

<b>Planning Committee</b>	<b>14<sup>th</sup> March 2024</b>
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<b>Reference:</b>	<b>PS Development Code</b>	<b>Case Officer:</b>	<b>Ward:</b>
RVC/23/01413	Q01 - Major Dwelling	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
<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. 54 individual separate objection letters received, exceeding committee referral threshold of 15, and the subject application is recommended for approval</li> </ol>
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**Site Plan:**



<b>1. Development Plan designation:</b>	Primarily Residential Area Meols Drive Conservation Area Density and Design Guidelines Area
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<b>2. Planning History:</b>	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. APPROVED - 14 April 2023
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<b>3. Summary of Representations and Consultations Received:</b>
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<b>3.1 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.
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<b>3.2 Summary of Representations</b>	<p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 40 notification letters were sent to neighbouring properties on 14<sup>th</sup> September 2023 and a site notice, and a press notice posted. In response, 24 representations objecting to the application were received. Comments made within submitted representations are summarised below: <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 8.3</i>).</li> <li>• The proposed large surface level car park is not consistent with preserving the historic character and setting of the Conservation Area where large plots benefiting from well planted front gardens are common (<i>section 8.3</i>).</li> <li>• Design and loss of parking provision will likely compromise existing parking pressure and add to traffic congestion (<i>section 8.5</i>).</li> <li>• Scheme should not compromise emerging Local Plan policy on Conservation Areas (<i>section 8.3</i>)</li> <li>• Scheme represents over-development (<i>section 8.3</i>)</li> <li>• Extensive surface parking will impact on surface water drainage (<i>section 8.6</i>).</li> <li>• Potential issue of cars parking under trees with sap, leaves etc persuading occupants to park elsewhere (<i>section 8.5 &amp; 8.6</i>).</li> <li>• Hard surfacing may prejudice longevity of trees on the site (<i>section 8.6</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 8.3</i>)</li> </ul>
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- Trees have been removed from the site to facilitate the car park to the front (*section 8.3*)
- Additional noise from site from the development (*section 8.6*)
- How will this area be lit – light pollution is possible (*section 8.6*)
- Windows in south elevation appear to be larger (*section 8.2*).
- The submitted plans and elevations do not appear to be drawn to scale and that there are not sufficient dimensions included (*section 8.10*).
- Increased security issues to the front with no gates (*section 8.5*)
- Historic England had issues with the previous small car park to the front and would undoubtedly have greater issue with this proposal (*section: Consultations & 8.3*)

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 to limit cost not to limit disruption as the applicant claims.
- Talk of discussions with Planning Officers about s73 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*).

Following the discovery of inaccuracies with scale bars on submitted plans which could potentially result in misleading detail, particularly if printed, a further public consultation was undertaken on 18<sup>th</sup> January alongside a Press Notice and Site Notice. In response to this exercise a total of 15 comments, many from previous objectors were made. A summary of those representations is set out below (*the relevant portion of the report where each matter is addressed is noted in italics*):

- Original submission showed that the proposed building was built to the height of the neighbouring Leylands at 12.3m, and height now given is 13.4m (*section 8.6*)
- Having 20 car parking spaces to the front of the property is against spirit of Meols Drive Conservation Area and would have a negative impact on streetscene (*section 8.3*)
- Concerns with the size of car parking spaces, not meeting with SPD standards and the true size of modern cars. Any overspill would add further congestion in an area subject to pressures relating to local schools. (*section 8.5*)
- Removal of direct front garden access for residents (*section 8.4*)
- No Geotechnical Survey supplied (*section 8.6*)
- Committee report of previous submission states (para 3.6.15) that ‘the proposal is no greater in height than the ridge height of the existing apartment block to the south’. This statement is untrue and misled the Planning Committee (*section 8.6*)
- Scale of building proposed too big and will negatively impact on Conservation Area (*section 8.3 and 8.6*)
- Loss of planted front garden is contrary to a key Meols Drive Conservation Area characteristic (*section 8.3*)
- Officers have ignored previous comments from Historic England to restrict car parking to the front (*section 8.3*)
- Scheme will cause substantial harm to this heritage asset (*section 8.3*).
- Deficiencies with the transport statement produced. Data is limited and out of date and not reflective of what’s proposed (*section 8.5*)
- Comments have been made that operative wording of the initial application was deficient due to the omission of the demolition of the historic Edwardian coach house and conservatory from the operative wording of the application. If the operative wording of the original application was deficient and did not properly describe the development, then it is an unsound basis for this s73 application, and a full planning application should be requested by the Council (*section 8.2*).
- The Chair of the Planning Committee asked a question of the applicant’s representative at the 4th August 2022 meeting about the height of the building. The clear impression gained from the response is that the building is smaller than the original proposal (*section 8.6*).
- The Planning Committee was not in full possession of all material facts when it considered the proposal in August 2022 and that this should be brought to their attention when considering this s73 application. (*section 8.6*)
- The Planning Committee should have sight of the full policies in analysis presented to committee (*Officer comment: the full suite of policy documents is quoted within the report and the text of which are fully available to members*).
- This Section 73 application creates a whole new planning permission separate from the original planning permission so all factors, including the scale of the proposed building and its setting in the Conservation Area, must be taken into consideration by the Planning Committee in making their

	<p>decision (section 8.2 &amp; 8.6).</p> <ul style="list-style-type: none"> <li>• The development is 9% higher than the building to the South and approximately 15% higher than its nearest neighbour Roseacre to the north (section 8.2 &amp; 8.6).</li> <li>• A s73 application should be subject to the national validation requirements including the submission of a Design and Access Statement (<i>Officer comment: This is not correct. As set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, paragraph 7c, s73 applications are not subject to national validation requirements.</i>)</li> <li>• Local validation requirements should apply, Item 2 - Photographs, Photomontages &amp; 3D Visualisations; are required for any "development within or affecting the setting of a conservation area or a listed building". (<i>Officer comment: LPA <u>can</u> require that information to be submitted with an application, not that it <u>must</u> require it and a proportionate approach to validation is taken by Officers. In this case as scale and mass of the building is not being considered and there are no changes to the boundary treatment, such detail is not required to enable a full assessment as supported by paragraph 38 of Planning Practice Guidance.</i>)</li> <li>• Application being processed with undue haste being submitted and validated on the same day. This appears to be more than a coincidence (<i>Officer comment: The application is subject to a Planning Performance Agreement, a standard approach to provide a project management framework for applications throughout the country and encouraged in the NPPF.</i>)</li> <li>• The error with the scale bars only revealed at Planning Committee indicated that Officers had not bothered to review the plans (<i>Officer comment: As noted at Committee the scales (1:100 and 1:200) shown on the drawings matched the ratio tool when inputted into the PDF documents. Only the scale bars were incorrectly measured, an error spotted by a member of the public printing and then using the scale bar as a reference point to measure the drawings. Plans have now been corrected and steps have been taken to make officers aware of the issue in order to prevent future occurrences.</i>)</li> <li>• No electric vehicle charging points are shown on the plans (<i>Officer comment: Not a planning requirement however, electric vehicle charging will be provided in line with Government requirements set out in the Building Regulations i.e. Building Regulations 2010, Infrastructure for the charging of electric vehicles, Approved Document S, 2021 edition</i>)</li> </ul>
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	<p><b><u>CONSULTATIONS</u></b></p> <p>Received:</p> <p><b>MEAS:</b> No changes to previous MEAS comments on the approved</p>
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application.

**United Utilities:** No objections. Informatives requested.

**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 heritage objections raised to the proposal. The changes are of a scale and nature that result in a development which is not substantially different to the one which has been approved. The revised plans do not deviate from the approved plans in a way which would cause harm to the setting of the conservation area and nearby designated and non-designated heritage assets.

**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

	<p>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> <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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<b>4. Site and Surroundings</b>	
4.1	The application site is the now cleared ground which formerly comprised

	<p>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>
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<b>5. Proposed Development</b>	
5.1	<p>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'.</p>
5.2	<p>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 permitted development proposed the felling of 22 trees the planting of 9 replacement trees plus a hornbeam hedge and other landscaping with 38 trees being retained. The scheme as now proposed retains 41 trees, and plants 20 new trees.</p>
5.3	<p>The proposed changes to the approved planning permission 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.</p>
5.4	<p>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.</p>
5.5	<p>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.</p>
5.6	<p>The scale, siting, form and appearance of the building is not changed</p>



	<p>from the approved planning permission 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, and there are no significant material policy changes or alterations to the site context since the date of original consent to require any change to the outcome of the previous assessment of the approved development save in relation to the proposed s73 amendments.</p>
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<b>6. Development Plan</b>	
6.1	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <ul style="list-style-type: none"> <li>• HS4 Criteria for New Housing Development</li> <li>• GR5 Landscaping and New Development</li> <li>• GR7 Trees and New Development</li> <li>• NC2 Sites of International Importance for Nature Conservation</li> <li>• NC3 The Protection of Sites of National Importance for Nature Conservation</li> <li>• NC7 Species Protection</li> <li>• CH2: Development affecting Conservation Areas</li> <li>• TR9 Requirements for Off-Street Parking</li> <li>• TR10 Cycle Routes Proposal</li> <li>• TTR12 Requirements for Cycle Parking</li> </ul>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18<sup>th</sup> July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>

<b>7. Other Material Planning Considerations</b>	
7.1	<b><u>The National Planning Policy Framework (2023)</u></b>

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 - Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

7.2

**The Emerging Local Plan**

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 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 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. Hearings commenced in April 2023 and concluded in November 2023. The local plan and supporting evidence base can be viewed online at [www.wirral.gov.uk/lpexam](http://www.wirral.gov.uk/lpexam)

As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision-making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:

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

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).”

The following emerging plan policies are relevant to the determination of this planning application:

WS1; WS2; WS3; WS5; WS6; WS7; WS8; WS9; WS10; WP 6.1D;

	WD1; WD2; WD3; WD4; WD6; WD14; WD18; WM6.
7.3	Wirral Supplementary Planning Document 2: Designing for Self-Contained Flat Development and Conversions (2006)  Wirral Supplementary Planning Guidance 4: Parking Standards (2007)
7.4	Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)  <b><u>Conservation area appraisals</u></b>  - Meols Drive Conservation Area Appraisal (2004)

<b>8. Assessment</b>	
8.1.1	The main issues pertinent in the assessment of the proposal are; <ul style="list-style-type: none"> <li>• Principle of development.</li> <li>• Effect On Meols Drive Conservation Area.</li> <li>• Housing</li> <li>• Highway safety, and</li> <li>• Other Matters</li> </ul>

<b>8.2 Principle of Development</b>	
8.2.1	Section 73 of the Town and Country Planning Act 1990 allows applications to be made to the Local Planning Authority to vary or remove conditions associated with an unexpired planning permission (APP/20/01716 has a three-year limit extending until 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, amend the internal layout and to pick up an inconsistency in the approved plans. As such the operative part of the permission as set out in the decision notice dated 14 <sup>th</sup> April 2023 (i.e. 'Demolition of the existing dwellings on site and erection of a residential apartment building (Use Class C3) with associated parking, landscaping and access'), is not being altered and the planning merits of the proposed changes can be assessed in full.
8.2.2	The approach taken in dealing with such amendments is wholly in line with planning legislation. The application is not seeking to amend the dimensions of the building already permitted, save to regularise the south elevation inconsistencies identified. The form of the building including its other elevations, the roof, footprint and the appearance are not subject to change and remain as permitted, with consideration in this assessment of those elements limited primarily to what impacts the

	proposed amendments would have on the already consented scheme.
8.2.3	The principle of development 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.

<b>8.3 Effect on Meols Drive Conservation Area</b>	
8.3.1	In determining this application, the statutory duty of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas is to be considered.
8.3.2	NPPF Paragraph 205 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 206 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 207 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.
8.3.3	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.
8.3.4	Emerging Policy WD2.1 of the Local Plan 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 of the Local Plan 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 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

	<p>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>
8.3.5	<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>
8.3.6	<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>
8.3.7 (Assessment)	<p>As regards the south elevation changes, the applicant is seeking to 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. Alongside this, the original approval drawing of this 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>
8.3.8	<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 extant planning permission retained 38 trees on the site, looked to fell 22 and to plant 9 new trees along with other landscape enhancements including a hornbeam hedge, thereby encouraging increased biodiversity and</p>

	having a more positive change in climate change terms. A significant proportion of the retained trees were along the road frontage.
8.3.9	This application seeks to relocate the parking from basement to ground level, situated to the front of the building with one group of twelve (six tandem spaces) sited towards the southeast boundary 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 are proposed to be formed of '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 by almost 114sqm 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.
8.3.10	In terms of the approved development, Council Officers previously considered that the development was of quality and would both preserve and 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 that 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. In addition, views of the side elevation would not likely have a prominent impact in the street scene given the extensive tree planting.
8.3.11	Objections have been received in terms of the impact the additional parking would have the Conservation Area, some referencing Historic England comments on the approved development to support those claims. During the course of the original consultation exercise, Historic England, provided two comments. The former dating from January 2021 confirmed that they held no objection on heritage grounds to the initially submitted scheme with suggested design improvements that, would allow the development to " <i>sit more comfortably within its setting and better reflect the character of the area</i> ", 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. The suggested amendments included the relocation of parking spaces to the basement; reducing the width of the building, limiting the loss of green space and trees and side elevation design treatment. Following amended proposals which formed the basis of the approved scheme saw reduction to the mass of the building, the removal of garages to the front of the building and more articulation, Historic England again raised no objection but maintaining concerns with building location; loss of green space and trees and with the side elevations.
8.3.12	This proposal revises the approved landscaping layout, and in this regard, measurements have been taken to study the differences in site

	<p>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. 36 sqm 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>
<p>8.3.13</p>	<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 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 significant improvement compared to the approved scheme 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. Taking these aspects together, it is considered that this proposal provides tangible benefits through additional greening and domestication of the space, over that of the approved and implementable layout.</p>
<p>8.3.14</p>	<p>However, whilst the numbers of vehicles associated with the site would be comparable to what is approved, the presence of potentially an additional 14 parked cars to the front of the building could reasonably be considered to have an impact on setting, depending of course on how many vehicles were present on the site consistently. In this regard, 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>
<p>8.3.15</p>	<p>Reference has been made by neighbouring residents to the comments by Historic England particularly those concerning landscaped front gardens to the front of houses and as cited within the Conservation Area</p>

	<p>Appraisal. For the reasons outlined above, namely the retained and enhanced tree coverage, the view within the street scene of the approved design would, it is felt, be similar to that of the proposed, with the presence of potentially more cars on-site having limited visibility in the public realm.</p>
8.3.16	<p>The Conservation Area Appraisal notes that in the Meols Drive Zone where this site is located the properties are set well back within their spacious building plots, the buildings being closer to the golf course at their rear than to Meols Drive. The house frontages are often obscured from the road by trees and shrubberies in the long front gardens. Despite more recent developments (since the 1970s), 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. Paragraph 6.1 goes on to say that typical features of the area incorporate generous gardens well planted with trees and shrubs. Very few houses have sacrificed their gardens for car parking. Most houses are at least partially screened on all sides by trees and hedging.</p>
8.3.17	<p>This site lies in between two flatted blocks on the western side of Meols Drive, the one to the south located forward of the building line of the properties to the north (including the proposed structure). Both the flatted developments have areas of car parking and tarmacked surfacing ahead and to the side of the buildings and both benefit from less tree coverage than would be provided in this instance. To the south and less than 60 metres from this site is a noticeable parking area front of the building line in connection with the dental practice. Moreover, the building opposite this one, West Kirby School has in excess of 35 car parking spaces to the front of the building, a building which is recorded within the Appraisal of being one of “<i>particular interest or value</i>”. The setting of the latter in part being preserved by the strong tree line to the frontage. Hence, whilst it is clear that properties north of Roseacre share a consistent townscape appearance, the characterisation set out in the Appraisal of properties set behind deep gardens with trees is not evident in the context of its immediate setting and as such the introduction of car parking would not in this particular circumstance be felt to be acute or harmful. Indeed, the placement of the building set back from the road frontage and the retention of trees plus some more to be planted, will serve to preserve the character of the Conservation Area.</p>
8.3.18	<p>Overall, the quality of the new building would remain to be appreciated and with the removal of a hole and the tarmac accessed ramp to the side the appearance of the building would be enhanced. The form of development is considered to be reflective of the site’s edge of town centre character and the approach taken is thought to be appropriate to this setting and in particular, the spacious character of Meols Drive will continue to be retained.</p>
8.3.19	<p>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 as a result of this amendment. Historic England were consulted on the case and responded with no comments and the judgement remains that the demolition of the now former buildings on this site and the erection of</p>



	this new apartment block will not harm the character of the Meols Drive Conservation Area and would be acceptable both in terms of adopted and emerging planning policy.
8.3.20	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>8.4 Housing</b>	
8.4.1	The amendments made to the internal layout of the flats are not considered significant and following the changes all units will remain to be dual aspect, comply with National Space Standards and continue to have direct access to private terraces and the larger communal amenity space. This is in accordance with the NPPF, Policy HS4 and Designing for Self-Contained Flats and Conversions SPD.
<b>8.4.2 Section 106 Agreement</b>	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.
8.4.3	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>8.5 Highways</b>	
8.5.1	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.
8.5.2	The Council's Highways and Traffic & Transportation teams reviewed the amended plans, including the size and location of parking spaces which meet the minimum sizes of 4.8m by 2.4m and also the submitted Transport Statement and the data that informed it. They raised no objections to the material submitted or the scheme in general, 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.

8.5.3	<p>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 congestion that way. It is noted that only a small minority of cars are proposed to be 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 West Kirby town centre with its excellent public transport links and the provision of 20 car parking spaces is considered more than adequate in this location. Indeed, there is no guarantee that all would be utilised, but the quantum reflects the approval and creates potential allowances for visitors to park on-site as well as residents.</p>
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<b>8.6 Other Matters</b>	
8.6.1	<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>
8.6.2	<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>
8.6.3	<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 it. 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>
8.6.4	<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, were subsequently submitted and discharged under DIS/23/00813. Following recent consultation United Utilities raised no objections to the revised proposal and therefore said these conditions do not need to be re-imposed. Another condition concerning a Construction and Environmental Management Plan is amended to secure compliance with the since approved condition 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>
8.6.5 ( <i>Comments made following January 2024</i> )	<p>Comments have been raised in connection with approved development, notably in respect to references to scale when the scheme was presented at Planning Committee in August 2022. In this regard,</p>

<i>consultation)</i>	members of the committee were presented with sufficient information to enable them to make an informed decision as to the merits of granting planning permission for the proposed building.
8.6.6	Objections to how the previous application was handled are not relevant to the consideration of this application. Planning permission has been granted for the erection of the building and this application proposes no change to its siting, scale, or external appearance.
8.6.7	The application is not supported by a geotechnical report. It is not considered necessary in order to assess this proposal or to justify no basement parking
8.6.8	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 space to the appearance of the development and to the impact on the heritage asset. In that regard the impact of the proposals would not cause harm to the significance of the Conservation Area whilst also creating additional quality housing provision. Therefore, is recommended for approval subject to conditions and a supplemental section 106 agreement.

<b>9. Summary of Decision (planning Balance)</b>	
9.1	Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice and emerging Local Plan. In reaching this decision the Local Planning Authority has considered the following: -
9.2	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 and it would constitute a sustainable form of development in accordance with the NPPF aspirations. As such the development accords with the objectives of Wirral's Unitary Development Plan, Joint Waste Local Plan for Merseyside and Halton, emerging Local 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.

<b>10. Recommended</b>	That the Director of Regeneration and Place be authorised to:
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**Decision:**

- (1) 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 sections 8.4.2 and 8.4.3 of this report.
- (2) refuse the application in the event that a satisfactory supplemental section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall begin no later than 14th April 2026.

**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 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:

22-MEOLS-SITE-101 Rev C – Amended Site Plan;  
22-MEOLS-PLAN-102 Rev A– Amended Ground Floor Plan;  
22-MEOLS-PLAN-103 Rev A– Amended First Floor Plan;  
22-MEOLS-PLAN-104 Rev A– Amended Second Floor Plan;  
22-MEOLS-PLAN-111 Rev A - Amended Side (South) Elevation;  
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. 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.

7. 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.

8. 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.

9. 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).

10. 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.

11 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 the NPPF and UDP Policy GR7.

12. 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.

13. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 22-MEOLS-SITE-101 Rev C – Amended Site Plan. The parking and servicing areas shall be retained as such thereafter.

**Reason:** To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

**Informatives:**

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.

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.

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.

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, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance of the system.

<b>Last Comments By:</b>	10-02-2024
<b>Expiry Date:</b>	12-December-2023

