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PLANNING COMMITTEE

Thursday, 14 November 2019

Present:

Councillor S Kelly (Chair)

| | | |
|-------------|-----------|---------------|
| Councillors | S Foulkes | P Stuart |
| | S Hayes | S Whittingham |
| | G Davies | B Berry |
| | S Frost | I Lewis |
| | B Kenny | M Jordan |

Deputies:

| | | |
|-------------|---------------------------------|----------------------------------|
| Councillors | L Rennie (in place of K Hodson) | J Walsh (in place of I Williams) |
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1 MINUTES

The Director of Governance and Assurance submitted the minutes of the meeting held on 17 October 2019 for approval.

Resolved – That the minutes of the meeting held on 17 October 2019 be approved.

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor I Lewis declared a personal interest in respect of item 3 – the Cheshire Cheese, 2 Wallasey Village, by virtue of his role as a local councillor.

Councillor L Rennie declared a personal interest in respect of item 4 – 33 & 35 Whitehouse Lane, Barnston, by virtue of having a relative that lives close to the development. Councillor Rennie chose to leave the meeting during this item.

3 APP/19/01245: THE CHESHIRE CHEESE, 2 WALLASEY VILLAGE, CH44 2DH - APPLICATION FOR VARIATION OF CONDITION 3 ON PLANNING PERMISSION APP/19/00499 TO EXTEND THE HOURS OF THE BACKGROUND MUSIC EXTERNALLY FROM 7PM TO 10PM.

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

A petitioner addressed the committee.

A representative of the applicant addressed the committee.

An additional condition was put forward by the chair and seconded by Councillor S Foulkes that:

“No Background music shall be played after 7pm unless the canopy approved through APP/19/00499 is extended and retained in place whilst the background music is played.”

The amendment was put and won (10:4)

On a motion by the Chair and seconded by Councillor Bruce Berry it was –

Resolved (12:2) – That the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 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 16 May 2019 and listed as follows:

**233-403 Rev A, received 16th May 2019;
233-404 Rev A. received 16th May 2019; and
233-405, received 24th October 2019.**

3. With the exception of background music, no music, public address system or any other amplified sound shall be played in the beer garden including the external bar area or the pergola as shown on drawing 233-403 Rev A, between the hours of 7pm and 10am.

4. The external bar area shown on drawing number 233-403 Rev A, shall be closed to customers during the following hours: 1030pm to 1130am Mondays to Saturdays and 10pm to 1130am Sundays and Bank Holidays.

5. For a period not exceeding 12 months from the date of this decision no background music shall be played in the beer garden including the external bar area or the pergola, as shown on drawing 233-403 Rev A, between the hours of 10pm and 10am. Thereafter, unless a further planning permission is granted by the local planning authority, no music shall be played in the external bar area or pergola between the hours of 7pm and 10am.

6. The multiple speaker system, as detailed on hereby approved drawing 233-405 'Speaker Proposal', should be implemented and thereafter retained.

7. Prior to the playing of any music within the beer garden including the external bar area or the pergola, the noise monitoring sound system, as detailed on the submitted technical specification document 'G920D Professional Noise Pollution Control System' shall be installed. All external speakers as identified on drawing 233-405 'Speaker Proposal' shall be played at all times through the noise monitoring sound system, the level(s) of which shall first be agreed with Environmental Health.

8. No Background music shall be played after 7pm unless the canopy approved through APP/19/00499 is extended and retained in place whilst the background music is played.

4 **APP/19/00767: 33 & 35 WHITEHOUSE LANE, BARNSTON, CH60 1UD - DEMOLITION OF EXISTING DWELLINGS AND CREATION OF NEW BUILD RESIDENTIAL DEVELOPMENT COMPRISING 7 NO. DWELLINGS**

Councillor L Rennie declared a personal interest in this matter and left the room during its consideration (minute 2 refers)

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

A petitioner addressed the committee.

A representative of the applicant addressed the committee.

On a motion by Councillor S Foulkes and seconded by Councillor G Davies it was –

Resolved (11:2) – That the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 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 23rd September 2019 and listed as follows: 72_2017_01 Revision D; 72_2017_02 Revision D; 72_2017_03 Revision D; 72_2017_04 Revision D; 72_2017_05 Revision D; 72_2017_06 Revision D

3. 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.

4. No construction above ground level shall commence until the Local Planning Authority (LPA) has approved in writing a full scheme of works for the construction of any new/amended vehicle accesses from the highway and any amendments to the existing highway made necessary by this development, including details of the vehicle accesses, tactile paved pedestrian crossings across the new/amended accesses, Traffic Regulation Order relating to either side of Whitehouse Lane underneath, and within close proximity to, the railway bridge, street lighting amendments, surface water drainage connections and any additional amendments required, including the reinstatement to standard footway levels of any existing vehicle accesses from the highway that are rendered obsolete by the development. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

5. 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 garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

6. Prior to any works above ground level, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include details of retained trees/vegetation and all boundary treatment.

7. 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.

8. No tree felling or hedgerow removal shall 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

9. Details of any external lighting should be submitted to and approved in writing by the Local Planning Authority, and should have regard to the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> in order to avoid excessive light spill onto adjacent habitats

10. In line with Section 4 of the submitted Bat Survey Report, the removal of potential roost features within 35 Whitehouse Lane shall be done by hand.

11. In line with Section 4 of the submitted Bat Survey Report, a minimum of 2 bat boxes and 2 bird nesting boxes shall be installed within the application site (either within the buildings or on trees within the site) prior to first occupation. These shall be retained at all times thereafter.

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

5 **APP/19/00315: WIRRAL BUSINESS PARK, ARROWE BROOK ROAD, UPTON, WIRRAL, CH49 1QZ - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 127 DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS**

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

A representative of the applicant addressed the committee.

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

Resolved (14:0) – That the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 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 28th February 2019 and listed as follows:

**BH/NW/ABR/LP
BH/NW/ABR/BT01 (Boundary treatment)
BH/NW/ABR/MP01 (Materials)
BH/NW/ABR/PL01C (Layout)
BH/NW/ABR/SS01
BH/NW/ABR/SS02**

**BU-3B-2S-TB-E; BU3B-2S-P1
MW-2B-1S-TB-E; MW-2B-1S-P1
BL-2B-2S-TB-E; BL-2B-2S-P1
SH-3B-2S-TB-E; SH-3B-2S-P1
TA-3B-2S-TB-E; TA-3B-2S-P1; TA-3B-2S-TT-E
TH-3B-2S-TF-E; TH-3B-2S-P1
GL-3B-2S-TB-E; GL-3B-2S-TT-E; GL-3B-2S-P1
CH-3B-2S-TB-E; CH-3B-2S-TT-E; CH-3B-2S-P1
QU-3B-2S-TB-E; QU-3B-2S-P1
TN-3B-2S-TB-E; TN-3B-2S-P1
MA-3B-2S-TB-E; MA-3B-2S-TT-E; MA-3B-2S-P1
SC-4B-2S-TB-E; SC-4B-2S-TT-E; SC-4B-2S-P1
MI-4B-2S-TT-E; MI-4B-2S-P1
CU-4B-2S-TB-E; CU-4B-2S-TT-E; CU-4B-2S-P1
BO-4B-2S-TF-E; BO-4B-2S-TT-E; BO-4B-2S-P1
PH-4B-2S-TF-E; PH-4B-2S-TT-E; PH-4B-2S-P1**

3. The external finishes of the development shall correspond with the submitted Materials Plan (Drawing BH/NW/ABR/MP01) unless otherwise agreed in writing by the Local Planning Authority

4. The noise installation measures outlined in the Noise Impact Assessment (REC Reference AC105160-1r2) shall be implemented prior to first occupation of the development and retained as such thereafter

5. The submitted landscaping scheme (set out on Drawings LDS449-01; LDS449-02; LDS449-03; LDS449-LS) shall be implemented in full no later than the first planting season following first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced to the satisfaction of the Local Planning Authority by trees and shrubs of similar species and size to those originally planted.

6. The bat and bird boxes shown on the Biodiversity Mitigation and Enhancement Plan (Drawing No. P.968.17.02 Revision A) shall be provided in full prior to completion of the development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority

7. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures to manage and mitigate the main environmental effects during the construction phases of the proposed development. The approved CEMP shall be adhered to in full during the construction process unless otherwise agreed in writing by the Local Planning Authority

8. The submitted Site Waste Management Plan (Bellway Construction Statement) and Sustainability Statement (Award Energy Consultants, February 2019) shall be adhered to in full unless otherwise agreed in writing by the Local Planning Authority

9. No 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 shall include the following components:

- **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
- **A site investigation scheme, based on the point above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site**
- **The results of the site investigation and the detailed risk assessment referred to above 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;**
- **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 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved.

10. Prior to any part of the development being occupied, a verification report demonstrating the 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

11. In the event that contamination posing unacceptable risks is found at any time when carrying out the approved development then a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority.

The site shall then be remediated in accordance with the approved measures and a verification report shall be submitted to and approved in writing by the Local Planning Authority

12. A sales/information pack highlighting the location of, and promoting the use of, alternative greenspaces within the area 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.

13. No development shall take place until 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 signs, TRO's, road markings, traffic calming, tactile paved pedestrian crossings, street furniture, access onto the adjacent highway, reinstatement to standard footway levels of any existing vehicle access from the highway rendered obsolete by the development, proposed details of the PROW adjacent to Arrowe Brook Road, road safety audit and monitoring has been 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.

14. No development besides site clearance, demolition and land remediation shall commence until detailed plans and particulars of the sustainable drainage system, in the form of a 'Confirmed/ Final' Sustainable Drainage Strategy (based on the 'Adoptable Drainage Layout' reference P2466-SK01 Revision M), for the management and

disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The surface water discharge rate from the site will be restricted to no more than 150 l/s and details of the 'Confirmed / Final' Sustainable Drainage Strategy must meet the requirements specified in the Terms of Condition.

15. 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.

16. Prior to first occupation of the proposed apartments, full details of secure covered cycle parking and bin storage facilities shall be 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 apartments hereby permitted and shall be retained for use at all times thereafter.

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