

PLANNING COMMITTEE

Thursday, 26 July 2012

Present: Councillor B Mooney (Chair)

Councillors D Elderton D Realey
E Boulton J Walsh
P Johnson P Hayes
S Kelly S Foulkes
B Kenny

Deputies:

In attendance:

48 MINUTES

The Director of Law, HR and Asset Management submitted the minutes of the previous meeting held Thursday 28 June 2012.

Councillor Elderton had previously circulated to Party Spokespersons a proposed amendment to minute 44 in respect of - PROPOSED EXTENSION TO BURBO BANK OFFSHORE WIND FARM.

Councillor Elderton proposed that Minute 44 be amended as follows:

Resolved (10:0) – That the Committee wishes to express support in principle for renewable energy development, but in relation to the specific development proposed for the Burbo Bank Offshore Wind Farm, that the Council responds to the Section 42 consultation highlighting areas of visual impact , noise, recreational navigation, socio-economics, ecology and tourism as key areas of importance to the Local Authority that requires further detailed clarification as the project and associated Environmental Impact Assessment is progressed.

On a motion by Councillor Elderton and seconded by Councillor Kenny it was:

Resolved: That the minutes be received incorporating the above amendment

49 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

No such declarations were made.

50 **REQUESTS FOR SITE VISITS**

Members were asked to submit their requests for site visits before any planning applications were considered.

The following request for a site visit was unanimously approved:

APP/12/00422 - RETROSPECTIVE HOUSEHOLDER PLANNING APPLICATION FOR REAR CONSERVATORY AND DECKING, AND TO RETAIN CLEAR GLASS TO SIDE ELEVATION TO CONSERVATORY (AMENDED DESCRIPTION) - 6 BURRELL CLOSE, PRENTON, CH42 8QE

51 **ORDER OF BUSINESS**

The Chair agreed to vary the order of the business.

52 **OUT/12/00002 PORT SUNLIGHT GOLF RANGE AND PITCH AND PUTT, NEW CHESTER ROAD, NEW FERRY, CH62 4RE - OUTLINE APPLICATION FOR REDEVELOPMENT OF THE PORT SUNLIGHT GOLF CENTRE SITE FOR RESIDENTIAL DEVELOPMENT INCLUDING MEANS OF ACCESS WITH ALL OTHER MATTERS RESERVED AND DEMOLITION OF EXISTING GOLF CENTRE BUILDINGS AND ASSOCIATED STRUCTURES.**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Realey and seconded by Councillor Boulton it was:

Resolved (10:0)- That the application be approved subject to a 106 agreement and the following conditions;

1. The development hereby permitted shall be commenced before the expiration of five 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.

2. 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, and**
- (d) 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.

3. The submission of all the reserved matters shall be in accordance with the details and design principles contained within the Design and Access Statement, Revision C received by the Local Planning Authority on 25th May 2012. The development shall be carried out in strict accordance with the approved details.

4. The detailed plans submitted as reserved matters shall include a survey of existing and proposed ground levels, sections across the site and details of the finished slab level for each property. The ground levels across the site and finished slab levels for each property shall be as per the approved plans.

5. The detailed landscaping plans submitted as reserved matters shall include:

- (i) details of boundary treatments and hard surfaces**
- (ii) the location, size and species of all trees to be planted**
- (iii) the location, size, species and density of all shrub and ground cover planting**
- (iv) a schedule of implementation**

6. Before any construction commences, samples of the facing (brick), roofing and window materials to be used in the external construction of the 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.

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is sooner, for its permitted use. The approved landscape management plan shall be carried out as approved.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (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.

9. The detailed plans submitted as reserved matters shall include details indicating the positions, design, materials and type of boundary treatment to be erected. The subsequent boundary treatment approved as part of the reserved matters shall be completed for each of the dwellings hereby approved as and when they are completed and before each relevant dwelling is first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.

10. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for the construction of a signalised junction onto New Chester Road (A41) at the Port Sunlight Driving Range access, including:

- (i) Toucan Crossing facilities to assist pedestrians and cyclists to safely cross both New Chester Road (A41) and the improved site access and to link to the pathway between 322/324 New Chester Road.
- (ii) Waiting restrictions as appropriate.
- (iii) Traffic signs and road markings as appropriate.
- (iv) Alterations to the parking lay-by immediately to the north of the development site as appropriate.
- (v) Independent Safety Audits as appropriate.

First use of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

11. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

**ecological systems,
archaeological sites and ancient monuments;**

12. Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

13. The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

14. 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 (or relevant phase of development) being brought into use.

15. A monitoring and maintenance scheme of the effectiveness of the proposed remediation must be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented, and any reports produced as a result, shall be submitted to and approved in writing by the Local Planning Authority.

16. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the drainage system has been constructed and completed in accordance with the approved plans.

17. No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of

sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and its Technical Guidance Note (or any subsequent version). Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface water;**
- ii. include a timetable for its implementation; and**
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.**

18. 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 submitted details and tree survey. 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.

19. 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.

20. Prior to commencement of development, 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. It shall include measures that will be used to prevent the spread of Japanese knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

21. The development shall be carried out in accordance with the

recommendations and mitigation measures set out in the Extended Phase 1 Habitat Survey dated November 2011 received by the Local Planning Authority on the 27th January 2012 unless otherwise agreed in writing by the Local Planning Authority. Should works on site not commence before February 2013 a further survey should be carried. The re-survey shall be submitted to and approved in writing before any works commence on site

22. Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone alongside Dibbinsdale Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed, in writing, with the local planning authority. The scheme shall include:

plans showing the extent and layout of the undeveloped buffer zone
details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
details of any footpaths, fencing, lighting etc.

23. The development hereby permitted shall not be commenced until such time as a scheme for the provision of compensatory flood storage on or in vicinity of the site to a 1 in 100 year (plus climate change) fluvial standard has been submitted to, and approved in writing by, the local planning authority.

24. The submission of reserved matters shall include details that the finished floor levels are no lower than 8.06 metres above Ordnance Datum. The development shall be carried out in strict accordance with the approved levels.

25. Prior to the first occupation of any dwelling hereby permitted, the developer will provide a publicly accessible recreational route along the length of the application site which border the River Dibbin watercourse. The details of the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development.

26. Before development is commenced, a scheme for the enhancement of biodiversity within the development site including an Ecological Management Plan 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.

27. Prior to the commencement of development a noise assessment shall be carried out that considers the disturbance effect on features

including overwintering assemblages of birds and shall be submitted to and approved by the Local Planning Authority. The Assessment shall include mitigating measures that will be implemented throughout the construction process.

- 53 **APP/12/00131: 23 ASHVILLE ROAD, BIRKENHEAD, CH41 8AU - ERECTION OF A SINGLE STOREY FRONT EXTENSION TO PROVIDE 2 BEDROOMS & MODIFICATIONS TO EXISTING EXTERNAL STORE, WITH NEW ACCESS TO COURTYARD.**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Boulton and seconded by Councillor Kenny it was:

Resolved (9:1) - That the application be approved subject to the following conditions;

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. Before any construction commences, samples of the facing and roofing materials to be used in the external construction of this development, including those for the proposed new access doors, 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.**
- 3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 8th February 2012 and listed as follows: 07_2012_300_02 dated 30th January 2012.**

- 54 **APP/12/00206: GREAT EASTERN, NEW FERRY ROAD, NEW FERRY, CH62 1BN - REMOVAL OF CONDITION 10 OF APPROVAL APP/10/00223 (ERECTION OF 10 NO 2 STOREY HOUSES) - TO REMOVE THE NEED FOR DETAILS OF THE PROPOSED MEASURES TO BE INCORPORATED WITHIN THE BUILDING TO ACHIEVE 10% OF THE PREDICTED ENERGY REQUIREMENTS OF THE SITE FROM RENEWABLE SOURCES.**

The Director of Regeneration, Housing and Planning submitted the above application for consideration;

On a motion by Councillor Johnson and seconded by Councillor Realey it was:

Resolved (10:0) – That the application be approved subject to the following conditions;

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. 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.**
- 3. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for the alteration of the highway required by the development; including the removal of redundant vehicle accesses, the provision of new accesses and kerbs, resurfacing of the footway, alterations to street lighting and the provision of a traffic regulation order prohibiting waiting at the junction of New Ferry Road / Shorefields. The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified as complete by or on behalf of the local planning authority.**
- 4. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works to provide pedestrian dropped kerbs at the junction of New Ferry Road / Shorefields, New Ferry. The occupation of any part of the development shall not begin until those works have been completed in accordance with the local authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.**
- 5. Prior to the commencement of development details of the proposed public art designation-focal point relating to the Great Eastern and IK Brunel as indicated on Drawing No. 09-103-10 shall be submitted to and agreed in writing with the Local Planning Authority and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full within a time frame to be agreed with the Local Planning Authority.**
- 6. The development hereby approved shall be carried out in accordance with the details shown on drawing number 09-103-10.**
- 7. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas, including the levels and contours to be formed and showing the relationship of proposed mounting to existing vegetation and surrounding landform. Details of soil stripping, storage and replacement shall be included where**

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

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is sooner, for its permitted use. The approved landscape management plan shall be carried out as approved.

9. The development hereby approved shall be carried out in accordance with the details shown on the plans received by the Local Planning Authority on 14th May 2010.

55 **APP/12/00253: WHITES FARM SHOP, STATION ROAD, THURSTASTON, CH61 0HN - CHANGE OF USE TO MIXED USE COMPRISING FARM SHOP AND ASSOCIATED CAFE (RESUBMISSION OF REF: APP 10/01234)**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

A Ward Councillor addressed the meeting.

On a motion by Councillor Realey and seconded by Councillor Walsh it was:

Resolved (6:4) – That the application be approved subject to the following conditions;

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The café hereby permitted shall be closed between 18.30 hours or dusk (whichever time is earlier), and 07.00 hours. For the avoidance of doubt dusk shall be defined as 30 minutes before sunset.
3. No materials or equipment shall be stored on the site other than inside the building.
4. This permission shall enure for the benefit of the occupier(s) of the agricultural holding known as Whites Farm only, and the farm shop and cafe shall not be operated separately from Whites Farm.
5. The farm shop hereby permitted shall not be used for the sale of any other items other than produce from the agricultural holding referred to in the application. The cafe use (Use Class A3) hereby permitted shall not exceed 46 square metres (gross) of floorspace as indicated in plan reference PWH-10-WF1-Rev A received by the Local Authority on the 27th February 2012.

6. Prior to the commencement of development details of works to improve the access onto Station Road, including:

- **widening to allow vehicles to enter and exit at the same time;**
- **sight lines of 2.4m by 45m onto Station Road;**
- **location and details of the access gate;**
- **space to be kept availability to allow vehicles to turn within the site so as to enter and exit in a forward gear,**

shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details prior to the first use of the mixed use hereby permitted.

7. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 27th February 2012 and listed as follows: PWH-10-WF1-Rev A dated 18th May 2010.

56 **APP/12/00468: 74 OLDFIELD DRIVE, HESWALL, CH60 9HA - REMODELLING OF EXISTING DWELLING INCLUDING A TWO-STOREY SIDE EXTENSIONS, FRONT DORMER WINDOW EXTENSIONS, A REAR BALCONY AND A SINGLE STOREY REAR EXTENSION.**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Kenny and seconded by Councillor Johnson it was:

Resolved (10:0) – That the application be approved subject to the following conditions;

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 3 April 2012.**
- 3. The side window to bedroom 4 as shown on the plans facing north towards Maenporth, Greenfield Lane, shall be of fixed and obscure glazing on insertion into the hereby approved extension and retained as such thereafter.**
- 4. Works approved as part of this planning application shall only take place between 8.00 hours and 18.00 hours.**
- 5. With regards to the work hereby approved, any holes, trenches left open overnight to have a means of escape provided e.g a wide scaffold plank and any materials especially those containing lime to be stored so that badgers**

cannot access them.

- 57 **APP/12/00513: FROM ROUNDABOUT SOUTH OF 1408 NEW CHESTER ROAD, EASTHAM TO PUMP HOUSE, COMMERCIAL ROAD BROMBOROUGH - APPLICATION FOR A NEW PERMISSION TO REPLACE EXTANT PLANNING PERMISSION 08/05472 (FOR THE INSTALLATION OF 2 NO. CROSS COUNTRY PARALLEL PIPELINES FROM ROUNDABOUT AT JUNCTION 4 OF M53 MOTORWAY TO COMMERCIAL ROAD, BROMBOROUGH) IN ORDER IN ORDER TO EXTEND THE PERIOD OF IMPLEMENTATION BY A FURTHER THREE YEARS.**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Elderton and seconded by Councillor Walsh it was:

Resolved (10:0) – That the application be approved subject to the following conditions;

- 1. The development to which this permission relates must be begun not later than the 19th August 2015.**
- 2. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**
- 3. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.**
- 4. Any replacement trees or shrubs planted by virtue of the scheme referred to in condition 3 that are removed, dying, severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise approved in writing by the Local Planning Authority.**
- 5. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 3. The works shall be carried out in accordance with a programme to be agreed with the Local Planning**

Authority;

6. Prior to the commencement of development, a full tree survey for the length of the pipeline route corridor shall be undertaken in accordance with the methodology to be submitted to and agreed in writing by the local authority. For the avoidance of doubt, the survey shall accord with BS58337:2005 and shall provide details of all existing tree species, height, girth, spread, condition and an assessment of their suitability for retention.

7. Prior to the commencement of development, a Method Statement shall be submitted to and agreed in writing by the Local Planning Authority for the proposed protection of retained trees within the route corridor. No works or development shall take place until a scheme for the protection of the retained trees (in accordance with section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:

- A. a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 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.**
- B. a schedule of tree works for all the retained trees in paragraph (a) 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, 1989, Recommendations for tree work.**
- C. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).**
- D. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 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 Construction Exclusion Zones (section 9 of BS5837).**
- F. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).**
- G. the details of any changes in levels or the position of any proposed**

excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

- H. the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)**
 - I. the details of the working methods to be employed for the installation of any accesses and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.**
 - J. 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.**
 - K. 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.**
 - L. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).**
 - M. the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).**
 - N. the timing of the various phases of the works or development in the context of the tree protection measures.**
- 8. The following activities must not be carried out under any circumstances unless otherwise agreed in writing with the LPA:**
- A. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.**
 - B. No works shall proceed within the areas identified where tree protection is required, as detailed within a scheme submitted to comply with Condition 7, until the appropriate Tree Protection Barriers have been put in place.**
 - C. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.**
 - D. No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of**

those materials or substances could cause them to enter a RPA.

E. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

9. Prior to the commencement of development a Method Statement for all Arboricultural works, including replacement planting to mitigate for the loss of trees, shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the Statement shall include proposals for replacement tree planting at a minimum ratio of 2 trees for every 1 tree lost. For the avoidance of doubt the Statement shall include details of the tree species, maturity, and specific locations for proposed planting together with a detailed timetable for the implementation. The Statement shall outline a commitment to maintenance for a minimum period of 5 years. Replacement planting shall be undertaken in accordance with the agreed Method Statement.

10. Prior to the commencement all trees identified to be affected by the proposed development shall be surveyed by a bat specialist to confirm the presence or absence of bat species. For the avoidance of doubt the survey shall include:

- **Stage one bat survey: on ground survey of all the trees to assess the potential and suitability for roosting bats.**
- **Stage two bat survey: aerial tree survey to inspect the trees found with potential on the stage one bat survey to confirm presence or absence of bat roosts.**
- **Dawn and dusk bat detector surveys; these surveys will be required where presence or absence during the stage two bat survey could not be confirmed.**
- **A report of the survey shall be submitted to the Local Planning Authority.**

11. No tree felling, scrub clearance, hedgerow removal, vegetation management or ground clearance shall take place within the proposed temporary site compound at Commercial Road, Bromborough during the period 1 March to 31 August. If any vegetation clearance were to be undertaken outside of this period, vegetation shall be checked for the presence of breeding birds prior to removal of vegetation by a suitably experienced ecologist and an appropriate mitigation scheme shall be submitted to and approved in writing by the LPA prior to the clearance works taking place.

12. Prior to the commencement of development, a detailed Bat Mitigation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall accord with the principles established in Natural England's guidance Bat Mitigation Guidelines (January

2004). The development hereby permitted shall be undertaken in accordance with the agreed details. For the avoidance of doubt, where tree felling is required it shall be undertaken outside the hibernation period (mid-march to October) under the supervision of a licensed bat specialist and in accordance with the felling procedure.

13. Prior to the commencement of development a detailed final Great Crested Newt Survey Report shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Natural England and the Environment Agency. The report shall detail a mitigation scheme to minimize direct threats to GCNs and compensate for any disturbance or loss of habitat as a result of the proposed development. The Survey Report shall include detail of the following mitigation measures:

- Habitat creation, restoration or enhancement
- Measures for the avoidance of disturbance, killing or injury
- Long term habitat management and Maintenance
- Post development monitoring

For the avoidance of doubt, proposed mitigation shall accord with the measures set out in English Nature's document Great Crested Newt Mitigation Guidelines (2001). The development shall be undertaken in accordance with the approved Report.

14. Prior to the commencement of development, and between the months of February and April, a pre-construction survey shall be undertaken of areas of known badger activity. The survey shall establish the presence of setts and badger paths that cross the proposed working corridor for the pipeline. If badger activity is confirmed, full details of a Method Statement for the avoidance of damage to setts or severance of regularly used paths shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, including a timetable for the implementation of methods outlined. Development shall be carried out in accordance with the approved statement. For the avoidance of doubt, the Method Statement shall include the following measures:

- Any holes or trenches left overnight are to have a means of escape provided for badgers.
- Materials containing lime are to be stored so that they are inaccessible to badgers.

15. Prior to the commencement of any event, site clearance or development works on the site, a Habitat Management Plan for the application site shall be submitted to and approved in writing by the Local Planning Authority. The developer shall undertake further ecological surveys of the site to investigate the presence of any protected species. If the survey(s) confirms the presence of protected species that may be disturbed by the development works, or the

use of the land as approved, a mitigation report to prevent disturbance of these species, including restoration measures shall be submitted with the Habitat Management Plan. No event, site clearance or development works shall take place until these mitigation and restoration measures have been agreed in writing with the Local Planning Authority. The application site shall be managed in strict accordance with the approved Habitat Management Plan unless otherwise first agreed in writing by the Local Planning Authority. The Habitat Management Plan shall include suitable avoidance measures for any protected species including Reptiles, Water Vole, Brown Hare, Barn Owls & Other Breeding Birds and the development shall proceed only in accordance with the approved Habitat Management Plan.

16. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency. For the avoidance of doubt, the CEMP shall outline measures to manage those procedures outlined within Volume 2 Part 1 paragraph 15.3.1 to the submitted Environmental Statement. The development hereby permitted shall be undertaken in accordance with the agreed details.

17. Prior to the commencement of development, a Site Waste Management Plan (SWMP) shall be submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with the agreed details

18. Before any works are undertaken, the site must be surveyed by an approved environmental consultant for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 meters beyond this. Therefore, this survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a Method Statement for its eradication and/or control shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, including a timetable for the methods outlined. Development shall be carried out in accordance with the approved schedule.

19. Prior to the commencement of development, a Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the Traffic Management Plan shall include detail of those measures outlined in Table 11.12 of the Environmental Statement, notably full detail of the methods and standards to be adopted for highway reinstatement works; details of all proposed road or Public Right of Way closures, associated traffic, pedestrian and cyclist management measures to be implemented, and the requirement for notification of Wirral MBC Traffic Management. The development hereby permitted shall be undertaken in

accordance with the agreed details.

20. Prior to the commencement of development, a full Pre-Construction Condition Survey shall be submitted to and agreed in writing by the Local Planning Authority, in accordance with a methodology to be agreed in writing by the Local Planning Authority. The Condition Survey shall be undertaken to inform the standard to be achieved for restoration/reinstatement works to each part of the proposed development. For the avoidance of doubt, the Condition Survey shall include all highways, public rights of way, sports facilities and playing fields, and agricultural land.

21. Prior to the commencement of development a desk study shall be submitted to and approved in writing by the Local Planning Authority that identifies previous site uses, potential contaminants associated with those uses, and any potentially high risk areas (as defined by the CIRIA Report 2 'Contaminated Land Risk Assessment: A Guide to Good Practice') that could arise from contamination at the site. No construction works should be undertaken in areas where the potential for high risks from contaminated land are identified until a site investigation scheme, intrusive investigation and risk assessment have been submitted to and approved in writing by the Local Planning Authority. Where required, a scheme of remediation to render the site suitable for use shall be submitted to the Local Planning Authority for approval prior to the commencement of construction works in areas where the potential for high risks from contamination are identified. A statement giving precise details of the nature and extent of any such remediation, together with certification that the site has been made suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before commencement of construction works within the area identified. All operatives on site should be made aware of the health and safety implications from any contaminants present on the site prior to commencing work.

22. Prior to the commencement of development, the Local Planning Authority shall be notified of and agree in writing any alterations to the proposed working corridor as identified within the approved plans.

23. No development shall commence other than in accordance with a programme of archaeological work to be submitted to and approved in writing by the Local Planning Authority. The approved programme of works shall subsequently be implemented and, where appropriate, completed in accordance with the approved details. The programme shall include written schemes of investigation for evaluation and watching briefs. For the avoidance of doubt, the evaluation and watching brief shall include the Bromborough-Eastham township boundary and those areas where there are no documented sites but, which have apparently been undisturbed since at least the 19th century.

24. Prior to the commencement of development, details of a proposed saline

discharge environmental monitoring plan shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency. For the avoidance of doubt, the monitoring plan shall include details of measures to ensure the saline discharge does not increase background levels of salinity beyond 10 per cent of the current levels over a specified area of exceedance (490m up-stream or 470m down-stream depending on the tide), with significant exceedance within 30m of the diffuser. The plan shall include an indication of trigger levels at which, when exceeded, discharge would cease. The monitoring plan shall include the requirement to submit regular monitoring reports to the Council and Environment Agency.

25. Prior to the commencement of development, details of a proposed programme of monitoring of invertebrate communities on the intertidal areas of the Mersey Estuary SPA/SSSI/Ramsar site shall be submitted to and agreed in writing by the Local Authority in consultation with Natural England. The monitoring plan shall include the requirement to submit regular monitoring reports to the Council and Natural England.

26. Prior to any works being undertaken within the Mersey Estuary, a detailed Method Statement for the proposed construction of the intake and discharge structures located within the Mersey Estuary shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency and Natural England and following further analysis of estuary sediments. For the avoidance of doubt a direct piling method ('vibro-piling') shall be used unless it has been demonstrated to the satisfaction of the Local Planning Authority that an alternative method would have no adverse impact upon the Mersey Estuary SPA. The development shall be implemented in accordance with the agreed Method Statement.

27. Piling works within the Mersey Estuary shall only to only be undertaken between the months of April and September, unless otherwise agreed in writing with the LPA

28. Prior to the commencement of development, a detailed Method Statement shall be submitted to and approved in writing including mitigation measures to prevent disturbance to overwintering birds during the construction of the Bromborough pumping station. The development shall be implemented in accordance with the agreed Method Statement.

29. Prior to the commencement of works within the Mersey Estuary, details shall be submitted to and agreed in writing by the local authority, in consultation with the Environment Agency, of fish monitoring equipment to be installed at Woolston Weir fish trap. The agreed monitoring equipment shall be installed prior to the commencement of works to the Mersey Estuary and shall be maintained for the duration of the development proposed. If at the time the works within the estuary are due to commence the fish monitoring has been installed, then a study into fish passage at the Woolston

Weir shall be undertaken. The details of this study shall be agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, prior to the commencement of works within the Mersey Estuary.

30. Construction works shall not take place outside the following working hours unless otherwise agreed in writing by the Local Planning Authority:

- Monday to Friday 7.30am to 6pm; and**
- Saturdays 7.30am to 1pm**

31. Vehicular Access to the Levershulme Sports Ground shall be maintained at all times.

32. Prior to commencement of the development a playing field restoration scheme for the Levenshulme Sports Ground and for Torr Park shall be submitted and approved in writing by the Local Planning Authority after consultation with Sport England. The restoration scheme shall provide details of the following:

- A. Existing and proposed ground levels**
- B. Existing and proposed soil profiles**
- C. Measures to strip, store and re-spread soils to avoid soil loss or damage**
- D. Measures to dispose of/accommodate waste materials on the site**
- E. Drainage measures including where appropriate under drainage**
- F. Proposed seeding, feeding, weeding and cultivation measures**
- G. Boundary treatment**
- H. 5 year aftercare and maintenance arrangements**
- I. Installation of equipment (e.g. goal posts)**
- J. Restoration and maintenance programme**

For the avoidance of doubt, the works at Levenshulme shall be undertaken outside the Rugby Football season (September to April inclusive) and the works to the cricket pitch at Torr Park shall be undertaken outside the Cricket season (May to September inclusive) unless otherwise agreed in writing. The playing field shall be restored in accordance with approved scheme.

33. Prior to the commencement of development, a scheme for the temporary replacement provision of the existing rugby and football pitch at Leverhulme Sports fields and cricket pitch at Torr recreation ground which will be

temporarily lost as a result of the proposed development, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall ensure that the pitches are at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality and include a timetable for implementation to ensure that the replacement pitches are provided and available for use prior to the commencement of each phase of development relating to these specific sites. The approved scheme shall be complied with in full throughout each phase of the development relating to these two specific sites.

34. The existing playing fields, pitches and sports facilities at Leverhulme Sports fields and Torr recreation ground falling within the land edged red (but outside of the proposed working corridor edged green) as shown on drawing number 41514271/01/008/1501 Revision C shall not be used for access, parking, storage of vehicles, equipment or materials or in any other manner in connection with the carrying out of the development hereby permitted.

35. Access to the existing tennis courts and bowling green adjacent to the working corridor edged green on drawing number 41514271/01/008/1501 Revision C at Torr recreation ground shall be made available at all times during construction and restoration works in connection with this phase of the development.

36. Prior to the commencement of any development at Torr recreation ground, details of protective fencing to be erected around the existing cricket square adjacent to the working corridor edged green on drawing number 41514271/01/008/1501 Revision C, to include location, height, type and materials shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before the development commences in this location and thereafter retained and maintained during this particular phase of the development.

37. Prior to any construction works associated with the pipeline trunk road crossing (M53), a scheme of works confirming the detailed location, design, construction methods (including risk assessments) and carriageway condition monitoring for the pipeline trunk road crossings shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Agency. The development shall be implemented in accordance with the approved scheme of works. For the avoidance of doubt, the scheme shall confirm that no trunk road network earthworks are placed at risk, and that no drainage from the proposed development will run off into the motorway drainage system nor adversely impact upon any motorway drainage.

38. Prior to any construction works associated with the pipeline trunk road crossing (M53), a remediation strategy shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways

Agency to ensure that the pipeline presents no risk to the condition and operation of the trunk road network once the associated mining operations are completed. The development shall be implemented in accordance with the approved strategy.

39. The development hereby permitted shall be carried out in accordance with the approved plan received by the local planning authority on 18th April 2012 and listed as follows: 1254-01-01, April 2012, unless otherwise amended by virtue of a scheme submitted and approved in accordance with the provisions of Condition 22.

- 58 **APP/12/00530 : THE WRO GRANGE ROAD, WEST KIRBY - VARIATION OF CONDITION 4 OF APPROVED PLANNING APPLICATION APP/99/06362. THE PROPOSED CONDITION SHALL READ "THE PREMISES SHALL BE CLOSED BETWEEN 00.30 AND 09.00 HOURS EXCEPT ON THE FOLLOWING OCCASIONS; THE PREMISES SHALL BE CLOSED BETWEEN 01.30 AND 09.00 HOURS ON CHRISTMAS DAY, AND SHALL BE CLOSED BETWEEN 02.30 AND 09.00 HOURS ON 27TH DECEMBER, AND SHALL BE CLOSED BETWEEN 02.30 AND 09.00 HOURS ON NEW YEAR'S DAY."**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On an amended motion proposed by Councillor Foulkes and seconded by Councillor Realey it was:

Resolved (6:5- on the Chair's casting vote)- That consideration of the item be deferred to allow for further consultation with the applicant about opening hours.

- 59 **APP/12/00546: VACANT SHOP, 88 THE RAKE, BROMBOROUGH, CH62 7AL - CHANGE OF USE FROM A SEWING SHOP TO A PRIVATE HIRE BOOKING OFFICE AND RESTROOM FOR DRIVERS.**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Johnson and seconded by Councillor Elderton it was

Resolved (10:0) That the application be refused on the grounds that the use of the premises as proposed would introduce a level of activity that is likely to result in an unacceptable level of noise and disturbance. This would be detrimental and harmful to the residential amenity of the

occupiers of nearby residential properties and is therefore contrary to Wirral's UDP Policies HS15 and SH4.

60 **APP/12/00625: 90 DINGWALL DRIVE, GREASBY, CH49 1SQ - LOFT CONVERSION**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

A Ward Councillor addressed the meeting in support of the application

On a motion by Councillor Foulkes and seconded by Councillor Elderton it was:

Resolved (7:3) That the application be refused on the grounds that the proposed hip to gable extension would have a negative impact to the streetscene unbalancing the pair of semi-detached properties in conflict with Supplementary Planning Guidance SPG11 and UDP Policy HS11 of Wirral's Unitary Development Plan.

61 **APP/12/00084: MUZZY CHARCOAL GRILL, 29 LISCARD VILLAGE, LISCARD, CH45 4JG - ERECTION OF SINGLE STOREY EXTENSION AT REAR (RETROSPECTIVE)**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Kelly and seconded by Councillor Elderton it was:

Resolved (7:3) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 18 April 2012 and listed as follows: 25_2012_01 (03.08.2012).

2. The walls of the extension hereby permitted shall be rendered in accordance with details to be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The development shall be implemented in accordance with the details submitted within three months of their approval and shall be retained as such thereafter.

62 **APP/12/00200: 33 CLIFTON ROAD, TRANMERE, CH41 2SF - CONVERSION OF EXISTING BASEMENT INTO A TWO-BEDROOM FLAT AND WIDENING OF DRIVE TO IMPROVE**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Boulton and seconded by Councillor Johnson it was:

Resolved (10:0) That the application be approved subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 02/03/2012 and listed as follows: 19_2012_01 (dated 13/02/2012) and 19_2012_02 (dated 13/02/2012)**
- 3. No development shall take place before all new doors proposed, architraves and insulation materials, together with a Method Statement for ceiling sound attenuation and fire proofing has been submitted to and approved in writing by the local planning authority and shall be retained as such thereafter.**
- 4. No development shall take place before a specification for the proposed new steps and handrails to the rear terrace and extended front light-well have been submitted to and approved in writing by the local planning authority, and retained as such thereafter.**
- 5. Details of the treatment and method of restoration of the cast iron kitchen range shall be submitted in writing to the local planning authority prior to the commencement of development.**

63 **APP/12/00422: 6 BURRELL CLOSE, PRENTON, CH42 8QE - RETROSPECTIVE HOUSEHOLDER PLANNING APPLICATION FOR REAR CONSERVATORY AND DECKING, AND TO RETAIN CLEAR GLASS TO SIDE ELEVATION TO CONSERVATORY (AMENDED DESCRIPTION)**

Resolved – That this application be deferred for a formal site visit.

64 **APP/12/00745: BRICK KILN COTTAGE, 2 HARGRAVE LANE, RABY, CH64 1RX - DOUBLE STOREY SIDE EXTENSION**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Johnson and seconded by Councillor Elderton it was:

Resolved (10:0) That the application be approved subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.**
- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.**
- 4. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19 June 2012 and listed as follows: 49_2012_02 Rev A (dated 07.06.2012)**

65 **APP/12/00803: 1 KINGSMEAD GROVE, OXTON, CH43 6XP - FIRST FLOOR SIDE EXTENSION AND PORCH (AMENDED DESCRIPTION)**

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Johnson and seconded by Councillor Hayes it was

Resolved (10:0) - That the application be approved subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19 June 2012 and listed as follows: Drawing No.87_2012_01 (dated 23.05.2012) and Drawing No.87_2012_02 (dated 23.05.2012).**
- 3. Prior to the extension being brought in to use, the windows in the north and south facing elevation of the first floor side extension hereby permitted shall be obscurely glazed and non-opening to a minimum height of 1.7 metres from the internal finished floor level, and shall be retained as such thereafter.**

66 **ADV/12/00815: GRASS VERGE BETWEEN A5137(BRIMSTAGE ROAD) AND B5151(MOUNT ROAD) JUNCTION, CLATTERBRIDGE,WIRRAL -**

RAISED SIGNAGE BOARD ON VERTICAL SUPPORTS WITH PITCHED ROOF CANOPY

The Director of Regeneration, Housing and Planning submitted the above application for consideration.

A Ward Councillor addressed the meeting

On a motion by Councillor Johnson and seconded by Councillor Elderton it was:

Resolved (10:0) -That the application be refused on the following grounds:

1. The siting, scale and appearance of the sign would result in a feature that is negative and overbearing and its visual impact onto the surroundings is unacceptable. The proposal would therefore detract from visual amenity and is contrary to the National Planning Policy Framework and Wirral's UDP Policy GB2

2. The proposal would create a distraction to highway users by virtue of its size and design, the sign is therefore unacceptable having regard to highway and public safety. The proposal is contrary to the National Planning Policy Framework

67 **ERECTION OF SINGLE STOREY CHICKEN SHEDS AND FEED/STORAGE SHEDS, AND THE EXCAVATION OF A POND AT A SITE ADJACENT TO 151 MILL LANE, GREASBY, CH49 3NT**

A report by the Director of Regeneration, Housing and Planning advised the Committee about the erection of a number of single storey chicken sheds and feed/storage sheds (9 no. in total), and the excavation of a pond at a site adjacent to 151 Mill Lane, Greasby, CH49 3NT. Together, the structures and development comprise a 'poultry compound' that is located on hardstanding to the northern boundary of the land identified in the map provided.

On a motion by Councillor Mooney and seconded by Councillor Foulkes it was:

Resolved (7:3)- That no enforcement action be taken

68 **NO EXPEDIENCY FOR ENFORCEMENT ACTION AGAINST THE ERECTION OF TWO-STOREY SIDE EXTENSION AT 19 STANLEY AVENUE, HIGHER BEBINGTON NOT IN ACCORDANCE WITH APPROVED PLANNING APPLICATION APP/07/06709**

A report by the Director of Regeneration, Housing and Planning advised the Committee about the erection of two-storey side extension at 19 Stanley Avenue, Higher Bebington, which has not been built in accordance with the approved planning application reference APP/07/06709. It was recommended that there is no expediency to take enforcement action against the extension.

Members were advised that the extension as built is materially different to the approved plans. The differences include a single window has been inserted in the front elevation rather than the two windows shown on the plan, a single garage door rather than two smaller garage doors, an additional velux rooflight and coining details.

On a motion by Councillor Johnson and seconded by Councillor Walsh it was:

Resolved (9:1) – That no enforcement action be taken

69 **30 DARMONDS GREEN, WEST KIRBY – NON ACCORDANCE WITH APP/2007/6826**

A report by the Director of Regeneration, Housing and Planning advised members of the non-accordance with an approved planning application at No.30 Darmonds Green, West Kirby. It was recommended that there is no expediency to take enforcement action.

On a motion by Councillor Foulkes and seconded by Councillor Elderton it was:

Resolved (9:1) - That no enforcement action be taken

70 **NO EXPEDIENCY FOR ENFORCEMENT ACTION AGAINST THE ERECTION OF A DETACHED OUTBUILDING AT 100 GARDEN HEY ROAD, SAUGHALL MASSIE**

A report by the Director of Regeneration, Housing and Planning advised members of the erection of an outbuilding measuring 3.5 metres in height adjacent to the rear boundary. It was recommended that there is no expediency to take enforcement action against the outbuilding.

On a motion by Councillor Johnson and seconded by Councillor Walsh it was:

Resolved (8:2) – That no enforcement action be taken

71 **117 BANKS ROAD, WEST KIRBY – NON ACCORDANCE WITH APP/2007/6879**

The Director of Regeneration, Housing and Planning advised members of the non-accordance with an approved planning application at No.117 Banks

Road, West Kirby. It was recommended that there is no expediency to take enforcement action.

On a motion by Councillor Elderton and seconded by Councillor Kenny it was:

Resolved (8:2) –

(1) That no enforcement action be taken and;

(2) That the Director of Regeneration, Housing and Planning notes the concern of the members of the Planning Committee regarding the inability of the Council through current legislation to be able to recoup costs through the imposition of a fee or the placement of a charge upon the development land in circumstances where an enforcement investigation is undertaken and where it is subsequently determined that there is no expediency for further action.

72 **ADOPTION OF THE OXTON CONSERVATION AREA MANAGEMENT PLAN.**

The Director of Regeneration, Housing and Planning informed Members of the completion of the Conservation Area Management Plan for the Oxton Conservation Area. Wirral Council has prepared the Management plan in partnership with The Oxton Society.

Members were advised that the Authority has a statutory duty to protect and enhance the character of conservation areas and to preserve its listed buildings in accordance with National Guidance contained in the National Planning Policy Framework (NPPF) and other guidance. The Committee were informed that In order to meet those obligations, we need to develop policies which identify clearly what features of the area should be preserved or enhanced and set out how this can be done. Character appraisals provide a clear assessment and definition of an area's particular interest and management plans set out the action needed to protect it. Within this, the most important policy is a presumption against the loss of elements which have been identified in the character appraisal as making a positive contribution to the special interest for which the area was designated. Members were further advised that the Management Plan and Character Appraisal documents for Oxton will eventually sit alongside the conservation policies contained within the Local Development Framework.

On a motion by Councillor Kelly and seconded by Councillor Foulkes it was:

Resolved (10:0) That Members approve the adoption of the Management Plan as a material reference in planning and conservation matters, and that this report is referred to Cabinet for approval.

73 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 16/06/2012 AND 18/07/2012**

The Director of Regeneration, Housing and Planning submitted a report detailing applications delegated to him and decided upon between 16/06/2012 and 18/07/2012.

Resolved – That the report be noted.

74 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

75 **APP/12/00289 VACANT SCHOOL, NEW HEY ROAD, WOODCHURCH, RESIDENTIAL DEVELOPMENT COMPRISING 155NO. RESIDENTIAL DWELLINGS AT LAND OF THE FORMER ST BENEDICTS SCHOOL, NEW HEY ROAD WOODCHURCH**

With the agreement of the Chair prior to the meeting the Director of Regeneration, Housing and Planning submitted the above application for consideration.

On a motion by Councillor Elderton and seconded by Councillor Johnson it was;

Resolved (10:0) That the application be approved subject to a 106 agreement and the following conditions:

1. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained, unless otherwise agreed in writing with the Local Planning Authority in accordance with the approved scheme. The scheme shall include:

A. The numbers, type, tenure and location of the site of the affordable housing provision to be made:

B. The timing of construction of the affordable housing;

C. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy can be enforced.

2. 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.

3. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

4. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise approved in writing by the Local Planning Authority.

5. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 3. The works shall be carried out in accordance with a programme to be agreed with the Local Planning Authority.

6. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

7. No development shall take place until details of any gates, walls and fences to be erected as part of the proposed development have been submitted to and approved by Local Planning Authority. Any gates, walls and fences comprised in the approved details shall be erected prior to the commencement of the development.

8. Details of the proposed windows shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of the development. The development shall be carried out in accordance with the approved details and retained as such thereafter.

9. Development shall not commence until a scheme for the provision of cycle parking has been submitted to and agreed in writing by the local planning authority. The cycle parking facility shall be erected in accordance with the approved details prior to the occupation of the development hereby approved and retained as such thereafter.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the enlargement, of

the dwelling(s) or any addition to the roof or the erection or construction of a porch shall not be carried out.

11. The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority.

12. Before development hereby approved commences, further details of the boundary treatment to those properties closest to the site boundaries shall be submitted to and agreed in writing by the local planning authority. The proposed boundary shall be constructed either 2m in height of close boarded fencing to an enhanced specification or to a brick finish. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

13. Before development commences a Residential Travel Plan will 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 Residential Travel Plan and shall not be varied other than through agreement with the local planning authority.

For the avoidance of doubt, such a plan shall include:

- Access to employment, shopping and leisure from the site by residents**
- Information on existing transport services to the site and travel patterns;**
- Travel Plan principles including measures to promote and facilitate more sustainable transport;**
- Realistic targets for modal split;**
- Identification of a Travel Plan co-ordinator and the establishment of a travel plan steering group;**
- Measures and resource allocation to promote the Residential Travel Plan; and;**

- Mechanisms for monitoring and reviewing the Residential Travel Plan, including the submission of an annual review and action plan to the local planning authority.

14. The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels and proposed building finished floor levels.

15. The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels and proposed building finished floor levels.

16. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (2) 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.

d) 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 (3) are complete and identifying any requirements for longer-

term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

17. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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 results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

18. 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

19. Construction of the development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for the construction of new highway and amendment of existing highway made necessary by this development, including all traffic signs, road markings and tactile paving and including vehicle access onto New Hey Road. The approved works shall be completed in accordance with the local planning authority's written approval and in accordance with a written timetable to be agreed with the local planning authority prior to commencement of construction and retained as such thereafter.