

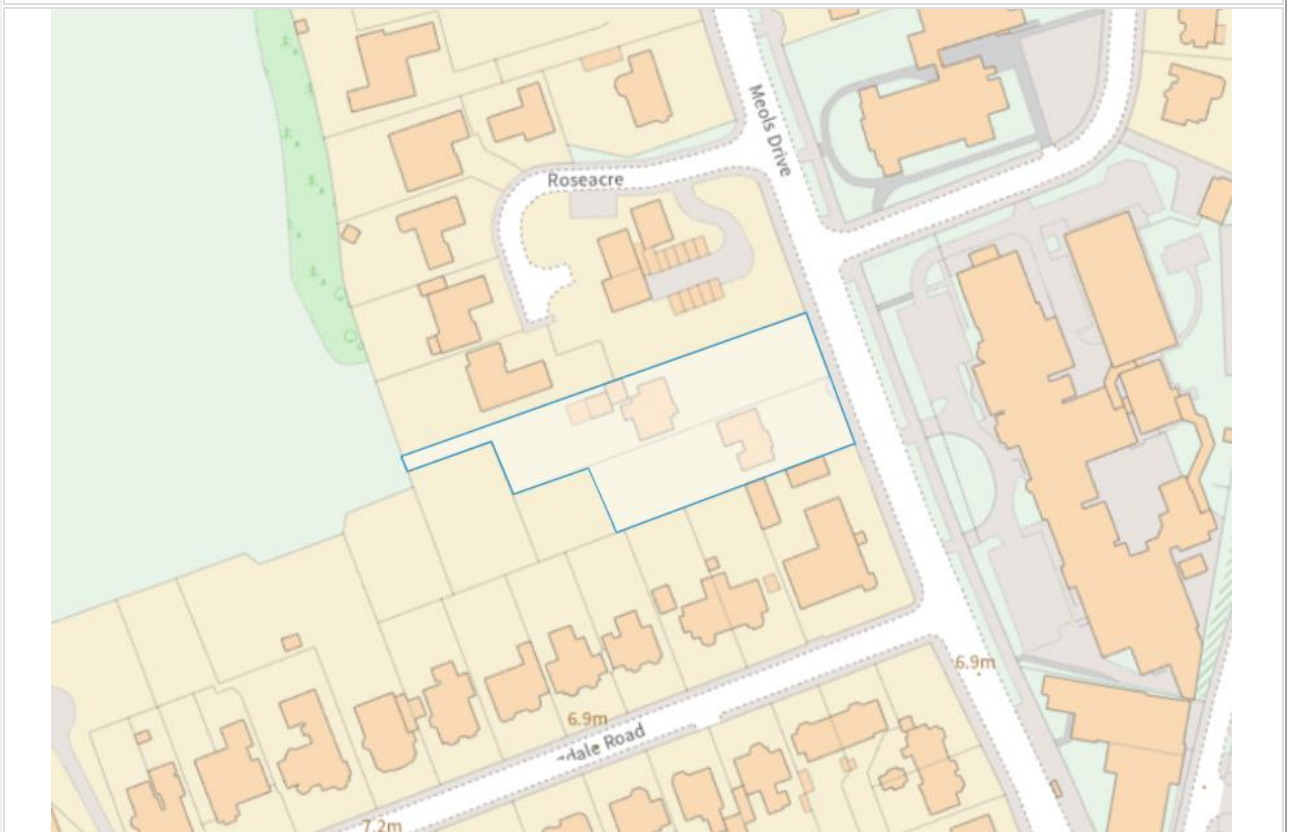
Planning Committee	11 January 2024
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
RVC/23/01413	DM	Mr P Roberts	Hoylake and Meols

<b>Location:</b>	100 & 102 Meols Drive, CH48 5DB
<b>Proposal:</b>	Section 73 application for the variation of condition 2 of consented scheme ref APP/20/01716 to remove basement and provide parking at ground level, together with internal layout alterations and to pick up an error in the approved South Elevation Plan in respect of ridge heights.
<b>Applicant:</b>	Blueoak Estates
<b>Agent:</b>	Miss Nikki Sills Zerum Planning Ltd

<b>Reason for Referral to Planning Committee:</b>	<ol style="list-style-type: none"> <li>1. Call in request by Councillor Gardner</li> <li>2. 23 individual objections received, exceeding committee referral threshold of 15, and the subject application is recommended for approval.</li> </ol>
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**Site Plan:**



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<b>Development Plan designation:</b>	Primarily Residential Area Meols Drive Conservation Area Density and Design Guidelines Area
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<b>Planning History:</b>	<b>APP/20/01716</b> Demolition of the existing buildings on the site and erection of a residential apartment building (Use Class C3) with associated parking, landscaping, and access. APPROVED - 14 April 2023
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**Summary Of Representations and Consultations Received:**

<b>1. Ward Member Comments</b>	Councillor Gardner: Would like to call-in application if minded for approval on the basis of the scale of variation from the original decision and in terms of the impact on the Conservation Area.
<b>2. Summary of Representations</b>	<p><b><u>REPRESENTATIONS</u></b></p> <p>Received: In response to the public consultation exercise a total of 23 objections were received. The following provides a summary of the material planning comments made (<i>the relevant portion of the report where each matter is addressed is noted in italics</i>):</p> <ul style="list-style-type: none"> <li>• Scheme would have a serious impact on visual appearance of area and detrimental impact on the Conservation Area (<i>section 3.7</i>).</li> <li>• The proposed large surface level car park is not consistent with reserving the historic character and setting of the Conservation Area where large plots benefiting from well planted front gardens are common (<i>section 3.7</i>).</li> <li>• Design and loss of parking provision will likely compromise existing parking pressure and add to traffic congestion (<i>section 3.9</i>).</li> <li>• Scheme should not compromise emerging Local Plan policy on Conservation Areas (<i>section 3.7</i>)</li> <li>• Scheme represents over-development (<i>section 3.7</i>)</li> <li>• Extensive surface parking will impact on surface water drainage.</li> <li>• Potential issue of cars parking under trees with sap, leaves etc persuading occupants to park elsewhere (<i>section 3.9 &amp; 3.10</i>).</li> <li>• Hard surfacing may prejudice longevity of trees on the site (<i>section 3.10</i>).</li> <li>• The destruction of the trees, the lawns and the bedding areas which contributed to both the environmental aesthetics and, most importantly, the battle to save our planet from the global warming crisis, should not be allowed (<i>section 3.7</i>)</li> <li>• Trees have been removed from the site to facilitate the car park to the front (<i>section 3.7</i>)</li> <li>• Additional noise from site from the development (<i>section 3.10</i>)</li> </ul>

- How will this area be lit – light pollution is possible (*section 3.10*)
- Windows in south elevation appear to be larger (*section 3.2*).
- The submitted plans and elevations do not appear to be drawn to scale and that there are not sufficient dimensions included (*section 3.2*).
- Increased security issues to the front with no gates (*section 3.9*)
- Historic England had issues with the previous small car park to the front and would undoubtedly have greater issue with this proposal (*section: Consultations*)

A number of other comments were also made which are not material planning considerations in respect of this planning application: These are summarised as follows:

- Benefits of change occur only to developer through lower construction cost.
- Approach taken is suspicious, securing approval and then amending. This would not have been approved by the Planning Committee
- This is a misuse of the planning system and would lead to two planning approvals.
- No detail on outcome of public consultation by developer
- Poor quality elevation drawings in the submission
- This is being done for limit cost not to limit disruption as the applicant claims.
- Talk of discussions with Planning Officers about 73 seem suspicious.
- Consultation undertaken by Blueoak Estates was appalling.
- Since demolition of building rats have been found locally
- Proposals are a 'major' not minor change.
- Developer knew that the underground carpark was not going to be built.
- Re-appraisal of the Meols Drive Conservation Area is on-going.
- Suggestion that the local planning authority had agreed the amendments prior to submission (*Officer Comment: The matter of the type of application that was relevant to this proposal was discussed, not the acceptability or otherwise of the submitted details. Any notion of agreement to the proposed works is strongly refuted*).

### **CONSULTATIONS**

Received:

**MEAS:** No changes to previous MEAS comments on the approved application.

**United Utilities:** No objections.

**Historic England:** Responded to the consultation to state that they are not offering any comments on this matter as they look to provide advice when their engagement can offer most value.

**Highways:** No objections subject to conditions and informatives as previous.

**Environmental Health:** No objections

**Conservation:** No comments received at time of writing.

**Tree Officer:** The updated tree protection and method statement should be adhered to.

**Hoylake Conservation Areas Association:** Objection for the following reasons:

1. Treating this as a variation is inappropriate and a misuse of the planning system.
2. The applicant attaches significant weight to the consultation process with neighbours but does not record the outcome of those conversations.
3. Although the planning statement confirms that the ridge lines are the same as the approved plan, it is very hard to evaluate the proposal in terms of its scale
4. The planning statement seeks to draw on precedent for similar car parking spaces from other recent developments in the West Kirby area. These developments are outside of the designated conservation areas so no precedent can or should be drawn.
5. Submitted draft Local Plan should carry significant weight and current applications should not compromise emerging policies. The proposed surface level car park occupying a significant proportion of the space to the front of the property together with proposed changes to the elevations are NOT consistent with preserving the historic character and setting of the Meols Drive Conservation Area and would be contrary to the submitted Local Plan.
6. If approved, this S73 application would be an unwelcome departure from established and future policies. The impact of each change, both to this development and the conservation area as whole, has an overall cumulative impact which makes a gradual but irreversible loss of character. The replacement of underground car parking with extensive surface level parking is the tipping point in the acceptability of the development. Extensive surface parking fundamentally changes the key relationship between the buildings, structures, trees and characteristic open spaces in the conservation area. We share Historic England's concerns expressed in their letter to the Council of 10<sup>th</sup> June 2022 in response to consultation on the original application.

	<p>7. An extensive hard surface will complicate natural surface water drainage into the existing natural drainage to lawn and garden.</p> <p>8. Parking under trees is not without a risk of damage from guano and sap. Users may seek to avoid using the parking spaces exacerbating on road parking issues or apply to have the trees removed; and</p> <p>9. Impact on the root systems – we note that underground tree root cell systems have been specified for the trees planted in the tandem car parking spaces. What degree of assurance is there that this will allow the trees to thrive and not create issues by damaging the hard surfacing? We also have concerns about the impact that the extensive hard surfacing may have on the ability of the existing trees to thrive going forward.</p> <p>10. The developer is attempting to cynically exploit planning rules to its own advantage and at the expense of the character and setting of this key part of Meols Drive CA. The proposal is contrary to Council Policy CH2, the provisions of the Meols Drive CA and the key sections of the submitted Local Plan and should therefore be rejected.</p> <p>11. The points set out in this letter should be given full weight when the Council is considering:</p> <ul style="list-style-type: none"> <li>• The test set out in paragraph 202 of the National Planning Policy Framework; and</li> <li>• Its statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990</li> </ul> <p><b>Wirral Wildlife:</b> No comments received.</p> <p><b>LLFA:</b> No Comments received.</p> <p><b>Kings Gap and Meols Drive Society:</b> No comments received.</p> <p><b>Natural England:</b> No comments received.</p>
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<p><b>3.1 Site and Surroundings</b></p>	
<p>3.1.1</p>	<p>The application site is the now cleared ground which formerly comprised two detached dwellings and associated outbuildings. The plot is accessed off Meols Drive and lies just north of West Kirby Town Centre and within the Meols Drive Conservation Area. The site is towards the southern edge of a predominantly residential area with large houses and some flats set back from the street frontage often in extensive grounds, and frontage trees are a common feature. Opposite this site lies West Kirby School and College and a church, and the town centre retail edge lies less than 150 metres south.</p>

<b>3.2 Proposed Development</b>	
3.2.1	This section 73 application seeks to vary Condition 2 (Approved Plans) of the previously approved planning application APP/20/01716 'Demolition of the existing buildings on the site and erection of a residential apartment building (Use Class C3) with associated parking, landscaping and access'.
3.2.2	The original approval had the building set behind an area of landscaping and vehicle access and egress, with parking for 6 vehicles in blocks of two as well as external bike and bin stores. The vehicle entrance is towards the northern part of the site and cars would use a black tarmac surface to access the basement parking to the side (south) elevation of the building with the internal road running between the building and a pocket of landscaping adjacent to the public highway with smaller areas of grassed adjacent to front ground floor terraced spaces. The scheme proposed the felling of 22 trees the planting of 9 replacement trees plus a hornbeam hedge and other landscaping. A total of 22 trees are retained according to the approval, a significant proportion of which are along the street frontage.
3.2.3	The proposed changes to the permitted scheme are the removal of the basement and inclusion of surface parking to accommodate 20 car parking spaces (2 per flat and amended from 21 spaces) located in the area to the front of the property and accessed via the same entrance and exit points as served the former housing and were to serve the approved development.
3.2.4	The alterations will result in landscape changes within the site and the relocation of an external bike store to one within the building. Alongside this are changes to the south elevation to reflect the removal of the basement car park entrance and to also regularise an error in the approved drawings which showed the ridge height of the projecting gable elements at the same height as the main building when, as shown in the front and rear elevations, these projections are set down in overall height from the main roof.
3.2.5	In addition, some layout alterations are proposed primarily centred around a relocated stairwell from the rear to the core of the building with 3 flats (1 per floor) having access to the central rear window and some additional internal floorspace provided (with restricted heights) at second floor level for two flats, within the frame of the approved building. The necessary scaled plans and elevations have been submitted.
3.2.6	The scale, siting, form and appearance of the building is not changed from the permitted scheme except only to pick up the inconsistency in the approved south elevation drawing. The building has an extant consent, the time limit of which this submission would not extend, accordingly, an assessment of it, except in terms of the overall relationship with the proposed landscape amendments, is not a consideration for Officers.

<p><b>3.3 Development Plan</b></p>	<p><u>The Wirral Unitary Development Plan 2000</u></p> <p>HS4 Criteria for New Housing Development</p> <p>GR5 Landscaping and New Development</p> <p>GR7 Trees and New Development</p> <p>NC2 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>CH2: Development affecting Conservation Area</p> <p>TR9 Requirements for Off-Street Parking</p> <p>TR10 Cycle Routes Proposal</p> <p>TTR12 Requirements for Cycle Parking</p> <p><u>The Joint Waste Local Plan for Merseyside and Halton</u></p> <p>WM8 Waste Prevention and Resource Management</p> <p>WM9 Sustainable Waste Management Design and Layout for New Development</p>
<p><b>3.4 Other Material Planning Considerations</b></p>	<p><u>The National Planning Policy Framework (2021)</u></p> <ul style="list-style-type: none"> <li>- Achieving sustainable development</li> <li>- Decision-making</li> <li>- Achieving well-designed places</li> </ul> <p><u>Wirral Supplementary Planning Documents</u></p> <ul style="list-style-type: none"> <li>- Supplementary Planning Guidance 4: Parking Standards</li> <li>- Supplementary Planning Document 2: Designing for Self-Contained Flat Development and Conversions</li> </ul> <p><u>Wirral Conservation Area Appraisals</u></p> <ul style="list-style-type: none"> <li>- Meols Drive Conservation Area Appraisal (2004)</li> </ul> <p><u>Wirral Tree, Hedgerow and Woodland Strategy 2020-2030</u></p>

	<p><u>Emerging Wirral Local Plan</u></p> <p>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:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <p>a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>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);</p> <p>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)."</p> <p>The following policies are considered of relevance to this proposal: WS1; WS2; WS3; WS5; WS6; WS7; WS8; WS9; WS10; WP 6.1D; WD1; WD2; WD3; WD4; WD6; WD14; WD18; WM6.</p>
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<p><b>3.5 Assessment</b></p>	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> <li>• Principle of development.</li> <li>• Impact On Meols Drive Conservation Area.</li> <li>• Housing</li> <li>• Highway safety, and</li> <li>• Other Matters</li> </ul>
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<p><b>3.6 Principle of Development</b></p>	
<p>3.6.1</p>	<p>Section 73 of the Town and Country Planning Act 1990 allows applications to be made to the Local Planning Authority to develop to vary or remove conditions associated with an unexpired planning permission (APP/20/01716 has a three-year limit extending till 14 April 2026). There is no statutory limit on the degree of change permissible under s73 applications, but the change must only relate to conditions and not to the operative part of the permission, that is in essence, the original description of development. The proposal is to vary the approved condition (no. 2 - Plans) in respect to the position of on-site parking,</p>



	<p>amend the internal layout and to pick up an inconsistency in the approved plans. As such the operative part of the permission (i.e., the demolition of two dwellings and erection of an apartment building) is not being altered and the planning merits of the proposed changes can be assessed in full. The approach taken in dealing with such an amendment is wholly in line with planning legislation.</p>
3.6.2	<p>The principle is considered acceptable and has been established under the original grant of planning consent APP/20/01716. The impacts of the proposed changes on the Meols Drive Conservation Area, housing, highway safety and neighbouring amenity will be assessed below.</p>

<b>3.7 Impact on Meols Drive Conservation Area</b>	
3.7.1	<p>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.</p>
3.7.2	<p>NPPF Paragraph 199 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. NPPF Paragraph 200 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. Paragraph 202 adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.</p>
3.7.3	<p>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.</p>
3.7.4	<p>Emerging Policy WD2.1 sets out that development proposals which conserve and enhance Wirral's historic environment will be supported and that those which are likely to cause less than substantial harm to the significance of the heritage asset or its setting will only be supported where it is clearly demonstrated that the harm will be outweighed by its public benefits. Emerging Policy WP6.1D has more specific advice on the Meols Drive Conservation Area. The policy states that proposals in the Conservation Area will be supported where they: i. preserve the historic character and appearance of this late Victorian and Edwardian commuter suburb and the setting, landscape and skyline of the Royal Liverpool Golf</p>

	<p>Course; retain the consistency of scale, massing and separation between neighbouring buildings; ii. preserve the style and variety of buildings and materials linked by a common design approach, including highly decorative details and roofscapes; iii. retain unifying features such as grass verges, street trees, building lines, generous landscaping and boundaries, including mature hedges and sandstone and red brick walls; iv. preserve and enhance the public buildings located in the area's gateways; ensure that new development within gardens is of a scale, that preserves or enhances the setting of the original building and the character of the immediate locality; v. promote a more unified treatment along the boundary with the Royal Liverpool Golf Course; and enhance the public realm.</p>
3.7.5	<p>The Council's Conservation Area Appraisal places this site within the Meols Drive Zone where, it is stated, houses on the west side of the road are set well back from the road and often hidden behind trees and shrubs within deep front gardens, noting that Meols Drive retains its own strong character with vistas along the road of sandstone and brick garden walls, well-kept hedging and wide variety of trees shrubs in almost every garden.</p>
3.7.6	<p>In reference to servicing, parking, and access arrangements the Council's SPD 2 states that where front gardens are a unifying feature of the street scene, hard surfacing for parking and servicing area should cover no more than one third of the frontage unless it can be demonstrated that a landscaping scheme would satisfactorily mitigate any impact upon the character and appearance of the street scene.</p>
3.7.7	<p>In terms of the south elevation changes, the applicant is seeking remove the entry point to the former basement car park which would have been apparent only as a below ground feature with limited visibility outside of the site. Its removal would represent a positive change over the permitted scheme, enhance the building and reduce impacts on the Conservation Area setting. Alongside this, the original approval drawing of this town centre facing elevation did not match that of the approved front and rear elevations with no drop in height shown to the projecting front and rear gables. This proposal seeks to replace the approved south elevation drawing (P19070-FCH-XX-XX-DR-A-1402-P09-Elevation 03) with a new drawing reflecting the drop in front and rear gable heights and matching up with the approved front and rear elevations. This change regularises a previous mistake and does not impact on the approved building or the character of the Conservation Area. Consequently, it is considered that the south elevation changes are acceptable.</p>
3.7.8	<p>The principal amendment under consideration concerns the removal of the basement level parking and part of the access to it and the creation of a larger area of car parking for residents to the front of the building with new landscaping to the side. The approved site layout provided for 6 parking spaces to the front of the building in three blocks of two via a one-way access route which also led around the south side of the building to the basement car park entrance. The scheme also incorporated areas of landscaping between the entrance and exit from the site and some amenity for two ground floor flats. The surface treatment for the driveway and parking spaces was labelled primarily (save for 2 'grasscrete' spaces) as black tarmac. The approved scheme retained 38 trees on the site,</p>

	<p>looked to fell 22 and to plant 9 new trees along with other landscape enhancements including a hornbeam hedge, thereby encouraging increased biodiversity and having a more positive change in climate change terms. A significant proportion of the retained trees were along the road frontage.</p>
<p>3.7.9</p>	<p>This application seeks to relocate the parking from the basement to ground level, sited to the front of the building with one group of twelve (six tandem spaces) sited towards the southeast boundary of the site adjacent to the Meols Drive exit point, four within the central landscaped space and two banks of two spaces to the front of the approved building. Following amendment 10 of the parking spaces would be 'grasscrete', that is, a concrete structure covered in grass and the driveway made of compacted gravel. The area of the approved driveway to the side of the flats would be replaced with grass, increasing the size of the communal garden space and would be subject to the planting of further trees and hedging along the boundary together with extra planting between parking spaces. A total of three fewer trees would be lost through this proposal as opposed to the original approval.</p>
<p>3.7.10</p>	<p>As stated, the form and appearance of the building is not under consideration except when viewed in conjunction with the revised landscaping treatment. In terms of the approved structure, Council Officers previously considered that the development was of quality and would go some way to enhance the character of the Conservation Area, providing a contemporary and legible building which would add to the Conservation Area's architectural language and evolution. Overall, it was considered the development would preserve the character and appearance of the Conservation Area, noting the number of trees safeguarded in the development would 'retain the tree-lined nature of the Conservation Area' and that the tree line along the street edge would be maintained plus views of the side elevation would not likely have a prominent impact in the street scene given the extensive tree planting.</p>
<p>3.7.11</p>	<p>Objections have been received in terms of the impact the additional parking would have on the character of the Conservation Area, some referencing previous Historic England comments (June 2022) to support their claims. In response to the previous consultation exercise, Historic England, confirmed that there was no objection on heritage grounds and that the impact of the proposal on the heritage asset was on the whole, a low level of less than substantial harm. However, it was suggested by the consultee that some design improvements could be made which would allow the development to sit more comfortably within its setting and better reflect the character of the area. Historic England expressed concern with the loss of trees on the site, noting trees within front gardens are "a distinctive characteristic of the Conservation Area and complement its special character and appearance", referencing the impact that the proposed vehicle parking and access had on the green space to the front of the building.</p>
<p>3.7.12</p>	<p>This proposal revises the approved landscaping layout, and in this regard, measurements have been taken to study the differences in site coverage surface treatment. These reveal the following:</p>

	<p>Area to frontage of building: 1008 sqm</p> <p><u>Approved scheme</u></p> <p>Hardstanding to frontage (inc. 36sqm of Grasscrete): 467 sqm (47%)</p> <p>Soft Landscaping: 541 sqm (53%)</p> <p><u>Proposed Scheme</u></p> <p>Hardstanding to frontage (inc. 117 sqm of Grasscrete): 515 sqm (51%)</p> <p>Soft Landscaping: 493 sqm (49%)</p> <p>Additional soft landscaping to side 114 sqm</p>
3.7.13	<p>This proposed amendment would increase the amount of hardstanding to the front of the building by 48 square metres, whilst adding 114 square metres of soft landscaping to the side. The results of the exercise reveal that the hardstanding to the front would increase by approximately 4% over the approved development, a notable if not significant increase in the loss of soft landscaping coverage. However, the composition of the hard landscaping is in Officer opinion significantly improved with 'grasscrete' (with its softer, grass covered design), accounting for half of the parking bays and the harsher and more commercial tarmac treatment being replaced by more domestic compacted gravel. This proposal would have the added benefit of saving a further three trees on-site and secure the planting of 20 new trees (up from the approved 9 new trees), a greater number than that which would be felled, a significant improvement in meeting the objectives of the Wirral Tree Strategy. Moreover, the proposal would introduce a large additional area of soft landscaping to replace the tarmac car park ramp. Hence taken together, Officers consider that this proposal provides tangible benefits through additional greening and domestication of the space, over the approved layout.</p>
3.7.14	<p>That said, whilst the numbers of vehicles associated with the site would be comparable to what is approved, the presence of potentially an additional 14 could have an impact on setting. This would of course depend on how many vehicles were present on the site consistently. However, it is felt that these spaces and the frontage in general will be well screened by existing and new planting and also by the garages immediately to the south in the grounds of the adjoining flatted development, adjacent to where the majority of proposed parking bays are located. As stated, a key consideration of the approved scheme was that the tree line along the street edge was being maintained and, in that regard, this would remain the case.</p>
3.7.15	<p>The view within the street scene of the approved building would be similar to that of the proposed, with its setting not in Officer view detracted by potentially more cars, within bays a large proportion of which would not be prominent when viewed from the public realm. Hence the quality of the new building would remain to be appreciated and with the removal of a hole and the tarmac access ramp to the side the appearance of the building enhanced.</p>

3.7.16	As such taking into account the context of what had been permitted and what amendments are proposed, the setting of the approved building and that of the Conservation Area is not considered to deteriorate. The judgement remains that the demolition of the now former buildings on this site and the erection of this new apartment will not harm the character of the Meols Drive Conservation Area and would be acceptable both in terms of adopted and emerging planning policy.
3.7.17	In order to secure the landscaping proposed a condition in this regard is recommended alongside a management plan to ensure that the form and appearance is retained into the future.

<b>3.8 Housing</b>	
3.8.1	The amendments made to the internal layout of the flats are not considered significant and all units will remain to be dual aspects comply with National Space Standards and have direct access to private terraces and a larger communal amenity space. This is in accordance with the NPPF, Policy HS4 and Designing for Self-Contained Flats and Conversions SPD.
3.8.2 (Section 106 Agreement)	When considering the potential content of a s106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a s106 Agreement can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
3.8.3	The permitted scheme was subject to a Section106 Agreement in respect of an affordable housing contribution equivalent to a 20% Affordable Housing provision, as a commuted sum of 4% of the overall market value of the site. Any approval would be subject to a Supplemental Section 106 Agreement linking the Section 106 Agreement for the already permitted scheme to the new s73 permission and changing the affordable housing contribution to take account of the fact that 4% of the overall market value of the site has now increased from £300,000 to £316,000.

<b>3.9 Highways</b>	
3.9.1	The approved consent provided for 20 vehicle parking spaces for the residents and two visitor spaces. Following amendment, the proposal provides for 20 resident parking spaces with no specific visitor spaces. The cycle provision has been relocated to the interior of the building.
3.9.2	The Council's Highways and Traffic & Transportation teams reviewed the amended plans and raised no objections subject to the conditions previously applied. The access and exit (via gated accesses) are considered safe and placing the parking above ground is not considered to result in any material difference to highway safety over what has been approved.
3.9.3	Comment has been made in objection to the proposal concerning the potential for some cars to be damaged by tree sap and bird droppings, potentially leading to people moving cars onto the highway and causing

	<p>congestion that way. It is noted that only a small minority of cars are proposed to located below trees and the nature of this problem is not guaranteed whether on or off-site in this area where there are trees within other settings. The site is located adjacent to Wet Kirby town centre with its excellent public transport links and the provision of 20 car parking spaces is considered more than adequate for the number of flats to be built.</p>
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<b>3.10 Other Matters</b>	
3.10.1	<p>The Council's Tree Officer was consulted on the application and raised no objections to the updated Arboricultural Method Statement and Arboricultural Impact Assessment submitted with this proposal reflecting the proposed changes to the scheme. The revised layout is not too dissimilar to the approved scheme, and it is considered that the root protection measures set out in the submission reflect that previously approved and are accepted. A condition in this regard is recommended.</p>
3.10.2	<p>A number of comments were made in relation to the method of application. As set out the changes to the overall scheme are considered within the scope of what can be considered minor in the context of the scheme as a whole (i.e., the redevelopment of the site to provide a new apartment building). A full assessment of the changes is possible via a section 73 application as outlined.</p>
3.10.3	<p>Comment is made as to the proposed lighting to the development. A condition was attached to the original approval which recommended the submission and approval of a lighting strategy. This is recommended to be re-attached with a slight variation to in this is recommended to be attached to ensure the amenity of occupants and neighbours are protected and the character of the area is preserved. In terms of noise pollution the removal of the basement will have a positive impact in construction terms whilst overall noise impacts are not considered to be materially different to that of the approved scheme.</p>
3.10.4	<p>The approved scheme was subject to two conditions (6 and 13) which sought the submission and approval of full sustainable drainage design information. These conditions which did overlap, have subsequently been submitted and discharged under DIS/23/00813. United Utilities raised no objections to the revised proposal although the drainage details have not been updated. Consequently, it is considered necessary to re-impose condition 6 of the original permission and delete condition 13, the substance of which is essentially the same. The applicant will be required to have this sustainable drainage condition discharged prior to the commencement of construction works (demolition and remediation excepted). Another condition concerning a Construction and Environmental Management Plan is amended to secure compliance with the approved document. Condition no. 15 (Historic Building Recording) of the original approval was discharged under application reference: DIS/23/00799 and does not need to be re-applied.</p>
3.10.5	<p>This application is solely for the parking layout, the south elevation changes, and the internal arrangements. The building as approved (the basement access apart) is not changed. The assessment is considered primarily with the impact on the amended and expanded frontage parking</p>

	space to the appearance of the development and to the impact on the heritage asset. In that regard Officers are of the view that the scheme will not harm the character of the Meols Drive Conservation Area and is recommended for approval subject to conditions.
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<b>Summary of Decision</b>	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:-
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	The proposed amended 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 relevant conditions and a planning obligation securing a commuted sum amounting to the equivalent of 20% affordable housing for the revised scheme.
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<b>Recommended Decision:</b>	<b>That the Director of Regeneration and Place be authorised to approve the application subject to the following conditions and subject to the completion of a supplemental agreement to the existing s106 agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with section 3.82 of this report.</b>
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<b>Recommended Conditions and Reasons:</b>
<p>1. The development hereby permitted shall begin no later than 14th April 2026.</p> <p><b>Reason:</b> To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p> <p>2 The development hereby permitted shall be carried out in accordance with the approved plans by the local planning authority on 25/11/2020, 29/03/2022, 01/04/2022, and 28/11/2023 (unless otherwise stated) and listed as follows:</p> <p>22-MEOLS-SITE-101 Rev B 08-12-23 – Amended Site Plan;</p> <p>22-MEOLS-PLAN-102 07-09-23v1 – Amended Ground Floor Plan;</p> <p>22-MEOLS-PLAN-103 07-09-23v1 – Amended First Floor Plan;</p> <p>22-MEOLS-PLAN-104 07-09-23v1 – Amended Second Floor Plan;</p> <p>22-MEOLS-PLAN-111 07-09-23v1 - Amended Side (South) Elevation;</p>

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-1403 Revision P07;

22/MEOLS/SITE1003 RevA;

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-1403 Revision P07

**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 a detailed scheme for landscaping (including a management plan) has been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the proposed landscaping shall include details of the at least 20 replacement trees for those existing trees removed. The landscaping shall be carried out in accordance with the approved details before any of the apartments are occupied. 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. The development shall be constructed in full accordance with the Construction Environment Management Plan (BlueOak Estates Limited, April 2023) as discharged under application reference: DIS/23/00813.

**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 amenity, 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-batsandlighting>

**Reason:** In the interest of amenity and to preserve biodiversity and habitat in accordance with NPPF.

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 accordance with the Arboricultural Method Statement (Mulberry, Dated: 07/08/2023; Ref: MTM0016.MS/Rev E) 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. 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 National Planning Policy Framework.

#### **Informatives:**

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.

<b>Last Comments By:</b>	07-10-2023
<b>Expiry Date:</b>	12-December-2023

