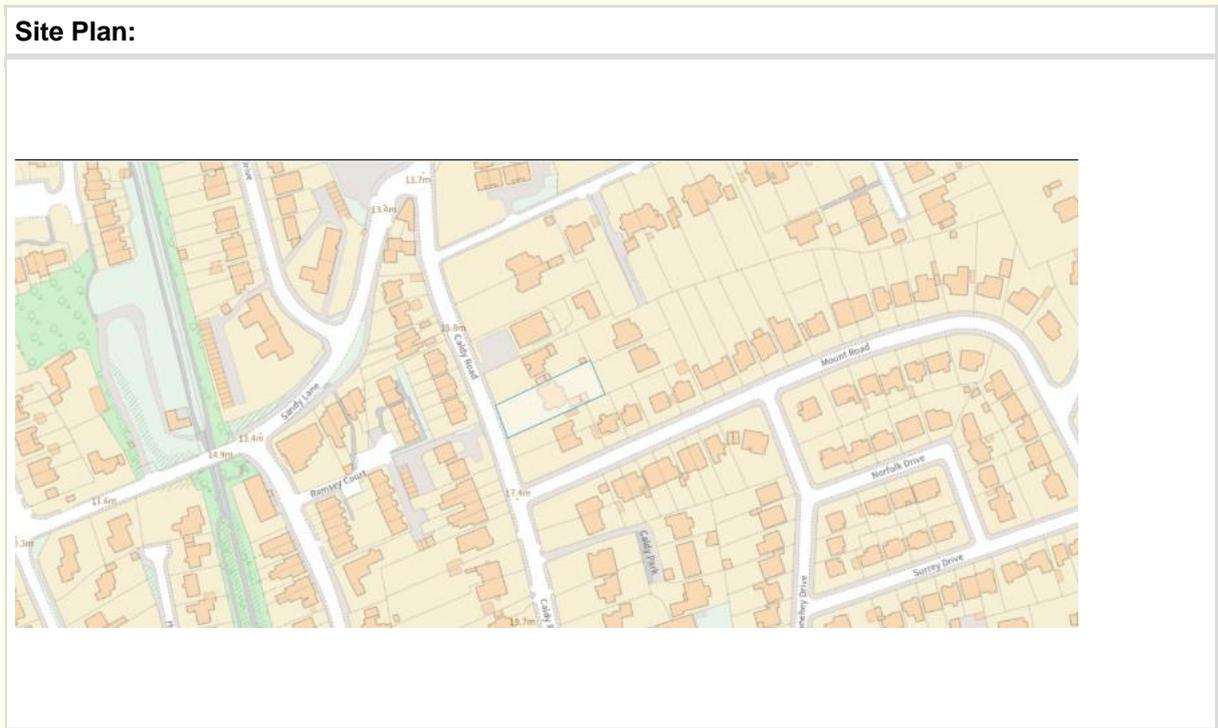


Planning Committee	9th November 2023
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Reference:	Area Team:	Case Officer:	Ward:
APP/23/00282	DM	Mr J McKee	West Kirby and Thurstaston

Location:	11 Caldý Road, West Kirby, Wirral, CH48 2HE
Proposal:	The demolition of the existing dwelling and outbuildings and the erection of a detached building containing 6 apartments with associated access, parking and landscaping.
Applicant:	Mr Gareth Pritchard
Agent :	NA

Qualifying Petition	Yes
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1. Development Plan designation:	Primarily Residential Area
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2. Planning History:	<u>Application Site</u>
	APP/21/01371 – Refuse, Appeal Dismissed 29.07.22 (APP/W4325/W/22/3291519)

Summary of Inspectors' Decision:

- Appellant advised that developer has contracted to purchase No. 9 and occupier of that neighbouring property has withdrawn objections to appeal scheme. However, I have been provided with no confirmation that sale has taken place, and even if it had, there is currently no planning approval in place. The application details which I have been provided with demonstrate developer's aspirations for No. 9 but are not in themselves indication that development proposed will actually take place. Council's objection to appeal scheme remains. I have therefore based reasoning on circumstances as they currently exist, and have given little weight to planning application relating to No. 9;
- The main issue is effect of proposal on living conditions of occupiers of 9 Caldly Road, with particular regard to outlook;
- Proposed development at No. 11 would follow existing front and side building lines of existing bungalow on site, but would be substantially deeper, extending further into rear garden. As existing bungalow at No. 11 is sited off centre on plot, the side elevation of proposed apartment block would be very close to shared boundary with No. 9;
- Habitable room windows have been removed from side elevation of proposed apartment block to avoid direct overlooking. However, rear bedroom windows on upper floors of proposed apartment block would overlook private rear garden of No. 9, albeit obliquely, causing further harm to living conditions of occupiers of that property;
- Submitted sunlight and daylight report shows that in midsummer, any overshadowing to No. 9 caused by proposed building would be minimal. However, report shows that on 21 March, there would be significantly increased overshadowing to rear windows of the main part of the bungalow and patio area during morning hours. Whilst remaining part of garden would be unaffected, the area of garden closest to bungalow is more likely to be used more, particularly during winter months. The overshadowing effect would exacerbate the harm that would be caused to rear part of the dwelling and most sensitive part of garden at No. 9;
- Semidetached house at 13 Caldly Road (No. 13) is sited at slightly higher level than adjoining bungalow at No. 11. The property is well set back from street, with similar front building line to adjacent bungalows, but a shorter rear garden. As a result, the proposed apartment block would extend almost as far as end of the garden at No. 13;
- Proposed building would significantly affect outlook from side windows at ground floor of No. 13, but these windows serve a bathroom and study so are less sensitive than other, habitable rooms. The proposed 'cut out' of building at first and second floor levels would help mitigate impact on the garden, and partial screening would be provided by existing pitched roof outbuilding at No. 13, immediately adjacent to shared boundary with No. 11;
- Overall, proposal would introduce large building in very close proximity to No. 13, resulting in feeling of enclosure to side of house and the rear garden. However, effect would not be such as to cause unacceptable harm, and would not, on its own, justify dismissing appeal;
- I have found that proposal would cause significant harm to living conditions of occupiers of No. 9 with regard outlook. There would also be some loss of privacy to the rear garden. Consequently, proposal would conflict with Policy HS4 of the Wirral Unitary

	<p>Development Plan 2000 (UDP) which requires, amongst other considerations, that proposals for new housing development are of scale which relates well to surrounding property. There would be further conflict with paragraph 130 of National Planning Policy Framework (the Framework), which requires a high standard of amenity;</p> <ul style="list-style-type: none"> • In terms of the social objective, proposal would provide 6 apartments of acceptable size, in an area with good access to local services and facilities. Scheme would help boost housing supply in Wirral, and could be built out quickly. However, in context of overall housing shortfall, net addition of 5 units would make little difference, and contribution towards meeting identified housing needs would be small. The social benefits would therefore be modest; • When viewed from street, proposal would be of an acceptable design, and appropriate conditions could be imposed to ensure scheme would be acceptable in terms of biodiversity. The proposal would be acceptable in terms of highways and drainage. These matters, which represent a lack of harm, are neutral in the planning balance; and • Proposal would provide modest social and economic benefits, but these are not sufficient to outweigh significant harm which would be caused t living conditions of the occupiers of No. 9. <p><u>9 Caldy Road</u></p> <p>APP/22/00977 – Demolition of the existing dwelling and the erection of six apartments with associated alterations to site access, parking and landscaping – Conditional Approval 28.08.22</p> <p><u>7 Caldy Road</u></p> <p>APP/1910918 – Demolition of the existing dwelling and the erection of a detached building containing 6 apartments with associated access, parking and landscaping (amended plans received 20 March 2020) – Approve 04.05.20.</p>
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3. Summary Of Representations and Consultations Received:

<p>3.1. Ward Member Comments</p>	<p>No comments received</p>
<p>3.2. Summary of Representations</p>	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 33no. notification letters were sent to properties on 05.04.23. In response, 1no. petition was received on 28.04.23 objecting to the development signed by 37no. individuals. The reasons for objection stated on the petition are summarised below:</p> <ol style="list-style-type: none"> 1. The same developer has increased density of road by building apartments at no.7 and no.6 mews properties opposite; 2. Development proposed represents overdevelopment in small space on what is a busy road; and 3. Takes away from area which is primarily family housing bordering a conservation area and development is not in keeping.

	<p>7no. representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> • Lack of privacy/overlooking impact; • Loss of outlook for existing surrounding neighbours; • Height and scale of development; • Out of character and impact to visual amenity of immediate area; • Overdevelopment of site; • Disruption resulting from development; • 1Loss of garden; • Reduction in ecological value; • Adverse daylight and sunlight impact to surrounding dwellings; • Not clear application can be approved until certainty around implementation of re-development of no.9 actioned; • Impact to potentially roosting bats; • Cumulative impact of no's. 7, 9 and application site being re-developed perspective of overwhelming feature on streetscene along Caldly Road; and • Impact to traffic/congestion.
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	<p><u>CONSULTATIONS</u></p> <p>Traffic and Transportation – No objection subject to conditions and informative</p> <p>Highways Assets – No objection subject to informatives</p> <p>MEAS – Stated objection noting date of submitted information. Revised Ecological and Bat Surveys submitted; re-consultation undertaken; no comment stated.</p> <p>Tree Preservation Officer – No objection subject to conditions; There is one mature tree on the site a beech tree. The tree is in fair condition. There are a number of small trees and ornamental trees with little significance in the landscape.</p>
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<p>4. Site and Surroundings</p>	<p>The application site is 0.265 acres, occupied by a detached bungalow.</p> <p>To the north, east and south, the site is bound by residential properties and gardens. The adjacent properties at no. 9 and no. 13 comprise a bungalow and a two-storey dwelling respectively. The adjacent properties are both set off the shared boundary and have no facing habitable side windows.</p> <p>The site falls within a designated Primary Residential Area as set out in the Wirral Unitary Development Plan 2000.</p>
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<p>5. Proposed Development</p>	<p>The proposal seeks planning permission for the demolition of the existing dwelling and replacement with a 3-storey building hosting 6no. self-contained apartments set within landscaped gardens.</p> <p>The proposed building is designed to be broadly in keeping with the flatted development approved at no.7 Caldly Road (LPA ref: APP/19/01918) and</p>
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	<p>no.9 Caldly Road (LPA ref: APP/22/00977 in relation to design, form and scale.</p> <p>The proposed building is designed to read as a large single dwelling and is set back from Caldly Road by circa 23.5m. The proposals measure approximately 7.4m to the eave's height and approximately 11.03m to the ridge. With consideration of existing changes in level, the proposed ridge height of the proposals would be 0.2m higher than the ridge height of the adjacent existing two storey dwelling at no.13 Caldly Rd. As such, the proposed height would be in keeping with the adjacent semi-detached pair when viewed from Caldly Road.</p> <p>The site slopes from the back to the front as well. This results in a significant change in level between the development site and the properties to the rear off Kirby Park Road. The proposed ridge height of the proposals is therefore 2.32m lower than the ridge height of the neighbouring properties to the rear (east) when considering the changes in level.</p> <p>The proposals include a new widened 4.5m wide access off Caldly Road to serve 6 off-street car-parking spaces, cycle storage, bin store and associated landscaping.</p>
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<p>6. Development Plan</p>	<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 adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the 'UDP') and the Joint Waste Local Plan for Merseyside and Halton:</p> <p>Relevant Policies of the UDP are:</p> <p>URN1 Development and Urban Regeneration</p> <p>GR5 Landscaping and New Development</p> <p>GR6 Greenspace within New Family Development</p> <p>GR7 Trees and New Development</p> <p>NCO1 Principles for Nature Conservation</p> <p>NC7 Species Protection</p> <p>HS13 – Self-Contained Flat Conversions</p> <p>LAN1 Principles for Landscape</p> <p>TRT1 Provision for Public Transport</p> <p>TR11 Provision for Cyclists in Highway and Development Schemes</p>
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	<p>TR12 Requirements for Cycle Parking</p> <p>WAT1 Fluvial and Tidal Flooding</p> <p>WAT2 Protection of the Water Environment</p> <p>WA3 Development and Groundwater Protection</p> <p>WA5 Protecting Surface Waters PO2 Development near Existing Sources of Pollution</p> <p>PO3 Noise</p> <p>PO4 Noise Sensitive Development</p> <p>Relevant policies of the Joint Waste Local Plan for Merseyside and Halton are:</p> <p>WM8 Waste Prevention and Resource Management</p> <p>WM9 Sustainable Waste Management Design and Layout for New Development</p>
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<p>7. Other Material Planning Considerations</p>	<p><u>The National Planning Policy Framework (2021)</u></p> <p><u>Wirral SPD2 – Designing for Self-Contained Flat Development and Conversions (2006)</u></p> <p><u>Wirral SPD4 – Parking Standards (2007)</u></p> <p><u>Technical Housing Standards – Nationally Described Space Standard</u></p> <p><u>Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Strategy)</u></p> <p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>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</p> <p>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:</p>
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	<p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and 3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).” <p>The following emerging plan policies are relevant to the determination of this planning application:</p> <p>WS1 The Development and Regeneration Strategy for Wirral 2021-2037</p> <p>WS2 Social Value</p> <p>WS3 Strategy for Housing</p> <p>WS5 Strategy for Green and Blue Infrastructure, Open Space, Biodiversity and Landscape Protection</p> <p>WS6 Placemaking for Wirral</p> <p>WS7 Principles of Design</p> <p>WS9 Strategy for Transport</p> <p>WD1 Landscaping</p> <p>WD3 Biodiversity and Geodiversity</p> <p>WD6 Self-Contained Flats</p> <p>WD14 Pollution and Risk</p> <p>WM6 Waste Management</p>
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<p>8. Assessment</p>	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies taken as a whole should be refused unless material considerations justify granting permission. Similarly, proposals which accord with the Development Plan should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan as whole and then take account of other material considerations.</p> <p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of development;
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	<ul style="list-style-type: none"> • Impact to the Character of the Surrounding Area; • Impact to Residential Amenity; • Highways; • Trees; and • Nature conservation.
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<p>8.1. Background to Application</p>	<p>Application APP/21/01371 was refused on the basis of its impacts on neighbouring no.9 Caldy Road, with the LPA concluding the proposed development would result in an overbearing form of development and create a poor outlook for occupiers of the adjacent dwelling (no.9). This application was subsequently dismissed at appeal (APP/W4325/W/22/3291519) as summarised within this report. This application, largely reflects the refused application which was refused and dismissed at appeal.</p> <p>Application APP/22/00977 was approved at Planning Committee 15.12.2022 for the redevelopment of neighbouring no. 9 Caldy Road, involving the demolition of the existing dwelling and the erection of a flatted development accommodating 6no. apartments with associated alterations to site access, parking and landscaping 28.08.22.</p> <p>At the point of the submission of this application, the applicant was in the process of purchasing no.9 Caldy Road. During the course of this application, the sale advanced to the point of completion. This was confirmed within a letter submitted to the LPA by the applicant's legal representatives. The applicant has also submitted 2no. applications seeking to discharge conditions attached to application APP/22/00977 (which are pending consideration by officers) affecting the re-development of no.9. Officers are satisfied, from the evidence submitted, the applicant has demonstrated adequate intent for the re-development of no.9 to the point where it is appropriate for an application for the re-development of no.11 to be determined. Notwithstanding, should this application be granted planning permission, a Grampian style condition is recommended to be attached to the permission, prohibiting any above ground development granted planning permission through this application to occur until the existing dwelling at no.9 has been demolished.</p> <p>Noting the above, the proposed development does not need to be assessed against any impacts to the residential amenity of any occupier of no.9 in its current form; noting the dwelling is vacant, that it has been confirmed the site is within the ownership of the applicant and the existing dwelling, will be required to be demolished, prior to the full building-out of the proposed scheme affecting the application site.</p>
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<p>8.2. Principle of Development</p>	<p>Chapter 5 of the NPPF (July 2021) "Delivering a sufficient supply of homes", states the Government's objective of significantly boosting the supply of housing within the UK. Paragraph 60 states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.</p> <p>The site is designated as part of a Primarily Residential Area where new housing development is acceptable in principle subject to compliance with all the criteria in UDP Policy HS4 and the Government's objective of</p>
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	<p>significantly boosting the supply of housing within the UK, as set out within the NPPF paragraphs 60, 74 and 119.</p> <p>NPPF paragraph 124 takes into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.</p> <p>Paragraph 125 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.</p> <p>The proposed residential development in a residential area is therefore considered acceptable in principle in accordance with UDP Policy HS4 and the NPPF, subject to compliance with all other relevant outlined planning policies.</p>
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<p>8.3. Impact to the Character and Appearance of Surrounding Area</p>	<p>NPPF paragraphs 126 - 136 provides guidance on design in developments. Paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.</p> <p>The standards for new residential development are set out under Policy HS4 of the Wirral Unitary Development Plan 2000. Proposals should be of a scale with regard to existing densities and form of development and not result in detrimental changes in the character of the area. Appropriate landscaping and boundary treatment which relates the proposed development to its surroundings should be incorporated into development proposals.</p> <p>The Supplementary Planning Document on Designing for Self-Contained Flat Development and Conversions states that applicants will be expected to show how good design and layout has been taken into account through drawings and design statements that show how the proposed development will fit in with surrounding properties and within the wider setting of the area. Poor design or development that fails to take the opportunities available for improving the character and quality of the area are unlikely to be approved.</p> <p>The surrounding area is characterised predominantly by residential properties. The buildings in the area are of varying designs and form as well as having a mix of materials.</p> <p>Regards quality of accommodation, all units represent dual aspect accommodation, have access to private amenity space and exceed the NDSS regards floorspace standards. The proposal is for 6 two bed flats that could accommodate four people in each residential unit, the NDSS states that the minimum internal floor area should be 79m², each flat exceeds this, the smallest being 91.5m² to the third floor flats being no smaller than 111.7m².</p> <p>Policy GR5 of the UDP states that in order to secure the protection and enhancement of visual amenity, the Local Planning Authority will require</p>
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applicants to submit full landscaping proposals before full planning permission is granted.

The communal soft landscaped area equates to 30% of the site, meeting the requirements of SPD2 – Designing for Self-Contained Flat Development and Conversions. This is in addition to private outdoor amenity space provided in the form of balconies and patios. The proposed landscaping provisions ensure that the development accords with the green and leafy character of the area.

Representations received express concern around increasing the density on site, that the proposed development represents overdevelopment and that the proposal is not in keeping with the area. The proposal would be approximately 0.15m higher than the approved ridge height at no. 9, and 0.2m higher than the existing dwelling at no.13. Officers acknowledge the varying character of the area; with the immediate area having both detached and semi-detached typologies of largely 2/3 storeys as well as flatted development and non-residential uses. Officers do not view the proposed development as at odds with the existing streetscene; particularly when viewed in tandem with the neighbouring sites approved for re-development. Officers conclude the proposed development would have no impact; noting the site's location; on the nearby conservation area; The West Kirby Old Village Conservation Area; a designated heritage asset; located approximately 86m north of the application site.

Subject to the attachment of safeguarding conditions regarding the materials used in the development and the landscaping provisions, it is concluded that the development would complement the visual amenity of the immediate street scene and the wider local area.

8.4. Impact to Residential Amenity

HS13 (Self-Contained Flat Conversions) sets out that for proposals for the conversion of existing buildings into self-contained flats, proposals must ensure the privacy of neighbours and occupants and sets out a detailed criteria for adherence to. Adopted SPD2 states that development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties.

Paragraph 130(f) of the NPPF sets out that planning decisions should ensure that developments 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.

Impact to 9 Caldvy Road

Application APP/22/00977 approved the demolition of the existing dwelling on the plot of no.9 Caldvy Road and the construction of 6no. self-contained apartments. As set out within this report, the development proposed under this application cannot be implemented, unless the existing dwelling at no.9 has been demolished. On this basis; this permission being reliant on the approved development at the neighbouring site being built out, officers have assessed the proposed development, on that as approved on neighbouring no.9 rather than the existing situation.

The proposed development is by-in-large, a design closely reflecting that as approved at no.9. Windows within the northern side elevation; toward the shared boundary, are to be obscured; which would be secured through a condition should development be permitted. The proposed height also

matches that as approved on the neighbouring site; measuring approximately 11m to the ridge. Noting the site context; the orientation, it is not understood the development proposed would result in unacceptable adverse daylight/sunlight impacts to occupiers of no.9. Further, windows are obscured in the side elevation of the development proposed, and those approved at no.9. On this basis, outlook implications would be negligible.

Impact to 13 Caldy Road

The existing dwelling 13 Caldy Road is sited at a slightly higher level than the existing dwelling at no. 11. The property is well set back from the street, with a similar front building line to the adjacent bungalows, but a shorter rear garden. As a result, the proposed apartment block would extend almost as far as the end of the garden at no. 13.

There are already a number of outbuildings within the rear garden of the application site sited along the shared boundary with no. 13, which would be removed, and the proposed building would be sited slightly further away from the shared boundary. Nonetheless, the proposal would introduce a substantial amount of built form close to the house and garden of no. 13, which would be far larger in scale than the existing modest outbuildings.

The Inspector noted within the dismissed appeal report affecting the application site (appeal ref.: APP/W4325/W/22/3291519) for a scheme almost identical to that as proposed under this application (however this application has a “cut-out” within its northern-eastern corner; closest to the shared boundary with no.13):

“...overall, the proposal would introduce a large building in very close proximity to No. 13, resulting in a feeling of enclosure to the side of the house and the rear garden. However, the effect would not be such as to cause unacceptable harm, and would not, on its own, justify dismissing the appeal”.

Proposed plans do not include any non-obscured windows on the southern side elevation. Whilst it is acknowledged that the proposal results in an increase in height and massing on the application site, noting in particular the orientation of the site and the proposed scale and form of the proposed, it is concluded it would not have an unacceptable adverse impact on the living conditions of the occupiers of no.13; to the extent to warrant a reason for refusal when considering the potential for loss of sunlight and daylight sunlight standards for the neighbouring occupiers. Nor would the proposed development result in any unacceptable adverse impact related to outlook, privacy or sense of enclosure.

Other

The proposed development is set back from Clady Road by 23m and over 31m away from the facing properties to the rear. The proposed development would therefore not have any impact on the facing properties to the front (south west) and to the rear (north east).

The proposed development safeguards the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.

8.5. Highways

The following UDP policies have been taken into account in this section:

- UDP strategic policy TRT1 (Provision For Public Transport);
- UDP Strategic policy TRT2 (Safeguarding Land For Highway Schemes);
- UDP strategic policy TRT3 (Transport And The Environment);
- UDP policy TR9 (Requirements for Off-Street Parking);
- UDP policy TR10 (Cycle Routes Proposal);
- UDP policy TR11 Provision for Cyclists in Highway and Development Schemes; and
- UDP Policy TR12 (Requirements for Cycle Parking)

Wirral SPD4 Parking Standards is also a material consideration in the assessment of the proposals.

The site is located off the adopted highway and within a private boundary. The level of in-curtilage car parking allows for each apartment has 2 parking spaces in accordance with the SPD4 standards. The tandem arrangement of the parking spaces is also acceptable in this instance, as the two spaces are for one apartment and can therefore be suitable managed.

The proposed ground floor level cycle storage accords with TR12 requirements of one cycle parking space per apartment.

There is satisfactory turning provision within the car-park so vehicles are able to enter and leave in a forward gear.

The proposed widening of the existing vehicle access to 4.5m allows for two vehicles to pass one another and the access affords appropriate visibility. Traffic and Transportation have raised no objection to the proposals.

The objections raised by third parties regarding highway safety, congestion, parking design and construction have been duly considered in the assessment of these proposals.

The usual requirement for any additional network modelling is when a development produces 30 or more trips in any given hour. The Consultee outlines regards vehicle trip rates, for a 6-apartment development, it could be expected that 3no. vehicles would be added to the network within both the AM and PM peak periods when the network is most trafficked.

It is very unlikely that all 12 cars will leave and arrive at the same time. Their arrival and departure patterns would be at various times due to the location where they are going to, at what time they need to leave, when they start their working day. The above is only an indication of the expected trips, but on this basis, it is concluded that there would be no highway impact from the development and any additional traffic generation could be expected within the normal daily fluctuations of traffic within the network. Highways also advised that the combination of the proposed on-site car parking and

	<p>on-street car parking provisions would be sufficient for visitor parking and servicing.</p> <p>As such, there would be no requirement for the development to provide further capacity assessment of the network or any junction analysis.</p> <p>It is considered that the development proposals would have a minimal impact on the surrounding area in highway terms and therefore remain acceptable.</p> <p><u>Waste and Recycling</u></p> <p>The Joint Waste Local Plan for Merseyside Policy WM9 (Sustainable Waste Management Design and Layout for New Development) sets out that the design and layout of new developments must, where relevant, provide measures as part of their design to:</p> <ul style="list-style-type: none"> • Address the facilitation of collection and storage of waste; • provide sufficient access to enable waste and recyclable materials to be collected and transported; • accommodate home composting in dwellings with individual gardens; and • facilitate small scale, low carbon combined heat and power in major new employment and residential schemes where appropriate. <p>The bin storage and recycled goods area is considered appropriate and allows for kerbside collection, the bins being stored adjacent to the entrance and within the private boundary to the development.</p> <p>Subject to a safeguarding condition for the above-mentioned refuse provisions the development would accord with policy WM9 of the Merseyside and Halton Joint Waste Local Plan and the National Planning Policy for Waste (paragraph 8), which set out measures as part of design strategies for waste collection and recycling.</p> <p><u>Construction Methodology</u></p> <p>The Merseyside and Halton Joint Waste Local Plan Policy WM8 Waste Prevention and Resource Management, the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) require the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable.</p> <p>The development can be delivered without causing any impact on the highway network or residential amenity. However, a Construction Management Plan would be secured by way of condition to ensure there is no detrimental impact on the highway network or residential amenity.</p>
<p>8.6. Trees</p>	<p>An Arboricultural Impact Assessment has been prepared by Tree Solutions which assesses the development proposal in relation to trees and is summarised below.</p> <p>BS 5837: 2012 contains clear and current recommendations for a best practice approach to the assessment, retention, and protection of trees on</p>

	<p>development sites. The proposed development has followed this guidance by:</p> <ul style="list-style-type: none"> • Seeking arboricultural advice and undertaking a stage 1 preliminary tree survey in order to inform the layout and design of the proposed development; • Respecting the constraints posed to development of the site by high or moderate quality trees; and • Acting upon arboricultural advice throughout the design process in order to obtain the best development proposal whilst considering the current and future tree requirements; <p>The existing trees on site include a Beech tree (Category B tree) and 10 Category C trees in accordance. All trees on the site are to be removed as part of the development proposals.</p> <p>Section 2.6 of The Strategy outlines 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. Section 3.4 provides more details around this matter regards replacement planting expectations.</p> <p>The Tree Officer was consulted on this application. The consultee outlines, in accordance with Section 3.4 of The Strategy, 25no. trees should be replanted as replacements. Officers conclude this is excessive given the size and condition of the trees being removed and the size of the site and the space constraints imposed by the proposed development. Officers conclude 8-10 replacement trees of suitable species is appropriate and sufficient, to provide adequate mature tree coverage without coming into future conflict with the scheme in line with the concept of 'the right tree in the right place', to ensure trees reach maturity in the urban environment. For example, ensuring adequate separation distances between trees and new buildings.</p> <p>There is however no definitive indication of the species and position for the replacement trees and there needs to be provision made for new planting within the submitted method statement.</p> <p>Noting the above and the specific details of this application, officers state no objection to the application and conclude the proposed development suitably in accordance with The Strategy and relevant outlined policies, subject to conditions surrounding a detailed landscaping scheme, tree protection measures, compliance with the submitted Arboricultural Method Statement and a condition requiring details about replacement tree species and sizes.</p>
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<p>8.7. Nature Conservation</p>	<p>NPPF Paragraph 180 and UPD Policy NC7 (Species Protection) seek to ensure that development would not have an adverse effect on wildlife species protected by law.</p> <p>The applicant has submitted the following reports, in accordance with UDP policy NC7:</p> <ul style="list-style-type: none"> • Preliminary Ecological Appraisal (amended), 11 Caldys Road, West Kirby, Wirral CH48 2HE (Tyrer Ecological Consultants Ltd, June 2021), hereafter 'the 2021 PEA';
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	<ul style="list-style-type: none"> • Dusk Survey Results, 11 Caldby Road, West Kirby, Wirral CH48 2HE (Tyrer Ecological Consultants Ltd, August 2021), hereafter 'the 2021 bat report'; • Updated Site Visit to check the ecological status of the site remains the same as of 2021 Ecological report. Letter from Tyrer Ecological Consultants Ltd., 8th June 2023; hereafter 'the 2023 PEA letter' and • Dusk Survey Results, 11 Caldby Road, West Kirby, Wirral CH48 2HE (Tyrer Ecological Consultants Ltd, June 2023), hereafter 'the 2023 bat report'. <p>MEAS were consulted on this application and state that the reports are accepted and that the reports state no evidence of roosting bat use or presence was found. On this basis, the consultee advises that the Council does not need to consider the proposals against the three tests (Habitat Regulations).</p> <p>The report categorises the garage (B2) as having <i>moderate</i> suitability for roosting bats and this habitat will be lost to facilitate development. To compensate for this loss, it is advised that bat box provision as recommended in section 6.0 of the 2023 Dusk Survey Results report commissioned by the applicant is secured by a suitably worded planning condition. Further, habitats on site and adjacent to the site provide foraging and commuting habitat for bats. It is advised lighting for the development may affect the use of these areas and therefore a lighting scheme should be designed so that it protects ecology and does not result in excessive light spill onto the habitats or areas in line with NPPF (paragraph 180). A condition is recommended to secure this also.</p> <p>On advise from the consultee, officers also recommend conditions regarding reasonable avoidance measures, breeding birds protections and removal of invasive plant species.</p> <p>In conclusion it is deemed that there will be no significant adverse effects arising from the proposed scheme on the conservation objectives or the qualifying features of the designated sites. Subject to the attachment of conditions, the proposed development would accord with NPPF paragraphs 180, 181 and 182 and UDP Policy NC7.</p>
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<p>9. 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> Considering the individual merits of this application the recommendation to grant planning permission has been taken having regards to the relevant Policies and Proposals in the Wirral UDP (Adopted February 2000) Joint Waste Plan and all relevant material considerations including national policy advice.</p> <p>Subject to conditions, the proposed development would preserve the character and appearance of the surrounding area and safeguard neighbouring residential amenity and not result in any harm in terms of highway and biodiversity matters. As such the development accords with the objectives of Wirral's Unitary Development Plan, the Joint local waste plan and the National Planning Policy Framework.</p>
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10. Recommended Decision:

Conditional Approval

Recommended Conditions and Reasons:

1. The development hereby permitted shall begin no 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 listed as follows:

LOC/01 rev. B (Location Plan)

PLAN/01 rev. E (Proposed Site Plan)

PLAN/02 rev. C (Proposed Ground & First Floor Plans)

PLAN/03 rev. C (Proposed Second Floor & Roof Plans)

PLAN/04 rev. D (Proposed West & South Elevations)

PLAN/05 rev. D (Proposed East & South Elevations)

PLAN/06 (Bin & Cycle Store Details)

PLAN/07 rev. A (Existing & Proposed Caldy Road Streetscene Sections)

PLAN/08 rev. A (Existing & Proposed Sections Through 11 Clady Road)

PLAN/09 rev. A (Existing Dwelling Plans Elevations)

Dusk Survey Results, Issue No. 1, Tyrer Ecological Consultants, 08.06.23

Updated Preliminary Ecological Appraisal, Tyrer Ecological Consultants 08.06.23

Preliminary Ecological Appraisal, Tyrer Ecological Consultants 13.02.21

Dusk Survey Results, Tyrer Ecological Consultants, 12.08.21

Arboricultural Impact Assessment & Method Statement, Tree Solutions. Arboricultural Consultants, ref. 20/AIA/WIRR/81, June 21

Topographical Survey, dwg. no. 8788/01

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

3. No development above ground shall take place until the adjacent dwelling at no.9 Caldy Road as shown on the hereby approved Location Plan (ref. LOC/01 rev. B) and Proposed Site Plan (PLAN/01 rev. E) and edged in blue has been demolished.

Reason: In the interests of amenity

4. The facing materials to be used in the external construction of this development hereby approved and set out in the PLAN/4 Rev. D (Proposed West & North Elevations) & PLAN/5 Rev. D (Proposed East & South Elevations) shall be used in the construction of the development unless agreed otherwise in writing with the Local Planning authority.

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

5 Prior to occupation of the development hereby approved, all windows in both side elevations of the building hereby approved shall be fixed and obscurely glazed on installation and remain as such thereafter.

Reason: In the interest of residential amenity.

6. Prior to the commencement of any works to the superstructure (other than demolition), a detailed scheme for landscaping will be submitted to and approved in writing by the Local Planning Authority.

The scheme shall comprise of a plan and specification and demonstrate:

- a. The materials to be used for hard and soft surfacing;
- b. Tree and hedge planting across the site (including a minimum of 10no. trees)
- c. Detailed planting plan and specification for soft landscaping of land
- d. The location and design of fences, gates, walls, railings or other means of enclosure
- e. The timing of implementation of the scheme; and
- f. The development shall be carried out strictly in accordance with the approved details. The development shall not be first occupied until the landscaping scheme has been implemented in full and the scheme shall be retained for the life of the development.

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

7. Prior to first occupation of the development hereby approved details of the arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be submitted to and agreed in writing by the Local Planning Authority. The approved arrangements for the storage and disposal of refuse including recycling facilities and vehicle access thereto shall be implemented prior to the first occupation of the development hereby approved.

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

8. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and retained as such thereafter.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

9. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and that does not result in excessive light spill onto the habitats in line shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented in accordance with those details prior to the occupation of the development hereby approved and retained as such thereafter.

Further guidance is available at the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

10. Prior to first occupation, a scheme for the provision of bird nesting/bat boxes within the development shall be submitted to and approved in writing 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: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

11. No tree felling, scrub clearance, vegetation management, ground clearance or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: In the interests of habitat protection

12. No development hereby approved shall take place (including ground works and vegetation clearance) until a method statement, prepared by a competent person, has been submitted to and approved in writing by the local planning authority. The Method Statement shall include, but not limited to the following:

- A plan showing the extent of the Three-cornered Leek, Himalayan Cotoneaster and Virginia Creeper;
- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of if treatment/removal is required.

Thereafter the development shall be carried out in accordance with the approved method statement

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

13. 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. (Drawing number 03) within the Arboricultural Impact Assessment and Method Statement by Tree solutions.

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 and Policy GR7.

14. The Arboricultural Method Statement in Appendix 5 and Tree Protection plan 21/AIA/WIRR/81 03 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 page 13 of the report, 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 and Policy GR7.

15. Prior to the occupation of the development hereby approved, a tree replacement strategy showing a minimum of 10 new replacement trees of a minimum heavy standard size shall be submitted to and approved in writing by the Local Planning Authority. The tree replacement strategy shall comprise of a plan and specification of the number, species, size and location of all replacement trees and a method statement to secure the sustainable planting of trees.. The approved Tree replacement Strategy must be adhered to and implemented in full during the first planting season following the first occupation of the development or the completion of the development, whichever is sooner.

Any trees which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation".

Reason: To ensure that the development does not result in a loss of tree canopy cover having regards to the NPPF and the Wirral Tree, Hedgerow and Woodland Strategy.

Informative:

A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developer's expense, to the LA specifications and written approval. For further details contact Highways & Infrastructure, area manager via www.wirral.gov.uk

Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S184 Highway 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:

16-07-2023

Expiry Date:

19-April-2023