

Planning Committee	9 th November 2023
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Reference:	Area Team:	Case Officer:	Ward:
APP/22/00662	DM	Ms A McDougall	Seacombe

Location:	Memorial Hall, The Spire, BRECK ROAD, POULTON, CH44 3BD
Proposal:	Demolition of existing derelict hall, proposed new 33 no. apartments with associated landscaping works
Applicant:	Magenta Living
Agent:	Mr Johnson Paddock Johnson Architects

Qualifying Petition	No
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Development Plan designation:	Primarily Residential Area
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Planning History:	There is no relevant planning history on this site.
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Summary Of Representations and Consultations Received: Over 15 letters of objection have been received, in accordance with the Councils scheme of delegation the application is to be heard at planning committee

1. Ward Member Comments	No comments received.
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications, 112 letters of notification were sent to the neighbouring properties. As a result, 129 objections have been received on the following grounds.</p> <ul style="list-style-type: none"> • Traffic impact due to increase in car use and proximity to a busy junction. • Noise levels will increase. • Loss of privacy from new building • Local historic importance of the Memorial Hall and the loss is disrespectful to the community and its history. • Loss of a tree to the rear boundary • No requirement for social housing in this location <p>35 Letters of support have also been received.</p>

	<p><u>CONSULTATIONS</u></p> <p>Highway Asset - No objection subject to informative</p> <p>Traffic & Transportation - No objections subject to conditions</p> <p>Housing - No confirmed RSL</p> <p>MEAS - No objection subject to mitigation condition, a watching brief and recreational pressure mitigation</p> <p>Lead Local Flood Authority (LLFA) - Objection originally raised. Additional information was submitted by the agent and the objection was lifted, subject to conditions.</p> <p>Trees- The majority of trees on the site have grown up as a consequence of neglect of the site, and they do not or have not made a significant contribution to the landscape character of the local area. Trees T1 -T3 are the largest on the site, situated behind adjacent properties, they have a low public amenity. No objection subject to tree mitigation conditions.</p>
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3.1 Site and Surroundings	<p>The site comprises the former St Luke's Memorial Hall building with a frontage to Mill Lane in Wallasey. The site contains the Memorial Hall building and open land that extends between the adjacent St Luke's Church to the south and a bowling green to the north. Adjacent to the Memorial Hall building is the St Luke's Church and Spire community centre. The church site remains in current use and does not form part of the application site.</p>
	<p>The application site is a de-consecrated former church hall. It is in a poor state of repair, the site currently forms part of (The Spire) St Lukes</p>

	Church grounds, with the main church being located south of the application site. The site is a derelict building that is not listed and does not lie within a designated conservation area but is considered to have local importance in terms of local history.	
	The application site is a brownfield site that covers an area of approximately 3,141.61m ² (0.31 hectare). The site comprises land with varying levels, with the existing building sitting above pavement level, and contains tall hedges and mature trees to the northern perimeter, providing enclosure from the bowling green and adjacent neighbouring properties	
	The surroundings to the site are predominantly residential with housing on Breck Road to the west, Mill Lane to the east, and on Poulton Road to the south west of the site. Further to the west of the site, traditional style housing gives way to modern apartment blocks	

3.2 Proposed Development	<p>The proposal is for a building containing staggered heights from 2 storey up to 4 storeys comprising of 33 flats, set out as 22 one bed units and 11 two bed units. The scheme will include a minimum of 10% affordable housing provision which will likely be in the form of a commuted sum to the equivalent value of 2% of the open market value of all the units within the development. This would be secured by a Section 106 Agreement.</p> <p>Amended plans have been received with regards to the landscaping and car parking layout, this sees the reduction in car parking to 19 off street parking spaces and increased area of amenity space and reduction in loss of trees.</p>	
	The works include the demolition of the existing memorial hall that is in a poor state of repair, the memorial hall ceased its use in 2001. It is noted that the memorial hall is not listed but is of local importance.	

3.3 Development Plan	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan (adopted 18 July 2013).</p> <p>The following Wirral Unitary Development Plan 2000 Policies relevant are;</p> <p><u>HS4 Criteria for New Housing Development Policy</u></p> <p><u>HS6 Principles for Affordable Housing Policy</u></p> <p><u>NC7 Species Protection Policy</u></p> <p><u>TR9 Requirements for Off-Street Parking Policy</u></p>	
	The Joint Waste Local Plan for Merseyside and Halton (adopted 18 th July 2013) is also applicable. Relevant policies are:	

WM8 Waste Prevention and Resource Management

WM9 Sustainable Waste Management Design and Layout for New Development

3.4 Other Material Planning Considerations

Submission Draft Local Plan

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam

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

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

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 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
- 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)."

Relevant Policies;

Policy WD 1 Landscaping including Trees

Policy WD3 Biodiversity and Geodiversity

Policy WD6 Self Contained Flats

Policy WS 2 Social Value

Policy WS 3 Strategy for Housing

Policy WS 6 Placemaking for Wirral

Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking

Policy WS 8 Strategy for Sustainable Construction

INTERIM APPROACH TO AVOID AND MITIGATE RECREATION PRESSURE IN WIRRAL MAY 2022

The majority of the Wirral coastline is designated in recognition of its international importance for wildlife, in particular for wintering birds; and its notable habitat. These designations establish legal requirements for the protection of these special environments, and specific duties on local authorities, particularly with regards to planning.

The wide range of recreational activities that take place within these European designated sites can result in disturbance to the birds, albeit often unintentional. Human disturbance of the birds can have several impacts. Birds may be more alert, resulting in a reduction in the amount of food eaten, or they may move away from the disturbance. A bird which moves away, forgoes valuable feeding time whilst in the air and also uses energy in flying – a double impact on the bird's energy reserves. If the disturbance is substantial, then food-rich areas may be little used by the birds or avoided altogether, leading to other areas hosting a higher density of birds and intensifying the competition for the available food. Ultimately, the consequence of human disturbance can be increased bird mortality or a reduction in the amount of energy which the individual bird has available at the end of the winter period to fly back to its breeding grounds. If as a consequence the birds are unable to complete their migratory journey or are not in sufficiently good condition to breed when they arrive, then this would lead to a reduction in the bird population.

The National Planning Policy Framework sets out the Government's planning policies. At the heart of the NPPF is a presumption in favour of sustainable development.

Section 2. Achieving sustainable development.

Section 5. Delivering a sufficient supply of homes.

Section 11. Making effective use of land

Section 12. Achieving well-designed places

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.

SPD4 Parking Standards (June 2007)

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

	<p style="text-align: center;"><u>Wirral Council Tree, Hedgerow and Woodland Strategy</u></p> <p>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.</p>
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<p>3.5 Assessment</p>	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • Principle of development • Design; • Highways and PROW; • Ecology/Trees/recreational pressure • Amenity • Section 106 agreement (affordable housing & recreational pressure)
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<p>3.6 Principle of Development</p>	<p>The proposal is for a residential development consisting of 10% Affordable Housing provision, the development also includes provision for off street parking and landscaping within the site. The affordable housing statement sets out 10% affordable housing provision that will be secured by a S106 agreement.</p>
	<p>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</p>
	<p>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</p>
	<p>Demolition of the existing hall to make way for residential development, is acceptable in principle, the building is not listed but is considered a non-designated heritage asset. It is acknowledged that the former Memorial Hall site is of historical interest in the local area and the proposals that</p>

	<p>have come forward to redevelop the site are sensitive to the site's history and its connections with the adjacent St Luke's (The Spire) Church.</p> <p>The hall included a memorial stone which has since been relocated within the main Church adjacent to the application site.</p>
	<p>In principle, the proposal is therefore acceptable for the aforesaid reasons and principally because its realisation would optimise the use of a brownfield site and in accordance with the adopted Wirral UDP Policy HS4.</p>

<p>3.7 Design</p>	<p>The development seeks to compliment the neighbouring church, not to compete with it. By staggering the apartments across a part 2, 3 and 4 storey building mass, the desired number of units can be achieved without detrimental impact to the surrounding area and without creating any sense of over-development. 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</p>
	<p>The loss of the memorial hall does impact local history however the poor condition and disuse of the building mean that the building itself cannot be retained or repurposed in association with the redevelopment of the site. The design of the central gable to the proposed building does seek to emulate the gable of the memorial hall to provide a visual relationship between the original and the proposed. The design and scale of the building do hark to the mass of the existing building providing a larger central section with small wings to the side so as not to dominate the Church.</p>
	<p>The external finish is simplistic with brickwork details to the central gable and windows, the changes to the brickwork colour give more dimension to the building and the green copper detailing to the stairwell and windows reflects the copper spire of the neighbouring Church. The design containing a mix of heights and material palette is considered appropriate to the character of the area, taking into account the orientation of the building and the relationship to neighbouring development.</p>
	<p>Having regard to the NPPF;</p> <p>Section 12. Achieving well-designed places</p> <p>The proposed development aims to add to the overall quality of the area, and contribute to the site's long-term sustainability. The building has been designed to fit comfortably within its surroundings, with consideration given to the existing context and the adjacent buildings. The layout aims to utilise the site appropriately in relation to its context and provide sufficient complementary space for car parking and amenity space. Additionally, the selection of materials will offer a visually attractive varied elevation to blend with the contextual palette of materials</p>
	<p>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 policies HS4 and emerging local plan Policy WD6 as well as the NPPF</p>

<p>3.8 Highways</p>	<p>The site will be laid out with a new vehicular access from Mill Lane to the north of the site, with 19 car parking spaces and turning area set out within the site. The provision of 19 spaces (initially 28) for 33 flats within a sustainable location given the bus route network, meets the criteria set out in SPD4 which sets out a maximum of one space per unit policy, the building has internal storage space for bikes which is the preferred option to external storage.</p> <p>Cycle storage is provided internally and identified bin storage is shown on the proposed site plan to the rear of the car park to the west of the application site.</p> <p>The Highway Authority have been consulted and have raised no objection to the proposal as per the amendments. Parking on site is well served and would exceed any local requirements. Third party concerns were raised about the safety of the proposed development in terms of access and road safety, however, as mentioned, the highway authority has not echoed this concern and no evidence has been submitted to support this view.</p>
	<p>The site has off street provision for waste collection, the development car park allows for servicing to be accommodated within curtilage, and a refuse vehicle has been suitably demonstrated to enter and leave the facility in a forward gear. A construction management plan condition will also be imposed to meet the requirements of the joint waste local plan.</p>

<p>3.9 Ecology</p>	<p><u>Protected Species</u></p> <p>The site was found to comprise common and widespread habitats of hardstanding, dense scrub, scattered trees, introduced shrubs and ephemeral vegetation. The site was found to have value for the following notable species groups:</p> <ul style="list-style-type: none"> • Bats (foraging, commuting, and roosting) • Breeding birds <p>The former memorial hall was assessed as having moderate roosting potential. It is recommended that a minimum of two nocturnal bat surveys be completed to further assess the buildings use by roosting bats. The surveys should follow the guidance set out in Collins (2016), which are seasonally constrained to May to September (inclusive).</p> <p>The emergence/nocturnal survey notes that very low-low levels of bat activity were recorded with no bats were recorded emerging from the building. Common pipistrelle and brown long-eared bat were the only bat species recorded during the survey with bats recorded foraging predominately to the north and west of the building. Following the nocturnal emergence surveys, it was confirmed that bats were not using the building as a roost as a time if the surveys.</p> <p>It is recommended that If works have not begun by September 2024, a further daytime assessment and nocturnal survey(s) will be required to confirm bats are not using the building to roost.</p>
	<p><u>Trees and Landscaping</u></p> <p>The current site contains trees and hedges as well as a mix of shrubbery that is now relatively dense due to the nature of the site being unused. To make way for the development there will be a loss of trees around the boundary and within the site itself, following amendments to the layout and</p>

landscaping and with a reduced area of hardstanding, this allows the retention of trees labelled 4, 5, 7, 8, 12, 13 & 18 to be retained and trees labelled 1, 2, 3 (sycamore) to the rear of the site, trees 10, 11 (sycamore) to the front of the site and tree 16 (weeping willow) to the centre of the site to be removed to make way for the development and will allow for more external amenity space to be retained by the reduction to the car parking area.

Given the impact onto habitats and the impact of construction work, a condition to assist in replanting and improve biodiversity on site will be imposed in order to replenish the site following building work and construction will be imposed. There are areas to the front and rear of the site that can be landscaped to improve biodiversity following the completion of the development.

Comments from the Tree Officer state that the trees and vegetation on site have largely grown due to neglect, in line with the Councils tree strategy 13 trees should be planted in mitigation, these should be detailed within a landscaping scheme and should be of a size and suitable species for the site. Conditions imposed with regards to tree mitigation.

Biodiversity

The site is an existing brownfield site with a building, albeit unused, with existing buildings located to the east, south and west. To the north of the site is an area of grass land with a concrete plinth, this area is to be cleared to make way for the access and car parking, this section of the site also sits adjacent to an established bowling green which separates the site from the motorway overpass. The main impact on the site as existing is the loss of the scrub land to the north to make way for car parking and access road, however within the immediate plot, landscaping biodiversity net gain can be encouraged through appropriate planting and habitat support such as bird/bat boxes, this has been imposed as a condition.

Interim Recreational Pressure

The proposal results in a net increase of 33 residential units, which will result in increased visits to recreational sites within the Borough (recreational pressure) . This may result in significant effects on habitats and species for which these sites have been designated.

Recreational pressure from residential development has been identified as a Likely Significant Effect alone and in-combination within the Liverpool City Region. Recreational pressure is recognised in the formal statutory Conservation Advice Packages and Site Improvement Plans as Medium-High risk to qualifying features of the national and international sites.

The following mitigation recommendations are included:

- Welcome packs to be provided to residents detailing to nearby designated site and measures to minimise increased residential visitors impacts.
- Compensatory tree and scrub planting to be of benefit for invertebrates, birds, bats and terrestrial mammals.
- Reasonable Avoidance Measures during vegetation removal.
- Nesting bird checks prior to any vegetation removal if completed during the nesting bird season (March to September, inclusive).
- Update non-native invasive species walkover, prior to the development.

	<p>Wirrals Interim approach in terms of recreational pressure requires appropriate mitigation, in this instance a commuted sum to be secured by a S106 has been agreed with the applicant.</p> <p>It is recommended that details of a responsible user code in line with the LCR Wirral Leaflet is provided and distributed within sales packs, and this is secured by condition.</p>
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<p>3.10 Amenity</p>	<p>In terms of the proposed building, the layout is staggered with the height and massing of the building fluctuating across the site so as to minimise the visual bulk especially when viewed along Mill Lane and when read in conjunction with the Church to the south (which is to remain). Each flat has appropriate outlook from habitable rooms, the north elevation facing the car park has car parking spaces that front on to the windows but are also buffered by walkways and landscaping</p>
	<p>In terms of the interface distances to the two-storey houses on Mill Lane the proposed building is approximately 28m away at its closest point albeit this is to the two storey side wing and where the proposed building is four storey the houses opposite on Mill Lane are between 32m to 40m away (northern end) it should be noted however that the buildings on Mill Lane are staggered and orientated towards the north west as the highway sweeps around a bend giving distance between the existing site and the proposed structure. This meets the policy guidance of SPD2.</p>
	<p>To the west (rear) the houses on Breck Road are approximately 16.8m to the proposed building (three storey flat roof) with this elevation containing secondary windows only within the proposed building. This distance increases from south to north along the west side due to the angle of the houses in relation to the application site and the position of the building. As this is considered a blank elevation the proposal addresses the minimum interface distances of 14m window to blank wall (additional 2m for additional storey increase). This meets the policy guidance of SPD2.</p>
	<p>Having regard to the emerging local plan, policy WD6 Self Contained Flats (and WS7); The location and property is appropriate for higher density development, in terms of the character and setting of the area and access to local services and is well connected by a choice of means of transport.</p> <p>As stated, the flats have reasonable outlook and amenity, access is provided to individual flats within the main structure of the building and new windows required to serve habitable rooms benefit from a reasonable degree of privacy and do not overlook adjoining properties to an unacceptable degree.</p> <p>There are 14 2 beds and 19 1 bed units, these are all stacked above one another on each floor so as to limit any harm to residents in terms of nuisance</p> <p>There is shared garden space provided for each flat, including those on upper floors, with defensible space between the shared area and any ground floor windows to habitable rooms; and appropriate parking arrangements, secure on-site cycle storage and waste refuse and recycling containers are provided.</p> <p>The 2 bed flats measure approximately 63m² which meets the NDSS of 61m², the 1 bed (max 2 people) flats measure 45m² in terms of the</p>

	<p>smallest units proposed, this falls short of the advised 50m² but meets the 1 bed one person specification of 39m².</p> <p>Whilst the one bed flats fall short, the NDSS requirements are not yet adopted and the benefits for redevelopment of an existing brownfield site outweigh the harm in this instance given that the one bed flats fall short by a minimal amount, the one bed apartments also have internal storage provision.</p>
	<p>The flats are stacked above one another, each unit has appropriate outlook to habitable room windows and is not restricted in terms of outlook. The overall site layout with parking to the north has areas available for low level soft landscaping around the parking areas as well as within the communal grounds, the wall to the east will also be retained with the exception of the widening vehicle access.</p>
	<p>The layout of the site retains the Mill Lane boundary wall and original entrance steps, leading to the east elevation of the building. The car park is to the north of the site adjacent to the bowling green, with areas to the east and west of the proposed building being retained for outdoor amenity space.</p>
	<p>Having regard to the NPPF;</p> <p>Section 2. Achieving sustainable development.</p> <p>The scheme aims to meet the three overarching objectives of the planning system, as follows:</p> <p>a) An economic objective – the development of new homes will bring back into use the brownfield sites. The application site is also surrounded by existing residential development and is therefore supported by a full range of existing local services and facilities,</p> <p>b) A social objective – the proposed development aims to deliver a sustainable long-term positive contribution to the area through the creation of the dwellings within the area, subsequently contributing to the long-term economic sustainability of the surrounding uses within the town of Wallasey</p> <p>c) An environmental objective – the application proposals utilize a brownfield site making effective use of previously unused land due to the derelict hall. This also creates the opportunity for the construction of a low carbon development.</p> <p>Section 5. Delivering a sufficient supply of homes</p> <p>The proposed development helps to support the objectives set out in Section 5 through the delivery of a proposed apartment building with a suitable mix of layouts offered to suit a variety of needs in an area supported well by local transport links and existing local services and facilities.</p> <p>The site is also brownfield in nature and will support the need for affordable housing, in an area already dominated by established residential development.</p>

	<p>The proposal helps to relieve the mounting local concern regarding the availability of sites for housing and development within the wider area.</p> <p>Section 11. Making effective use of land</p> <p>The proposal promotes the effective use of unused land whilst also meeting the need for new homes.</p>
	<p>The main area of concern is in terms of local amenity and the historical value of the memorial hall to local history. The hall was constructed in 1926 as a remembrance to those who lost their lives during World War 1. Whilst the hall itself was used as a community hall, the building is no longer in use (closed in 2001), the memorial stone has been saved and repurposed within the adjacent Church building. The loss of the building itself is not considered to harm the appearance of the locality however what the memorial hall stands for is an important feature within the local community, therefore whilst the proposed development is considered appropriate, any historical and artifacts of memorium must be protected and retained by the Church in an appropriate manner, this can be controlled through condition.</p>

<p>3.11 Section 106 agreement</p>	<p>When considering the potential content of a legal agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.</p>
	<p>Contributions/Provisions for the following are to be secured to ensure the proposal is policy compliant.</p> <ul style="list-style-type: none"> • Affordable Housing- minimum of 10% of the 33 units or a commuted sum to the equivalent value of 2% of the open market value of the units within the development • Recreational Pressure- 33 residential units- £286.26 per unit

<p>Summary of Decision (Planning Balance)</p>	<p><u>Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.</u> 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), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: -</p>
	<p>The proposed scheme as a residential development is considered acceptable having regard to scale, design and housing provision for the locality, through conditions the artifacts that form part of the local history of the Memorial Hall can be salvaged and recorded. Therefore, on balance the development is considered acceptable in accordance with the appropriate adopted Wirral UDP Policies, Joint waste local plan, Wirrals Tree Strategy and the NPPF.</p>

Recommended Decision:

That the Director of Regeneration and Place be authorised to approve the application subject to the following conditions and subject to the completion of an agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with the heads of terms set out in section 3.11 of this report

Recommended Conditions and Reasons:

1 The development hereby permitted shall begin not later than [3] years from the date of this decision.

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

2 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 13 April 2022, 16 September 2022 & 17 August 2023 and listed as follows:

21101-PJA-00-00-DR-A-1100-D

21101-PJA-01-ZZ-DR-A-2100

21101-PJA-01-ZZ-DR-A-2000-B

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

3 No development involving the use of any facing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy HS4

4 Prior to first occupation, a scheme for the provision of bird nesting/bat boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved shall be completed and available for use prior to first occupation/use of the development and shall thereafter be retained.

Reason: To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan

5 No development or demolition shall take place until a report on a programme of historic building investigation, including a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of historic building investigation and works shall be undertaken in accordance with the approved Written Scheme of Investigation (WSI).. The WSI must include the following five steps: • A programme and methodology of site investigation and recording. • A programme for post-investigation reporting to include production of a final report of the significance of the historic building. • Provision for appropriate publication and dissemination of the archaeology and history of the historic building, including protection and location of historic artefacts • Provision for archive deposition of the report and records of the site investigation.

- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Reason; Importance of recording a non-designated heritage asset

6 No development or demolition shall take place until a report on a programme of archaeological works including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of archaeological works and works shall be undertaken in accordance with the approved Written Scheme of Investigation (WSI). The WSI must include the following five steps: • A phased programme and methodology of site investigation and recording; • A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest; • Provision for appropriate publication and dissemination of the archaeology and history of the site; • Provision for archive deposition of the report, finds and records of the site investigation; and • Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI. The Historic Building Investigation and archaeological investigation works should be described in a Written Scheme of Investigation (WSI) produced by an appropriately qualified and experienced archaeologist. For the historic building investigation, it should conform with the standards of Historic England 2016 Understanding Historic Buildings: A Guide to Good Recording Practice (<https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/>).

Reason; Having regard to the protection of the historic environment.

7 No tree felling, scrub clearance, vegetation removal, hedgerow removal or building works are 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 buildings, trees, scrub, hedgerows, 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; Habitat protection having regard to Wirrals UDP Policy NC7

8 The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them: • A pre-commencement check for 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; and • Appropriate storage of materials to ensure that mammals do not use them.

Reason; Having regard to species protection.

9 Prior to demolition a minimum of two nocturnal bat surveys shall be completed to further assess the building's use by roosting bats and those surveys shall be submitted to the Local Planning Authority. The surveys should follow the guidance set out in Collins (2016), which are seasonally constrained to May to September (inclusive) and submitted to the Local Authority prior to any demolition works.

Reason; Habitat and species protection having regard to Wirrals UDP Policy NC7

10 No development shall commence until final detailed plans and particulars of the sustainable drainage system, in the form of a 'Final' Sustainable Drainage Strategy, for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The details of the 'Final' Sustainable Drainage Strategy must be based on the principles and details identified in the following submitted documents and Terms of Condition below; Drainage Strategy (Feb 22 / Drawing No 21101-T-DRS-CIV-500 / Rev C/ Thomasons) Drainage Strategy & Management and Maintenance Plan (January 2023 / Contract No LV1160 / Rev B/ Thomasons) The approved scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. For the avoidance of doubt, the surface water discharge rate from the development site shall be no more than 4.2l/s. Terms of Condition; Final/Confirmed Sustainable Drainage Strategy to comply with DEFRA's technical standards for sustainable drainage systems, and the SuDS Manual and include: Justification of final design Drawings to include: Final layout of site with proposed ground and finished floor levels Pre and post development flow paths Plan showing hatched permeable/impermeable areas. Final layout of sewers; outfalls; SuDS. Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; emergency overflows and annotation that correlates to the hydraulic calculations Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. Hydraulic modelling for final drainage strategy to include: System performance for following return periods; 1, 30, 100, 100 plus appropriate climate change allowance Demonstration of sufficient on-site storage for the 1 in 100 year (plus climate change) critical rainfall event Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs Volumetric runoff co-efficient (Cv) should be set to '1' Timetable including any phasing and demonstrating completed SuDS construction prior to occupation Construction Phase Surface Water Management Plan Secure means of access for maintenance and easements, if applicable

Reason; To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework

11 The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved Final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan in consultation with the Lead Local Flood Authority. The approved drainage scheme shall be fully constructed prior to occupation. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements in accordance with the approved details, shall be submitted prior to occupation or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason; To ensure satisfactory sustainable drainage facilities are provided to serve the site and that maintenance arrangements are in place to ensure an acceptable standard of operation for the lifetime of the development in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework.

12 A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of

all existing trees, including location and type of a minimum of 13 new replacement trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment

13 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any 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.

14 Prior to first occupation provision and distribution of a resident's advisory leaflet within the sales packs of the properties which will include details of a 'responsible user code' for visitors to the international and national sites in line with LCR_leaflet_wirral.pdf (meas.org.uk).

Reason; Having regard to Habitat protection.

15 The development shall not be occupied until the parking including 2 accessible parking bays and turning area[s] have been provided in accordance with details which have been first submitted to and approved in writing by the local planning authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR9 of the Wirral UDP

16 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety

17 The provision of a new footway contiguous to, and adjacent with, the development boundary along the Mill Lane frontage is required, and for these works to be installed and completed prior to the first occupation of the apartments.

Reason; In the interests of Highway safety

18 No plant or materials shall be brought onto site until Root Protection Area fencing and Ground Protection has been installed in accordance with the submitted tree protection plan and specification.

Thereafter:

Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification, without prior approval of the arboricultural consultant and / or the local planning authority.

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.

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 (Insert relevant policies here).

INFORMATIVE

Consent under the Highways Act is required for the amendment of the existing vehicular accesses at Mill Lane. Proposed vehicle accesses 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 prior to the commencement of the works for the approval of the proposed details

Last Comments By:

07-10-2022

Expiry Date:

12-July-2022

