

STRATEGIC APPLICATIONS SUB COMMITTEE

Thursday, 6 February 2025

Present:

Councillor S Kelly (Chair)

Councillors S Foulkes
B Kenny
K Stuart

K Hodson
A Gardner
H Gorman

4 WELCOME AND INTRODUCTION

The Chair welcomed Members of the Strategic Applications Sub-Committee, Officers, members of the public and those watching the webcast to the meeting.

5 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 of interest were received.

6 APOLOGIES

No apologies for absence were received.

7 OUT/22/00956 - BROMBOROUGH WHARF EAST, DOCK ROAD SOUTH, BROMBOROUGH, CH62 3JQ - APPLICATION FOR OUTLINE PLANNING PERMISSION WITH ACCESS CONSIDERED FOR THE DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES AND THE ERECTION OF UP TO 598 DWELLINGS AND ASSOCIATED INFRASTRUCTURE.

The Senior Planning Officer presented the report in relation to the above application for consideration. It was noted that there were amendments to the report, regarding the issue of education contributions and a correction in the recommendation of a reference to the planning obligations, both included in an addendum to the agenda which had been circulated and published.

Ward Councillors Jo Bird and Ruth Molyneux addressed the Committee.

Representatives of the applicant addressed the Committee with details of the application and answered questions from Members.

Members debated the application.

On a motion proposed by the Chair, Councillor Stuart Kelly, seconded by Councillor Kathy Hodson it was –

Resolved (unanimously) –

That for the reasons set out in the Officers report:

- 1. the Chief Planner, Assistant Director of Regeneration and Place be authorised to approve the application subject to:**
 - a. Referral to Secretary of State as the application is a departure from the Unitary Development Plan.**
 - b. The satisfactory completion of an agreement under S106 of the Town and Country Planning Act 1990 that will secure the planning obligations set out in section 8.12 of the report on land owned by the Applicant; And,**
 - c. The conditions set out below.**

- 2. That delegated authority is given to the Chief Planner, Assistant Director of Regeneration and Place in consultation with the Chair of the Strategic Applications Sub-Committee to make minor non-substantive amendments to the S106 Heads of Terms and planning conditions as necessary.**

- 3. That the Chief Planner, Assistant Director of Regeneration and Place be authorised to refuse the application in the event that a satisfactory section 106 agreement is not received within 9 months of the date on which Strategic Applications Sub-Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Chief Planner, Assistant Director of Regeneration and Place in consultation with the Chair and Spokespersons of the Planning Committee.**

Conditions-

- 1. Details of the access (within the site), appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.**
- 2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.**
- 3. The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.**

4. The development hereby permitted, insofar as it relates to access to the site, including access from the land subject to planning application OUT/22/00957, shall be carried out in accordance with the following approved plans:
- Drawing Number BRM-GLH-00-XX-DR-L-0001 P01 (Location Plan)
 - Drawing Number 21 5474 17 (Proposed Masterplan – Grammont Group Parcel) dated December 2023
 - Drawing Number 21 5474 08 (Proposed Access – Parameter Plan) dated April 2023
 - Drawing Number 21 5474 06 (Pedestrian Movement – Parameter Plan) dated April 2023
 - Drawing Number 21 5474 02 (Road Hierarchy – Parameter Plan) dated April 2023
 - Drawing Number ED000115-CAP-TP-XX-SK-TPL-003 Revision P01 (Proposed Site Access off Dock Road South) dated March 2022
 - Drawing Number ED000115-CAP-TP-XX-SK-TPL-004 Revision P01 (Proposed Site Access off Dock Road South) dated March 2022; and
 - Drawing Number ED000115-CAP-TP-XX-SK-TPL-005 Revision P01 (Proposed Site Access off Riverbank Road) dated March 2022
5. No more than 598 dwellings shall be constructed pursuant to this permission.

RESERVED MATTERS CONDITIONS

6. The reserved matters submitted pursuant to condition 1 shall be in accordance with:
- Bromborough Wharf East and West Design Code Version 04 Dated November 2023
 - Drawing Number 21 5474 17 (Proposed Masterplan – Grammont Group Parcel) dated December 2023
 - Drawing Number 21 5474 08 (Proposed Access – Parameter Plan) dated April 2023
 - Drawing Number 21 5474 06 (Pedestrian Movement – Parameter Plan) dated April 2023
 - Drawing Number 21 5474 02 (Road Hierarchy – Parameter Plan) dated April 2023
 - Drawing Number 21-5474-09 (Character Areas – Parameter Plan) dated April 2023
 - Drawing Number 21-5474-07 (Open Space – Parameter Plan) dated April 2023
 - Drawing Number 21-5474-05 (Density – Parameter Plan) dated April 2023
 - Drawing Number 21-5474-04 (Use – Parameter Plan) dated April 2023

Drawing Number 21-5474-03 (Height – Parameter Plan) dated April 2023

7. The reserved matters submitted pursuant to condition 1 shall be accompanied by:

A) A statement demonstrating how the development is in conformity with the approved Environmental Statement;

B) A statement demonstrating how the development is in conformity with the approved Design Code;

C) A statement demonstrating how the development will meet the principles of Secured by Design; for both construction and operational phases, to include construction phase security measures, the provision of street lighting and CCTV, and a site layout that avoids blank elevations and ambiguous open space and maximises natural surveillance.

D) A completed statutory biodiversity metric and Biodiversity Net Gain Report, completed by a qualified ecologist, along with habitat and planting plans demonstrating how the development will achieve, through site landscaping, a net gain for Biodiversity against the agreed baseline position submitted with the application in May 2022;

E) A statement and relevant plans to confirm that at least 6% of dwellings will be ‘wheelchair adaptable’ in line with Part M4(3)(2)(a) of the Building Regulations or any successor standard, and that all remaining dwellings will be accessible and adaptable in line with Part M4(2) of the Building Regulations or any successor standard.

F) An Acoustic Assessment carried out by a qualified acoustic consultant along with associated supporting plans, demonstrating how the detailed Appearance, Landscaping, Layout, and Scale of the development has been designed to achieve acceptable internal and external noise levels at all dwellings, having regard to the recommendations contained within the WSP Bromborough Wharf East Noise Impact Assessment (document ref 62290568-NV-001) dated November 2023.

G) An Energy and Climate Change Statement demonstrating how the final design of the development will be ‘zero carbon ready by design’ in accordance with policy WS8 of the emerging Wirral Local Plan, and in all other respects meets the ‘Planning for climate change’ objectives of Section 14 of the National Planning Policy Framework.

H) A Phasing Plan demonstrating the number, size, and type of dwellings to be delivered in each phase, the expected timescales for the commencement of marketing, construction and first occupation of dwellings within each phase, and the site landscaping and public open space (including where relevant, formal children’s play) to be completed and made available for use alongside the completion of dwellings within each phase.

I) Notwithstanding the approved masterplan and parameters plans, a site layout plan demonstrating the provision of a continuous, segregated, pedestrian and cycle route along the waterfront promenade and extending to the site access points on Dock Road South and Riverview Road.

J) Notwithstanding the approved masterplan and parameters plans, a site layout plan demonstrating the provision of a spine road constructed to a width and standard that would allow ease of access and use by buses of up to 12 metres in length between Dock Road South and Riverview Road, with provision of bus stops (including shelters) in both directions located to ensure that all dwellings are situated within 400 metres safe walking distance of a bus stop.

K) Plans demonstrating the vehicular and cycle parking arrangements for each dwelling, the refuse storage and collection arrangements for each dwelling, and the highways proposed to be offered for adoption; and

L) A Heritage Statement demonstrating how the detailed appearance, landscaping, layout, and scale of development within the 'Gatehouse' site will preserve or enhance the setting of the Bromborough Pool Conservation Area.

PRIOR TO COMMENCEMENT CONDITIONS

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. 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.

2. 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 offsite.

3. The results of the site investigation and the 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.

4. 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 written consent of the local planning authority. The scheme shall be implemented as approved.

9. No development shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how

redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

10. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the principles identified in the Flood Risk Assessment and Surface Water Drainage Strategy: Flood Risk Assessment and Drainage

Strategy – Bromborough Wharf East [15th December 2023/ Project No. 21-0441.01 /Issue No. 5/ Delta Simons] and the Flood Risk Assessment and Drainage Strategy –Bromborough Wharf East (Gatehouse site) [15th December 2023/ Project No. 21-0441.04 /Issue No. 3/ Delta Simons] and incorporate sustainable drainage details, including any off-site works and any permissions for connections to private drainage systems/land drainage consents. The submitted scheme must include:

- a) Strategy to demonstrate how surface water will be managed throughout the construction phase.
- b) Detailed hydraulic modelling calculations, the method employed to delay and control the surface water discharged from the Gatehouse site, the measures taken to prevent pollution of the receiving groundwater and/or surface waters, and the measures taken to prevent surface water from non-highway areas discharging into the highway.
- c) A timetable for its phased implementation.
- d) The 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.

The development shall be implemented in accordance with the approved details.

11. No development shall commence on site until a foul water drainage strategy, including any phasing, has been submitted to and approved in writing by the local planning authority.

The development shall be implemented in accordance with the approved details.

12. No construction shall commence (including demolition, site clearance and any earthworks) until details of the means of ensuring the sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing.

These details shall include the following:

(i) Evidence that diversion works for the sewer has been agreed with the relevant statutory undertaker and that the approved works have been undertaken.

(ii) Details of the means of ensuring the sewer is protected from damage as a result of the development. These details shall include the potential impacts on the sewer from construction activities and the impacts post completion of the development, including landscaping, on the sewer infrastructure, and identify mitigation measures, to protect and prevent any damage to the sewer both during construction and post completion of the development.

Any mitigation measures identified by (ii) shall be implemented in full prior to commencement of development in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

13 No site clearance, preparatory work or development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall meet the requirements of all ecological protection measures as set out in the Environmental

Statement and the Council's Appropriate Assessment and shall be complied with throughout the construction period for the development and shall include details of:

Ecology

a) Means of protection for ecological protection areas/buffer zones, including construction lighting and pollutants

b) Working method statements for protected/priority species.

c) A method statement for the treatment and removal of invasive species should these be identified on site, and for appropriate exclusion zones to be put in place following identification.

d) Work schedules for activities with specific timing requirements to avoid/reduce potential harm to ecological receptors; including

details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Waste Management

a. The anticipated nature and volumes of waste that the demolition and construction phases of development will generate,

b. The steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,

c. The steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and

d. Any other steps to be taken to manage the waste that cannot be incorporated into the new development.

14. Should any phase of development include land falling within the root protection area of any tree or hedgerow, whether on-site or off-site, no development within that phase shall commence (to include demolition, site clearance, and any earthworks) until an Arboricultural Impact Assessment and Method Statement (to include Tree Protection Plan) carried out by a competent person in accordance with British Standard 5837 (2012) - Trees in Relation to Design, Demolition, and Construction, or any successor standard, has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, development shall be carried out in accordance with the approved details, with any root protection area fencing required being installed prior to any plant or materials being brought onto site and retained until all development within that phase is complete.

15. Unless existing hard surfaced accesses are to be used for construction vehicles, there shall be no access by construction vehicles between the highway and the application site for any phase (except for the purposes of constructing the initial site access) until the access

for that phase, extending 20 metres into the site from the carriageway of the existing public highway has been made up and surfaced in accordance with the approved details or to the specification of the Local Highway Authority.

16. No development shall commence until:

(i) The details of the following off site required highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority,

(ii) An independent Stage 1/2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 -Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

(iii) A programme for the completion of the proposed works in relation to the phasing of the housing delivery has been submitted to and approved in writing by the Local Planning Authority.

The required highway improvements shall comprise:

i. The provision of the three site access junctions off Dock Road South and Riverview Road as shown on drawings ED000115-CAP-TP-XX-SK-TPL-003 Revision P01, ED000115-CAP-TP-XX-SK-TPL-004 Revision P01, and ED000115-CAP-TP-XX-SK-TPL-005 Revision P01;

ii. Enhancement of the existing footway to the south side of Dock Road South between the site accesses and the junction of Dock Road South with Thermal Road to include a minimum width of footway of 2 metres, the provision of dropped kerbs with tactile paving where vehicular accesses cross the footway, and the raising to standard footway level with kerbing of any redundant vehicular crossings.

iii. Controlled crossing facilities at the junction of Dock Road

South with Thermal Road, iv. Controlled crossing facilities at the junction of Port Causeway with the A41 New Chester Road,

v. the upgrade of the uncontrolled crossing facility to the south of Port Causeway/ Thermal Road junction to a toucan crossing,

vi. the upgrade of the junction of Riverbank Road/ Thermal Road to signal control incorporating controlled pedestrian crossing facilities.

vii. Replacement/upgrade of street lighting necessary as part of the detailed design, and

viii. Drainage works necessary to facilitate the highway works.

Thereafter, the highway works shall be constructed in accordance with the details approved by the Local Planning Authority.

17. No development shall commence on any phase of development, including any works of demolition, until a Highways and Neighbour Amenity Construction Method Statement (CMS) for that phase has been submitted to and approved in writing by the local planning authority.

The approved CMS shall be complied with throughout the construction period for the development and shall include details of:

a) site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and

construction vehicles; and provision for the loading/unloading of plant and materials within the site;

b) a programme of works, including measures for traffic management and details of temporary signage;

c) measures to prevent to deposit of mud/grit/dirt on the public highway, to include to provision of wheel washing facilities;

d) Management, routing and control of HCV construction traffic;

e) measures to control the emission of dust and dirt during construction; and,

f) delivery, demolition and construction working hours.

18. No development in any phase containing any formal children's play (NEAP, LEAP, or LAP) shall commence until a play equipment specification demonstrating the play equipment to be provided within that phase has been submitted to and approved in writing by the Local Planning Authority, along with:

i. A safety audit,

ii. Confirmation of when the play equipment will be installed and made available for use in relation to the completion of the housing within that phase, and

iii. Ongoing management and maintenance arrangements for the play equipment.

Thereafter, development shall be carried out in accordance with the approved details and

the LAP, LEAP or NEAP shall be made available for use in accordance with the approved phasing plan and shall thereafter be retained for its intended purpose.

19. No development shall commence until an Employment and Skills Plan relating to the construction phase of development has been submitted to and agreed in writing by the Local Planning Authority. The Employment and Skills Management Plan shall include measures

to provide training opportunities to prepare young people and out of work residents for employment, including new jobs created at or for the Development as appropriate. This shall include, but not be limited to:

A) Working with local employment and skills providers to provide pre-recruitment training opportunities for out of work residents to prepare to apply for vacancies at or for the Development;

B) Providing mentoring/coaching for workless residents to prepare for employment, including but not limited to open days, speaking at events, CV assistance, and mock interviews;

C) Working with schools, colleges and training providers to raise the aspiration of young people and support them to make informed career choices and prepare for the transition into the labour market;

D) Providing apprenticeship job opportunities; and

E) Targeting specific support for out of work residents who are furthest from the labour market, including but not limited to, Care Leavers; residents who have a health condition or disability; young people aged 16 to 25 who are not in employment, education or training.

Thereafter, the Employment and Skills Plan shall be in place prior to the commencement of the development and shall be kept in place throughout the construction period.

20. No development within any phase shall take place until a Digital Infrastructure Strategy setting out full details of all internet provisions for that phase, including consideration of provision to link to fibre network, has been submitted to and approved in writing by the Local Authority.

Thereafter, the Digital Infrastructure Strategy shall be implemented in accordance with the approved details and no dwelling shall be occupied until it has been connected in accordance with the approved strategy.

CONSTRUCTION PHASE CONDITIONS

21. No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

22 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

23. The development shall be carried out in accordance with the submitted flood risk assessments and the following mitigation measures they contain:

For the Main Site:

Delta Simons Reference 21-0441.01 issued December 2023

Finished floor levels shall be set no lower than 8.50 metres above Ordnance Datum (AOD)

For the Gatehouse Site

Delta Simons Reference 21-0441.04 issued December 2023

Finished floor levels shall be set no lower than 10.50 to 12.70m metres above Ordnance Datum (AOD). Document of exact FFL's is

page 37 of the above FRA - drawing reference 1339/110 dated October 2023.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

24. If, during the course of development, any contamination posing unacceptable risks is found, which has not been previously identified, additional measures for the remediation of the land shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures, and a verification report shall then be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling within the affected area.

25. During the construction phase(s) the dust mitigation measures as set out in Chapter 7 of approved document 'Air Quality Assessment' (WSP, 62290568-AQ-001, October 2023), as well as those set out within the Institute of Air Quality Management (IAQM) guidance on the assessment of dust from demolition and construction shall be adhered to in full.

26. No development above ground floor slab level shall take place within any phase until an external Lighting Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Lighting Strategy shall contain information on the type(s)

of lighting appliance(s) to be installed, the height and position of fittings, illumination levels and light spillage. The Strategy will also demonstrate how it has been designed to protect ecology and avoid excessive light spill onto habitats including tree, hedgerow, grassland, woodland, ditches, mosaic and ponds.

Development shall thereafter be carried out in accordance with the approved lighting strategy.

27. No tree felling, scrub clearance, hedgerow removal, vegetation management, or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during this 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.

28. No development above ground floor slab level shall take place within any phase until details of the bat boxes/bricks and bird boxes to be installed within that phase, to include their number,

type, and location on a suitably scaled plan, as well as the timing of their installation, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the equipment shall be installed in accordance with the approved details and retained.

PRIOR TO OCCUPATION CONDITIONS

29. No dwelling to which this planning permission relates shall be occupied until:

A) The carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation,

B) Its related vehicular and cycle parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and always retained for their intended purpose, and

C) The foul and surface water drainage network serving the dwelling has been completed.

30. No dwelling to which this planning permission relates shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:

(a) the appointment of a travel plan co-ordinator

(b) a partnership approach to influence travel behaviour

(c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site

(d) provision of up-to-date details of public transport services

(e) continual appraisal of travel patterns and measures provided through the travel plan, and

(f) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented, and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

31. No dwelling shall be occupied within any phase until a management scheme for the future management and maintenance of the Open Space within that phase has been submitted to and approved in writing by the Local Planning Authority. The management scheme shall include the following:

A. the maintenance requirements for the Open Space including all ongoing maintenance operations, specifically identifying the management objective, task, timing and frequency of the operation for all the features;

B. details of who (the relevant party) is to undertake the on-going future maintenance of the Open Space to ensure that these remain

safe and available for public use and details of the appropriate remedies that will apply should the nominated party become insolvent or otherwise in default in relation to the management and maintenance of the Open Space;

C. in relation to the Open Space the hard and soft landscaping, surfacing materials, furniture, refuse or other storage units, signs, lighting, boundary treatments, trees, shrubs and hedge plants (in line with the reserved matters details submitted in relation to condition 1);

D. levels of charges for funding of the maintenance and funding the running of the management company (if a management company is appointed under the planning agreement attached to the planning permission); and

E. insurance details.

Thereafter the development shall be carried out in accordance with the approved scheme which can be amended from time to time in writing with the Council.

32. No dwelling shall be occupied until a 30-year Landscape and Ecological Management Plan (LEMP) for biodiversity assets on the site has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

A) Ecological features (i.e. description and evaluation of the features to be managed);

B) Ecological trends and constraints on site which may influence management;

C) Landscape and Ecological Management Aims and Objectives;

D) Appropriate management options for achieving aims and objectives;

E) Prescriptions for management actions;

F) Landscape Plan and Planting Schedule;

G) Prescriptions for management actions/operations (general and specific e.g proposed tree specimen planting, modified grassland, mixed shrub, paths/hardstanding etc);

H) 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); and

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

Thereafter the site shall be managed in full accordance with the approved plan.

33. The dwellings hereby permitted shall incorporate water efficiency measures to achieve usage of no more than 110 litres of water per person per day under Part G of Schedule 1 and regulation 36 of The Building Regulations 2010. No occupation of any dwelling within

any phase shall take place until a Building Regulations assessment confirms that the development in that phase has been constructed in accordance with Part G of Schedule 1 and regulation 36 of the Building Regulations 2010 for water efficiency and has been

submitted to and agreed in writing by the local planning authority.

34. No dwelling within any phase shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy for that phase, and the effectiveness of the remediation, has been 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.

35. No dwelling within any phase shall be occupied until a validation report confirming that the remediation treatment for the eradication of invasive species, including Japanese Knotweed, within that phase has been carried out in accordance with the approved document 'Japanese Knotweed Management Plan' (issue 2, Grammont Group, October 2021) and that the site has been free of invasive species for twelve consecutive months,

has been submitted to and approved in writing by the Local Planning Authority.

36. No dwelling within a phase shall be occupied until an Acoustic Verification Report, carried out by a qualified acoustic consultant, demonstrating that acceptable internal and external noise levels have been achieved for dwellings within that phase, in accordance with the Acoustic Assessment submitted pursuant to condition 7, has been submitted to and approved in writing by the Local Planning Authority.

37. No dwelling to which this planning permission relates shall be occupied until 'Hedgehog Highways' (13cm by 13cm gaps) have been installed into the base of any close boarded fences surrounding that dwelling. Thereafter the hedgehog highways shall be retained.

POST OCCUPATION AND COMPLIANCE CONDITIONS

38. 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 within

each phase, the register for that phase shall be deposited in writing with the Local Planning Authority.
END OF SCHEDULE

BIODIVERSITY NET GAIN STATEMENT

Biodiversity Net Gain – Biodiversity Gain Plan Not 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 not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

The application for planning permission was made before 12 February 2024.

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Resolved (unanimously) – That for the reasons set out in the Officers report-

1. That the Chief Planner, Assistant Director of Regeneration and Place be authorised to approve the application subject to:

- a. Referral to Secretary of State as the application was a departure from the Unitary Development Plan;
- b. The satisfactory completion of an agreement under S.106 of the Town and Country Planning Act 1990 that would secure the planning obligation set out at section 8.12 of this report on land owned by the Applicant; and:
- c. The conditions set out below.

2. That delegated authority be given to the Chief Planner, Assistant of Regeneration and Place in consultation with the Chair of the Strategic Applications Sub-Committee to make minor non-substantive amendments to the S106 Heads of Terms and planning conditions as necessary.

3. That the Chief Planner, Assistant Director of Regeneration and Place be authorised to refuse the application in the event that a satisfactory section 106 agreement is not received within 9 months of the date on which Strategic Applications Sub-Committee resolves to approve the application unless an extension of time is agreed to the satisfaction of the Chief Planner, Assistant Director of Regeneration and Place in consultation with the Chair and Spokespersons of the Planning Committee.

Conditions-

- 1. Details of the access (within the site), appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.**
- 2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.**
- 3. The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.**

4. The development hereby permitted, insofar as it relates to access to the site, including access from the land subject to planning application OUT/22/00956, shall be carried out in accordance with the following approved plans:

Drawing Number BRB-GLH-00-XX-DR-L-0001 P01 (Location Plan) dated 22/04/22

Drawing Number 21 5474 16 (Proposed Masterplan – Black Pearl Homes Parcel) dated December 2023

Drawing Number 21 5474 08 (Proposed Access – Parameter Plan) dated April 2023

Drawing Number 21 5474 06 (Pedestrian Movement – Parameter Plan) dated April 2023

Drawing Number 21 5474 02 (Road Hierarchy – Parameter Plan) dated April 2023

Drawing Number ED000115-CAP-TP-XX-SK-TPL-001 Revision P01 (Proposed Site Access off Dock Road South) dated March 2022

Drawing Number ED000115-CAP-TP-XX-SK-TPL-002 Revision P01 (Proposed Site Access off Riverbank Road) dated March 2022

5. No more than 377 dwellings shall be constructed pursuant to this permission.

RESERVED MATTERS CONDITIONS

6. The reserved matters submitted pursuant to condition 1 shall be in accordance with:

Bromborough Wharf East and West Design Code Version 04 Dated November 2023

Drawing Number 21 5474 16 (Proposed Masterplan – Black Pearl Homes Parcel) dated December 2023

Drawing Number 21 5474 08 (Proposed Access – Parameter Plan) dated April 2023

Drawing Number 21 5474 06 (Pedestrian Movement – Parameter Plan) dated April 2023

Drawing Number 21 5474 02 (Road Hierarchy – Parameter Plan) dated April 2023

Drawing Number 21-5474-09 (Character Areas – Parameter Plan) dated April 2023

Drawing Number 21-5474-07 (Open Space – Parameter Plan) dated April 2023

Drawing Number 21-5474-05 (Density – Parameter Plan) dated April 2023

Drawing Number 21-5474-04 (Use – Parameter Plan) dated April 2023

Drawing Number 21-5474-03 (Height – Parameter Plan) dated April 2023

7. The reserved matters submitted pursuant to condition 1 shall be accompanied by:

- A) A statement demonstrating how the development is in conformity with the approved Environmental Statement;**
- B) A statement demonstrating how the development is in conformity with the approved Design Code;**
- C) A statement demonstrating how the development will meet the principles of Secured by Design; for both construction and operational phases, to include construction phase security measures, the provision of street lighting and CCTV, and a site layout that avoids blank elevations and ambiguous open space and maximises natural surveillance.**
- D) A completed statutory biodiversity metric and Biodiversity Net Gain Report, completed by a qualified ecologist, along with habitat and planting plans demonstrating how the development will achieve, through site landscaping, a net gain for Biodiversity against the agreed baseline position submitted with the application in May 2022;**
- E) A statement and relevant plans to confirm that at least 6% of dwellings will be 'wheelchair adaptable' in line with Part M4(3)(2)(a) of the Building Regulations or any successor standard, and that all remaining dwellings will be accessible and adaptable in line with Part M4(2) of the Building Regulations or any successor standard.**
- F) An Acoustic Assessment carried out by a qualified acoustic consultant along with associated supporting plans, demonstrating how the detailed Appearance, Landscaping, Layout, and Scale of the development has been designed to achieve acceptable internal and external noise levels at all dwellings, having regard to the recommendations contained within the WSP Bromborough Wharf West Noise Impact Assessment (document ref 62290567-NV-001) dated November 2023. The Acoustic Assessment shall propose noise mitigation recommendations for two scenarios, one in which the neighbouring development subject to planning application OUT/22/00956 comes forward, and one in which it does not.**
- G) An Energy and Climate Change Statement demonstrating how the final design of the development will be 'zero carbon ready by design' in accordance with policy WS8 of the emerging Wirral Local Plan, and in all other respects meets the 'Planning for climate change' objectives of Section 14 of the National Planning Policy Framework.**
- H) A Phasing Plan demonstrating the number, size, and type of dwellings to be delivered in each phase, the expected timescales for the commencement of marketing, construction and first occupation of dwellings within each phase, and the site landscaping and public open space (including where relevant, formal children's play) to be completed and made available for use alongside the completion of dwellings within each phase.**
- I) Notwithstanding the approved masterplan and parameters plans, a site layout plan demonstrating the provision of a spine road**

constructed to a width and standard that would allow ease of access and use by buses of up to 12 metres in length between Dock Road South and Riverview Road, with provision of bus stops (including shelters) in both directions located to ensure that all dwellings are situated within 400 metres safe walking distance of a bus stop.

J) Plans demonstrating the vehicular and cycle parking arrangements for each dwelling, the refuse storage and collection arrangements for each dwelling, and the highways proposed to be offered for adoption; and

K) A Heritage Statement demonstrating how the detailed appearance, landscaping, layout, and scale of development within the 'Gatehouse' site will preserve or enhance the setting of the Bromborough Pool Conservation Area.

PRIOR TO COMMENCEMENT CONDITIONS

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. 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.

2. 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 offsite.

3. The results of the site investigation and the 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.

4. 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 written consent of the local planning authority. The scheme shall be implemented as approved.

9. No development shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

10. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the principles identified in the Flood Risk Assessment and Surface Water Drainage Strategy: Flood Risk Assessment and Drainage Strategy – Bromborough Wharf West [15th December 2023/ Project No. 21-0845.01 /Issue No. 6/ Delta Simons] and the Flood Risk Assessment and Drainage Strategy – Bromborough Wharf West (Gatehouse site) [15th December 2023/ Project No. 21-0845 01/Issue No. 6/ Delta Simons] and incorporate sustainable drainage details, including any off-site works and any permissions for connections to private drainage systems/land drainage consents. The submitted scheme must include:

a) Strategy to demonstrate how surface water will be managed throughout the construction phase.

b) Detailed hydraulic modelling calculations, the method employed to delay and control the surface water discharged from the site, the measures taken to prevent pollution of the receiving groundwater and/or surface waters, and the measures taken to prevent surface water from non-highway areas discharging into the highway.

c) A timetable for its phased implementation.

d) The 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.

The development shall be implemented in accordance with the approved details.

11. No development shall commence on site until a foul water drainage strategy, including any phasing, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

12. No construction shall commence (including demolition, site clearance and any earthworks) until details of the means of ensuring the sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted

to and approved by the Local Planning Authority in writing. These details shall include the following:

(i) Evidence that diversion works for the sewer has been agreed with the relevant statutory undertaker and that the approved works have been undertaken.

(ii) Details of the means of ensuring the sewer is protected from damage as a result of the development. These details shall include the potential impacts on the sewer from construction activities and the impacts post completion of the development, including landscaping, on the sewer infrastructure, and identify mitigation measures, to protect and prevent any damage to the sewer both during construction and post completion of the development.

Any mitigation measures identified by (ii) shall be implemented in full prior to commencement of development in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

13. No site clearance, preparatory work or development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall meet the requirements of all ecological protection measures as set out in the Environmental Statement and the Council's Appropriate Assessment and shall be complied with throughout the construction period for the development and shall include details of:

Ecology

a) Means of protection for ecological protection areas/buffer zones, including construction lighting and pollutants

b) Working method statements for protected/priority species.

c) A method statement for the treatment and removal of invasive species should these be identified on site, and for appropriate exclusion zones to be put in place following identification.

d) Work schedules for activities with specific timing requirements to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Waste Management

a. The anticipated nature and volumes of waste that the demolition and construction phases of development will generate,

- b. The steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,**
- c. The steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and**
- d. Any other steps to be taken to manage the waste that cannot be incorporated into the new development.**

14. Should any phase of development include land falling within the root protection area of any tree or hedgerow, whether on-site or off-site, no development within that phase shall commence (to include demolition, site clearance, and any earthworks) until an Arboricultural Impact Assessment and Method Statement (to include Tree Protection Plan) carried out by a competent person in accordance with British Standard 5837 (2012) - Trees in Relation to Design, Demolition, and Construction, or any successor standard, has been submitted to, and approved in writing by the Local Planning Authority.

Thereafter, development shall be carried out in accordance with the approved details, with any root protection area fencing required being installed prior to any plant or materials being brought onto site and retained until all development within that phase is complete.

15. Unless existing hard surfaced accesses are to be used for construction vehicles, there shall be no access by construction vehicles between the highway and the application site for any phase (except for the purposes of constructing the initial site access) until the access for that phase, extending 20 metres into the site from the carriageway of the existing public highway has been made up and surfaced in accordance with the approved details or to the specification of the Local Highway Authority.

16. No development shall commence until:

- (i) The details of the following off site required highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority,**
- (ii) An independent Stage 1/2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 -Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.**
- (iii) A programme for the completion of the proposed works in relation to the phasing of the housing delivery has been submitted to and approved in writing by the Local Planning Authority.**

The required highway improvements shall comprise:

- i. The provision of the two site access junctions off Dock Road South and Riverview Road as shown on drawings ED000115-CAP-**

TP-XX-SK-TPL-001 Revision P01, and ED000115-CAP-TP-XX-SK-TPL-002 Revision P01;

ii. Enhancement of the existing footway to the south side of Dock Road South between the site accesses and the junction of Dock Road South with Thermal Road to include a minimum width of footway of 2 metres, the provision of dropped kerbs with tactile paving where vehicular accesses cross the footway, and the raising to standard footway level with kerbing of any redundant vehicular crossings.

iii. Controlled crossing facilities at the junction of Dock Road South with Thermal Road,

iv. Controlled crossing facilities at the junction of Port Causeway with the A41 New Chester Road,

v. the upgrade of the uncontrolled crossing facility to the south of Port Causeway/ Thermal Road junction to a toucan crossing,

vi. the upgrade of the junction of Riverbank Road/ Thermal Road to signal control incorporating controlled pedestrian crossing facilities.

vii. Replacement/upgrade of street lighting necessary as part of the detailed design, and

viii. Drainage works necessary to facilitate the highway works.

Thereafter, the highway works shall be constructed in accordance with the details approved by the Local Planning Authority.

17. No development shall commence on any phase of development, including any works of demolition, until a Highways and Neighbour Amenity Construction Method Statement (CMS) for that phase has been submitted to and approved in writing by the local planning authority.

The approved CMS shall be complied with throughout the construction period for the development and shall include details of:

a) site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;

b) a programme of works, including measures for traffic management and details of temporary signage;

c) measures to prevent to deposit of mud/grit/dirt on the public highway, to include to provision of wheel washing facilities;

d) Management, routing and control of HCV construction traffic;

e) measures to control the emission of dust and dirt during construction; and,

f) delivery, demolition and construction working hours.

18. No development in any phase containing any formal children's play (NEAP, LEAP, or LAP) shall commence until a play equipment specification demonstrating the play equipment to be provided

within that phase has been submitted to and approved in writing by the Local Planning Authority, along with:

- i. A safety audit,
- ii. Confirmation of when the play equipment will be installed and made available for use in relation to the completion of the housing within that phase, and
- iii. Ongoing management and maintenance arrangements for the play equipment.

Thereafter, development shall be carried out in accordance with the approved details and the LAP, LEAP or NEAP shall be made available for use in accordance with the approved phasing plan and shall thereafter be retained for its intended purpose.

19 No development shall commence until an Employment and Skills Plan relating to the construction phase of development has been submitted to and agreed in writing by the Local Planning Authority. The Employment and Skills Management Plan shall include measures to provide training opportunities to prepare young people and out of work residents for employment, including new jobs created at or for the Development as appropriate. This shall include, but not be limited to:

- A) Working with local employment and skills providers to provide pre-recruitment training opportunities for out of work residents to prepare to apply for vacancies at or for the Development;
- B) Providing mentoring/coaching for workless residents to prepare for employment, including but not limited to open days, speaking at events, CV assistance, and mock interviews;
- C) Working with schools, colleges and training providers to raise the aspiration of young people and support them to make informed career choices and prepare for the transition into the labour market;
- D) Providing apprenticeship job opportunities; and
- E) Targeting specific support for out of work residents who are furthest from the labour market, including but not limited to, Care Leavers; residents who have a health condition or disability; young people aged 16 to 25 who are not in employment, education or training.

Thereafter, the Employment and Skills Plan shall be in place prior to the commencement of the development and shall be kept in place throughout the construction period.

20. No development within any phase shall take place until a Digital Infrastructure Strategy setting out full details of all internet provisions for that phase, including consideration of provision to link to fibre network, has been submitted to and approved in writing by the Local Authority.

Thereafter, the Digital Infrastructure Strategy shall be implemented in accordance with the approved details and no dwelling shall be occupied until it has been connected in accordance with the approved strategy.

CONSTRUCTION PHASE CONDITIONS

21. No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

23. The development shall be carried out in accordance with the submitted flood risk assessments and the following mitigation measures they contain:

For the Main Site:

Delta Simons Reference 21-0441.01 issued December 2023
Finished floor levels shall be set no lower than 8.50 metres above Ordnance Datum (AOD)

For the Gatehouse Site

Delta Simons Reference 21-0441.04 issued December 2023
Finished floor levels shall be set no lower than 10.50 to 12.70m metres above Ordnance Datum (AOD). Document of exact FFL's is page 37 of the above FRA - drawing reference 1339/110 dated October 2023.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

24. If, during the course of development, any contamination posing unacceptable risks is found, which has not been previously identified, additional measures for the remediation of the land shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures, and a verification report shall then be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling within the affected area.

25. During the construction phase(s) the dust mitigation measures as set out in Chapter 7 of approved document 'Air Quality Assessment' (WSP, 62290567-AQ-001, October 2023), as well as those set out within the Institute of Air Quality Management (IAQM) guidance on the assessment of dust from demolition and construction shall be adhered to in full.

26. No development above ground floor slab level shall take place within any phase until an external Lighting Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Lighting Strategy shall contain information on the type(s) of lighting appliance(s) to be installed, the height and position of fittings, illumination levels and light spillage. The Strategy will also demonstrate how it has been designed to protect ecology and avoid excessive light spill onto habitats including tree, hedgerow, grassland, woodland, ditches, mosaic and ponds. Development shall thereafter be carried out in accordance with the approved lighting strategy.

27. No tree felling, scrub clearance, hedgerow removal, vegetation management, or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during this 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.

28. No development above ground floor slab level shall take place within any phase until details of the bat boxes/bricks and bird boxes to be installed within that phase, to include their number, type, and location on a suitably scaled plan, as well as the timing of their installation, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the equipment shall be installed in accordance with the approved details and retained.

PRIOR TO OCCUPATION CONDITIONS

29. No dwelling to which this planning permission relates shall be occupied until:

A) The carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation,

B) Its related vehicular and cycle parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and always retained for their intended purpose, and

C) The foul and surface water drainage network serving the dwelling has been completed.

30. No dwelling to which this planning permission relates shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- (a) the appointment of a travel plan co-ordinator**
- (b) a partnership approach to influence travel behaviour**
- (c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site**
- (d) provision of up-to-date details of public transport services**
- (e) continual appraisal of travel patterns and measures provided through the travel plan, and**
- (f) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.**

The Travel Plan shall be implemented, and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

31. No dwelling shall be occupied within any phase until a management scheme for the future management and maintenance of the Open Space within that phase has been submitted to and approved in writing by the Local Planning Authority. The management scheme shall include the following:

- A) the maintenance requirements for the Open Space including all ongoing maintenance operations, specifically identifying the management objective, task, timing and frequency of the operation for all the features;**
- B) details of who (the relevant party) is to undertake the on-going future maintenance of the Open Space to ensure that these remain safe and available for public use and details of the appropriate remedies that will apply should the nominated party become insolvent or otherwise in default in relation to the management and maintenance of the Open Space;**
- C) in relation to the Open Space the hard and soft landscaping, surfacing materials, furniture, refuse or other storage units, signs, lighting, boundary treatments, trees, shrubs and hedge plants (in line with the reserved matters details submitted in relation to condition 1);**
- D) levels of charges for funding of the maintenance and funding the running of the management company (if a management company is appointed under the planning agreement attached to the planning permission); and**
- E) insurance details.**

Thereafter the development shall be carried out in accordance with the approved scheme which can be amended from time to time in writing with the Council.

32. No dwelling shall be occupied until a 30-year Landscape and Ecological Management Plan (LEMP) for biodiversity assets on the site has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- A) Ecological features (i.e. description and evaluation of the features to be managed);**
- B) Ecological trends and constraints on site which may influence management;**
- C) Landscape and Ecological Management Aims and Objectives;**
- D) Appropriate management options for achieving aims and objectives;**
- E) Prescriptions for management actions;**
- F) Landscape Plan and Planting Schedule;**
- G) Prescriptions for management actions/operations (general and specific e.g proposed tree specimen planting, modified grassland, mixed shrub, paths/hardstanding etc);**
- H) 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); and**
- I) Review and implementation (e.g. Personnel responsible for implementation of the plan; confirmation of funding and ownership; details of a programme of monitoring and remedial measures triggered by monitoring etc)**

Thereafter the site shall be managed in full accordance with the approved plan.

33. The dwellings hereby permitted shall incorporate water efficiency measures to achieve usage of no more than 110 litres of water per person per day under Part G of Schedule 1 and regulation 36 of The Building Regulations 2010. No occupation of any dwelling within any phase shall take place until a Building Regulations assessment confirms that the development in that phase has been constructed in accordance with Part G of Schedule 1 and regulation 36 of the Building Regulations 2010 for water efficiency and has been submitted to and agreed in writing by the local planning authority.

34. No dwelling within any phase shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy for that phase, and the effectiveness of the remediation, has been 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.

35. No dwelling within any phase shall be occupied until a validation report confirming that the remediation treatment for the eradication of invasive species, to include Japanese Knotweed, within that phase has been carried out, and that the site has been free of the invasive species for twelve consecutive months, has been submitted to and approved in writing by the Local Planning Authority.

36. No dwelling within a phase shall be occupied until an Acoustic Verification Report, carried out by a qualified acoustic consultant, demonstrating that acceptable internal and external noise levels have been achieved for dwellings within that phase, in accordance with the Acoustic Assessment submitted pursuant to condition 7, has been submitted to and approved in writing by the Local Planning Authority.

37. No dwelling to which this planning permission relates shall be occupied until 'Hedgehog Highways' (13cm by 13cm gaps) have been installed into the base of any close boarded fences surrounding that dwelling. Thereafter the hedgehog highways shall be retained.

POST OCCUPATION AND COMPLIANCE CONDITIONS

38. 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 within each phase, the register for that phase shall be deposited in writing with the Local Planning Authority.

END OF SCHEDULE

BIODIVERSITY NET GAIN STATEMENT

Biodiversity Net Gain – Biodiversity Gain Plan Not 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 not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:
The application for planning permission was made before 12 February 2024.**