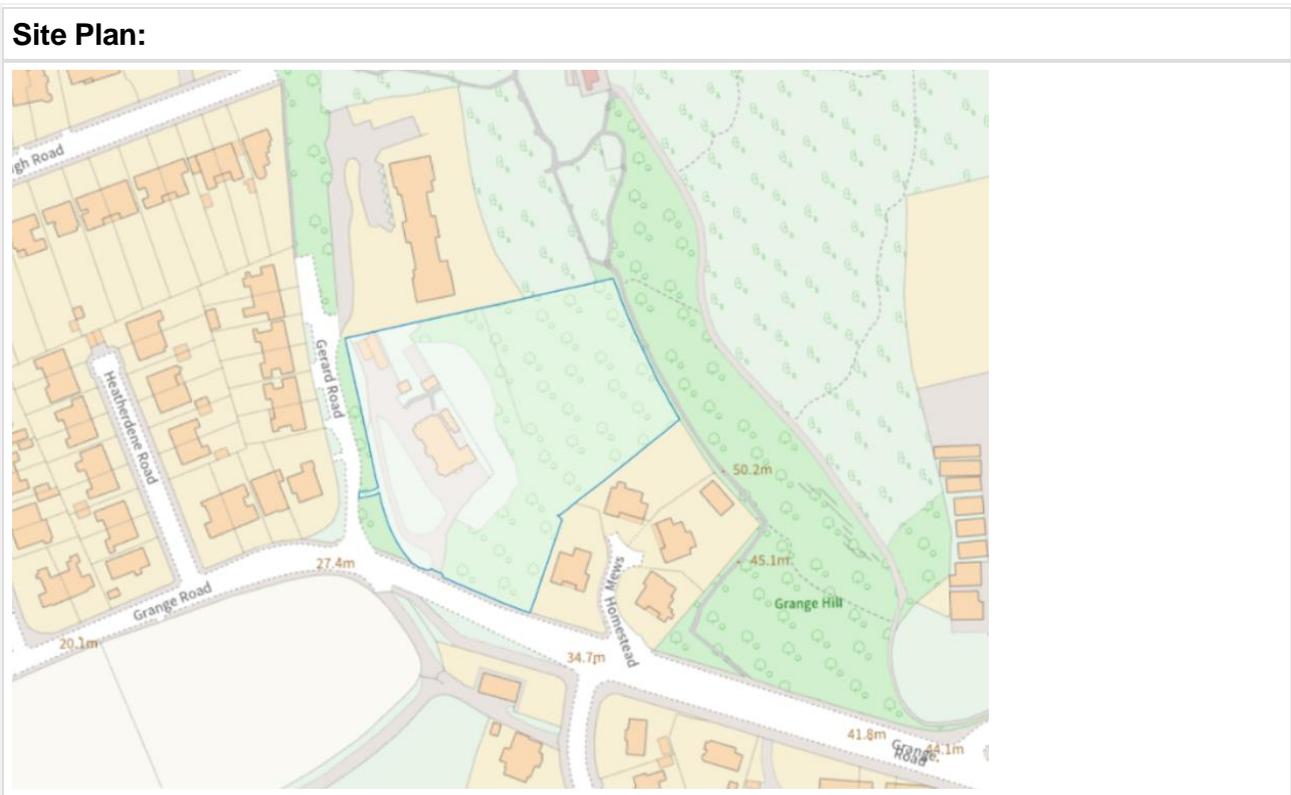


<b>Planning Committee</b>	<b>8th February 2024</b>
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<b>Reference:</b>	<b>PS Development Code</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/23/00551	Q01 - Major Dwelling	Mr P Roberts	West Kirby and Thurstaston

<b>Location:</b>	The Grange, Grange Road, West Kirby, Wirral, CH48 4EE
<b>Proposal:</b>	Demolition of house and outbuildings to provide 12 apartments together with associated parking, access and landscaping and works including the relocation of the substation.  (Amended Description)
<b>Applicant:</b>	Blueoak Estates
<b>Agent:</b>	Mr Benedict Sacarello, WSP

<b>Reason for referral to Planning Committee</b>	<ol style="list-style-type: none"> <li>1. Called-in by Councillor Green - size and scale of development is out of keeping with local character. Potentially prejudicial to highway safety</li> <li>2. Petition of 40 signatures objecting to the proposal</li> </ol>
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<b>1. Development Plan designation:</b>	Primarily Residential Area  Adjacent to a Site of Biological Importance.
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<b>2. Planning History:</b>	None relevant.
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<b>3. Summary Of Representations and Consultations Received:</b>
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<b>3.1 Ward Member Comments</b>	<p>Councillor Green objects:</p> <ul style="list-style-type: none"> <li>• the size, prominence and dominant nature will detrimentally impact on the street scene and amenity of local residents.</li> <li>• The size, mass and scale of the development is not in keeping with nearest residential properties.</li> <li>• Concern with the access and egress points with significant, detrimental impact given the volume of additional traffic, exacerbated by the poor sightlines and visibility in the Gerard Road / Grange Road / proposed access.</li> </ul>
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<b>3.2 Summary of Representations</b>	<p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 47 notification letters were sent to neighbouring properties on 16 May 2023 and 14 November 2023. In response, 1no. petition was received on 14 December 2023 objecting to the development signed by 40 individuals.</p> <p>The reasons for objection stated on the petition are summarised below:</p> <ol style="list-style-type: none"> <li>1. To re-iterate the objections previously made by neighbouring occupiers in letter and on-line</li> </ol> <p>31 representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> <li>• Overdevelopment of the site and excessive scale for area with mainly 2 storey housing (see Section 8.3)</li> <li>• Increased traffic and highway safety issues on Gerard Road and at junction with Grange Road (see Section 8.6)</li> <li>• Number of larger residential developments locally exceeds capacity of local services (see Section 8.2)</li> <li>• Increased cost of maintenance of Gerard Road (unadopted) falling on residents (<i>Officer comment: Not a material planning consideration</i>)</li> <li>• Overbearing design of key viewpoint out of West Kirby (see Section 8.3)</li> <li>• Insufficient parking and no visitor parking (see Section 8.6)</li> <li>• No pavement on Gerard Road, used by school children and others. This development would further prejudice safety (see Section 8.6).</li> </ul>
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	<ul style="list-style-type: none"> <li>• Potential flooding issues (see Section: 8.7)</li> <li>• Increased noise disturbance (see Section 8.4)</li> <li>• Light pollution from cars to properties opposite (see Section 8.4)</li> <li>• Conjoined with a 39 scheme opposite (allowed on appeal) this would increase local traffic significantly (see Section 8.6)</li> <li>• Impact on privacy to neighbouring properties (see Section 8.4)</li> <li>• Further loss of Victorian and Edwardian architectural character (see Section 8.3)</li> <li>• Overshadowing from building (see Section 8.4)</li> <li>• Wasteful demolition of an existing building (see Section 8.9)</li> <li>• No need for another 14 flats in the area (see Section 8.2)</li> <li>• Loss of natural habitat (see Section 8.7)</li> <li>• No affordable housing provided on-site (see Section 8.5)</li> </ul> <p>0 representations supporting the application were also received.</p>
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	<p><b><u>CONSULTATIONS</u></b></p> <ul style="list-style-type: none"> <li>• Traffic and Transportation: No objection, subject to conditions and informative.</li> <li>• United Utilities: No objection subject to pre-commencement drainage condition.</li> <li>• MEAS: No objections subject to conditions and legal agreement on recreational pressure mitigation.</li> <li>• Highways Assets: No objections subject to confirmation that the applicant has right of egress.</li> <li>• Environmental Health: No objections.</li> <li>• Historic England: No comments.</li> <li>• Tree Officer: No objections. Planning conditions recommended in respect of an Arboricultural Method Statement and Tree Protection.</li> <li>• Natural England: HRA screening required.</li> <li>• Housing: Under both the existing UDP and the emerging Wirral Local Plan, the site is within an area requiring 20% affordable housing, and in accordance with Council Policy should be delivered onsite. The applicant should demonstrate the rationale for its position.</li> <li>• Wirral &amp; Cheshire Badger Group: No objection to development subject to appropriate condition.</li> </ul>
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<p><b>4. Site and Surroundings</b></p>	
<p>4.1</p>	<p>The application site comprises a single dwelling house located on the northern side of Grange Road at the junction with Gerard Road. Due the location on an elevated position on Grange Hill, the building is prominent in views coming away from West Kirby standing clear of other residential housing with a tree lined back drop. The surrounding area is predominantly residential and formed primarily of two storey detached and semi-detached housing, save for the 3-storey block of flats to the north of this site on Gerard Road.</p>
<p>4.2</p>	<p>The existing building on site is of a red brick with a grey slate tiled roof. It has some two-storey bay features and 4 large chimneys. The house was built in</p>

	1897, has been used as a school but more recently in residential use. The site includes a number of outbuildings, a substation and is currently accessed off Grange Road.
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<b>5. Proposed Development</b>	
5.1	The application proposes the demolition of the existing house and outbuildings, and the development of a 3 and 4 storey building situated approximately at the centre of the site orientated in a similar fashion to the existing building, facing west at a slight angle to the Gerard Road frontage. Finished in brick with some sandstone banding, the building has been amended during the course of the application to one which has a 3/4 storey central block flanked by two comparable three storey elements with hipped roofs, front gable features and integral balconies (the original submission was three storey in appearance rising to 4 storeys adjacent to Grange Road). The central piece has a three-storey appearance at the front elevation and four storeys at the rear. A large proportion of the front, rear and Gerard Road elevations are glazed, the one facing the neighbouring block of flats being predominantly brick. The roof material is proposed to be grey slate and the two road facing elevations incorporate repeated integral glazed balconies.
5.2	The building would have a staggered profile being progressively deeper into the site from north to south with some excavation and land-forming to enable the depth of the building and to create a small sunken courtyard at the rear enclosed by a new retaining wall. The area to the front of the building would be largely hardstanding to allow for parking, and an additional access is proposed off Gerard Road with a one-way system for vehicles, exiting from this new access point. The amended application proposes a total of 12 flats (3 x 2 bed and 9 x 3 bed), two of the three beds being built over two levels with a mezzanine within the fourth floor. The number of units is two less than originally submitted.
5.3	An existing substation will be relocated to the front of the site, adjacent to the access driveway and parking spaces, within an area that will also incorporate bin stores, landscaping, sandstone wall and cycle store

<b>6. Development Plan</b>	
6.1	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. 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 for Merseyside and Halton (adopted 18 July 2013).
6.2	The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application:

	<p>Part 1 Policies</p> <ul style="list-style-type: none"> <li>• Policy URN1 Development and Urban Regeneration</li> <li>• Policy URN2 Planning Agreements</li> <li>• Policy HSG2 Affordable Housing</li> <li>• Policy NCO1 Principles for Nature Conservation</li> <li>• Policy TRT3 Transport and the Environment</li> <li>• Policy GRE1 – The Protection of Urban Greenspace</li> </ul> <p>Part 2 Policies</p> <ul style="list-style-type: none"> <li>• Policy CH25 Development Affecting Non-Scheduled Remains</li> <li>• Policy GR5 Landscaping and New Development</li> <li>• Policy GR7 Trees and Development</li> <li>• Policy HS4 Criteria for New Housing Development</li> <li>• Policy HS6 Principles for Affordable Housing</li> <li>• Policy LAN1 Principles for Landscape</li> <li>• Policy TR9 Requirements for Off-Street Parking</li> <li>• Policy TR12 Requirements for Cycle Parking Policy</li> <li>• Policy NC1 Protection of sites of International Importance for Nature Conservation</li> <li>• Policy NC2 Sites of International Importance for Nature Conservation</li> <li>• Policy NC3 Protection of Sites of National Importance for Nature Conservation</li> <li>• Policy NC4 Sites of National Importance for Nature Conservation</li> <li>• Policy NC5 The protection of Sites of Local Importance for Nature Conservation</li> <li>• Policy NC6 Sites of Biological Importance</li> <li>• Policy NC7 Species Protection</li> <li>• Policy NC8 Local Nature Reserves</li> <li>• Policy WA1 Development and Flood Risk</li> <li>• Policy WA2 Development and Land Drainage</li> <li>• Policy WA3 Development and Groundwater protection</li> <li>• Policy WA4 Safeguarding Water Resources</li> <li>• Policy WA5 Protecting Surface Waters</li> <li>• Policy PO3 - Noise</li> </ul>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18<sup>th</sup> July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>

<p><b>7. Other Material Planning Considerations</b></p>	
7.1	<p><b><u>The National Planning Policy Framework (2023)</u></b></p>

	<p>The National Planning Policy Framework (December 2023) is a material consideration in planning decisions and the following sections contain policies relevant to the determination of this application. The full text of the Framework can be found at <a href="http://www.gov.uk">www.gov.uk</a>.</p> <p>Section 2 – Achieving sustainable development  Section 5 - Delivering a Sufficient Supply of Homes  Section 8 - Promoting Healthy and Safe Communities  Section 9 - Promoting Sustainable Transport  Section 11 - Making Effective Use of Land  Section 12 - Achieving Well-Designed and Beautiful Places  Section 14 - Meeting the Challenge of Climate Change, Flooding, and Coastal Change  Section 15 - Conserving and Enhancing the Natural Environment  Section 16 Conserving and enhancing the historic environment</p>
<p>7.2</p>	<p><b><u>The Emerging Local Plan</u></b></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 of October 2022. Hearings commenced in April 2023 and concluded in November 2023. The local plan and supporting evidence base can be viewed online at <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></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> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> <li>1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>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</li> <li>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).”</li> </ol> <p>The following emerging plan policies are relevant to the determination of this planning application:</p>

	WS1, WS2, WS3, WS5, WS6, WS7, WS8, WS9, WS10, WD1, WD2, WD3, WD4, and WD6
7.3	Wirral SPD2 - Designing for Self-Contained Flat Development and Conversions (2006) Wirral SPD4 - Parking Standards (2007)
7.4	Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)

<b>8. Assessment</b>	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Design and impact on local character</li> <li>• Residential Amenity</li> <li>• Housing</li> <li>• Highways</li> <li>• Ecology and biodiversity</li> <li>• Trees and landscaping</li> <li>• Flooding and Drainage</li> <li>• Other Material Considerations</li> </ul>

<b>8.2 Principle of Development</b>	
8.2.1	<p>There is a presumption in favour of sustainable development under the terms of the NPPF. Paragraph 11 indicates that development should be approved if it accords with an up to date development plan without delay, or where there are no relevant policies or the most important policies are out of date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.</p>
8.2.1	<p>The application site falls within a Primarily Residential Area as identified on Wirral's Unitary Development Plan proposals map. Within such areas, the development or re-development of land for residential purposes is acceptable in principle, subject to the objectives of saved UDP Policy HS4 amongst other site-specific material considerations. The provision of additional residential units is welcomed and will help to meet local and national housing targets and in doing so optimise the development potential of the site. The modest increase of 11 units is not considered to undermine the provision of local services to any significant extent.</p>

<b>8.3 Design &amp; impact on local character</b>	
8.3.1	<p>Policy HS4 states that proposals for new housing development within Primarily Residential Areas will be permitted subject to the proposal fulfilling</p>

	<p>all of a set of criteria including: being of a scale which relates well to surrounding property in particular with regard to scale of existing densities and form of development, and not resulting in a detrimental change to the character of the area. Paragraph 131 of the NPPF states that, the "<i>creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.</i>" Paragraph 135 sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; establish or maintain a strong sense of place; optimise the site potential and create safe, inclusive and accessible spaces. Paragraph 139 states that development that is not well designed should be refused. The NPPF should be read alongside the National Design Guide (2021). Paragraph 21 of the Design Guide advises that a well-designed place is achieved through making the right choices at all levels, including: the layout; the form and scale of buildings; their appearance; landscape; materials; and their detailing.</p>
8.3.2	<p>Policy WS7.1 of the Submission Draft Local Plan requires that development proposals demonstrate that they have addressed design principles. These principles include (but are not limited to): being visually attractive and positively enhance the character, the appearance and setting of the surrounding area; ensuring that the density, height, scale, massing and siting is appropriate in context; providing for the protection and enhancement of existing healthy trees and hedgerows of visual and wildlife value; and providing or protecting high quality landscaping including unifying features such as gates, piers, walls, boundary treatment between public and private areas.</p>
8.3.3	<p>The application proposes the demolition of the buildings on-site and the erection of a single block with a similar orientation but significantly greater footprint than the existing house. The existing building does have character and is a notable structure in the streetscene. However, it is not a designated or non-designated heritage asset, and its loss is considered acceptable in policy terms, in the context of a new residential development, subject to the requisite design quality and other material considerations.</p>
8.3.4	<p>The site is a prominent one being set high up on Grange Hill, with extensive visibility from Grange Road, exiting West Kirby. The immediate area is predominantly characterised by two storey semi-detached housing, many having trees within their grounds. That said, this site does sit immediately adjacent to a block of flats facing onto Gerard Road, although the visibility of this building is limited within the wider streetscene because of the sloped nature of Grange Hill, neighbouring housing and the local tree coverage.</p>
8.3.5	<p>Given the prominent location, the design and scale of the development takes on particular importance in assessing the impact of redevelopment on the streetscene. The existing site context is of a building with its own unique character, being in appearance if not scale, different from the more recently built and largely uniform semi-detached or detached houses found locally. Consequently, this site has an established history of built form unique from that of the prevailing pattern of development in the area and an assessment of proposals on the site should have regard to that context.</p>
8.3.6	<p>Moreover, whilst the area on the opposite side of Grange Road is currently open fields, it does have, via a Planning Inspectorate decision (Wirral Ref: OUT/22/1305), permission for the development of 39 homes of varying</p>

	<p>scale. As such the character of the area will, if the scheme is developed, be subject to further change.</p>
8.3.7	<p>The original submission had a 3/4 storey building with the taller element towards the southern edge of the site approaching the Grange Road junction. Due to the particulars of this location, the four-storey portion of the building would have been located at the point of this site's maximum visibility, situated in a gap between mature trees that frame much of the site and would, alongside a somewhat disjointed architectural expression, been an out of scale and discordant construction to the detriment of local character.</p>
8.3.6	<p>The amended proposal comprises a connected block formed of a three/four storey building, flanked by two comparable wings, set slightly down in scale. The building's central element which is three-storey at the front and four to the largely hidden rear, incorporates generous glazing and integral balconies set within repeated gable fronted vertical elements, with the flank structures being shorter with the second-floor flats contained partly within the roof and as such reading as 2.5 storeys. The corner piece picks up on the front elevation as it turns into Grange Road, thereby creating a building which actively fronts both facing streets, with the only mainly blank elevation facing towards the blank façade of a neighbouring apartment building.</p>
8.3.7	<p>The proposed building would utilise brick and sandstone reflecting materials historically used locally and also in part the structure that would be lost. The proposed design will serve to break up scale of the building with it being stepped back further at regular intervals along the Gerard Road frontage and through the use of the recessed linking elements. In combination with the proposed variance in height, these design choices will diminish the scale of the building, making it sit more comfortably in its setting and not dominating it. Importantly, the amended scheme has been lowered sufficiently so that the built form would fall below the tree line and therefore sit framed within the Grange Hill setting, particularly when seen from views upwards on Grange Road.</p>
8.3.8	<p>As noted, the local built character is one predominantly of two storey large housing, often with tall roofs and chimneys with the notable exception of the block of flats immediately adjacent to this proposal on Gerard Road. The existing apartment building whilst having limited visual presence beyond its immediate setting, does provide some context for this proposal in addition to the other neighbouring properties. The proposed building because of its design and scale would both respect the scale of local houses in addition to the adjoining flatted development. Indeed, the maximum ridge height of this development would be approximately only 12 cm taller than that of the existing house whilst sitting below the height of existing chimneys. Hence, the additional scale associated with this building is primarily focussed on the added width of built form and not height. As noted, most of the trees of site will be retained and therefore much of the development would be screened by trees and like its neighbour set back away from, and above Gerard Road, and not compromise the character of this street.</p>
8.3.9	<p>Taken together it is considered that the design approach is one of quality which will be beneficial to West Kirby. This would be a visually attractive building that respects local character and sense of place whilst optimising the sites potential to deliver increased numbers of housing. The materials chosen are well considered and would be conditioned to ensure that the quality is manifested in its final construction, as would the details of the</p>

	substation and cycle parking. Subject to condition the design accords with saved UDP Policy HS4, the NPPF and the National Design Guide.
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<b>8.4 Residential Amenity</b>	
8.4.1	The application site is set within an established residential area, with neighbouring dwellings surrounding it to the north and west. The proposed siting of the building broadly mirrors that of the existing structure adding built form to either side. The elevations to the rear and south do not face on to residential property as it stands and would not introduce new overlooking issues of concern to future development. The northern elevation has limited openings looking over the front driveway of the adjoining flatted scheme with no direct overlooking of neighbouring windows. The principal issues with the scheme are concerned with the relationship with housing on the opposite side of Gerard Road. Although there is an established residential facing relationship, this development is of substantially greater scale with more windows, more occupants and greater opportunity for overlooking. However, due to the nature of the site, the proposed building would sit above the ground floor front windows of houses opposite with any direct views coming from the first and second floor of the proposed flats. In this case, the nearest direct window interface would be in the order of 38 metres across an existing public space (Gerard Road). With the substantial landscaped treatment to the front and differences in levels, for instance the top floors of this building would look over the roofs of properties opposite, it is not considered that the proposal would significantly impinge on neighbouring amenity as regards to privacy. Likewise, there would be no significant overshadowing or sense of enclosure for surrounding residents given the separation distances. No harm is considered to arise in respect of outlook.
8.4.2	It is inevitable with development that some disturbance will occur during construction, however these are temporary and subject to other legislation. As noted, the site is heavily screened and in addition to the proposed landscaping details, the application has been amended to incorporate hedging and a timber fence adjacent to car parking to ensure that light pollution from the site by cars would not compromise on or off-site amenity. A condition on the proposed external lighting strategy for the site is also recommended to preserve neighbouring amenity.
8.4.3	The proposed units would have floorspace in excess of the nationally described space standards and provide acceptable levels of outlook for these dual aspect units. The apartments would benefit from integral terraces and a shared amenity space set within the grounds. Overall, the scheme would allow for a high standard of amenity for occupiers and also safeguard the amenity of neighbouring residents.

<b>8.5 Housing</b>	
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8.5.1	<p>The scheme proposes 12 dwellings, greater than the threshold of 10 above which affordable housing can be sought under the terms of the National Planning Policy Framework. In this part of the Borough affordable housing should be provided on-site at 20% of total units, which would equate to at least two dwellings out of the 12 meeting the NPPF definition of affordable housing. Given the limited number of affordable units that would be present and the difficulties and cost efficiency implications that would be present in terms of management, an off-site contribution is thought appropriate in this instance, that being 4% of the overall market value of the site. In that regard, a RICS Valuation Report has been submitted the contents of which are agreed. The housing contribution that this proposal would result in is £240,200 which would be secured via a s106 legal agreement.</p>
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<b>8.6 Highways</b>	
8.6.1	<p>The development is supported by a Transport Statement. The findings of the report are accepted by the Council's Traffic and Transportation team, and it's considered unlikely that the impact from the development would cause significant highway safety or harm to the current operations of the network. The site is to be accessed from Grange Road and egress from the development is onto Gerard Road and by its junction back on to Grange Road. Visibility and sightlines have been tested and are satisfactory.</p>
8.6.2	<p>The traffic demand has been assessed from interrogations of the TRICS (Trip Rate Information Computer System) database, which is a collection of surveys of similar type developments, and the category Residential – Houses Privately Owned was used, as this gave the greatest traffic production values for the assessment. The TRICS data showed that during the AM and PM Peak periods, when the network is most trafficked, the residential development (of 14 units at that stage prior to amendment) would generate somewhere in the region of 7 two-way trips in either of these periods. This equates to a single vehicle added to the network every eight minutes, and naturally would be less for the amended scheme. Such a low level of traffic does not raise any highway safety or network capacity concerns and the conclusions presented in the Transport Assessment are accepted by Traffic and Transportation as representing a robust appraisal of the proposed street conditions and development traffic generations. This includes factoring into account the recent 39 home scheme on the opposite side of Grange Road. Moreover, it will not significantly impact on pedestrian flows including that of school children.</p>
8.6.4	<p>Collision data for the most recent 5-year period has been reviewed and there are no trends or reasons to object to the development due to highway safety. A recent speed survey conducted on Grange Road has been included within the report which found that traffic travelling past the development did not travel at excessive speeds and that the proposed one-way operation of the entrance and exit from the development would also mean that traffic would access the development in an ordered manner. Details of servicing and swept paths of refuse vehicles have been submitted and are considered satisfactory. A refuse vehicle is able to enter and leave the development in a forward gear and servicing can be accommodated within the development, reducing the likelihood of any obstructions during times of collections.</p>
8.6.5	<p>The car park provides 23 spaces for the 12 apartments and whilst this is slightly below a provision of 2 spaces per apartment, the accessibility of the</p>

	<p>development and closeness to West Kirby town centre would help reduce the need for essential car use and as such, the total provision is accepted in this instance. The development also provides cycle parking for each of the 12 apartments in line with the recommendations and this is satisfactory. There are good walking routes into the town centre and West Kirby Merseytravel's train station is also within acceptable walking distance at approximately 550m. Due to the accessible location, the 100% cycle parking, and the fact that most of the apartments have 2 spaces for in-curtilage parking, there are no objections to the proposals on highway grounds.</p>
8.6.6	<p>In light of the above, the proposed development is considered to accord with UDP Policies HS4, TR9 and TR12, and the relevant sections of the National Planning Policy Framework in highway terms.</p>

<b>8.7 Ecology and Biodiversity</b>	
8.7.1	<p>The application site is in proximity to international and national designated nature conservation sites within the Dee estuary and the north Wirral coast and also adjacent to the Grange Hill Site of Biological Importance. The site also consists of a number of trees and other planting and the submission was accompanied by Preliminary Ecological Appraisal (PEA) and Roost Appraisal.</p>
8.7.2	<p>The PEA recommended that emergence and re-entry bat surveys be undertaken to determine if bats are present on the site and in response to a request from MEAS, further survey work was undertaken and presented to the Council in October 2023 which confirmed the presence of roosting bats within the existing house. A technical note was submitted in January 2024, detailing the nature of the roosts present and indicating mitigation and enhancement measures to safeguard the connection with bats and the site, during and post construction. The note sets out that there is no evidence that the buildings on site were used by bats as maternity roosts or used for hibernation. The note concludes that the bat roosts are classified as transitional and not of conservation concern. MEAS have reviewed and accepted these conclusions. In terms of mitigation, the applicant has agreed to add an additional bat box (making 3 in total) within the proposed building and making another temporary bat box permanent, to secure biodiversity enhancement. The applicant has committed to that and a condition in this regard is attached alongside one ensuring the development secures a Natural England European Protected Species licence prior to any works commencing.</p>
8.7.3	<p>The PEA also noted a number of records of common lizard from the adjacent Caldy Hill. These are a protected species and UDP policy NC7 applies. Although the site is currently considered to provide sub-optimal opportunities for reptiles, the proposed demolition and construction works may increase the opportunities for them, e.g., through the creation of rubble piles as a precaution, hence, a reasonable avoidance measures condition on the nature of works and protection during the construction phase would be sought through a Construction and Environmental Management Plan (CEMP). Likewise, the habitats on site are suitable for hedgehog and similar reference to them in the CEMP is required and in respect to breeding birds too. Details of bird boxes will be conditioned if approved, to mitigate for the loss of any existing bird breeding habitat.</p>

8.7.4	Rhododendron and cotoneaster species are present within the site boundary. These are listed in Schedule 9 of the Wildlife and Countryside Act 1981 and as such are non-native species which pose a conservation threat to native biodiversity and habitats. A condition securing the control of these species is attached.
8.7.5	In order to enhance the ecological value of the site post-development, it is felt that consideration towards biodiversity enhancement such as through retained grassland habitats and creating wildflower meadow habitat or other measures, including the creation of reptile refugia / hibernacula and installation of hedgehog and insect boxes on the site could be considered. In that regard MEAS have recommended a Biodiversity Enhancement Plan, which given the policy context and sensitivities of the site is agreed and would be secured by planning condition.
8.7.6	<p>This development may have in-combination effects on the features for which the conservation sites have been designated, principally in respect to recreational disturbance to qualifying bird species. As such, the application requires a Habitat Regulations Assessment which has been undertaken on behalf of the Council by Merseyside Environmental Advice Service (most recently in May 2023) and concludes that without mitigation measures, there would be likely significant effects on these designated sites. Consequently, Appropriate Assessment is required under Regulation 63 of the Habitat Regulations 2017 and the outcome of the assessment is that mitigation measures can be secured through the planning system which would avoid any significant adverse effects on the designated sites. These measures comprise:</p> <p>a) A commuted sum contribution of £280.26 for each new net home (which equates to a total of £3,363.12) which can be secured by a section 106 agreement;</p> <p>b) An advice leaflet for new homeowners/tenants to be provided upon occupation to inform the responsible use of designated nature conservation sites to minimise the risk of disturbance, and to advise on the location of suitable alternative natural green spaces away from the designated sites.</p> <p>The applicant has advised that they would opt-in to these measures. A legal agreement in this regard is required, subject to which the application is considered to meet the requirements of the Habitats Regulations and the requirements of the saved nature conservation policies of the UDP.</p>
8.7.7	The application made reference to the presence of terrestrial mammals on site in 2022. This was subject to investigation in the summer of 2023 which revealed that a hole on the site created by mammals had been filled in. As it is possible that this hole on the site could be revisited and reopened, further survey work is recommended to be conducted prior to commencement of development, if permission is granted. Otherwise, it is expected that the proposed development will not impact significantly on terrestrial mammals, although concerns remain about the potential impact development could have if it denies access to forage and disperse. Therefore, a pre-commencement condition in this regard is recommended.
8.7.8	Consequently, in accordance with saved UDP policies and the NPPF subject to planning condition and legal agreement the development is considered to

	safeguard the integrity of sites of nature conservation and species on and around the site.
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<b>8.8 Trees and Landscaping</b>	
8.8.1	The application is accompanied by an Arboricultural Impact Assessment which details that the development will necessitate the removal of a small group of low quality (Category C) trees growing out of an existing rockery and some hedgerow. The proposal has been reviewed by the Council's Tree Officer who raises no objection subject to the addition of a condition regarding tree protection which is attached. In accordance with the Council's Tree Strategy a minimum of 5 new trees are recommended to be planted. A total of 10 new trees are proposed on the site alongside other landscaping works including new hedging, as shown on plan 011 Rev E. The access road would be constructed of a colour tarmac with a sandstone retaining wall adjacent to the new exit point on Grange Road.

<b>8.9 Other Matters</b>	
8.9.1 Waste	The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. The submitted detail has been examined by MEAS and a site wide waste management plan in accordance with the requirements of policy WM8 is recommended to be attached as a condition. The application incorporates the addition of bin stores to the front of the site which are appropriately located and have the requisite storage capacity.
8.9.2 Flooding and drainage	The application has been subject to consultation with the local water/sewerage undertaker (United Utilities), and they offer no objection to the application. Conditions will be required to secure a detailed sustainable surface water drainage strategy and management strategy to secure compliance with the drainage hierarchy.
8.9.3 Archaeology	Policy CH25 'Development Affecting Non-Scheduled Remains' states that the planning authority will have regard to the potential importance and desirability and practicality of preserving archaeological remains. There is one heritage asset recorded on the Merseyside Historic Environment Record within the proposed development: MME22076 Former site of a house, Grange Road, an 18th century building. The proposed development work has the potential to disturb any archaeological remains associated with the former house, therefore it is recommended that the applicant be required to undertake a targeted archaeological watching brief, to be secured via planning condition.

<b>8.10 Section 106 agreement</b>	
8.10.1	<p>When considering the potential content of a s106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a s106 Agreement 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"> <li>• Affordable Housing Contribution of £240,200</li> <li>• Nature Conservation Leaflet</li> <li>• Contribution towards Conservation sites mitigation of £3,363.12</li> </ul>

<b>9. Summary of Decision (planning Balance)</b>	
9.1	<p>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. Having regards to the individual merits of this application this recommendation has been made 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>
9.2	<p>In principle the re-development of previously developed land within a Primarily Residential Area for residential purposes is accepted. The siting, scale and design of the amended scheme is well-considered, in keeping with the character of West Kirby and the locality and would, subject to conditions, provide for a positive townscape contribution. The building would not cause unacceptable shadowing to surrounding properties, or harmfully overlook neighbouring dwellings. The internal and external amenity provided for potential future occupiers is good, with acceptable levels of outlook and access to daylight. The site is in a sustainable, accessible location where jobs, shops, and services can be accessed without reliance upon the private car and consequently the level of on-site car parking is accepted and the scheme is not thought to prejudice highway safety with adequate provision is made for cycle parking and refuse storage and collection. The effects of the scheme on biodiversity are to be mitigated on and off-site and subject to conditions the development is considered acceptable regarding waste, trees, flooding and drainage and would not cause harm to heritage assets.</p>
9.3	<p>As such, and taking the above matters into account, the development accords with the objectives of Wirral's Unitary Development Plan and the National Planning Policy Framework. The development is acceptable subject</p>

	to the imposition of relevant conditions and a planning obligation securing a commuted sum amounting to the equivalent of 20% affordable housing and biodiversity mitigation measures.
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<b>10. Recommended Decision:</b>	<p>That the Director of Regeneration and Place be authorised to:</p> <p>(1) approve the application subject to the following conditions and subject to the completion of a s106 agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with section 8.10.1 of this report.</p> <p>(2) refuse the application in the event that a satisfactory section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.</p>
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<b>Recommended Conditions and Reasons:</b>	
	<p>1. The development hereby permitted shall begin not later than [3] years from the date of this decision.</p> <p><b>Reason:</b> To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p> <p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12<sup>th</sup> April 2023 and 28<sup>th</sup> November 2023 and listed as follows:</p> <p>010 Rev D; 011 Rev E; 012 Rev A; 106 Rev C; 107 Rev C; 200 Rev A; 201 Rev B; 003 Rev A; 001.</p> <p><b>Reason:</b> For the avoidance of doubt and to define the permission.</p> <p>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.</p> <p><b>Reason:</b> 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.</p>

4. Prior to the occupation of the development, full details of the relocated electricity substation and any enclosures shall be submitted to and approved in writing by the local planning authority and thereafter constructed and retained 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.

5. No development hereby approved shall take place (including ground works and vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging demolition and construction activities
- b) A pre-commencement check for hedgehogs and agreement of monitoring measures where necessary
- c) Identification of “biodiversity protection works” / Reason Avoidance Measures (RAMs) including but not limited to:
  - i Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any reptiles present to move away from the affected areas;
  - ii. The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent reptiles from seeking shelter or protection within them;
  - iii. Any open excavations (e.g., foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to reptiles;
  - iv. Bat mitigation measures which may be necessary following completion of the bat surveys;
  - v. Measures to avoid harm to breeding birds and location and form of bird boxes;
  - vi. Measures to avoid harm to other UK protected species;
  - vii. Details of how retained trees, scrub and vegetation are to be protected during works;
  - viii. Measures to avoid harm to Conservation sites including Grange Hill and Caldys Sites of Biological Importance detailing pollution prevention measures and details of how designated habitats and geological features will be protected; and
  - ix. Invasive species method statements.

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

**Reason:** To ensure that biodiversity is safeguarded.

6. Prior to first occupation of the development hereby approved, the screening measures adjacent to car parking bays, including the 1.1m high timber fence and hedging, as shown on approved drawing no. 011 Rev E shall be installed and thereafter permanently retained.

**Reason:** To safeguard the amenities of existing and future occupiers.

7. Prior to the installation of any external lighting associated with the development hereby approved, details of the lighting, including appearance and luminance, shall be submitted to and approved in writing by the Local Planning Authority and thereafter constructed and retained in accordance with the said details unless otherwise agreed.

**Reason:** To safeguard the amenities of neighbouring and future residents and biodiversity.

8. Prior to first occupation of the development hereby approved the refuse storage facilities as detailed on plan nos. 010 Rev D and 011 Rev E, shall be installed and thereafter retained in accordance with the approved details in perpetuity.

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

9. No development shall commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For avoidance of doubt, the works shall include:

- i. The provision of dropped kerbs and tactile paving at the entrance to the development from Grange Road and for this to be widened in accordance with the drawing reference number 010 Rev B and a commercial crossing constructed and installed to the entrance.
- ii Resurfacing of the footway to Grange Road contiguous with/along the development site frontage to provide a continuous palette of material.
- iii. The provision of dropped kerbs and tactile paving at the Gerard Close junction with Grange Road.
- iv. Replacement/upgrade of street lighting as necessary as part of the detailed design.
- iv. Drainage works necessary to facilitate the highway works.

The approved scheme shall subsequently be implemented prior to first occupation of the development hereby approved.

**Reason:** To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

10. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 010 Rev D. The parking and servicing areas shall be retained as such thereafter.

**Reason:** To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

11. The development shall not be brought into use until full details of the proposed cycle parking facilities as shown in drawing number 010 Rev D, are submitted to and approved in writing by the local planning authority and then constructed and retained in accordance with said details thereafter.

**Reason:** To ensure that adequate provision is made for parking cycles on the site; and to preserve the appearance of the development.

12. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

- Construction traffic routes, including provision for access to the site.
- Entrance/exit from the site for visitors/contractors/deliveries
- Location of directional signage within the site
- Siting of temporary containers
- Parking for contractors, site operatives and visitors
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction.
- Temporary roads/areas of hard standing
- Schedule for large vehicles delivering/exporting materials to and from site.
- Storage of materials and large/heavy vehicles/machinery on site
- Measures to control noise and dust.
- Details of street sweeping/street cleansing/wheelwash facilities
- Details for the recycling/disposing of waste resulting from demolition and construction works
- Hours of working
- Phasing of works including start/finish dates

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

**Reason:** To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

13. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Mitigation and Enhancement Measures Statement in relation to bat species (*Amenity Tree, 23 January 2024, version 2*) which details the methods for maintaining the conservation status of common pipistrelle, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

**Reason:** In the interest of biodiversity.

14. Prior to the commencement of development, the applicant shall submit a method statement on the control of Rhododendron and Cotoneaster, both invasive species, which includes the following information:

- A plan showing the extent of the plant(s).
- The method(s) that will be used to prevent the plant/s spreading further, including demarcation.
- The method(s) of control that will be used, including details of post-control monitoring.
- How the plants will be disposed of after treatment/removal.

**Reason:** To remove an invasive species as listed under Schedule 9 of the Wildlife and Countryside Act (1981) and ensure the protection of the native natural environment in accordance with Policy NC01 of the Wirral UDP.

15. Prior to development reaching damp-proof course level and installation of landscaping features a Biodiversity Enhancement Plan (including stock details and quantities) demonstrating a Biodiversity Net Gain will be provided to the LPA for approval in writing.

The approved plan shall be fully implemented as approved.

**Reason:** to maintain the landscape and biodiversity value of the site and comply with Policy NC7 of the Wirral Unitary Development Plan (Adopted 2000) and comply with Section 15 of the National Planning Policy Framework.

16. Prior to the commencement of any works a survey must be undertaken by a suitably qualified ecologist to confirm the presence/absence of terrestrial mammals. If any signs of badgers or other mammals are found during the pre-commencement check further survey work will be required to be undertaken and a mitigation strategy submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works within 30 metres of any sett. The mitigation strategy shall be implemented in full in accordance with the approved details.

**Reason:** To prevent the disturbance of protected species and the destruction of any sett tunnels within the site.

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

**Reason:** In order to ensure no net-loss in biodiversity.

18. The tree works methodology hereby approved and set out in Tree Protection Plan in accordance with the Arboricultural Implications Assessment (ACS Consulting, as received on 3<sup>rd</sup> October 2023) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority.

**Reason:** To preserve the biodiversity of the site and health of the trees on the site in accordance with UDP Policy GR7.

19. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Joint Waste Local Plan for Merseyside and Halton.

20. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

21. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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

22. The applicant or their agents, should secure the implementation and submission of a report on a programme of archaeological watching brief works to be undertaken during development works. That programme of archaeological works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include:

- 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.

**Reason:** In order to preserve the special architectural or historic interest of the site and to accord with Policy CH25 of the Wirral Unitary Development Plan.

23. The dwellings hereby permitted shall not be occupied until the landscaping plan (plan no. 011 Rev E) hereby approved in conjunction with any Biodiversity Enhancement measures has been implemented in full, including the planting of all new trees shown on the plan. The landscaping provisions shall be retained in situ in perpetuity.

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

24. Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or evidence that the site has been registered under the bat low impact class licence (CL21).

**Reason:** In the interests of biodiversity.

Informative: 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](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

<b>Last Comments By:</b>	19-01-2024
<b>Expiry Date:</b>	31 December 2023

