

**Planning Committee**

**21 April 2022**

**Reference:**  
**APP/21/00070**

**Area Team:**  
**Development  
Management Team**

**Case Officer:**  
**Mr A Siddall**

**Ward:**  
**New Brighton**

**Location:** Hollins Hey Hotel, 191 VICTORIA ROAD, NEW BRIGHTON, CH45 0JY

**Proposal:** PROPOSED DEMOLITION OF THE EXISTING HOLLINS HEY HOTEL AND ERECTION OF 14 NEW BUILD APARTMENTS (Public consultation following plans and supporting information received December 2021)

**Applicant:** Mr D Bowden  
**Agent :** Andrew Smith Architects LTD

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Hollins Hey Hotel, 191 VICTORIA ROAD, NEW BRIGHTON, CH45 0JY  
Application Type: Full Planning Permission  
Proposal: Demolition of existing hotel and replacement with 14 no. apartments and associated car parking

Application No: APP/17/01387  
Decision Date: 23/05/2018  
Decision Type: Refuse

Location: Hollins Hey Hotel, 191 VICTORIA ROAD, NEW BRIGHTON, CH45 0JY  
Application Type: Full Planning Permission  
Proposal: Proposed demolition of existing hotel and replacement with 14 no. apartments and associated car parking

Application No: APP/18/01443  
Decision Date: 01/05/2019  
Decision Type: Refuse

**Appeal Details**

Application No	APP/18/01443
Appeal Decision	Dismissed
Appeal Decision Date	30/01/2020

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS**

2.1 Having regard to the Council's guidance on publicity for planning applications, statutory public consultation on this scheme took place between 25 January 2022 and 2 March 2022 by way of direct neighbour notification to 136 nearby addresses, site notices posted to Victoria Road and Albion Street, and press advertisement. An earlier period of direct neighbour consultation on an incomplete set of application documents took place between 22 September and 17 October 2021 and the replies received to this earlier consultation have been considered and included within the overall totals.

**REPRESENTATIONS**

Over the two consultation periods a total of 59 individual representations have been received of 33 are in objection and 24 are in support with two general comments neither in support or objection. The material planning considerations raised can be summarised as follows:

**OBJECTIONS**

1. The scheme would result in the loss of a characterful historic building which should be converted for a new use rather than demolished;
2. The proposed development is generic in appearance and does not respond to local character and history;

3. The development does not include any affordable housing;
4. The proposed scheme would be overbearing and overshadowing to neighbouring properties;
5. The scheme does not provide a sufficient number of car parking spaces. This would lead to overspill parking on Albion Street to the detriment of highway safety and existing residents;
6. The surrounding area has insufficient infrastructure to support additional apartments;
7. Noise and disturbance arising from demolition and construction would be harmful to the amenity of neighbouring householders;
8. Noise and disturbance arising from vehicles manoeuvring within the car parking area will be detrimental to the amenity of neighbouring householders;
9. Wildlife will be harmed through the loss of trees and bat habitat;
10. Demolition rather than the conversion and retrofitting is out of step with the Council's climate emergency declaration;
11. There is a lack of clarity on the provision to be made for bicycle and refuse storage; and
12. The reasons for dismissal of the earlier appeal have not been overcome. The development remains prominent in the street scene and uses inappropriate materials.

### SUPPORT

1. The existing building is in disrepair and detracts from the character of the area;
2. The redevelopment of urban brownfield sites should be supported as it reduces pressure on the Green Belt;
3. The proposed apartment building will improve the character of the area;
4. The development would make a positive contribution to the wider regeneration of New Brighton;
5. The developer's investment in new apartments in New Brighton is welcomed; and
6. The site has been subject to vandalism and risks further instances of anti-social behaviour the longer it is left empty.

### GENERAL COMMENTS

- 1, Whilst not objecting to the redevelopment of the site for housing, a preference is expressed for the retention and conversion of the existing building rather than replacement; and
2. Whilst not objecting to the redevelopment of the site the amendments seem to have reduced the usable space of occupiers of the apartments and the planning system has not resulted in an optimisation of the scheme.

### CONSULTATIONS

**Environmental Health** - No objection.

**Highways** - The proposals are all contained within a private boundary and do not impact on the adopted highway to any great extent. The level of on-site car parking is in accordance with the SPD4 maximum standards and provides one space for each of the apartments. The visibility splay on to Albion Street with the proposal to widen the access is satisfactory. It is considered that if a vehicle has to wait within Albion Street whilst a vehicle from the development exits, that this will not cause a significant obstruction to through travelling traffic due to the wide carriageway of Albion Street.

It is unlikely that the proposals will generate a significant level of traffic over and above that which the former use of the building as a Hotel could have generated and it is therefore considered to have no material impact on the highway, as such there are no objections to the proposal.

A construction management plan is required to ensure that the demolition and construction

processes are carried out without causing any significant disruption to adjacent neighbours and businesses.

It is noted that the bin storage and cycle parking details have not been included within the submission, these details must be submitted for the approval of the LPA prior to the apartments becoming occupied and that a planning condition setting out these requirements is required.

The necessary works to the footway of Albion Street to create the widened vehicular access would require an informative.

**Housing** - As the scheme is a major application and proposes more than 10 units, affordable housing is required at a target of 20% of total units. It has subsequently been agreed that Vacant Building Credit is applicable to this site.

**Lead Local Flood Authority** - No objection subject to conditions to secure the final detailed foul and surface water drainage design and arrangements for its subsequent operation and maintenance.

**Merseyside Environmental Advice Service** - The application is in close proximity to statutory designated nature conservation sites and a Habitat Regulations Assessment concludes that likely significant effects on these sites could be expected. An Appropriate Assessment confirms that these effects can be avoided through mitigation measures which can be subject to condition.

The building has low bat roost suitability and an emergence survey to determine whether bats are using the building is required prior to determination to enable appropriate mitigation measures to be devised should bat use of the building be confirmed. Other ecological impacts can be avoided through the use of conditions.

**Natural England** - Natural England have been consulted, as required, on the outcome of the Appropriate Assessment carried out by MEAS. The response to the consultation is expected prior to the committee meeting and members will be updated at the meeting.

**Urban Design** - The projecting side windows to the second bedrooms are an unusual feature but they are considered to be acceptable. They are well set back from the main building elevations and allow for these rooms to receive light and a view without the potential for overlooking into adjoining gardens. The full height windows to the north or south will make the rooms feel much lighter and spacious than smaller windows to the side.

The gables allow for a more interesting roofline and the window openings incorporating winter gardens (an external terrace at first floor) will make the apartments much more liveable spaces. The window dimensions are also varied, which gives some hierarchy to the elevations.

Render, in exposed locations can quickly become denuded and patinated unless there is a strong maintenance regime and contrasting brick is a better option, although the tone and texture will matter to address the large expanse of uninterrupted elevations to the side.

Overall, the scheme incorporates a number of suggestions made at earlier stages and it is now a much better proposal than the one originally submitted.

**Wirral Wildlife** - An updated preliminary bat roost assessment is required as the one first submitted with the scheme is out of date. The building should also be inspected for nesting birds with demolition only being carried out following this inspection. The biodiversity value of the site should be enhanced through the landscaping incorporating native tree and shrub species with flowering perennial species to provide a pollen and nectar source for invertebrates. Where possible, bird and bat boxes should be erected.

**Natural England** – Natural England have been consulted, as required, on the outcome of the Appropriate Assessment carried out by MEAS. No objections are raised subject to appropriate mitigation being secured which should comprise the provision of an advisory leaflet which explains the sensitivities of the nearby designated sites, promotes the use of nearby Suitable Alternative Natural Greenspaces (SANGs) and includes a ‘responsible user code.’ An appropriate planning condition or obligation should be attached to any planning permission to secure these measures.

No responses to the consultation were received from Wallasey Civic Society or the Wellington Road Conservation Area Advisory Group

### **3.1 Reason for referral to Planning Committee**

3.1.1 Under the terms of the Planning Scheme of Delegation, as this application is recommended for approval and has received more than 15 individual representations in objection it falls to be determined by the Planning Committee.

### **3.2 Site and Surroundings**

3.2.1 Hollins Hey is a substantial late-Victorian building originally constructed as a dwelling and latterly in use as a hotel prior to becoming vacant. The building is set over three storeys with additional cellar and roof space accommodation and is finished primarily in red brick with stone window surrounds and detail below a dual pitched slate covered roof with projecting gables. The building has been altered during its life as a hotel with dormer windows to the front and rear and a ground floor function room extension to the north, constructed approximately 20 years ago. The original principal elevation of the building faces north, towards Victoria Road behind lawned gardens with pedestrian access. Vehicular access is taken from Albion Street to the south with associated parking and turning space. Ground levels rise to the south so that the building presents as three storey to the north elevation and two storey to the south elevation, albeit with generous floor to ceiling heights.

3.2.2 The building is earlier in date than its immediate neighbours and much more substantial in scale. To either side, with their principal elevations facing north and fronting Victoria Road are two-storey semi detached dwellings of suburban form in brick and render below clay tiled roofs. These dwellings are set back from the road behind gardens and parking areas and are elevated above the highway as a result of the rising ground. They have enclosed rear gardens abutting the site. A building of more comparable age and scale sits to the east 199/201 Victoria Road, whilst the site of the former Hotel Victoria has been redeveloped within the past 20 years with a flat roofed apartment complex of 2, 3 and 4 storeys in height in a mix of brick and coloured render. Similar larger scale apartment development has taken place to the north, adjacent to New Brighton Railway station which sits on lower ground to the north side of Victoria Road.

### **3.3 Proposed Development**

3.3.1 Full planning permission is sought for the demolition of the existing building and the redevelopment of the site with a single building containing 14 apartments over four storeys to the north and three storeys to the south with the top floor accommodation partially contained within the roof space. The building would not exceed the ridge height of the existing and would sit predominantly on the footprint of the current but extend further to the east and south than at present, with a reduction in built form against the western boundary of the site. The principal access to the site would be gained from the existing access point off Albion Street which would be widened, and parking would be provided within the site on the basis of 1 space per apartment. Pedestrian access would also be gained from Victoria Road as at present. The access to the apartments would be from the south elevation, with gardens provided to the north. The building would be finished in contrasting brick below a series of tiled gabled roofs with the main outlook from the apartments being to the north and south via winter gardens and external terraces.

- 3.3.2 The application is the third revision of a scheme which has been refused planning permission twice, firstly in 2018 and then in 2019 with the second of these subsequently dismissed at appeal in 2020. Those schemes were refused principally on the basis of their form and appearance, considered detrimental to the character of the area and their adverse impact on residential amenity amongst other technical matters. Those schemes were broad in plan, seeking to maximise views from all apartments over the waterfront to the north which led to heavily glazed, flat roofed designs. These were found to be at odds with the character of the area and unduly prominent in the street scene and the 2020 appeal was dismissed on this basis. However, the Inspector found no conflict with the development plan in respect of the impact on amenity at neighbouring dwellings, whilst technical matters relating to the impact on bats could be addressed through the use of conditions. The scheme now submitted seeks to address the design and visual amenity concerns leading to the previous refusals and dismissal at appeal.

### **3.4 Development Plan**

- 3.4.1 The development plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) and policies of the Merseyside and Halton Joint Waste Local Plan (2013). The following policies are relevant to the consideration of this application and the full text and supporting justification can be found on the Council's website.

#### Wirral Unitary Development Plan Part 1 Strategic Policies

URN1 - Development and Urban Regeneration  
URN2 - Planning Agreements for Urban Regeneration  
HSG2 - Affordable Housing  
NCO1 - Principles for Nature Conservation  
TRT3 - Transport and the Environment

#### Wirral Unitary Development Plan Part 2 Policies

HS4 - Criteria for New Housing Development  
HS6 - Principles for Affordable Housing  
GR5 - Landscaping and New Development  
GR7 - Trees and New Development  
NC1 - The Protection of Sites of International Importance for Nature Conservation  
NC3 - The Protection of Sites of National Importance for Nature Conservation  
NC7 - Species Protection  
TR9 - Requirements for Off-Street Parking  
TR12 - Requirements for Cycle Parking

#### Merseyside and Halton Joint Waste Local Plan Policies

WM8 - Waste Prevention and Resource Management  
WM9 - Sustainable Waste Management Design and Layout of New Development

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

- 3.5.1 The National Planning Policy Framework (2021) is a material consideration in planning decisions, as are the contents of any relevant supplementary planning documents or guidance notes. The following are considered relevant to this application and the full text of the National Planning Policy Framework can be found at [www.gov.uk](http://www.gov.uk) whilst the text of supplementary planning documents can be found on the Council's website.

#### National Planning Policy Framework

Section 5 - Delivering a Sufficient Supply of Homes  
Section 8 - Promoting Healthy and Safe Communities  
Section 9 - Promoting Sustainable Transport

Section 11 - Making Effective Use of Land  
Section 12 - Achieving Well-Designed Places  
Section 14 - Meeting the Challenge of Climate Change, Flooding, and Coastal Change  
Section 15 - Conserving and Enhancing the Natural Environment

Supplementary Planning Documents/Guidance

SPD2 - Designing for Self-Contained Flat Development and Conversions (2006)  
SPD4 - Parking Standards (2007)

3.5.2 Emerging Local Plan

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

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

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

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

**3.6 Assessment**

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

- Principle of development;
- Design, Visual Amenity and the Character of the Area;
- The amenity of existing neighbours and potential future occupiers;
- Access, Parking and Servicing;
- Ecology and Biodiversity;
- Affordable Housing Provision;
- Other Material Considerations; and
- Planning Balance and Conclusion

3.7 Principle of Development:

3.7.1 The application site falls within a Primarily Residential Area as defined on the Unitary Development Plan proposals map. Within such area the Local Planning Authority accepts, in principle, proposals for new housing development subject to compliance with saved policy HS4 of the Unitary Development Plan and any other relevant development plan policy and material considerations.

3.7.2 The existing building is not a designated heritage asset as it does not comprise a scheduled ancient monument nor is it a listed building. The site does not fall within a Conservation Area, Registered Park and Garden, or World Heritage Site. Consequently the building does not benefit from any statutory protection from demolition. The Local Planning Authority has not identified the building as a non-designated heritage asset. It is

not recorded on the Merseyside Historic Environment Record and there is no published local list of buildings of historic significance. This view is consistent with that expressed by the Council in the appeal against the refusal of the previous application and as such there is no planning policy objection to the demolition of the existing building and the redevelopment of the site.

### 3.8 Design, Visual Amenity, and the Character of the Area

- 3.8.1 Saved UDP policy HS4 supports new residential development in primarily residential areas subject to the development being of a scale which relates well to surrounding property, in particular with regard to existing densities and form, and does not otherwise result in a detrimental change in the character of the area. The Council's 2006 SPD on Self-Contained Flat development expands upon policy and, amongst other matters, expects new development to relate well to geography and history of the place, sit happily within the pattern of existing development, respect the scale of neighbouring buildings, and use materials which are as high, or of higher quality than those used in existing buildings. In some cases a successful project can create new views and juxtapositions which add to the variety and texture of the setting. In respect of building lines, the SPD advises that where there is variety, an overall average should be determined to set the limit of an acceptable footprint.
- 3.8.2 The National Planning Policy Framework at section 12 seeks to achieve well designed places with paragraph 130 setting out core design principles. New development should, amongst other matters be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and it should be sympathetic to local character and history (including the surrounding built environment) whilst not preventing or discouraging appropriate innovation or change. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to respect local design policies and Government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 3.8.3 In dismissing the appeal into the previous refusal of planning permission, the Inspector concluded that the scheme failed to comply with the requirements of saved UDP policy HS4 and the recommendations of SPD2, with particular reference to ensuring developments are sympathetic to local character. The Inspector raised a number of objections:
- a. That irrespective of details of design, the visual impact of bringing the bulk of the built form forward of the existing building would be significant when viewing the building in the context of the neighbouring properties and wider streetscape, particularly given the topography of the area which would accentuate the dominance of the appeal proposal within the street scene,
  - b. That there was no discernible relationship between the balconied five floors of flatted development and the neighbouring properties, which have clearly differentiated elements of ground floor, first floor and roof space, and the appeal proposal would read as a discordant element in the street scene, alien in this context.
  - c. That the discordant aspect was accentuated by the use of materials such as light brick and concrete style white render which have little direct link to the immediate area. This, along with the use of large areas of fenestration would not overcome the lack of meaningful articulation in the proposed development, whilst the use of reflective glass balconies would appear flat and incongruous rather than providing for a positive juxtaposition of design styles and materials and would draw attention to the flats. Notwithstanding this, the Inspector noted that alternative modern designs and use of contemporary materials would not necessarily be contrary to saved policy HS4 of the UDP.
- 3.8.4 There are fundamental differences in design between the scheme dismissed at appeal, which drew its influences from the 1930s Portland Court on Wellington Road in terms of

form, appearance, and materials, and the scheme now presented which has been revised with advice from the Council's urban design consultant:

a. The development has been reduced to four floors rather than five when viewed from Victoria Road. This has been achieved by omitting any excavation of the site and setting the ground floor levels of the building at the same level as the existing hotel, with the ridge line not exceeding the ridge height of the existing hotel. The overall height of the building remains the same as previously proposed;

b. The elevations of the building are much better articulated with clear definition between different floors of the building through the use of materials, fenestration and detailing. There is a clearer relationship between the floor levels of the building and those of the adjacent dwellings. There is much better depth to the elevations through the use of projecting gables and deeply recessed glazing to the terraces set behind a railing balustrade rather than glass. The overall ratio of wall to glazing has improved to give the building a much more solid appearance; and

c. Crucially the roof form of the building has altered from flat to a series of gables which significantly improves the vertical emphasis of the building, grounding it in the site and reduces the massing of the roof form, softening its bulk and responding much more appropriately to the surrounding context.

3.8.5 The external materials remain of brick, which is an appropriately contextual construction material, with the existing building being constructed predominantly in this material. The use of render has been omitted with the upper floor of the building to be delineated in a lighter, contrasting brick, which will seek to complement the contrast of the brick and render to the adjacent buildings. This use of contrasting brickwork, which was not present in the refused scheme (it was to be all in a single tone) will assist with lightening the visual massing of the building and have better durability than render, which can be subject to staining and patination in exposed locations. Careful control over the texture and tone of the brickwork will be needed to ensure it complements neighbouring dwellings and successfully lightens the upper floor of the building. Sample brickwork panels can be secured by condition.

3.8.6 The proposed building still sits forward of the bulk of the principal elevation of the existing by a distance of between approximately 6.5 and 8 metres and it will still be more assertive in the street scene than the existing building as a result. However, the harm identified by the Inspector is considered to be overcome by the reduced massing of the building achieved through the use of pitched and gabled roofs and the better articulation and depth relief to the elevations through the use of materials, alterations to fenestration and the incorporation of recessed winter gardens. Together these measures give a more sensitive and contextual design response ensuring that the scheme is no longer discordant or alien in its setting.

3.8.7 The building line along Victoria Road varies with the most consistent run being the semi-detached dwellings to the east between numbers 175 and 189 which have set backs of between 12 and 13 metres from the highway boundary. The building containing 199/201 Victoria Road has a set back of between 10 and 12 metres, whilst the recent Victoria View apartments have set backs of between 7 and 11 metres. It is the application site and the immediate dwellings to the west which are the anomalies with the existing building having a set back to the bulk of its front elevation of 20 metres, and the dwellings to the west, numbers 195 and 197 having a set back of 22 to 24 metres. Having regard to this variety, the proposed set back of the bulk of the front elevation of the proposed apartment building of between 12 and 15 metres would not be out of character with the wider set backs found along Victoria Road as a whole. A building line drawn from the corner of number 189 to the east and number 199 to the west would not be breached.

3.8.8 It is acknowledged that the building is larger in scale than its immediate neighbours, however this is not in itself harmful, as a building of more substantial scale than these

dwellings currently stands on the site. In views along Victoria Road from the east and west, the building would be read alongside, and in context with, the larger scale buildings at 199/201 and the Victoria View apartment complex. The existing street scene is seen as one where buildings of varying scales sit alongside one another and the proposed scheme does not represent a change to this context.

- 3.8.9 Taken as a whole, it is now considered that the scheme overcomes the objections of the Inspector when dismissing the appeal in 2020 and the revisions made demonstrate that the scheme, whilst remaining contemporary in appearance, is much more contextual and now relates well to surrounding property in respect of scale and form and does not result in a detrimental change in the character of the area. As such, the design and visual amenity objectives of saved UDP policy HS4 are met.

### 3.9 The Amenity of Existing Neighbours and Potential Future Occupiers

- 3.9.1 In dismissing the 2020 appeal against the refusal of the earlier scheme, the Inspector found no harm to the living conditions at neighbouring properties by way of overbearing, overshadowing, or overlooking effects and the same conclusion can be drawn in respect of the scheme now proposed. Having regard to the two dwellings to either side, number 189 Victoria Road to the east and number 195 to the west the outlook from the main habitable rooms to the front and rear will be maintained with the building sitting outside of a 45 degree line drawn from the centre of these windows. No overlooking of the gardens to these dwellings will result as there are no habitable room windows to the side elevations of the proposed development, whilst there will not be a significant or harmful change in the degree of shadowing of adjacent gardens caused by the building.

- 3.9.2 Outlook to the rear of the recently constructed dwellings to the south at numbers 52, 54 and 56 Albion Street will be improved through the re-siting of the building some 5 metres to the east of the existing . This will open up views north from the rear of these houses and increase the sense of openness from the rear. This demolition and re-siting also removes existing windows which directly face the rear of these properties. The new building sits approximately 3.8 metres further south than the existing but, due to the position being offset from the rear of number 56 there are no implications for harmful overlooking or overbearing effects. Similarly, the re-siting of the building results in the new development coming approximately 3.7 metres closer to the rear elevation of 50 Albion Street but as it remains offset to the north west and angled away from the rear elevation of number 50, no harmful overlooking or enclosing effects are to be expected.

- 3.9.3 Any noise and disturbance for neighbouring residents during demolition and construction can be minimised through the use of conditions, however some disruption is an inevitable part of development and it cannot be eliminated entirely. The proposed end use of residential apartments would be expected to be quieter in principle than the previous use as a hotel, with fewer vehicle movements and general comings and goings, especially compared to functions and events which would have been held at the hotel. General noise from the car parking area arising from the 14 apartments would not be materially different to that which could be experienced by neighbours with the previous hotel use, which had 13 bedrooms.

- 3.9.4 The internal amenity afforded to occupiers of the proposed apartments is acceptable, with floor areas ranging from 63 to approximately 90 square metres, all arranged as 2 bedroom 4 person apartments, broken down into the following specification:

Lower Ground Floor - 2x 77 square metres;  
Ground Floor - 2x 64 square metres and 2x 69 square metres;  
First Floor - 2x 69 square metres and 2x 70 square metres; and  
Second Floor - 4x 90 square metres (with roof space mezzanine)

- 3.9.5 The majority of apartments within the development meet or exceed the nationally described space standard of 70 square metres for 2 bedroom 4 person apartments. Whilst some do not, under the terms of the National Planning Policy Framework the standard is not yet

enforceable in Wirral as there is no policy in the development plan mandating the national standard. All units still provide adequate space for day to day living with all bedrooms exceeding the 11.5 square metre minimum for two person occupation and a good standard of outlook and natural light being achieved. All units feature a connection with outdoor space either through the use of terraces or winter gardens, with some communal garden space being provided to the north of the building adjacent to Victoria Road. Taken together, the scheme meets the expectations of the NPPF to secure a high standard of amenity for existing and proposed users of land and buildings.

3.10 Access, Parking, and Servicing

3.10.1 The site location is appropriate for flatted development, being adjacent to New Brighton railway station with frequent train services to local and regional centres and within a 400 metre safe walking distance of Victoria Road traditional suburban centre. Marine Point shopping and leisure destination is also easily accessible on foot, at approximately 450 metres safe walking distance. As such, this is not a location where occupiers would be dependent upon the private car for day to day living. There is no justification to depart from the SPD4 maximum standard of 1 car parking space per apartment, which can be accommodated within the site. Should any overspill parking be required, this can be accommodated on Albion Street or Victoria Road where parking is generally unrestricted and the majority of dwellings have their own in-curtilage parking provision.

3.10.2 The Local Highway Authority raise no highway safety issues in relation to the vehicular access from Albion Street, which is to be retained. Should there be a need for a vehicle to wait to access the site whilst another exits, the width of the carriageway on Albion Street is such that this would not be expected to cause obstruction to other traffic.

3.10.3 No details of the provision to be made for refuse or bicycle storage has been submitted, however this can be secured through a suitably worded planning condition with details to be agreed before construction commences and thereafter implemented and retained.

3.11 Ecology and Biodiversity:

3.11.1 The application site lies approximately 450 metres south of the Mersey Narrows and North Wirral Foreshore Special Protection Area, Ramsar site and Site of Special Scientific Interest and in proximity to similar international and national designated nature conservation sites within the Mersey and Dee estuaries. Due to the number and scale of recently proposed housing developments in proximity to these areas, this development may have in-combination effects on the features for which the sites have been designated, principally in respect to recreational disturbance to qualifying bird species. As such, the application requires Habitat Regulations Assessment which has been carried out on behalf of the Council by Merseyside Environmental Advice Service and concludes that without mitigation measures, there would be likely significant effects on these designated sites.

3.11.2 Consequently, an Appropriate Assessment is required under Regulation 63 of the Habitat Regulations 2017 and the outcome of the assessment is that mitigation measures can be secured through the planning system which would avoid any significant adverse effects on the designated sites. These measures comprise an advice leaflet for new homeowners/tenants to be provided upon occupation to inform the responsible use of designated nature conservation sites to minimise the risk of disturbance, and to advise on the location of suitable alternative natural greenspaces away from the designated sites. This can be secured through a suitably worded planning condition.

3.11.3 Natural England have been consulted, as required, on the outcome of the Appropriate Assessment and concur with its conclusion. Subject to the recommended mitigation being secured by condition, significant adverse effects on the statutory designated nature conservation sites can be avoided.

3.11.4 The application is accompanied by a preliminary roost assessment which assesses the existing building as having a low suitability for roosting bats. As this is greater than negligible, an emergence survey is required during the bat assessment season (May to

September) and as such it is recommended that this application be approved subject to completion of this survey and, if bat roosts or activity is identified, for the imposition of conditions to secure appropriate licensing and mitigation prior to demolition.

- 3.11.5 Avoidance of harm, and mitigation measures for any birds nesting within the existing building can be secured by condition, as can biodiversity enhancement to include the planting of native trees and shrubs with high biodiversity benefit as part of the site landscaping requirements.
- 3.11.6 The submitted arboricultural report advises that two trees are to be removed, a 12m high Lime tree to the east of the site access on Albion Street and a 10m high Elm to the north western site boundary on Victoria Road. The Lime tree is displacing the boundary wall with visible signs of decay whilst the Elm is showing no signs of vitality with advanced decay in the limbs. As a result of their condition, no objection is raised to their felling and suitable compensatory planting can be secured by condition as part of the landscaping scheme.
- 3.12 Affordable Housing Provision
- 3.12.1 As an application proposing more than 10 dwellings, the development is subject to the provision of affordable housing, with the target provision in this area being 20% of units, which would equate to 3 units. However, this application benefits from Vacant Building Credit to incentivise the re-use of brownfield land where existing buildings are to be re-used or redeveloped and as such the affordable housing requirement is reduced by an amount equivalent to the gross floorspace of the existing building.
- 3.12.2 In this instance the gross floorspace of the existing building comprises 76% of the floorspace of the proposed development and this means that the level of affordable housing required is reduced by 76%. With 76% taken off the standard 20% affordable housing requirement, the residual proportion of affordable housing required is 4.8%. This equates to less than one unit and therefore will be secured via a financial contribution to the Council to support the wider development of affordable housing in the area, rather than through direct on-site provision. The Council's formula for calculating affordable housing financial contributions outputs a figure in this instance of £23,200 which will be secured through a S106 legal agreement.
- 3.13 Other Material Considerations
- 3.13.1 Surface water from the site will be captured through the drainage system and attenuated within the pipe network prior to discharge into the combined sewer in Victoria Road at a restricted discharge rate of 5 litres/second. This will avoid any overloading of the existing drainage network and is agreed by the Lead Local Flood Authority which recommends conditions securing the final drainage design along with management and maintenance responsibilities prior to the system being installed.
- 3.14 Planning Balance and Conclusion
- 3.14.1 The proposed development would provide 14 dwellings in a sustainable location with good accessibility by public transport and close to local services and facilities where there is a housing supply shortfall. There would be modest economic benefits for the construction industry and its supply chain and through the spending power of additional residents within the town. Together, these benefits carry positive weight in favour of the application. The adverse impacts arising from the design and visual impact of the previous scheme are considered to have been overcome and the development is now more contextual in its form and external appearance, whilst remaining contemporary in design. It is no longer considered a discordant and alien feature within the street scene. No adverse impacts on neighbouring amenity are expected and no highway safety implications arise. Where other environmental matters arise, particularly in respect of ecology and biodiversity, they can be mitigated through the use of conditions. The requirement for a commuted sum in respect of off site affordable housing provision can be secured by way of a planning obligation. No significant adverse impacts of development have been identified that would justify refusal of the application.

3.14.2 As such, the recommendation to Planning Committee is to approve subject to the recommended conditions and a planning obligation.

**Summary of Decision:**

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

The proposed development would provide 14 dwellings in a sustainable location with good accessibility by public transport and close to local services and facilities where there is a housing supply shortfall. There would be modest economic benefits for the construction industry and its supply chain and through the spending power of additional residents within the town. Together, these benefits carry positive weight in favour of the application. The adverse impacts arising from the design and visual impact of the previous scheme are considered to have been overcome and the development is now more contextual in its form and external appearance, whilst remaining contemporary in design. It is no longer considered a discordant and alien feature within the street scene. No adverse impacts on neighbouring amenity are expected and no highway safety implications arise. Where other environmental matters arise, particularly in respect of ecology and biodiversity, they can be mitigated through the use of conditions and a planning obligation. No significant adverse impacts of development have been identified that would justify refusal of the application.

**Recommended Decision:**                      **Approve - SUBJECT TO A 106 AGREEMENT**

**Recommended Conditions and Reasons:**

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

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

2. Unless modified by other conditions of this consent, the development hereby permitted shall be carried out in accordance with the approved plans received listed as follows:

863/11 Revision A (Proposed Site Plan) dated 13.12.21 and received by the Local Planning Authority on 22 December 2021

863/12 (Floor Plans) dated July 2021 and received by the Local Planning Authority on 12 August 2021

863/13 Revision A (Elevations) dated 13.12.21 and received by the Local Planning Authority on 22 December 2021

14520 501 Revision A (Proposed Drainage Strategy General Arrangement and East Side Section) dated 03.09.21 and received by the Local Planning Authority on 21 September 2021

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

3. NO DEVELOPMENT SHALL COMMENCE until a Demolition and Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. For each phase of development the CEMP shall

demonstrate the following and, once approved, development shall be carried out in accordance with the approved plan.

(A) Highways

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

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

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

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

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

(B) Residential Amenity

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

B.2 - Hours of demolition and construction activity, and deliveries to and dispatches from the site not to exceed 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday.

For the avoidance of doubt no activity, deliveries or dispatches shall take place on Sunday or Public Holidays.

(C) Waste Management

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

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

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

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

(D) Surface Water Management

D.1 - A demolition and construction phase surface water management plan (including any details of phasing if applicable)

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

4. NO DEVELOPMENT (EXCEPT DEMOLITION) SHALL COMMENCE UNTIL details of the provision to be made on-site for the secure, covered storage of bicycles to accommodate at least one bicycle per dwelling, and the provision to be made on-site for the storage of refuse have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the provision shall be constructed and made available for use upon first occupation of the development, and retained.

**Reason:** To ensure the development makes satisfactory provision for the secure storage of bicycles and the storage of refuse bins, in accordance with the requirements of saved policy TR12 of the Wirral Unitary Development Plan and policy WM9 of the Merseyside and Halton Joint Waste Local Plan.

5. NO DEVELOPMENT (EXCEPT DEMOLITION) SHALL COMMENCE UNTIL the final detailed sustainable drainage design for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The design shall:

i) Be based upon the submitted drawing: 14520 / 501 rev A dated 3 September 2021 –

Proposed Drainage Strategy, General Arrangement & East Side Section, and  
ii) Comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include the details as set out in the 'Terms of Condition; within the notes to applicant section of this decision notice.

Thereafter development shall be carried out in accordance with the approved details:

**Reason:** In the interests of sustainable and satisfactory drainage.

6. NO DEVELOPMENT (EXCEPT DEMOLITION) SHALL COMMENCE UNTIL detailed construction drawings identifying the finished site levels, internal floor levels and external eaves and ridge levels of any building intended at completion of the development have been submitted to and approved in writing by the Local Planning Authority. The drawings shall demonstrate the finished site levels, internal floor levels and external eaves and ridge levels in relation to existing site levels and the levels of adjacent land and buildings. Thereafter development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent development, in the interests of visual and residential amenity and to accord with the objectives of saved policy HS4 of the Wirral Unitary Development Plan.

7. No demolition or site clearance shall take place during the main bird nesting season (1 March to 31 August inclusive) unless a pre-commencement check has been carried out by a qualified ecologist no earlier than 48 hours prior to the start of works, and the qualified ecologist confirms in writing to the Local Planning Authority within 48 hours of the check taking place that no actively nesting birds are present.

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

8. No development above lower ground floor slab level shall take place until sample panels of the proposed external walling materials to be used in the development, and samples of the proposed external roofing materials, have been made available on site for the approval in writing of the Local Planning Authority. The sample panels shall measure no less than 1 square metre in area and demonstrate, as applicable, the type, size, colour, texture, pointing, dressing and coursing of the materials to be used. Thereafter development shall be carried out as approved.

**Reason:** To ensure the external appearance of the development complements the character of the area, in the interests of visual amenity and to accord with saved policy HS4 of the Wirral Unitary Development Plan.

9. No development above lower ground floor slab level shall take place until a detailed landscaping scheme for the site has been submitted for the approval in writing of the Local Planning Authority. The landscaping scheme shall demonstrate on a suitably scaled plan and associated specification:

- i) The location and type of materials to be used in the external surfaces of the development,
- ii) The type, location and design of any walls, gates, fences, railings or other means of enclosure,
- iii) Compensatory tree planting, in accordance with the Council's Tree, Hedgerow and Woodland Strategy 2020-2030, to replace those specimens felled.
- iv) Planting proposals for communal landscaped areas,
- v) Any earthworks required for the implementation of the landscaping scheme, and
- vi) The timing of implementation of the scheme.

Thereafter the scheme shall be carried out as approved.

**Reason:** To ensure the landscaping of the site effectively integrates with the character of the area, in the interests of visual amenity and to accord with the objectives of saved policies GR5 and GR7 of the Wirral Unitary Development Plan.

10. Should, within five years of planting, any tree planted as part of the landscaping scheme approved under condition 9, or any tree planted in replacement, be felled, uprooted, diseased or die, or in the opinion of the Local Planning Authority, become seriously damaged or defective, another tree of the same species shall be planted in the same place unless the Local Planning Authority gives its approval in writing to any variation.

**Reason:** To ensure the establishment of the landscaping scheme in the interests of visual amenity and to accord with saved policies GR5 and GR7 of the Wirral Unitary Development Plan.

11. If during site preparation, demolition or development works contamination is encountered or is suspected in areas where it had not been anticipated proposals for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the local planning authority prior to all but urgent works necessary to secure the area and control pollution risks and thereafter the remediation shall be carried out in accordance with the approved details.

**Reason:** To ensure that risks from the unexpected discovery of land contamination to the future users of the land and neighbouring land are controlled, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks.

12. Foul and surface water shall be drained on separate systems.

**Reason:** In the interests of satisfactory and sustainable drainage and to manage the risk of flooding and pollution.

13. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL the vehicular access, turning, and parking areas identified on approved drawing 863/11 Revision A (Proposed Site Plan) have been constructed, surfaced in accordance with the landscaping scheme approved under condition 9, and made available for use. Thereafter the vehicular access, turning, and parking areas shall be retained.

**Reason:** To ensure safe access to and egress from the site, and the provision of satisfactory off-street accommodation for vehicles in the interests of highway safety and amenity and to accord with saved policies HS4 and TR9 of the Wirral Unitary Development Plan.

14. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL

i) A scheme demonstrating the provision of electric vehicle charging points to at least 10% of on-site car parking spaces, including their location and the type of charging unit to be installed, and demonstrating the installation of utilities infrastructure to enable the future provision of electric vehicle charging points at all other on-site car parking spaces, has been submitted to and approved in writing by the Local Planning Authority, and  
ii) The scheme has been implemented in accordance with the approved details and the charging units have been installed and made available for use.

Thereafter the charging units and future infrastructure provision shall be retained.

**Reason:** To ensure the development enables the charging of plug-in electric vehicles in

accordance with the objectives of paragraph 112 of the National Planning Policy Framework.

15. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL ongoing management and maintenance proposals for the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

For any surface water drainage assets to be adopted by the statutory drainage undertaker or Local Highway Authority, drawings showing the extent of the adoption and written confirmation of their agreement to adopt the same, shall be submitted.

For any surface water drainage assets not to be adopted by the statutory drainage undertaker or the Local Highway Authority, the following shall be demonstrated:

- i) Funding arrangements for ongoing maintenance,
- ii) The organisation responsible for future maintenance,
- iii) Copies of any legal agreement to be established with future home owners
- iv) Physical access arrangements,
- v) Establishment of legal rights of access in perpetuity
- vi) Maintenance requirements and frequency, and
- vii) Procedures to assure ongoing maintenance if the organisation responsible for future maintenance ceases to exist.

Thereafter development shall be carried out and operated in accordance with the approved details.

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

16. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL Details of bird nesting boxes, to include their location, number and type on a suitably scaled plan, and the timing of their installation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the nesting boxes shall be installed in accordance with the approved details and retained.

**Reason:** In order to mitigate for the loss of nesting bird habitat in accordance with the objectives of saved policy NC7 of the Wirral Unitary Development Plan.

17. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL details of external lighting to be installed on site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) The hours of operation
- ii) The location, size and design of luminaires and fittings, and
- iii) The output of light sources with lux levels together with isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting beyond the site boundaries.

Thereafter the external lighting shall be installed and operated in accordance with the approved details.

**Reason:** To protect the amenity of existing neighbours and future occupiers from excessive external lighting and to ensure such lighting does not detract from the character of the area, in accordance with saved policy HS4 of the Wirral Unitary Development Plan.

18. Upon occupation, the occupier(s) of each dwelling shall be provided with a copy of the

information leaflet 'Respecting Nature in Wirral: A voluntary code for responsible recreation' (available here: [www.meas.org.uk/media/11050/lcr\\_leaflet\\_wirral.pdf](http://www.meas.org.uk/media/11050/lcr_leaflet_wirral.pdf)) as part of their homeowner/tenant information pack. The developer shall maintain a register of the date on which each occupier was supplied with the leaflet and, no later than one month after occupation of the final dwelling comprised in the development, the register shall be deposited in writing with the Local Planning Authority.

**Reason:** To avoid significant adverse effects upon statutory designated nature conservation sites arising from recreational disturbance to qualifying species, in accordance with saved policies NC1 and NC3 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.

#### Further Notes for Committee:

1. Terms of Condition (for condition 5)

The submitted Drainage Strategy shall comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include:

a) The justification for the final design,

b) Drawings to include:

- Topography and finished floor levels.
- Final layout
- Plan showing hatched permeable/impermeable areas. Pervious paving must be included in impermeable area for calculation of runoff.
- Final layout of sewers; outfalls; SuDS
- Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows
- Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations

c) Hydraulic modelling for final drainage strategy to include:

- System performance for following return periods; 1, 30, 100, 100 plus appropriate climate change allowance
- Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event
- Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs
- Volumetric runoff co-efficient (Cv) should be set to '1'

d) Timetable demonstrating completed SuDS construction prior to occupation,

e) Construction Phase Surface Water Management Plan, and

f) Secure means of access for maintenance and easements, where applicable.

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

3. Consent under the Highways Act 1980 is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. The proposed vehicle access must be constructed in accordance with the specification issued by the Local Highway Authority and the 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.

4. The landscaping scheme to be approved under condition 9 should take the opportunities available to enhance the biodiversity value of the site through the use of native tree and shrub species tolerant of a position affected by sea winds, and species of local provenance in preference to non-native ornamental species. Soft landscaping proposals should consider the use of native and non-native flowering perennial species to provide a pollen and nectar source for invertebrates.

**Last Comments By:** 02/03/2022 10:16:01  
**Expiry Date:** 01/12/2021