing provision.**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved

plans received by the local planning authority on 25/11/2020, 29/03/2022 and 01/04/2022 (unless otherwise stated) and listed as follows:

4418.01F Landscape Layout  
4418.03F Landscape Layout (rendered)  
4418.E Landscape Strategy Document  
4418.02B Indicative Planting Plan  
P19070-FCH-XX-00-DR-A-1200 Revision P11  
P19070-FCH-XX-00-Dr-A-1300 Revision P12  
P19070-FCH-XX-01-DR-A-1301 Revision P12  
P19070-FCH-XX-02-DR-A-1302 Revision P08  
P19070-FCH-XX-B1-DR-A-1399 Revision P05  
P19070-FCH-XX-B1-DR-A-1310 Revision P03  
P19070-FCH-XX-XX-DR-A-1400 Revision P10  
P19070-FCH-XX-XX-DR-A-1401 Revision P10  
P19070-FCH-XX-XX-DR-A-1402 Revision P09  
P19070-FCH-XX-XX-DR-A-1403 Revision P07  
Design & Access Statement Ref: P19070-FCH-XX-XX-RG-A-0003 P04 (March 2022)  
Daylight & Sunlight Assessment dated 25/03/22  
Arboricultural Implications Assessment Ref: MTM0016.AIA.02 dated 23/03/2022  
Arboricultural Method Statement Ref: MTM0016.MS.02 dated 23/03/2022  
Drainage Strategy & Maintenance Strategy Document Ref: 1976 dated 28/03/2022  
Ecological Assessment dated October 2020  
Heritage Assessment dated October 2020  
Supplementary Heritage Statement received 28/03/2022  
Supplementary Heritage Statement dated June 2022  
Planning Statement dated March 2022  
Transport Statement dated 24/03/22  
Outline Environment Management Plan  
Bat Survey Results dated 25/05/21

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

3. The facing materials to be used in the external construction of this development hereby approved and set out in the Design and Access Statement shall then be used in the construction of the development unless agreed otherwise in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

4. The dwellings hereby permitted shall not be occupied until the detailed scheme for landscaping hereby approved has been implemented. The landscaping provisions shall be retained in situ in perpetuity.

**Reason:** In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

5. Prior to first occupation of the development hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the approved residential curtilage and be retained in situ in perpetuity.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Joint Waste Local Plan.

6. No development besides demolition and remediation works shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

**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.

7. 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 hedgehogs and agreement of monitoring measures where necessary
- 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 hedgehog should fall in.
  - vi. All building materials being stored so that hedgehogs 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. Any obvious hedgehog paths to be left clear of obstruction.
  - viii. All the property boundaries allow for the free movement of wildlife both during & after construction.
  - ix. Protective fencing being erected surrounding the construction site during the building work to prevent hedgehogs from entering the site
- d) A precautionary working method statement requiring removal of invasive species and excavation by hand tools. Corms/root systems and cuttings to be disposed of at a licenced waste management facility.
- 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
- J) 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)

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 and highway safety is safeguarded.

8. The development hereby permitted shall not be occupied until details of bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

**Reason:** In the interest of biodiversity.

9. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and which does not result in excessive light spill onto the habitats in line The Institution of Lighting Professionals (ILP) Guidance shall be submitted for approval and implemented in accordance with those details.

Further guidance is available at the Bat Conservation Trust website  
<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

**Reason:** In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

10. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

**Reason:** In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

11. 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.

12. The tree works methodology hereby approved and set out in Tree Protection Plan in accordance with the Arboricultural Implications Assessment (AIA) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority.

**Reason:** To preserve the biodiversity of the site and health of the trees on the site in

accordance with NPPF paragraphs 170, 175, 177 and UDP Policy GR7

13. No development shall commence until the final detailed sustainable drainage design for the management and disposal of surface water from the site based on the principles and details identified in the following submissions has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Drainage Strategy and Maintenance Strategy Document; Meols Drive, West Kirby, Wirral (rev P2/ dated 28/03/2022 / ref: 1976 / Shape Consulting Engineers)
- 1976-C-0001 rev P03 dated 28 March 2022 – Drainage Strategy Plan

**Reason** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

14. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

**Reason** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

15. Prior to the demolition of the Coach House and Conservatory to the rear of 100 Meols Drive, a recording of these structures shall be carried out and submitted to the Local Planning Authority. The recording must be in line with Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice Guidance Note

**Reason:** To record the detailing of these buildings having regards to Wirral Unitary Development Plan Policy CH2

**Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details
2. If the applicant intends to obtain a water supply from United Utilities for the proposed

development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk). Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

3. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk)

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

4. The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development.

It is the advice of the LLFA that the maintenance arrangements capable of ensuring an acceptable standard of operation for the lifetime of the development, to satisfy paragraph 165 of the NPPF, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance of the system as per the approved Operation and Maintenance Plan.

**Last Comments By: 17/06/2022 10:47:53**

**Expiry Date: 15/02/2021**