

# PLANNING COMMITTEE

Thursday, 7 November 2024

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	G McManus
	H Gorman	J Walsh
	A Gardner	M Jordan
	K Hodson	K Stuart
	B Kenny	KJ Williams

24 **WELCOME AND INTRODUCTION**

The Chair welcomed everyone to the meeting and read out the webcast notice.

25 **APOLOGIES FOR ABSENCE**

An apology for absence had been received from Councillor Sue Powell Wilde. Councillor Jerry Williams would act as substitute for her.

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

Members were asked to declare any interests in any items on the agenda. No interests were declared.

27 **MINUTES**

**Resolved – That the minutes of the meeting held on 9 October 2024 be approved as a true record.**

The Chair changed the order of the items so that agenda item 7 (LDP-24-00858 - 41 EPSOM ROAD MORETON) was heard first because of the number of observers present for that item. The minutes remain in the order of the agenda.

28 **APP-24-00816 - WEST KIRBY GRAMMAR SCHOOL FOR GIRLS, GRAHAM ROAD, WEST KIRBY, WIRRAL, CH48 5DP - PROPOSED (ISOLATED) DEMOLITION TO ENABLE THE ERECTION OF A SPORTS HALL, 6TH FORM CENTRE WITH DINING FACILITIES AND ASSOCIATED RE-MODELLING WORKS TO FACADE, MEANS OF ACCESS, PARKING AND LANDSCAPING**

The Senior Planning Officer detailed this application for consideration.

A Ward Councillor addressed the Committee.

The Applicant's agent addressed the Committee and answered Member questions.

Members debated the application.

On a motion by Councillor Andrew Gardner, seconded by the Chair, Councillor Stuart Kelly, it was:

**Resolved (unanimously):** the planning application be approved for the reasons set out in the officers report subject to the following conditions:

**1** The development hereby permitted shall begin not later than 3 years from the date of this decision.

**2** The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority and listed as follows:

'Site Location Plan' 5986-POZ-00-00-DR-1000/P04, received 26th June 2024;

'Planning Demolition Site Plan' 5986-POZ-00-00-DR-A-1002/P03, received 26th June 2024;

'Planning Proposed Site Plan' 5986-POZ-00-00-DR-A-1003/P06, received 26th June 2024;

'Planning-Demolition-GAs-Level 00 Plan' 5986-POZ-00-00-DR-A-1150/P03, received 26th June 2024;

'Planning-Demolition-GAs-Level 01 Plan' 5986-POZ-00-00-DR-A-1151/P03, received 26th June 2024;

'Planning-Proposed-GAs-Level 00 Plan' 5986-POZ-00-00-DR-A-1200/P05, received 26th June 2024;

'Planning-Proposed-GAs-Level 01 Plan' 5986-POZ-00-00-DR-A-1201/P03, received 26th June 2024;

'Planning-Proposed-GAs-Level RF Plan' 5986-POZ-00-RF-DR-A-1211/P03, received 26th June 2024;

'Planning-Street View Elevation' 5986-POZ-00-ZZ-DR-A-1300/P03, received 26th June 2024;

'Planning-Proposed GA Elevations' 5986-POZ-00-ZZ-DR-A-1302/P04, received 4th September 2024; and

'Proposed Sport Courts Tennis and Netball' YD2\_WKGS\_LP005, received 4th September 2024;

**3** No above ground works shall take place prior to details of all materials to be used in the external construction of this development have been submitted to and approved in writing by the Local Planning Authority.

Details shall also include:

- colour details of all proposed brick and proposed mortar; and
- colour details of all proposed frames.

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

**4** Prior to any works commencing to the boundary fronting Meols Drive, a proposed gate design for the vehicular access shall be submitted and agreed by the LPA prior to installation. It shall thereafter be implemented in accordance with approved design.

**5** Prior to first occupation of the development hereby approved, the 3m high instant green screen shall be erected in full accordance with the details showing on drawings YD2\_WKGS\_LP00901/P01 and YD2\_WKGS\_LP001/P8. Thereafter, the screen will be maintained in place.

**6** The rear opening to the first-floor level within the west facing side elevation of the Sixth Form extension hereby approved, shall be obscurely glazed and non-opening, up to a height of 1.7m above the floor level. This shall be installed prior to the first occupation of the development hereby approved and retained as such thereafter.

**7 Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by The Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.**

- Location(s) for the parking of vehicles of site operatives and visitors.**
- Location(s) for the loading and unloading of plant and materials.**
- Location(s) for the storage of plant and materials used in construction of the development.**
- Measures to control the emission of noise, vibration and dust during construction.**
- Construction phase delivery and working hours.**

**8 Prior to first use of the hereby approved development a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The originally submitted Framework Travel Plan' (Axis, 3377-01-TFTP01, May 2024) shall be extended and produced to a full travel plan in line with the targets set out within the original Framework Travel Plan. It shall thereafter be implemented in full.**

**9 The retained outdoor sports courts sited to the west of the new sports hall and to the south of the existing DT Block shall not be used for the purposes of parking vehicles**

**10 No development shall commence on the superstructure of the sports hall shown on Drawing Title: Proposed Sports Courts Tennis and Netball, Drawing No. YD2\_WKGS\_LP005, Date: August 2024 until full details of the design and construction of the sports courts have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The details shall accord with Sport England's Artificial Surfaces for Outdoor Sport Updated guidance for 2013 and the Lawn Tennis Association and England Netball technical design guidance. The technical design elements shall include the necessary specification sheets, detailed site plans, elevations, and cross section drawings of the sport courts, detailing the sub layers, materials and depth of materials, drainage, and all court layout dimensions including line markings (including colours and widths); enclosures and access; as well as any equipment and associated fixtures to facilitate the intended outdoor sports. The outdoor sport courts shall be constructed fully in accordance with the approved details prior to the use of the sports hall and shall not be used other than for outdoor sport and play, thereafter.**

**11 Prior to the first use of the development hereby approved, a community use agreement shall be prepared and completed in consultation with Sport England and shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to West Kirby Grammar School's indoor and outdoor sports facilities, as well as any ancillary facilities (including any changing accommodation, toilet provision and car parking). The agreement shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. Thereafter the development shall not be used otherwise than in strict compliance with the approved agreement.**

**12 Prior to the installation of any plant equipment, details of the plant equipment which must fully adhere with the recommendations outlined within paragraph 4.2 of the submitted Noise Impact Assessment (E3P, ref: 50-632-R1-1, April 2024) shall be submitted to and approved in writing by the**

**Local Planning Authority. Prior to occupation of the proposed development, the approved details shall be implemented in full.**

**13 Prior to the commencement of the development hereby approved detailed plans and particulars of the sustainable drainage system, in the form of a 'Confirmed/Final' Sustainable Drainage Strategy, for the management and disposal of foul and surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. This is to include details of how surface water will be managed during the construction phase and detailing mitigation measures to ensure no increase in flood risk to adjacent plots, highway or properties. The strategy shall demonstrate the following matters set out in the below 'Terms of Condition.'**

**Terms of Condition**

**Final/Confirmed Sustainable Drainage Strategy to comply with DEFRA's technical standards for sustainable drainage systems, BRE 365 and the SuDS Manual and include:**

- **Justification of final design, including evidence that the discharge hierarchy has been appropriately followed.**
- **If infiltration has been discounted following application of the discharge hierarchy, a restricted rate of discharge agreed with the Lead Local Flood Authority.**
- **Foul and surface water being drained on separate systems.**

**Drawings to include:**

- **Final layout of site with proposed ground and finished floor levels**
- **Pre and post development flow paths**
- **Plan to show hatched permeable/impermeable areas. Pitches and courts within the red line boundary must be included in impermeable area for calculation of runoff to ensure sufficient attenuation.**
- **Final layout of inlets; sewers; outfalls; SuDS; tanks; soakaways. Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; emergency overflows and annotation that correlates to the hydraulic calculations**
- **Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows.**

**Infiltration proposals must include:**

- **Completed copy of CIRIA SuDS Manual, C753 Table B.6 Infiltration Checklist**
- **Design fully in accordance with BRE 365 and CIRIA SuDS Manual**
- **Minimum of 1 metre clearance between the base of any soakaway/infiltration component and the evidenced seasonally high groundwater level**
- **Emergency overflow**
- **Maximum climate change allowance to be applied to calculations**
- **Evidence that the use of infiltration has been approved by a geotechnical engineer or engineering geologist (e.g. a Registered Ground Engineer or similar)**
- **Infiltration testing to be undertaken by specialist site investigation company and to the satisfaction of the LLFA at proposed infiltration location/depth and full report provided**

**Hydraulic modelling for final drainage strategy to include:**

- System performance for following return periods; 1, 30, 100, 100 plus maximum climate change allowance
- Demonstration of sufficient storage for the 1 in 100 year (plus maximum climate change) critical rainfall event including with surcharged outfall
- Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs
- Volumetric runoff co-efficient (Cv) should be set to '1'

Other documentation:

- Timetable including any phasing and demonstrating completed SuDS construction prior to occupation
- Construction Phase Surface Water Management Plan
- Secure means of access for maintenance and easements, where applicable
- Completed North-West SuDS proforma for final design
- Maintenance statement

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

14 Prior to occupation of the development hereby approved 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:

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

15 Prior to the commencement of any works a full and detailed 30-year Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved by the Local Authority. For the avoidance of doubt, the plan should include the following:

- Ecological features (i.e. description and evaluation of the features to be managed);
- Ecological trends and constraints on site which may influence management;
- Landscape and Ecological Management Aims and Objectives;
- Landscape Plan and Planting Schedule;
- Prescriptions for management actions/operations (general and specific e.g. proposed tree specimen planting, modified grassland, hedgerow, mixed shrub, paths/hardstanding etc)
- Preparation of a work schedule for management actions/operations over 30-year period (i.e. annually and at year 5, year 10 and so on);

• Review and implementation (e.g. Personnel responsible for implementation of the plan; details of a programme of monitoring and remedial measures triggered by monitoring etc)

.Thereafter the Site shall be managed in accordance with the approved plan.

Reason: To secure the long term management of the created habitats and their contribution to biodiversity and the local environment.

**16** No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/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 buildings, trees, scrub, hedgerows, 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.

**17** Prior to the first use of the sports hall, a landscaping scheme shall be submitted to and approved in writing by the local Planning Authority. Within the first planting and seeding seasons following the occupation of the building, the development shall be carried out strictly in accordance with the approved landscaping scheme.

**18** If within a period of 5 years from the date of planting of any tree under the approved landscaping scheme, that tree or any tree planted in replacement for it is removed, uprooted, destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective in any way, another tree of the same species and size as that originally planted shall be planted in the same place, unless the local Planning Authority agrees to any variation.

**19** No plant or materials shall be brought onto site until:

i) A tree protection plan and specification has been submitted to and approved in writing by the Local Planning Authority demonstrating the provision of root protection area fencing in line with the requirements of British Standard 5837:2012 'Trees in Relation to Construction - Recommendations' or any subsequent amendment to that document, around all trees, hedges, shrubs or other planting to be retained; the provision of ground protection during construction; and

ii) The Root Protection Area fencing and ground protection has been installed in accordance with the approved plan and specification. Thereafter development shall be carried out in accordance with the approved details and the fencing and ground protection shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification.

**20** No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused 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.

**Biodiversity Net Gain  
Biodiversity Gain Plan Required**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

- 29     **APP-23-00334 - LAND AT POOL LANE BROMBOROUGH POOL - REFURBISHMENT OF EXISTING BUILDING FOR USE AS A SPORTS CLUB INCLUDING CHANGING ROOMS, REMOVAL OF A RECENT EXTENSION AND ALTERATIONS TO WINDOWS AND DOORS. CREATION OF TWO NEW FOOTBALL PITCHES, CAR PARKING, VEHICLE GATE, PEDESTRIAN ACCESS, SIGNAGE, HARD AND SOFT LANDSCAPING, AND ASSOCIATED WORKS.**

The Principal Planning and Enforcement Team Leader detailed this application for consideration.

The Applicant's agent addressed the Committee along with the developer and the Chair of Bromborough & Eastham Junior Football Club and answered Member questions.

Members debated the application.

Councillor Steve Foulkes moved refusal of the application, seconded by Councillor Brian Kenny for the reasons set out in the officers report. This motion was lost (4 for, 6 against and 1 abstention).

On a motion by the Chair, Councillor Stuart Kelly, seconded by Councillor Andrew Gardner that the public and community benefits arising from the development clearly outweigh the harm resulting from the partial loss of sports pitches caused by the car park and also outweigh the less than substantial harm to the conservation area arising from the car park, the benefits being noted as:

- the opportunities for local children and young people to take part in organised sport.
- It would be a home for a main football club, catering for 600 young people between the ages of 14 and 16,
- space for healthy and productive activity for adults and young people,
- hedge and tree planting, which would encourage wildlife and increasing tree cover, 8 trees are stipulated, I think, and shrubs.
- There is an identified need for additional pitches throughout the borough. 2 football pitches were marked out and were last used in 2012, for certain and the report goes on to suggest they might have been used in 2013 and 2015. The report goes on to say there was a planning permission granted in 2015 for pitches on the site. The Council's own playing pitch outdoor sports strategy and action plan in July 2021 identifies the site as being lapsed, which Sport England don't agree with, neither do I and it's suitable for at least 2 pitches.
- Sport England's documents identify that car parking can be considered as ancillary to the principal use of the playing field.
- the use of Grasscrete is preferable to tarmac,
- the release of the old Price's club as a community resource will also be a clear public benefit and a benefit to the conservation area as a whole as these buildings can deteriorate incredibly quickly.
- Bear in mind the change to the outlook for nearby housing and I quote from the report that "There will be a very minor change to the outlook for nearby housing on South View, the car parking structures associated with the pitches, the outlook will remain as substantially grass and additional landscaping has the potential to improve the look. Biodiversity net gain increases by 10.57% in terms of habitat and 61.88% in terms of hedgerow.
- Drainage underneath the proposed pitches is seen as adequate whilst it doesn't cover the entire site, it's clearly an inherent improvement on the current situation.

It was

**Resolved (6 for, 5 against): That the application be delegated to the Assistant Director Chief Planner for approval, subject to the imposition of conditions covering the matters listed and considered necessary to secure the sporting and community benefits of the development, and to ensure the development is acceptable in planning terms in all other respects -**

- **Statutory time limit for implementation and compliance with approved plans**
- **Provision of all elements of development concurrently with pitches and changing room facilities provided prior to the car park being first brought into use.**
- **Agreement to secure community use of the facilities**
- **Provision of sustainable drainage and management and maintenance thereafter**
- **Construction phase protection for existing trees**
- **The provision and implementation of a detailed scheme of landscaping**



- **Ecological mitigation and enhancement**
- **Provision of cycle and accessible parking**
- **Design details for cycle shelter, storage container and barriers restricting vehicular access (in the interests of the Conservation Area)**
- **Re-routing of the pedestrian footpath to allow retention of more of the existing bowling green**
- **Historic Building recording of the current social club building and design details for replacement windows**
- **Construction Environmental Management Plan to minimise construction waste, prevent pollution, and ensure soil resource management.**

Councillor Steve Foulkes asked that his dissenting vote be noted.

- 30 **FINAL REPORT LDP-24-00858 - 41 EPSOM ROAD MORETON - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) REGARDING USE OF A DWELLING (PLANNING USE CLASS, C3A), AS A CHILDREN'S HOME FOR UP TO FOUR CHILDREN, WITH UP TO THREE CARERS AND A MANAGER, WITH TWO SLEEPING OVERNIGHT WORKING ON A ROTA BASIS (USE CLASS C2).**

The Development Management Manager presented the application for consideration. The application was not an application for planning permission but an application for a Lawful Development Certificate for the use of a dwelling as a children's home for up to four children with up to three carers present. A petition had been received in objection. The Committee were asked to assess if it was a material change of use.

The Lead Petitioner addressed the Committee.

A Ward Councillor addressed the Committee.

The Applicant addressed the Committee and answered Member questions.

Members debated the application.

On a motion from the Chair, Councillor Stuart Kelly, and seconded by Councillor Steve Foulkes, it was

**Resolved (8 for, 1 against, 2 abstentions) – That for the reasons set out in the officers report the application for a Certificate of Lawfulness of Proposed Use or Development be approved.**

- 31 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPLICATIONS**

The Development Management Manager presented the report of the Director of Regeneration and Place which provided an update of the performance in determining planning applications.

**Resolved – that the report be noted.**

**32 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPEALS**

The Development Management Manager presented the report of the Director of Regeneration and Place which provided an update of the performance in dealing with planning appeals.

**Resolved – that the report be noted.**

**33 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- ENFORCEMENT ACTIVITY BETWEEN 27 MARCH 2024 AND 30 JUNE 2024 AND 1ST JULY 2024 TO 30TH SEPTEMBER 2024**

The Development Management Manager presented the report of the Director of Regeneration and Place to the committee which provided an update of the performance in dealing with Planning Enforcement matters.

**Resolved – that the report be noted.**

---