

**Planning Committee**

**21 APRIL 2022**

**Reference:**  
**APP/21/01428**

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

**Case Officer:**  
**Mr J Browne**

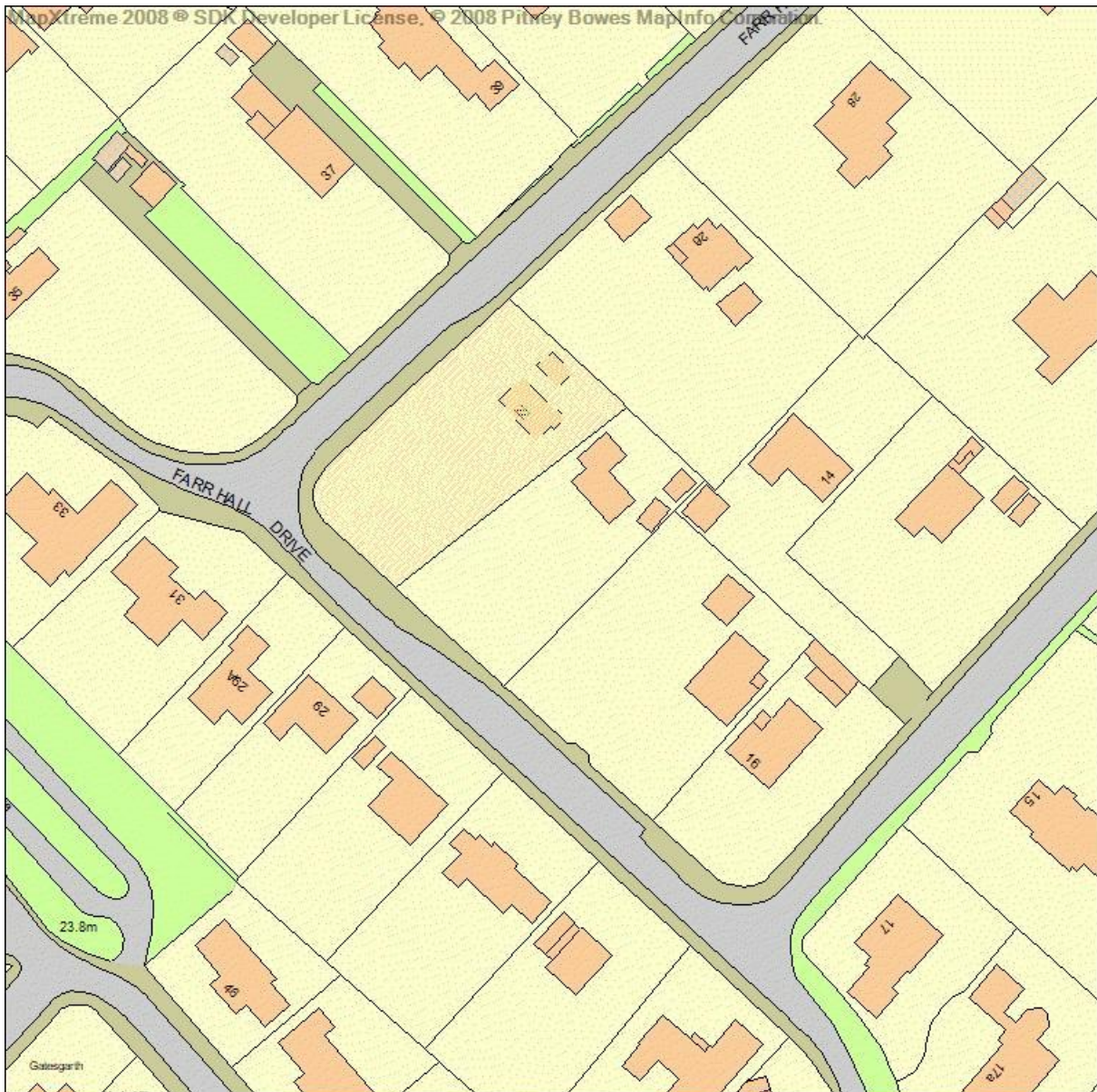
**Ward:**  
**Heswall**

**Location:** 22 FARR HALL DRIVE, HESWALL, CH60 4SH  
**Proposal:** Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works.

**Applicant:** HH Heswall Ltd  
**Agent :** Eden Planning and Development

**Qualifying Petition:** Yes, Number of Signatures: 295

**Site Plan:**



**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Tideway, Farr Hall Drive, Heswall. L60 4SE  
Application Type: Full Planning Permission  
Proposal: Relocation of existing garage, erection of entrance porch/cloaks, enlarging tarmac area.  
Application No: APP/86/06412  
Decision Date: 30/10/1986  
Decision Type: Approve

Location: Tideway, 26 Farr Hall Drive, Heswall, Wirral, CH60 4SE  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey rear extension and a rear conservatory.  
Application No: APP/99/05551  
Decision Date: 10/05/1999  
Decision Type: Approve

Location: Faraway, 22 Farr Hall Drive, Heswall, Wirral, CH60 4SH  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey extension  
Application No: APP/99/05869  
Decision Date: 07/07/1999  
Decision Type: Approve

Location: 22 FARR HALL DRIVE, HESWALL, CH60 4SH  
Application Type: Full Planning Permission  
Proposal: Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works  
Application No: APP/19/00910  
Decision Date: 20/03/2020  
Decision Type: Refuse

Location: 'Tideways', Farrhall Drive, Heswall, CH60 4SE  
Application Type: Full Planning Permission  
Proposal: Erection of garage/store, utility room and porch and alteration/extensions.  
Application No: APP/78/11578  
Decision Date: 08/03/1979  
Decision Type: Conditional Approval

Location: 22 FARR HALL DRIVE, HESWALL, CH60 4SH  
Application Type: Planning Pre-Application Enquiry  
Proposal: Demolition of existing dwelling and erection of 6 apartments.  
Application No: PRE/18/00360/ENQ  
Decision Date: 02/11/2018  
Decision Type: Pre-Application Reply

Location: 22 FARR HALL DRIVE, HESWALL, CH60 4SH  
Application Type: Planning Pre-Application Enquiry  
Proposal: Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access

works.  
Application No: PRE/21/00031/ENQ  
Decision Date: 08/04/2021  
Decision Type: Pre-Application Reply

## **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 requirements of the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended), notification letters were sent to nine neighbouring addresses on 29 July 2021. The deadline for receipt of representations passed on 23 August 2021.

A second consultation was undertaken, and notification letters were sent to seventy-seven neighbouring addresses on 11 January 2022. The deadline for receipt of representations passed on 5 February 2022.

#### REPRESENTATIONS

A petition containing 69 signatures and 82 letters of objection were received and are summarised as follows:

- Inaccuracies and design omissions
- Lack of topography information
- Car park insufficient
- Impact on bridleway
- Land ownership dispute and requirement to serve notice
- Road is too small to serve property
- Traffic accidents likely
- Congestion on local highway network
- SUDS, sewage and drainage concerns
- Massing, Scale, Form and Design unacceptable.
- Poor quality architecture
- Poor quality living conditions (insufficient light and outlook)
- Flat developments not supported
- Low floor to ceiling heights
- Inadequate car park
- Impact on trees

- Loss of privacy to neighbours
- Loss of sunlight and daylight
- Damage to bridal environment
- Impact on Heswall History (Heritage)
- Local social infrastructure is at capacity
- Loss of the thatched cottage
- Fails to promote sustainable travel
- Overdevelopment of the site;
- Out of character
- Approved house on the site is more suited;
- Out of character.
- Profits prioritised by developers
- No affordable housing

1 letter of support was received

## **CONSULTATIONS**

Tree officer – No objection. The amended (attenuation tank location) plan addresses concerns relating to excavations within the RPA of T7 and T10. However, the drainage routes still cause concern. A comprehensive arboricultural supervision is on the site is therefore a must.

Highways – No objection subject to the attachment of a construction management plan condition that is required to make the development proposals acceptable.

The Heswall Society Committee – Objection: In summary the positioning and design of the proposed development will cause harm to the amenity of both the prospective occupiers and of the owners of the neighbouring property. It endangers a healthy tree in the neighbour's property. For these reasons we would urge you to reject the application.

Environmental Protection – No objection

Wirral Wildlife - No bats were seen to emerge from the building or the trees on site. Therefore, no further bat surveys are required. Protection of the oak trees is important. Planning conditions regarding badgers, construction, bats, vegetation removal and bio-diversity value are attached.

Wirral Wildlife (Arboriculture further comments) – The protection of the TPO Oak trees (T11) is important. The development should be reduced in size to avoid at least the Root Protection Zones of the trees. The scheme should be moderated.

Welsh Water - We understand that the existing development discharges foul and surface water to the public sewer. We request that evidence of the existing surface water discharge to the public sewer is provided. On the basis that there is an existing surface water discharge to the public sewer, we will support a reduced surface water discharge through the use of attenuation and a flow control device. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### **3.1 Site and Surroundings**

- 3.1.1 The application site is 0.13ha, occupied by a detached property and is in Lower Heswall. The existing property is a two-storey, white rendered dwelling with a thatched roof sitting on a large corner plot. The building is located within the north-eastern corner of the site with a substantial garden to the south of the property.
- 3.1.2 The surrounding area is generally characterised by large residential buildings in generous plots. The site is bound by the gardens of neighbouring properties to the north and east and by Farr Hall Drive to the south and west. The site's access is in the northwest corner and comes via Farr Hall Drive. The part of Farr Hall Drive that bounds the site on the south-west side is an unadopted road.
- 3.1.3 The site slopes from north-east to south-west and there is lots of mature vegetation present.

### **3.2 Proposed Development**

- 3.2.1 The proposal seeks planning permission for the demolition of the existing dwelling and replacement with a part 2 storey, part 3, 6 apartment building set within landscaped gardens.
- 3.2.2 The proposals include a new access off Farr Hall Drive, 6 off-street car parking spaces and sheltered provision for cycle storage.
- 3.2.3 The proposed building is designed to read as a large single dwelling and is set back from Farr Hall Drive by 6.5m. The proposals would be 7.174m high from ground to eaves and 11.263m high from ground to ridge.
- 3.2.4 The proposal would be constructed in the following materials:
- Soft red multi facing brick pointed with natural mortar to the majority of external walls
  - Pale yellow ashlar stone blocks to main entrance feature, some projecting bays and rear elevation feature panel
  - Portland stone coloured stone surrounds to feature panels and cills
  - Dark grey thin leading edge concrete roof tiles
  - Cedar timber cladding to oriel bays and within feature panels
  - Frameless glass balustrades to upper floor balconies
  - Dark grey aluminium windows and doors
  - Dark grey fascias and soffit boards to match the windows
- 3.2.5 The application follows the refusal of planning application APP/19/00910 on 18<sup>th</sup> June 2021 for the Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works, which was dismissed at appeal (APP/W4325/W/20/3253505) on 26 January 2021
- 3.2.6 Planning application APP/19/00910 was refused by the Council for the following reasons:
1. Farr Hall Drive is a rough, unmade right of way. There are no prominent residential frontages out onto the street as individual residences are set back within their individual plots often behind deep landscaped front gardens. Whilst there is no prescribed architectural style within Farr Hall Drive, residences are generally traditionally constructed and variants on a common theme. The proposed building would have an asymmetric, haphazard appearance with an architectural language

which would clearly articulate itself as a large apartment building which is unsympathetic and unbefitting of this location contrary to UDP Policy HS4, the Supplementary Planning Document for Flat Development and the National Planning Policy Framework.

2. The proposal would not provide an adequate living environment for prospective occupiers without compromising the amenity of the surrounding residences contrary to UDP Policy HS4, the Supplementary Planning Document for Flat Development and the National Planning Policy Framework. In reaching this decision, the Local Planning Authority acknowledges the current shortfall in housing, however, the limited benefit of allowing this development would not outweigh the adverse impacts of allowing this proposal the proposal is therefore considered unacceptable and recommended for refusal.

3.2.7 The main issue considered at the appeal (APP/W4325/W/20/3253505) was the effect of the proposal on:

- 3.2.8 (i) the living conditions of occupiers of neighbouring properties and future occupiers of the proposal with regards to privacy, light and outlook; and  
(ii) the character and appearance of the area.

3.3.9 The Planning Inspector concluded on point (i):

*Proposed apartments two, four and five have windows into bedrooms that are around 3.7 metres away from the boundary and approximately 6.195 metres from the neighbouring property 20 Farr Hall Drive (No 20). Due to the close proximity of these windows to the large building of No 20, views would be restricted compromising outlook for future occupants. The building of No 20 would appear overbearing and would give the proposed rooms an oppressive feeling. No 20 is a tall and bulky property and with the windows into these proposed bedrooms being the only external openings, there would be restricted amounts of light into the rooms which would result in the bedrooms having a cramped environment.*

*The refused plans indicate that the bedroom of apartment five which has a window in the north east elevation would be obscurely glazed. This is the only window in the bedroom and therefore obscurely glazing the window would offer severely restricted outlook. This room is described as "occasional guest bedroom" however, there would be no control over this and it is entirely probable that the room would be used by a permanent resident of the apartment. Bedrooms are habitable rooms in which residents would occupy for a significant part of a day. The obscurely glazed window and the lack of outlook would give the room a constricted atmosphere which would adversely compromise the living conditions of future occupiers of this apartment.*

*...I therefore find that that the proposal would have a harmful effect on the living conditions of future occupants with regards to outlook and light. The proposal would be contrary to Policy HS4 of the Wirral Unitary Development Plan 2000, the Wirral Supplementary Planning Document – SPD2 – Designing for Self-Contained Flat Development and Conversions 2006 and the National Planning Policy Framework (the Framework) which seeks development to achieve adequate separation from adjacent properties and have a high standard of amenity for future users.*

3.3.10

Regarding overlooking, the Inspector concluded: *"Concerns have been raised that the proposal would introduce overlooking into the garden areas of neighbouring properties. It is not unusual for residential accommodation to have some views into neighbouring gardens. Due to the proximity and location of the proposed windows, I do not find that the proposal would create any adverse overlooking effects into neighbouring gardens... I have found that the proposal would not have an adverse effect of the living conditions of occupiers of neighbouring properties in respect of outlook, light and privacy.*

### 3.3.11

The Planning Inspector concluded on point (ii):

*“The surrounding area is characterised predominantly by residential properties set in large plots with extensive landscaped gardens. The buildings in the area are of variant designs and form as well as having a mix of materials. It is this varied style of built form set within landscaped gardens that positively contributes to the character of the area.*

*The proposal would be a large building on a corner plot that would be visible through the existing landscaping. The scale, siting, design and architectural features of the proposed building, including elements of glazing, would be sympathetic and in keeping with the varied styles of the surrounding properties.*

*...The existing property is of cottage style with roof and ornamental scalloped ridge finished in white render. This property would be demolished and replaced by a larger building. No substantial evidence has been provided to indicate that the property is listed or of significant heritage value to warrant retention. I find that the loss of this existing building would not have a harmful effect on the character and appearance of the area. Accordingly, I find that the proposal would not have a harmful effect on the character and appearance of the surrounding area.”*

3.3.12 The application, proposes, amongst other matters, removing the oriel windows and repositioning the habitable side rooms windows (adjacent 20 Farr Hall Drive) to the rear elevation. This was deemed an acceptable location for windows by the Planning Inspector in the appeal decision.

3.3.13 It is noted that in response to other material considerations the Inspector also concluded the following *“I have had regard to all correspondence submitted which includes a petition and concerns from local residents. These concerns include matters relating to site levels, parking, density, highway safety, footpaths and bridleways, flooding, drainage, trees, traffic, need for housing and comments on the submitted drawings. I have given careful consideration to these matters, some of which I note that the Council have not raised any concerns about, but they do not lead me to a different overall conclusion on the main issues.*

## **3.3 Development Plan**

### 3.3.1 The Wirral Unitary Development Plan 2000

HS4 Criteria for New Housing Development  
GR5 Landscaping and New Development  
GR7 Trees and New Development  
NC5 Protection of Badgers  
NC7 Species Protection  
TRT2 Safeguarding Land For Highway Schemes  
TRT3 Transport And The Environment  
TR9 Requirements for Off-Street Parking  
TR11 Provision for Cyclists in Highway and Development Schemes  
TR12 Requirements for Cycle Parking  
TRT1 (Provision for Public Transport)

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

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

### **Other Material Planning Considerations**

### The National Planning Policy Framework (2021)

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

### Wirral Supplementary Planning Documents

Supplementary Planning Guidance 4: Parking Standards  
Supplementary Planning Document: Designing for Self-Contained Flat Development and Conversions

### Emerging Wirral Local Plan

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

On 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State.

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

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

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

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

## **3.4 Assessment**

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

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

- Principle of development;
- Design and trees;
- Housing Quality and Provision;



- Highways;
- Residential Amenity;
- Ecology
- Trees
- Waste and recycling; and
- Construction methodology;

### 3.5 Principle of Development:

#### *Housing*

- 3.5.1 Chapter 5 of the NPPF (July 2021) "Delivering a sufficient supply of homes", states the Government's objective of significantly boosting the supply of housing within the UK. Paragraph 60 states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.
- 3.5.2 The site is designated as part of a Primarily Residential Area where new housing development is acceptable in principle subject to compliance with all the criteria in UDP Policy HS4 and the Government's objective of significantly boosting the supply of housing within the UK, as set out within the NPPF paragraphs 60, 74 and 119.
- 3.5.3 Dismissed appeal decision (APP/W4325/W/20/3253505) dated 26 January 2021 relating to the re-development of the site for 6 apartments also confirmed that the proposed residential development was acceptable in principle.
- 3.5.4 The development is therefore considered acceptable in land use terms.
- ### 3.6 Design / Impact on the character of the area:
- 3.6.1 NPPF paragraph 126 - 136 provide guidance on design in developments. Paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 3.6.2 The standards for new residential development are set out under Policy HS4 of the Wirral Unitary Development Plan 2000. Proposals should be of a scale with regard to existing densities and form of development and not result in detrimental change in the character of the area. Appropriate landscaping and boundary which relates the proposed development to its surroundings should be incorporated into development proposals.
- 3.6.3 The Supplementary Planning Document on Designing for Self-Contained Flat Development and Conversions states that applicants will be expected to show how good design and layout has been taken into account through drawings and design statements that show how the proposed development will fit in with surrounding properties and within the wider setting of the area. Poor design or development that fails to take the opportunities available for improving the character and quality of the area are unlikely to be approved.
- 3.6.4 The surrounding area is characterised predominantly by residential properties set in large plots with extensive landscaped gardens. The buildings in the area are of variant designs and form as well as having a mix of materials.
- 3.6.5 The proposed development would be of asymmetric design, which is reflective of the variety of housing types within the surrounding area. The proposals are also orientated and designed to front Farr Hall Drive and maximise views of the River Dee. The

fenestration, glazed elements and proposed balconies and terraces within the proposals read as a cohesive approach to the elevation treatment and add visual interest to the building. The proposals are considered to constitute a high-quality design and build.

- 3.6.6 Given that the proposals are of a similar architecture, design, mass and scale to that deemed acceptable under appeal decision (APP/W4325/W/20/3253505), it is considered that the development is acceptable, as a sympathetic proposal, which is in keeping with the varied styles of the surrounding properties.
- 3.6.7 The loss of the existing dwelling on the site again is also deemed to be acceptable and have a negligible impact on the character and appearance of the local area in accordance with the findings of the Planning Inspector in the previous appeal decision.
- 3.6.8 The objections raised by third parties regarding the design, massing and density of the proposals and its potential to impact the character of the area have been duly considered in the assessment of these proposals. While no new information has been provided by objectors, which would warrant a requirement for a different conclusion on the acceptability of the development proposals in design terms to be reached compared to the appeal decision.
- 3.6.9 Subject to the attachment of safeguarding conditions regarding the materials used in the development and the landscaping provisions, it is concluded that the development would complement the visual amenity of the immediate streetscene and the wider local area
- 3.7 Housing provision: \_
- 3.7.1 NPPF paragraph 124 takes into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 3.7.2 Paragraph 125 of the NPPF states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 3.7.3 Wirral UDP Policy HS4 (Criteria for New Housing Development) requires that new housing developments blend in well with those already built and create a safe external environment for future residents and existing neighbours.
- 3.7.4 To address the reasons for the dismissed appeal all of the previously proposed side windows have been removed and reposition to the rear elevation, which benefits from significantly better outlook.
- 3.7.5 The proposed development designed with a north eastern and south western orientation comprises dual aspects units (two or more windows fronting different orientations), complies with National Space Standards and provides direct access to private terraces and communal amenity space. This would ensure that the residential development would be of an acceptable standard for future residents of the development in accordance with the NPPF, UDP Policy HS4 and Designing for Self-Contained Flats and Conversions SPD.
- 3.7.6 The development proposal does not comprise any additional affordable housing units, as it is not considered appropriate to negotiate such a provision in line with UDP Policy HSG2 (Affordable Housing Strategic Policy) for a development that comprises less than 10 units . The absence of affordable housing was not considered to be an issue in the previous appeal decision either
- 3.6.7 The development proposals seek to deliver 6 residential properties that can meet the needs of singles, couples, and small families.
- 3.6.8 A level access condition would be attached to any planning permission in response to

varying levels of mobility in accordance with UDP Policy HS9.

- 3.6.9 The proposed private landscaped communal garden for residents is 651sqm (47% of the whole site). This exceeds the general guidance of at least one third of the whole site, which would be 461sqm for the scheme. The above referenced landscape garden area does not include the parking area and servicing bin and cycle stores either. The proposal is considered acceptable in accordance with SPD2.
- 3.6.10 The appeal decision raised no concerns with the level of external communal amenity space previously proposed. For this reason, it is considered that the development is acceptable in this respect in accordance with the overarching aspirations of Policy GR6.
- 3.7 Highways:
- 3.7.1 The proposals are all contained within a private boundary of the application site and do not impact on the adopted highway or existing pedestrian and cycle routes. No visibility splays would be impacted upon by the development proposals.
- 3.7.2 The proposal also comprises 6 off-street car parking spaces (1 per property). It is acknowledged that the level of proposed parking accords with the SPD4 standards however, it appears low for the number of bedrooms within the total number of apartments. It is therefore likely that some additional or overspill parking would occur within Farr Hall Drive. Wirral's Highway team is satisfied in this instance however that any overspill parking can be accommodated within Farr Hall Drive as the carriageway directly adjacent to the development is approximately 7m wide along this section and therefore allows moving vehicles to freely pass parked cars within the road.
- 3.7.3 The proposed level of cycle parking accords with the UDP TR12 cycle parking recommendations and provides as a minimum one storage space per apartment. The site is to be accessed from a new vehicle access onto Farr Hall Drive which has satisfactory visibility and set back appropriately from the junction. Wirral Highway Team recommended that a separate pedestrian entrance is provided so that residents and visitors on foot do not have to walk through the car park entrance to get to the building. Revised plans including a separate entrance were subsequently submitted.
- 3.7.4 The proposed level of cycle parking accords with the TR12 cycle parking recommendations and provides as a minimum one storage space per apartment. The site is to be accessed from a new vehicle access onto Farr Hall Drive which has satisfactory visibility and set back appropriately from the junction. Wirral Highway officers recommended that a separate pedestrian entrance is provided so that residents and visitors on foot do not have to walk through the car park entrance to get to the building. Revised plans including a separate entrance were subsequently submitted.
- 3.7.5 The objections raised by third parties regarding highway safety, congestion, parking design and the potential impacts on the adjacent bridal path have been duly considered in the assessment of these proposals. However, as no material changes are proposed to the site's access arrangements, the development remains separate from the bridal path, on site car parking provisions and the associated level of pedestrian and vehicle movement to that previously deemed acceptable under planning permission APP/19/00910 the proposals remain acceptable in highway terms.
- 3.7.6 It is therefore considered that the development proposals would have a minimal impact on the surrounding area subject to the attachment of a Construction Management Condition and an informative.
- 3.7.7 A planning informative will be attached separately requiring the reinstatement of the verge

### 3.8 Residential Amenity:

- 3.8.1 The proposed development would have a separation distance of c. 28m from the side elevation of no. 26 Farr Hall Drive, 41m from 37 Farr Hall Drive and 54m to 31 Farr Hall Drive. The side elevation of adjacent property at no. 20 Farr Hall Drive, which comprises a kitchen window would be c. 6m away from the development. This reduced separation distance is deemed acceptable as the neighbouring kitchen benefits from dual aspect (windows fronting different orientations) layout.
- 3.8.2 The proposed development by reason of its limited scale at three storeys, form and massing, separation distance from facing neighbouring within the wider development would not have a detrimental impact on the living conditions of any neighbouring residents to warrant a reason for refusal when considering the potential for loss of access sunlight and daylight, outlook and privacy.
- 3.8.3 The proposed development in terms of residential amenity is materially different to the appeal decision. The primary difference between the appeal scheme and this proposal is due to the relocation of the previously proposed side windows to the rear elevation, which has increased the number of windows and their prominence on the rear elevation. The level of overlooking over of the adjacent rear garden of no. 26 which is 3m – 4m away from the development proposals has therefore multiplied and become more extensive and intrusive. This is a matter that neighbouring residents have cited a reason for objection during the consultation period too.
- 3.8.4 Notwithstanding the above rear garden of no. 26 is of a large size. Large parts of the neighbour's rear garden will still benefit from a degree of privacy, in particular those at the southern and eastern end. It is a common and acceptable arrangement to have neighbouring properties overlooking adjacent gardens to some extent, as evidenced by the conclusions of the previous appeal conclusion. It is considered that neither the loss of privacy or the resulting level of overlooking to parts of the rear garden of no. 26 would warrant a reason for refusal.
- 3.8.5 It is therefore considered that the development would safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.
- 3.8.6 The proposed dwellings would accord with the internal space requirements of the national space standards. The inclusion of defensible space to the front, side and rear of the property, careful position of walkways to protect privacy of residents and landscaped gardens around the proposed development for the enjoyment of the future residents would ensure a high-quality standard of living would be delivered for future residents of the development.

### 3.9 Ecology

- 3.9.1 NPPF Paragraph 180 and UPD Policy NC7 (Species Protection) seek to ensure that development would have an adverse effect on wildlife species protected by law.
- 3.9.2 Wirral Wildlife confirmed that no bats were seen to emerge from the building or the trees on site. Therefore, no further bat surveys are required.
- 3.9.3 The application site is within an area which is used as a corridor between setts in upper and lower Heswall and badgers are likely to forage in or move through the application site. Badgers are protected under the Protection of Badgers Act 1992 and UDP saved policy NC5. A condition will be attached to ensure that construction activities are not detrimental to badgers.

- 3.9.4 Bats are known to forage in this area. A condition on lighting will be imposed that is designed to minimise impacts on bats and their insect food. All proposed exterior lighting will be required to conform to guidance of the Bat Conservation Trust (<http://www.bats.org.uk/> - June 2014)
- 3.9.5 Any dense vegetation (trees, shrubs, and hedgerow) to be removed will be conducted outside of the bird nesting season (of March to September inclusive) or immediately after a suitably qualified ecologist has confirmed the absence of any nests. If present, any nests must be protected from works until they are no longer in use.
- 3.9.6 For the above reasons and subject to the attachment of conditions, it is considered that the proposed development would accord with NPPF paragraphs 180, 181 and 182 and UDP Policy NC7.
- 3.10 Trees
- 3.10.1 The development of the site as proposed require the removal of T2-T5, H2 (in part) and G1, which are low quality trees. The removal of these trees was previously deemed acceptable in appeal decision (APP/W4325/W/20/3253505) dated 26 January 2021.
- 3.10.2 The Arboriculture Impact Assessment sets out the proposed mitigation measures for the development, which include:
- The erection of protective fencing in advance of the commencement of the development to safeguard the root systems of retained trees;
  - The agreement, in advance of the commencement of the development, together with the implementation during the construction phase, of an Arboricultural Method Statement; and
  - Arboricultural site supervision in areas within and immediately adjacent root protection areas.
- 3.10.3 Compensation for the impact of the development, together with landscape and biodiversity enhancements will also be achieved by way of the following:
- The planting of trees, shrubs and where applicable hedges as part of a comprehensive landscape scheme to replace any vegetation lost and to integrate the development into the wider landscape; and
  - The use of a mixture of native and ornamental species within planting schemes, where those species are suited to the site and local landscape.
- 3.10.4 Wirral Wildlife raised observations and concerns regarding the proposals, which are summarised as follows:
- 3.10.5 The protection of the oak trees is important. There is a Tree Preservation Order on the oaks and the holly and they will need to be protected by fencing according to BS837:2012 guidelines. The proposed footpath within the RPA of T11 could be constructed to a no - dig design. The Oak tree has been given a 'B' category which is a tree worthy of retention. In accordance with paragraph 131 of the National Planning Policy Framework 'existing trees should be retained wherever possible'. The loss of T11 to leave T10 as a standalone tree is unreasonable and groundless. The proposed building is located too close to the tree and there will be future pruning pressures.
- 3.10.6 Wirral's Tree officer also objected to the proposals as it was considered that the method statement does not reflect the changes to the layout of this proposal SHACK 376, Drawing No: B102 (Rev U), and even though the changes are a reduction in the car park size, the

submission cannot be relied upon to adequately protect and retain the trees during construction and in the long term. Consequently, it was advised that the method statement should be updated to reflect the changes to the proposal's layout and the RPA and protection measures for T7 adjusted as necessary. A robust and regular arboricultural supervision of the site and the appropriate use of planning conditions to ensure that the proposal can be enforced against, if tree protection measures are not followed correctly was also strongly advised.

3.10.7 The applicant in response submitted an updated arboricultural method statement and amended drainage layout (Drawing no. ELL/19017/HH/L/101), which proposed an attenuation storage tank and new drainage run to a new combined manhole are outside the RPAs of T7 and T10. The storage tank and drainage run will be located in 4 car parking spaces which are outside the RPA shown on Tree Protection Plan 22/AMS/WIRR/62 in Appendix 1 of the AMS. The applicant also confirmed that the ground level of the building itself is to be reduced. However, the remain site levels will not be subject to reduction.

3.10.8 Subject to the attachment of appropriately wording safeguarding conditions, the tree officer raised no objection to the revisions based on the fact there is now no longer a conflict between existing root protection area (RPAs) and the excavation for the siting of the storage tank and drainage run.

### 3.11 Waste and recycling

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

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

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

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

### 3.12 Construction methodology

3.12.1 The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) require the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable. However, no demolition works are required, and the proposed development is of a minor scale. It is therefore not considered necessary to use a waste audit or a similar mechanism such as a demolition/construction method statement to monitor waste minimisation, recycling, management and disposal in this instance.

3.12.2 The development can be delivered without causing any impact on the highway network or

residential amenity. However, a Construction Management Plan would be secured by way of condition to ensure there is no detrimental impact on the highway network or residential amenity.

**3.13. Other Matters**

- 3.13.1 Objections have also been received regarding other matters, such as, trees, biodiversity, floods and SUDS that were neither raised as an issue by the LPA in the previously refused planning application, the appeal decision or within these revised proposals.
- 3.13.2 Regarding drainage matters specifically, Welsh Water have advised that it is understood that the existing development discharges foul and surface water to the public sewer. Subject to the submission of appropriate evidence (by way of a planning condition) that there is existing surface water discharge to the public sewer, it would support a reduced surface water discharge through the use of attenuation and a flow control device.
- 3.13.3 Claims have been made that the application red line encroaches the curtilage of the adjacent residential property. Whilst no evidence of such encroachment has been established the applicant has filed Certificate D with their application form and also published the relevant notice in accordance with the statutory requirements relating to the submission of this planning application. Any subsequent issues relating to alleged encroachment are private matters for the respective landowners to resolve via civil law. It is considered that no information provided by objectors would warrant the refusal of the proposals.

**Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-  
The proposed development would preserve the character and appearance of the surrounding area and safeguard neighbouring residential amenity and not result in any harm in terms of highway and biodiversity matters. As such the development accords with the objectives of Wirral's Unitary Development Plan and the National Planning Policy Framework.

**Recommended Decision:                      Approve**

**Recommended Conditions and Reasons:**

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 08/07/2021, 25/10/2021, 23/11/2021, 09/02/2022 and 23/03/2022 (unless otherwise stated) and listed as follows:

ELL-19017-HH-L-101 A01 Drainage Layout (Submitted 23.03.2022)  
B100 C Existing Site & Location Plan (Submitted 23.11.2021)  
B102 AA Proposed Site Plan (Submitted 23.11.2021)  
B103 Y Floor Plans & Roof Plan (Submitted 25.10.2021)  
B106 T Proposed Elevations  
4250.01 F Landscape Plan  
4250.04 A Colour Landscape Plan  
3D View 1 Proposed Front Elevation  
3D View 2 Farr Hall Drive (Southwestern Street view)  
3D View 3 Farr Hall Drive (Northeastern Street view)  
B110 E Existing Site Plan Plot Ratio Analysis Plan  
B109 K Proposed Site Sections (Submitted 25.10.2021)

Planning Statement  
Design & Access Statement  
Arboricultural Impact Assessment  
Arboricultural Method Statement, inc Tree Update (Rev A – Feb 2022) (Submitted 09.02.2022)  
Drainage Strategy, inc Drainage Update  
Preliminary Bat Roof Assessment  
Nocturnal Bat Survey  
Streetscene and Character Appraisal

**Reason:** For the avoidance of doubt and to define the permissio

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

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

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

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

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

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



6. development hereby approved shall take place (including ground works and vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not limited to the following :
- a) Risk assessment of potentially damaging construction activities
  - b) A pre-commencement check for terrestrial mammals, including a Badger walk-over survey of the site and 30m of adjacent land (access permitting);
  - c) Identification of “biodiversity protection works” / Reason Avoidance Measures (RAMs) including but not limited to:
    - i. The working area, together with any storage areas, being kept clear of debris, and any stored materials being kept off the ground on pallets to prevent amphibians from seeking shelter or protection within them;
    - ii. Any open excavations (e.g. foundations / footings / service trenches etc) being covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets being covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them.
    - iii. Any excavation being in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians;
    - iv. Any open pipes being temporarily capped at the end of each working day to prevent any animals gaining access.
    - v. Any holes or trenches left open overnight being either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps) in case any badger should fall in.
    - vi. All building materials being stored so that badgers cannot access them.
    - vii. The use of chemicals (such as herbicides & fertilisers) being avoided wherever possible. Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals.
    - viii. Any obvious badger paths to be left clear of obstruction.
    - ix. All the property boundaries allow for the free movement of wildlife both during & after construction.
    - x. Protective fencing being erected surrounding the construction site during the building work to prevent badgers from entering the site
  - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - e) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. should only take place between 8am and 6pm daylight working hours and starting one hour after sunrise and ceasing one hour after sunset)
  - f) Responsible persons and lines of communication
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
  - h) Use of protective fences, exclusion barriers and warning signs
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

Should badgers or any protected species be at risk at any point a licence may be required from Natural England to proceed lawfully.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details

**Reason:** To adequately demonstrate biodiversity is safeguarded

7. The tree works methodology hereby approved and set out in Arboricultural Impact Assessment and Method Statement shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority.

**Reason:** To preserve the biodiversity of the site and health of the trees on the site in accordance with NPPF paragraphs 170, 175, 177 and UDP Policy GR7

8. No development hereby approved shall be occupied until details scheme for biodiversity enhancement, such as:
  - a) incorporation of permanent bird boxes;
  - b) nesting opportunities for birds;
  - c) lighting details in relation to bats
  - f) invertebrate boxes

have been submitted to and agreed in writing with the Local Planning Authority.

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.

9. The tree works methodology hereby approved and set out in Arboricultural Impact Assessment and Method Statement shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority.

**Reason:** To preserve the biodiversity of the site and health of the trees on the site in accordance with NPPF paragraphs 170, 175, 177 and UDP Policy GR7

#### **Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

**Last Comments By:** 05/02/2022 15:04:05  
**Expiry Date:** 02/09/2021