



## Planning Committee

<b>Date:</b>	<b>Thursday, 15 August 2019</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

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**1. MINUTES (Pages 1 - 14)**

To approve the accuracy of the minutes of the meeting held on 18 July 2019.

**2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the committee are asked whether they have any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

**3. APP/19/00014: KINGSMEAD SCHOOL, BERTRAM DRIVE, MEOLS, CH47 0LL, ERECTION OF A NEW SIXTH FORM BLOCK AND FULL PLANNING PERMISSION FOR THE ERECTION OF 25 RESIDENTIAL DWELLINGS (Pages 15 - 28)**

**4. DPP3/19/00046: WEST KIRBY & HOYLAKE WAR MEMORIAL, FOOTPATH OVER GRANGE HILL BY WAR MEMORIAL TO LANG LANE, WEST KIRBY, CH48 4ET, ENHANCED LIGHTING SCHEME AND INSTALLATION OF WEB-CAMERA AND CCTV. (Pages 29 - 38)**

**5. LBC/19/00047: WEST KIRBY & HOYLAKE WAR MEMORIAL, FOOTPATH OVER GRANGE HILL BY WAR MEMORIAL TO LANG LANE, WEST KIRBY, CH48 4ET, APPLICATION FOR LISTED BUILDING CONSENT FOR ENHANCED LIGHTING SCHEME AND INSTALLATION OF WEB-CAMERA AND CCTV. (Pages 39 - 42)**

**6. OUT/19/00114: LAND REAR OF 103/105 SEABANK ROAD AND 48/50 PENKETT ROAD, LISCARD, CH45 7QN, ERECTION OF A PAIR OF SEMI-DETACHED HOUSES. (Pages 43 - 48)**

7. **APP/19/00564: CLEARED SITE, BEAUFORT ROAD, BIRKENHEAD, TO CONSTRUCT 178 DWELLINGS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING. (Pages 49 - 58)**
8. **APP/19/00636: HESWALL GOSPEL HALL ASSEMBLY OF CHRISTIAN BRETH, PENSBY ROAD, HESWALL, CH60 7RD, PROPOSED DEMOLITION AND ERECTION OF A THREE STOREY NEW BUILD RESIDENTIAL DEVELOPMENT CONTAINING 23 FLATS (4NO. 1 BED AND 19NO. 2 BED). (Pages 59 - 66)**
9. **APP/19/00657: LLOYDS TSB BANK, 36 BEBINGTON ROAD, NEW FERRY, CH62 5BH, CHANGE OF USE FROM A2 BANK TO A4 PUBLIC HOUSE (Pages 67 - 74)**
10. **APP/19/00676: STRATHCRAIG, PHILLIPS WAY, HESWALL, CH60 4RT, ERECTION OF TWO DETACHED TWO-STOREY DWELLINGS. (Pages 75 - 80)**
11. **APP/19/00731: 10 BRANCOTE ROAD, OXTON, WIRRAL, CH43 6TJ, VARIATION OF CONDITION 2 OF APP/18/00616 TO PROVIDE SIX ADDITIONAL PARKING SPACES. (Pages 81 - 84)**
12. **APP/19/00875: 24A NORTH ROAD, WEST KIRBY, CH48 4DF, RETENTION OF OUTBUILDING FOR HOBBY CRAFTS (Pages 85 - 90)**
13. **TREE PRESERVATION ORDER NO WR0395 PRENTON GOLF CLUB, STANLEY LANE AND GOLF LINKS ROAD, PRENTON (Pages 91 - 96)**
14. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE AT 1 BELFORD DRIVE, MORETON, WIRRAL (Pages 97 - 100)**
15. **EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC**

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

16. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE AT 1 BELFORD DRIVE, MORETON, WIRRAL - APPENDIX (Pages 101 - 104)**

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## PLANNING COMMITTEE

Thursday, 18 July 2019

Present:

Councillor	S Kelly (Chair)	
Councillors	S Foulkes	P Stuart
	K Hodson	S Whittingham
	S Hayes	B Berry
	G Davies	I Lewis
	S Frost	M Jordan

Deputies:

Councillors	AER Jones (In place of B Kenny)
	D Mitchell (In place of A Corkhill)

### 33 MINUTES

The Director of Governance and Assurance submitted the minutes of the meetings held on the 30<sup>th</sup> of May and the 20<sup>th</sup> June 2019.

**Resolved – That the minutes of the meetings held on the 30<sup>th</sup> of May and the 20<sup>th</sup> of June 2019 be approved.**

### 34 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and if so to declare them and state the nature of the interest.

Councillors S Frost and S Hayes declared a prejudicial interest in respect of item 3 – Land at Prenton Way, Prenton, (various site signage), and item 4 – Land at Prenton Way Prenton, (the installation of free standing totem signs) by virtue of their connection through their employment.

### 35 ADV/17/00777: LAND AT, PRENTON WAY, PRENTON, CH43 3DU - VARIOUS SITE SIGNAGE

Councillors S Frost and S Hayes declared a prejudicial interest in this matter and left the room during its consideration (minute 34 refers).

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

On a motion by the Chair and seconded by K Hodson it was –

**Resolved (11:0) – That the application be approved subject to the following conditions:**

**18/07/2019 ADV/17/00777 - VARIOUS SITE SIGNAGE INCLUDING 1 NO. GATEWAY, 9 NO. FREESTANDING SIGNS, 1 NO. SIDE BY SIDE DIRECTIONAL, 2 NO. BANNER UNITS AND 17 NO. DOT SIGNS. Land at, Prenton Way, PRENTON, CH43 3DU - Approve Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.**

**Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.**

**No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).**

**No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. This consent shall expire after a period of 5 years from the date of this permission.**

**The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the local planning authority on 16 June 2017 and listed as follows: 7202-SA-8141-AL01B (dated May 2017) and 7202-SA-8141-P008A (dated May 2017) and approved drawings Butterfields Signs Drwg No McD/038/2016 ERDDS Banner Unit; Butterfield Signs Gateway Sign; Butterfield Signs Directional Sign (Welcome); Butterfield Signs Gateway Sign (See You Soon); DOT Signage Parked Order Bay 1; DOT Signage Parked Order Bay 2; DOT Signage Give Way; DOT Signage No Entry; DOT Signage Pedestrian Crossing; Caution Look Left Traffic Approaching Sign; Caution Look Right Traffic Approaching Sign; DOT Signage Accessible Parking Bay; 10MPH Sign; HERO Poster Board; SIDE BY SIDE Any Lane Sign; TOTEM 3 Pre Sell Boards and Totem 4 2 Bay**

**36 ADV/17/00782: LAND AT, PRENTON WAY, PRENTON, CH43 3DU - THE INSTALLATION OF FREESTANDING TOTEM SIGNS**

Councillors S Frost and S Hayes declared a prejudicial interest in this matter and left the room during its consideration (minute 34 refers).

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

On a motion by the Chair and seconded by K Hodgson it was –

**Resolved (11:0) - That the application be approved subject to the following conditions.**

**ADV/17/00782 - THE INSTALLATION OF 2no. FREESTANDING 12M TOTEM SIGNS - Land at, Prenton Way, PRENTON, CH43 3DU - Approve Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.**

**Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**

**Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.**

**No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).**

**No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. This consent shall expire after a period of 5 years from the date of this permission.**

**The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the local planning authority on 16 June 2017 and listed as follows: 7202-SA-8141-P022A (dated May 2017); 7202-SA-8141-P002A (dated May 2017) and Butterfield Signs DRIVE TOTEM 2 (12 MT) Sign Type 1B**

**37 APP/19/00282: THE SHIP INN, 208 BRECK ROAD, WALLASEY VILLAGE, CH4 2ED - DEMOLITION OF FORMER VACANT SHIP INN, ERECTION OF 6 TOWNHOUSES WITH PARKING**

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

The Ward Councillor addressed the Committee.

On a motion by Councillor S Foulkes and Seconded by Councillor K Hodson it was -

**Resolved (13:0) – That the application be approved subject to the following conditions:**

**APP/19/00282 - Demolition of the former vacant Ship Inn public house, and erection of 6 no. 3 storey townhouses with associated parking. - The Ship Inn, 208 BRECK ROAD, WALLASEY VILLAGE, CH44 2ED - Approve The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**

**Before any construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be**

submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25th February 2019 and listed as follows:

Site Location Plan 2717 061 REV 01, Proposed Block Layout and Ground Floor Plan 2717 P-161 Proposed Elevations 2717 P-263 Proposed Street Scene 2717 P-260 Proposed Elevations and Contextual Section 2717 P-261 Design and Access Statement.

No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive unless otherwise agreed in writing by the Local Planning Authority.

No works or development shall take place until a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:

A. the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.

B. a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

C. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

D. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

E. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).

F. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).

G. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).



H. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

I. the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

J. the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).

K. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction (section 7.4 BS 5837)

L. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

M. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

N. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837). O. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837). P. the timing of the various phases of the works or development in the context of the tree protection measures.

No construction works above ground level 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.

Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

No construction works above ground level shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors; ii. loading and unloading of plant and materials; iii. storage of plant and materials used in constructing the development; iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; v. wheel washing facilities; vi. measures to control the emission of noise, dust and dirt during construction; vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

No construction works above ground level shall take place until details of works to provide vehicle accesses and a 2m wide footway between the site and Breck Road have been submitted to and approved in writing by the Local Planning Authority. For the benefit of doubt, the crossfall on the footway and vehicle crossings shall not be steeper than 1 in 40.

The works shall be completed in accordance with the approved details prior to first occupation of the development hereby approved and retained as such thereafter. Reason: Having regards to highway safety in accordance with policies HS4 and TR9 of the Wirral UDP.

No construction works above ground level shall take place until a geotechnical land survey is be carried out in order to assess the stability of the land. The survey shall be submitted to and agreed in writing with the local planning authority prior to commencement and the agreed findings implemented in full.

38 **APP/19/00446: WHISTLING SANDS, 15 DALESWAY, HESWALL - RETROSPECTIVE APPLICATION FOR ENGINEERING OPERATIONS COMPROMISING LAND GRADING WORKS**

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

The Ward Councillor addressed the Committee.

On a motion by Councillor S Whittingham and seconded by Chair it was –

**Resolved (12:1) - That the application be approved subject to the following conditions:**

**APP/19/00446 - Retrospective application for engineering operations comprising land grading works and construction of retaining structures. - WHISTLING SANDS, 15 DALESWAY, HESWALL - Approve The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 13 May 2019 and listed as follows:**

**L(91)001 Revision E (Proposed Site Section) dated May 19 L(91)002 Revision F (Proposed Elevations) dated May 19 L(91)003 Revision A (Proposed Site Section - Current Site Levels) dated May 2019**

39 **APP/19/00535: HOYLAKE PRESBYTERIAN CHURCH, ALDERLEY ROAD, HOYLAKE, CH47 2AX - VARIATION OF CONDITION 2 OF APP/1/00183**

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

The Ward Councillor addressed the Committee.

On a motion by the Chair and seconded by Councillor K Hodson it was –

**Resolved (13:0) – That the application be approved subject to the following conditions:**

**APP/19/00535 - Variation of Condition 2 of APP/17/00183 to vary the approved plans, with the following amendments incorporated:**

- 1. Hip-to-gable change on the proposed extension**
- 2. Two new dormers included for Plot 18 (replaces one dwelling removed from Church conversion)**
- 3. Zinc cladding to overcome mixture of materials used in original elevations.**
- 4. Other internal alterations, as shown on plans, to suit complexities of working with the existing structure (including new dormer for landing on extension) - Hoylake Presbyterian Church, ALDERLEY ROAD, HOYLAKE CH47 2AX - Approve The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**

**The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 6th July 2017 and listed as follows: 477.001; 477.002; 477.003; 477.004; 477.005 and amended plans received on 8th April 2019 and listed as follows: 477.006 B; 477.007; 477.008 A; 477.009 B; 477.010 B**

**The external finishes of the development hereby permitted shall be as follows (and corresponding with the approved drawings) unless otherwise agreed in writing by the Local Planning Authority: · Bricks - Ibstock Ravenhead Red Smooth (Travis Perkins Product Code 860091); · ZINC**

**Prior to first occupation, the following windows shall be obscurely glazed and non-opening up to a minimum of 1.7m above finished floor level, and shall be retained as such thereafter: - All first-floor windows in the north-west elevation of the proposed extension; - The bathroom windows serving Plots 9 and 10; - The kitchen window serving Plot 9; - The west-facing windows in the oriel bays on the north-west elevation of the existing church (two windows, both serving Plot 10); - The dormer window on the north-west elevation of the proposed extension (serving a communal landing area)**

**The development hereby permitted by this planning permission shall be carried out in accordance with the approved documents:  
· Sustainable Drainage Strategy <27/9/17 / CL7959 / SWF Consultants>. · Proposed Drainage Plan <APR2017/ CL7959-101/Rev P2/ SWF Consultants>  
The approved scheme shall be implemented in accordance with the approved details and timetable.**

**No development shall commence until full details of a scheme for a surface water sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority.**

**The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved scheme.**

No development shall commence until details of an appropriate management and maintenance plan, including arrangements to secure funding for the lifetime of the development through an appropriate legally binding agreement, for the surface water sustainable drainage system, comprising all components of the surface water drainage system, have been submitted to the Local Planning Authority, in conjunction with the Lead Local Flood Authority.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved details.

40 **APP/19/00743: STORETON HALL FARM, LEVER CASUSEWAY, STORETON, CH63 6HT - APPLICATION MADE UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT**

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

The Ward Councillor addressed the Committee.

On a motion by Councillor S Foulkes and seconded by the Chair it was -

**Resolved (12:1) – That the application be approved subject to the following conditions.**

**APP/19/00743 - Application made under section Section 73 of The Town and Country Planning Act to vary conditions 2, 9, 11 and 21 of application approved by the Planning Inspectorate under reference APP/W4325/W/18/3201869 (APP/17/00410) - Storeton Hall Farm, LEVER CAUSEWAY, STORETON, CH63 6HT - Approve**

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

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on (insert date) and listed as follows: The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 13th May 2019 109-00-1009E Proposed Materials Plan, 109-GAR-2100 Proposed Garages plans and Elevations, 109-A-2600 Type A Plot 1 & 2 Elevations, 109-A-2100 Type A Plot 1 & 2 Plans, 109-B-2100 Type B Plot 3-5 inc. Plans, 109-B-2600 Type B Plot 3-5 inc. Elevations, 109-B1-2600 Type B1 Plot 17 Elevations, 109-B1-2100 Type B1 Plot 17 GA plans, 109-B1A-2600 Type B1A Plot 18-19 Elevations, 109-B1A-2100 Type B1A Plot 18-19 Plans, 109-C1-2600 Type C1 Plots 12, 21 and 20(h) Elevations, 109-C1-2100 Type C1 Plots 12, 21 and 20(h) Plans, 109-C2-2600 Type C2 Plot 7 Elevations, 109-C2-2100 Type C2 Plot 7 Plans, 109-C4-2600 Type C4 Plot 24 Elevations, 109-C4-2100 Type C4 Plot 24 Plans, 109-C5-2600 Type C5 Plots 25 & 26, 8 & 10 handed Elevations, 109-C5-2100 Type C5 Plots 25 & 26, 8 & 10 handed Plans, 109-CA1-2600 Type CA1 Plot 6 Elevations ,109-CA1-2100 Type CA1 Plot 6 Plans, 109-CA2-2600

**Type CA2 Plot 15 Elevations, 109-CA2-2100 Type CA2 Plot 15 Plans, 109-CA3-2600 Type CA3 Plots 9 & 22 Elevations, 109-CA3-2100 Type CA3 Plots 9 & 22 Plans, 109-D-2600 Type D Plots 11, 13, 23 & 14(h) Elevations, 109-D-2100 Type D Plots 11, 13, 23 & 14(h) Plans, 109-G-2600 Type G Plot 16 Elevations, 109-G-2100 Type G Plots 16 & 27 Plans, 109-G-2601 Type G Plot 27 Elevations, UG\_11406\_LAN\_SL\_DRW\_03 Soft Landscape Plan, 109-00-1012B External Lighting Plan and 109-00-2100/A received by the Local Planning Authority on 24th June 2019**

**The residential element of the development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:**

- 1. The results of the site investigation and the detailed risk assessment referred to and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- 2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in are complete and identifying any requirements for a longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.**

**Prior to any part of the permitted development, being brought into use a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing, by the Local Planning Authority. The report shall include any plan (a long term monitoring and maintenance plan) for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.**

**If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.**

**Prior to the use of the approved equestrian facilities, a full scheme of works for the treatment of the existing vehicular access from Rest Hill Road that is to be rendered obsolete by the development including the provision of a new boundary feature shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme, and thereafter retained.**

Prior to the use of the approved equestrian facilities a scheme for the storage of manure has been submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved details to the satisfaction of the Local Planning Authority and thereafter retained.

Details of a programme of archaeological works outlined in section 4.3 of Oxford Archaeology North's Evaluation, Test Pitting & Watching Brief report (dated March 2017) shall include in a Written Scheme of Investigation (WSI) which is to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The WSI is to be produced by an appropriately qualified and experienced archaeologist and should contain appropriate research objectives and a detailed programme of works that includes a specification of the methods to be used. The development hereby permitted shall be carried out in accordance with the approved WSI.

The proposed landscaping as detailed within the submitted drawings shall be completed before the accommodation hereby approved is occupied and thereafter shall be maintained to the satisfaction of the Local Authority.

Prior to the first occupation of any residential dwelling or use of the approved equestrian facilities, a scheme for the enhancement of biodiversity within the development site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall then be implemented in full in a timescale to be agreed in writing with the Local Planning Authority and retained thereafter.

Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations or building works should take place during the period 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season, then buildings, trees, scrub and hedgerows which are affected 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 will be required and shall be submitted to and agreed in writing with the Local Planning Authority.

Prior to commencement of the equestrian centre, full details of a scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.

Prior to the commencement of the equestrian centre, the approved scheme and timetable for the eradication of Japanese Knotweed referred to in condition 14 above, shall be implemented in full and a validation report confirming the remediation treatment carried out and that the site is free of Knotweed shall be submitted to and approved in writing by the Local Planning Authority.

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.

Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority and should include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management. The CEMP shall include the agreed method statements to mitigate or avoid adverse environmental impacts including:

Invasive species eradication scheme;

Ecological mitigation plan;

Waste Audit or similar mechanism.

Details of the location and arrangements for site compounds and parking;  
The identification of vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;

Identify measures to control dust and mud including on the surrounding public highway including details of how the wheels of contractors vehicles are to be cleaned during the construction period; and  
Specify working hours for the site.

The CEMP should be compiled in a coherent and integrated document and should be accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Prior to the commencement of development, details of the proposed interpretation board shall be submitted to and agreed in writing with the Local planning Authority. The approved scheme shall be implemented in full prior to occupation of Storeton Hall

The proposed development shall be constructed in accordance with submitted material details

Details of works to create a new access onto Rest Hill Road have been submitted to and agreed in writing by the Local Planning Authority prior to the

first use of the equestrian facilities hereby permitted. The works shall be completed in accordance with the approved details prior to first use of the equestrian centre and retained thereafter.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised by the Local Planning Authority in writing.

The development hereby permitted by this planning permission shall be carried out in accordance with the principles and details specified in the following approved submissions, unless otherwise agreed in writing with the Local Planning Authority:

Land at Storeton Hall Farm – Flood Risk Assessment & Outline Drainage Strategy (July 2016/ Ref: FRA 16 038 / R0/ LK Consult Ltd).

Drainage GA (Feb 2017/ Job No 12816/ Drawing no 500/ Revision P6/ Booth King Partnership Limited)

**NO DEVELOPMENT SHALL TAKE PLACE** until details of secure covered cycle parking and/or storage facilities for the equestrian centre have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

The external surfaces of the development hereby permitted shall be constructed in the materials identified in the submitted Storeton Hall-proposed Materials document (dated 31st March 2017)

No development shall commence until the confirmed full and final design for a surface water sustainable drainage system<sup>1</sup> to serve the entire site (residential and equestrian areas), and method of implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved maintenance and inspection schedule.

The development hereby permitted by this planning permission shall be carried out in accordance with the principles and details specified in the following approved submissions, unless otherwise agreed in writing with the Local Planning Authority:

Land at Storeton Hall Farm – Flood Risk Assessment & Outline Drainage Strategy (July 2016/ Ref: FRA 16 038 / R0/ LK Consult Ltd).

Drainage GA (Feb 2017/ Job No 12816/ Drawing no 500/ Revision P6/ Booth King Partnership Limited)



41 **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - WIRRAL'S LOCAL PLAN - REVIEW AND DEVELOPMENT OF DEVELOPMENT MANAGEMENT POLICIES**

The Chair submitted a report seeking the establishment of a sub-committee of the Planning Committee to enable the Council to progress urgent work required on reviewing existing Development Management Policies for inclusion of the Local Plan prior to it being submitted the Secretary of State spoke in November 2020.

This sub-committee would consist of 9 members of the Planning Committee on a proportional basis in line with the Council's membership, that being; four Labour, three Conservative one Liberal Democrat and one Green.

Once established the sub-committee would meet to agree its work programme and progress with the work. It would provide regular reports back to the Planning Committee. The Assistant Director for Major Growth Projects and Housing Delivery would provide a progress report on the work in the report he gives to each meeting of the Environment Overview and Scrutiny Committee.

The following members were nominated by their respective parties to sit on the Sub Planning Committee with the same deputies to be used as Planning Committee;

Labour; Councillor S Foulkes, Councillor G Davies, Councillor S Whittingham, Councillor S Frost

Conservative; Councillor G Watt, Councillor A Gardner, Councillor I Lewis

Green Party; Councillor S Hayes

Liberal Democrats; Councillor S Kelly

On a motion by the Chair and seconded by the Vice Chair it was –

**Resolved (13:0) – That a sub-committee comprising 9 members of the Planning Committee be established to make appropriate recommendations to the Cabinet in the formulation of the Local Development Framework for the Borough.**

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**Planning Committee**

**15 August 2019**

**Reference:**  
**APP/19/00014**

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

**Case Officer:**  
**Mr P Howson**

**Ward:**  
**Hoylake and Meols**

**Location:**  
**Proposal:**

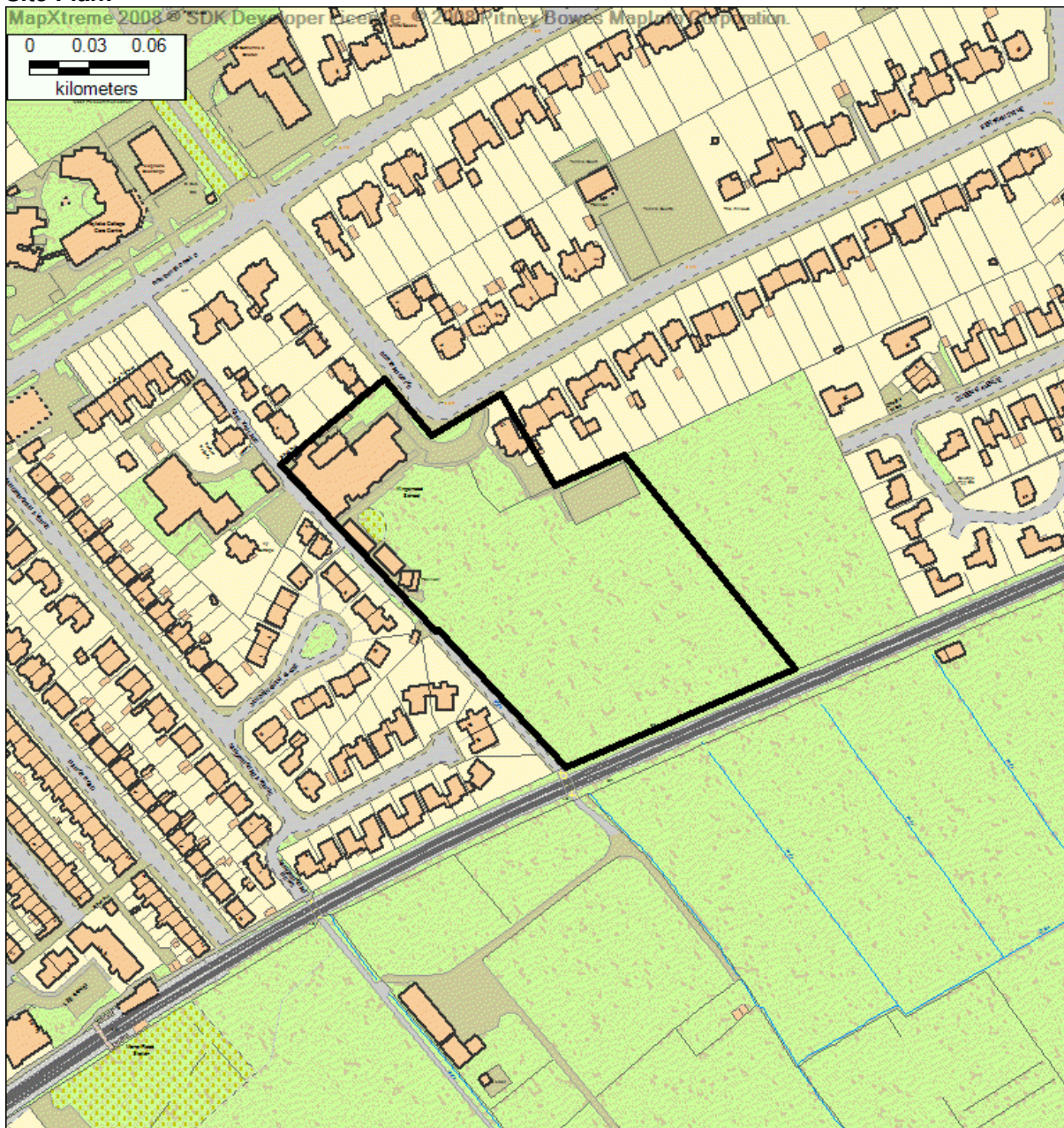
Kingsmead School, BERTRAM DRIVE, MEOLS, CH47 0LL  
The application relates to a hybrid planning application proposing outline planning permission for the erection of a new sixth form block and full planning permission for the erection of 25 residential dwellings on a section of existing playing fields at Kingsmead School.

**Applicant:**  
**Agent :**

Forth Homes and Kingsmead School  
Katie Dickson

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area  
School Playing Field

**Planning History:**

Location: Kingsmead School ,Bertram Drive ,Hoylake ,L47 0LL  
Application Type: Full Planning Permission  
Proposal: Erection of new stage/drama room extension to school  
Application No: APP/77/06677  
Decision Date: 25/03/1977  
Decision Type: Conditional Approval

Location: Kingsmead School ,Bertram Drive ,Meols ,L47 0LL  
Application Type: Full Planning Permission  
Proposal: Construction of new classroom/store  
Application No: APP/79/12936  
Decision Date: 27/09/1979  
Decision Type: Approve

Location: Kingsmead School ,Bertram Drive ,Meol ,L47 0LL  
Application Type: Full Planning Permission  
Proposal: First floor classroom extension to the 'Verulam' at  
Application No: APP/80/15345  
Decision Date: 12/06/1980  
Decision Type: Conditional Approval

Location: Kingsmead School,Bertram Drive,Meols,L47 0LL  
Application Type: Full Planning Permission  
Proposal: Erection of an extension to form a music room.  
Application No: APP/82/20868  
Decision Date: 26/08/1983  
Decision Type: Conditional Approval

Location: Kingsmead School, Bertram Drive, Meols, Wirral, L47 0LL  
Application Type: Full Planning Permission  
Proposal: Erection of new single storey and two storey junior school building to replace existing prefabricated classrooms.  
Application No: APP/98/05982  
Decision Date: 27/07/1998  
Decision Type: Withdrawn

Location: Kingsmead School, Bertram Drive, Meols, Wirral, L47 0LL  
Application Type: Full Planning Permission  
Proposal: Erection of a new single storey and two storey junior school building to replace existing prefabricated classrooms.  
Application No: APP/98/06283  
Decision Date: 02/10/1998  
Decision Type: Approve

Location: Kingsmead School, Bertram Drive, Hoylake. L47 0LL  
Application Type: Full Planning Permission  
Proposal: Construction of all-weather tennis court with 2.75m. high chain-link fence within grounds of school.  
Application No: APP/93/06451  
Decision Date: 07/01/1994  
Decision Type: Approve

Location: Kingsmead School, Bertram Drive, Meols, Wirral, CH47 0LL  
Application Type: Full Planning Permission  
Proposal: Erection of a two storey extension to senior school and a single storey junior school building (phase 1)  
Application No: APP/01/06592  
Decision Date: 19/10/2001

## **Summary Of Representations and Consultations Received:**

### **1.0 WARD MEMBER COMMENTS**

1.1 Councillors Cox, Gardner and Davies have expressed support for the application.

### **2.0 SUMMARY OF REPRESENTATIONS**

#### REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications 76 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing 24 letters of representation have been received comprising of 1 comment, 3 of support and 20 objections, summary of objections;

- a) Loss of light
- b) Flooding
- c) Parking
- d) No affordable housing
- e) Loss of playing field

#### CONSULTATIONS

**Highways Engineers** - No Objections

**Environmental Health** - No Objections

**Lead Local Flood Authority** - No Objections

**United Utilities** - No Objections

**Housing Strategy** - No Objections

**Network Rail** - No Objections

**Sport England** - Objects to the proposal as no evidence has been provided that the loss of the playing field meets any of the requirements of Paragraph 97 of the National Planning Policy Framework or Sport England's Playing Fields Policy. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply. Sport England do not object to the location of the proposed 6th Form building as this is predominantly on existing buildings and would result in a minor loss of playing field. It does, however, object to the housing element of the proposal as it would result in the loss of approximately 1ha of playing field.

### **3.1 Reason for referral to Planning Committee**

3.1.1 The proposed development site is designated as a School Playing Field under the current adopted Wirral Unitary Development Plan (UDP). As the application proposes to redevelop the site into a residential development it is a departure from the UDP and is to be determined

by Planning Committee.

### **3.2 Site and Surroundings**

3.2.1 The proposed development site comprises of part of school playing field which forms part of the educational curtilage of the Kingsmead School. The site in question exists to the rear of the dwellings which make up the primary frontage onto Bertram Drive. Queens Avenue terminates into the north-eastern axis of the site whilst the rail line runs along the south-western axis.

### **3.3 Proposed Development**

3.3.1 The application seeks full planning consent for the redevelopment of part of a school playing field into 25 residential dwellings. This would enable to the erection of a new school building for which outline planning consent is sought.

### **3.4 Development Plan**

3.4.1 The Wirral Unitary Development Plan 2000

- HS4 Criteria for New Housing Development
- HS6 Principles for Affordable Housing
- GR5 Landscaping and New Development
- GR7 Trees and New Development
- NC7 Species Protection
- TR9 Requirements for Off Street Parking
- WA1 Development and Flood Risk
- WA2 Development and Land Drainage
- WA4 Safeguarding Water Resources
- WA5 Protecting Surface Waters

### **3.5 Other Material Planning Considerations**

3.5.1 The Joint Waste Local Plan for Merseyside and Halton

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

3.5.2 The National Planning Policy Framework (2018)

- Achieving sustainable development
- Decision-making
- Delivering a sufficient supply of homes
- Making effective use of land
- Promoting healthy and safe communities
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change

### **3.6 Assessment**

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

- Principle of development;
- Design;
- Highways and PROW;
- Ecology (including Flood Risk); and

- Amenity

3.7 Principle of Development:

3.7.1 The proposed development site is designated as a School Playing Field on the UDP Proposals Map where there is no provision for new housing.

3.7.2 Planning law dictates that planning applications should be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this instance the material considerations which need to be taken into account are:

1. the current national Planning Policy Framework (2019);
2. whether the loss of a school playing pitch for residential purposes is justified; and
3. whether the benefits of the proposed residential development outweigh the disadvantages

3.7.3 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. Paragraph 11 of the Framework indicates that development should be approved if it accords with an up to date development plan or where there are no relevant policies unless the policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or; any adverse impact would significantly outweigh the benefits when assessed against the policies in the NPPF as a whole.

3.7.4 UDP Policy RE7 did not remain in force following a Direction issued by the Secretary of State on 18 September 2007 as national policy provided greater protection.

3.7.5 Paragraph 97 of the Framework expects planning applications for the redevelopment of playing fields to be refused unless:

- a. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

3.7.6 The Core Strategy Proposed Submission Draft (December 2012), which has been approved the Council as material consideration in the determination of planning applications could carry some weight, insofar as it's consistent with NPPF. Draft Policy CS31 would protect land use for sport unless it can be demonstrated;

1. the site is genuinely surplus and is not required for any other recreational purpose; and
2. the site has been continuously marketed for recreational uses at realistic prices for a period of at least two years and there is no reasonable prospect that the site will be re-used for recreational use; and
3. the site does not need to be retained undeveloped for any other intrinsic or designated value, including landscape character, heritage, biodiversity, drainage requirements or flood defence; or
4. the facility will be replaced with an equivalent or better facility, capable of serving the same local community and criterion 3 above would also be met



- 3.7.7 NPPF paragraph 96 indicates that planning policies should be based on robust up-to-date assessments and information gained should be used to determine what provision is needed, which plans should seek to accommodate.
- 3.7.8 The latest Playing Pitch Strategy, adopted as a material consideration in the determination of planning applications by Council on 11 December 2017 (Minute 97 refers), identifies shortfalls in the current football, cricket and rugby pitch provision within analysis area 4 (Hoylake and Meols; West Kirby and Thurstaston). Therefore it cannot be said that the current playing field is surplus to requirements. As the application proposes no alternative sports or recreational provision it would not accord with Criterion C of Paragraph 97 of the Framework, therefore an equivalent or better playing pitch provision should be provided as required by Criterion B of Paragraph 97 of the Framework.
- 3.7.9 In this particular case, the proposed housing would be used to fund a new sixth form block and approximately 1.4ha would be retained as the remaining school playing field. The applicant has agreed to a commuted sum (to be secured via a S106 agreement) to bring forward a redundant playing pitch at Sandringham Avenue as identified within the Strategy (p.56). This would not meet Exception 4 of Sport England's Playing Fields Policy as provision is not being made for a new area of playing field and they have therefore raised an objection to the proposal. Their policy applies to any playing field regardless of whether it is in public, private or educational ownership and regardless of the nature and level of use.
- 3.7.10 The Playing Pitch Strategy notes that Kingsmead School has one good quality macadam tennis court which is not floodlit and one standard quality non-turf wicket for cricket and recommends that they are retained for school use and that quality be improved as required. There is no proposal to remove these facilities as part of this application. It also notes one adult and one youth football pitch at Sandringham Avenue had become disused because of drainage issues and flooding and recommends the opportunities are explored to bring this site back into use to help meet identified shortfalls in the assessment.
- 3.7.11 The retention of existing sports facilities at Kingsmead and the offer to fund improvements at Sandringham Avenue playing fields should be weighed in favour of the proposed development when considering whether the adverse impact from losing part of the school playing would significantly outweigh the benefits, which will also include the contribution that proposal can make to the supply of the housing and the economic benefits that can be accrued from the development.
- 3.8 Design:
- 3.8.1 The standards for new residential development are set out within Policy HS4 of the Wirral Unitary Development Plan 2000. Proposals should be of a scale with regard to existing densities and form of development and not result in detrimental change in the character of the area
- 3.8.2 Paragraph 27 of the revised National Planning Policy Framework states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 3.8.4 The application is a hybrid application which seeks full planning approval for 25 detached residential dwellings and outline planning consent for a sixth form block for the Kingsmead School. The proposed dwellings would be accessed via Queens Avenue. Four house types are proposed with variations in their facing materials of these types to add interest. The



proposed dwellings are traditionally constructed and would unify with the existing dwellings along Queens Drive and are acceptable.

3.8.5 The proposed sixth form block would be situated along the western axis of the site adjacent to Carlton Lane and would therefore be read as part of the school complex. No contextual elevations have been provided as this element of the proposal is outline with all matters reserved. However, the submitted Design & Access Statement indicates that the block would be two storeys and the planning authority is satisfied an educational building could be accommodated here with no significant detrimental impact upon the character of the area subject to an appropriate design as part of a reserved matters application.

3.9 Highways:

3.9.1 The Highways Engineer has raised no objection to the proposal, however this is subject to the access and parking arrangements of the proposed sixth form block being provided as part of a reserved matters application.

3.10 Ecology:

3.10.1 Policies WAT1, WA2, WA4, and WA5 of the Wirral UDP only permit development that would not increase the risk of flooding, where drainage and surface water runoff can be controlled with regard to the need for the protection of water resources.

3.10.2 Paragraph 11 (footnote 6) of the National Planning Policy Framework indicates that policies for areas at risk of flooding are of particular importance. Paragraph 155 of the Framework seeks to guide development away from areas of highest risk. A sequential test should be applied to development with the aim of steering new development to areas with lowest risk of flooding (paragraphs 157 & 158 of the Framework refer). This is clarified in the National Planning Policy Guidance (6 March 2014, paragraphs 018 & 019) which indicates that the aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. If there are no reasonably available sites in Flood Zone 1, the vulnerability of development in Flood Zone 2 can be taken into account.

3.10.3 The development site for the new housing development is predominantly located within Flood Zone 2 with the sixth form block located outside of the flood risk zone. In accordance with the guidelines published by the Environment Agency, the applicant has undertaken a sequential search for available sites capable of accommodating the proposed development in locations at lower risk of flooding.

3.10.4 The submitted application covers the school site, with the proposed new housing development being utilised to cross fund a new school sixth form block. The guidelines for the sequential test state that an identified geographical search area may be reduced where justified by the functional requirements of the development. It is stated within the submitted test that the scope of geographically available sites has been reduced from borough wide to areas of land which would also allow for the construction of a sixth form block that forms part of the application. The existing school complex is adjacent to the site proposed for the sixth form block due to the co-sharing of facilities the proposed sixth form block would need to be integrated within the existing complex. Therefore other sites in alternative locations outside of the ownership of the school cannot accommodate the requirements of the development proposed.

3.10.5 The applicant has identified and considered an alternative residential site under the ownership of the school. The alternative site is situated south of the proposed development site on the opposite side of the railway line. However, the alternative site is almost entirely within Flood Zone 2 as opposed to the proposed development site which is only partially within Flood Zone 2. The applicant has submitted a Flood Risk Assessment & Drainage Strategy which suggests that the proposed development site is considered to be at a flood

risk of 1% (1 in 100) fluvial and / or a 0.5 % (1 in 200) of tidal flooding and 0.1% annual probability of flooding from rivers or the sea. The LLFA have raised no objection to the proposal (subject to conditions) and it has therefore been demonstrated that proposed development would be safe for future occupiers and will not increase the risk of flooding or cause pollution elsewhere in accordance with UDP Policies WAT1 WA2, WA4, and WA5.

3.10.6 The proposed development site is a school playing field with limited vegetative features and there are no significant environmental/sustainability issues relating to these proposals.

3.11 Amenity:

3.11.1 Policy HS4 of the Wirral Unitary Development Plan requires new residential developments to provide adequate private amenity space for each dwelling. Adequate distances should be kept between habitable rooms in separate dwellings and blank gables. Whilst Policy HS4 does not prescribe adequate interface distances the Local Planning Authority adopts the following standard; habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be 14 metres from any blank gable.

3.11.2 Paragraph 127 of the revised National Planning Policy Framework states that planning decisions should create places that provide a high standard of amenity for existing and future users.

3.11.3 The proposed dwellings would provide adequate garden areas which would allow for quiet enjoyment, children's play and more practical activities such as clothes drying. Adequate interface distances would be made between dwellings within the proposed site and existing adjacent dwellings.

3.11.4 With regard to affordable housing provision the applicant has agreed to a commuted sum for off-site delivery elsewhere. This will be secured via a S106 agreement.

3.12 Other:

3.12.1 There are no other outstanding matters relating to this application.

**Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development would be contrary to UDP in that would result in the partial loss of an unused area (approximately 1.2ha) of the existing playing field at Kingsmead School for new housing.

The site for the new housing development is predominantly located in Flood Zone 2. The applicant has undertaken a sequential search for available sites capable of accommodating the proposed develop in locations at lower risk of flooding. It has been demonstrated that proposed development would be safe for future occupiers and will not increase the risk of flooding or cause pollution elsewhere in accordance with UDP Policies WAT1 WA2, WA4, and WA5.

Sport England's have raised a statutory objection because provision has not been made for replacement with a new area of playing field. Therefore, the application must be referred to the Secretary of State before planning permission can be granted.

In this particular case, the benefits which include funding: to bring redundant playing pitches

back into use at Sandringham Avenue, to secure affordable housing and to help build a new 6<sup>th</sup> form block, alongside the limited contribution that can be gained towards the housing supply, economic benefits from jobs during construction, expenditure from future residents and Council tax revenue are considered to outweigh the partial loss of the existing playing field at Kingsmead School.

High quality detached housing can be achieved in accordance with criteria in UDP Policy HS4 and NPPF (part 12) and the 6<sup>th</sup> form building could be accommodated without significant detrimental impact on the character of the area subject to consideration of the detailed design as part of a reserved matters application.

It is, therefore, reasonable to conclude, in this particular case, that the adverse impact from losing part Kingsmead School playing field does not significantly and demonstrably outweigh the benefits that can be accrued from the proposed development. In which case planning permission should be granted subject to outcome of referral to the Secretary of State and the completion of legal agreements to secure the reuse of Sandringham Playing Fields and affordable housing.

**Recommended Decision:**                      **Approve**

**Recommended Conditions and Reasons:**

1. Insofar as this consent relates to the erection of the 25 dwellings, the development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2. Insofar as this consent relates to outline consent for the erection of a sixth form block, the development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

**Reason:** To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. Insofar as this application relates to the outline consent for the sixth form block, details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) Layout
- (b) Scale
- (c) Appearance
- (d) Access and
- (e) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990.

4. Insofar as this consent relates to the erection of the 25 dwellings, prior to any development above ground level approval of the following details shall be obtained from the local planning authority;

- i. Samples or details of all facing materials including all new windows and doors

For the avoidance of doubt, the materials shall take account of the mitigation measures outlined in paragraph 4.2.3 of the Residential Noise Survey report. The stated details shall be approved in writing and such approved details shall be implemented in the development hereby approved in full:

**Reason:** These details are not included in the application and the Council wishes to ensure that they are satisfactory in the interests of visual, residential and environmental amenity.

5. Insofar as this consent relates to the erection of the 25 dwellings, prior to first occupation approval of the following details shall be obtained from the local planning authority

- i. Details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development

For the avoidance of doubt any acoustic fencing is to be placed 1 metre from the railway boundary. The stated details shall be implemented in full prior to first occupation and thereafter be permanently retained and maintained.

**Reason:** These details are not included in the application and the Council wishes to ensure that they are satisfactory in the interests of visual, residential and environmental amenity.

6. A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include the mitigation measures as detailed in paragraph 5.4 of the Phase 1 Habitat Survey and shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In the interest of species protection and visual amenity and the character of the area and to ensure a satisfactory environment having regard to Policies NC7 and GR5 of the Wirral UDP

7. Prior to commencement of development, full details of a scheme for the eradication of Japanese Rose shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.

**Reason:** To eradicate Japanese Rose from the development site, to prevent the spread of the plant.

8. Prior to the commencement of development, the approved scheme and timetable for the eradication of Japanese Rose referred to in condition 7 above, shall be implemented in full and a validation report confirming the remediation treatment carried out and that the site is free of Japanese Rose shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To eradicate Japanese Rose from the site and to prevent the spread of the plant through development works

9. Prior to first occupation, a “lighting design strategy for biodiversity” for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall:

(a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

And

(b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**Reason:** In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

10. Before any approved phase of development commences, a Site Waste Management Plan, confirming how demolition and construction waste will be recovered in relation to this phase 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 Waste Local Plan

11. The scheme shall include the mitigation measures as detailed in paragraph 4.2.3 of the Residential Noise Survey Report.

**Reason:** In the interests of residential amenity in accordance with Policy HS4

12. Prior to the commencement of any development of the proposed sixth form block and as part of an application for the approval of reserved matters for layout, appearance and landscaping, **full and final details** of a scheme for a sustainable surface water drainage system<sup>1</sup> to serve the site, in accordance with the hierarchy of drainage options in national planning practice guidance and based on the principles and details identified in the following submitted documents:

- Flood Risk Assessment & Drainage Strategy (*December 2018/ Ref: w10776-181214/ Waterco*)
- Email titled: “Kingsmead School 6<sup>th</sup> Form” (including attachments)  
From: Ian Phillips <ian@forth-homes.com>

To: Allison Chapman <LLFA@wirral.gov.uk>  
Email sent: Fri 29/03/2019 16:03

Shall be submitted for consideration by the Local Planning Authority in consultation with Lead Local Flood Authority.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

13. No residential development shall commence until the **final detailed sustainable drainage design**<sup>1</sup>, for the management and disposal of surface water from the site based on the principles and details identified in the following documents has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Flood Risk Assessment & Drainage Strategy (*December 2018/ Ref: w10776-181214/ Waterco*)
- Email titled: "Kingsmead School 6<sup>th</sup> Form" (including attachments)  
From: Eddie Corke <Eddie@ShapeEngineering.co.uk>  
To: Allison Chapman <LLFA@wirral.gov.uk>  
Email sent: Fri 20/03/2019 12:34

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

14. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The surface water drainage system shall be offered for adoption to United Utilities at adoptable standards where adoption has been submitted in the drainage strategy.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

15. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 02 January 2018 and listed as follows: FH-KS-01-PL-01 Rev.A, KSH/MS/01 Rev. A, 4H2367EXT1, 4H2367EXT2, 4H2367PL, 4H1657EXT1, 4H1657PL, 4H2536EXT1, 4H2536EXT2, 4H2536EXT1, 4H179OEXT1, 4H179OEXT2, 4H1790PL

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

### Further Notes for Committee:

1. The surface water drainage system for the residential development will be offered for adoption to United Utilities. The LPA should be satisfied that the maintenance of the sixth form block SuDS has been secured in perpetuity via an appropriate mechanism or agreement.
2. For the avoidance of doubt, this response **does not** grant the applicant permission to carry out work to/within or connect to the ordinary watercourse(s). This includes any land drainage that may be subsequently discovered within the site.

The grant of planning permission by the Local Planning Authority does not mean that Land Drainage Consent will then be given. Where required, the applicant **must** obtain Land Drainage Consent from Wirral Council's Lead Local Flood Authority **before** starting any works on site. Failure to do so may result in enforcement action.

Information on the application process and relevant forms can be found at the bottom of the following webpage:

<https://www.wirral.gov.uk/communities-and-neighbourhoods/emergencies/flooding/flood-monitoring-and-reports>

3. **1 Terms of Condition 12**

Final Sustainable Drainage Strategy to be in accordance with DEFRA's Technical Standards for Sustainable Drainage Systems and the SuDS Manual and include:

- Justification of final design
- Designer risk assessment
- Drawings to include:
  - Final layout of roads and properties including plot numbers, finished floor levels and boundaries
  - Final layout of sewers; outfalls; SuDS; flow controls and overland flow paths (designed for exceedance)
  - Longitudinal sections showing existing and proposed ground levels, invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations
  - Pumping station detail
- Hydraulic modelling for final drainage strategy to include:
  - Pipe network design
  - System performance for following return periods; 1, 30, 100, 100 plus appropriate climate change allowance
  - Design criteria summary, Full network details table, Contributing area summary, Control/storage structure details, Results summary print outs
  - Volumetric runoff co-efficient (Cv) should be set to '1'
  - Rainfall model should preferably be FEH for robustness
  - Sensitivity checking for climate change at 40% if lower allowance used
  - Urban creep allowance of 10% must be included for residential development
- Maintenance statement explaining who will own the SuDS and how maintenance and replacement will be funded over the lifetime of the development. Agreement in principle for adoption and maintenance by the appropriate WaSC should be provided.
- Evidence that means of access for maintenance and easements, where applicable, has been secured.

- Construction phase surface water management plan for each construction phase.

**Last Comments By:** 12/03/2019  
**Expiry Date:** 03/04/2019



# Agenda Item 4

**Planning Committee**

**15 August 2019**

**Reference:**  
**DPP3/19/00046**

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

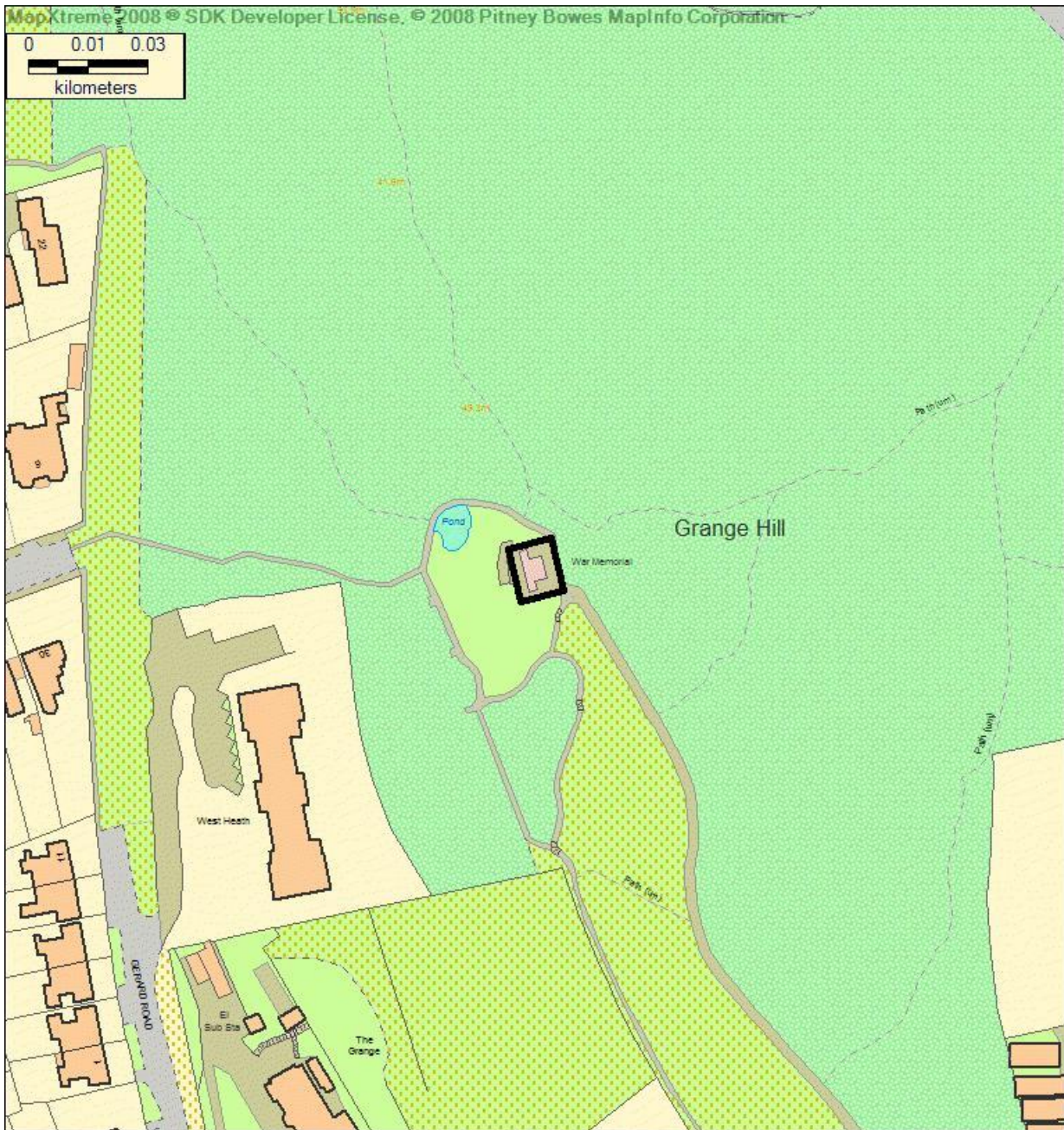
**Case Officer:**  
**Mr B Pratley**

**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** West Kirby & Hoylake War Memorial, Footpath Over Grange Hill By War Memorial To Lang Lane, West Kirby, CH48 4ET  
**Proposal:** Enhanced lighting scheme and installation of web-camera and CCTV.  
**Applicant:** Wirral Council  
**Agent :** Wirral Council

**Qualifying Petition:** Yes, Number of Signatures: 95

**Site Plan:**



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**Development Plan designation:**

Site of Biological Importance  
Urban Greenspace

**Planning History:**

Location: West Kirby & Hoylake War Memorial, Footpath Over Grange Hill By War Memorial To Lang Lane, West Kirby, CH48 4ET  
Application Type: Listed Building Consent  
Proposal: Application for listed building consent for enhanced lighting scheme and installation of web-camera and CCTV.  
Application No: LBC/19/00047  
Decision Date:  
Decision Type: Pending Determination

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS****REPRESENTATIONS**

2.1 Having regard to the Council Guidance on Publicity for Applications 12 notifications were sent to adjoining properties. A site notice was also displayed.

At the time of writing this report 24 objections, and a petition containing 95 signatures, have been received, listing the following grounds:

- The lighting will have a detrimental impact on wildlife.
- Radiation from LED lights is harmful to humans.
- Wireless radiation from the web camera will be harmful to humans and wildlife.
- The lighting will waste money and energy.
- The Merseyside and West Lancashire Bat Group (MWLBG) consider that insufficient information has been submitted to determine the impact on bats.
- The CCTV and webcam will harm views of the monument.
- The proposed lighting could attract criminal and anti-social behaviour.
- The Council's Ecological Advisors do not have the same level of expertise as members of the MWLBG.
- Lighting would prevent enjoyment of the night sky.
- The CCTV will not prevent crime or antisocial behaviour.
- The webcam could be used to spy on people.
- Images of children visiting the site could be viewed around the world.

3 separate objections were also received against the application for listed building consent, but based on the content of these objections it is apparent they relate to this planning application. In addition to those points raised above, the following issues were raised:

- Infrared CCTV and web cameras could be employed without lighting.

At the time of writing this report 3 letters/messages of support have been received, listing the following grounds:

- Residents of Red Rocks Nursing Home are supportive of this application and will enable them to see the war memorial on days such as Remembrance Sunday.
- The proposal will protect the memorial from vandalism and anti-social behaviour.

The Wirral and Cheshire Badger Group raised a concern about the impact of lighting on badgers. Following confirmation from the applicant that the lighting would be switched off at

11pm they have indicated that they no longer have an objection subject to a condition restricting hours of work.

### CONSULTATIONS

2.2 **MEAS** - No objection subject to the imposition of conditions.

**Natural England** - No objection.

**Wirral Wildlife** - object to any lighting in bat activity season April - October as lighting could affect the feeding behaviour of bats and their invertebrate prey. However these restrictions could be lifted from November to March when bats are in hibernation.

### **It 3.1 Reason for referral to Planning Committee**

3.1.1 This application is referred to Planning Committee following the receipt of 24 individual objections and a petition containing 95 signatures. This application was deferred at the Planning Committee of 30 May 2019 in order for more consideration to be given to the potential impact of the lighting on bats.

### **3.2 Site and Surroundings**

3.2.1 The site comprises a Grade II\* listed war memorial located at the top of Grange Hill. The memorial comprises a plinth, surmounted by a column with two figures facing broadly east and west. The site and surrounding area are defined as a Site of Biological Importance, an area of Urban Greenspace and a Site of Local Importance for Earth Science.

### **3.3 Proposed Development**

3.3.1 This application seeks permission for the installation of lighting for the memorial and a web camera and CCTV.

### **3.4 Development Plan**

#### 3.4.1 Policy CH1 - Development Affecting Listed Buildings and Structures

This policy requires that proposals are of a nature and scale appropriate to retaining the character and design of the building or structure and its setting. That adequate provision is made for the preservation of the special architectural or historical features of the building or structure.

#### 3.4.2 Policy GR1 - The Protection of Urban Greenspace

On land designated as Urban Greenspace, facilities for visitors, sport or play will be permitted where it can be demonstrated that the proposals would not:

(i) prejudice the continued use of the site for open air recreation; or

(ii) prejudice the visual amenity, landscape character or nature conservation value of the site.

Development for other purposes on land designated as Urban Greenspace, other than for the re-use of existing buildings, will not be permitted unless alternative provision of equivalent community benefit is made available.

#### 3.4.3 Policy NC5 - The Protection of Sites of Local Importance for Nature Conservation Policy

Outside areas protected under Policy NC1 and Policy NC3 the Local Planning Authority will protect habitats of special local importance for nature conservation where they represent scarce, rare or threatened habitat, good examples of habitats typical to Wirral, diverse or rich habitats which actively support a wide range of important species, or areas known to provide for the shelter, breeding or foraging of legally protected species.

In evaluating proposals which may affect such habitats the Local Planning Authority will in particular consider:

(i) the nature, layout, and density of development proposed;

- (ii) the impact on the long-term ecological viability of the habitat affected;
- (iii) the appropriateness of measures taken to minimise damage to the habitat and disturbance to wildlife; and
- (iv) the appropriateness of provision for the future maintenance of the site.

Development affecting such habitats will only be permitted where the Local Planning Authority is satisfied that the continued ecological viability of the habitat or wildlife interest of the site can be adequately safeguarded by means of appropriate conditions and/ or legal agreements.

Appropriate conditions will include, where necessary, the requirement to provide an adequate "buffer zone" of a scale and nature appropriate to the interest to be protected and the retention of linkages to other wildlife sites within the surrounding area.

**3.4.4 Policy NC7 – Species Protection**

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

**3.4.5 Policy NC10 - The Protection of Sites of Importance for Earth Science**

The Local Planning Authority will safeguard sites of local importance for earth science not protected under other statutory designations where they represent significant exposures of Wirral's underlying geology, good examples of geological formations or geomorphological processes, and especially where they possess special value for education.

The Local Planning Authority will only permit proposals affecting sites of local importance for earth science where:

- (i) the nature, scale, density and design of the proposal is compatible with retaining the earth science interest of the site;
- (ii) the proposal provides an opportunity to enhance the earth science interest of the site; and
- (iii) the proposal is compatible with public access to the site for educational purposes.

Proposals which would damage or obscure a site of local importance for earth science or which would preclude continued public access to such a site will be refused.

**3.5 Other Material Planning Considerations**

**3.5.1** The NPPF states that Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

**3.5.2** The NPPF states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

3.5.3 Government Planning Practice Guidance, relating to light pollution, states that some proposals for new development, but not all, may have implications for light pollution. The following questions will help to identify when the possibility of light pollution might arise:

- Does a new development proposal, or a major change to an existing one, materially alter light levels outside the development and/or have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces?

- Does an existing lighting installation make the proposed location for a development unsuitable? For example, this might be because:

- the artificial light has a significant effect on the locality;

- users of the proposed development (eg a hospital) may be particularly sensitive to light intrusion from the existing light source.

- Does a proposal have a significant impact on a protected site or species eg located on, or adjacent to, a designated European site or where there are designated European protected species that may be affected?

- Is the development in or near a protected area of dark sky or an intrinsically dark landscape where it may be desirable to minimise new light sources?

- Are forms of artificial light with a potentially high impact on wildlife (eg white or ultraviolet light) being proposed close to sensitive wildlife receptors or areas, including where the light shines on water?

- Does the proposed development include smooth, reflective building materials, including large horizontal expanses of glass, particularly near water bodies (because it may change natural light, creating polarised light pollution that can affect wildlife behaviour)?

If the answer to any of the above questions is 'yes', local planning authorities and applicants should think about:

- where the light shines;

- when the light shines;

- how much light shines; and

- possible ecological impact.

### 3.6 Assessment

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

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



- Amenity

3.7 Principle of Development:

3.7.1 In principle the enhancement of a listed structure is acceptable, but this is subject to assessment of the impact on the designations noted in paragraph 3.2.1.

3.8 Design:

3.8.1 The impact of the proposal on the character, appearance and physical fabric of the listed monument is discussed in more detail in the Committee Report accompanying the application for listed building consent.

3.8.2 With regard to the broader visual impact of the proposal, including on the setting of the listed structure, the works consist primarily of the installation of underground ducting and boxes and as such will not have a visual impact. The proposed webcam column will have the appearance of a standard streetlight column, with a height of 3.5m. As part of this proposal the applicant has confirmed that an existing lighting column, to the east of the monument, will be removed. Subject to this, the visual impact of the new column on the setting of the listed structure and the wider area would be largely neutral. It is recommended that a condition is attached to this permission requiring the removal of the existing column within 3 months of the installation of the new column.

3.8.3 The applicant has confirmed that, at present, the war memorial is illuminated 24 hours a day for the few weeks running up to Remembrance Day. This is by way of a floodlight fixed temporarily to a pole. The proposed lighting has been designed by lighting engineers to illuminate the monument in what they consider to be the most visually satisfying manner, with all of the column and the majority of the figures illuminated. In purely design terms, the illumination is considered to enhance the appearance of the monument.

3.9 Highways:

3.9.1 There are no Highway Implications relating to this proposal.

3.10 Ecology:

3.10.1 MEAS, the Council's Ecologist, has confirmed that, subject to the imposition of conditions, the proposal will not have a significant impact on surrounding habitats and species, including bats, birds and the common lizard. It is recommended that these conditions, including the submission of details of the lighting scheme to prevent excessive glare and lightspill (condition 3), are attached to the permission.

3.10.2 A number of objectors have raised concern about the type of lighting to be used, that is to say LED (Light Emitting Diode) lighting, and its potential impact on wildlife. Concerns have also been raised about the impact of the use of wireless technology on ecology. MEAS have confirmed that there is no evidence to prove that either technology has a detrimental impact on wildlife and therefore advise that refusing the application for either reason would not be appropriate. Officers concur with this advice.

3.11 Amenity:

3.11.1 The closest dwellings are over 55 metres from the memorial. Therefore, subject to the condition preventing lightspill and glare, the proposal should not have a detrimental impact on residential amenity.

3.11.2 With regard to the more general impact of the lighting on visual amenity, the UDP does not have policies relating specifically to light pollution. However, the Governments Planning Practice Guidance (PPG) confirms that a number of factors should be considered when considering whether a development proposal might have implications for light pollution. The guidance poses a number of questions (see paragraph 3.5.3 above). In this case, the answer to a number of the questions is yes. The guidance then goes on to suggest that if any answers to these questions is yes, local planning authorities and applicants should think about where and when the light shines, how much light shines and possible ecological impact.

- 3.11.3 Possible ecological impacts are addressed in section 3.10 above. With regard to where the light shines, the information submitted by the applicant confirms that this will be on the memorial. Specifics of this, and the amount of light, will be secured through details submitted to discharge condition 3. Subject to the imposition of this condition it is considered that the requirements of the PPG have been met.
- 3.11.4 A number of objectors have stated that the amenity of visitors to the hill will be harmed by the presence of the web camera, and the fact that images will be viewable to persons not physically present. Whilst it is acknowledged that the column supporting the web camera constitutes development, the actual use of a web camera is not considered to constitute development. Ordinarily use of a web camera would not require planning permission, and the installation of what is likely to be a very small object would be considered to be de minimis, that is to say too small to be a consideration in the planning system. Further more, as a public space, any users of the area should not expect to be afforded privacy. Nonetheless, the applicant has been asked to confirm who would have access to the images from the web-camera. At the time of writing no response has been received. Should a response be received an update will be provided at the Planning Committee meeting.
- 3.12 Human Health:
- 3.12.1 A number of objections have been raised about the impact of LED lighting and wireless radiation (from the wireless connection to the web-camera) on human health. With regard to LED lighting the Institute of Lighting Professionals Guidance Note 5/17 - Using LEDs, notes that, "concerns chiefly relate to the blue light content of a light source and its potential to affect human health, flora and fauna. These concerns are not new but have come to the fore as LEDs are essentially a blue light source with varying coatings applied to produce white light". The document concludes by recommending that lighting schemes should only ever be managed by competent lighting professionals. This is a requirement of condition 3.
- 3.12.2 With regard to wireless radiation, government guidance on this matter (Wi-fi radio waves and health - 1 November 2013) states that, "There is no consistent evidence to date that exposure to radio signals from wi-fi and WLANs adversely affects the health of the general population. The signals are very low power, typically 0.1 watt (100 milliwatts) in both the computer and the router (access point), and the results so far show exposures are well within the internationally-accepted guidelines from the International Commission on Non-Ionizing Radiation Protection (ICNIRP)". There is not considered to be any justification for refusing this application on the basis of the use of a wi-fi web camera.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is not considered to have a detrimental impact on the setting of the listed war memorial, amenity or ecology. Government advice is that the technologies used are not harmful to human health. The proposal is therefore considered to comply with Policies CH1, GR1, NC5 and NC10 of the Wirral UDP and the provisions of the NPPF.

**Recommended Decision:** **Approve**

#### **Recommended Conditions and Reasons:**

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

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning

Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 11 January 2019 and listed as follows: B02893/E01 Rev C and in accordance with the approved plans received by the local planning authority on 26 March 2019 and listed as follows: B02893.05.

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

3. Prior to the commencement of development details of the proposed lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The information submitted shall include a technical report prepared by a qualified competent person (e.g. Lighting Engineer) setting out the type of lights, performance, colour of lighting, the light levels to be achieved over the intended area, at the site boundaries and up to 50m outside of the boundary of the site, superimposed on a map of the site and its surrounding area. The lighting shall thereafter be installed and operated in accordance with the approved details under the supervision of a qualified competent person.

**Reason:** in the interests of amenity, to minimise any impact on ecology and to comply with Policies NC5 and NC7 of the Wirral UDP and the provisions of the NPPF.

4. The lighting hereby approved shall not be used at any time outside the calendar month of November, and during that month shall not be used between the hours of 11pm and 9am.

**Reason:** in the interests of amenity, to minimise any impact on ecology and to comply with Policies NC5 and NC7 of the Wirral UDP and the provisions of the NPPF.

5. Prior to the commencement of development the following measures shall be put in place:

- A toolbox talk regarding the presence of common lizard in the area and the legislation protecting them;
- Waste materials not to be stored in a manner that provides resting or hibernating opportunities for animals;
- All excavations shall be covered at night to prevent access by common lizard as well as terrestrial mammals and common amphibians; if this is not possible then a means of escape should be provided to ensure that no animals become trapped. This could include backfilling, covering with board, or fitting with a means of escape such as plank leading out of the excavation with an angle of no more than 45 degrees;
- Appropriate storage of materials so that they cannot be accessed by any animals; and
- Protective fencing erected around the construction area suitable for exclusion of common lizard.

**Reason:** in the interests of ecology and to comply with Policy NC7 of the Wirral UDP.

6. The construction work hereby approved shall be undertaken only between the hours of 8am and 6pm.

**Reason:** in the interests of the protection of badgers and to comply with Policy NC7 of the Wirral UDP and the provisions of the NPPF.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no electronic equipment other than the approved web camera shall be attached to the pole hereby approved.

**Reason:** as the uncontrolled addition of further electronic equipment could have a detrimental impact on the character and appearance of the site and the setting of the listed structure, and to comply with Policies CH1 and GR1 of the Wirral UDP.



**Further Notes for Committee:**

1. When discharging condition 3 above, the applicant should refer to the 'New Guidance on bats and lighting' page of the Bat Conservation Trust website:  
<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>.

**Last Comments By: 18/03/2019**

**Expiry Date: 22/08/2019**

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**Planning Committee**

**15 August 2019**

**Reference:**  
**LBC/19/00047**

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

**Case Officer:**  
**Mr B Pratley**

**Ward:**  
**West Kirby and  
Thurstaston**

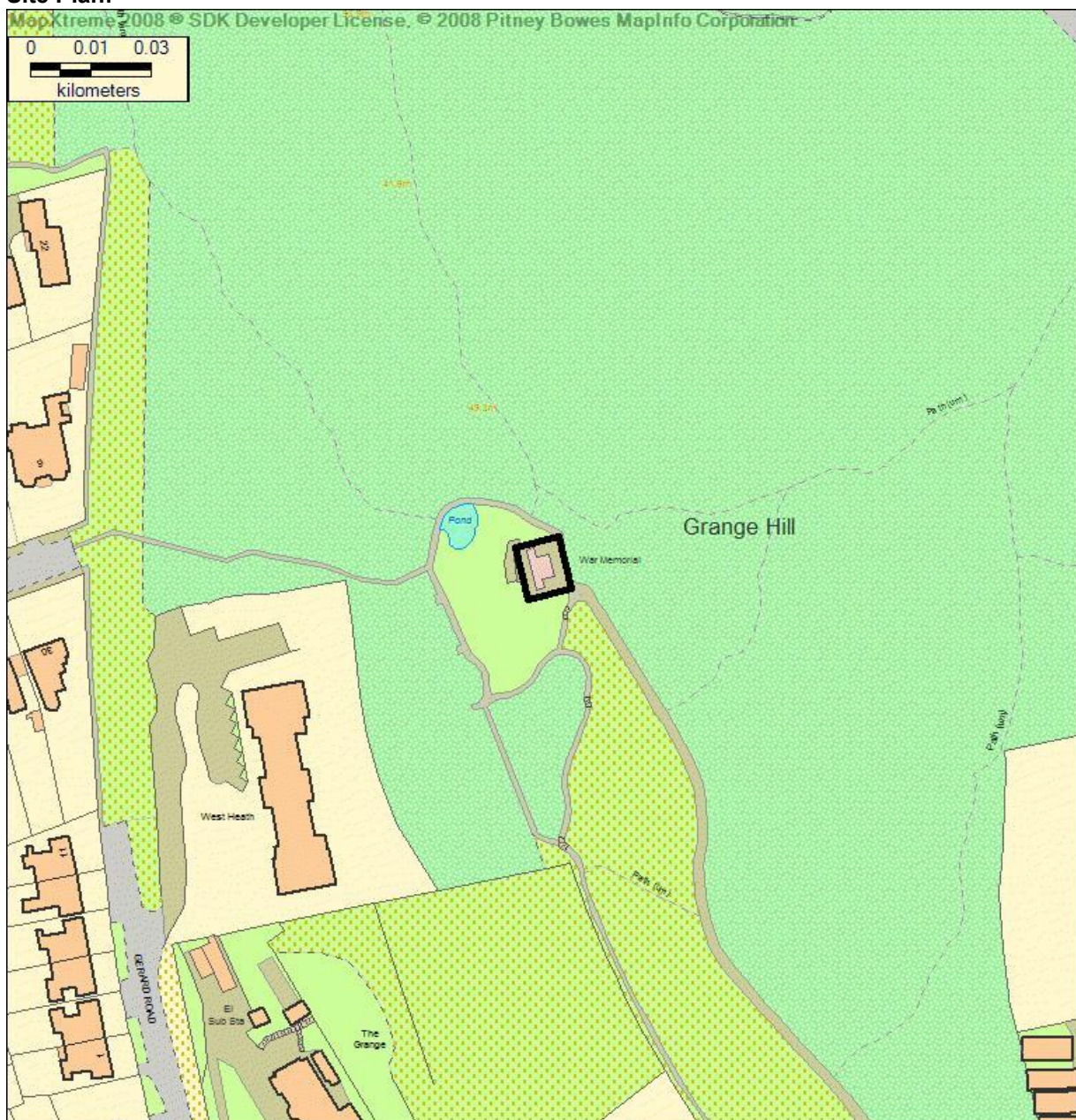
**Location:** West Kirby & Hoylake War Memorial, Footpath Over Grange Hill By War Memorial To Lang Lane, West Kirby, CH48 4ET

**Proposal:** Application for listed building consent for enhanced lighting scheme and installation of web-camera and CCTV.

**Applicant:** Wirral Council  
**Agent :** Wirral Council

**Qualifying Petition:** Yes, Number of Signatures: 95

**Site Plan:**



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**Development Plan designation:**

Site of Biological Importance  
Urban Greenspace

**Planning History:**

Location: West Kirby & Hoylake War Memorial, Footpath Over Grange Hill By War Memorial To Lang Lane, West Kirby, CH48 4ET  
Application Type: Work for Council by Council  
Proposal: Enhanced lighting scheme and installation of web-camera and CCTV.  
Application No: DPP3/19/00046  
Decision Date:  
Decision Type: Pending Decision

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS****2.1 REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications no notifications were sent to adjoining properties regarding this listed building application, although 12 notifications were sent in relation to the accompanying planning application. A site notice was displayed.

At the time of writing this report 8 objections, and a petition containing 95 signatures, have been received, listing the following grounds:

- The lighting will have a detrimental impact on wildlife.
- Radiation from LED lights is harmful to humans.
- Wireless radiation from the web camera will be harmful to humans and wildlife.
- The lighting will waste money and energy.
- The Merseyside and West Lancashire Bat Group (MWLBG) consider that insufficient information has been submitted to determine the impact on bats.
- The CCTV and webcam will harm views of the monument.
- The proposed lighting could attract criminal and anti-social behaviour.
- The Council's Ecological Advisors do not have the same level of expertise as members of the MWLBG.
- Lighting would prevent enjoyment of the night sky.
- The CCTV will not prevent crime or antisocial behaviour.
- The webcam could be used to spy on people.
- Images of children visiting the site could be viewed around the world.
- Infrared CCTV and web cameras could be employed without lighting.

At the time of writing this report 1 message of support has been received, listing the following grounds:

- The lighting scheme will ensure the memorial receives the attention it deserves.
- The provision of the CCTV will enable the correspondent to see the war memorial at any time, including Remembrance Sunday.

**CONSULTATIONS**

2.2 **Historic England** - No objection.

**3.1 Reason for referral to Planning Committee**

3.1.1 This application is referred to Planning Committee following the receipt of a petition containing 95 signatures. This application was deferred at the Planning Committee of 30

May 2019 in order for more consideration to be given to the potential impact of the lighting on bats.

### **3.2 Site and Surroundings**

3.2.1 The site comprises a Grade II\* listed war memorial located at the top of Grange Hill. The memorial comprises a plinth, surmounted by a column with two figures facing broadly east and west. The site and surrounding area are defined as a Site of Biological Importance, an area of Urban Greenspace and a Site of Local Importance for Earth Science.

### **3.3 Proposed Development**

3.3.1 This application seeks permission for the installation of lighting for the memorial, including the associated ducting. A web camera on a 3.5 metre column has also been proposed, but as this is not attached to the monument it does not require listed building consent. The impact of the camera column on the setting of the war memorial is assessed under the application for full planning permission.

### **3.4 Development Plan**

#### **3.4.1 Policy CH1 - Development Affecting Listed Buildings and Structures**

This policy requires that proposals are of a nature and scale appropriate to retaining the character and design of the building or structure and its setting. That adequate provision is made for the preservation of the special architectural or historical features of the building or structure.

### **3.5 Other Material Planning Considerations**

3.5.1 The NPPF states that Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

### **3.6 Assessment**

3.6.1 The main issue pertinent in the assessment of the proposal is;

- Impact on the character, appearance and significance of the listed structure.

#### **3.7 Impact on the character, appearance and significance of the listed structure:**

3.7.1 The proposed lights and associated cabling will be positioned within the concrete base of the memorial, coming no closer than 600mm to the plinth of the memorial itself. The applicant has confirmed that, with the exception of the lights themselves, all of the works will be hidden from view. In historical terms the concrete base is not considered to be a particularly significant element of the structure, and therefore, providing that all works are made good, the physical intervention in the base is considered to be acceptable. It is recommended that details of the cutting of the base, and subsequent making good, are the subject of a condition.

3.7.2 The proposed lights will be recessed into the base, minimising their visual impact. The lights have an optional stainless steel trim which is considered to enhance their appearance. The applicant's agent has confirmed that this trim will be used, and it is recommended that this is secured by condition.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Listed Building Consent has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed works are considered to have an acceptable impact on the character, appearance and significance of the listed structure. The proposal is therefore considered to comply with Policy CH1 of the Wirral UDP and the provisions of the NPPF.

**Recommended**            **Approve**  
**Decision:**

**Recommended Conditions and Reasons:**

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

**Reason:** To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 11 January 2019 and listed as follows: B02893/E01 Rev C.

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

3. Prior to the commencement of development details of the cutting of the Cenotaph base, and the making good of the works, shall be submitted to, and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved plans.

**Reason:** in the interests of protecting the character and appearance of the listed structure and to comply with Policy CH1 of the Wirral UDP.

4. The lights hereby approved by this permission are Philips DecoScene LED BBP623 units. Only these lights shall be installed as approved, unless otherwise agreed in writing by the local planning authority. The lights will be finished with a stainless steel trim, as confirmed in the email from Iain Hamilton-Jones dated 28 February 2019.

**Reason:** in the interests of the character and appearance of the listed memorial, and to comply with Policy CH1 of the Wirral UDP.

**Further Notes for Committee:**

**Last Comments By:** 18/03/2019  
**Expiry Date:** 22/08/2019



# Agenda Item 6

**Planning Committee**

**15 August 2019**

**Reference:**  
**OUT/19/00114**

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

**Case Officer:**  
**Mr N Williams**

**Ward:**  
**New Brighton**

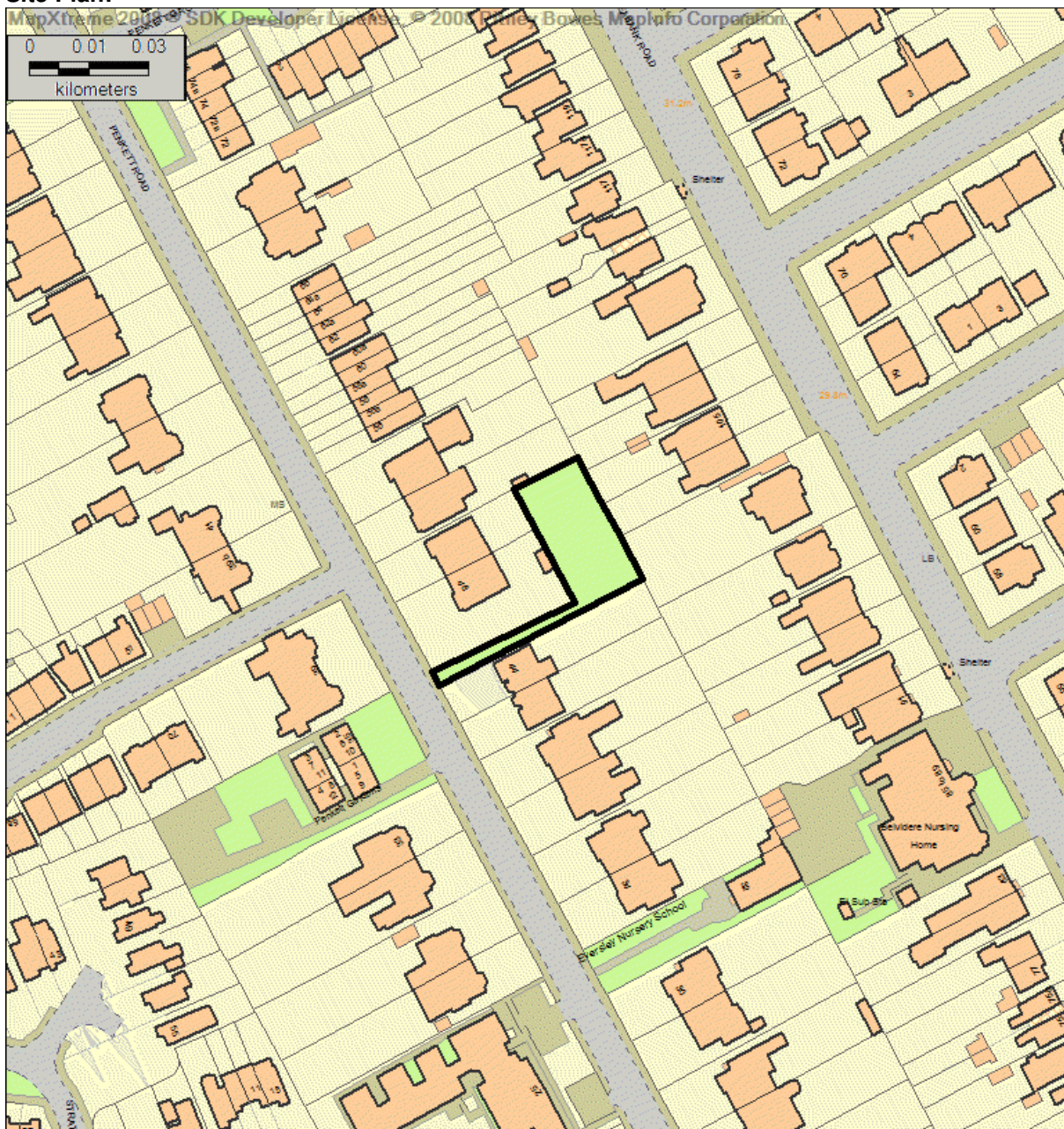
**Location:** Land rear of 103/105 SEABANK ROAD AND 48/50 PENKETT ROAD,  
LISCARD, CH45 7QN

**Proposal:** Erection of a pair of semi-detached houses (Outline)

**Applicant:** Mr Glover  
**Agent :** Mr Forrest

**Qualifying Petition:** Yes, Number of Signatures: 31

## Site Plan:



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

There is no relevant planning history for this site

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

**1.1** Councillor Pat Hackett requested that the application be taken out of delegation on the grounds of overbearance and dominance of the development, with the resulting overlooking and loss of privacy.

**2.0 SUMMARY OF REPRESENTATIONS****REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 10 notifications were sent to adjoining properties and a site notice was displayed near to the site. At the time of writing, there had been a petition of objection containing 31 signatures together with 14 individual objections received. The objections can be summarised as:

1. Scale, overbearance and dominance;
2. Overlooking and loss of privacy;
3. Noise and disturbance;
4. Unacceptable loss of garden;
5. Overdevelopment;
6. Inadequate access for emergency vehicles;
7. Loss of light;
8. Loss of trees;
9. Land ownership issues (including comments that there is a covenant on the land to prevent development);
10. Highway safety concerns (and concern about the width of the access);
11. Insufficient garden space.

1 comment in support of the application was also received.

**CONSULTATIONS**

**Highways** - No objection subject to condition

**Environmental Health** - No objection

**3.1 Reason for referral to Planning Committee**

**3.1.1** Councillor Pat Hackett requested the application be taken out of delegation on the grounds of the overbearance and dominance of the development, with the resulting overlooking and loss of privacy. In addition, a qualifying petition of objection was received.

**3.2 Site and Surroundings**

**3.2.1** The application relates to a vacant site located between 48 and 50 Penkett Road to the west and 103 and 105 Seabank Road to the east. The site is overgrown and has been vacant and unused for a number of years. It is stated that it had been historically used as a tennis court. There is a narrow vehicular access to the site between 44 and 48 Penkett Road, although this doesn't appear to have been used for some time. The topography of the area results in the land falling away slightly from Penkett Road towards Seabank Road, although this is not a significant drop in land levels. The site is designated within the Wirral Unitary Development Plan as being a Primarily Residential Area. There is some vegetation on the site, together with some trees but these are not protected by a Tree Preservation Order.

**3.3 Proposed Development**

**3.3.1** This is an outline application for the erection of a pair of semi-detached dwellings. Although



the application is outline, it is only landscaping which has been reserved for future approval, with all other aspects to be determined at this stage, including the scale, design and layout of the proposed dwellings together with access.

### **3.4 Development Plan**

3.4.1 The proposal is primarily subject to Wirral Unitary Development Plan Policy HS4: Criteria for New Housing Development and Policy HS10: Backland Development.

### **3.5 Other Material Planning Considerations**

3.5.1 The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development, and stipulates the approach to housing supply that must be taken by Local Planning Authorities. The NPPF supports sustainable housing development which encompass good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area and achieve well-designed places. The NPPF also supports making effective use of land.

### **3.6 Assessment**

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

- Principle of development;
- Scale & Design;
- Highways; and
- Amenity

#### 3.7 Principle of Development:

3.7.1 The application site is an unused area of land located within a Primarily Residential Area, and the principle of developing this site for residential purposes is therefore considered to be acceptable, subject to relevant policy guidelines.

3.7.2 The site has been vacant for a number of years and although it has never been used for residential purposes, it is a clearly separate plot from surrounding properties. Therefore, whilst the site is backland development it is not a traditional backland development in the sense that it is not directly linked to any adjacent properties. Given this, it is considered that the principle of developing the site for residential purposes will make effective use of a site which does not currently contribute to the area.

#### 3.8 Scale & Design:

3.8.1 The street scenes of Penkett Road and Seabank Road contain both two-storey and three-storey properties, with many properties utilising dormer windows for accommodation within the roofspace, including both 48 and 50 Penkett Road. The proposed dwellings will be in keeping with this, with dormer accommodation within the second floor. Whilst it is accepted that these dormers are perhaps larger than normal dormers, the scale of the properties themselves will be generally consistent with many within the immediate area. The visual impact of the properties will also be lessened due to their location to the rear of the main frontage dwellings along both Penkett Road and Seabank Road.

3.8.2 The scale of the proposed dwellings will also be minimised in relation to the Penkett Road properties due to a difference in land levels. The properties on Penkett Road will be set approximately 1.5 metres above the ground level of this site and this will result in the proposed dwellings having a lower ridge line than adjacent properties on Penkett Road. A condition requiring levels details have been attached to ensure that the existing site levels are not built up.

3.8.3 The change in land levels does, however, result in properties on Seabank Road being set lower than the application site. This results in the proposed dwellings being slightly taller than Seabank Road properties. However, given that they will be a distance of over 50 metres from Seabank Road itself, and set behind existing dwellings, it is unlikely that this would have a discernible impact upon the character of Seabank Road.

- 3.8.4 As noted, property styles in the area are varied, with properties of different periods and designs surrounding the site. This application proposes a pair of semi-detached dwellings, with rounded bays, narrow arched windows and a mansard-style roof with dormers in. The dwellings will be finished in render. Given the variety of properties in the surrounding area, together with the location of these properties to the rear of frontage properties, the proposed design is considered to be acceptable.
- 3.9 Highways:
- 3.9.1 Each property will have two off-street parking spaces within the site. Vehicular access is provided via an existing route between 44 and 48 Penkett Road. This access is extremely narrow, being 3.2 metres wide for the majority of it, and narrowing slightly in part to 3.1 metres. This is considered to be the minimum acceptable width to allow vehicles to access the parking area. There is no passing place provided along the extent of the access road but given that the scheme only proposes two dwellings, vehicle movements are likely to be low and this is therefore considered to be acceptable.
- 3.9.2 There is a pinch point at the entrance into the site off Penkett Road, where the brick pillars serving properties either side reduce this width to approximately 2.75 metres. This width is considered to be unacceptable. A condition has therefore been attached requiring these brick pillars to be modified to allow a 3.2 metre width. In order to ensure this occurs and to prevent any associated highway safety implications, this condition requires the works to be carried out prior to commencement of development. It is acknowledged that there are conflicting land ownership issues, and it is unclear whether the modification of these pillars can be guaranteed. If they cannot, then it is likely that the application would have been refused on highway safety grounds. It is felt that a pre-commencement condition is the most suitable way to overcome this concern and will ensure that the development cannot proceed unless this is secured. The applicant has agreed to this approach and is aware of the potential risks to the development should these brick pillars not be able to be altered.
- 3.9.3 Merseyside Fire and Rescue Service advise that the approved plans appear to indicate that fire service access cannot be achieved in line with the requirements of Approved Document B5 of the Building Regulations. They confirm that the installation of a domestic fire suppression systems would be acceptable as a compensatory measure, and in this instance this requirement has been attached as a condition, with the agreement of the applicant.
- 3.10 Amenity:
- 3.10.1 The proposed site layout has been amended so that the blank side (western) elevation of the proposed dwellings will be a distance of 14 metres from the rear elevation of 48 and 50 Penkett Road, thus complying with required separation distance. The application site is set lower than neighbouring properties on Penkett Road and this will lessen the impact of the proposal on these properties, ensuring that the proposal does not create a sense of enclosure to these properties.
- 3.10.2 The other blank side elevation (to the east) will be a distance of approximately 20 metres from the rear of properties fronting Seabank Road. Even accepting the fact that the application site is set higher than these properties, this distance is considered sufficient to ensure the proposal does not impact upon levels of outlook or light for these properties.
- 3.10.3 The rear elevation of the proposed dwellings have been set a distance of 10 metres from the rear (northern) boundary with 52 Penkett Road, and approximately 12 metres from the front (southern) boundary with 44 Penkett Road. This will ensure there will be no unacceptable levels of overlooking to these properties. Views to properties either side will be limited. Future occupiers of the proposed dwellings will be prevented from sitting out (on top of the projecting bays) by Juliet balconies across these windows, and this will further ensure there is no unacceptable levels of overlooking caused by the development.
- 3.10.4 The proposed dwellings both have private rear gardens, with all habitable windows having sufficient outlook. Overall, the proposal will provide good living conditions for future occupiers.

## Summary of Decision:

The proposed development, as amended, will not have an unacceptable adverse impact upon the amenities of neighbouring properties or the character of the area and the proposal therefore complies with relevant policies within the Wirral Unitary Development Plan Policy and the National Planning Policy Framework.

**Recommended Decision:**                      **Approve**

## Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. NO DEVELOPMENT SHALL COMMENCE ON SITE UNTIL details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.

(a) The **landscaping** of the site;

The development shall be carried out in accordance with the approved details.

**Reason:** To enable the Local Planning Authority to control the detail of the development and to comply with Section 92 of the Town and Country Planning Act (as amended).

3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 26th June 2019 and listed as follows: Proposed Sectional Elevation; Proposed Details

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

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

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

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

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent development having regard to Wirral Unitary Development Plan Policy HS4

6. No development should take place until the brick pillars either side of the entrance to the site off Penkett Road shall be altered to allow a minimum width of 3.2m into the application site. This minimum width shall be retained as such at all times thereafter.

Reason: To ensure adequate vehicular access into the site having regard to highway safety and Wirral Unitary Development Plan Policy HS4

7. Prior to first occupation of the dwellings hereby permitted, the dwellings shall be fitted with domestic fire suppression systems, and these should be retained for use at all times

**Reason:** To overcome restricted access to the site by fire appliances having regards to Wirral Unitary Development Plan Policy HS4 and the National Planning Policy Framework

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no extensions to a dwelling shall be erected unless expressly authorised.

**Reason:** In order to protect the character of the area and residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

**Last Comments By:** 08/03/2019  
**Expiry Date:** 29/03/2019

**Planning Committee**

**15 August 2019**

**Reference:  
APP/19/00564**

**Area Team:  
Development  
Management Team**

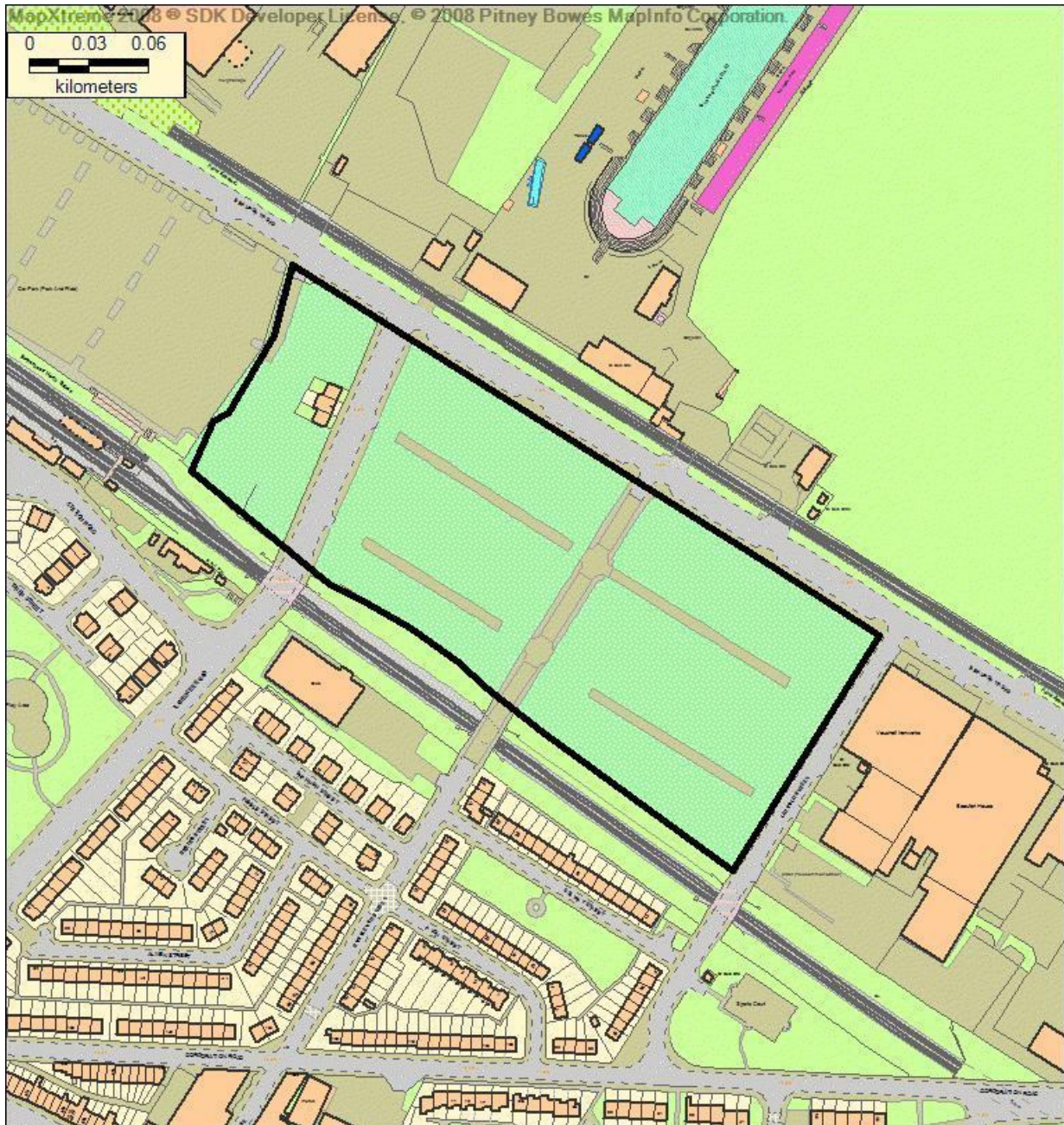
**Case Officer:  
Mr N Williams**

**Ward:  
Bidston and St  
James**

**Location:** CLEARED SITE, BEAUFORT ROAD, BIRKENHEAD  
**Proposal:** To construct 178 dwellings with associated parking, access and landscaping  
**Applicant:** Keepmoat Homes  
**Agent :** N/A

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

There is no relevant planning history for this site

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS****2.1 REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 27 notifications were sent to adjoining properties and a Site Notice displayed at the site. At the time of writing, there had been no comments received.

**2.2 CONSULTATIONS**

**Highways** - No objection subject to the attached conditions

**Environmental Health** - No objection subject to conditions relating to noise, land remediation and air quality being attached.

**Lead Local Flood Authority** - No objection subject to conditions

**3.1 Site and Surroundings**

3.1.1 The application site comprises of a large area located between a railway line to the south, Beaufort Road to the north, Lincoln Street to the east and Birkenhead North train station car park to the west. The site is currently vacant but previously contained a large number of houses. Only three of these houses now remain, with only one of those occupied.

3.1.2 The site is designated within the Wirral Unitary Development Plan as being a Primarily Residential Area. Despite this, due to the vacant nature of the site, the large brick dock wall opposite and areas of industrial land to the east and north, the area is somewhat desolate with the current site contributing negatively to the overall character of the area.

**3.2 Proposed Development**

3.2.1 The application is for the erection of 178 dwellings with associated parking, access and landscaping. The houses will mostly be set out in a linear pattern, facing Beaufort Road to the north with two new linear roads to the rear making up the bulk of the development. The new dwellings on the area to the west of Ilchester Road will be laid out in a slightly more organic pattern. Each of the dwellings will have off-street parking and private rear gardens.

**3.3 Development Plan**

3.3.1 The proposed development is primarily subject to Wirral Unitary Development Plan Policy URN1: Development and Urban Regeneration; Policy HS4: Criteria for New Housing Development; Policy GR5: Landscaping and New Development; Policy GR6: Greenspace within New Family Housing Development. Supplementary Planning Document 4: Parking Standards is also relevant.

**3.4 Other Material Planning Considerations**

3.4.1 The National Planning Policy Framework (NPPF) was revised in February 2019. It establishes a presumption in favour of sustainable development, and stipulates that approach to housing supply that must be taken by Local Planning Authorities. The NPPF supports sustainable housing development which encompass good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area. Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations to reflect local demand.



### **3.5 Assessment**

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

- Principle of development;
- Layout, Design & Scale;
- Highways;
- Ecology & Environment; and
- Amenity

#### 3.6 Principle of Development:

3.6.1 The site is brownfield land which was previously the site of a residential estate which has since been demolished. The principle of redeveloping the site for new residential dwellings, within a designated Primarily Residential Area, is therefore considered to be acceptable.

3.6.2 The site is currently owned by the Council and it's understood that the sale of the land is subject to a Development Agreement. The applicant has indicated that the viability of the scheme is finely balanced with significant remediation required. The land has a negative land value requiring gap funding from Homes England and due to this, no affordable housing is to be secured through the planning process. This has been independently assessed on behalf of the Council and this position has been verified.

#### 3.7 Layout, Design & Scale:

3.7.1 The development is mostly laid out in a way which follows the existing road pattern of the area, similar to the previous residential estate. Whilst this results in an extremely linear development, it is not unusual within Birkenhead, which has significant history for its gridiron layout. The principle of this layout is therefore acceptable.

3.7.2 The proposed development allows for off-street parking for each of the new dwellings, together with an adequate rear garden area. Most of the dwellings are either detached or semi-detached and the majority are traditional two-storey in scale. Some dwellings do incorporate front dormers, but this does not significantly increase the scale of them and will not harm the character of the area. Overall, the density of the scheme is considered to be suitable and makes effective use of this brownfield site.

3.7.3 In order to provide variety in the appearance of the scheme, there are 11 different types of dwellings incorporated into the development. This is especially important given the linear nature of parts of the site. The different dwelling types do share similarities with each other to ensure the development reads as one development, but no pair of dwellings of the same type will be located next to each other and this will ensure sufficient interest is provided across each street scene.

3.7.4 Off-street parking is provided to the side of most of the new dwellings, and this provides sufficient space between the buildings and helps to break up the linear nature of some of the scheme. This will allow for small front garden areas in front of each of the new dwellings and this will further enhance the appearance of the scheme.

3.7.5 In terms of design, the proposed dwelling types are fairly traditional, with brick headers and cills, front dormers, front-facing gables and small front canopies all providing visual interest. Corner dwellings have been designed with active frontage for both roads, whilst a mix of two types of brickwork throughout the site adds further variety. Overall, the design of the proposed dwellings is considered suitable for this area.

#### 3.8 Highways:

3.8.1 The applicant has submitted a Transport Assessment in support of the application which considers the impacts of the anticipated new trips on the local highway network.

3.8.2 The likely vehicle movements have been based on TRICS, a nationally recognised database, which provides information for similar land uses. No deduction has been made for the

previous residential development of the site. Traffic surveys have been carried out to establish the current vehicle patterns and these flows have been growthed to an anticipated opening year of 2024 using standard growth factors provided by TEMPRO.

- 3.8.3 A worst case scenario has then been considered in which all traffic from the development has been assumed to turn left onto Beaufort Road. The distribution of the traffic at the roundabout has been based on the split observed in the recent traffic surveys.
- 3.8.4 The report has assessed the impact of the new trips at the roundabout junction of Beaufort Road/Wallasey Bridge Road and the traffic signal junctions around St James Church in detail. The results of the ARCADY and LINSIG modelling show that the junctions are working within capacity with low levels of queuing in the peak hours and the addition of the trips generated by the development would not significantly impact on the operation of these junctions.
- 3.8.5 It is considered that the site is well located for access to local amenities and public transport provision however a condition has been recommended to ensure that a suitable safe route is provided across Ilchester Road for pedestrians walking to/from Birkenhead North train station.
- 3.8.6 The proposals include provisions for cyclists on Ilchester Road and the introduction of traffic calming measures and a 20mph zone. Most of the proposed dwellings also have two off-street parking spaces available.
- 3.8.7 In conclusion, it is considered that there are no sustainable reasons to refuse this application on the grounds of highway safety or congestion subject to the recommended planning conditions.
- 3.9 Ecology & Environment:
- 3.9.1 The application has been screened for whether an Environmental Impact Assessment (EIA) is required, under EIA Regulations 2017. Taking account of the characteristics and location of the development and potential impacts, the development does not fulfil any of the criteria which might lead to a positive screening for EIA, and an EIA is therefore not required in this instance.
- 3.9.2 A Habitats Regulation Assessment (HRA) has been carried out and identified the potential for increased recreational pressure to protected European sites from the increase in population of this site. To overcome this, the Council has secured £100,000 funding for the following:
- Signage from the development site to alternative greenspaces (Birkenhead Park and Bidston Moss Nature Reserve);
  - A new crossing point at Wallasey Bridge Road to allow safe crossing to Bidston Moss;
  - Access improvements and enhancements of the existing entrance to Bidston Moss from Wallasey Bridge Road.
- 3.9.3 In addition, the applicant has offered a sum of £20,000 as a contribution towards enhancing ranger provision to manage recreational pressure and disturbance as well as educating and raising awareness and understanding of the European sites and their importance. This has been secured through a Unilateral Undertaking submitted by the applicant.
- 3.9.4 An Appropriate Assessment was subsequently carried out and concluded that, with the inclusion of the mitigation measures set out above, there will be no adverse effect on the integrity of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar, Mersey Estuary SPA and Ramsar sites, or the Dee Estuary SAC, SPA and Ramsar sites.
- 3.9.5 A number of additional conditions have been attached relating to other ecological matters and, subject to these conditions, the scheme is considered to be acceptable from an ecological aspect.
- 3.9.6 The applicant has submitted a Drainage Strategy which has been considered by the Lead Local Flood Authority. This is considered to be acceptable, subject to the attached



conditions.

- 3.9.7 A number of trees will be removed as part of the development. Only one of the trees to be removed is classed as being of moderate value or better, with the rest being of low or poor value. There will be a replacement planting scheme for the site and given the benefits of bringing this brownfield site back into use, the loss of these low quality trees is acceptable.
- 3.10 Residential Amenity:
- 3.10.1 Due to the derelict nature and location of the site, the only existing residential property in close proximity to the application site is at 8 Ilchester Road. This property stands alone (with empty properties either side). The proposed dwellings will all be a sufficient distance from this property, with habitable windows being at least 21 metres away and blank elevations being a minimum distance of 14 metres away. It is therefore considered that the proposal would not have a detrimental impact upon the amenities of this property.
- 3.10.2 Each of the new dwellings will have a private rear garden, ranging in depth from around 7 - 12 metres. This will ensure an adequate amount of private amenity for future occupiers. Some separation distances within the site (between new dwellings) are lower than the normal requirement. However, this is considered acceptable in this instance given that this will not impact upon existing properties/occupiers, and in order to make effective use of what is a problematic site which has a detrimental impact upon the surrounding area and which has a low land value and therefore associated viability issues. The benefits of bringing this brownfield site back into use with a sustainable development therefore outweighs the reduced separation distances between proposed dwellings.
- 3.10.3 Wirral UDP Policy GR6 requires developments of more than 35 family houses to provide on-site public open space provision, unless they are within 400 metres of an existing accessible public open space of 1.5 hectares or more. In this instance, the site is within close proximity to Ilchester Park, which is just over 100 metres from the site, but just under the 1.5 hectare requirement. In addition, however, is a further area of amenity space on the corner of Lincoln Street and Corporation Road, which is within 50 metres of the site. The combined area of these two amenity spaces is above the 1.5 hectare requirement set out within Policy GR6. Therefore, whilst the proposal does not strictly comply with this requirement, given the extremely close proximity of these two areas of public open space the lack of on-site public open space is considered to be acceptable. A further consideration is the viability gap apparent with this scheme. If public open space was to be provided on site then this would require a reduction in the number of dwellings proposed, and the viability of the scheme would therefore worsen. The benefits of bringing the site back into use is therefore further justification to allow a slight deviation from Policy GR6.

#### **Summary of Decision:**

The proposed development will bring back into use a vacant brownfield site which will benefit the wider area and contribute to meeting an identified housing need. The proposal will not harm the amenities of nearby properties or the character of the area and is therefore considered to comply with relevant policies within the Wirral Unitary Development Plan and the National Planning Policy Framework

**Recommended Decision:**                      **Approve**

#### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved

plans received by the local planning authority on 11th April 2019 and listed as follows:  
KHNW-MB-01; KMT/PL-106-2; KMT/PL-106-3; SK04-1; 1030-1; 1040-1; 1070-1; 1080-1;  
1090-1; 1130-1; 1140-A; 1170-1; 1200-1; 1210-1

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

3. The external finishes of the development shall correspond with the submitted Materials Plan (Drawing KHNW-MB-01 Revision F) unless otherwise agreed in writing by the Local Planning Authority

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

4. No residential development besides remediation and land clearance shall commence until the **final detailed sustainable drainage design**, for the management and disposal of surface water from the site which shall be limited to a discharge rate of 21 l/s and based on the principles and details identified in the following document has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Flood Risk Assessment Report for Beaufort Road at Birkenhead (01/04/2019/ File Ref: 6738FRA\_RevA/ Coopers)

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

5. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The surface water drainage system shall be offered for adoption to United Utilities at adoptable standards where adoption has been submitted in the drainage strategy.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

6. No development other than demolition and remediation shall take place until a Site Waste Management Plan (or similar waste audit), confirming measures to achieve efficient use of resources and including designing out waste and minimisation of off-site disposal, 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. For the avoidance of doubt, these details could be included within a Construction Environment Management Plan (CEMP) if one is to be produced for the development.

**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

Policies of the Wirral Unitary Development Plan and policy WM9 of the Merseyside and Halton Joint waste Local Plan.

7. No tree felling, scrub clearance, hedgerow removal, vegetation management, is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, the appropriate measures specified by the licensed ecologist are to be undertaken

**Reason:** In the interests of protecting breeding birds, having regard to Wirral UDP Policy NCO1

8. The submitted landscape scheme, as detailed on Drawings LDS-453 01A, LDS-453 02A and document LDS-453(A) - LS, shall be implemented no later than the first planting season following first occupation unless otherwise agreed in writing by the Local Planning Authority

**Reason:** For the avoidance of doubt and to ensure the satisfactory landscaping of the site, having regard to Wirral Unitary Development Plan Policy GR5

9. NO DEVELOPMENT SHALL TAKE PLACE (other than remediation and land clearance) UNTIL a Construction Management Plan or Construction Method Statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved details.

Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

**Reason:** In the interests of highway safety and to accord with Policy HS4 of the Wirral Unitary Development Plan.

10. With reference to Drawing KHNW-MB-01 Revision F, the integrated bird and bat boxes shall be installed prior to first occupation of any dwelling in which they will be located, and retained as such thereafter

**Reason:** In the interest of nature conservation having regard to Wirral UDP Policy NCO1 and the submitted Ecological Assessment

11. The Lime Tree (identified as TN4 in the Ecological Assessment) shall be felled using soft fell techniques under the supervision of a suitably qualified ecologist

**Reason:** In the interest of nature conservation having regard to Wirral UDP Policy NCO1 and due to the low bat roost potential of the tree

12. A sales/information pack highlighting the location of, and promoting the use of, alternative greenspaces within the area (such as Birkenhead Park and Bidston Moss) and explaining the importance, sensitivities and vulnerabilities of protected European Sites to recreational impacts, shall be provided to every new home buyer for the development hereby permitted.

**Reason:** To protect European Sites from excessive recreational pressure

13. The noise mitigation measures specified in Section 7 of the Hepworth Acoustics Report No. P17-205-R01-V2 (Assessment of noise impact on proposed residential development dated February 2019) shall be implemented prior to first occupation of the site and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority

**Reason:** To ensure significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise are avoided having regards to the National Planning Policy Framework

14. The remediation strategy submitted with this application (Coopers, Report Reference 6741rs) shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development first being occupied

**Reason:** To ensure satisfactory remediation of the site having regards to the National Planning Policy Framework

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development being brought into use.

**Reason:** To ensure the satisfactory remediation of the site having regards to the National Planning Policy Framework

16. The clearance, remediation and development of the site shall be in accordance with the submitted 'Invasive Weed Management Plan' unless otherwise agreed in writing by the Local Planning Authority

**Reason:** To eradicate Japanese Knotweed from the development site, to prevent the spread of the plant through development works and to accord with the aims of Policy NC01 in the Wirral Unitary Development Plan.

17. Prior to commencement of any construction, a full scheme of works and timetable for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, street lighting, surface water drainage, traffic signage, amendments to existing TRO's, introduction of new TRO's associated with the development, road markings, introduction of a traffic calming scheme, introduction of a cycleway to Ilchester Road, provision of tactile paved pedestrian crossings, street furniture, access onto the adjacent highway, road safety audit and monitoring shall be submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the LPA written approval prior to occupation of the development.

**Reason:** In the interest of highway safety and to comply with Wirral Unitary Development Plan Policy HS4

18. Within 3 months of first occupation of the development a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the travel plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority

**Reason:** In the interests of highway safety, sustainable travel choices and to accord with Policy TRT3 in the Wirral Unitary Development Plan

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

1. In relation to Condition 4, Final Sustainable Drainage Strategy to be in accordance with DEFRA's Technical Standards for Sustainable Drainage Systems and the SuDS Manual and include:
  - Justification of final design

- Designer risk assessment
  - Drawings to include:
    - Final layout of roads and properties including plot numbers, finished floor levels and boundaries
    - Final layout of sewers; outfalls; SuDS; flow controls and overland flow paths (designed for exceedance)
    - Longitudinal sections showing existing and proposed ground levels, invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations
  - Hydraulic modelling for final drainage strategy to include:
    - Pipe network design
    - System performance for following return periods; 1, 30, 100, 100 plus appropriate climate change allowance
    - Design criteria summary, Full network details table, Contributing area summary, Control/storage structure details, Results summary print outs
    - Volumetric runoff co-efficient (Cv) should be set to '1'
    - Rainfall model should preferably be FEH for robustness
    - Sensitivity checking for climate change at 40% if lower allowance used
    - Urban creep allowance of 10% must be included for residential development
  - Maintenance statement explaining who will own the SuDS and how maintenance and replacement will be funded over the lifetime of the development. Agreement in principle for adoption and maintenance by the appropriate WaSC should be provided.
  - Evidence that means of access for maintenance and easements, where applicable, has been secured.
  - Construction phase surface water management plan for each construction phase
2. In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, amendments to existing TRO's including associated traffic signage and road markings, the introduction of a suitable traffic calming scheme throughout the development, introduction of a new 20mph zone across the site with necessary TRO's including associated traffic signage and road markings, any necessary street furniture, tactile pedestrian paved crossings to junctions including necessary tactile pedestrian paved crossings between the development and Station Road in order to provide a safe pedestrian route to Birkenhead North Train Station in Station Road, introduction of an on-street segregated cycleway to east and west side of Ilchester Road between Beaufort Road and Station Road, Road Safety Audit and Road Safety Audit monitoring.

**Last Comments By: 30/05/2019**  
**Expiry Date: 11/07/2019**

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# Agenda Item 8

Planning Committee

15 August 2019

Reference:  
**APP/19/00636**

Area Team:  
**Development  
Management Team**

Case Officer:  
**Miss A McDougall**

Ward:  
**Heswall**

**Location:** Heswall Gospel Hall Assembly Of Christian Breth, PENSBY ROAD, HESWALL, CH60 7RD

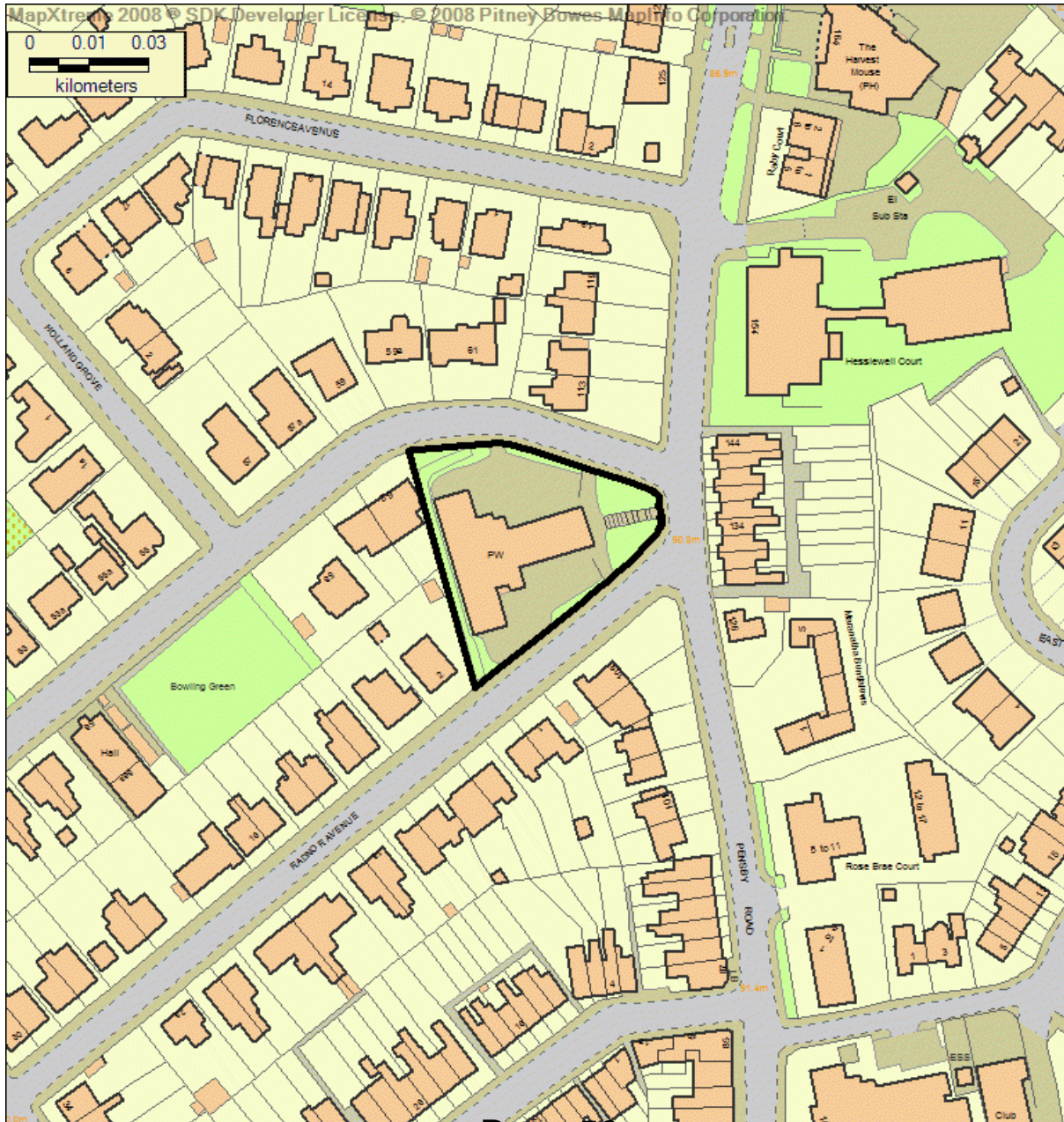
**Proposal:** Proposed demolition and erection of a three storey new build residential development containing 23 Flats (4no. 1 bed and 19no. 2 bed). Car Parking located to the rear of the site accessed from both Poll Hill Road and Radnor Avenue. Amenity space is provided to the perimeter and bin & cycle storage is provided adjacent to the car park.

**Applicant:** Forth Homes Ltd  
**Agent :** Paddock Johnson Partnership

**Qualifying Petition:** Yes  
**Petition Number:** **Number of signatures:**

1	217
2	176

## Site Plan:



**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Heswall Gospel Hall, Pensby Road, Heswall. L61  
Application Type: Full Planning Permission  
Proposal: Extension for W.C. facilities.  
Application No: APP/95/05652  
Decision Date: 17/05/1995  
Decision Type: Not required

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS**

Two Qualifying petitions of objection have been received and more than 15 separate letters.

REPRESENTATIONS

Two Qualifying petitions and 57 letters of objection have been received on the following grounds:

1. overdevelopment
2. out of character
3. highway safety
4. parking, limited spacing
5. loss of privacy
6. loss of church building
7. proposed design
8. height of the proposed building
9. density

CONSULTATIONS

**The Heswall Society** - Objections based on the loss of the existing building and overdevelopment of the site

**Highways** - Informative for new crossings

**Environmental Health** - No objections

**MEAS** - Following additional information, conditions for habitat mitigation to be included

**Housing** - Condition affordable housing

**LLFA** - No objection subject to conditions

**3.1 Site and Surroundings**

- 3.1.1 The application site currently contains a single storey church hall with part two-storey associated buildings to the rear.
- 3.1.2 The site bounds three roads, fronts onto Pensby Road with access off both Poll Hill Road and Radnor Avenue to either side.
- 3.1.3 The application site is at a much more elevated level than the street level of Pensby Road however it is noted that the two side roads slope upwards to the west and the rear of the site.
- 3.1.4 There is a variety of buildings in terms of appearance and scale within the immediate area, the adjacent land levels also impact the scale and position of some of the neighbouring properties, for example the two storey dwellings on Pensby Road have a much lower ridge height than bungalows on Poll Hill Road.



### **3.2 Proposed Development**

- 3.2.1 The proposal is for the redevelopment of the site to replace an existing church and associated buildings with a three storey residential flat development. The building is a mix of style types which takes into account the land levels of the site and the staggered road levels and neighbouring roof pitches.
- 3.2.2 The proposed residential development is for 23 flats, with associated parking and landscaping. The scheme is to provide for 100% affordable housing.
- 3.2.3 The design of the flats has been amended since the initial submission to reduce the height of part of the building when viewed from Pensby Road. The alterations to the roof design allow for a visually stepped building which reflects the land rise and whilst the bulk of the building is larger, the height of the front section reflects the height of the pitched roof of the original church building.

### **3.3 Development Plan**

#### **3.3.1 HS4 Criteria for New Housing Development Policy**

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

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;
- (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;
- (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and
- (vii) the provision of adequate individual private or communal garden space to each dwelling.

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

#### **HS6 Principles for Affordable Housing Policy**

The Local Planning Authority will seek to negotiate the provision of an element of affordable housing on suitable sites of over 1.0 hectare:

- (i) for the purpose of Policy HS6, affordable housing is defined as being that available to those whose incomes are insufficient for them to enter the local housing market;
- (ii) the affordable dwellings so developed shall be provided through partnership arrangements between the developer and a Housing Association or other suitable housing trust, or by the construction of low-cost units for sale or part-sale, part-rent;
- (iii) depending on the suitability of the site and the local need, dwellings should be provided for one or more of the following groups:

- young single people;
- the elderly;
- young couples and newly forming households;

- those with special needs, including disability, mental illness and mental handicap.

The dwellings so provided shall be retained for the benefit of the original client group by a secure agreement.

### **3.4 Other Material Planning Considerations**

#### **3.4.1 Supplementary Planning Document 2**

All development for self-contained flats should be in locations that are close to services and facilities and that are genuinely accessible by a choice of means of transport.

High density development should be located in areas where residents have the choice of walking to a range of local services such as shops, schools, employment areas, health, leisure and entertainment facilities. This could be achieved by choosing sites that are close to Key Town Centres and Traditional Suburban Centres or above ground floor level in suitable commercial premises within existing centres as listed in UDP Policies SH1 and SH2

All sites for self-contained flats must also be accessible by good transport links to and from main employment areas, schools, shops, health, and leisure and entertainment facilities. Walking and cycling are the most sustainable forms of transport but proximity to main bus routes and railway stations is important if public transport is to be a viable option to the motor car for longer journeys.

Public transport will only be considered as a feasible alternative if there is a regular service to a range of destinations. Sites for self-contained flats should, therefore, also be within 400 metres safe and convenient walking distance of a bus stop with a regular service with a frequency of 20 minutes or within 400 metres of a railway station that provides a regular service.

A successful project should, therefore, be expected to:

- relate well to the geography and history of the place and the lie of the land;
- sit happily in the pattern of existing development and routes through and around it;
- respect important views (from public vantage points);
- respect the scale of neighbouring buildings;
- use materials and building methods, which are as high or of higher quality as those used in existing buildings; and
- create new views and juxtapositions, which add to the variety and texture of the setting.

Development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property.

Unless it can be demonstrated that privacy would not be unduly affected, habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three storey development adjacent to two storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

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

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

Surrounding buildings may have a standard pattern. This does not always prevent the introduction of taller or lower buildings, but it will require a design approach that softens any change in height to ensure that the building is at a scale proportionate to the surrounding area. All new proposals will be required to either protect or improve the existing

roofscape.

The bulk of large buildings can be reduced through variations in the footprint, height and roof form of the building as well as the spacing in relation to neighbouring properties. For example, elevations and roofs with varied shapes can reduce the overall massing of a larger block of flats because the use of multiple components will not appear as big as a single large component. The design of large buildings as a single block is not likely to be acceptable.

### **3.5 Assessment**

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

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

#### 3.6 Principle of Development:

3.6.1 The application site is within the designated Primarily Residential Area and as such the principle of development is considered acceptable.

#### 3.7 Design:

3.7.1 The application has been amended in terms of design and scale following initial submission. The roof plan of the frontage element on Pensby Road has been redesigned as a flat roof so as to bring the height and bulk of the building down. The building is a three storey residential block of flats containing 23 units.

3.7.2 The elevated ground level of this side of Pensby Road results in a prominent site, the proposed replacement building now reflects the existing height of the church building although the overall bulk and size of the proposed building is larger. The rear section of the proposed building does not exceed the height of 62 Poll Hill Road.

3.7.3 It is noted that there is a variety of property type within the immediate area, there is not residential standard in terms of house or flat design. The mix of roof type of the proposed scheme allows for the building to accommodate the proposed residential units and follow the land level stepping as it rises to the west.

#### 3.8 Highways:

3.8.1 There are no Highway Implications relating to this proposal.

#### 3.9 Ecology:

3.9.1 The demolition of the building and the proposed works require mitigation conditions with regards to birds, bats and invasive species.

#### 3.10 Amenity:

3.10.1 The building and layout has been designed in a way so that the outlook from proposed habitable rooms to neighbouring properties meets the Councils interface distances even with the differences in land levels. As such in line with the interface distances, the proposed development would not result in an unacceptable level of overlooking or loss of privacy.

3.10.2 The development provides 1 off road parking space per flat which meets the Councils maximum residential standards set out in Policy SH4. Both car parks are accessed via the side roads of Poll Hill Road and Radnor Avenue via amended existing access points.

3.10.3 The site provides shared amenity space to the front of the building, this area is currently planted and contains a staircase entrance off Pensby Road which will be retained and form part of external garden area. This area is less than the guidance of 1/3 of the site for amenity space however it is taken into account the proximity of the application site to Poll Hill (117m) to the west and Whitfield Common to the south east which is approximately 530m away (measured along the public highway).

3.10.4 Concerns and objections have been raised to overdevelopment, out of character and highway safety issues. In terms of the Councils current policies, the proposed scheme is considered to be accommodated to an acceptable level on this plot with suitable outlook, scale and off street parking.

3.10.5 The building will accommodate a larger area in terms of the overall mass of the building than

the existing structures on site however the scheme is considered to provide a residential development that is appropriate to the plot and the character of the area without resulting in an unacceptable level of harm to established residential amenity.

3.11 Other:

- 3.11.1 The proposal is for 100% affordable housing which complies with the Councils UDP Policy HS6 and adopted Affordable Housing provision of 20% in this location. This will be subject to a Section 106 Agreement for affordable housing.

**Summary of Decision:**

The development scheme is considered appropriate in this location having regard to appearance, scale and overall impact onto established amenity in accordance with the guidance set out in Wirral's UDP Policy HS4, HS6, SPD2 and the NPPF.

**Recommended Decision:** **Approve subject to a Section 106 Legal Agreement**

**Recommended Conditions and Reasons:**

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 8 May 2019 & 17 June 2019 and listed as follows: 19033-116-A, 19033-103-B, 19033-114-B, 19033-115-C, 19033-117-A, 19033-110-A, 19033-111-A & D140.001 Rev A.

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

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

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

4. The development hereby permitted shall not be occupied until details of bat and bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

**Reason;** In the interest of protected species

5. No tree felling, scrub clearance, hedgerow removal and 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 buildings, trees, scrub and hedgerows 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;** Having regard to protected species.

6. Rhododendron is present within the site boundary. Rhododendron is listed on Schedule 9 of the Wildlife and Countryside Act. A method statement, prepared by a competent person, which includes the following information:

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

The method statement should be submitted for approval to the Local Planning Authority prior

to commencement of any works on site.

**Reason;** Having regard to potential impact of invasive species

7. No residential development shall commence until the final detailed sustainable drainage design, for the management and disposal of surface water from the site which shall be limited to a discharge rate of 5 l/s and based on the principles and details identified in the following document has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Drainage Strategy Report (03/07/2019/ Ref: PRH-AJP-ZZ-XX-RP-C-3010 / Alan Johnston Partnership)
- Drainage Layout (July 2019/ Ref: PRH-AJP-XX-00-DR-C-1000/ Rev P1/ Alan Johnston Partnership)

**Reason;** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

8. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

**Reason;** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

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

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

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

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council's Highway Management team via [www.wirral.gov.uk](http://www.wirral.gov.uk) or 0151 606 2004 prior to the commencement of development for further information
2. Informative 1 - Maintenance of SuDS

The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk over the lifetime of the development.

It is the advice of the LLFA that the maintenance arrangements capable of ensuring an acceptable standard of operation for the lifetime of the development, to satisfy paragraph 165 of the NPPF, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance/replacement of all communal components of the system as per the approved Operation and Maintenance Plan.

The LPA should be satisfied that maintenance of all communal components has been secured in perpetuity via an appropriate mechanism / agreement.

**Last Comments By:** 19/06/2019  
**Expiry Date:** 07/08/2019



# Agenda Item 9

**Planning Committee**

**15 August 2019**

**Reference:  
APP/19/00657**

**Area Team:  
Development  
Management Team**

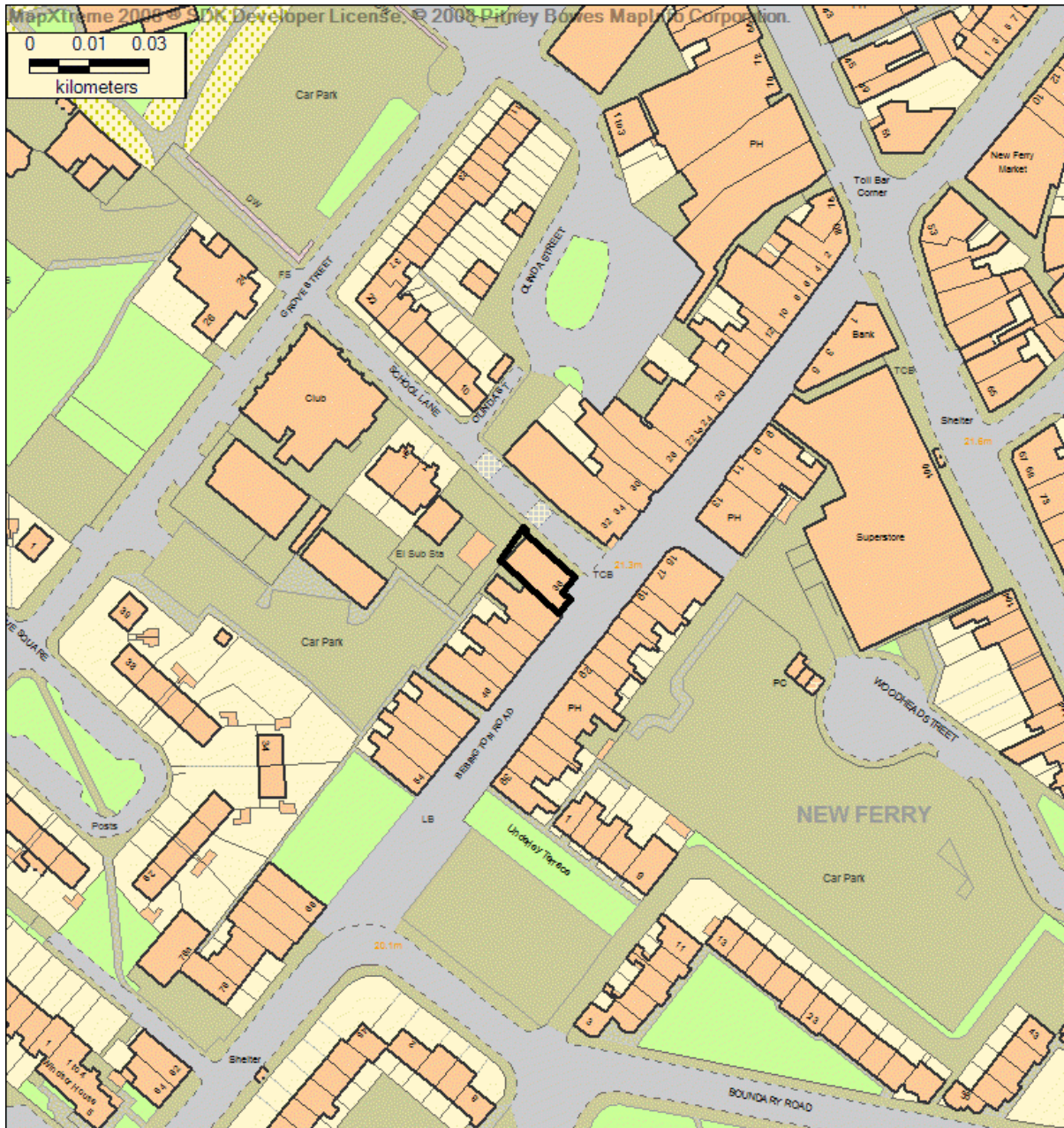
**Case Officer:  
Mr B Bechka**

**Ward:  
Bromborough**

**Location:** Lloyds TSB Bank, 36 BEBINGTON ROAD, NEW FERRY, CH62 5BH  
**Proposal:** Change Of Use From A2 Bank To A4 Public House  
**Applicant:** Mr McCreedy  
**Agent :** Mr McHugh

**Qualifying Petition:** No

## Site Plan:



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**Development Plan designation:**

Primarily Residential Area  
Key Town Centre

**Planning History:**

Location: Lloyds TSB Bank, 36 Bebington Road, New Ferry, Wirral, CH62 5BH  
Application Type: Advertisement Consent  
Proposal: Illuminated light box sign  
Application No: ADV/03/05524  
Decision Date: 17/04/2003  
Decision Type: Approve

Location: Lloyds TSB Bank, 36 Bebington Road, New Ferry, Wirral, CH62 5BH  
Application Type: Full Planning Permission  
Proposal: Installation of an ATM machine  
Application No: APP/07/07516  
Decision Date: 22/02/2008  
Decision Type: Approve

Location: 36 & 38 Bebington Road, New Ferry, Wirral, CH62 5BH  
Application Type: Advertisement Consent  
Proposal: Erection of illuminated fascia signs and illuminated projecting signs  
Application No: ADV/06/07095  
Decision Date: 23/02/2007  
Decision Type: Approve

Location: TSB, 36, Bebington Road, New Ferry. L62 5BH  
Application Type: Advertisement Consent  
Proposal: Illuminated projecting sign.  
Application No: ADV/86/05461  
Decision Date: 10/06/1986  
Decision Type: Approve

Location: Trustee Savings Bank, 36 Bebington Road, New Ferry, Wirral, L62 5BH  
Application Type: Advertisement Consent  
Proposal: Erection of two illuminated fascia signs and an illuminated projecting sign.  
Application No: ADV/98/06412  
Decision Date: 20/10/1998  
Decision Type: Approve

Location: Lloyds TSB Bank, 36 BEBINGTON ROAD, NEW FERRY, CH62 5BH  
Application Type: Advertisement Consent  
Proposal: Replacement of existing signage with 2 illuminated fascia signs, 2 illuminated projecting signs and 2 illuminated ATM surrounds.  
Application No: ADV/13/00218  
Decision Date: 22/04/2013  
Decision Type: Approve

Location: Trust Bank ,36 Bebington Road ,New Ferry ,L62 5BH  
Application Type: Full Planning Permission  
Proposal: Erection of bank premises  
Application No: APP/84/25488  
Decision Date: 20/09/1984  
Decision Type: Conditional Approval

Location: 36 Bebington Road ,New Ferry ,L62 5BH  
Application Type: Full Planning Permission  
Proposal: Change of use from shop to bank premises



Application No: APP/82/21519  
Decision Date: 20/01/1983  
Decision Type: Conditional Approval

Location: 36 Bebington Road ,New Ferry,L62 5BH  
Application Type: Full Planning Permission  
Proposal: New elevations to frontages and 2 storey extension at rear  
Application No: APP/83/23979  
Decision Date: 19/01/1984  
Decision Type: Conditional Approval

Location: 36 Bebington Road ,New Ferry,L62 5BH  
Application Type: Deemed  
Proposal: 1 illuminated fascia sign, 2 illuminated logo signs, 1 illuminated projecting sign and 1 illuminated Speedbank sign  
Application No: DPP/83/23980  
Decision Date: 19/01/1984  
Decision Type: Conditional Approval

Location: Trust Bank ,36 Bebington Road ,New Ferry ,L62 5BH  
Application Type: Advertisement Consent  
Proposal: Two illuminated bank signs, one projecting sign and an illuminated speedbank sign  
Application No: ADV/84/25489  
Decision Date: 20/09/1984  
Decision Type: Conditional Approval

## **Summary Of Representations and Consultations Received:**

### **1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

### **2.0 SUMMARY OF REPRESENTATIONS**

A total of 44 consultation letters were sent out to neighbouring properties. In addition a site notice was posted.

#### REPRESENTATIONS

23 no. objections were received. A summary of these representations are listed as follows:

- too many pubs within local area
- will lead to undue noise disturbance and increase in anti-social behaviour
- late opening hours will need to prolonged noise disturbance to residents
- have negative impact on regeneration of area
- former bank not an appropriate property to accommodate proposed A4 Use

8 no. letters of support were received. A summary of these representations are listed as follows:

- existing business hoping to improve area
- bringing business back into the area

#### CONSULTATIONS

Highways:

No objections

Environmental Protection:

No objections to revised scheme. Lack of openings in rear elevation and no openings in side

elevation of property to School Lane facing onto the rear of the pub would not result in any significant noise disturbance. Any sound loud enough to transmit through walls would readily be controllable under noise nuisance and/or licensing legislation.

### **3.1 Site and Surroundings**

3.1.1 The application a site relates to a two-storey property forming a vacant bank (A2 Use Class) sited to the north-western side of Bebington Road and the corner with School Lane. The application site sits within New Ferry Key Town Centre, whilst it is bound to its north-west by a primarily residential area. Bebington Road is a pedestrianised street within this centre, comprising a mix of town centre uses to either side. Residential accommodation is located to the upper floors of the adjoining property, whilst sited to its rear is a small irregular shaped service yard leading onto School Lane. Sited immediately to the rear of the application site is a substation and approximately 20m to the rear of the application site and sitting within the primarily residential area lie residential properties.

### **3.2 Proposed Development**

3.2.1 Permission is sought for the change of use from a vacant bank (A2 Use Class) to a Public House (A4 Use Class).

The proposed opening hours for the Public House would be 11:00 - 23:30 Monday - Sunday.

No external alterations or extensions are proposed to the property.

There would be no change to the existing floorspace as a result of the proposed development.

#### **3.2.2 Added Value**

At the request of the case officer the applicant has removed the outside smoking area to the rear. The applicant has also agreed to restrict the hours of opening.

### **3.3 Development Plan**

3.3.1 Policy SH1 - Criteria for Development in Key Town Centres

### **3.4 Other Material Planning Considerations**

3.4.1 DCLG published the National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate within this report.

### **3.5 Assessment**

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

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

#### **3.6 Principle of Development:**

3.6.1 Although resulting in the loss of an A2 unit, it is considered that in this case this loss would be acceptable, given that the A4 Use Class of the proposal is considered an appropriate use for a key town centre location. A number of objections received as part of this planning application voice concern about the addition of another public house to an area already saturated by similar uses and to the detriment of the vitality of the town centre. However, there are only two public houses (A4 Use Class) currently located to Bromborough Road, with the next closest being sited approximately 138m to the north of the application site to New Chester Road. The proposal would not only bring a vacant unit back into use, but an one which is considered an appropriate town centre use and which would in turn positively contribute to the vitality and vibrancy of the wider New Ferry Key Town Centre. As such, the principle of the proposed development is considered acceptable subject to its compliance

with Policy SH1 of Wirral's UDP and subject to its impact on the amenity of neighbouring properties and to the local highway network.

3.7 Design:

3.7.1 The proposed change of use would not involve any external alterations to the building and it is therefore considered that it raises no issues in terms of visual amenity.

3.7.2 It is considered that the scale and nature of the proposed works, within the context of a key town centre would not appear inappropriate to the surrounding development or result in a detrimental change to the character of the area and would therefore comply with Policy SH1 of Wirral's UDP.

3.8 Highways:

3.8.1 The application site is considered to be located within a sustainable location in a Key Town Centre, accessible on foot, by bicycle and public transport.

3.8.2 The proposals are therefore considered to hold no undue impact upon the local highway network and for parking within the area and upon this basis are further supported by Highways.

3.9 Ecology:

3.9.1 There are no Environmental/Sustainability issues relating to these proposals.

3.10 Amenity:

3.10.1 SH1 makes allowances for development within Key Town Centres, subject to it not causing a nuisance to neighbouring uses or lead to a loss of amenity, as a result of noise and disturbance.

3.10.2 Flats are located to the upper floors of adjoining property No. 38, whilst approximately 20m to the north-west of the application site, along School Lane are sited residential dwellings.

3.10.3 Given that no external works are being proposed as part of this change of use application, the proposal would appear no more overbearing or visually intrusive to neighbouring residential properties. Sufficient separation distances would be retained to any habitable openings within the side of No. 10 School Lane and there are no openings sited within the side elevation of the application property facing onto adjoining property No. 38, so as to result in any overlooking or loss of privacy to those properties.

3.10.4 Noise and Disturbance

There is an existing service yard and bin store area located to the rear of the application site which is accessed via School Lane. In addressing concerns as to the proximity of the yard to neighbouring residential properties, the scheme has been amended to omit the smoking area to this rear yard. A condition is therefore recommended as part of any planning permission restricting the use of this rear yard area to use by employees and for the purpose of service and deliveries. To further protect the amenity of neighbouring properties a further condition is recommended, restricting hours of servicing and deliveries.

3.10.5 Whilst formally a bank, it appears from the planning history that it was not built as a bank and the case officer cannot therefore safely assume that it would have the wall thicknesses associated with purpose built banks. Given that adjoining property has flats to its upper floors, a condition is recommended restricting any music (live or recorded) being played in the 'Darts Room', which directly adjoins and shares a wall with the first floor level residential accommodation to No. 38, thus restricting any significant transmission of sound through the wall to the occupants of that flat.

3.10.6 Many of the objections received relate to the proposed late opening hours and the noise disturbance and anti-social behaviour which may occur as a result into the early hours of the morning.

- 3.10.7 Although located within a Key Town Centre, the application site also bounds a Primarily Residential Area to its north-west. As such, the applicant has agreed to restrict the hours of opening for the A4 Use to 11:00 - 23:30 Monday - Sunday, thus limiting any undue or adverse impact on the amenity of neighbouring residential properties.
- 3.10.8 Environmental Protection has raised no objection to proposed change of use to public house (A4 Use Class).
- 3.10.9 It is considered therefore that the proposal would not result in any significant harm to the amenity of residential neighbours and other sensitive land users and that the proposed development complies with the relevant criteria set out in Policy SH1 of the Wirral Unitary Development Plan and the NPPF and is recommended for approval.

**Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-  
 The proposed changed of use to a Public House (A4 Use Class) would result in no adverse effect on visual or residential amenity, and highway or public safety.

The application is therefore considered to be in accordance with Policies SH1 and HS15 of Wirral's Unitary Development Plan and the NPPF.

**Recommended Decision:                      Approve**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
  
2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 20th May 2019 and listed as follows:  
  
 Location Plan, received 20th May 2019; and  
 2019 017 300 002/01. received 19th June 2019.  
  
**Reason:** For the avoidance of doubt and to define the permission.
  
3. Servicing and deliveries to or from the premises shall not take place between the hours of:  
  
 23:00 - 07:00  
  
**Reason:** In the interest of residential amenity and having regard to Policies SH1 and HS15 of Wirral's Unitary Development Plan.
  
4. In relation to the hereby approved Public House (A4 Use Class), the premises shall only be open for trade or business between the hours of:  
  
 11:00 and 23:30 Mondays to Sundays

**Reason:** In the interest of amenity to neighbouring residential uses and having regard to Policies SH1 and HS15 of Wirral's Unitary Development Plan.

5. No music (live or recorded) or any other amplified sound shall be permitted within the first floor level 'Darts Room' as showing on submitted plan no. 2019 017 300 002/01.

**Reason:** In the interest of residential amenity and having regard to Policy SH1 of Wirral's Unitary Development Plan.

6. There shall be no access to the rear service yard of the hereby approved Public House (A4 Use Class) at all times by customers/patrons.

**Reason:** In the interest of residential amenity and having regard to Policies SH1 and HS15 of Wirral's Unitary Development Plan.

**Further Notes for Committee:**

**Last Comments By:** 21/06/2019  
**Expiry Date:** 15/07/2019

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**Planning Committee**

**15 August 2019**

**Reference:  
APP/19/00676**

**Area Team:  
Development  
Management Team**

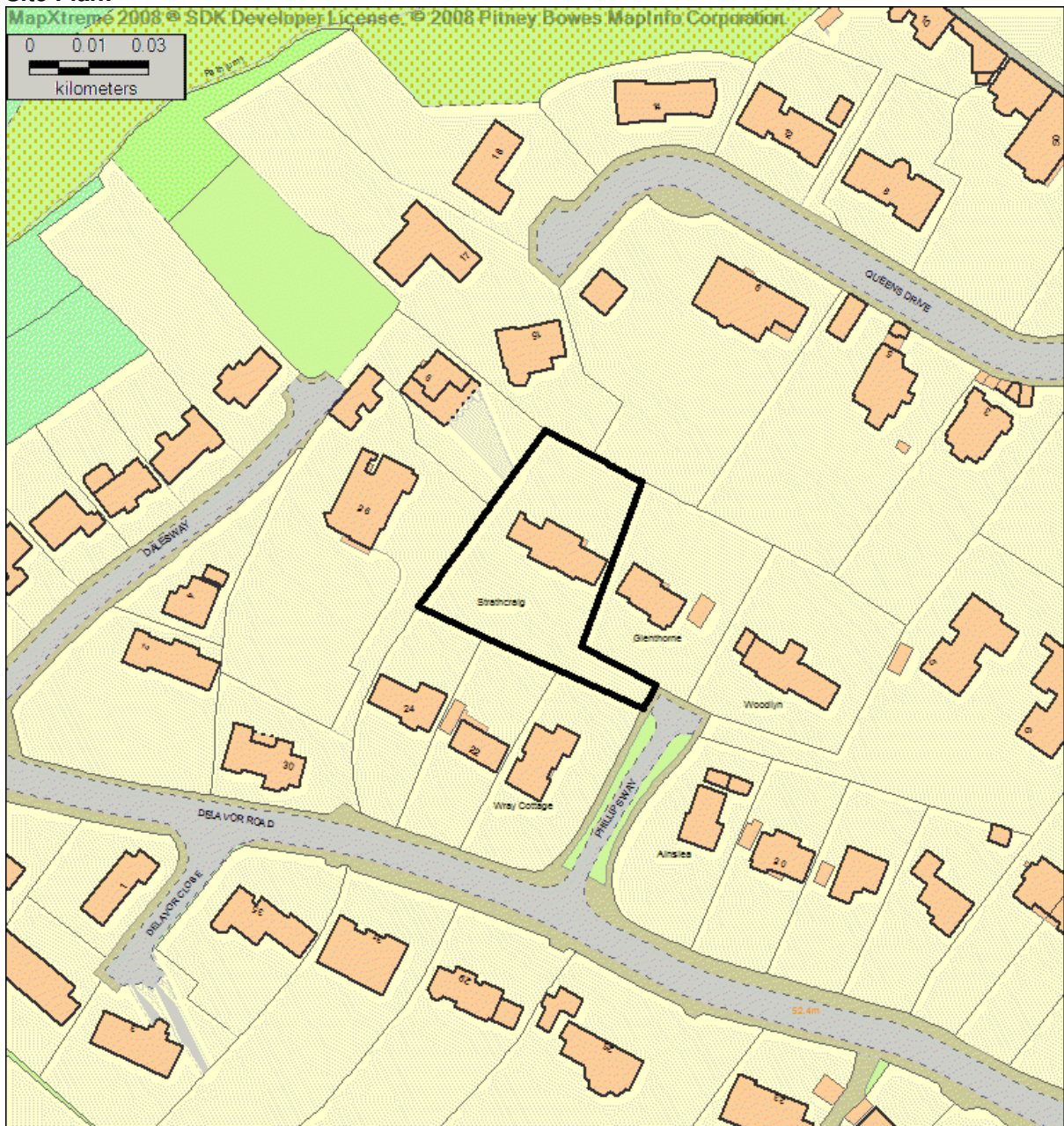
**Case Officer:  
Mrs S Lacey**

**Ward:  
Heswall**

**Location:** Strathcraig, PHILLIPS WAY, HESWALL, CH60 4RT  
**Proposal:** Erection of two detached two-storey dwellings  
**Applicant:** Limewalk Properties  
**Agent :** Collins Architecture

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**  
Primarily Residential Area

**Planning History:**  
None

**Summary Of Representations and Consultations Received:**

**1.0 WARD MEMBER COMMENTS**

**1.1** Councillor Rowlands requested the application be removed from delegated powers on the grounds the proposal represents an overdevelopment of the site and forms an overbearing development to neighbouring properties, and results in an increase in loss of privacy, contrary to policy HS4. In addition concerns were raised regarding the access, which may result in highway safety issues.

**2.0 SUMMARY OF REPRESENTATIONS**

REPRESENTATIONS

Having regard to the Council Guidance on Publicity for Applications, 8 letters of notification were sent to neighbouring properties. 5 letters of objection have been received from neighbouring properties citing the following concerns:

1. Increase traffic;
2. Cars reversing back onto the road with potential for collision;
3. Access for emergency vehicles;
4. Disturbance on the highway during construction;
5. The plot is too small to fit two houses;
6. Loss of privacy and overlooking into surrounding houses and gardens;
7. Approval would set a precedent that would lead to a change in the character of the immediate area;
8. Extra demand on waste water services;
9. The orientation of the proposal is not in keeping;
10. The design of the proposed dwellings is not in character with the surrounding bungalows;
11. The scale of development is not appropriate;
12. Loss of light to surrounding trees.

CONSULTATIONS

**Engineers** - no objection

**Environmental Health** - no objection

**Wirral Wildlife** - no objection, recommended conditions.

**Heswall Society** - Concerns regarding the density of development, overlooking, traffic use of the shared drive, disruption during construction. A construction method condition should be considered if Committee are minded to approve the application.

**United Utilities** - commented on drainage.

**3.1 Site and Surroundings**

**3.1.1** The site comprises of a detached, rendered bungalow with dormer window in roofspace, centrally positioned on a secluded large plot. The plot is set in the corner of a small cul-de-sac of bungalows and dormer bungalows, and access will be gained via the existing driveway that runs in front of the adjacent property 'Glenthorne'.

**3.1.2** Phillips Way is characterised by brick/rendered bungalows, although there is some variation in their design, such as front dormers. 'Glenthorne' has been substantially remodelled and incorporates a raised roof with 'eyebrow' front dormer, prominently positioned at the head of the cul-de-sac in an elevated position. The wider area including Delavor Road and adjacent streets display a variety of design styles, with a mix of two-storey properties and dormer



bungalows.

3.1.3 A similar planning application for two bungalows has been approved at 'Apple Acre' in the opposite corner of the cul-de-sac (APP/15/01253) in January 2016.

3.1.4 The site slopes down to the front of the site and the bungalows positioned forward of the property on Delavor Road are sited at a lower level.

### **3.2 Proposed Development**

3.2.1 The application proposes the demolition of the existing bungalow and the erection of two detached two-storey dwellings with shared access.

### **3.3 Development Plan**

3.3.1 The proposal is assessed primarily against the following policies:

#### Wirral Unitary Development Plan

Policy HS4 - Criteria for new housing development. This requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

Policy HS10 - Permits one to three new dwellings subject to the original dwelling retaining sufficient garden space, not harming the character of the area, providing adequate access and garden space.

Policy TR9 - Sets out the requirement for off street parking provision within new development and road safety and traffic management considerations.

Policy GR5 - This policy establishes the requirement for new developments to make a positive visual statement through new landscaping and the protection of existing landscape features.

SPG10 - Sets out the access proposed should be 3 metres wide with amenity strips and adequate passing places.

### **3.4 Other Material Planning Considerations**

3.4.1 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area. Local Planning Authorities are expected to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Planning policies and decisions should optimise the potential of sites to accommodate development.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

### **3.5 Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are the scale, density and design of the proposed development, any potential impact to the amenities of neighbouring properties (including overlooking and loss of privacy) and impacts of the access on highway safety.

### **3.6 Principle of Development:**

3.6.1 The proposal for residential dwellings in a Primarily Residential Area is acceptable in principle subject to the provisions of policy HS4 Criteria for New Housing Development and

HS10 Backland Development of the adopted Wirral Unitary Development Plan (UDP) and the National Planning Policy Framework (NPPF).

3.7 Design:

3.7.1 The site area of each proposed dwelling (including access) is approximately 895 square metres, which is similar to the surrounding plot sizes which range between 850 square metres and 1328 square metres. The density of development is considered in keeping with the surrounding plot sizes and the proposal is not considered to have a cramped or overdeveloped appearance. Both properties achieve an 18m long rear garden and large open front garden, adding to the spacious feeling of the proposal.

3.7.2 The surrounding area is not considered to be uniform in design, with surrounding properties varying in scale and design, which adds to the quality and character of the area. As such a well-designed proposal is considered acceptable in this location. The submitted design is contemporary, but there are other examples of modern design including the adjacent property 'Glenthorne' which incorporates a unique eyebrow dormer, and is in a more prominent position within the cul-de-sac.

3.7.3 The proposal is situated in an area of mixed design, and is considered to be of a scale that relates to surrounding properties, in particular with regard to existing densities and form of development. The proposal does not occupy a prominent position and its design is not considered to result in a detrimental change to the character of the area. As such the proposal complies with policy HS4 of the adopted Wirral UDP.

3.8 Highways:

3.8.1 Objections were raised concerning highway safety concerns, including cars reversing out of the access onto Phillips Way, which is a narrow highway, and emergency vehicles not being able to access the site.

3.8.2 The applicant has demonstrated there is ample room for vehicles to manoeuvre within the site and access and egress the site in a forward gear. They have also confirmed refuse will be collected from Phillips Way.

3.8.3 The proposed access serves both properties and measures 4m in width, with landscape buffers on either side. The proposal complies with SPG10 which sets out the access should be 3 metres wide with amenity strips and adequate passing places. Highways were consulted and had no objection to the proposal. No conditions were requested. The development is capable of satisfactory provision for off-street car parking areas and adequate vehicular access and there are no highway implications relating to this proposal.

3.9 Ecology:

3.9.1 A bat roost survey was submitted with the application and concluded the building to have negligible bat roost potential and there was no potential for bat roosts in the surrounding trees. Therefore no further bat surveys are required. A condition can be used to protect the trees that are to be retained. There are no Environmental/Sustainability issues relating to these proposals.

3.10 Amenity:

3.10.1 Objections were raised by neighbouring residents concerning loss of privacy and overlooking. Habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels a greater separation should be provided, increasing the separation distance by 2m for every 1m difference in ridge levels.

3.10.2 The proposed dwellings are 35m away from the bungalows to the south, no.22 and no.24 Delavor Road. It has been taken into consideration the difference in ridge levels and the difference in land levels, resulting in the standard separation distance of 21m being increased to 33m. As such the proposal is considered to comply with the separation distances and is not considered to result in significant overlooking or loss of privacy to no.22 or no.24. It is not considered the proposed floor to ceiling height windows have any more overlooking

impact than a standard sized first floor window (there was a first floor dormer window to the front elevation of the original property). In addition, it is considered the outlook from the first floor windows are in such an elevated position that the proposed outlook is over the roof of the adjacent bungalow.

- 3.10.3 The proposed rear facing windows are approximately 60m away from the property to the north, and are not considered to result in direct overlooking.
- 3.10.4 The proposed ground floor windows are not considered to result in overlooking to neighbouring properties. The proposed first floor window in the side elevation of plot 1 serves a bathroom and can be obscurely glazed. The proposed first floor windows are not considered to result in direct overlooking into neighbouring gardens.
- 3.10.5 It is not considered necessary in this instance to remove permitted development rights for future extensions, as the required separation distances would not be compromised. Drawing reference 1826 04 shows a cross section of the proposal sited on the existing dwelling site, on the relatively level section of land. No further details of land levels are deemed necessary in this instance.
- 3.10.6
- 3.10.7 SPG10 sets out the access proposed should be 6 metres from habitable windows to protect neighbours' amenity with regards to noise and disturbance. The proposed access achieves this separation distance.

The proposed development achieves the required separation distances set out in policies HS4, HS10 and SPG10, and the proposal is not considered to harm the amenity of surrounding neighbouring properties.

- 3.11 Other:
- 3.11.1 Objections received that cannot form a reason for refusal under planning remit include disturbance on the highway during construction and any extra demand on waste water services. Approval of this proposal would not set a precedent as all planning applications are assessed on their own merits.

### Summary of Decision:

The proposal is considered to be of a scale, design, density and layout which would not result in a detrimental change in the character of the residential area or harm the amenities of neighbours on every side. The proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. As such the proposal complies with Policy HS4, HS10, TR9 and GR5 of the adopted Wirral Unitary Development Plan, SPG10, and the National Planning Policy Framework.

**Recommended Decision:**                      **Approve**

### Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14 June 2019 and listed as follows: drawing numbers 1826 01, 1826 02, 1826 03 and 1826 04.

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

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

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

4. The first floor windows in the side elevations facing south-east and north-west shall not be glazed otherwise than with obscured glass and fixed shut or top hung, opening 1.7m above finished floor level, and thereafter be permanently retained as such.

**Reason:** To safeguard the amenities of occupiers of adjoining properties and to comply with Policy HS4 of the Wirral Unitary Development Plan.

5. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

**Reason:** To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

6. Construction work only allowed between 8am and 6pm.

**Reason:** For the protection of the badgers.

7. Any holes or trenches left open overnight to have a means of escape provided.

**Reason:** For the protection of badgers.

8. All materials, especially those containing lime, to be stored so that badgers cannot access them.

**Reason:** For the protection of badgers.

9. When fencing to the garden is installed, access should be left for the badgers to move round between gardens. Badger gates can be installed if necessary. Residents to be reminded that this access cannot be blocked.

**Reason:** For the protection of badgers.

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

1. The applicant should note that existing trees and shrubs must be cleared outside the bird nesting season (March - August) unless inspected immediately beforehand by a competent ecologist and found to be free of active nests.  
Lighting should be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>

**Last Comments By:** 09/07/2019

**Expiry Date:** 09/08/2019

**Planning Committee**

**15 August 2019**

**Reference:**  
**APP/19/00731**

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

**Case Officer:**  
**Mrs S Day**

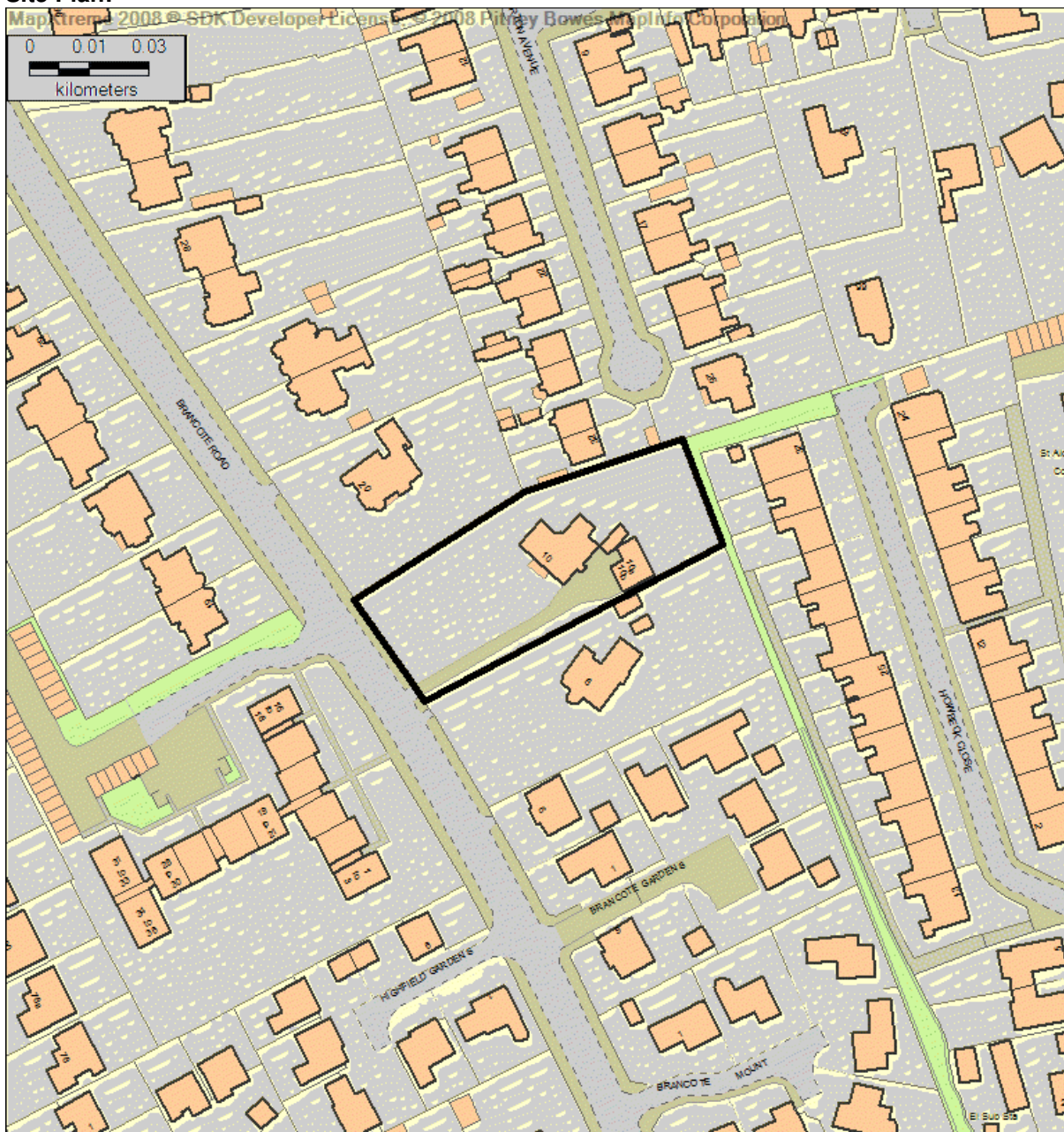
**Ward:**  
**Claughton**

**Location:** 10 BRANCOTE ROAD, OXTON, WIRRAL, CH43 6TJ  
**Proposal:** Variation of condition 2 of APP/18/00616 to provide six additional parking spaces.

**Applicant:** Mayflower Care Developments Ltd  
**Agent :** Andrew Smith Architects Ltd

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area  
Density and Design Guidelines Area

**Planning History:**

Location: 10 BRANCOTE ROAD, OXTON, CH43 6TJ  
Application Type: Full Planning Permission  
Proposal: Demolition of existing house and annexe and creation of 6 new detached houses with parking and landscaping.  
Application No: APP/18/00616  
Decision Date: 04/07/2018  
Decision Type: Approve

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 The application has been removed from delegation by Councillor Gillian Wood. The reasons for removal from delegation relate to concerns that the additional car parking spaces would impact on residential amenity due to the close proximity of the shared boundary.

**2.0 SUMMARY OF REPRESENTATIONS****2.1 REPRESENTATIONS**

2.1.1 In line with the Councils Policy for publicity of planning applications, letters were sent to 17 neighbouring properties. Three letters of objection have been received. The reasons for objection are listed as:-

1. The proposed parking doubles that of the original proposal which was 100%
2. Additional car parking will create noise, vibration and emission pollution
3. Parking and manoeuvring is now closer to rear properties on Ashburton Avenue
4. Any additional parking could be accommodated on Brancote Road.

**2.2 CONSULTATIONS**

2.2.1 **Highways** - No objection

**3.1 Reason for referral to Planning Committee**

3.1.1 The application has been taken out of delegation by Councillor Gillian Wood and as such should be determined by Planning Committee.

**3.2 Site and Surroundings**

3.2.1 The application site was previously a large detached house with an annexe set in a mature garden. The house had been used as 2 flats. The house recently had consent for 6 houses which are under construction.

3.2.2 The site rises slightly from Brancote Road. Neighbouring properties to the south and north of the site generally are positioned closer to the road frontage. The site backs onto houses on Howbeck Close and Ashburton Avenue which abut the site.

**3.3 Proposed Development**

3.3.1 The current application seeks a revision to the original approval (APP/18/00616). The proposed changes seek to increase the parking provision on site, this requires a variation of the condition which lists the approved plans.

3.3.2 The proposed changes involve the addition of six further parking spaces to the 6 previously approved. This would take the total provision of off street parking to 12 (200%).

**3.4 Development Plan**

3.4.1 Policy HS4 - Criteria for New Housing Development

This policy requires that the proposal in general terms must relate well to adjacent properties

and not result in a detrimental change in the area or to the amenity of neighbouring properties.

3.4.2 Policy TR9 - Requirements for off street parking

This policy sets out the criteria for the assessment of off -street parking provision associated with new development.

3.4.3 SPD4 - Parking Standards

This guidance sets out the thresholds and standards for parking

**3.5 Other Material Planning Considerations**

3.5.1 The National Planning Policy Framework seeks to support well-designed development which makes a positive contribution to the surrounding area

**3.6 Assessment**

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

- Principle of development (appropriateness of residential development in rural location);
- Design;
- Highways and PROW;
- Amenity

3.7 Principle of Development:

3.7.1 The original approval was for 6 houses with a shared central area to provide parking and landscaping. At this stage the applicant anticipated that the target market for the houses would be those downsizing with reduced car ownership.

3.7.2 The Council's parking standards are expressed as a maximum and for dwellings of this size (5 bedrooms) would require a maximum of 2 spaces per dwelling. Where a lower provision is proposed, proposals are considered on their individual merits. At the time the original application was determined, whilst additional parking would have been compliant with policy and acceptable, the applicant's case was accepted and it was considered that Brancote Road had the capacity to accommodate any overspill or visitor parking.

3.7.3 The current proposal to increase the number of parking spaces to 12, does not exceed the maximum required by SPD4 and is considered acceptable in principle.

3.8 Design:

3.8.1 The original approval included a central parking area with two covered parking areas on either side of a central landscaped area and surrounded by areas of turf. The current proposals have reduced the area of turf and provide a shared permeable surface on either side of the covered parking areas to provide 5 additional parking spaces. The sixth space is to be located alongside plot 1 adjacent to the access road. The parking is still contained within the shared central area and will have little visual impact from outside the development.

3.9 Highways:

3.9.1 The Council's Highway Officers have raised no objections to this proposal.

3.10 Amenity:

3.10.1 The access to the site remains the same as the original access to 10 Brancote Road and the previous approval. The concern in relation to the development is from properties to the rear of the site on Ashburton Avenue. The property closest to the application site is 32 Ashburton Avenue which shares a side boundary with the application site. One of the additional parking spaces which is located to the front of plot 3, will abut the end of the rear garden of 32 Ashburton Avenue. It is not considered that the noise and disturbance in this limited situation would be sufficient to justify a refusal.

### Summary of Decision:

The proposed additional parking spaces will reduce the potential for on street parking which will meet the objectives of Unitary Development Plan Policies; HS4 and TR9 and SPD4.

**Recommended Decision:**            **Approve**

### Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14/5/19 and 10/6/2019 listed as follows: 850/5D and 850/4 F.

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

3. Prior to the occupation of the dwellings, a full landscaping scheme shall be submitted to and agreed in writing with the Local Planning Authority. The Landscaping shall be carried out within the first planting season following the completion of the dwellings hereby approved and prior to the occupation of any of the dwellings. The landscaping shall be retained in accordance with the approved plans and any plant or tree which dies within the first 5 years of planting shall be replaced in accordance with the approved planting schedule.

**Reason:** To retain the character of the area.

4. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

**Reason:** To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

**Last Comments By:** 09/07/2019  
**Expiry Date:** 05/08/2019



**Planning Committee**

**15 August 2019**

**Reference:**  
**APP/19/00875**

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

**Case Officer:**  
**Mrs S Lacey**

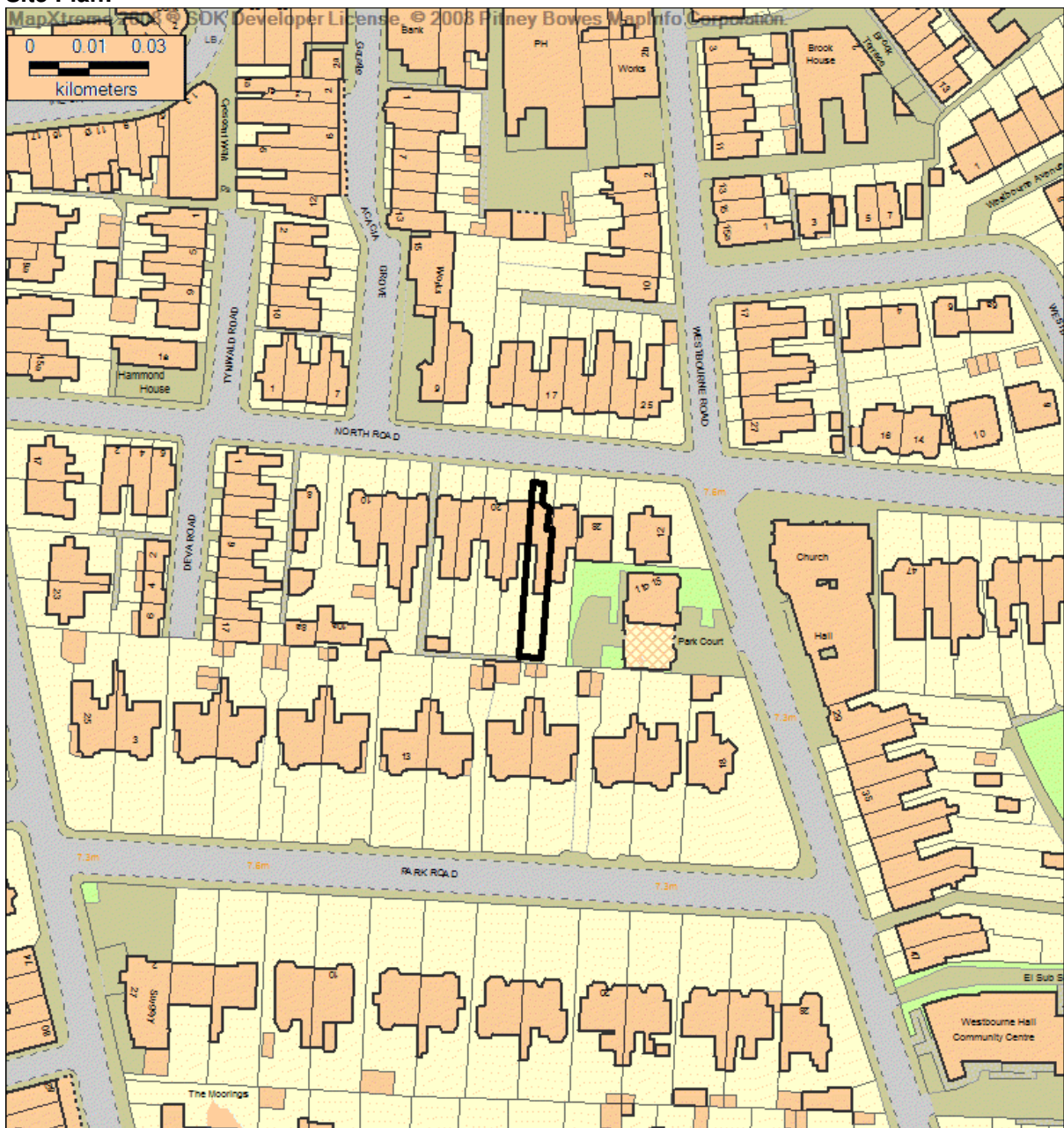
**Ward:**  
**Hoylake and Meols**

**Location:** 24A NORTH ROAD, WEST KIRBY, CH48 4DF  
**Proposal:** Retention of outbuilding for hobby crafts (amended description)

**Applicant:** Mr Stephen Saunders  
**Agent :** Mr Neil Braithwaite

**Qualifying Petition:** Yes, Number of Signatures: 79

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: 24 North Road, West Kirby, Wirral, CH48 4DF  
Application Type: Lawful Development Certificate Existing  
Proposal: Application for a certificate of lawfulness of existing use as three self-contained flats  
Application No: LDC/04/05728  
Decision Date: 16/09/2004  
Decision Type: Approve

Location: 24 North Road, West Kirby, Wirral, CH48 4DF  
Application Type: Full Planning Permission  
Proposal: Second floor extension to rear and repositioning of existing rear dormer.  
Application No: APP/03/07844  
Decision Date: 02/04/2004  
Decision Type: Approve

Location: 24 North Road, West Kirby  
Application Type: Full Planning Permission  
Proposal: Conversion into 3 self-contained flats  
Application No: APP/75/02166  
Decision Date: 28/05/1975  
Decision Type: Refuse

Location: 24 North Road ,West Kirby ,L48 4DF  
Application Type: Full Planning Permission  
Proposal: Conversion of dwelling to ground floor flat and first floor maisonette  
Application No: APP/75/03417  
Decision Date: 16/10/1975  
Decision Type: Conditional Approval

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS****REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications, 10 letters of notification were sent to neighbouring properties. A qualifying petition of 79 signatures and 6 individual letters of objection have been received from neighbouring properties citing the following concerns:

1. The workshop building was constructed without planning permission and without consultation to neighbours;
2. The workshop is being used for commercial business activity including Needle and Sparkles Dressmaking company, a furniture renovation and wood turning operation and commercial bee keeping;
3. The workshop and bee hives represent an overdevelopment of a small residential garden site, covering over 60% of the garden. The workshop is large and visually overpowering and is out of proportion to the small size of the site;
4. Nuisance to neighbours and users of the public passageway access at the rear of the North Road/Park Road residential properties. There is noise from the machinery in the workshop especially the wood turning machinery but also an industrial sewing machine. There is also disturbance from clients visiting the workshop and from clients parking illegally on the pavement when visiting the workshop.

5. Health and safety concerns regarding the beekeeping;
6. The site is for residential use and not for commercial workshop use;
7. The removal of a tree and hedges;
8. The design of the workshop is out of character with the residential area;
9. The proposal will set a precedent;
10. Light pollution from electric lights and sunlight glare from the plastic panels on the roof.

## CONSULTATIONS

### **Environmental Health** - no objection

#### **3.1 Site and Surroundings**

3.1.1 The site comprises a mid-terrace property which is occupied as a flat at ground floor (no.24A). To the rear of the property is 108 square metres of garden space that is used solely by the occupier of the ground floor flat.

3.1.2 The occupant has erected an outbuilding measuring 13 square metres floorspace and 2.37m in height adjacent to the boundary of no.26. There are 1.8m high fences to the rear garden boundaries. The outbuilding is constructed of timber cladding painted a dark brown/black colour, timber door painted white and timber windows. The roof is clear plastic.

#### **3.2 Proposed Development**

3.2.1 The application is retrospective and proposes the retention of an outbuilding. The building is used for the occupant's hobbies, including sewing and carpentry.

3.2.2 The proposal requires planning permission as the outbuilding relates to a flat, which does not benefit from permitted development rights for outbuildings.

3.2.3 The description of development originally included bee keeping as part of the application. Following a site inspection it was noted the bee hives were separate to the outbuilding, and their scale was such that they do not require planning permission. As such bee-keeping has been removed from the description of development and will not be considered as part of this application.

3.2.4 Neighbours' have raised concerns the description of development refers to "hobby crafts" when they are aware the applicant runs a business. The owner confirmed they own a dressmaking business called "Needles and Sparkles". The applicant rents a separate unit for the purpose of this business. The proposed outbuilding is for the purpose of hobbies and working from home. Notwithstanding this, it is not always necessary to apply for planning permission to work from home. The key test is whether the overall character of the dwelling will change as a result of the business. The applicant confirmed she does not hold teaching classes in the outbuilding and a maximum of 2no. clients would visit a week. There are no large or regular deliveries required in excess of what would be expected at a dwelling. The noise emitted from a sewing machine or carpentry tools do not significantly exceed what you would expect from a residential property.

3.2.5 On the basis of the information provided by the applicant and in the absence of any evidence to the contrary from neighbouring properties, it is considered the activities conducted by the applicant are incidental to the enjoyment of the dwelling house. The site inspection concluded the use of the dwelling is still a home rather than a business premises. If the activities were to change and become more intrusive this would be a matter for the Enforcement team and Environmental Health.

3.2.6 As such, the assessment of the proposal is to consider the scale of the outbuilding structure and its impact on the amenities of neighbouring properties.

#### **3.3 Development Plan**

3.3.1 The application is assessed against planning policy HS11 House Extensions and SPG11 House Extensions. Whilst this policy does not specifically refer to flats, it considers scale, design and impact onto neighbour's amenity, which are relevant considerations.

### **3.4 Other Material Planning Considerations**

- 3.4.1 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and supports sustainable housing development which encompasses good design and makes a positive contribution to an area.
- 3.4.2 Objections were received concerning the retrospective nature of the application which neighbours considered could set a precedent for permitting the abuse of planning law by allowing applicants to ignore the requirement to seek planning permission in advance of constructing a new building.
- 3.4.3 Section 73A of the Town and Country Planning Act 1990 permits retrospective planning applications to regularise breaches of planning control. Such an application must be considered in the normal way against the relevant local and national planning policies and material considerations.

### **3.5 Assessment**

- 3.5.1 The main issues pertinent in the assessment of the proposal are the scale, design, and position of the proposed outbuilding and the impact on the amenities of neighbouring properties.

#### 3.6 Principle of Development:

- 3.6.1 The proposal for an outbuilding to a residential property is acceptable in principle subject to policy HS11 of the adopted Unitary Development Plan and SPG11.

#### 3.7 Design:

- 3.7.1 The proposal is considered acceptable in scale and design and will not form an overbearing structure which viewed from neighbouring properties or the street scene. The bulk of the building is screened from neighbouring properties by the existing boundary fences. The roof has been designed with a low pitch that slopes away from neighbouring properties, and does not appear overbearing. The plastic material of the roof is deemed acceptable on a single-storey shed. The proposed outbuilding is timber clad, painted a dark colour and does not appear obtrusive. There remains sufficient garden space for the enjoyment of the occupier.
- 3.7.2 The proposal is considered acceptable under policy HS11 House Extension of the adopted Wirral Unitary Development Plan, and SPG11 House Extensions. No conditions are deemed necessary in this instance.

#### 3.8 Highways:

- 3.8.1 There are no highway implications relating to this proposal.

#### 3.9 Ecology:

- 3.9.1 Neighbours have objected a tree and vegetation has been cleared from the site prior to the erection of the outbuilding. There are no tree preservation orders on the site. There are no environmental/sustainability issues relating to these proposals.

#### 3.10 Amenity:

- 3.10.1 It is not considered the proposed ground floor windows will result in direct overlooking or increase any loss of privacy to neighbouring properties. The proposal is not considered to be of a scale that would affect the outlook from neighbouring properties, including first floor flats. The proposal is not considered to result in significant light pollution to neighbouring properties. As discussed above, the activities are deemed incidental to the enjoyment of the dwelling house. Environmental Health did not raise any concerns or request any conditions.

#### 3.11 Other:

- 3.11.1 There are no other relevant planning considerations.

**Summary of Decision:**

The proposal is considered acceptable in scale and design and is not considered to be detrimental to the general character of the street scene or would be detrimental to the amenities neighbouring residential properties should expect to enjoy. The Local Planning Authority considers the proposal is acceptable under policies HS11 House Extension of the adopted Wirral Unitary Development Plan, SPG11 House Extensions and the National Planning Policy Framework.

**Recommended Decision:**            **Approve**

**Recommended Conditions and Reasons:**

None

**Further Notes for Committee:**

**Last Comments By:** 23/07/2019

**Expiry Date:** 07/08/2019

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## WIRRAL COUNCIL

### PLANNING COMMITTEE

15th August 2019

<b>SUBJECT:</b>	<b>Tree Preservation Order No WR0395 Prenton Golf Club, Stanley Lane and Golf Links Road, Prenton</b>
<b>WARD/S AFFECTED:</b>	<b>Prenton</b>
<b>REPORT OF:</b>	<b>INTERIM DIRECTOR ECONOMIC AND HOUSING GROWTH</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR STUART WHITTINGHAM, HOUSING AND PLANNING</b>
<b>KEY DECISION?</b> <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	NO

#### 1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform the Committee of an objection to Wirral Borough Council Tree Preservation Order No WR0395 and to recommend that the order shall be confirmed.

#### 2.0 BACKGROUND

- 2.1 A planning application has been received for housing and a new Golf club house in the Greenbelt.

The tree or trees make a valuable contribution to the amenity and landscape character of the local area and stand adjacent to a Conservation area.

#### 3.0 THE OBJECTION

- 3.1 An objection was received on behalf of the Agent acting for Prenton Golf club. The objection is on the following grounds;
- I. G1 and W1 are not considered to be principle landscape features that make a positive contribution to public amenity. G1 and W1 cannot be viewed in their entirety from any public area and the limited extent to which these trees can be seen by the public does not provide a significant impact on the local environment or represent a key component of the areas character. As such, it is not considered that a reasonable degree of public benefit accrue from these trees. To illustrate this point please refer to the attached Viewpoint Location Plan and accompanying photographs.
- II. A total of 11 trees within W1 have irremediable defects that require works to be undertaken due to the likelihood of failure and the risk they pose to members of the Golf Club. Although confirming the TPO will not prevent any necessary work from being carried out, it will compromise the ability to undertake such management works. Please refer to the appended BS 5837:2012 report for details.
- III. It is not considered expedient to apply the TPO at this time as there is no immediate threat to G1 or W1. A planning application has been submitted by the Golf Club, but

the Club has no intention to carry out any tree removal before obtaining approval for their proposals and the support of the tree officer. As such, it is not considered necessary to attach the TPO to deter removal.

IV. Due to the existing level of tree cover on the golf course and the integral role that the trees play to the course design, the existing trees and proposed planting are a material consideration for the Club and its future development proposals. It is considered that the application of the TPO will impede the course design and sustainability of the treescape.

V. Parts of W1 are considered to be of low quality and a number of trees represent generally unremarkable examples of their type i.e. trees that demonstrate impaired condition, trees of indifferent structural and physiological appearance for the site's context, and those providing limited or transient benefits which may be readily replaced. Those of moderate quality make up the linear belt which lies parallel to the private track west of Stanley Avenue. Please refer to the appended BS 5837:2012 report for details. It is considered that the confirmation of this TPO will restrict the future management and design of W1 and prevent the replacement of the low quality trees with those which can provide a higher amenity value in the future.

VI. G1 and W1 do not currently serve the purpose of screening an undesirable view from any public area or private residence. If there is concern that partial removal of G1 or W1 will adversely affect the views from the adjacent properties (namely, 32 Golf Links Road and 46 Stanley Avenue) then this can be addressed through the landscape proposals and should not be the basis for applying a TPO.

#### **4.0 COMMENTS ON THE OBJECTION**

4.1 I. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. W1 is Visible from Lever Causeway as are the Pines in G2. Other valid criteria are

Size and form;

Future potential as an amenity;

Rarity, cultural or historic value;

Contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area.

Group G1 does provide a contribution to the character or appearance of a conservation area. More so if the application for housing is approved.

8.40 While Policy GR7 will mainly apply to trees affected by development proposals located within the urban area, it will also be held to apply to applications for development within the Green Belt. Indeed, within the Green Belt it will often be more important where the need to preserve rural character and protect the wider landscape from the impact of new development is a priority.

II. On inspection of the site a number of the trees (within W1) designated category U (As having irremediable defects) are in my opinion incorrectly labelled as such.

Category U trees are;

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years (and which should in the current context, be removed for reasons of sound arboricultural management-has been added in the impact statement)

The criteria for inclusion in the U category should be,



- o Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)
- o Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline
- o Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality

A number of the Cat U trees (not all) in the assessment are healthy trees (not in decline) but with some features such as cavities broken branches and deadwood. None of these trees in their current context would warrant removal in any sound arboricultural management. None of the Category U trees could be considered to meet any of the above criteria apart from 1 dead tree.

III. It is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to pro-actively make Orders as a precaution.

Also see Policy GR7 8.40

IV. Existing trees are an important factor on construction sites, whether on or near the working areas and trees are a material consideration in the UK planning system, as such given the scale of the proposed development the trees have been protected to allow for their consideration in the planning process.

8.41 In addition to the powers and duties outlined above, the Local Planning Authority also has the power to issue Tree Preservation Orders where it is "expedient in the interests of amenity". Such an Order provides additional protection to selected trees and woodlands where their removal or cutting would have a significant impact on the environment. While Policy GR7 does not represent a definitive strategy for Tree Preservation Orders, the criteria related to health, size, visual value and nature conservation value will form primary considerations in the issue of new or revised Orders.

V. A TPO is not a barrier to tree planting or good arboricultural or silvicultural management. It is a barrier to inappropriate tree removal and the subsequent degradation of public amenity.

VI. A woodland is not just a collection of trees of different qualities, it is a habitat that supports many different species both plants and animals with many benefits to the wider environment and climate change. Concerns that the partial removal of G1 or W1 will adversely affect the amenity of adjacent properties should be addressed through the planning system and it is the basis for applying a TPO as this is the only way to effectively enforce those Landscape proposals. See also GR7 8.36, 8.40 & 8.41

## **5.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

5.1 There are no direct impacts for voluntary, community and faith groups.

## **6.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

6.1 There are no direct Resource Implications arising out of this report.

## **7.0 LEGAL IMPLICATIONS**

7.1 The principal effect of a TPO is to prohibit the, cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of trees without the LPA's consent.

## **8.0 EQUALITIES IMPLICATIONS**

8.1 There are no direct implications arising from these proposals which adversely affect equality and diversity.

## **9.0 CARBON REDUCTION IMPLICATIONS**

9.1 Trees store carbon within their tissues and continually absorb carbon, helping to offset carbon emissions produced by other urban activities.

## **10.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

10.1 The planning implications arising from this report are outlined above and there are no direct Community Safety implications arising from this report.

## **11.0 RECOMMENDATION/S**

11.1 That the Planning Committee Confirm despite objections

## **12.0 REASON/S FOR RECOMMENDATION/S**

12.1

The Council has a duty to make provision for the preservation of trees and woodlands in the interests of amenity. It does this by making Tree Preservation Orders (TPO). The purpose of a Tree Preservation Order is to protect trees which make a significant impact on their local surroundings. This is particularly important where trees are in immediate danger.

Government guidance states that, 'Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to pro-actively make Orders as a precaution.'

In this case it was felt that as the trees do indeed have a significant amenity value, it would be expedient to pro-actively serve a TPO as a precaution.

8.36 Policy GR7 forms part of the Local Planning Authority's wider responsibility to conserve the natural beauty of the area and to provide for physical improvements to the environment. It also reflects the statutory duty to, wherever appropriate, specifically provide for the preservation and planting of trees when granting planning consent. Policy GR7 does not, however, provide a blanket protection for all trees. Instead, it provides for the circumstances of each site to be considered in terms of its importance within the surrounding area. The objective of Policy GR7 is to ensure that issues related to the health, size, visual significance and the wildlife value of trees are properly assessed before development is permitted or refused.

8.40 While Policy GR7 will mainly apply to trees affected by development proposals located within the urban area, it will also be held to apply to applications for development within the Green Belt. Indeed, within the Green Belt it will often be more important where the need to preserve rural character and protect the wider landscape from the impact of new development is a priority.

8.41 In addition to the powers and duties outlined above, the Local Planning Authority also has the power to issue Tree Preservation Orders where it is "expedient in the interests of amenity". Such an Order provides additional protection to selected trees and woodlands where their removal or cutting would have a significant impact on the environment. While Policy GR7 does not represent a definitive criteria for Tree Preservation Orders, the criteria

related to health, size, visual value and nature conservation value will form primary considerations in the issue of new or revised Orders.

**REPORT AUTHOR:**        **Erik Bowman**  
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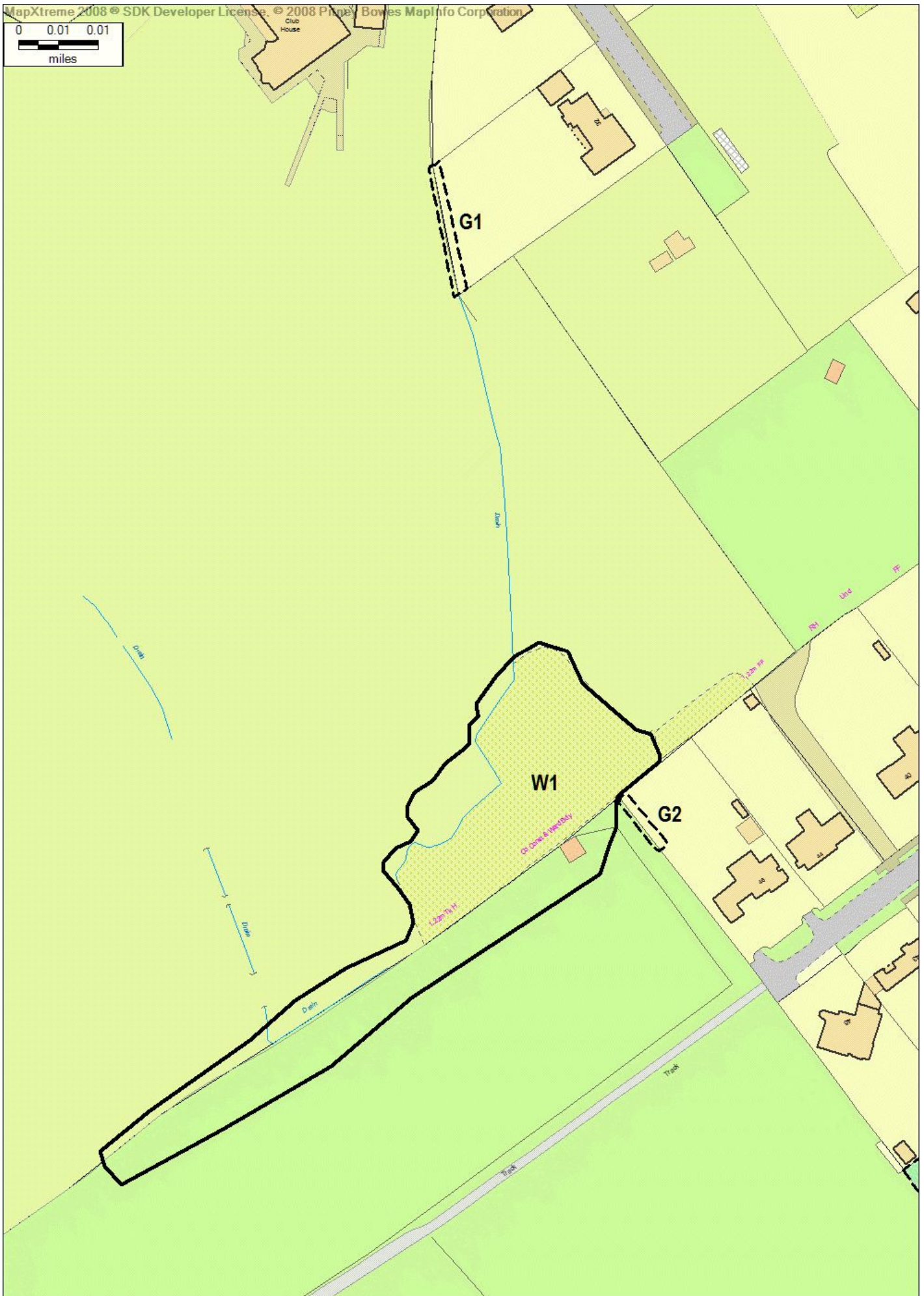
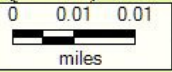
**APPENDICES**

**REFERENCE MATERIAL**

The following background papers have been used in the preparation of this report:  
Wirral Borough Council Tree Preservation Order No.WR0395

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>



## WIRRAL COUNCIL

### Planning Committee

15th August 2019

<b>SUBJECT:</b>	<b>FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE AT 1 BELFORD DRIVE, MORETON, WIRRAL</b>
<b>WARD/S AFFECTED:</b>	<b>MORETON WEST AND SAUGHALL MASSIE</b>
<b>REPORT OF:</b>	<b>INTERIM DIRECTOR ECONOMIC AND HOUSING GROWTH</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR STUART WHITTINGHAM</b>
<b>KEY DECISION?</b> <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	NO

#### 1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to set out the options available to the Council to resolve a long standing breach of planning control. The breach of planning control consists of the erection of a two storey side extension without the benefit of planning permission and the subsequent failure of the registered owners of the land to comply with an enforcement notice requiring the removal of the first floor element of the extension.
- 1.2 The appendix to this report contains exempt information falling within paragraphs 1 and 3 of Schedule 12A of the Local Government Act 1972. It is considered to be in the public interest to exclude the press and public given that the information contained in the appendix is of a sensitive and personal nature.

#### 2.0 RECOMMENDATION/S

- 2.1 It is recommended that the Council take the steps outlined in option C, as set out in the confidential appendix to this report, to exercise its powers under section 178 of the Town and Country Planning Act 1990 to enter the land and carry out the steps required by the notice.

#### 3.0 REASON/S FOR RECOMMENDATION/S

- 3.1 The registered owners of the property have not taken the steps required by the enforcement notice despite being afforded numerous opportunities to do so. The registered owners have also declared that they do not have the financial means to take those steps in the foreseeable future. The unauthorised development is causing harm to neighbouring properties.

#### 4.0 BACKGROUND AND KEY ISSUES

- 4.1 The Council received a complaint regarding unauthorised building work at 1 Belford Drive on 23rd September 2014.
- 4.2 Upon inspection it was established that planning permission was required for the two storey side extension that was under construction as it exceeded the limitations set out in Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 then in force.
- 4.3 A retrospective planning application was submitted on 14th August 2014 under reference APP/14/01062. The application was refused on 1st April 2015 for the following reason:
- 4.4 "The development is unneighbourly and has resulted in a form of development that has an overbearing impact, overshadowing the rear of the adjoining property, 57 Millhouse Lane, to an unacceptable degree. The extension is detrimental to the amenities that the occupiers of that property could reasonably expect to enjoy. The development conflicts with Policy HS11 of Wirral's Unitary Development Plan, Supplementary Planning Guidelines: House Extensions and the National Planning Policy Framework."
- 4.5 An appeal against the refusal of planning permission was subsequently dismissed.
- 4.6 Following refusal of the planning application, an enforcement notice was issued on 22nd April 2015. No appeal was made against the enforcement notice and it became effective on 29th May 2015 and required the following steps to be taken:
- 4.7 "Permanently remove the first floor element of the two storey side extension within a period of four months from the date on which the Notice takes effect."
- 4.8 The steps required by the enforcement notice were not carried out, which constitutes an offence under section 179 of the Town and Country Planning Act 1990.
- 4.9 On 2nd October 2015 a planning application (reference APP/15/01348) was submitted proposing significant alterations to the two storey extension. The proposal was considered acceptable and planning permission was granted on 23rd November 2015. An opportunity was afforded for the alterations to be made, however, the scheme was not implemented. The planning permission expired on 23rd November 2018.
- 4.10 On 1st December 2016 a further planning application was submitted proposing an amended scheme. The proposal was considered acceptable and planning permission was granted subject to a condition requiring the scheme to be implemented within 6 months. The opportunity was once again afforded for the alterations to be made, however, the scheme was not implemented and the planning permission expired on 1st June 2017.
- 4.11 Various meetings have taken place with the registered owners of the property and formal written requests have been made by the Council for the steps required by the enforcement notice to be carried out, with threat of prosecution.
- 4.12 Following the latest failure to meet the deadline set out by the Council to comply with the enforcement notice, a further planning application (reference APP/18/01068) was submitted on 30th January 2019 proposing a minor alteration to the unauthorised two storey extension. The proposal was not considered to be acceptable and the application was refused on 27th March 2019.

4.13 Throughout the investigation, the Council has made every effort to assist the registered owners of the property to remedy the breach of planning control. However, to date no resolution has been found and the unauthorised, unacceptable form of development remains in situ. Throughout that time the neighbouring property at 57 Millhouse Lane has also endured the effects of the unneighbourly form of development.

4.14 In order to progress the matter, there are a number of options available to the Council, as set out in the appendix to this report.

## **5.0 RELEVANT RISKS**

5.1 Option C involves spending up to £40,000.00, which will only be recouped upon placing a charge on the land and any subsequent sale of the property. The mortgage company would be first in line to receive any money owed if the property were sold. Any unexpected fall in property prices could result in the Council not recouping the money proposed to be spent under option C above.

## **6.0 OTHER OPTIONS CONSIDERED**

6.1 Options A and B should be given full consideration by Members, however neither option is likely to result in the removal of the unauthorised development.

6.2 The Council can choose to take the steps outlined in more than one option. For example, the Council could take the steps outlined in both Option B (pursue a prosecution against the registered owners for their failure to comply with the notice to date) and Option C (take direct action to carry out the steps required by the enforcement notice).

## **7.0 CONSULTATION**

7.1 Consultation with the Council's Legal department has taken place over the processes involved in all 3 options outlined above. Further consultation will take place once the preferred option is decided upon.

## **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

8.1 None.

## **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 There are significant financial implications involved in option C, however it is likely that the money spent will be recouped upon the sale of the property through the imposition of a charge on the land.

## **10.0 LEGAL IMPLICATIONS**

10.1 None.

## **11.0 EQUALITIES IMPLICATIONS**

11.1 None of the options set out above have any human rights implications.

11.2 Equality Impact Assessment (EIA)

- |                                       |     |
|---------------------------------------|-----|
| (a) Is an EIA required?               | No  |
| (b) If 'yes', has one been completed? | N/A |

## **12.0 CARBON REDUCTION IMPLICATIONS**



12.1 None.

### 13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 The development subject of the enforcement notice is unauthorised and is considered to have a detrimental impact on the amenity that the neighbouring property at 57 Millhouse Lane can reasonably expect to enjoy.

**REPORT AUTHOR: Steven Lacey**  
**Principal Planning Enforcement Officer**  
telephone: (0151) 691 8599, email: [stevenlacey@wirral.gov.uk](mailto:stevenlacey@wirral.gov.uk)

### APPENDICES

1. Sensitive information setting out the personal circumstances of the registered owners of the land and the options available to the Council to progress the enforcement case.

### REFERENCE MATERIAL

None.

**SUBJECT HISTORY (last 3 years)- none.**

### SITE PLAN:





By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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