

PLANNING COMMITTEE

Thursday, 14 March 2024

Present: Councillor S Kelly (Chair)

Councillors S Foulkes J Stewart Laing
H Gorman G McManus
K Hodson S Powell-Wilde
C Baldwin J Walsh
M Booth

In attendance: Councillors L Luxon-Kewley

62 WELCOME AND INTRODUCTION

The Chair welcomed Members of the Planning Committee, Officers, members of the public and those watching the webcast to the meeting.

63 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Brian Kenny, he was deputised by Councillor Louise Luxon-Kewley.

64 MINUTES

Resolved – That the minutes of the meeting held on 8 February 2024 be approved.

65 APP/23/00551: THE GRANGE, GRANGE ROAD, WEST KIRBY, WIRRAL, CH48 4EE DEMOLITION OF HOUSE AND OUT BUILDINGS TO PROVIDE 12 APARTMENTS TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AND WORKS INCLUDING THE RELOCATION OF THE SUBSTATION. (AMENDED DESCRIPTION)

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Ward Councillor Jeff Green addressed the committee.

The applicant's agent, Mr Nick Fillingham addressed the committee.

On a motion by Councillor Kathy Hodson seconded by the Chair, it was.

Resolved – That the Director of Regeneration and Place be authorised to:

(1) approve the application subject to the following conditions and subject to the completion of a s106 agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with section 8.10.1 of this report.

(2) refuse the application in the event that a satisfactory section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.

Conditions:

1. The development hereby permitted shall begin not later than [3] years from the date of this decision. Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th April 2023 and 28th November 2023 and listed as follows: 010 Rev D; 011 Rev E; 012 Rev A; 106 Rev C; 107 Rev C; 200 Rev A; 201 Rev B; 003 Rev A; 001. Reason: For the avoidance of doubt and to define the permission.

3. No development involving the use of any facing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy HS4.

4. Prior to the occupation of the development, full details of the relocated electricity substation and any enclosures shall be submitted to and approved in writing by the local planning authority and thereafter constructed and retained in accordance with the approved details. Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy HS4. .

5. No development hereby approved shall take place (including ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in

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

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

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

8. Prior to first occupation of the development hereby approved the refuse storage facilities as detailed on plan nos. 010 Rev D and 011 Rev

E, shall be installed, and thereafter retained in accordance with the approved details in perpetuity. Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Joint Waste Local Plan.

9. No development shall commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For avoidance of doubt, the works shall include: i. The provision of dropped kerbs and tactile paving at the entrance to the development from Grange Road and for this to be widened in accordance with the drawing reference number 010 Rev B and a commercial crossing constructed and installed to the entrance. ii Resurfacing of the footway to Grange Road contiguous with/along the development site frontage to provide a continuous palette of material. iii. The provision of dropped kerbs and tactile paving at the Gerard Close junction with Grange Road. iv. Replacement/upgrade of street lighting as necessary as part of the detailed design. iv. Drainage works necessary to facilitate the highway works. The approved scheme shall subsequently be implemented prior to first occupation of the development hereby approved. Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

10. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained, and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 010 Rev D. The parking and servicing areas shall be retained as such thereafter. Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

11. The development shall not be brought into use until full details of the proposed cycle parking facilities as shown in drawing number 010 Rev D, are submitted to and approved in writing by the local planning authority and then constructed and retained in accordance with said details thereafter. Reason: To ensure that adequate provision is made for parking cycles on the site; and to preserve the appearance of the development.

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

by the Council as Local Planning Authority. The method statement shall include, but not be limited to: - Construction traffic routes, including provision for access to the site. - Entrance/exit from the site for visitors/contractors/deliveries

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

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority. Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

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

14. Prior to the commencement of development, the applicant shall submit a method statement on the control of Rhododendron and Cotoneaster, both invasive species, which includes the following information: - A plan showing the extent of the plant(s). - The method(s) that will be used to prevent the plant/s spreading further, including demarcation. - The method(s) of control that will be used, including details of post-control monitoring. - How the plants will be disposed of after treatment/removal. Reason: To remove an invasive species as listed under Schedule 9 of the Wildlife and Countryside Act (1981) and ensure the protection of the native natural environment in accordance with Policy NC01 of the Wirral UDP.

15. Prior to development reaching damp-proof course level and installation of landscaping features a Biodiversity Enhancement Plan (including stock details and quantities) demonstrating a Biodiversity Net Gain will be provided to the LPA for approval in writing. The approved plan shall be fully implemented as approved. Reason: to maintain the landscape and biodiversity value of the site and comply with Policy NC7 of the Wirral Unitary Development Plan (Adopted 2000) and comply with Section 15 of the National Planning Policy Framework.

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

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

18. The tree works methodology hereby approved and set out in Tree Protection Plan in accordance with the Arboricultural Implications Assessment (ACS Consulting, as received on 3rd October 2023) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority. Reason: To preserve the biodiversity of the site and health of the trees on the site in accordance with UDP Policy GR7.

19. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Joint Waste Local Plan for Merseyside and Halton.

20. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include: (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and (v) Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

21. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan. Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

22. The dwellings hereby permitted shall not be occupied until the landscaping plan (plan no. 011 Rev E) hereby approved in conjunction with any Biodiversity Enhancement measures has been implemented in full, including the planting of all new trees shown on the plan. The landscaping provisions shall be retained in situ in perpetuity. Reason: In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

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

24. Upon occupation, the occupier(s) of each dwelling shall be provided with a copy of the information leaflet 'Respecting Nature in Wirral: A voluntary code for responsible recreation' (or any document that supersedes or updates that document) as part of their homeowner/tenant information pack. The developer shall maintain a register of the date on which each occupier was supplied with the leaflet and, no later than one month after occupation of the final dwelling comprised in the development, the register shall be deposited in writing with the Local Planning Authority. Reason: To avoid significant adverse effects upon statutory designated nature conservation sites arising from recreational disturbance to qualifying species, in accordance with saved policies NC1 and NC3 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.

66 **RVC/23/01413: 100 & 102 MEOLS DRIVE, CH48 5DB SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2 OF CONSENTED SCHEME REF APP/20/01716 TO REMOVE BASEMENT AND PROVIDE PARKING AT GROUND LEVEL, TOGETHER WITH INTERNAL LAYOUT ALTERATIONS AND TO PICK UP AN ERROR IN THE APPROVED SOUTH ELEVATION PLAN**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

An objector to the application, Mr Tom Hutchinson addressed the Committee.

An objector to the application, Mr Chris Moore, representing Hoylake Conservation Areas Association, addressed the Committee.

The Lead Principal Lawyer addressed the Committee and advised that Ward Councillor Andrew Gardner had sent apologies that he was unable to attend the meeting and read a representation that he had sent to the Committee.

The applicant's agent, Ms Maria Dychala addressed the Committee.

Councillor Max Booth raised the following motion for refusal, seconded by Councillor Kathy Hodson; The proposed scheme, as a result of the formation of additional hardstanding and car parking to the front of the site, fails to preserve or enhance the distinctive characteristics of the Meols Drive

Conservation Area, contrary to saved policy CH2 of the Wirral Unitary Development Plan and the Meols Drive Conservation Area Character Appraisal. This less than substantial harm to the significance of the designated heritage asset is not outweighed by the public benefits of the development, contrary to the provisions of the National Planning Policy Framework.

The motion was put and lost (3:8).

On a motion by the Chair seconded by Councillor Steve Foulkes, it was,

Resolved (8:3) – That the Director of Regeneration and Place be authorised to:

(1) approve the application subject to the following conditions and subject to the completion of a supplemental agreement to the existing s106 agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with sections 8.4.2 and 8.4.3 of this report.

(2) refuse the application in the event that a satisfactory supplemental section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.

Conditions:

1. The development hereby permitted shall begin no later than 14th April 2026. Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

**2 The development hereby permitted shall be carried out in accordance with the approved plans by the local planning authority on 25/11/2020, 29/03/2022, 01/04/2022, and 28/11/2023 (unless otherwise stated) and listed as follows: 22-MEOLS-SITE-101 Rev C – Amended Site Plan; 22-MEOLS-PLAN-102 Rev A– Amended Ground Floor Plan; 22-MEOLS-PLAN-103 Rev A– Amended First Floor Plan; 22-MEOLS-PLAN-104 Rev A– Amended Second Floor Plan; 22-MEOLS-PLAN-111 Rev A - Amended Side (South) Elevation; P19070-FCH-XX-B1-DR-A-1310 Revision P03; P19070-FCH-XX-XX-DR-A-1400 Revision P10 P19070-FCH-XX-XX-DR-A-1401 Revision P10; P19070-FCH-XX-XX-DR-A-1403 Revision P07; 22/MEOLS/SITE1003 RevA; P19070-FCH-XX-B1-DR-A-1310 Revision P03; P19070-FCH-XX-XX-DR-A-1400 Revision P10 P19070-FCH-XX-XX-DR-A-1401 Revision P10; P19070-FCH-XX-XX-DR-A-1403 Revision P07
Reason: For the avoidance of doubt and to define the permission.**

3 The facing materials to be used in the external construction of this development hereby approved and set out in the Design and Access Statement shall then be used in the construction of the development unless agreed otherwise in writing with the Local Planning Authority. Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

4 The dwellings hereby permitted shall not be occupied until a detailed scheme for landscaping (including a management plan) has been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the proposed landscaping shall include details of the at least 20 replacement trees for those existing trees removed. The landscaping shall be carried out in accordance with the approved details before any of the apartments are occupied. The landscaping provisions shall be retained in situ in perpetuity. Reason: In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

5 Prior to first occupation of the development hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the approved residential curtilage and be retained in situ in perpetuity. Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Joint Waste Local Plan.

6. The development shall be constructed in full accordance with the Construction Environment Management Plan (BlueOak Estates Limited, April 2023) as discharged under application reference: DIS/23/00813. Reason: To adequately demonstrate biodiversity and highway safety is safeguarded.

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

8. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect amenity, ecology and which does not result in excessive light spill onto the habitats in line The Institution of Lighting Professionals (ILP) Guidance shall be submitted for approval and implemented in accordance with those details. Further guidance is available at the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-onbatsandlighting>

Reason: In the interest of amenity and to preserve biodiversity and habitat in accordance with NPPF.

9. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details. Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

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

11 The tree works methodology hereby approved and set out in accordance with the Arboricultural Method Statement (Mulberry, dated: 07/08/2023; Ref: MTM0016.MS/Rev E) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority. Reason: To preserve the biodiversity of the site and health of the trees on the site in accordance with the NPPF and UDP Policy GR7.

12. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation. Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework.

13. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 22-MEOLS-SITE-101 Rev C – Amended Site Plan. The parking and servicing areas shall be retained as such thereafter.

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

1 RVC/23/01413: 100 & 102 Meols Drive, CH48 5DB Section 73 application for the variation of condition 2 of consented scheme ref APP/20/01716 to remove basement and provide parking at ground level, together with internal layout alterations and to pick up an error in the approved South Elevation Plan

1 RVC/23/01413: 100 & 102 Meols Drive, CH48 5DB Section 73 application for the variation of condition 2 of consented scheme ref APP/20/01716 to remove basement and provide parking at ground level, together with internal layout alterations and to pick up an error in the approved South Elevation Plan

67 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

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

No declarations were made