

Planning Committee

24 June 2021

Reference:
APP/22/00288

Area Team:
**Development
Management
Team**

Case Officer: Ward:
Miss A McDougall Heswall

Location: CARBERRY, 28 QUARRY ROAD EAST, HESWALL, CH60 6RB
Proposal: Erection of 7no. apartments in a single block with associated parking, landscaping, bin and cycle storage following the demolition of existing dwelling and garages.

Applicant: Carberry Ltd
Agent : Evoke Architecture

Qualifying Petition: No

Site Plan:



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Development Plan designation:
Primarily Residential Area

Planning History:

Location: 28 QUARRY ROAD EAST, HESWALL, CH60 6RB
Application Type: Full Planning Permission
Proposal: Replacing a single garage by a double garage
Application No: APP/16/00158
Decision Date: 18/04/2016
Decision Type: Approve

Location: Heswall Preparatory School, 28 QUARRY ROAD EAST, HESWALL, CH60 6RB

Application Type: Full Planning Permission
 Proposal: Change of use from school to single detached dwelling house.
 Application No: APP/12/01189
 Decision Date: 27/11/2012
 Decision Type: Approve

Location: Heswall Preparatory School , Carberry , 28 Quarry Road East , Heswall, Wirral. L60 6RB
 Application Type: Full Planning Permission
 Proposal: Variation of Condition 4 on APP/94/6723/D to increase number of Children to 40 and extension to car park.
 Application No: APP/97/06262
 Decision Date: 21/04/1998
 Decision Type: Approve

Location: Heswall Preparatory School, Quarry Road East, Heswall. L60 6RB
 Application Type: Full Planning Permission
 Proposal: Retention of use as a preparatory school for 30 pupils (amended description).
 Application No: APP/94/06723
 Decision Date: 13/01/1995
 Decision Type: Approve

Location: N Carberry ,28 Quarry Road East ,Heswall L60 6RB
 Application Type: Full Planning Permission
 Proposal: Erection of one detached dwelling at the land to the north of 'Carberry'
 Application No: APP/81/19555
 Decision Date: 21/01/1982
 Decision Type: Refuse

Location: Carberry, 28, Quarry Road East, Heswall. L60 6RB
 Application Type: Full Planning Permission
 Proposal: Change of use of ground floor from residential to preparatory school.
 Application No: APP/86/06630
 Decision Date: 20/11/1986
 Decision Type: Refuse

Location: Carberry, Quarry Road East, Heswall, Wirral, L60 6RB
 Application Type: Full Planning Permission
 Proposal: Erection of a single storey rear extension with balcony over.
 Application No: APP/84/24208
 Decision Date: 01/03/1984
 Decision Type: Conditional Approval

Summary Of Representations and Consultations Received:

- 1.0 WARD MEMBER COMMENTS**
- 1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

16 letters of notification were sent out to date 23 objections have been received on the following planning grounds;

- Impact of more flat developments within the area
- Parking/access and highway safety
- Impact and height of the third floor flat

- Not in keeping with existing development
- Overlooking and loss of privacy
- Noise and disturbance from increase in number of residents

CONSULTATIONS

Trees/Landscaping – No objection subject to conditions for tree protection

Highway Engineers – No objection subject to conditions

MEAS – No objection subject to conditions

Heswall Society – Objection raised on the grounds of overlooking, excessive development in terms of height and footprint

Environmental Health – No objection (quarry 250m buffer zone)

3.1 Reason for referral to Planning Committee

3.1.1 23 Objections have been received to the proposed development. This surpasses the threshold of 15 objections required for a case to be taken out of delegation to be determined at Planning Committee.

3.2 Site and Surroundings

3.2.1 The plot currently contains a vacant detached two-storey building that is located on the corner of Quarry Road East and Tower Road North. The plot has vehicle entrance points to both elevations although it is clear that the access on Quarry Road East is the primary access point.

3.2.2 The plot is subject to a Tree Preservation Order and many of the trees are located around the outer boundaries providing the plot with a distinctive character.

3.2.3 The neighbouring properties are predominantly made up of residential dwellings, no 11A Tower Road North to the north-west of the site is a bungalow with rooms in the roof and to the south-west across Quarry Road East is 11 Tower Road North and Heswall Lawn Tennis Club.

3.3 Proposed Development

3.3.1 The proposal is for the demolition of the existing building, previously used as a school and a residential dwelling and the replacement with a purpose built residential flat development for 7 flats, with associated parking and amenity area. The proposed building is 2.5 storey with the roof space utilised for one 4 bed flat.

3.4 Development Plan

3.4.1 The Application site is located within a Primarily Residential Area. The following Wirral Unitary Development Plan Policies have therefore been considered in the determination of this planning application.

3.4.2 Policy HS4 Criteria for New Housing Development

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:

(i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;

(ii) the proposal not resulting in a detrimental change in the character of the area;

(iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;

(iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;

(v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;

(vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and

(vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

3.4.3 Policy HS13 Self-Contained Flat Conversions

Proposals for the conversion of existing buildings into self-contained flats will be permitted subject to:

(i) the conversion ensuring the privacy of neighbours and occupants including the layout of car parking areas to prevent overlooking of habitable room windows;

(ii) access normally being provided to individual flats within the main structure of the building. If external staircases have to be provided they must not result in significant overlooking of neighbours' windows or private amenity space;

(iii) any extensions required complying with Policy HS11;

(iv) any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree;

(v) any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;

(vi) adequate sound proofing between flats;

(vii) any basement flat having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle accessways;

(viii) main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls;

(ix) access to rear yards/ gardens being provided from each flat;

(x) adequate visibility at entrance and exit points and turning space for vehicles; and

(xi) the proposal otherwise complying with Policy HS4 and Policy HS5

3.4.4 Policy GR7 Trees and New Development

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value within the locality and their value for nature conservation and will require that buildings, structures and hard surface areas are sited in order to:

(i) substantially preserve the wooded character of the site or of the surrounding area;

(ii) provide for the protection of trees of greatest visual or wildlife value and other vigorous

healthy trees;

(iii) ensure that trees to be retained have adequate space in order to prevent damage to their canopy or root structures during construction and to allow for the future growth of canopy and roots to normal mature sizes;

(iv) prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms, secure an open unshaded garden area, or to remove perceived dangers to life and property; and

(v) protect trees on adjacent land which may be affected by the development proposed;

Applications should include detailed plans showing the location of individual trees to be affected by the development proposed, together with information related to trunk girth, species mix, height, canopy spread and general health and condition. Trees to be felled should be clearly indicated.

Where development involving the loss of trees is to be permitted, the Local Planning Authority will, as a condition of planning consent, require replacement trees to be planted elsewhere on the site where this is required in order to protect or preserve local amenity.

Planning conditions will include provision for the future maintenance of newly planted stock, including the replacement of failures, until the newly planted stock is established and capable of normal unaided growth; and during the construction period, measures related to the protection of trees to be retained.

Work to trees, including felling, removal, thinning and crown lifting should be completed prior to construction commencing in accordance with a scheme of work agreed in advance with the Local Planning Authority.

3.4.5 NC7 Species Protection Policy

Development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/ or planning obligations

3.4.6 TR9 Requirements for Off-Street Parking Policy

In assessing the off-street parking provision associated with new development proposals, the Local Planning Authority will be guided by the following considerations:

(i) the contribution of the proposal in supporting the general locational policies of the UDP;

(ii) the impact on the competitive position of urban centres;

(iii) the availability in the locality of alternative modes of transport;

(iv) the operational minimum and maximum level of car parking requirement associated with the proposed development;

(v) road safety and traffic management issues in the locality of the proposal; and

(vi) the likelihood of cars being parked on residential roads.

3.4.7 TR12 Requirements for Cycle Parking Policy

Where considered practicable and desirable by the Local Planning Authority, new development will be required to provide cycle parking facilities in line with the guidance below:

(i) retail, commercial, industrial premises and places of entertainment - one stand for every twenty car parking spaces:

(ii) educational establishments of secondary school level and above - one stand for every five students. In addition, for all educational establishments - one stand for every twenty staff car parking spaces;

(iii) flats - one stand for every flat, to be provided within the curtilage of the development;

(iv) railway stations/ park-and-ride - a minimum of ten stands at each station;

(v) bus stations - one stand for every two bus stands.

3.5 Other Material Planning Considerations

3.5.1 The revised National Planning Policy Framework (NPPF) is a material consideration in the determination of this planning application.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should advise. Good design is a key aspect to sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

3.5.2 Wirral Council's Supplementary Planning Document 2 - Designing for Self Contained Flat Development and Conversions states (amongst other matters)

New buildings for self contained flats must be sited with regard to the layout, pattern and use of the spaces between other buildings in the surrounding areas

Development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property. Unless it can be demonstrated that privacy would not be unduly affected,

habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three storey development adjacent to two storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres

Adequate landscaped garden space should be provided for the exclusive use of residents. This should be accessible to each flat and have a size, shape and location to be useful to occupiers. As a general guide, developers should ensure that at least one third of the whole site remains available as private landscaped communal areas. Driveways, garages, parking, servicing bin and cycle stores will not be considered to be part of this amenity area.

The main entrance to the building should be located in the front elevation and provide access to individual flats from within the building whenever possible. If external staircases are proposed, the applicant must demonstrate that internal access is not feasible. Any external staircase should be sited to the rear, out of public view, designed to be an integral feature of the building and to prevent overlooking of neighbours' windows or private amenity space

All main habitable room windows should have reasonable outlook and not be lit solely by roof lights and not be in close proximity of high walls or fencing, steep embankments or established trees etc.

Surrounding buildings may have a standard pattern. This does not always prevent the introduction of taller or lower buildings, but it will require a design approach that softens any change in height to ensure that the resulting building is at a scale proportionate to the surrounding area. All new proposals will be required to either protect or improve the existing roofscape. The bulk of large buildings can be reduced through variations in the footprint, height and roof form of the building as well as the spacing in relation to neighbouring properties. For example, elevations and roofs with varied shapes can reduce the overall massing of a larger block of flats because the use of multiple components will not appear as big as a single large component. The design of large buildings as a single block is not likely to be acceptable.

Frontages that are active can add interest, life and vitality to the public realm. Buildings on corner plots should be designed with two frontages. This could include entrance features or wrap-around windows to add interest to the street scene. Balconies, bays, porches, colonnades or other projections can also be used to enliven edges.

3.5.3 Wirral Council's Supplementary Planning Document 4 Parking Standards states (amongst other matters):

The layout of parking, service and access areas for residential development should ensure that:

- the amenity of neighbours and occupants is not unduly affected by noise, exhaust fumes, and overlooking - this may be achieved by providing a landscaped buffer between parked cars and the boundaries with neighbouring properties and by ensuring that parking bays are at least 3 metres from the ground floor window of any habitable room;
- there is safe and convenient access for pedestrians and cyclists, with paths of reasonable width, capable of allowing two pushchairs to pass; and
- a clear distinction is made between public and private areas.

3.5.4 Wirral Council's Tree Hedgerow and Woodland Strategy

The Council's Tree Hedgerow and Woodland Strategy is a material consideration. It provides amongst other matters that proposals for development and other land use changes will need to consider how trees, woodland and hedges will be successfully integrated with the overall scheme. To avoid future conflict, the following must be carefully considered:

- appropriate space for retained and new trees to allow for future growth and spread; how to avoid damage due to compaction of soil,
- severing roots or branches; and
- the need for infrastructure and service installation as well as the presence of pre-existing or new utility provision to be mindful of trees.

In exceptional circumstances where the loss of existing trees and hedgerows can be fully justified through a site specific arboricultural assessment, provision will be required for replacement plantings in a suitable location with equivalent or more compatible species.

3.5.5 Emerging Wirral Local Plan and its status

Wirral Borough Council is in the process of submitting a new local plan for examination. On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan has been published and representations can be submitted until 25th July 2022

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

"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.

3.6 Assessment

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

- Principle of development;
- Design;
- Highways;
- Ecology; and
- Amenity

3.7 Principle of Development:

3.7.1 The site is located within a primarily residential area, the proposal seeks to replace an existing building and is therefore considered acceptable in principle having regard to Wirrals UDP Policy HS4.

3.7.2 One of the aims of the National Planning Policy Framework (the NPPF) and a strategic objective of emerging local plan is to maximise the potential of previously developed land. The promotion of residential land uses is supported in this policy context as is securing effective land use in meeting the need for homes. Paragraph (Para) 60 of the NPPF sets out the objective of significantly boosting the supply of homes by identifying a sufficient amount and variety of land and the recent relaxation of the permitted development restrictions shows the Government's clear intent to maximise the airspace above existing buildings to increase housing-stock.

Para 120 of the NPPF promotes the development of under-utilised land that can make an important contribution to meeting the housing requirement of an area. The growth and

expansion of the area has resulted in a pattern of increasing intensification of development with incremental increases in the size and scale of its buildings. The planning gain in terms of additional dwellings offered by the proposal would be significant in comparison to how the land functions presently as is clear that, in principle, the site can be used more intensively and effectively.

3.7.3 Emerging local plan policy WS1 seeks to provide at least 13,360 net additional dwellings over the plan period and realisation of this proposal would contribute towards this goal. Moreover, the policy encourages making the best use of land by ensuring that development densities are appropriate to the location and size of the site.

3.7.4 In principle, the proposal is acceptable for the aforesaid reasons and principally because its realisation would optimise the use of a brownfield site.

3.8 Design:

3.8.1 The design of the building contains a mix of heights and projecting gables which create a visual break up of both front and side elevations that can be seen from Quarry Road East and Tower Road North. The siting of the building takes into account the original position of the dwelling on site and has two active frontages on both Tower Road North and Quarry Road East which adds interest.

3.8.2 The design is appropriate in terms of the character of the area and is considered an acceptable replacement of the existing building both in terms of design, scale and siting. There are similar style apartment developments around Heswall Town Centre, the materials palette proposed is also considered appropriate to the setting however this would be subject to a condition.

3.8.3 Adopted local and national policy seeks the highest quality of development and encourages Development that is well connected to and integrated with the wider settlement. Height, massing, layout, appearance and landscape should make maintain an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area, whilst not necessarily replicating local characteristics.

3.8.4 It is inevitable and logical that underused will be the focus for development. The site has a Comparatively high public transport accessibility level rating which would support a higher density housing scheme such as the one proposed. There is an expectation that development should optimise housing output whilst seeking to ensure due consideration for local context and character and design principles. It is apparent that these factors have informed the design of the scheme These factors have driven the scheme. Adopted local plan policies expect development to respect its context in terms of height, scale and massing. In short, buildings should be of the highest architectural standards and especially on sites with high public visibility.

3.8.5 The general datum of the proposed development appears to represent a logical distribution of height across the site. The scale of the building is supported within the context of the site supporting the quality of the layout and the optimisation of housing output. Residential development should generally be based on the size of the building in conjunction with the quantum of residential units provided. Dual or multi aspect units should be maximised with single aspect, north facing units avoided all together, as is the case here. The layout of the proposal has been dictated by the size and shape and orientation of the plot. Potential issues of overheating have been mitigated by generous floor to ceiling heights and by the fact that only 7 units are offered (a comparatively small number of units) such issues, in the unlikely event they were to arise, would not be overly concerning. Information submitted in support of the proposal indicates that the development generally achieves good levels of sunlight, daylight and circulation space.

3.8.6 In terms of the design of the dwellings, the proposal responds well to the various styles and types of dwellings which exist in the locality or those that enjoy consent but are yet to be built out. Planning policy places an emphasis on new buildings to be of the highest

architectural quality. The NPPF also outlines that planning decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. It additionally recognises that considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetics and consider the connections between people and places and the integration of new development into the natural, built and historic environment.

- 3.8.7 Local and national design policies advise that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area, including the street scene by virtue of, amongst other things, overshadowing or over-dominance. The applicant has embraced the issue of design quality in submitting a proposal that rationally links the architectural cues displayed in existing local development to provide context that respects the urban grain. Whilst the design of the building's face would be highly distinctive in terms of its form and pattern, with more contemporary elements coupled with use of brick, the proposal displays a comparative lightness of impact derived from its nod to the established architectural vernacular. For example, the integration of brick columns, varying window widths and horizontal parapet bandings and the vertical and horizontal disposition of the different components of the building. The arrangement of the facing materials and glass within each façade varies but nonetheless follows a structured pattern, as seen in many other buildings of significance in the locality. This variance contributes to the visual interest of the building and serves to break up its mass. Locally, there is a wide variation in respect of façade treatment and there is no overarching pattern of development to speak of. The building is aspirational in its design being modern looking and utilising modern materials in its construction but with a clear nod to the past shown in its architectural features, clearly derived from the fabric of the areas more notable buildings.
- 3.8.8 In summation, the proposal would improve the appearance of the site and create much needed housing whilst being respectful of local characteristics. Therefore, the proposal accords with the design expectations of Wirral's existing and emerging local plan as well as the NPPF.
- 3.9 Highways:
- 3.9.1 The application site has currently two entrance points, one from Quarry Road East and one from Tower Road North (not in use) the proposal allows for 11 spaces accessed from Quarry Road East and two off street spaces to serve the 4 bed penthouse flat off Tower Road North. The car parking is within an established area of hardstanding, the provision is considered acceptable in terms of Highway Safety. The proposed site plan shows an area within the grounds for secure cycle storage as well as a separate area for covered bin storage to serve the properties which meets the UDP Policy TR12. Therefore there are no Highway Implications relating to this proposal and no objections from the Local Authority Highway Engineers have been received in terms of the number of spaces or their size/position.
- 3.9.2 The Highway Authority have been consulted and have raised no object to the proposal given the fact that it will utilise the existing access arrangement. As mentioned, parking on site is well served and would far exceed any local requirements. Third party concerns were raised about the safety of the existing arrangement. However, as mentioned, the highway authority has not echoed this concern and no evidence has been submitted to support this view.
- 3.9.3 Nuisance arising from construction work is not a planning matter. Such activity is adequately controlled by environmental protection law through the control of pollution legislation. Therefore, it is not a material planning consideration weighing against the granting of a planning permission. Indeed, as with all building projects, there is a reasonable expectation that there will be a degree of noise, mess and other related inconveniences forming part of the development process and therefore an entirely normal

occurrence in the circumstance.

3.10 Tree Landscaping and Ecology:

3.10.1 The site has a Tree Preservation Order and the scheme seeks to retain the bulk of trees and add more soft landscaping, the access points utilise the two existing vehicle access points which again reduces the impact onto established trees. Two trees are close to the new building and can be retained with careful management, however they are not considered to make such a significant contribution to the amenity that they should be retained at all costs. Also, they will require regular pruning post development to minimise nuisance in terms of interference with the new building and leaf and litter drop due to their close proximity. The presence of the boundary trees would make these hard to see in the summer months and they are of a size and age where replacement planting may be more suitable and free up space to better protect the adjacent trees T23 and T13.

3.10.2 Local Authority Tree Officer comments;

The trees around the boundary of the site provide a significant amenity to the area.

Trees internal to the site less so.

Trees condition:

The majority of the trees are in good condition, although the horse chestnut along the boundary with Quarry Road East do require some remedial pruning. This can be dealt with through a TPO application as it is not required to facilitate the proposal.

Relationship between trees, structures and access:

The existing access is to be used for the proposed development. T1 and T2 may benefit from physical stem protection.

Tree removals and pruning:

1 tree is to be removed to facilitate the development. Two trees are close to the new building and can be retained with careful management, however in my view they do not make such a significant contribution to the amenity that they should be retained at all costs. Also, they will require regular pruning post development to minimise nuisance in terms of interference with the new building and leaf and litter drop due to their close proximity. The presence of the boundary trees would make these hard to see in the summer months and they are of a size and age where replacement planting may be more suitable and free up space to better protect the adjacent trees T23 and T13.

Impacts to amenity:

The proposal should have a minimal impact on the amenity provided by the trees, provided the guidelines outlined in the Arboricultural Impact Assessment are followed.

Tree protection details and measures:

The details are adequate to the scheme.

Mitigation:

Replacement planting for T13 and T24 should they be removed.

Recommendation:

No objection to the proposed

3.10.3 The application is supported by an ecology survey, there are no ecology issues raised from consultation with MEAS, conditions have been requested to protect existing species such as shrub clearance and mitigation measures for protected mammals in accordance with Wirrals UDP Policy NC7.

3.11 Amenity:

3.11.1 The position of the building reflects the position of the original dwelling and allows for the retention of existing vehicle access points, boundary treatment and landscaping. This

allows for the change to the site to consider the original scale and setting of the plot within its context, it is accepted that the replacement building is larger however the set back, positioning and design result in an acceptable redevelopment of the plot.

- 3.11.2 The proposal is for 7 apartments set out over three floors, with the exception of the south and east elevation the building will be two storey in scale with the third floor contained within the roof space. The third floor is host to one 4 bed apartment which has balconies and outlook focused to the south and east achieving the interface distances to neighbouring properties.
- 3.11.3 In terms of outlook, the proposed building achieves the Councils interface distances of 21m window to window and in some cases exceeds these distances. The shortest distance is from the north west elevation (two storey height outlook) to the side elevation and garden of 11A Tower Road North, this distance is 21m to a ground floor side window, taking account of the Councils policy on interface distances and principal elevations this is considered acceptable.
- 3.11.4 To the south elevation the proposal achieves 38m and to the east achieves 35m, there is no window to window overlooking to the west due to the position and orientation of the buildings.
- 3.11.5 The building and its layout overall meets the Councils policies, the building has been repositioned slightly in order to achieve 21m to the north west which has reduced the distance of the south elevation to the car parking spaces. It should be noted that the car parking layout has been designed to limit impact onto the trees and tree roots. One parking space will be within close proximity to a living room window of the ground floor flat (due to the amendments that were requested) however these parking spaces can be allocated to this property to once again restrict any potential harm to residential amenity. The revised site layout plans also include a soft landscape buffer between the parking spaces and the ground floor flat windows which helps to negate this issue.
- 3.11.6 Concerns have been raised with regards to increase in noise and disturbance from additional residents using the site. It is accepted that the number of residents proposed would be an increase in terms of the property being used as one residential unit, however the spacing of the building on the plot, the use of existing access points and provision of appropriate interface distances produces a development that would not be considered to be overbearing by reason of density or proximity to established neighbouring properties. No planning issues such as noise nuisance from anti social behaviour cannot be assessed as part of a planning application in the instance of residential development such as this proposal.
- 3.11.7 The layout of each flat and the provision of outlook and privacy to established neighbouring properties is considered acceptable, the number of units and the landscaping of the site do not have a detrimental impact onto the character of the area and overall is considered to be an acceptable redevelopment of the site.

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 is considered to be well sited within the plot and takes account of the plot and neighbouring amenity. The design would not harm the character of the area and is well designed without compromising established amenity. The proposal is therefore acceptable having regard to Wirral's UDP Policies HS4, HS13, GR7, NC7 and SPD2

Recommended

Approve

Decision:

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 12 & 17 May 2022 and listed as follows:

PLP 002V2

PLP 003V2

PLP 004V2

PLP 005V2

PLP 009

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

3. Before any external facing construction commences, samples of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

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. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any above ground work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

5. No tree felling, shrub removal, scrub clearance, or vegetation management 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, shrubs, 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; To avoid any detrimental impact onto nesting birds having regard to Wirral's UDP Policy NC7

6. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on protected species:
 - A pre-commencement check for badger and hedgehog.
 - All trenches and excavations should have a means of escape (e.g., a ramp).
 - Any exposed open pipe systems should be capped to prevent mammals gaining access.
 - Appropriate storage of materials to ensure that mammals do not use them

Reason; Having regard to priority species in accordance with Wirral's UDP Policy NC7

7. Details for the construction of the widened vehicle access from the highway in Quarry Road East and any amendments to the existing highway made necessary by this development shall be submitted in writing to the LPA in accordance with LPA crossing specifications. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

Reason: Having regard to Highway safety

8. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

Prohibited Activities.

The following activities must not be carried out under any circumstances:

- a, No fires to be lit within 20 metres of existing trees and shrubs to be retained.
- b, Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
- c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- d, No builders debris or other materials to be stored within the Root Protection Areas.
- e, No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be used and located not within 10 metres of any Root Protection
- f, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g, No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

Arboricultural Site supervision.

The Arboricultural Impact Assessment & Method Statement Ref NWTC 21.03 and Tree Protection Plan PL.P.008 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section 7 of the report Ref NWTC 21.03, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with UDP Policy GR7

9. Before any demolition or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with UDP policy GR7.

10. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

11. Notwithstanding the details shown on the proposed site plan, details of the bin storage and secure cycle storage shall be submitted to and approved in writing prior to first occupation of the building. The bin and cycle storage shall be erected as agreed prior to first occupation and maintained as such thereafter.

Reason; Having regard to appearance and amenity in accordance with Wirrals UDP Policy HS4

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details

Expiry Date:

14/04/2022