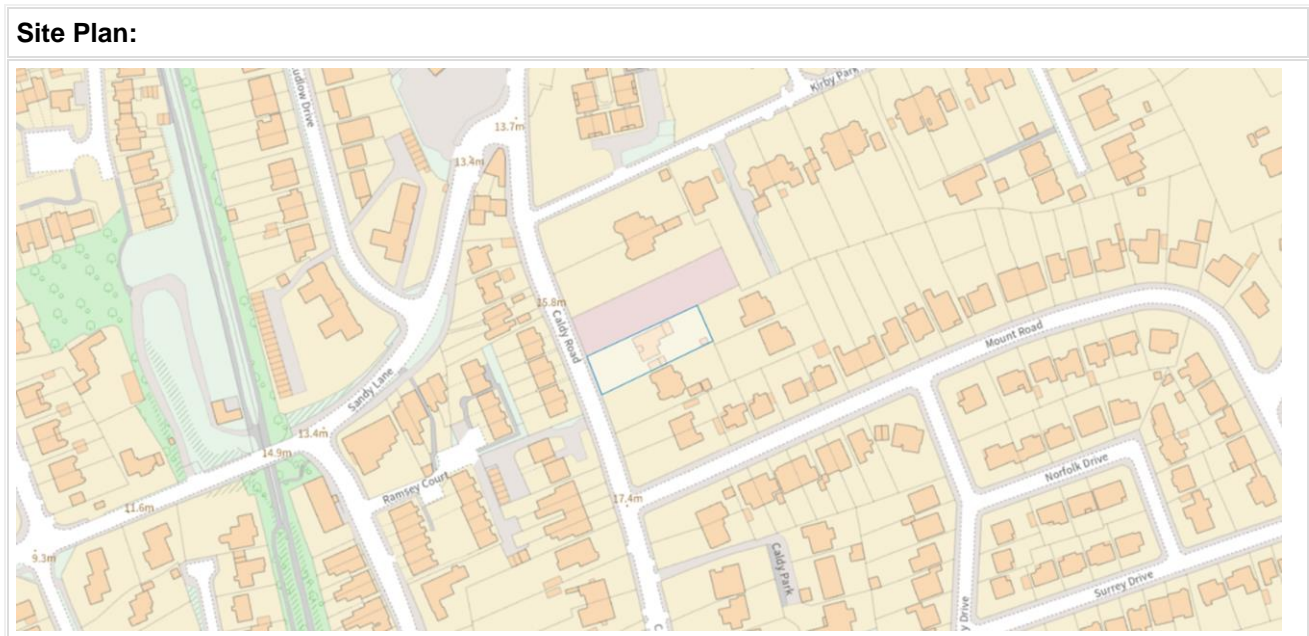


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| Planning Committee | 15 December 2022 |
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| Reference: | Area Team: | Case Officer: | Ward: |
| APP/22/00977 | DM | Mr A Siddall | West Kirby and Thurstaston |

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| Location: | 9 Caldy Road, West Kirby, Wirral, CH48 2HE |
| Proposal: | Demolition of the existing dwelling and the erection of six apartments with associated alterations to site access, parking, and landscaping. |
| Applicant: | Mr Gareth Pritchard |
| Agent : | |

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| Qualifying Petition | Yes |
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| Development Plan designation: | Primarily Residential Area |
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| Planning History: | <p>No planning history for the site itself, although applications on neighbouring land are relevant.</p> <p>7 Caldy Road</p> <p>APP/19/01918 - In May 2020, planning permission was granted under delegated powers for the demolition of 7 Caldy Road, adjacent to the north, and its replacement with a detached three storey building containing six apartments, with</p> |
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| | <p>associated access, parking, and landscaping, under reference APP/19/01918. This development is now complete and occupied.</p> <p>APP/21/00309 - In July 2021, a further planning application for the erection of a single storey detached dwelling on land to the rear of 7 Caldy Road was approved under delegated powers, reference APP/21/00309. This dwelling is now completed and shares its access and parking with the existing apartment building.</p> <p>11 Caldy Road</p> <p>APP/21/01371 -In December 2021, planning application reference APP/21/01371 was refused by this committee for the demolition of the dwelling at 11 Caldy Road, adjacent to the south and the erection of a detached three storey building containing six apartments. The apartment building would have been identical to that completed at number 7. Planning Permission was refused for the following reason:</p> <p><i>'The proposed development, due to its scale, height and siting within the plot, will result in an overbearing form of development and create a poor outlook for the occupiers of the adjacent dwelling at number 9 Caldy Road. For these reasons, the Local Planning Authority considers that the proposal is detrimental to the residential amenities that these occupiers could reasonably expect to enjoy. The proposal is contrary to the advice contained within HS4 of Wirral Unitary Development Plan and the principles of the national planning policy framework.'</i></p> <p>That decision was appealed by the applicant, with the appeal dismissed by the Planning Inspectorate in July 2022. In dismissing the appeal, the inspector noted that the scheme would enclose the most sensitive part of the garden to number 9 to an unacceptable and harmful extent and, in combination with the existing apartment building at number 7, result in a scale of development appearing oppressive. Overshadowing of the garden and rear windows of number 9 during morning hours would exacerbate this harm. The proposal would also introduce enclosure to number 13 to the south, but this would not cause unacceptable harm to justify dismissing the appeal.</p> |
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Summary Of Representations and Consultations Received:

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| <p>1. Ward Member Comments</p> | <p>No comments received.</p> |
| <p>2. Summary of Representations</p> | <p>Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to 17 surrounding addresses on 8th August 2022. The deadline for receipt of representations passed on 31 August 2022. In response to the notification 10 individual representations in objection were received, along with a petition in objection containing 32 signatures. Some of those signing the petition had also submitted individual letters. The material planning considerations raised by objections can be summarised as follows:</p> <p>1. The area suffers from excessive on-road parking which would be exacerbated by another development of apartments. This parking causes obstructions to drivers and reduces visibility for drivers existing dwellings onto the public highway, causing harm to highway safety.</p> |

2. The pavement is heavily used by children walking to and from school and an increase in the number of vehicles crossing the pavement will be to the detriment of pedestrian safety.

3. The siting and scale of the proposed building will result in harm to neighbouring residents by way of overshadowing and enclosing of windows. Neighbouring occupiers will also be overlooked by the windows of the proposed apartment building.

4. The scale of the building is out of keeping with neighbouring properties and it represents over-development of the site of a single dwelling. The construction of further apartments will result in a detrimental change in the character of the area.

5. The scheme results in the loss of family housing. There is no need for more apartments to be constructed and if the site has to be redeveloped it should be for new family housing.

6. The loss of the existing front garden to car parking will be detrimental to the character of the area and would erode the biodiversity value of the site through the loss of trees and shrubs.

7. The intensification of development in this area will put pressure on existing drainage infrastructure.

CONSULTATIONS

Arboricultural Officer – No objection. Trees to be removed are generally in a poor condition, are small, and have no real landscape value. The submitted details provide adequate tree protection. According to section 3.4 of the Tree, hedge and woodland strategy 14 trees should be re-planted as replacements. This is a little excessive given the size and condition of the trees being removed and the size of the site and the space constraints imposed by the proposal. The proposal indicates a possible 8 trees to be planted as replacements, which would be a net gain over the proposed tree removal.

Highways - The proposals include 12 off-street parking spaces in tandem formation to serve the 6 two-bedroom apartments. This level of in-curtilage parking is in line with the SPD parking standards and is considered appropriate and will help to minimise any regular overspill parking associated with the apartments from impacting on Caldly Road.

There are secure storage areas provided for cycles at the head of each of the tandem parking spaces and this arrangement is also considered acceptable and provides cycle parking in accordance with the TR12 cycle parking recommendations.

The works to amend the vehicle access off Caldly Road improves the width and visibility to appropriate standards, this work requires the prior approval from Wirral Highways and a section 50 road opening notice under the New Roads and StreetWorks Act 1991 prior to any works commencing on the highway.

A transport statement accompanies the submission, and this details the expected trip rates and subsequent vehicle numbers that the development is likely to generate during the traditional commuter peak hours, when the network is at its most trafficked. The industry standard TRICS database has been interrogated, which is a national collection of similar development types that can be filtered, and the category 'Flats – Privately Owned' was used within the calculations. This showed that the development could be expected to add approximately 3 vehicles to the network during either the morning or evening peak hours. Such a low number of vehicles does not raise any highway safety or network capacity concerns and the transport statement satisfactorily demonstrates that the development will have no significant impact on the network.

The visibility splay afforded to traffic and pedestrians at the new/amended access is satisfactory and therefore accepted by Traffic and Transportation.

Servicing to the apartments can be carried out from the adopted highway of Caldly Road in similar fashion to neighbouring properties and is an acceptable arrangement. On this basis Traffic and Transportation have no objection to the proposals.

A construction management plan should be conditioned to any planning consent to ensure that any disruption to neighbours is minimised, and details of this plan are therefore required to be submitted to the LPA for approval prior to any works commencing on site or that may impact on the adopted highway.

Merseyside Environmental Advice Service (MEAS) - Having regard to the location, scale and expected impacts of development, Habitat Regulations Assessment is not required.

No evidence of bat use or presence was found on site and the existing buildings have negligible roost potential. Therefore, the Council does not need to consider this proposal against the three tests of the Habitat Regulations. Habitats around the site are suitable for bat foraging so any external lighting should be designed to avoid excessive light spill over site boundaries.

Conditions are required to mitigate against the loss of breeding bird habitat, to avoid harm to terrestrial mammals during construction, and to secure safe disposal of invasive plant species.

Conditions are also recommended to secure carbon reduction measures within the development and to ensure the demolition and construction activity minimises waste and achieves efficient use of resources.

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| | <p>Merseyside Fire and Rescue Service - Issues its standing advice to be communicated to the applicant as an informative.</p> <p>United Utilities - Requires a detailed drainage strategy for foul and surface water disposal to be secured by condition, with an additional condition recommended to secure an on-going management and Maintenance plan for drainage assets that are not to be adopted by the sewerage undertaker. Also provides advice to the applicant on the provision of a water supply and the expectations surrounding the interaction between development and existing assets of United Utilities.</p> |
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| 3.1 Site and Surroundings | |
| 3.1.1 | The application site comprises a detached bungalow finished in render with a dual pitched clay tiled roof situated to the east side of Caldly Road within a Primarily Residential Area as defined by the Council's Unitary Development Plan proposals map. The dwelling has been extended with a flat roofed extension to the rear, and a detached garage to the south side. Vehicular and pedestrian access is taken from Caldly Road where there is a landscaped front garden behind a stone boundary wall with hedging and trees above. The front garden contains vehicular parking and turning. A private rear garden terraces up to the rear boundary with ground levels rising from west to east. |
| 3.2.2 | Surrounding properties are residential in use with a recently constructed apartment building to the north on the former site of 7 Caldly Road. That building is over three floors with three apartments on the southern side of the building. These apartments have their principal outlook to the front and rear with secondary windows to main living spaces and bedrooms on the south side, which also contains a single, high-level window to study spaces for the apartments on the ground and first floors. The rear boundary of the site abuts the rear garden boundary of 1 The Oaks, a two-storey detached dwelling situated on higher ground. To the south is 11 Caldly Road a detached bungalow with a secondary bedroom window facing the site (the main bedroom window is to the rear) along with a study space window. To the opposite side of Caldly Road facing the front of the site are a run of recently constructed, semi detached dwellings over two storeys to the front (three at the rear). |

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| 3.2 Proposed Development | |
| 3.2.1 | Full planning permission is sought for the erection of a three storey building containing six apartments. The proposal is largely identical to the building erected at number 7, and for which planning permission was sought and refused at number 11. The front elevation of the building will sit on the line of the existing front elevation of number 9 and it will sit at a floor level and have roof eaves and ridge heights to match those of the neighbouring apartment building. The maximum height of the building will be 11 metres above ground level, and its maximum width and depth will be 13 by 20 metres respectively. |
| 3.2.2 | As with the existing apartments, the dwellings will be arranged around a central circulation core with open plan living, dining and kitchen space to the front incorporating an external terrace or balcony, with two bedrooms having their outlook to the rear. To the side will be small home office spaces with high level windows. These windows, along with secondary kitchen windows to the side will be obscurely glazed. To the front of the site, the existing access point will be |

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| | widened to 4.5 metres and 12 car parking spaces, two allocated to each apartment, will be formed in a tandem arrangement. Also to the front will be a communal bin store and individual cycle storage containers. To the rear, the two ground floor apartments will have private terraces before a retaining wall of 1.2 metres in height, behind which shall be communal landscaped space. |
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| 3.3 Development Plan | |
| 3.3.1 | <p>The development plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) and policies of the Merseyside and Halton Joint Waste Local Plan (2013). The following policies are of relevance to the application under consideration.</p> <p><u>Unitary Development Plan Part 1 Strategic Policies</u></p> <p>URN1 - Development and Urban Regeneration</p> <p>CHO1 - The Protection of Heritage</p> <p>NCO1 - Principles for Nature Conservation</p> <p>TRT3 - Transport and the Environment</p> <p><u>Unitary Development Plan Part 2 Policies</u></p> <p>HS4 - Criteria for New Housing Development</p> <p>GR6 - Landscaping and New Development</p> <p>GR7 - Trees and New Development</p> <p>CH2 - Development Affecting Conservation Areas</p> <p>NC1 - The Protection of Sites of International Importance for Nature Conservation</p> <p>NC3 - The Protection of Sites of National Importance for Nature Conservation</p> <p>NC7 - Species Protection</p> <p>TR9 - Requirements for Off-Street Parking</p> <p>TR12 - Requirements for Cycle Parking</p> <p><u>Merseyside and Halton Joint Waste Local Plan (2013)</u></p> <p>WM8 - Waste Prevention and Resource Management</p> <p>WM9 - Sustainable Waste Management Design and Layout of New Development</p> |

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| 3.4 Other Material Planning Considerations | |
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| 3.4.1 | <p>The National Planning Policy Framework is a material consideration in planning decisions. In assessing this application, the Local Planning Authority has given consideration to its provisions, in particular the following sections:</p> <p>Section 5 - Delivering a Sufficient Supply of Homes</p> <p>Section 9 - Promoting Sustainable Transport</p> <p>Section 11 - Making Effective Use of Land</p> <p>Section 12 - Achieving Well-Designed Places</p> <p>Section 15 - Conserving and Enhancing the Natural Environment</p> <p>Section 16 - Conserving and Enhancing the Historic Environment</p> |
| 3.4.2 | <p>The Council's Supplementary Planning Document (SPD) on Self Contained Flat Development was adopted in October 2006 and gives advice on gives advice on the location of such development, site layout, scale, massing, external appearance, landscaping and parking to ensure such flatted development integrates successfully with local character and achieves a high standard of amenity for existing and future occupiers. Consideration is also given to the Council's SPD on Parking Standards (2007) which sets out a maximum standard of one car parking space per apartment for flatted development.</p> |
| 3.4.3 | <p>Emerging Wirral Local Plan and its status</p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On 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 was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded limited weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. 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 3. 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).” <p>In this instance the emerging Local Plan policies relevant to the assessment comprise:</p> |

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| | <p>WD6 - Self-Contained Flats</p> <p>WD1 - Landscaping including Trees</p> <p>WD2 - Heritage Assets</p> <p>WS3 - Strategy for Housing</p> <p>WS6 - Placemaking for Wirral</p> <p>WS7 - Principles of Design</p> <p>WS8 - Strategy for Sustainable Construction</p> |
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| 3.5 Assessment | |
| 3.5.1 | <p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • The Principle of Development; • Siting, Design and effect on the visual character of the area; • The amenity of existing and potential future residents; • Access, car parking and servicing; and • Arboriculture and Ecology. |

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| 3.6 Principle of Development | |
| 3.6.1 | <p>The application site falls within a primarily residential area where, in principle, the development and redevelopment of land and premises for residential purposes, including the intensification of residential development including flatted development, is acceptable subject to compliance with the criteria under saved UDP policy HS4 and the SPD on Self-Contained Flats.</p> |
| 3.6.2 | <p>Consideration is also given to section 11 of the NPPF which expects planning decisions to promote and support the development of under-utilised land and buildings, especially where this would help meet identified needs for housing where land supply is constrained. The NPPF considers it important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site, although this should be balanced against the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change.</p> |
| 3.6.3 | <p>In this location the Council has already supported flatted development on the adjacent site with that decision taken under the current policy context. The refused application for a similar scheme is also a material consideration as whilst that scheme was refused on the basis of harm to residential amenity at number 9, no refusal reasons were given in relation the principle of constructing flatted development in this area, or to scale, density, or design in respect of the impact on the character of the area or highways and transport impacts. On this basis it must be concluded that the Local Planning Authority found the effect of two similar apartment buildings in this area to be acceptable in these respects and when</p> |

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| | considering similar development there is a presumption of consistency in decision making. The principle of flatted development is considered to be acceptable in this location subject to further consideration of detailed criteria |
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| 3.7 Siting, Design and Effect on the Character of the Area | |
| 3.7.1 | The existing street scene is residential in character with the dwelling immediately to the south being a single storey bungalow, although the majority of properties are two and two and a half storey detached and semi-detached dwelling. There are some three storey apartment buildings in the locality, including directly to the north of the site, to the opposite side of Caldly Road to the south and further to the west on Sandy Lane. This is an area of mixed scale where there is no overriding consistency in size and form. In this context the principle of constructing a three-storey apartment building on the plot is considered acceptable subject to it not having an undue prominence. The application is accompanied by long and street scene sections and it is acknowledged that the building results in a step up in height from the bungalow to the south with a ridge height difference of 4.6 metres. It does however remain comparable in scale to the apartment building to the north and due to rising ground, has a consistent ridge height with the two storey dwellings at 13 and 15 Caldly Road to the south. The building will also remain 2.5 metres lower in height than the neighbouring dwelling to the rear sited on rising ground and will sit below the tree line to the north and east. On this basis it is considered that the scale of the building will not be out of character with its wider surroundings and will not be unduly prominent. |
| 3.7.2 | The external appearance of the building assists its assimilation into local context. Its external materials of red Cheshire brick, St Bees sandstone, white render and clay plain tile are applied in a contemporary manner but are locally distinctive. Window and door surrounds, rainwater goods, soffits and standing seam dormer structures to the south side elevation will be in a recessive slate grey. The principal elevation of the building is well articulated, referencing the double gabled form of neighbouring buildings and with interest created through the variety of external construction materials. The heavily glazed frontages of the apartments are well recessed behind the gable projections and will not therefore be a dominant feature of the building when approaching from the highway. The side and rear elevations of the building, as with its Edwardian neighbours are simpler, but well-mannered in appearance. |
| 3.7.3 | The frontage of the site will be predominantly taken up by car parking and turning space, as a result of the site-specific requirement of the Local Highway Authority for a non-standard amount of in-curtilage car parking. The application is accompanied by an indicative landscaping plan which demonstrates the use of sensitive hard surfacing materials to comprise reinforced gravel and block paving and the ability to plant trees within the landscape. This landscaping scheme, which involves the retention of the majority of the sandstone wall and hedging, can be worked up in detail through a suitably worded planning condition, but the indicative proposals demonstrate that the visual effect of the car parking can be reasonably mitigated by a comprehensive landscaping scheme for land forward of the principal elevation of the building. |
| 3.7.4 | Taking all considerations together, the scheme represents a material increase in scale over the existing dormer bungalow, but the resulting scheme is not out of character with the wider area and does not result in a detrimental change in the spatial quality of the neighbourhood. As such, the application is compliant with the visual amenity objectives of saved UDP policy HS4. |

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| 3.8 The Amenity of Existing and Potential Future Residents | |
| 3.8.1 | <p>Representation has been received from neighbouring occupiers that the proposed development will harmfully restrict outlook from windows to the south facing side elevation of apartments in the neighbouring building at number 7 (Hildeburgh House) and that light levels reaching these windows will be adversely affected. In response to these objections, a daylight/sunlight analysis has been carried out to consider the impacts in more detail. From front to rear, the side elevation windows in the ground and first floor apartments in Hildeburgh House comprise three secondary windows to the open plan living kitchen and dining areas (which have their principal outlook to the front), a single high-level window to a study/small third bedroom, and a secondary high-level window to a bedroom (which has its principal outlook to the rear). The analysis concludes that outlook and light levels reaching the main habitable spaces comprising the open plan living space to the front and the bedroom to the rear will not be materially compromised, given the alternative outlook and double aspect of these spaces. The study/single bedroom to the side is compromised in terms of light levels and there will be a noticeable reduction in natural light reaching this room. It is noted however that these rooms were designed principally as study spaces rather than bedrooms, with a restricted outlook from the high-level window accepted on this basis. As such, given that these two rooms are not considered main living spaces within the apartments, the overall impact on outlook and light levels reaching the ground and first floor apartments is considered on balance to be acceptable.</p> |
| 3.8.2 | <p>The proposed development sits no further forward than the front of the existing bungalow and the separation distance between windows in the proposed development and the facing properties to the opposite side of Caldys Road remains in excess of 21 metres. Similarly, the face-to-face separation distance to number 1 The Oaks to the rear is approximately 30 metres, with that dwelling being located at a higher ground level. As such no harmful overlooking or sense of enclosure could be attributed to the proposed development.</p> |
| 3.8.3 | <p>The proposed development will have no material impact on the outlook from the front elevation of number 11 Caldys Road, nor will there be a harmful effect on the outlook from the rear. From the nearest rear window, the presence of the development will be appreciable, however a 45-degree line is maintained from the centreline of the window at first floor level and above, meaning that no harmful sense of enclosure will arise. The orientation of the development to the north of number 11 ensures that no harmful overshadowing of spaces will occur and, when stood in the garden of number 11 an open aspect will remain to the south, ensuring that a harmful sense of enclosure does not arise. Taken together, the scheme does not result in significant harm to living conditions at neighbouring dwellings.</p> |
| 3.8.4 | <p>The proposed apartments provide a good standard of internal amenity and exceed the nationally described space standard for 2 bedroom 4-person dwellings and have a good outlook to the front and rear from main habitable rooms. Main living rooms face southwest, and rooms of similar use are stacked above one another to minimise the risk of excessive internal noise transmission in accordance with the principles in SPD2. The occupiers of all apartments have access to a private terrace or balcony to the front elevation, whilst the two ground floor apartments also have a dedicated external rear terrace. Other residents will have access to a communal landscaped space at the rear of the site, meeting the requirements of saved UDP policy HS4 for access to adequate communal or private amenity space.</p> |
| 3.9 Access, Parking, and Servicing | |

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| 3.9.1 | The application site is not in a location within 400 metres walking distance of high frequency public transport. As a primarily residential area it is a location where new residential development should be supported in principle. A development of 6 dwellings has recently been completed on the opposite site of the highway to the application site, as have the apartments to the north. The vehicular access to the site will be taken from the existing access point, albeit widened to 4.5 metres in width to allow sufficient visibility and manoeuvring space for the increased number of vehicles that would be expected. The constructional detail of the amended access and its footway crossing will require the approval of the Local Highway Authority. |
| 3.9.2 | The Council's SPD on parking standards seeks maximum provision of one space per apartment, however two spaces per apartment are provided in this instance. This is in line with the neighbouring development to the north where additional on-site parking was considered necessary by the Local Highway Authority given the size of each apartment, with two bedrooms, the lack of high frequency public transport in the vicinity, and existing problems of traffic flow on the public highway caused by competition for limited on-street parking spaces. In this context the increased provision is justified and in accordance with the more nuanced approach of saved UDP policy TR9 which recognises that various factors have to be balanced to arrive at a suitable level of off-street parking for each individual development. |
| 3.9.3 | Secure, covered cycle storage is indicated on the site plan and the supplied details confirm this to be sufficient to accommodate at least one bicycle per apartment, in accordance with the objectives of saved UDP policy TR12 An in-curtilage bin store is also provided and refuse collection can take place from the kerbside in common with neighbouring dwellings. A condition will be required to ensure these are installed and made available for use prior to first occupation. |
| 3.9.4 | On this basis, the proposed development is considered to meet its expected car parking demand on-site, minimising the risk of exacerbating existing problems caused by on-street parking and the access and servicing arrangements are accepted by the Local Highway Authority and do not result in an unacceptable impact on highway safety. The expected trip generation of a development of this small scale of approximately 3 vehicles in the peak hours is modest and cannot be said to result in a severe impact on the highway network. |

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| 3.10 Arboriculture and Ecology | |
| 3.10.1 | The application is accompanied by an Arboricultural Assessment which identifies the species, size, and condition of trees on site and those on adjacent land and identifies those to be removed and retained. Five trees to the site frontage are to be removed and one to the rear of the building, to accommodate the proposed development, its access, parking and turning areas. The trees to be removed at the front comprise a Birch, a Maple, a Cherry, a Holly, and a Whitebeam ranging between 3 and 6 metres in height. These trees provide some enclosure to the front of the property, softening and screening its appearance from the road. However, due to their modest size and condition they do not make a substantial contribution to the wider character of the area and would not warrant protection under a Tree Preservation Order, as such their removal can be accepted. To the rear, an ornamental cherry tree will be removed which has no wider amenity value. To the northwest corner of the property, T6, a 9-metre-high Birch is to be retained along with a smaller Holly which will retain some tree cover to the frontage, and which can be supplemented by new tree and supplementary hedge planting on the site frontage to Caldly Road as part of the detailed landscaping scheme reserved by condition. Indicative landscaping currently shows the planting of 8 trees on site which does provide a net gain. As such, with no objection from the Council's Arboricultural Officer, the scheme is considered, on balance, to meet the |

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| | objectives of saved UDP policy GR7 and emerging Local Plan policy WD1. It does not substantially change the treed character of the wider area and allows for the retention of the tree and hedging of greatest visual value to the front of the site with replacement of specimens to be lost. Trees to be retained, including those larger specimens on third party land to the rear, will be protected during construction and a condition is applied to secure this. |
| 3.10.2 | The application site is sited within 500 metres of a number of international and national protected nature conservation sites within the Dee Estuary. In this instance, MEAS conclude that the proposed development is unlikely to harm the features for which the sites have been designated on the basis of its small scale and because the site is bordered on all sides by residential properties and roads with no direct connectivity to the protected sites. Having regard to the size of the development it is considered unlikely that there would be a significant increase in recreational pressure on these coastal designated sites and for these reasons Habitat Regulations Assessment is not required. |
| 3.10.3 | The existing buildings and trees on site have negligible bat roost potential and whilst the removal of trees and buildings does result in the loss of potential breeding bird habitat, this can be mitigated through the use of planning conditions. Other ecological implications of development including invasive species control, and construction phase avoidance measures to protect terrestrial mammals can also be secured by condition. On this basis there is no conflict with saved policies NC1, NC3 and NC7 of the Wirral Unitary Development Plan. |

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| 3.11 Other Material Considerations | |
| 3.11.1 | Heritage - Section 72 of the Listed Buildings and Conservation Areas Act 1990 puts a duty on planning authorities to pay due regard to the desirability of preserving the character and appearance of Conservation Areas when considering planning applications. As the site is within 100 metres of the boundary of the West Kirby Conservation area it is considered to be within its setting. When standing at the boundary of the conservation area, the character is of 2 and 3 storey residential buildings in brick, render and tiled roofs set adjacent to the street or behind stone walling with good tree cover. In this location the proposed building will be substantially screened by the existing apartment building at number 7 but nevertheless generally accords with character of buildings within the vicinity. As such there will be no material change to the setting of the conservation area and the development has a neutral effect. |
| 3.11.2 | Drainage - No evidence has been put forward by objectors to substantiate the claim that drainage infrastructure is insufficient to accommodate the proposed development. No objections have been raised by United Utilities, the statutory drainage undertaker, and it is considered that the site can be satisfactorily drained. A detailed drainage strategy is reserved by condition, and this will either demonstrate that surface water will be discharged to soakaway or, if ground conditions do not support infiltration, it will be discharged to the public sewer at restricted rates to be agreed with the drainage undertaker to avoid surcharging the drainage network. It remains the responsibility of United Utilities as the statutory undertaker to ensure that sufficient capacity exists in the foul drainage network to accommodate new development. |

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| 3.12 Planning Balance and Conclusion | |
| 3.12.1 | The proposed development represents the redevelopment of a site for housing within a primarily residential area, a location the Council considers suitable in principle for new housing development. An intensification of development on the |

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| | <p>site through a net increase of five dwellings makes a positive although relatively modest contribution to the Council's housing land supply and this is not a location where the introduction of flatted development would have an adverse impact on character. The wider context of the site is mixed but will remain predominantly characterised by family housing. Having regard to the siting and scale of the development in context with its neighbours, it will not appear out of scale with the height of surrounding development being comparable due to the rising ground to the east. It is not unduly dominant due to its set back from the highway and its use of external construction materials integrate appropriately with its local context, whilst remaining contemporary in its overall architectural form.</p> |
| 3.12.2 | <p>Whilst there will be some modest harm to living conditions at the neighbouring ground and first floor apartments within Hildeburgh House as a result of a reduction in natural light reaching secondary study spaces, the dual aspect and large windows of the main living spaces and bedrooms means that the overall effect on living conditions arising from a sense of enclosure and overshadowing is limited and not sufficient to warrant refusal of the planning application. Due to distance, orientation and variation in ground levels, the living conditions at other neighbouring properties are not adversely affected.</p> |
| 3.12.3 | <p>The development accommodates its own expected car parking demand on site, in excess of the Borough wide standard of one space per apartment set out in the Council's Parking Standards SPD. As such, it is not expected to contribute significantly to existing on-street parking congestion and does not result in a severe impact on the highway network. The widening of the vehicular access to 4.5 metres allows for acceptable pedestrian visibility ensuring no detriment to highway and pedestrian safety.</p> |
| 3.12.4 | <p>The use of planning conditions to cover matters such as detailed landscaping, ecological mitigation, and drainage proposals is in accordance with established practice and allows for these matters to be adequately addressed post-decision. Therefore, taken as a whole the scheme is in accordance with the development plan, comprises sustainable development and is recommended for approval.</p> |

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| Summary of Decision | <p>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: -</p> |
| | <p>Having regard to the location of development, its siting, scale and external appearance, the proposed scheme would not result in a detrimental change in the character of the area and would not result in significant harm to the living conditions at neighbouring properties. The scheme would not result in harm to highway safety and nor would it have a serve impact on the operation of the highway network. Matters relating to site landscaping, including replacement tree planting, ecological mitigation and drainage can reasonably be reserved by condition. As such the application as a whole complies with the relevant requirements of the development plan, supported by associated supplementary planning documents, and the objectives of the National Planning Policy Framework.</p> |

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| Recommended Decision: | Conditional Approval |
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| Recommended Conditions and Reasons: |
| 1 The development hereby permitted shall begin not later than 3 years from the date of this decision. |

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

2 The development hereby permitted shall be carried out in accordance with the approved plans listed as follows:

PLAN 01 Revision B (Proposed Site Plan) received 31.10.2022

and the following plans received by the Local Planning Authority on 05 August 2022:

PLAN 02 (Proposed Ground and First Floor Plan)

PLAN 03 (Proposed Second Floor and Roof Plans)

PLAN 04 (Proposed Front and North Side Elevations)

PLAN 05 (Proposed Rear and South Side Elevations)

PLAN 06 (Proposed Bin and Cycle Stores Plans and Elevations)

PLAN 07 (Existing and Proposed Street Scene Elevations)

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

3 The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawings numbered PLAN 04 (Proposed Front and North Side Elevations) and PLAN 05 (Proposed Rear and South Side Elevations).

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy HS4.

4 NO DEVELOPMENT SHALL COMMENCE until a Demolition and Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. For each phase of development, the CEMP shall demonstrate the following and, once approved, development shall be carried out in accordance with the approved plan.

(A) Highways

A.1 - Location(s) for the parking of vehicles of site operatives and visitors,

A.2 - Location(s) for the loading and unloading of plant and materials

A.3 - Location(s) for the storage of plant and materials used in the demolition and construction of the development

A.4 - The erection and maintenance of security hoardings (including decorative displays and facilities for public viewing where appropriate), and

A.5 - Measures to prevent the deposit of mud/grit/dirt on the public highway, with wheel washing facilities where appropriate.

(B) Residential Amenity

B.1 - Control, monitoring and mitigation of emissions of noise, dust and sub-surface vibration.

B.2 - Hours of demolition and construction activity, and deliveries to and dispatches from the site not to exceed 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. For the avoidance of doubt no activity, deliveries or dispatches shall take place on Sunday or Public Holidays.

(C) Waste Management

C.1 - The anticipated nature and volumes of waste that the demolition and construction phases of development will generate,

C.2 - The steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,

C.3 - The steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and

C.4 - Any other steps to be taken to manage the waste that cannot be incorporated into the new development.

(D) Invasive Species Removal

A method statement prepared by a competent person including the following information:

D.1 - A plan showing the extent of the plants,

D.2 - The method(s) that will be used to prevent the plants spreading further, including demarcation,

D.3 - The method(s) of control that will be used, including details of post-control monitoring, and

D.4 - How the plants will be disposed of after treatment/removal.

Reason: In the interests of highway and environmental safety, the amenity of highway users and neighbouring occupiers, and to ensure that demolition and construction of the development achieves efficient use of resources in accordance with policy WM8 of the Merseyside and Halton Joint Waste Local Plan.

5 NO DEVELOPMENT SHALL COMMENCE UNTIL details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Thereafter, the drainage schemes shall be completed in accordance with the approved details prior to first occupation of the development and retained for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6 No plant or materials shall be brought onto site until Root Protection Area fencing has been installed in accordance with the submitted tree protection plan and specification. (Drawing number 22/AIA/WIRR/99 03) within the Arboricultural Impact Assessment and Method Statement by Tree Solutions Ltd, Revision A, dated November 2022.

Thereafter:

i) Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification.

Reason: In the interests of the health and amenity value of trees and to accord with saved policy GR7 of the Wirral Unitary Development Plan.

7 No development other than demolition and vegetation removal shall take place until detailed construction plans setting out finished internal floor levels and external ground levels, and eaves and ridge heights, relative to existing levels and those of neighbouring properties have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out as approved.

Reason - To ensure the finished levels at construction accord with the levels approved at planning stage in the interests of maintaining the character of the area and residential amenity in accordance with the objectives of saved policy HS4 of the Wirral Unitary Development Plan.

8 No development above ground floor slab level shall take place until a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a plan and specification and demonstrate:

- i) The materials to be used for hard and soft surfacing;
- ii) Compensatory tree and hedge planting across the site (including a minimum of eight trees and, where practical, the retention and infilling of the existing hedge to the Caldys Road frontage) to replace those specimens removed as part of the development to include the location, number, species and size of trees to be planted and a method statement to secure the sustainable planting of trees.
- iii) Detailed planting plan and specification for soft landscaping of land forward of the principal elevation of the building;
- iv) The location and design of fences, gates, walls, railings or other means of enclosure; and
- v) The timing of implementation of the scheme.

Thereafter development shall be carried out as approved.

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

9 If, within a period of five years from the date of planting of any tree under the landscaping scheme approved under condition 8, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place unless the Local Planning Authority agrees to any variation.

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

10 No demolition or vegetation removal shall take place within the main bird nesting season (March to September inclusive) until a pre-commencement check is carried out by a qualified ecologist no earlier than 48 hours before works take place and the qualified ecologist confirms in writing to the Local Planning Authority no later than 48 hours after the check has taken place, that no actively nesting birds will be affected by the works.

Reason: In order to avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework

11 The construction of the development hereby approved shall be carried out in accordance with the following reasonable avoidance measures for terrestrial mammals:

- i) All trenches and excavations should have a means of escape (e.g. a ramp);

- ii) Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- iii) Raised storage of materials on pallets to ensure that mammals do not use material stockpiles for shelter.

Reason: To avoid harm to protected species in accordance with the objectives of saved policy NC7 of the Wirral Unitary Development Plan.

12 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 submitted to and approved in writing by the Local Planning Authority.

Thereafter the bird boxes shall be installed as approved and subsequently retained.

Reason: To provide suitable mitigation for the loss of breeding bird habitat in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.

13 Prior to first occupation of the development hereby approved, the cycle storage and refuse storage structures as shown on approved drawings PLAN 01 Revision B (Proposed Site Plan) and PLAN 06 (Refuse and Cycle Stores Plans and Elevations) shall be constructed in accordance with the approved plans, made available for use, and there after retained.

Reason: To ensure satisfactory provision is made for the storage of refuse and cycles in the interests of amenity and to accord with the objectives of saved policies HS4 and TR12 of the Wirral Unitary Development Plan.

14 The areas shown on approved drawing PLAN 01 REVISION B (Proposed Site Plan) for vehicular access, turning and parking shall be constructed, marked out, and made available for use prior to first occupation of the development hereby approved. Thereafter the vehicular access, turning and parking areas shall be retained for their intended purpose.

Reason - To ensure satisfactory off-street accommodation for vehicles is provided for and maintained, in the interests of highway safety and amenity and to accord with the objectives of saved policies HS4 and TR9 of the Wirral Unitary Development Plan.

15 Prior to first occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a residents management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

16 Prior to the installation of any external lighting, details of the type, location and luminance of the lighting to be installed shall be submitted to and approved by the Local Planning Authority. Thereafter the lighting shall be installed as approved. When designing the lighting scheme the designer should have regard to the Institute of Lighting Professionals and Bat Conservation Trust Guidance Note 08/18 'Bats and Artificial Lighting in the UK.'

Reason - To avoid significant harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan.

17. The development hereby permitted shall not be occupied until the windows identified on the approved floor plan and elevation drawings to be fitted with glazing obscured to at least Pilkington level 3, have been so fitted. Thereafter the obscured glazing shall be retained.

Reason: To prevent harmful overlooking in the interests of protecting the privacy and amenity of neighbouring residents.

NOTES TO APPLICANT

1. Merseyside Fire and Rescue Service advise the following:

i) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.

ii) Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned housing guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied, and

iii) The premises should comply with Section 55 of the County of Merseyside Act 1980.

Housing

Housing developments with units of detached or semidetached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.

2. The applicant, their advisers and contractors should be made aware that if any roosting bats are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

3. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. 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 prior to the commencement of the works for the approval of the proposed details.

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| Last Comments By: | 31 August 2022 |
| Expiry Date: | 19 December 2022 |

