



Planning Committee

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| Date: | Wednesday, 21 October 2015 |
| Time: | 6.00 p.m. |
| Venue: | Committee Room 1 - Wallasey Town Hall |

Contact Officer: Victoria Simpson
Tel: 0151 691 8271
e-mail: brendahall@wirral.gov.uk
Website: <http://www.wirral.gov.uk>

1. MINUTES (Pages 1 - 30)

To approve the accuracy of the minutes of the meeting held on 17 September 15.

2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the committee are asked whether they have any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

3. REQUESTS FOR SITE VISITS

Members are asked to request all site visits before any application is considered.

4. APP/15/00398: 11 SEABANK ROAD, EGREMONT, CH44 0EE - CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPANCY - 6 BEDROOM PROPERTY INCREASING 7 BEDROOMS WITH INTERNAL ALTERATIONS (Pages 31 - 36)

5. APP/15/00952: CAMELL LAIRD, CAMPBELTOWN ROAD, TRANMERE, CH41 9BP - FULL PLANNING APPLICATION FOR A PROPOSED CREW TRANSFER AND STORAGE FACILITY. (Pages 37 - 48)

6. **APP/15/00958: 7-9 ROSE MOUNT, OXTON, CH43 5SG - VARIATION OF CONDITION 3 OF APP/11/00283 (OPENING HOURS): MONDAY TO THURSDAY OPEN AT 09:00, LAST ENTRY 23:30, TRADING TO CEASE 00:00 (MIDNIGHT), PREMISES CLOSED TO THE PUBLIC 00:30; FRIDAYS AND SATURDAYS: OPEN 09:00, LAST ENTRY 23:30, TRADING TO CEASE 01:00 WITH PREMISES CLOSED TO PUBLIC 01:30; SUNDAYS OPEN 09:00, LAST ENTRY 23:00, TRADING TO CEASE AT 23:30 WITH PREMISES CLOSED TO THE PUBLIC AT 00:00 (MIDNIGHT) (Pages 49 - 56)**
7. **OUT/15/00977: GRAZING LAND, LEASOWE ROAD, WALLASEY VILLAGE - OUTLINE APPLICATION FOR 10 DWELLINGS (Pages 57 - 64)**
8. **APP/15/00979: LAND NORTH WEST TO 1 THE KNAP, GAYTON, CH60 0EX - PROPOSED NEW 2 BED DORMER PROPERTY ON LAND AT 1 THE KNAP (Pages 65 - 72)**
9. **APP/15/00984: FLAYBRICK HILL RESERVOIR, BOUNDARY ROAD, BIDSTON, CH43 7PE - THE DEVELOPMENT IS FOR 6, 4 BEDROOM FAMILY DWELLINGS, DISTRIBUTED EVENLY ACROSS THE SITE. THE HOUSES ARE ARRANGED TO ALLOW VIEWS OF THE EXISTING FLAYBRICK RESERVOIR WATER TOWER FROM HILL ROAD. (Pages 73 - 80)**
10. **APP/15/01101: MELROSE & THORNRISE HEIGHTS, STAVORDALE ROAD, MORETON - DEMOLITION OF EXISTING VACANT GARAGES AND REDEVELOPMENT OF THE SITE WITH 38 NO. HOUSES AND FLATS. (Pages 81 - 92)**
11. **APP/15/01138: 21 GAYTON PARKWAY, GAYTON, CH60 3SZ - PROPOSAL: ERECTION OF NEW DWELLING AT LAND TO THE REAR OF 21 PARKWAY, GAYTON - AMENDED SITE LAYOUT TO THAT AS APPROVED AS APP/15/00064 AND THE ADDITION OF TWO 'JULIET BALCONIES' TO REAR ELEVATION (Pages 93 - 100)**
12. **NOTICE OF MOTION - 'BETTER PLANNING TO FACILITATE CYCLING' (Pages 101 - 102)**

At the meeting of the Council held on 12 October (minute 51 refers), the attached Notice of Motion proposed by Councillor Pat Cleary and seconded by Councillor Phil Gilchrist was referred by the Mayor to this Committee for consideration.

In accordance with Standing Order 7 (6), Councillor Cleary has been invited to address the meeting in order for him to explain the Motion.
13. **BUILDING MORE HOUSING ON BROWNFIELD LAND - REFERRAL FROM CABINET 10 SEPTEMBER 2015 (Pages 103 - 124)**

At the meeting of the Cabinet held 10 September 2015 (minute 48 refers) , the attached report was referred to this Committee for members to note.

- 14. PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 07/09/2015 AND 11/10/2015**
- 15. PLANNING APPEALS DECIDED BETWEEN 01/07/2015 AND 30/09/2015 (Pages 125 - 128)**
- 16. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

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Public Document Pack Agenda Item 1

PLANNING COMMITTEE

Thursday, 17 September 2015

Present: Councillor A Leech (Chair)

Councillors M Daniel E Boulton
S Foulkes P Hayes
J Walsh K Hodson
I Williams D Mitchell
D Elderton P Cleary

Deputies: Councillors T Johnson (for D Realey)
R Gregson (for P Brightmore)

69 MINUTES

The Strategic Director for Transformation and Resources submitted the minutes of the meeting held on 20 August 2015.

Resolved – That the minutes be approved

70 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or non pecuniary interests in connection with any items on the agenda and to state the nature of the interest.

Councillor Steve Foulkes declared a prejudicial interest in connection with item 9 by virtue of his previous involvement with the application.

71 REQUESTS FOR SITE VISITS

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

No such requests were made.

72 APP/15/00553: RIVERSIDE HOUSE, EAST STREET, SEACOMBE, CH41 1BY - APPLICATION FOR AN ANAEROBIC DIGESTION PLANT (2.8 MWTH) COMPRISING PROCESS TANKS, ASSOCIATED EQUIPMENT AND 1.4 MILE BIOMETHANE PIPELINE.

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

A Ward Councillor addressed the Committee

It was moved by Councillor Mitchell and seconded by Councillor Cleary and

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

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 off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

- 3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**
- 4. 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.**
- 5. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**
- 6. With regards to operations on site from the Anaerobic Digestion Plant Process and which are not controlled by any Environment Agency Permit, no odours shall be detectable at premises outside the site.**
- 7. Feedstock and waste products must only enter or leave the site in closed vehicles.**
- 8. No feedstock, waste, or any other material produced during the operation of this facility, shall be stored in the open air.**
- 9. No development shall take place until full details of an Odour Control Management Plan has been submitted and approved in writing by the Local Planning Authority. The Odour Control Management Plan shall be implemented in accordance with the approved details and shall be maintained as such thereafter.**
- 10. No waste, or other biodegradable material, is delivered and stored on site,**

and the reception building shall not operate at any time, unless fitted with an effective odour control system the details of which shall be submitted to and agreed in writing with the Local Planning authority prior to commencement on site. The approved scheme shall be implemented in full in perpetuity.

11. In the event of a failure if the odour control system the operator shall notify the Local Planning Authority in writing as soon as it practicable, and no further waste or other biodegradable material, including liquids, shall be accepted on site until such time as the odour control system is effective and agreed as such in writing by the Local Planning Authority.

12. Vehicle movements into and out of the site shall only be made during the hours of 07.00 to 18.00 hours and at no other time.

13. No development shall take place until a Construction Environment Plan has been submitted to and agreed in writing by the Local Planning Authority, The plan shall include the following details:

- Measures to avoid creation of new transport pathways and avoid run-off/ release of pollutants and construction related debris into the River Mersey.
- A construction noise management and lighting scheme. Measures to clearly identify access routes for personnel and equipment and working areas on the inter tidal shoreline to minimise areas of working to protect inter tidal ecology and reduce interaction with bird species.

14. No development shall take place until a Construction Environment Plan including construction methods, highway works associated with the installation of the gas export pipe, identification of working areas and methods to prevent disturbance to any Natura 2000 qualifying bird species during construction, waste disposal methods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details to ensure that pollution enters the River Mersey, Mersey Narrows and North Wirral Foreshore pSPA, pRAMSAR and Mersey Estury SPA, RAMSAR site.

15. Details of materials for all external work shall be submitted to and approved by the Local Planning Authority before any work is commenced.

16. The site shall be suitably landscaped with trees/shrubs in accordance with a scheme to be submitted to and approved by the Local Planning

Authority prior to commencement of any demolition/construction work on the site, such landscaping work to be completed during the first available planting season following completion of the development hereby approved and thereafter maintained to the satisfaction of the Local Planning Authority.

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

17. None of the existing trees on the site shall be removed without the prior written consent of the Local Planning Authority. Prior to the commencement of demolition/construction the trees to be retained on the site shall be protected by chestnut paling fences 1.5 metres high erected to the full extent of their canopies or such lesser extent as may be approved by the Local Planning Authority, the fencing to be removed only when the development (including pipelines and other underground works) has been completed; the enclosed areas shall at all times be kept clear of excavated soil, materials, contractors' plant and machinery.

18. No tree felling and scrub clearance is to take place during the period 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season then all trees and scrub on the site are to be checked first to ensure no breeding birds are present. If present, details of how they are to be protected are required.

19. No development shall commence until full details of a scheme for the discharge of surface water drainage from the site based on sustainable drainage methods/principles has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use or first occupied until surface water drainage has been constructed and implemented in accordance with the approved scheme.

20. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 13th April and listed as follows: (PL)001 rev A (19.03.15), (PL)003 rev A (18.03.15), (PL)004 revC 918.03.15, (PL)011 revB (24.03.15), (PL)010 revB (24.03.15), 364/01/IR/105

73 **APP/15/00634: ST MARYS CE PRIMARY SCHOOL, STANLEY LANE, EASTHAM, CH62 0AQ - CONVERSION OF REDUNDANT (GRADE II LISTED) SCHOOL BUILDING TO RESIDENTIAL UNITS (4NO) AND**

ERECTION OF TWO NEW 3 BEDROOMED HOUSES ON FORMER PLAYGROUND AREA

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

It was moved by Councillor Mitchell and seconded by Councillor Walsh that the application be refused on the following grounds

‘ the residential conversion of the school buildings would, by virtue of the external alterations and additions proposed, particularly to the front (south facing) elevation, detrimentally affect the setting and integrity of that Grade II listed building, listed for its special architectural and historical character, to the prejudice of the visual amenities of the Eastham Village Conservation Area. The proposed development is therefore contrary to policy CH1 (Development affecting listed buildings and structures), Policy CH2 (Development affecting conservation areas) and Policy CH10 (Eastham Village Conservation Area) of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework.

The motion was put and lost (5:8)

It was then moved by Councillor Daniel and seconded by Councillor Foulkes and

Resolved (8:5) that the application be approved subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. No development shall begin until samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.**
- 3. The design of the foundations, for the proposed two new 3 bedroomed houses on former playground area, shall take account of the of nearby trees and must be as prescribed in appropriate guide lines (The building Regulations 1991: Approved Document A, BS 5837:2005, BRE Digests 240:1980, 298:1985 and NHBC Standards, Chapter 4.2) as a minimum standard. The foundations must be constructed to withstand any influence of existing trees with regard to future potential indirect/direct tree related building damage.**

Where appropriate, the foundations should be of pile and beam construction and the ground beam must not require any greater excavation than 250mm

below existing ground level.

No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of the proposed foundations to include their dimension in relation to existing ground levels.

4. No works or development shall take place until a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:

A. the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.

B. a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

C. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

D. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

E. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).

F. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).

G. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).

H. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

I. the details of any special engineering required to accommodate the

protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

J. the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).

K. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

L. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

M. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).

N. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).

O. the timing of the various phases of the works or development in the context of the tree protection measures.

5. 21 days before any development is commenced resulting in any alteration of existing ground levels, demolition or alteration of the structure, written notice shall be given to the local planning authority whereupon the local planning authority, within 21 days of receipt of such notice, shall specify in writing to the developer which persons authorised by the local planning authority shall be allowed access to the site to inspect tree protection measures and construction of driveways / access near trees, for the purpose of arboricultural investigation.

6. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th May 2015 and 31st July 2015, listed as follows: 14055-106-B (dated 09.07.15); 14055-114 (dated 24.4.15); 14055-1112 (dated 24.4.15); 14055-111 (dated 24.4.15); 14055-110 (dated 24.4.15); 14055-107 (dated 24.4.15); 14055-108 (dated 24.4.15); 14055-109 (dated 24.4.15); 14055-113 (dated 24.4.15); 14055-003 (dated 09.10.14); 14055-002A (dated 09.10.14); 14055-005 (dated 09.10.14) and 14055-006 (dated 09.10.14)

7. No development shall take place until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

10. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

12. Prior to the commencement of development details of the sandstone wall to be rebuilt shall be submitted to the Local Planning Authority at a scale of 1:20 and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full.

74 **APP/15/00662:1 MELLOR ROAD, PRENTON, WIRRAL - CONVERSION OF HOUSE INTO 5 FLATS INCLUDING GROUND AND FIRST FLOOR EXTENSIONS**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

A Ward Councillor addressed the Committee

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

Resolved (6:5 with two abstentions) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 24th July 2015 and listed as follows: 23_2015_01 Revision A

3. No development shall take place until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

4. The external finishes of the development hereby permitted shall match those of the existing building in material, colour, style, bonding and texture.

75 **APP/15/00685: LAND NORTH OF OLD CROFT, BARNACRE LANE, SAUGHALL MASSIE, CH46 5NJ - REPLACEMENT OF EXISTING BUILDINGS WITH NEW STABLE AND STORAGE/WORKSHOP BUILDINGS**

Councillor J Walsh was not present for consideration of this item

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

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

Resolved (12:0) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 28 July 2015 and 12 August 2015 and listed as follows: CL1586-0714 2 1/2 and 2/2 Rev 2

3. No development shall take place until samples of the roofing and facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

4. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

5. Prior to first occupation or use of the development, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

6. The workshop and store hereby approved shall only be used in association with the stables as ancillary to the main equestrian use of the land and for no other purpose.

76 **APP/15/00694: 20 DEVONSHIRE ROAD, OXTON, WIRRAL, CH43 1TW -
CONVERSION OF BASEMENT TO A TWO BEDROOM FLAT**

Councillor J Walsh was not present for consideration of this item.

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

On a motion by Councillor Mitchell and seconded by Councillor Hodson it was:

Resolved (12:0) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the Local Planning Authority on 14th May 2015 and listed as follows :-191_2014_01

77 **DLS/15/00800: INGLEBOROUGH ROAD, TRANMERE, CH42 6RD - RESERVED MATTERS APPLICATION FOR RESIDENTIAL DEVELOPMENT**

Having previously declared a prejudicial interest in respect of this item, Councillor S Foulkes left the meeting during consideration of this item.

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

Resolved (12:0) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on the 10 June 2015 and the 7 September 2015 and listed as follows:

BHNW107/01 Rev F dated 22.01.14, BHNW107/01/M Rev A dated 02.09.14, BHNW107/01/F Rev A dated 19.05.15, BH/WL/SD/FD051, BH/WL/SD/FD001, BH/WL/SD/FD014 BH/WL/SD/FD035, LDS344-01Rev B dated May 015, BHNW107/01 Revision F received 7 September 2015

3. Before any construction commences, samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

78 **APP/15/00814: LAND AT BIDSTON VILLAGE ROAD, BIDSTON, CH43 7QT - 26NO. EXTRA CARE APARTMENT SCHEME (C2 USE CLASS) INCLUDING COMMUNAL LIVING, DINING AND LEISURE SPACES, STAFF FACILITIES AND CAR PARKING AREA.**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

A Petitioner addressed the Committee

The Agent addressed the Committee

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

Resolved (12:1) That the application be approved subject to the following conditions:

- 1. No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.**
- 2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th September 2015 and listed as follows: 11-094-100 Rev A (Dated 06.2015), 11-094-150 Rev D (Dated 09.2015), 11-094-165 Rev B (Dated 09.2015), 11-094-110 Rev F (Dated 09.2015), 11-094-123 Rev B (Dated 06.2015), 11-094-122 Rev B (Dated 06.2015), 11-094-121 Rev C (Dated 06.2015) and 11-094-120 Rev D (Dated 09.2015)**
- 4. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.**
- 5. No development shall take place until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.**
- 6. Prior to the commencement of development, an archaeological desk based assessment for the site shall be submitted to and approved in writing by the Local Planning Authority. This must be undertaken by a professionally qualified archaeologist who is a member of the Institute of Archaeologists at Practitioner grade or above. The approved programme of works shall subsequently be implemented prior to commencement of development and where appropriate, completed in accordance with the approved details. The programme shall include written schemes of investigation for evaluation and**

watching briefs.

7. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

8. Prior to first occupation of the dwellings arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

9. No development shall take place until samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

10. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into the existing foul or combined public sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 20l/s. The development shall be completed, maintained and managed in accordance with the approved details.

79 **APP/15/00824:1 BORDER ROAD, BARNSTON, CH60 2TN - AMENDMENTS TO APPROVED SCHEME APP/13/01595 - BOUNDARY WALL, GATES, CONSERVATORY, JULIET BALCONY AND ADJUSTMENTS TO EXISTING DROP KERB**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

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

Resolved (13:0) That the application be approved subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25th June 2015 and listed as follows: 146_2013_01 ref G (Dated 24.04.2015) & 146_2013_02 ref F (Dated 24.04.2015)**
- 3. Before any construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.**
- 4. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.**
- 5. No occupation or use of the development shall take place until the first floor side windows in the side elevation facing 7 Chalkwell Drive and the first floor side window facing 1 Border Road have been glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.**
- 6. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.**
- 7. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be**

implemented in full unless otherwise agreed in writing with the Local Planning Authority.

8. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed for each of the dwellings hereby approved as and when they are completed and before each relevant dwelling is first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.

80 **APP/15/00828: THE COLLINGWOOD, 19 BLACK HORSE HILL, WEST KIRBY, CH48 6DS - PROPOSED SINGLE STOREY REAR EXTENSION, REPOSITIONING OF RETAINING WALL TO BEER GARDEN AND REPLACEMENT OF SMALL WINDOW TO LARGER WINDOW TO FRONT ELEVATION**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

A Ward Councillor addressed the Committee

The Environmental Health Office responded to questions from Members regarding complaints from local residents concerning levels of noise and disturbance. The Committee heard that there is a history of complaints linked with the premises, particularly relating to noise and disturbance.

Some discussion was had by Members over the need for the installation of self closing doors at the rear of the establishment to minimise noise disturbance in the neighbourhood and it was agreed that a further condition be imposed upon the application to enforce this.

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

Resolved (13:0) That the application be approved subject to the additional condition and the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 18th June 2015 and listed as follows: PL.1511.002 (Dated 25.05.2015)**

3. No music or amplified voices shall be played on the outside terrace area.
4. All external lights shall be fixed and adjusted so as not to cause nuisance to neighbouring properties.
5. No development shall take place until a scheme of works for noise attenuation, including a mechanism to ensure all doors on the rear elevation self-close immediately after use, has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed prior to the development being first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

81 **APP/15/00882: NORTH WIRRAL BRICKWORKS, CARR
LANE,MORETON,WIRRAL,CH46 5NB - VARIATION OF 28 OF APPEAL
APPROVAL REF APP/W4325/A/12/2177106 IN ORDER TO SUBMIT
DETAILS OF THE RESTORATION AND AFTER CARE SCHEME TO BE
SUBMITTED NO LATER THAN 31ST OF MARCH 2016**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

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

Resolved (12:1) That the application be approved subject to the following conditions:

1. The winning and working of mineral shall cease not later than 21st February 2042.
2. No vehicles, plant or equipment shall be parked or stored on the site except those belonging to member of staff or associated with brick making, clay excavation, restoration operations or aftercare operations on the site.
3. All vehicles used for the transportation of clay from any part of the site to the on the brick manufacturing factory shall use internal site roads only and clay intended for that factory shall not be transported outside the site.
4. Access to and from the site for all purposes connected with the winning and working of minerals, including restoration and operations and the

removal of clay from the site shall be directly from Birkenhead Road only.

5. Within six months of the date on which the new conditions are finally determined in accordance with the provisions in Section 22 and Schedule 2 of the Planning and Compensation Act 1991, a notice board shall be erected at the site entrance with Birkenhead Road, indicating the name and telephone number of the operating company and representative of the operators. The notice board shall be maintained in sound and legible condition throughout the period of working, restoration and aftercare.

6. Water from the site shall be discharged into approved settlement ponds before discharging into any ditch, stream, watercourse or culvert outside the site. From the commencement of the development until restoration of the site, mud and silt must be removed from the settlement ponds to avoid reducing their capacity for retaining water.

Facilities shall be made available in order to provide extra treatment where necessary (e.g. addition of coagulant) and shall be used so that any discolouring effect of the discharges is controlled to a level acceptable to the mineral planning authority.

Upon cessation of mineral extraction, all settlement ponds shall be emptied and filled with dry, inert material of a type to be agreed beforehand in writing by the mineral planning authority unless ponds are to be retained as part of the approved restoration scheme for the site.

7. Before any further winning and working of minerals takes place, the signs shown on submitted drawing 000/003/A2C concerning directions for vehicular traffic shall be erected and shall be retained until the completion of restoration of the site. Details of the size of the signs shall be submitted to and approved in writing by the mineral planning authority before they are erected. Letters in the sign shall have a minimum height of 50mm and the signs shall contain a border around the outside of the works of 75mm minimum width. Sign shall be erected less than 1m above ground level and shall not exceed a total height of 2.5m above ground level.

8. A minimum of 8m of unexcavated land shall be left undisturbed around the perimeter of the site where it adjoins:

(a) Carr Lane and

(b) Any areas of land that have not been the subject of mineral extraction

9. A minimum distance of 50m shall be maintained between any dwelling and

the nearest mineral extraction area.

10. The minimum depth of extraction shall be 12m bellow ordnance datum, as indicated on the applicant submitted plan No 333/109.

11. Parking, loading and unloading shall only take place in the areas referred to in the submitted drawing no. 000/003/A2C.

12. Notwithstanding Part 19 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking that Order), planning permission shall be required under Part III of the Town and Country Planning Act 1990 for the erection or re-siting of any building, plant or machinery or structure or erection of the nature of plant and machinery.

13. Stockpiles of minerals shall not be located within areas 10,11 and 12 as shown in submitted plan 000/003/A2C and any stockpiles shall be no higher than the nearest unexcavated land or perimeter screen mounds if the stockpiles are closer to such mounds. For the avoidance of doubt, the term mineral in the context of this condition excludes top soil or subsoil.

14. No top soil or sub soil shall be removed from the site.

15. Save for pumping operations which may be necessary in connection with operations required by condition 6 operations authorised by the planning permission and this determination, including the movement of heavy vehicles and plant entering and leaving the site shall be restricted to the following periods:-

07.00 to 19.00 hours Monday to Fridays

07.00 to 17.30 hours Saturdays

No operations or maintenance, servicing and testing of plant and vehicles shall take place outside these hours or on Sundays or Public Holidays except with the prior written approval of the mineral planning authority.

16. No landscape earthwork's authorised by this determination within 8m of the site perimeter shall be carried out except between the hours of 08.30 and 17.00 Mondays to Fridays inclusive, unless otherwise agreed in writing with the mineral planning authority. No landscape, earthwork's shall take place on Saturdays, Sundays, Bank or Public Holidays.

17. The base of all storage mounds shall be located a minimum distance of four metres away from any existing hedge or tree on the perimeter of the site.

18. Existing wheel cleaning equipment shall be maintained and shall remain positioned in its existing location shown on Working Plan No 000/003/A2C.

19. All heavy goods vehicles leaving the site shall have their wheels cleaned by the equipment referred to in condition 18 or such other equipment as may be approved by the mineral planning authority.

20. At all times when the site is operational, a water bowser or similar for the suppression of dust on all internal roads and areas crossed by heavy goods vehicles and plant shall be available within the site and shall be kept in full working order. The equipment shall be used as may be necessary to water areas within the site, so as to prevent the raising of dust.

21. Any existing internal roads shall be maintained and kept suitably hard surfaced with quarried limestone, brick hardcore, furnace slag, crushed concrete, tarmac or other materials agreed beforehand in writing with the mineral planning Authority. Any new internal roads shall be similarly treated before they are brought into use.

22. Noise levels from soil replacement or baffle mound formation, shall not exceed 70 dBL Aeq (1 hour) (freefield) measured at 1 metre from the facade of any house. Such operations shall not exceed a total of 8 weeks in any 12 month period and shall only take place between 08.30 and 17.00 hours Monday to Friday.

23. Other than those operations and restrictions referred to in condition 22 noise from the operations and any associated activities shall not exceed the following level when measured at 1 metre from the facade of any house:-

**55 dBL Aeq (1 hour) (freefield) between
08.00 and 19.00 hours Mondays to Fridays and
08.00 and 13.00 hours Saturday**

24. Between 06.30 and 08.00hrs and between 19.00 and 19.30 hours Monday to Friday and on Saturday between 06.30 and 08.00 hrs and between 13.00 and 17.30 hrs noise from the operations and any associated activities shall not exceed the following(measured as 1 hour Leq):-

- a) 47 dBA at the nearest house in Cardus Close.
- b) 53 dBA at any point 30 metres to the east of the site boundary to the north of the brickwork buildings.
- c) 48 dBA at the nearest house in Barn Hey Crescent.

25. All hedges and trees on the perimeter of the site shall be retained.

26. Stockpiles consisting solely of subsoil shall not exceed 4 metres in height.

27. Top soil and subsoil shall not be stored in the same stockpile except in the following circumstances:-

- a) the stockpile shall be no more than 4 metres in height.
- b) only subsoil shall occupy the bottom 2 metres of any such stockpile.
- c) any topsoil shall be stored separately from and above the subsoil.
- d) before the placement of any topsoil on the subsoil comprising any stockpile the mineral planning authority shall be given at least 14 days' notice in writing to enable it to inspect the stockpile.

28. By no later than the 31st March 2016 restoration and aftercare schemes shall be submitted to the mineral planning authority for its approval in writing. If schemes have not been submitted by this specified date the winning and working of mineral from the site shall cease until such time as schemes have been submitted. If schemes have not been approved by the mineral planning authority within six months of them having been submitted the winning and working of minerals shall cease unless and until an appeal against such failure to approve has been made to the Secretary of State and unless that appeal is still current and undecided. In such an eventuality the winning and working of minerals shall cease if the appeal is dismissed and it shall not recommence until schemes have been approved, except if the date of 31st March 2016 has not passed in which circumstance, the mineral extraction activity may continue until that date.

29. The restoration scheme referred to in condition 28 shall be carried out and completed within 2 years of the cessation of working or such other period as may be approved in writing by the mineral planning authority during consideration of the restoration scheme referred to in condition 28.

30. The restoration scheme referred to in condition 27 shall provide for the restoration of the whole of the area subject to the scheme and shall include

the following:-

- (a) final levels and gradients in the form of contour lines on which the final restoration and after use shall take place.
- (b) locations and depths of any water areas which may form part of the final restored site.
- (c) details of the use of soils and soil making materials, depth and nature of topsoil and subsoil and handling methods for soil movement.
- (d) details of the type of vegetation including numbers of species of trees, shrubs and other plants and grass and hedgerow seed mixes) over all areas not to be permanent water features
- (e) details of the after use of all parts of the site.
- (f) the location and composition of any hedges and the location and type of any fences,
- (g) the soiling of alt areas which are not designed to be permanent water areas,
- (h) preparation of the land for cultivation.
- (i) details of the measures to be taken to protect any water areas designed to form part of the restored site from pollution by any existing waste material that has previously been deposited on the site of this application.

31. Except in the circumstances set out in condition 30 topsoil shall be stored in a stockpile separate from any other material and stockpiles shall not exceed 2 metres in height.

32. The surface of any subsoil, topsoil or subsoil/topsoil stockpiles shall be seeded with a leguminous seed mixture, details of which shall be submitted to and agreed in writing by the Mineral Planning Authority before the formation of any stockpiles. Seeding shall take place within six months of deposition of the stockpile to the satisfaction of the Mineral Planning Authority.

33. The soil stockpiles shall only be located in the areas indicated on drawing no. 000/003/A2C and shall have side slopes no steeper than 1 in 1.

34. Plant and vehicles shall not cross or rest on areas of deposited topsoil or subsoil except for the purpose of working the soil in accordance with the aftercare plan.

35. The movement of topsoil and subsoil shall only be carried out when the material to be moved is sufficiently dry to minimise structural damage and only in dry weather conditions and in any event only between April and September.

36. For the purposes of this determination the permanent cessation of the winning and working of minerals shall mean not carrying out any mineral extraction for a period of 10 years from any location within the areas subject to the determination of conditions in applications IDDOC/95/6338/D and EADOC/97/6665/D.

37. Without prejudice to the requirements of conditions 26 and 27 in the event that the winning and working of minerals permanently ceases before the date specified in condition 1 without the full depth of mineral having been excavated, schemes of restoration and aftercare, which shall include the matters referred to in conditions 28 and 38, shall be submitted within 12 months of permanent cessation for the written approval of the mineral planning authority. Within 2 years of the written approval of the schemes by the mineral planning authority or any schemes which are approved on appeal by the Secretary of State or imposed by the mineral planning authority (or such other period as may be approved in writing by the mineral planning authority) the whole site shall be restored in accordance with the approved or imposed scheme. In the event of schemes being submitted to but not approved by the mineral planning authority and where no appeal is made against such non-approval the mineral planning authority shall impose schemes. After use of the site in accordance with the approved or imposed scheme shall take place immediately following completion of restoration.

38. The restoration and aftercare schemes referred to in conditions 26 and 37 shall include details of the management of restored soils; (including fertiliser type, rates, method and timing of application); planting and maintenance of vegetation and drainage patterns for a five year aftercare period; provision of a proper means of surface water and soil drainage; a programme of work.

39. Restoration of the site shall not involve the use of any imported controlled waste other than that which is already on the site and not the subject of the enforcement notice issued on 2nd November 1989 nor shall it involve the filling of any existing or future voids with controlled waste already on the site, unless a separate planning permission is granted for such operations. For the avoidance of doubt, in this context 'the site' means the area subject of this application - i.e. the areas subject of Interim Development Order permission no. 6663.

40. Details of the type and amount of any imported materials to be used in the restoration of the site shall be provided as part of any restoration scheme. For

the avoidance of doubt, (i) such materials cannot include any controlled waste (see condition 39) and (ii) "restoration" has the meaning given to the word in Minerals Planning Guidance (MPG) 14 paragraph 115

41. All soil materials used for restoration shall be free of stones greater than 150mm diameter and other deleterious materials.

42. No further work shall take place nor shall any vehicle, plant or equipment enter or be placed or allowed to remain on an area after it has been restored without the prior written agreement of the Mineral Planning Authority unless it is needed in connection with the maintenance of the area or the approved after use.

43. All plant associated with the excavation of clay shall be removed from the site on completion of day extraction, unless it is required for the restoration of the site.

44. The approved aftercare scheme(s) shall be implemented immediately following the completion of the relevant restoration scheme.

45. Unless previously agreed in writing by the Mineral Planning Authority, upon permanent cessation of mineral extraction all haul roads/access roads/areas of hard standing created in connection with the development subject of Interim Development Order permission no. 6663 and this determination shall be broken up and removed from the site and the land restored in accordance with the approved scheme(s).

46. For the avoidance of doubt with the exception of the extraction depth referred to in Condition 10 none of the proposals contained in the submitted plans 333/101 to 125 or the submitted reports entitled 'Quality Assessment of Land Use, Restoration and After use Proposals', 'Carr Lane Wildlife Reserve and Community Woodland Management Plan¹ or the document attached to Cass Associates letters of 27th January 1995 are approved for the purposes of this determination.

47. All mobile fuel tanks shall incorporate an inner fuel holding tank and an outer bund tank of capacity at least equal to 110% of the inner tank. All filling points, vents, gauges and sight glasses shall be located within the bund. Oils, chemicals and greases shall be placed in a secure store and kept within the manufacturer's container.

48. This determination relates to the area granted permission under the interim development order permission no. 6663 on 8th July 1947, this area being edged red on the plan endorsed 'approved' with Hoylake Urban District Council's stamp. In so far as it refers to the area subject of the interim development order permission, plan no. 000/003/A2C shall form part of this determination.

49. Within six months of the date of this determination, or within six months of the recommencement of mineral extraction operations whichever is later a scheme for the disposal of all surface, ground and foul water arising within the site shall be submitted to, and for the approval of, the Mineral Planning Authority. Such a scheme shall be designed so as to avoid the contamination of surface and ground waters outside the site, and shall include details of the design and capacity of all settling ponds, drains, outfalls and sluices.

50. Within six months of the date of this determination, or within six months of the recommencement of mineral extraction operations whichever is later a scheme for the monitoring of surface water flow and quality from the site shall be submitted to, and for the approval of, the Mineral Planning Authority. Such a scheme shall include details of the measurements to be taken, and the frequency of monitoring.

51. Within six months of the date of this determination, or within six months of the recommencement of mineral extraction operations whichever is later a scheme for the monitoring of ground water levels and quality shall be submitted to, for the approval of, the Mineral Planning Authority. Such a scheme shall include:

- a. the locations of monitoring boreholes along the northern margins of Areas 2 and 10, and within Area 1, as shown on Drawing 000/003/A2C;**
- b the measurements to be taken and the frequency of monitoring.**

52. The drainage scheme approved under Condition 49 above shall be implemented within one month of its approval, and maintained throughout the operation of the site, unless revised proposals are approved in writing by the Mineral Planning Authority under condition 55 below.

53. Notwithstanding the generality of Condition 52 above, the details of final restoration of any part of the site required by Conditions 26 and 27 shall include provision for any necessary amendments to the drainage scheme which arise as the site is restored.

54. The surface and ground water monitoring schemes approved under Condition 50 and 51 above shall be implemented throughout the operation of the site, unless otherwise agreed in writing beforehand by the Mineral Planning Authority. The results of the monitoring schemes shall be submitted to the Mineral Planning Authority within twenty eight days of each measurement being carried out

55. In the event that the results of the ground water and surface water monitoring schemes approved under Conditions 50 and 51 above indicate that the operation of the site is likely to harm the nature conservation interests of the nearby Meols Meadow SSSI due to the quantity of water disposed of, then:

- a. a revised drainage scheme shall be submitted to the Mineral Planning Authority to replace the scheme approved under Condition 49 above; and**
- b. the revised drainage scheme shall be implemented within one month of its approval in writing by the Mineral Planning Authority.**

56. Within six months of the date of this determination, or before excavation proceeds below Om. Ordnance Datum (whichever the sooner) the applicant shall submit records of boreholes constructed and logged in accordance with BS5930, at not more than 150metres spacing around the periphery of the proposed clay extraction area (unless revised proposals are approved in writing by the Mineral Planning Authority) in order to prove the nature of the ground and the groundwater conditions therein.

The depth of these boreholes shall be adequate to provide the information necessary to carry out geotechnical analysis demonstrating stability of the base and sides of the proposed excavation.

Piezometers shall be installed in all individual sand and gravel or sandstone layers encountered in such boreholes, and the sections of open borehole between the piezometers shall be sealed to prevent leakage of water between geological layers unless revised proposals are approved in writing by the Mineral Planning Authority.

57. Once installed, the piezometers shall be protected against damage or interference and subject to monthly water level monitoring to be submitted to the Mineral Planning Authority within 15 weeks of each set of readings, unless revised proposals are approved in writing by the Mineral Planning Authority. If any of the monitoring piezometers is lost or damaged rendering it inoperable, it must be replaced within ten weeks of the damage or loss.

58. No waste or restoration materials other than topsoil or subsoil in accordance with the Interdepartmental Committee on the Redevelopment of Contaminated Land Guidelines 59/83 for Parks, Playing Fields and Open Space shall be imported to the site until a restoration scheme has been agreed with the Mineral Planning Authority.

59. No restoration scheme shall incorporate a water body with a top water level above the base of the existing waste deposits in or beneath the adjoining land affected by the Enforcement Notice referred to on drawing 333/109 unless hydraulic isolation from those wastes can be demonstrated to the written satisfaction of the mineral planning authority as advised by the Environment Agency.

60. There shall be no deposit of waste or restoration materials direct into Controlled Waters and controlled waste or leachate from it must not come into contact with groundwater, unless hydraulic isolation from those waters can be demonstrated to the written satisfaction of the Mineral Planning Authority as advised by the Environment Agency.

82 **APP/15/00893:10 BANKS ROAD, HESWALL, CH60 9JS - PROPOSAL OF A COMMUNITY SHOP (A1) TO REPLACE EXISTING GARAGE BUILDINGS TOGETHER WITH TEMPORARY STRUCTURES IN ADJOINING LAND FOR RECREATION AND TOURIST/VISITORS.**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

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

Resolved (13:0) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22 June 2015 and listed as follows: Drawing numbers FGA.15.009_001,15.009_002, 15.009_99, 15.009_104 Rev B and 15.009_101 Rev A as amended dated 19.8.15
3. The premises including the outdoor recreation area and temporary servery shall not be open to the public and no work or associated activities including

deliveries/loading/unloading/servicing shall be carried out on the premises before 08.00 hours or after 18.00 hours

4. Prior to the commencement of development a scheme of odour control for any proposed kitchen extraction equipment and any other external air handling/conditioning/refrigeration units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and shall be retained as such thereafter.

5. No development shall be commenced until full details of a 2 metre high close boarded acoustic fence to be installed around the perimeter of the site, except for the side fronting onto Banks Road, has been submitted to and approved in writing by the Local Planning Authority. The approved fence shall be implemented in full prior to the first use of the development and shall be retained as such thereafter.

6. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

7. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

8. No development shall take place until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

9. The site and premises shall be used as a community shop only, as outlined in the application and supporting information, and for no other purpose (including any other purpose in Class A1 of the Town and Country Planning (Use Classes Order) 1987 (as amended or in any provisions equivalent to that

Class in any statutory instrument revoking or re-enacting that Order with or without modification).

10. The development shall be carried out in accordance with the approved plans and at no time shall there be any amalgamation or sub-division of the development hereby approved nor shall there be any enlargement by way of extension, installation of mezzanine floor or other alteration to any building the subject of this permission without express planning permission first having been obtained. The total gross retail shop floor area, measured internally, shall not exceed 25 square metres.

83 **APP/15/00902: 83 SAUGHALL MASSIE LANE, UPTON, CH49 6LZ - CONVERSION OF CURRENT OUTBUILDING INTO A SEPARATE SELF-CONTAINED DWELLING**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

On a motion by Councillor Hodson and seconded by Councillor Daniel and

Resolved (13:0) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 28 July 2015 and listed as follows: 002-Proposed Details

3. The ground floor window(s) within the north elevation shall not be glazed otherwise than with obscured glass and non-opening up to 1.7 metres from the internal finished floor level and thereafter be permanently retained as such.

84 **PROPOSED PUBLIC CONSULTATION ON THE LOCAL LISTED BUILDING CONSENT ORDER FOR RESIDENTIAL HOUSES THAT ARE GRADE II LISTED IN PORT SUNLIGHT VILLAGE CONSERVATION AREA**

A Report by the Strategic Director of Regeneration and Environment outlined proposals for a public consultation on the local listed building consent order

(LLBCO) for residential houses that are grade II listed in Port Sunlight village conservation area.

Members heard that LLBCOs were introduced through the Enterprise and Regulatory Reform Act 2013 which gave local planning authorities powers to make Legal Orders granting general listed building consent for certain alterations (but no demolition) to specified listed buildings.

Members were informed that the Council were working in partnership with Port Sunlight Village Trust and Historic England and were proposing to introduce a LLBCO within Port Sunlight Village Conservation. The proposed LLBCO would allow authorise consent for the replacement of inappropriate or deteriorated rear doors, rear yard gates and rear window and would allow for the installation of a satellite dish or the reallocation of an unauthorised satellite dish.

A summary of consented works subject to conditions were set out in the report together with a justification for the order.

The proposed consultation process was also set out in the report and it was explained that the Council would consult with Historic England and all residents living in Port Sunlight Conservation Area inviting them to make comments on the draft order. Members heard how there would be a 5 week public consultation period from 21st September to the 25th October 2015. There would also be two drop in sessions held in Lyceum, Port Sunlight Village, Wednesday 7th October 1:00- 3:00pm and Thursday 22nd October, 5:30 -7:30pm where information would be displayed and an opportunity would be had for questions to be asked and answered.

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

Resolved (13:0): That the Committee supports and authorises the commencement of a 5 week consultation exercise to facilitate the adoption of the Local Listed Building Consent Order for residential properties in Port Sunlight Village Conservation Area.

85 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 10/08/2015 AND 06/09/2015**

The Strategic Director for Regeneration and Environment submitted a report detailing planning applications decided under delegated powers between 10/08/2015 and 06/09/2015.

Resolved – That the report be noted.

Planning Committee

21 October 2015

Reference:
APP/15/00398

Area Team:
North Team

Case Officer:
Mr M Parry-Davies

Ward:

Liscard

Location: 11 SEABANK ROAD, EGREMONT, CH44 0EE

Proposal: Change of use to house in multiple occupancy - 6 bedroom property increasing to 7 bedrooms with internal alterations

Applicant: Mr A Skeete

Agent : SDA Architecture & Surveying

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

- Location: Southward extension of Greenwood Lane to Trafalgar Road, Egremont.
L44 1D
- Application Type: Work for Council by Council
- Proposal: Carriageway improvements to Greenwood Lane, provision of car parking facilities, and associated landscaping work.
- Application No: APP/85/06879
Decision Date: 17/12/1985
Decision Type: Approve
- Location: Rear boundary walls to 11-23, 35, Seabank Road and 16-20, 24, 32-38, Poole Road,
- Application Type: Work for Council by Council
- Proposal: Replacement of rear wall by 2.3m. wall and new rear gates or shutters.
- Application No: APP/87/06717
Decision Date: 19/11/1987
Decision Type: Approve
- Location: Various properties within Liscard Ward (CH44), east of Stringhey and Rice Hey Road, north of Tobin Street, west of Egremont Promenade and south of Manor Drive.
- Application Type: Full Planning Permission
- Proposal: Proposed installation of externally applied insulation to the rear and gables of properties with either a coloured render or pebble dash finish.
- Various properties within Liscard Ward (CH44), properties fronting Blenheim Road, Egremont Promenade, Cliff Drive, Cunard Avenue, King Street, Kinglake Road, Poole Road, Cunard Avenue, Ismay Drive, Rudgrave Place, Rudgrave Square, Seabank Avenue, Seabank Road, King George Drive, St Brides Road, St Elmo Road, St Lucia Road, St Vincents Road, Trafalgar Avenue, Trafalgar Road, King George Drive, Poole Road, Richard Chubb Drive, Seabank Road, Wright Street, Whitley Drive and Webster Avenue.
- Application No: APP/12/00650
Decision Date: 02/07/2012
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regards to the Council's Guidance on Publicity for Applications, 36 letters of notification were sent to neighbouring properties. A Site Notice was also displayed at the site. One letter of objection from 13 Seabank Road has been received together with a qualifying petition signed by 37 signatures. The objections are summarised as follows:

1. rising crime figures since conversions of large family homes into flats and multi-occupancy housing;
2. the number of flats and multi-occupancy houses in the area has had a negative impact on the local environment;
3. if allowed, this property could have as many as 14 residents living in a property that was originally designed as a single family home; and
4. another house in multi-occupancy would have negative impact on house prices in the area.

CONSULTATIONS

Head of Environment & Regulation (Traffic and Transportation Division) - may lead to a small increase in demand for on-street parking but this is unlikely to be significant. No objections to the proposal.

Head of Environment & Regulation (Environmental Health Division) - No objections

Head of Housing (Housing Strategy Team) - No objections

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of objection to the application, signed by 37 signatures, has been received. Therefore, under the provisions of the Scheme of Delegation for Determining Planning Applications, this application is required to be considered and determined by the Planning Committee. Additionally, the agents for this application are SDA Architecture & Surveying, a partner and architect at which is also an elected Member of the Council.

INTRODUCTION

The proposal is for a change of use to a house in multiple occupancy. The existing property is a 6 bedroom dwelling and the proposal is to convert the property into a 7 bedroom house in multiple occupancy. The property is a detached property located at the end of a row of dwellings located near the junction of Trafalgar Road with Seabank Road/King Street. There are residential properties adjacent to the site, a small car park and garages to the rear and further afield, a small number of commercial and/or retail premises. The area is, however, predominantly residential in character.

PRINCIPLE OF DEVELOPMENT

The proposals are subject to Policy HS14 (Houses in Multiple Occupation). The type of accommodation provided within houses in multiple occupation ranges from bed sitting rooms to bed and breakfast establishments for long stay residents. Such properties can provide a valuable source of low-cost accommodation and fill a necessary gap in the housing market. Properties most commonly used for HMO's are large old houses, frequently in poor physical repair but with good external and internal space standards. This is true of the application property. Once renovated and brought up to standard, this property has the potential to provide accommodation for those requiring small low-cost housing.

SITE AND SURROUNDINGS

As outlined above, the property is a 6 bedroomed detached family home. The area is predominantly characterised by residential properties with some small scale retail/commercial properties located along King Street and further up Trafalgar Road.

POLICY CONTEXT

Policy HS14 allows for the conversion of existing properties to multi-occupancy subject to criteria being satisfied. The property subject to these proposals is of sufficient size to accommodate the proposals, increasing the number of bedrooms from 6 to 7. The property is detached. The proposals would not result in a private dwelling having an HMO on both sides. It is not considered that the proposals would result in a change in the character of the surrounding area which would be detrimental. Whilst there are other HMO's in the vicinity of the site, the proposal would not result in a concentration of such properties that would give rise to an adverse effect on the character of the area. The proposals would not adversely impact on the privacy of neighbours and habitable rooms to both neighbouring properties and the application property would not be affected. No external staircases are proposed with all staircase access being provided within the main structure of the building. There are no extensions proposed with the exception of two rear dormers. These dormers would not result in overlooking of adjoining properties to any unacceptable degree. The proposals make use of existing window openings and all main bedrooms and living rooms maintain reasonable outlook. The proposals would not result in more than 20% or more of properties forming the street frontage within this street block being in multiple occupancy. It is therefore considered that the proposals comply with criterion (i) to (xvi) of Policy HS14 of the Wirral Unitary Development Plan.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

APPEARANCE AND AMENITY ISSUES

Proposals for housing in multiple occupancy can bring about a number of issues, both in terms of the quality of the accommodation to be provided and the impact(s) on adjoining properties and the character of the surrounding area. Such impacts may result due to the number of residents proposed in an HMO and the consequent comings and goings, especially when compared to activity arising from normal family housing. The proposals are located close to the junction of Trafalgar Road and King Street/Seabank Road. The surrounding road network is relatively busy providing main links from Seacombe and Egremont through to New Brighton. The area is predominantly residential in character, with a number of other properties having been converted to multi-occupancy. However, the predominant character of the area is one of family housing and/or self-contained flats. The proposals provide for 7 bedrooms, each with en-suite facilities and shared living rooms and kitchens proposed on the ground floor and on the second floor. Therefore, the standard of accommodation proposed is considered to be satisfactory with good sized bedrooms being proposed. Although the proposals are likely to result in a small increase in demand for on-street car parking, it is considered that there is sufficient capacity within the immediate vicinity to accommodate this demand. Consequently, the proposed development would not materially harm the living conditions of neighbouring residents with particular reference to the availability of on-street parking. The proposals are not considered to result in any detrimental impact on neighbouring properties or on the overall character of the area.

SEPARATION DISTANCES

The proposals would not adversely impact on the privacy of neighbours and habitable rooms to both neighbouring properties and the application property would not be affected. The proposals make use of existing window openings and all main bedrooms and living rooms maintain reasonable outlook.

HIGHWAY/TRAFFIC IMPLICATIONS

Given the scale of the development, the number of trips generated by the development would be limited and would have a negligible impact on the surrounding highway network. The application site is within easy walking distance of main bus routes giving access to the public transport network. Given the predominantly residential nature of the surrounding side streets, the demand for on-street parking, particularly during evenings and weekends is likely to be greater. However, as the proposals are located within easy access to good public transport links and are close to amenities, the development proposed would be likely to be attractive to people who do not own cars. However, the development would still potentially lead to an increase in demand for on-street parking in the vicinity for both residents and visitors. Given the small scale nature of the proposals, it is considered that there would be sufficient capacity within the immediate vicinity to accommodate a small increase in demand for on-street parking. It is considered that such an increase in demand would be unlikely to materially increase the instances of hazardous parking which would be detrimental to highway safety in the area, having regard to existing parking restrictions already in place, particularly around the junctions of Trafalgar Road, King Street and Seabank Road. Consequently, it is not considered that there are sufficient grounds for withholding planning permission in this case on the grounds of highway safety and/or parking issues.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Policy HS14 allows for the conversion of existing properties to multi-occupancy subject to criteria being satisfied. The property subject to these proposals is of sufficient size to accommodate the proposals. It is not considered that the proposals would result in a change in the character of the surrounding area which would be detrimental. The proposals would not result in a concentration of properties in multi-occupancy that would give rise to an adverse effect on the character of the area. The proposals would not adversely impact on the privacy of neighbours and habitable rooms to both neighbouring properties and the application property would not be affected. Although the proposals are likely to result in a small increase in demand for on-street car parking, it is considered that there is sufficient capacity within the immediate vicinity to accommodate this demand. Consequently, the proposed development would not materially harm the living conditions of neighbouring residents with particular reference to the availability of on-street parking. Therefore, the proposals are considered to be acceptable, having regard to the provisions of Policy HS14 (Houses in Multiple Occupation) and the

principles of the National Planning Policy Framework providing a valuable source of low-cost accommodation and filling a gap in the housing market.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

Policy HS14 allows for the conversion of existing properties to multi-occupancy subject to criteria being satisfied. The property subject to these proposals is of sufficient size to accommodate the proposals. It is not considered that the proposals would result in a change in the character of the surrounding area which would be detrimental. The proposals would not result in a concentration of properties in multi-occupancy that would give rise to an adverse effect on the character of the area. The proposals would not adversely impact on the privacy of neighbours and habitable rooms to both neighbouring properties and the application property would not be affected. Although the proposals are likely to result in a small increase in demand for on-street car parking, it is considered that there is sufficient capacity within the immediate vicinity to accommodate this demand. Consequently, the proposed development would not materially harm the living conditions of neighbouring residents with particular reference to the availability of on-street parking. Therefore, the proposals are considered to be acceptable, having regard to the provisions of Policy HS14 (Houses in Multiple Occupation) and the principles of the National Planning Policy Framework providing a valuable source of low-cost accommodation and filling a gap in the housing market.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

3. PRIOR TO FIRST OCCUPATION of the dwellings arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

4. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19 March 2015 and listed as follows:
Drawing Number 41_2015_02 (dated 03.03.2015)

Reason: For the avoidance of doubt and to define the permission.

Further Notes for Committee:

Last Comments By: 21/04/2015 11:09:19
Expiry Date: 14/05/2015

Planning Committee

21 October 2015

Reference:
APP/15/00952

Area Team:
South Team

Case Officer:
Ms J Storey

Ward:
Rock Ferry

Location: Cammell Laird, CAMPBELTOWN ROAD, TRANMERE, CH41 9BP
Proposal: Full planning application for a proposed crew transfer and storage facility.

Applicant: DONG Energy
Agent : TEP

Site Plan:



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Development Plan allocation and policies:

Employment Development Site
Coastal Zone
Primarily Industrial Area

Planning History:

Location: Cammell Laird, CAMPBELTOWN ROAD, TRANMERE, CH41 9BP
Application Type: Full Planning Permission
Proposal: The application is for temporary planning permission for three years for a temporary warehouse to be used for dry storage of high value equipment and components to be used for the construction of Gwynt y MÃ´r Offshore Wind Farm (GyM). A planning application for temporary facilities at the Cammell Laird site is currently being considered by the Wirral Borough Council (reference APP/12/00030), which includes the installation of an identical warehouse unit. The additional warehouse is required because the existing permanent warehouse that was originally going to be leased from Cammell Laird is now no longer vacant to Gwynt y MÃ´r Offshore Wind Farm Ltd
Application No: APP/12/00729
Decision Date: 31/07/2012
Decision Type: Approve

Summary Of Representations and Consultations Received:REPRESENTATIONS

Having regards to the Councils Guidance for Publicity on Planning Applications, 6 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there have been no objections to the proposal.

CONSULTATIONS

Head of Environment & Regulation (Pollution Control Division) - No objection

Head of Environment & Regulation (Traffic and Transport Division) - No objection

Environment Agency - No objection subject to conditions

Natural England - No objection subject to conditions

MEAS - No likely significant effects

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The proposal is defined as Major Development within the Council's Scheme of Delegation for determining Planning applications and is therefore required to be determined by the Planning Committee.

INTRODUCTION

Existing infrastructure at the site were used to facilitate the construction of parts of the Gwynt y Mor Offshore Wind Farm and was operated by them. Under the temporary planning permission, the site provided employee facilities for marine logistics coordination, construction management and the mobilisation and transport and workers involved in the construction management and the mobilisation and transport of workers involved in construction of the offshore wind farm.

This application is for a crew transfer capability along with office and storage space and a permanent use is now applied for. The proposal also includes a crew transfer vessel pontoon and the erection of

a crew transfer vessel pontoon.

The previous temporary permission at the site included a large area to the south and west which was used as a construction laydown area. The applicant has advised that these areas are no longer required in connection with this planning permission and do not form part of these proposals.

Access to and operation of the site would be required 24 hours a day in order to retain flexibility for the offshore operations.

The proposal briefly comprises of

- One access Road
- Gangway and pontoon to facilitate transfer of crew to and from vessels
- Car parking area for up to 210 vehicles including 2 disability spaces and 20 cycle spaces
- 1 Ultima modula Portakabin consisting of 32 seperate modules
- 10 x single storey Titan Portakabin Units
- 1 x double storey Titan Portakabin Unit
- 1 x 100,00 litre diesel oil storage tank
- Contractors area identified for the installation of contractors offices, workshops and storage
- Lighting towers
- Security Lodge

Crew Transfer

A gangway extends from the jetty to connect the existing pontoon and allow for pedestrian access to the crew transfer vessels under all tidal conditions. This will allow construction workers to board and disembark the crew transfer vessels that will transport them out to sea. The applicants advise that this has been in use since March 2013. The proposed Crew Transfer Vessel (CTV) pontoon will be assembled and installed within the Mersey Estuary; and extend some 132m into the estuary from the existing jetty, accessed via a gangway.

The proposed pontoon will have at least 2m of water depth beneath it at all states of the tide, allowing 0.5m clearance at Lowest Astronomical Tide (LAT). The location of the pontoon has been carefully selected to meet these requirements whilst avoiding the need to dredge. The pontoon will extend into the River Mersey between depths of 2m to 10m to Chart datum

A separate Marine Licence has been obtained from the Marine Management Organisation and renewed by Cammell Laird for the continued use of the pontoon.

Site operations and administration/Car Parking

The office accommodation consists of one Ultima modular Unit which includes 32 separate portakabins. Each cabin is secured to the adjoining units and the whole structure secured with foundations. The portakabins will be used for the following purposes

- Induction
- Mess facilities
- Toilets and showers
- Lockers/drying room
- Personal Protective Equipment storage
- First aid
- Office space.

The units are currently located adjacent to the crew transfer station and will remain in their current position.

There are existing parking areas of hard standing that have been used for Car Parking along the north eastern boundary of the site adjacent to the office accommodation. These parking spaces will be retained for use by staff at the site.

Storage and Contractors Area

The storage and contractors area are located to the south and south west part of the site. The type of buildings to be located here to be either single or two storey in height. The applicants have advised

that no buildings for the use of contractors will be erected outside of these two designated areas.

Diesel Oil Storage Tank

The 100,000litre capacity diesel storage tank is located adjacent to the north east boundary of the site. The tank is designed to storage regulation standards.

Surface Water Drainage

Surface water from all hard standing including car parking and storage areas will drain into the public sewers. There will be no discharge of surface water from the site to the River Mersey

Lighting

The existing lighting around the site is focussed around the perimeter and the towers are 15m tall. There are a total of 33 existing lighting towers and columns within the application boundary which will remain in use with this current application.

Security Lodge

There is an existing security lodge at the entrance to the site from Campbeltown Road and will also remain in situ for this application.

PRINCIPLE OF DEVELOPMENT

The site is allocated as an Employment Development Site and designated as part of the Coastal Zone in the UDP where this proposal would be acceptable in principle subject to environmental impact and nature conservation assessments

SITE AND SURROUNDINGS

The site is located at the following address: GyM Base Harbour Port Facility, Campbeltown Road. The land currently comprises an operational quay adjacent to the wet-basin, a jetty for crew transfer activities and large areas of flat ground to be used for laydown of components. It was previously occupied by manufacturing sheds and ancillary structures.

There are existing hard concrete and tarmacadam surfaces and portakabin buildings and parking areas in place. The site is generally flat and is at an approximate elevation of 9.0m Above Ordnance Datum (AOD). The nearest residential area is Birkenhead, approximately 1 km from the site.

POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF core planning principles support “the transition to a low carbon future in a changing climate ... and encourage the use of renewable resources (for example, by the development of renewable energy.)” It also encourages “the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

The framework recognises that “planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure, which is central to the economic, social and environmental dimensions of sustainable development.”

The NPPF also requires local planning authorities to help increase the use and supply of renewable and low carbon energy, and recognise “the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources.

The proposed development is an example of such development required to deliver a wider renewable energy project that has already obtained planning consent and that will make a significant contribution to UK renewable energy targets.

In summary of the above, it is clear that the proposed development accords with the policy principles and objectives set out in the NPPF and should be considered favourably. The NPPF also requests, in coastal areas, that local planning authorities take account of the UK Marine Policy Statement and Marine Plans.

WIRRAL UNITARY DEVELOPMENT PLAN

COA1 Principles For The Coastal Zone: Strategic Policy

Within the coastal zone proposals for development will have to satisfy additional development control criteria related to:

- (i) preserving and enhancing the character of the coast, in particular, its national and international importance for nature conservation and the quality of the coastal landscape;
- (ii) directing development appropriate to the coastal zone to the developed coast"

Policy CO1 Development Within the Developed Coastal Zone:

Development will be permitted within the Developed Coastal Zone subject to the following criteria:

- (i) the development requires a coastal location, unless the applicant can demonstrate that there are no alternative sites outside the Coastal Zone capable of accommodating the proposed development;
- (ii) the proposal will not adversely affect coastal and marine nature conservation or earth science archaeology, urban or rural landscape value or visual quality; and
- (iii) the proposal does not reduce the effectiveness or impede the maintenance of sea defence or coastal protection structures and additionally satisfies the requirements in Policy CO5 and Policy CO6 relating to development in areas at risk from flooding and erosion.

The Cammell Laird site lies within the designated Coastal Zone and any proposals for the site will, therefore, have to satisfy Policy COA1. The development is considered to be in line with Policy CO1 (ii) "directing development appropriate to the coastal zone to the developed coast" as the proposed site is on brownfield land that was formerly used by Cammell Laird Shipyard, but has remained derelict since 2004. The nature of the development requires a coastal location as it is supporting infrastructure for offshore development. The potential effects of the development have been carefully considered and it is not predicted to have an effect on coastal / marine conservation or landscape value or visual amenity. The proposal is not considered to have any impact on the effectiveness or maintenance of sea defence or coastal protection structures and the site is not considered at risk of flooding.

Proposal EM1: Former Cammell Laird Shipyard

On the UDP Proposals Map, the Cammell Laird site is allocated for a mix of B1 (Business), B2 (General Industry), B8 (Storage and Distribution) and D2 (Assembly and Leisure) uses, as defined in the Town and Country Planning (Use Classes) Order 1987. The proposal states that "other compatible uses may also be allowed providing it is established that they are necessary to secure and bring forward the overall redevelopment of the site for industrial and business use, subject to all the other relevant policies of the Plan."

The proposed development fits with B2 (General Industry) usage.

Policy EM6: General Criteria for New Employment Development;

This policy states that "applications for all new employment development, on sites allocated for employment use or within Primarily Industrial Areas, including proposals for the conversion, re-use or extension of existing premises, will be permitted subject to Policy EM7 and all the following criteria:

- (i) the proposal does not lead to an unacceptable loss of amenity, have an adverse effect on the operations of neighbouring uses or compromise the future development of land in the vicinity for employment or other uses;
- (ii) satisfactory access to the development can be provided, before it comes into use, in a way which

is not detrimental to the amenity of the area;
(iii) the proposal does not generate traffic in excess of that which can be accommodated by the existing or proposed highway network;
(iv) adequate off-street car and cycle parking is provided;...
(v) the siting, scale, design, choice of materials, boundary treatment and landscaping is of a satisfactory standard and is in keeping with neighbouring uses - temporary buildings or structures will only be permitted in exceptional circumstances and only for a period not exceeding five years.”

The proposed development is considered to be in line with the requirements of Policies EM6 and EM7. There will be no loss of amenity. The proposal is for permanent development. It will not generate traffic in excess of that which can be accommodated by the existing highway network. There will be a minimal number of heavy loads by road to set the site up (for example crane delivery). All wind turbine components will be delivered to the site by sea. The traffic generated on the highway will therefore be limited to workers travelling to and from site. This will be a steady flow in the morning and evening as shift patterns are variable.

Policy NC1: The Protection of Sites of International Importance for Nature Conservation; states “development proposals which may affect a European Site, a proposed European site or a Ramsar site will be subject to the most rigorous examination.”

Policy NC2: Sites of International Importance for Nature Conservation; identifies the Mersey Estuary Wetland as a site of International Importance and a Special Protection Area. It states also that “proposals which have potential to damage the nature conservation interests which underlie the designation of these sites will be dealt with in accordance with Policy NC1.”

An assessment of the potential impact of the proposed development has been carried out in consultation with Natural England and it is considered that the proposal will not have an impact on any Sites of International Importance

LAN1 Principles For Landscape: Strategic Policy

“In considering proposals for development, the local planning authority will have regard to the visual impact upon the local and wider landscape and will in particular:

(i) protect landscapes of special character, identified as areas of special landscape value; and
(ii) promote the improvement and enhancement of damaged landscapes, identified as areas requiring landscape renewal.

Proposals will not be permitted where their visual impact would be inappropriate, in terms of the character, appearance and landscape setting of the surrounding area.”

The proposed development is not anticipated to affect the setting of the Liverpool City World Heritage Site and is out of the 1km buffer zone implemented to safeguard this heritage asset.

The development is proposed within a busy port and can be considered to be a revival of historic use of the shipyard and contribute to regeneration of the area. In this way the proposed temporary development can be considered appropriate development within the chosen location. In addition, due to the nature of its surroundings in the busy estuary and the backdrop of current and historic industrial activity along the Birkenhead shoreline, the surrounding landscape has the capacity to absorb the proposed development without causing significant landscape or visual intrusion.

The proposed development is temporary in nature and will occur during the construction phase of GyM. Post construction the land will be returned to its previous use.

Policy TR12: Requirements for Cycle Parking;

seeks where practicable that new industrial development will be required to provide cycle parking facilities - one stand for every twenty car parking spaces.

Transport Policies in General:

The UDP in particular advocates developments in close proximity to the Borough’s main transport corridors, both road and rail, and therefore envisages efficiency and environmental concern in addressing people’s needs for mobility.

The potential impact on the local transport infrastructure has been carefully considered and it is considered that the total traffic generated will not result in a significant impact on local traffic and transport. The main traffic generated will be workers travelling to and from site. The main bulk of materials will be delivered to site by sea, utilising the Cammell Laird wet basin for unloading. Components will then be transferred to the laydown area, all within the boundaries of the site Cammell Laird / GyM Base Harbour Port Facility site. 20 no. cycle spaces and 120 no. car parking spaces are provided as part of the proposed development.

The site is located in close proximity to the Borough's main transport corridors. Green Lane train station is within 10 minutes walking distance of the GyM base Harbour Port Facility. Local Bus services from Liverpool and the Wirral also stop with 10-15 minutes walking distance from the site. Local public transport services are considered further in the site Travel Framework Plan submitted with the planning application.

WAT1 Fluvial And Tidal Flooding: Strategic Policy

"Planning permission will only be granted for new development which would not be at risk from fluvial or tidal flooding, or which would not increase these risks to other developments."

It is considered that the proposed development would cause or not be at risk of flooding subject to drainage conditions.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling.

APPEARANCE AND AMENITY ISSUES

The proposed buildings and structures are of a permanent nature and located within an industrial area. The surrounding buildings are of a scale and design in keeping within the industrial designation of the area. The proposal will not therefore impinge on the visual quality of the surrounding area.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

The proposed development will inevitably generate some additional traffic, peaking during the construction phase and again during the subsequent demolition when the site is no longer required. Once operational the scheme will have a limited effect on the local transport infrastructure with the day to day traffic stabilising to provide for personal (car) and company transport (vans) onto and off site for the office staff and workforce.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Ecological Impacts

An Extended Phase 1 Habitat Survey was undertaken to identify the major habitats present, potential for legally protected species and any additional ecological surveys likely to be required.

The study identified -

The Natura 2000 sites that may be influenced by this project are:

- Mersey Estuary Special Protection Area (SPA);
- Mersey Estuary Ramsar site;
- Mersey Narrows and North Wirral Foreshore SPA: and
- Mersey Narrows and North Wirral Foreshore Ramsar.

The locations of the Natura 2000 sites relative to the project are presented in Figure 3 below. Other Natura 2000 sites in the region are not considered to be influenced by this project as no pathways

exist according to the source-pathway-receptor model

The following projects were assessed for in combination effects on the grounds that there are common potential pathways of impact on the Mersey Estuary SPA and Ramsar and the Mersey Narrows and North Wirral Foreshore SPA and Ramsar:

- Temporary Amenities at Cammell Laird to facilitate the construction of Gwynt y Mor Offshore Wind Farm;
- Marine Licence for use of the pontoon and moorings (application number MLA/2012/00136/7);
- Biossance Eastham;
- Wirral Waters East Float;
- Wirral Waters Northbank East;
- Wirral Waters ITC;
- Mersey Gateway;
- Frodsham wind farm
- Extension to the River Mersey dock facilities at Seaforth, Bootle;
- HBC Fields, Widnes;
- 3MG A5300 Link Road;
- Junction of A41 Rock Ferry/Bedford Road East and car park;
- Another Place;
- Stobart Park; and
- Merlin AFS extension, Seaforth.

Potential effects identified are:

1. Visual and noise disturbance to qualifying bird species within the Natura 2000 sites and supporting intertidal habitat during operation of the site in particular use of the gangway, pontoon and crew transfer vessels.

The pontoon and use of transfer vessels below Mean Low Water and therefore is assessed by MMO separately in relation to granting a marine licence. This HRA does not consider impacts from the pontoon and marine transfer vessels, other than through an assessment of in combination effects.

2. Potential for bird collision risk with the gangway.

3. Potential diesel spillage within supporting intertidal habitat within the Mersey Estuary which may impact on habitats and qualifying species.

4. Visual disturbance to qualifying bird species within the Natura 2000 sites and supporting intertidal habitat from on-site lighting.

Potential effects identified were:

Visual and noise disturbance to qualifying bird species during operation of the site in particular use of the gangway, pontoon and crew transfer vessels.

This assessment is based on 2011/2 wintering bird survey⁴ which due to its age has some limitations (see paragraph 10 and 11 above). However, its use in the assessment is considered acceptable. Review of these data shows that a number of qualifying bird species for the Mersey Estuary SPA and Ramsar and Mersey Narrows and North Wirral Foreshore SPA and Ramsar have been recorded on mudflats directly adjacent to the Cammell Laird site. Survey showed that qualifying bird species have been recorded across the study area. Species recorded most frequently directly adjacent to the project site, jetty and pontoon, these are shelduck, oystercatcher, curlew, cormorant, turnstone and redshank. Of particular note oystercatcher, redshank and ringed plover are all present at 1% or more of the Natura 2000 site populations indicating that this area of mudflat is of some importance to these species in particular.

Review of water-bird use of the Mersey Estuary SPA⁵ show that the following species use the intertidal area adjacent to the site: Oystercatcher (roosting and feeding), cormorant (roosting and feeding) and ringed plover (feeding).

Although there is some potential for disturbance impacts to a number of qualifying species. For all qualifying species other than oystercatcher, redshank and ringed plover, percentages of populations present are low (less than 0.5%) and not significant in relation to the Mersey Estuary SPA and Ramsar and Mersey Narrows and North Wirral Foreshore SPA and Ramsar population numbers and are not considered further.

Assessment of impacts to redshank, oystercatcher and ringed plover.

Ringed plover

This species was recorded on four occasions during the survey at low and mid tide only. The distribution of this species is adjacent to the south of the site or the area of Tranmere beach to the south of the project site close to the oil terminal. Peak count of 12 for this species was recorded on Tranmere beach adjacent to the oil terminal. Given the location of this species the proposed project is unlikely to result in any likely significant disturbance impacts on this species. **No likely significant effects on assemblage species Ringed plover.**

Redshank

Redshank were recorded across the survey area in all tidal states, but that they tend to be concentrated in two main areas, these are: 1) the beach area closest to the oil terminal and the oil terminal piers and 2) the area of intertidal habitat to the north of the site. Although bird surveyors did record disturbing redshank from under the jetty on one survey occasion. When numbers of redshank are assessed there is also a clear pattern of distribution with larger counts being recorded on the area adjacent to the oil terminal than those recorded adjacent to the project site and crew transfer pontoon. Given that greatest numbers of Redshank are recorded closest to the oil terminal rather than adjacent to the project site then impacts on Redshank populations within the study area as a result of this project are predicted to be low. In addition, as the greatest numbers of redshank are recorded closest to the existing oil terminal this indicates that they are already habituated to industrial sites and existing boat movements and this would indicate that redshank are unlikely to be significantly affected by disturbance associated with the proposed Cammell Laird facility. **No likely significant effects on assemblage bird species redshank.**

Oystercatcher

Figure 7 shows the distribution of oystercatcher across the study area. Oystercatcher similarly to redshank are distributed across the study area and recorded in all tidal states. There is less of a pattern of distribution than that found in redshank. However, there do appear to be concentrations on Tranmere beach adjacent to the oil terminal. The greatest group size of oystercatcher recorded during any survey visit was 12. It is likely that there will be some disturbance of oystercatchers particularly in relation to the use of the crew transfer jetty as surveyors recorded disturbing oystercatcher from under the jetty during one survey occasion. However, due to the small flock size and localised distribution of these flocks any disturbance is likely to be localised and it is unlikely to result in a likely significant effect on this species. **No likely significant effects on assemblage bird species oystercatcher.**

In combination

A number of other projects have identified disturbance as a potential likely significant effect. HRA undertaken for the Marine Licence Application for the pontoon and moorings associated with this project concluded that there would be no likely significant effects subject to the following licence conditions:

- Lighting to be directed away from the Mersey Estuary SPA and Mersey Narrows SSSI;
- No concrete / cement wash water or slurry is to enter the marine environment;
- Bunding and storage must be installed to contain fuels, oil and chemicals;
- Any spills must be reported to MMO;
- A detailed method statement must be submitted to the MMO detailing removal of the pontoon, moorings and associated equipment from the site.

These measures will ensure no likely significant in combination effects.

All other projects assessed have avoidance or mitigation measures to prevent likely significant effects on Natura 2000 sites or their qualifying species and conclude no likely significant effects.

No likely significant in combination effects.

Potential for bird collision risk with the gangway.

This assessment is based on 2011/2 wintering bird survey⁶ and review of these data shows that a number of qualifying bird species for the Mersey Estuary SPA and Ramsar and Mersey Narrows and North Wirral Foreshore SPA and Ramsar have been recorded on mudflats directly adjacent to the Cammell Laird site. Survey showed that qualifying bird species have been recorded across the study area. Species recorded most frequently directly adjacent to the project site, jetty and pontoon, are shelduck, oystercatcher, curlew, cormorant, turnstone and redshank. Of these species only oystercatcher, redshank and ringed plover are present in significant numbers and are considered

further.

There is potential for these species to collide with the gangway at night and under poor visibility conditions when flying along the river or between habitats. However, the structures are likely to be visible to birds due to their construction, high levels of background light pollution and safety lighting on the gangway and pontoon. **No likely significant effect.**

All other projects which have identified collision risk as a likely significant effect have avoidance or mitigation measures to prevent likely significant effects on Natura 2000 sites or their qualifying species and conclude no likely significant effects. **No likely significant in combination effects.**

Potential diesel spillage within supporting intertidal habitat within the Mersey Estuary

The project will continue to use an existing 100,000 litre diesel storage tank, the tank is designed to storage regulations standards. Prevention of spills measures will be implemented in accordance with Oil Storage Regulations 2001. **No likely significant effects.**

In combination

All other projects assessed which include diesel storage include appropriate storage and spill prevention measures which meet regulations standards. **No likely significant in combination effects.**

Visual disturbance to qualifying bird species from on-site lighting.

Lighting is provided by 37 street lights to the car parking area as well as 6 lighting towers. This area of the Mersey Estuary is already well lit due to lighting at Tranmere oil terminal and lighting associated with surrounding industrial sites and street lighting. A large proportion of the birds recorded were around Tranmere oil terminal, suggesting that the birds are habituated or not disturbed significantly by lighting. Therefore it is unlikely that lighting on site will result in any likely significant effects. However it would be best practice for lighting to be directed away from the Mersey Estuary. **No likely significant effects.**

In combination

All other projects which have identified lighting as a potential likely significant effect have included mitigation measures to prevent or minimize light spill into Natura 2000 sites or supporting habitat. **No likely significant in combination effects.**

No likely significant effects predicted on the European Sites

The Environment Agency have no objections to the proposal subject to the attached conditions. It is therefore considered that the proposed development will not have an impact on the Local Habitats.

Contaminated Land

The site has been subject to significant historical land uses leading to elevated concentrations of contamination. The Environment Agency have advised that if this is brought to the surface, or discovered during the superficial works associated with the temporary structures proposed, the contamination could pose a risk to the adjacent River Mersey and will therefore need a strategy detailing how they are to deal with it.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposed employment development which needs a coastal location to support the off shore wind turbines is compliant with the requirements of local and national planning policy.

Environmental impacts have been considered carefully and there are no significant impacts predicted which would lead to failure of the tests of development plan policies or national policy guidance and European legislative requirements. It is concluded that the development overall will not have any adverse impacts on the local environment, either upon natural or anthropogenic receptors.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including

national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

There is policy support for the proposed employment development which needs a coastal location to support the off shore wind turbines under the terms local planning policy in the Unitary Development Plan and the National Planning Policy Framework.

Environmental impacts have been considered carefully and there are no significant impacts predicted which would lead to failure of the tests of development plan policies or national policy guidance and European legislative requirements. It is concluded that the development overall will not have any adverse impacts on the local environment, either upon natural or anthropogenic receptors.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. A lighting plan and light spill plan must be submitted for agreement with the Council to show how the applicant will reduce light spill onto the intertidal areas. In addition, the proposed illumination shall be shielded away from the highway and neighbouring houses in a manner to be agreed with the Local Planning Authority to prevent glare. The shielding shall be retained thereafter.

Reason . In the interest of visual amenity and highway safety.

3. The site must be drained on a total separate system, with only foul drainage ultimately connected into the public foul sewerage system

Reason For the avoidance of doubt and to ensure a satisfactory form of development

4. All fuel and chemical storage tanks must have adequate bund walls with outlets. The bund must be capable of holding more than the largest tank within it.

Reason For the avoidance of doubt and to ensure a satisfactory form of development

5. The Licence Holder must ensure that artificial lighting used to facilitate the construction and operation of the pontoon is directed away from New Ferry SSSI and Mersey Estuary SPA. The specific locations of the designated sites can be obtained from Natural England.

Reason To avoid disturbance of wintering and passage birds

6. Surface water draining from areas of hard standing shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

Reason To reduce the risk of pollution to the water environment

7. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 29th July 2015 and listed as follows: G5229.001, G5229.002, FS/0381024-1 Rev A, FS/0377940-1 Rev, HFL/2011/0377940-3R Rev A, HFL/2011/0377940-1 Rev H, FS/0381024 - 1 Rev A, FL/2011/0377940-3, IHB/AB/002
Reason: For the avoidance of doubt and to define the permission.

Further Notes for Committee:

1. Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund.

The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

We advise that polluting materials and chemicals are stored in an area with sealed drainage

Last Comments By: 31/08/2015 10:38:51
Expiry Date: 28/10/2015

Planning Committee

21 October 2015

Reference:
APP/15/00958

Area Team:
North Team

Case Officer:
Mr K Spilsbury

Ward:
Oxton

Location:
Proposal:

7-9 ROSE MOUNT, OXTON, CH43 5SG
Variation of Condition 3 of APP/11/00283 (opening hours): Monday to Thursday open at 09:00, last entry 23:30, trading to cease 00:00 (midnight), premises closed to the public 00:30; Fridays and Saturdays: open 09:00, last entry 23:30, trading to cease 01:00 with premises closed to public 01:30; Sundays open 09:00, last entry 23:00, trading to cease at 23:30 with premises closed to the public at 00:00 (midnight)

Applicant:
Agent :

The Courtyard
CLA

Site Plan:



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distribute or sell any of this data to third parties in any form.

Development Plan allocation and policies:

Density and Design Guidelines Area
Primarily Residential Area
Conservation Area (for illustrative purposes)

Planning History:

Location: 7-9 ROSE MOUNT, OXTON, CH43 5SG
Application Type: Full Planning Permission
Proposal: Variation of condition 3 of planning determination APP/2011/00283 (for the refurbishment of existing bar/restaurant with the erection of a conservatory within the rear courtyard and change of apartment within outrigger to become part of restaurant/bar and supporting office accommodation, and installation of air conditioning units to rear), to allow the premises to be open from 09.00 to 00.00 (last entry 23.30) Mondays to Saturdays including Bank Holidays; and 09.00 to 23.30 (last entry 23.00) on Sundays.
Application No: APP/12/00621
Decision Date: 19/10/2012
Decision Type: Approve

Location: 7-9 ROSE MOUNT, OXTON, CH43 5SG
Application Type: Full Planning Permission
Proposal: Planning application for completed works encapsulating the extension of restaurant at the rear to the full length of the courtyard, erection of 2no canopies, erection of 2no heaters (external) at the front elevation, installation of an external store at 1st floor level and installation of CCTV.
Application No: APP/12/00622
Decision Date: 19/10/2012
Decision Type: Approve

Location: 7-9, Rose Mount, Oxton. L43 5SG
Application Type: Full Planning Permission
Proposal: Change of use of ground floor to restaurant, erection of a single storey rear extension, conversion of part of ground, 1st and 2nd floors to three flats and construction of new frontage.
Application No: APP/90/05908
Decision Date: 19/08/1991
Decision Type: Approve

Location: 7-9 ROSE MOUNT, OXTON, CH43 5SG
Application Type: Full Planning Permission
Proposal: Proposed refurbishment of existing restaurant/bar with the erection of a conservatory within the rear courtyard and change of apartment within outrigger to become part of restaurant/bar and supporting office accommodation, installation of air conditioning units to rear (Amended description)
Application No: APP/11/00283
Decision Date:
Decision Type: Approve

Location: The Courtyard, 7 ROSE MOUNT, OXTON, CH43 5SG
Application Type: Full Planning Permission
Proposal: Application for a Lawful Development Certificate for an existing use or operation - use as a restaurant including the provision of entertainment in the form of amplified and live music Monday-Saturday 11am-12am and Sunday 11am-11.30pm.
Application No: LDC/11/01408
Decision Date: 03/04/2012

Decision Type: Refuse

Location: 7-9 ROSE MOUNT, OXTON, CH43 5SG
Application Type: Full Planning Permission
Proposal: Amended Description: Variation of condition 3 of APP/11/00283 and condition 1 of APP/12/00622
Application No: APP/14/01211
Decision Date: 21/01/2015
Decision Type: Refuse

Location: 7-9 ROSE MOUNT, OXTON, CH43 5SG
Application Type: Full Planning Permission
Proposal: Proposed refurbishment of existing restaurant/bar with the erection of an external canopy within the rear courtyard and change of apartment within outrigger to become part of restaurant/bar and supporting office accommodation
Application No: APP/11/00061
Decision Date: 08/04/2011
Decision Type: Withdrawn

Location: 7-9 ROSE MOUNT, OXTON, CH43 5SG
Application Type: Full Planning Permission
Proposal: Variation of condition 5 of APP/1990/5908 to allow the premises to open from 09:00 to 00:00 Sunday to Thursday (including Bank Holidays) and 09:00 to 01:00 Friday and Saturday
Application No: APP/11/00215
Decision Date: 14/04/2011
Decision Type: Withdrawn

Location: 7-9 ROSE MOUNT, OXTON, CH43 5SG
Application Type: Full Planning Permission
Proposal: Amended Description: Variation of condition 3 of APP/11/00283 and condition 1 of APP/12/00622
Application No: APP/14/01211
Decision Date: 21/01/2015
Decision Type: Refuse

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council's Guidance for Publicity on Planning Applications, notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing this report objections have been received from the occupiers of 29 Christchurch Road, 37a Rose mount, The Oxton Society, 10 Prices Lane, 26 Claughton Firs, 2, 8, 9 and 19 Victoria Mount, 7a Village Road, 31 Fairview Road, 5 Roslin Court, 12 South Bank, 13 Templemore Road, 3 Yewdale Park, 14 Palm Hill and 2 Prices Lane. We have also received a qualifying petition in objection to the development from Councillor Brighthouse. The objections are summarised as follows:

1. noise and disruption caused by the proposal,
2. litter,
3. anti-social behaviour,
4. impact of late night taxis,
5. parking problems and traffic.

In addition, a qualifying petition of objection containing 71 signatures has also been received.

CONSULTATIONS

Head of Environment & Regulation (Pollution Control Division) - No objection

Head of Environment & Regulation (Traffic and Transportation Division) - No objection

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The Council has received more than 15 separate letters of objection to the proposed application in addition to a qualifying petition of objection from Councillor Alan Brighthouse. Under the Council's current scheme of delegation the application must be submitted to planning committee.

INTRODUCTION

The proposal is for the variation of opening hours as described in condition 1 of approved application APP/12/00622. This application was approved as a variation of hours to condition 3 of APP/11/00283. The variation in hours seeks to bring the planning hours in line with the approved licensing hours.

As with the previous planning application; APP/14/01211 that was refused at planning committee on 20th January 2015, the hours of operation are as follows:

| | Open | Last Entry | Trading shall Cease | Closed to the public |
|-----------|------|------------|---------------------|----------------------|
| Monday | 9.00 | 23.30 | 00.00 (Midnight) | 00.30 |
| Tuesday | 9.00 | 23.30 | 00.00 (Midnight) | 00.30 |
| Wednesday | 9.00 | 23.30 | 00.00 (Midnight) | 00.30 |
| Thursday | 9.00 | 23.30 | 00.00 (Midnight) | 00.30 |
| Friday | 9.00 | 23.30 | 01.00 | 01.30 |
| Saturday | 9.00 | 23.30 | 01.00 | 01.30 |
| Sunday | 9.00 | 23.00 | 23.30 | 00.00 (Midnight) |

PRINCIPLE OF DEVELOPMENT

The premises benefits from planning permission for use as a restaurant, the proposal is to amend the approved opening hours and as such subject to the planning policies which seek to ensure proposals do not cause a nuisance to neighbouring uses.

SITE AND SURROUNDINGS

The premises are an established restaurant within Oxton Village and comprises of a mid-terrace commercial property with flats above. The site is situated at the heart of Oxton Village and its surrounding conservation area. There are restaurants and other commercial uses located either side of the application property and facing on Rose Mount, but residential properties are close at the rear on Prices Lane – these properties are accessed by a narrow road which is used to service a small number of commercial properties fronting onto Rose Mount. Oxton village is designated as a Primarily Residential Area under the Unitary Development Plan, but in the centre of the village commercial and residential properties are characteristically in close proximity to one another.

POLICY CONTEXT

The premises is an established restaurant within Oxton Village, the Village is designated as within the Primarily Residential Area, the proposal will be assessed in accordance with Wirral's UDP Policies HS15 & SH4, Supplementary Planning Document SPD3 and the National Planning Policy Framework (NPPF).

Policy HS15 states; Within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

- (i) be of such scale as to be inappropriate to surrounding development;
- (ii) result in a detrimental change in the character of the area; and,
- (iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

Policy SH4 states; Within small shopping centres and parades in Primarily Residential Areas, development falling within Class A1, Class A2 and Class A3 of the Town and Country Planning (Use Classes) Order 1987, will be permitted, subject to Policy HS15 and the following criteria as appropriate:

(i) where a proposal for Class A3 uses is located on a street containing similar establishments, cumulative levels of noise and disturbance, from both the existing and proposed activities, should not exceed a level likely to be detrimental to the amenity of the area;

(ii) proposals for Class A3 uses should include measures to mitigate smell and internally-generated noise - these measures should not be visually intrusive in the street scene and should be fully installed before the business commences trading;

(iii) the proposal does not cause nuisance to neighbouring uses, or lead to loss of amenity, particularly in respect of noise and disturbance, on-street parking or delivery vehicles - where necessary a suitable condition will be imposed on hours of opening/ operation;

(iv) proposals for Class A3 uses should be located a reasonable distance from the principal elevation of the nearest dwelling house or block of flats;

(v) proposals for Class A2 uses should incorporate the provision of a shop front and permanent window display.

SPD3 states; Proposals for restaurants, cafes, drinking establishments and hot food takeaways will be directed to the Key Town Centres, Traditional Suburban Centres and Primarily Commercial Areas designated in the UDP. Only small-scale changes of use will be permitted within groups of existing shops within the designated Primarily Residential Areas.

One of the main themes in UDP Policies SH4, and HS15 is to ensure that the character and function of the area is not adversely affected and that the proposal will not cause a nuisance to the neighbours. A number of site related factors could be taken into account when this is assessed. These would include:

- the existing number of hot food and drinking establishments in the immediate area and their proximity to each other;
- the nature and type of other uses in the surrounding area, e.g. housing, shops, offices etc;
- the function of the centre and number of shops remaining to serve the community;
- vacancy rates and the condition of the unit;
- wider economic and social benefits; and
- any unresolved amenity, traffic or safety issues relating to existing uses in the area.

Supplementary Planning Document SPD3 indicates that in the past, the degree of subjectivity involved when assessing the potential impact from noise and disturbance on the neighbours' amenity has been questioned. To help address this, the following measure would be applied in the assessment of future planning applications:

- All proposed uses within Use Classes A3, A4 and A5 i.e. restaurants, cafes, drinking establishments and hot food takeaways should be at least 40 metres away from the main elevation of a dwelling house or a building used solely for self-contained flats, when measured along the public highway.

The sale of alcohol and the supply of hot food and drink, the latter between 11.00pm and 5.00am, are also controlled under the Licensing Act 2003. The granting of a license is subject to the Council's

Statement of Licensing Policy. The Local Planning Authority will consult the Licensing Authority, Merseyside Police and Environmental Health Officers prior to the determination of any application to use premises for the purposes listed in Use Classes A3, A4 and A5. Planning applications found to be in conflict with the prevention of public nuisance or the prevention of crime and disorder are unlikely to be approved. In this instance the premises is an established A4 use and as such the variation of hours are acceptable in principle.

APPEARANCE AND AMENITY ISSUES

As with the previous planning application refused by committee the proposal is for a variation of opening hours of the existing premises, the proposed variation to the planning approvals is to bring the planning permission in line with the approved licensing hours. Having regard to APP/12/00622, the premises currently has planning permission for the following hours; Opening Monday to Saturday between 9am and Midnight and 9am to 11.30pm on Sundays and Bank Holidays. With the exception of Friday and Saturday, the changes to the closing times are increased by 30 minutes. The difference in the current hours and the proposed hours on a Friday and Saturday is at the end of the evening, the proposal is to retain last entry at 11.30pm, trading to cease at 1am and the premises closed at 1.30am. This would allow for an additional hour of trading on Fridays and Saturdays with 30 minutes additional time for closing the premises.

Unlike the previous application the current application includes an acoustic report that assessed the site with regards to the extension of opening hours. This document concludes that the noise levels show us that the area is quite noisy but entirely in keeping with an area of this character, and that there is no significant difference between the current closing times and the proposed closing times. They go on to state that the qualitative assessments which show that the Courtyard is making almost no contribution to the overall noise climate which is dominated by taxis and noise from the Oxton Bar and Kitchen smoking area.

The premises is a non-residential use within the designated residential area, there are within the immediate vicinity a number of evening uses, including hot food take-aways, restaurants and bars. Whilst the area is designated as residential the nearest sole residential property when measured along the public highway is 4 Village Road which is approximately 45m from the premises.

The additional 30 minutes proposed for Monday to Thursday and Sunday will have a minimal impact onto the character of the Village, the last time for entry is to be restricted to 11.30pm (11pm on a Sunday) with trading finished at Midnight or 11.30pm, respectively. The main impact from the proposed variation in hours is on Fridays and Saturdays, the premises have proposed to control nuisance by restricting last entry to 11.30pm on all nights of the week except for Sundays. The restriction in last entry seeks to control patrons in terms of noise and disturbance and comings and goings to the premises.

A similar premises The Oxton Bar and Kitchen 2-2a Claughton Firs has licensing hours; Sunday to Thursday 10am to Midnight (30 minutes drinking up time) and Friday to Saturday 10am to 1am (30 minutes drinking up time). The Oxton Bar and Kitchen is historically a public house and is not controlled in terms of planning conditions.

At the time of writing this report objections have been received from the occupiers of 29 Christchurch Road, 37a Rose mount, The Oxton Society, 10 Prices Lane, 26 Claughton Firs, 2, 8, 9 and 19 Victoria Mount, 7a Village Road, 31 Fairview Road, 5 Roslin Court, 12 South Bank, 13 Templemore Road, 3 Yewdale Park, 14 Palm Hill and 2 Prices Lane. We have also received a qualifying petition in objection to the development from Councillor Brighthouse. Their objections relate to noise and disruption caused by the proposal, litter, anti-social behaviour, impact of late night taxis, parking problems and traffic.

Both the Head of Environment & Regulation (Pollution Control Division) and the Head of Environment & Regulation (Traffic and Transportation Division) have been consulted with regards to the scheme and have raised no objection to the scheme having regards to the impact of the proposed increase in operating hours or the impact upon the local highway having regards to traffic and parking.

The proposed variation of hours to the premises will bring the hours of trading in line with a similar premises within Oxton Village, the frontage of the premises is set further than 40m from the nearest

residential property as set out in SPD3. Having regard to the current policies, the character of the area and the proposed controls to the premises, the application to vary the opening hours is considered to be acceptable.

SEPARATION DISTANCES

Separation distances do not apply in this instance.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal. The Head of Environment & Regulation (Traffic and Transportation Division) has been consulted and raised no objection to the scheme.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals. The Head of Environment & Regulation (Pollution Control Division) has raised no objection to the proposed scheme.

CONCLUSION

The use of the premises is established, Oxton Village contains a number of retail, commercial and residential properties, it is considered that the proposed variation in hours will not have a detrimental impact onto the character of the area and will seek to protect the neighbouring residential properties by restricting admittance to the premises.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The use of the premises is established, Oxton Village contains a number of retail, commercial and residential properties, it is considered that the proposed variation in hours will not have a detrimental impact onto the character of the area and will seek to protect the neighbouring residential properties by restricting admittance to the premises.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The premises shall be closed between 00.30 hours (midnight) and 09.00 hours Monday to Thursday, 01.30 hours and 09.00 Fridays and Saturdays and 00.00 (midnight) hours and 09.00 hours on Sundays.

Reason: To protect the amenities of nearby residential occupiers having regard to Wirral's UDP Policy HS15.

2. All windows and doors must be kept closed at all times, except for access and egress.

Reason: In the interests of residential amenity having regard to Wirral's UDP Policy HS15.

3. No live or amplified music, other than low level background music which must not be audible from beyond the site boundary shall be played at the premises at any time.

Reason: In the interests of residential amenity having regard to Wirral's UDP Policy HS15.

4. The public shall not be granted entry into the premises after 23.30 Monday to Saturday or after 23:00 on Sunday.

Reason: In the interests of residential amenity having regard to Wirral's UDP Policy HS15.

5. This permission is for a temporary period only and shall expire after 12 months, starting from the date of this grant of approval.

Reason: In the interests of residential amenity having regard to UDP Policy HS15.

Further Notes for Committee:

Last Comments By: 19/08/2015 08:31:57
Expiry Date: 01/09/2015

Planning Committee

21 October 2015

Reference:
OUT/15/00977

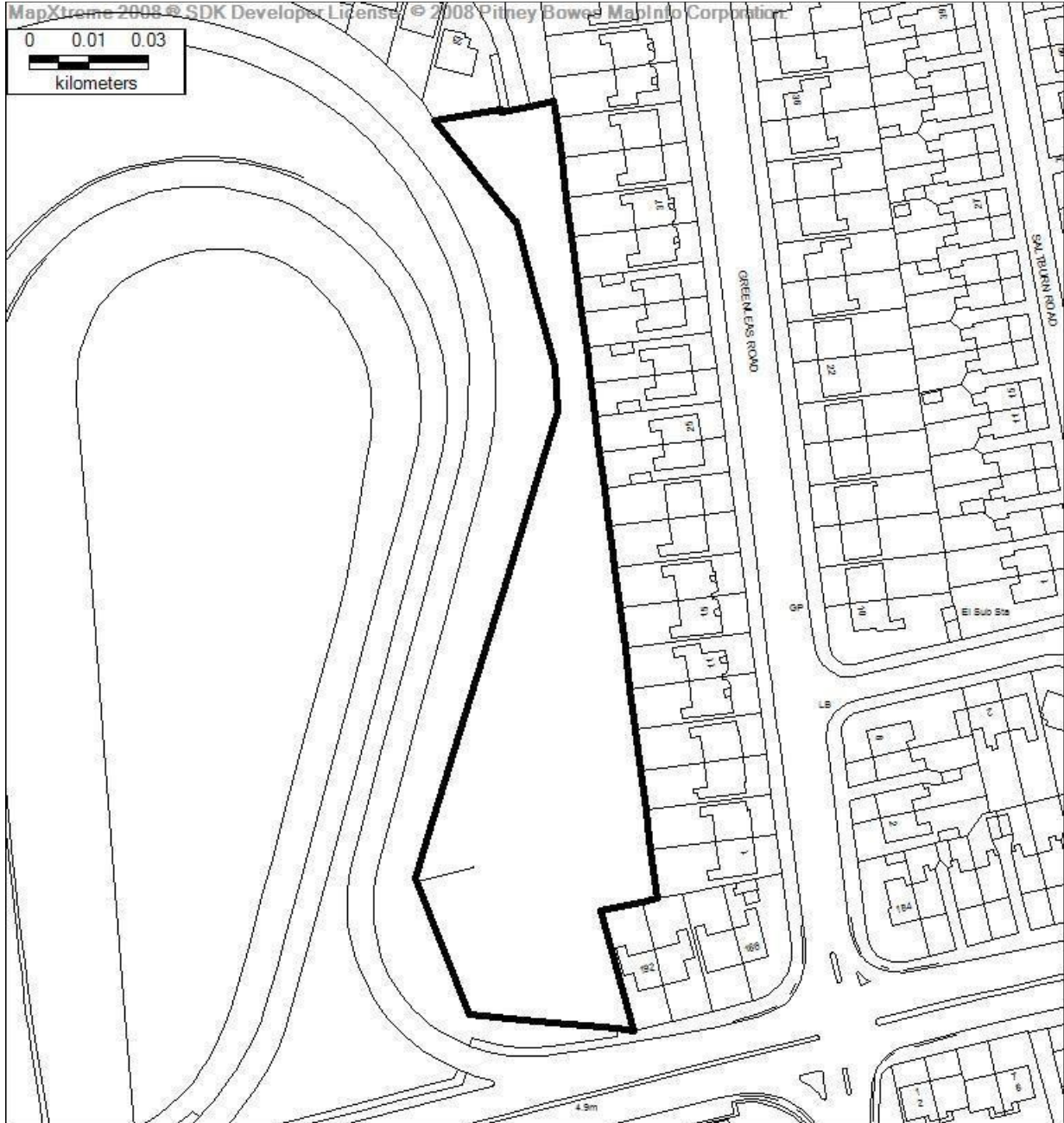
Area Team:
North Team

Case Officer:
Ms J Storey

Ward:
Wallasey

Location: Grazing Land, LEASOWE ROAD, WALLASEY VILLAGE
Proposal: Outline application for 10 dwellings
Applicant: Mr D J Earlam
Agent : Matthews and Goodman LLP

Site Plan:



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Development Plan allocation and policies:
Primarily Residential Area

Planning History:

Location: Grazing Land, LEASOWE ROAD, WALLASEY VILLAGE
Application Type: Outline Planning Permission
Proposal: Resubmission of outline application for 16 dwellings Planning Application
Reference: OUT/13/00810
Application No: OUT/14/00105
Decision Date: 16/05/2014
Decision Type: Refuse

Location: Webster Market Garden, Green Lane, Wallasey Village, Wirral, L45 8LZ
Application Type: Outline Planning Permission
Proposal: Erection of 31 dwellings and access road (outline).
Application No: OUT/98/05354
Decision Date: 24/04/1999
Decision Type: Approve

Location: West of 1-43 Greenleas Road and west of 192 Leasowe Road, Wallasey Village, CH45 8
Application Type: Outline Planning Permission
Proposal: Erection of 8 no. detached houses with access road to Greenleas Close
Application No: OUT/02/06143
Decision Date: 11/07/2002
Decision Type: Withdrawn

Location: Webster Market Garden, Green Lane, Wallasey Village, Wirral, CH45 8LZ
Application Type: Full Planning Permission
Proposal: Erection of 35 dwelling houses and garages and construction of foul and surface water sewer link to Leasowe Road
Application No: APP/99/06431
Decision Date: 19/10/1999
Decision Type: Approve

Location: Grazing Land, LEASOWE ROAD, WALLASEY VILLAGE
Application Type: Outline Planning Permission
Proposal: Outline planning application for the erection of 16no. residential units.
Application No: OUT/13/00810
Decision Date: 07/11/2013
Decision Type: Refuse

Appeal Details

| | |
|----------------------|--------------|
| Application No | OUT/14/00105 |
| Appeal Decision | Dismissed |
| Appeal Decision Date | 29/01/2015 |

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Councils Guidance for Publicity on Planning Applications 32 notifications were sent to adjoining properties and a Site Notice was displayed near the site. At the time of writing, a qualifying petition containing 69 signatures and 50 individual letters of objection have been received against the proposal. The objections can be summarised as follows:-

1. Overdevelopment of the site
2. Access not wide enough for emergency vehicles and refuse lorries
3. No consideration is made for pedestrian traffic from the new development into Greenleas Close, residents gardens go right to the roadside
4. No pedestrian route up to the school which will lead to an increase in accidents
5. The traffic survey submitted is wrong and not subjective
6. Development shows utter disregard for current residents

7. No justification for the quantum of development or that it meets UDP Policy HS4
8. No supporting studies have been provided
9. Not in support of the Settlement Area Policy document
10. Reduced delineation between Leasowe/Wallasey
11. Why wasn't this site developed when the other houses were first built
12. Site is partly in the Green Belt
13. Loss of Green Space
14. Surface Water Flood Risk
15. Effect of the development on the character of the neighbourhood
16. Walkway through to Leasowe Road
17. Overlooking
18. Loss of trees and the building of houses will increase noise and light for the current residents
19. Loss of land at the bottom of Greenleas Close as a children's play area
20. Fall in Value of current values
21. Increase in traffic and congestion and on street parking
22. Highway Safety issues
23. Proposed Residents would suffer from noise from slip road
24. Footprint of the proposed houses are smaller than surrounding properties
25. Unadopted footpath that runs along rear of the back gardens
26. Access to the shared roadway into the proposed development is close to my property create noise pollution
27. Neighbour is disabled and proposal would overlook area where he is cared for
28. Make access to the rear of the houses on Greenleas Road a target for Burglars
29. There is a covenant on the land which restricts its use to Agriculture
30. The benefits of leaving a small piece of land far outweighs the greed of the developers
31. Parking survey performed during spring/summer. suspect lower level of traffic

CONSULTATIONS:

Head of Environment and Regulation (Traffic & Transportation Division) : No Objections

Head of Environment and Regulation (Pollution Control Division) : No objections

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of objection has been received signed by 69 signatures. As such the application is required to be considered and determined by the Planning Committee having regards to the provisions of the Scheme of Delegation for Determining Application as approved by Council in March 2014.

Councillor Leah Fraser objects to the proposals and also removed this application from delegation asking for it to be considered by the Planning Committee. Her objections relate to

1. Overdevelopment of the site;
2. Access via Greenleas Close is exceptionally narrow with Greenleas Primary School located at the entrance: the area is gridlocked during school starting and finishing times and this application if approved is likely to exacerbate existing traffic problems;
3. Road safety issues, which were highlighted in the Inspector's recent dismissal for 16 houses;
4. There is an unadopted footpath that runs along the rear of the houses in Greenleas Close which would be impacted by this development - residents gain access to the rear of their properties from this path allowing them to maintain fences and hedges and for keeping the path clear; and
5. light, peace and quiet will be eroded for neighbouring residents if this application were approved.

INTRODUCTION

This is an outline application with all matters reserved for the erection of 10 no residential units on grazing land between Leasowe Road and Greenleas Close. The site measures approximately 6,000m². Drawings have been submitted indicating a proposed layout and indicative elevations. The proposed scheme proposes 3, detached two storey dwellings, 6, semi-detached two storey dwellings and a bungalow.

There have been two previous applications on the site. The first (OUT/02/06143) for 8 dwellings was withdrawn and the second (OUT/13/00810) for 16 dwellings was refused and subsequently dismissed on appeal.

The two reasons for refusing the later application related to over development of the site by reason of the quantum and scale of the proposed development and highway safety and additional traffic generation fronting Greenleas school.

The inspector in dismissing the appeal stated that: "the elongated nature of the site and its awkward configuration necessitates confining most of the proposed dwellings to the southern portion of the plot. The density there would be greater and that, together with the relatively narrow plots and smaller dwellings would create a cramped impression out of keeping with the detached dwellings in Greenleas Close or the established semi-detached suburban villas along Greenleas Road. I consider the illustrative layout to be mediocre with little form or focus."

The Inspector further notes that: "Greenleas Close ends in a shared surface approximately 30m in length that curves between some six properties. While the use of this section by the traffic generated from the proposed development, might at first sight, appear to meet the guidance in Manual for Streets, it seems to me that there would be elements in the configuration of the cul-de-sac that would undermine the proper application of that concept. Drivers from almost all of the proposed dwellings would approach the shared surface via a virtually straight stretch of carriageway, about 130m in length, and accommodating only 3 fairly modest 'chicanes'. Given the likely tidal nature and low level of traffic, I do not accept that such a configuration would be commensurate with a design speed suitable to appropriately negotiate the shared surface. All the more so, for the proposed development would not appear to entail the use of a shared surface itself (pavements appear to be shown) and the curves incorporated into the highway alignment would be too shallow to greatly inhibit vehicle speeds on their own. For those reasons, I consider the current arrangements indicated to be unsatisfactory even though I accept that the limited level of traffic likely to materialise would not greatly exacerbate road hazards.

PRINCIPLE OF DEVELOPMENT

The site is designated as a Primarily Residential Area in the Wirral Unitary Development Plan, and the principle of residential dwellings is acceptable subject to UDP Policy HS4 'New Housing Development and the National Planning Policy Framework.

SITE AND SURROUNDINGS

The site comprises a grassed and hard surfaced piece of land with stables, grazing and riding areas. It is designated as a Primarily Residential Area in the Wirral Unitary Development Plan. There are mature trees to the west boundary outside the site, screening the proposal from the slip road off the A554. Greenleas Road to the east of the site is characterised by traditional semi-detached properties with 15m rear gardens, and is positioned lower than the site. Greenleas Close to the north is characterised by an open plan estate of detached brick dwellings. There is a Primary School at the head of Greenleas Close.

POLICY CONTEXT

The Development Plan

The site is designated as part of the Primarily Residential Area in the Wirral Unitary Development Plan (UDP saved by direction of the Secretary of State on 27 September 2007).

Policy HS4 (Criteria for New Housing Development) of the UDP sets out the parameters for acceptable residential development stating that the proposal should be of a scale which relates well to the surrounding properties with particular regards to existing form and density.

Policy HSG2 (Affordable Housing) of the UDP states that the Local Planning Authority will negotiate with developers and housing associations the provision of affordable housing where appropriate.

Policy GR5 (Landscaping and New Development) of the UDP requires applicants to submit full landscape proposals before planning permission is granted.

Policy GR7 (Trees and New Development) of the UDP sets out the criteria to assess the need to protect trees by having regard to health and structure of existing trees with a view to provide replacement trees.

Policy WA2 (Development and Land Drainage) of the UDP states that conditions may be imposed requiring surface water storage where there could be a significant increase in surface water run-off from the area.

Policy WA5 (Protecting Surface Waters) of the UDP only permits development which does not exacerbate existing problems such as increased frequency of discharges through storm sewer overflows due to inadequate infrastructure or lack of sewer capacity.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, and Policy WM9 also requires development to provide measures for waste collection and recycling.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that good design is a key aspect which should contribute positively for making places better for people.

Sustainable housing development should encompass good design and widen the choice of high quality homes. Paragraph 64 states that development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions should be refused

APPEARANCE AND AMENITY ISSUES

The application is for outline consent with all matters reserved, however, the applicants have provided an indicative layout and possible elevational treatments. The site is to be accessed via Greenleas close to the north and will utilise a single road running through the site. To this end, the scheme will integrate well into its surroundings by reinforcing existing connections and creating a new one. The submitted drawings also identify a possible pedestrian/cycle access onto Leasowe Road which will ensure that the site is permeable from north to south. It has been suggested that a barrier could be provided that prohibited cars from gaining access.

The indicative scheme proposed a mix of semi-detached and detached dwellings and a bungalow that should create a broad based community and is commensurate with the surrounding development. Off street parking will be provided for each property. The proposal also includes for a small public landscaped area to the east of the site that could incorporate a suds scheme in addition to creating and enhancing a wildlife habitat.

The applicant has provided a street scene which indicates the design scale and height of the proposed dwellings. It is considered that the elevations as proposed exhibit a certain architectural quality and detailing. The scale and height of the proposed houses are similar to the surrounding area.

In addressing the Inspectors previous concerns with earlier schemes, the proposed layout is not confined to the southern portion of the plot. The density is now lower and the plots wider and the footprint of the dwellings similar to surrounding properties.

The site is located close to community facilities such as shops, schools and a mix of public transport providers.

SEPARATION DISTANCES

Habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three-storey development adjacent to two-storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

The applicants have advised that the exact location of below ground services will be determined prior to the submission of a reserved matters application. There is a 10m easement through the site, which may require modification to the submitted layout. This is a matter reserved for future approval.

The illustrative layout provided for 25m interface distance between the rear elevations of existing properties along Greenleas Road and the proposed two storey dwellings. There is a shorter distance of 20m between the proposed dwellings on plot 2, however, it is proposed that this is to be a bungalow where prospects of overlooking could be mitigated by boundary treatment. The proposed scheme can therefore be accepted having regard to interface distances.

HIGHWAY/TRAFFIC IMPLICATIONS

A volume of objections have been received from local residents and parents with concerns to the additional traffic, parking and congestion the proposed 16 new dwellings would bring. This is exacerbated by the position of Greenleas Primary School at the junction into Greenleas Close.

There have been some concerns from residents that there is a public right of way through the site. However, this is not the case. The proposed scheme will in fact provide access for pedestrians and cyclist through the site.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Objections were received regarding flood risk, loss of trees and wildlife habitat. The site is not located in a flood zone. However the concerns of the neighbours regarding flooding from rainfall on the ground surface and rising groundwater overwhelming sewers and drainage systems are relevant. The proposal is to remove a large amount of permeable surface and replace the majority with hard surfacing. As such it will be essential in the application for reserved matters the applicant sets out a proposal for a sustainable urban drainage system. There is a copse of trees adjacent to the site but not within the boundary. The applicant proposed a small landscaped/wooded area. In addition, it is considered that this reduction in the number of dwellings will allow for a better landscaping scheme. A landscaping scheme is considered necessary given the previous open use of the site.

Section 106 for Affordable Housing

Proposals for new market housing of 5 dwellings or above will normally be required to provide affordable housing on-site at the following rates:

- within areas of greatest need 10 percent
- outside areas of greatest need 20 percent

A reduced level of provision will be approved where an independently, verified site specific assessment has been submitted to demonstrate that the site will not be viable for housing development at the rate specified.

In this instance the applicant has agreed to the required level of affordable housing which will be delivered through a Section 106 agreement.

CONCLUSION

The proposed development is considered to be acceptable and it will not have an unacceptable adverse impact on the amenities of neighbouring properties through overlooking, poor outlook or through the amount of traffic generated or highway safety issues. The application site is in a sustainable location close to shops and good public transport links. The proposal is therefore considered to comply with the Wirral Unitary Development Plan Policy HS4, and the National Planning Policy Framework

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is considered to be acceptable and it will not have an unacceptable adverse impact on the amenities of neighbouring properties through overlooking, poor outlook or through the amount of traffic generated or highway safety issues. The application site is in a sustainable

location close to shops and good public transport links. The proposal is therefore considered to comply with the Wirral Unitary Development Plan Policy HS4, and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) Layout
- (b) Scale
- (c) Appearance
- (d) Access and
- (e) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990.

3. Details of materials for all external work including samples, shall be submitted to and approved by the Local Planning Authority before any work is commenced.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

4. NO DEVELOPMENT SHALL TAKE PLACE until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan.

5. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land, to ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees and hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 and GR7 of the adopted Wirral Unitary Development Plan.

6. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 20th July 2015 and listed as follows: L(80)001

Reason: For the avoidance of doubt and to define the permission.

7. NO DEVELOPMENT SHALL TAKE PLACE (including any demolition, earthworks or vegetation clearance) until a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscaping works and earthworks, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for but not restricted to the following details:

- a. existing trees and shrubs not directly affected by the buildings and works.
- b. walls and fences
- c. proposed walls and fencing, indicating materials and heights.
- d. screen planting on boundary
- e. existing contours and any alteration, such as earth mounding,
- f. details of the proposed arrangements for maintenance of the landscaping

The scheme as approved shall be carried out prior to the first occupation of any of the dwellings hereby approved. Any trees, shrubs or plants that die within a period of 5 years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written approval for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, having regard to Policy HS4 and Policy GR5 of the Wirral Unitary Development Plan.

8. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

Reason; To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy WM9

9. NO DEVELOPMENT SHALL TAKE PLACE until a scheme for the provision and implementation for the discharge of surface water from the site (including surface water from accesses and driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use or the dwellings first occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To prevent increase risk of flooding by ensuring that the development can be adequately drained and to comply with saved policies WA2 and WA5 of the Wirral Unitary Development Plan

Further Notes for Committee:

Last Comments By: 10/09/2015 15:32:09

Expiry Date: 19/10/2015

Planning Committee

21 October 2015

Reference:
APP/15/00979

Area Team:
South Team

Case Officer:
Miss A McDougall

Ward:
Heswall

Location: Land North West to 1 THE KNAP, GAYTON, CH60 0EX
Proposal: Proposed new 2 bed dormer property on land at 1 The Knap
Applicant: Mr & Mrs Stoker
Agent : Architects-Direct.com

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area
Density and Design Guidelines Area

Planning History:

- Location: 1 THE KNAP, GAYTON, CH60 0EX
Application Type: Full Planning Permission
Proposal: Two storey side & single storey rear extension
Application No: APP/13/01267
Decision Date: 09/12/2013
Decision Type: Approve
- Location: 48 Dawstone Road, Gayton, Wirral, CH60 0BS
Application Type: Full Planning Permission
Proposal: Erection of single storey side extension with formation of balcony to existing bedrooms
Application No: APP/07/07478
Decision Date: 14/04/2008
Decision Type: Approve
- Location: 'The Knap', Dawstone Road, Gayton, L60 0BS
Application Type: Full Planning Permission
Proposal: Erection of 2 dwelling units.
Application No: APP/79/14398
Decision Date: 26/06/1980
Decision Type: Refuse
- Location: The Knap ,Dawstone Road ,Gayton,Wirral,L60 0BS
Application Type: Full Planning Permission
Proposal: Erection of four detached houses with garages.
Application No: APP/80/16426
Decision Date: 28/10/1980
Decision Type: Conditional Approval
- Location: The Knap ,Dawstone Road ,Gayton ,L60 0BS
Application Type: Full Planning Permission
Proposal: Layout of land for 4 detached dwellings and construction of access road and sewers.
Application No: APP/83/23184
Decision Date: 25/08/1983
Decision Type: Conditional Approval
- Location: The Knap,Dawstone Road,Gayton,Wirral,L60 0BS
Application Type: Full Planning Permission
Proposal: Erection of four detached houses with double garages.
Application No: APP/83/23350
Decision Date: 11/10/1983
Decision Type: Conditional Approval
- Location: LAND AT 1 THE KNAP, GAYTON, CH60 0EX
Application Type: Planning Pre-Application Enquiry
Proposal: New build residential dormer property
Application No: PRE/15/00061/ENQ
Decision Date: 16/03/2015
Decision Type: Pre-Application Reply

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 12 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 11 objections have been received and a qualifying petition of objection containing 66 separate signatures, listing the following grounds:

1. visual impact
2. scale
3. access
4. out of character
5. removal of protected trees - the Councils Tree Preservation Officer is aware of the trees that have been removed
6. loss of open entrance
7. proximity to Dawstone Road
8. loss of privacy
9. restrictive covenant

CONSULTATIONS:

Head of Environment & Regulation (Traffic & Transportation Division) - No Objections

Head of Environment & Regulation (Pollution Control Division) - No Objections

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Hodson has requested that the application be taken out of delegation. A qualifying petition of objection has been received in that the dwelling would be out of character with the surrounding area, the property is too large for the plot and vehicle safety issues.

INTRODUCTION

The proposal is for the erection of a dwelling. The plot that is to be developed is owned by the current residents of 1 The Knap, following the submission the proposed dwelling has been reduced in scale.

PRINCIPLE OF DEVELOPMENT

The site is located within a Primarily Residential Area, the principle of building a dwelling is acceptable.

SITE AND SURROUNDINGS

The proposed dwelling is to be sited on a piece of land that is allocated as garden space in relation to 1 The Knap, however the land is not utilised due to the land being detached from the residential plot and across the road (The Knap). The property is located on The Knap which is accessed off Dawstone Road.

The character of the area is not uniform, there is a wide range of dwellinghouses with a mix of siting, plot size, scale and design styles. There is a myriad of house designs ranging from older cottage properties to more modern three storey buildings, The land levels vary greatly along Dawstone Road which bounds The Knap due to this the properties to the north are set at a much more elevated level, there has clearly been various subdivisions of plots within the immediate area and there is no uniformity to the plot shapes or sizes.

POLICY CONTEXT

The proposal is for a new dwelling within the Primarily Residential Area and will be assessed in accordance with Wirral's UDP Policy HS4.

Policy HS4 Criteria for New Housing Development Policy states;

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to

existing densities and form of development;

(ii) the proposal not resulting in a detrimental change in the character of the area;

(iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;

(iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;

(v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;

(vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and

(vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

The plot is also within the Density and Design Guidelines Area Gayton Zone 2, Policy HS5 will be taken into account when determining the application. Policy HS5 states;

Gayton

Zone 2: Density should be at a maximum of 7.5 dwellings per hectare, with plot frontages and setbacks comparable to those of plots in close proximity. Open plan frontages will not be permitted.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

APPEARANCE AND AMENITY ISSUES

The proposed dwelling has been amended following local consultation and further discussion with the agent. The revised scheme as received by the Council on 7th September 2015 has reduced the first floor element of the proposed dwelling in order to create a property that is visually subordinate to the main frontage house no.1 The Knap when viewed from Dawstone Road.

The development plot is accessed via The Knap, the main frontage of the dwelling will face onto The Knap, the site partially bounds Dawstone Road however there is a formal vehicular access into 48 Dawstone Road and a sandstone wall that buffers the site from the frontage of Dawstone Road. The property will have a minimal impact onto Dawstone Road due to the position of the house and the layout of the existing street scene, the side elevation of the proposed dwelling does not come any further forward than 46 or 48 Dawstone Road.

The design of the dwelling gives the character and appearance of a gate house style dwelling, the scale of the building is minimal with the majority of the living space located at ground floor. The design of the building takes on a cottage style appearance that will relate to the style of no.48 with modern elements that take the design of the houses on the Knap into consideration. The majority of living accommodation is at ground floor, there is to be one bedroom with en suite at first floor, the building has a height of 6.5m.

The siting, scale and appearance of the dwelling when read in relation to no.48 Dawstone Road and 1 The Knap is well balanced and would not be out of character.

The plot is set out with a front/side garden, the plot currently includes a sandstone wall with mature vegetation to the north boundary, and the proposal is to continue the sandstone wall around the plot with an opening to the side of the house for off street parking. The sandstone wall and the orientation

of the house and the plot itself will allow for a private garden to the east of the house.

Concerns have been raised with regards to the scale, appearance and access. The plot is relatively modest in scale however the reduced scale of the dwelling sits more comfortably within the plot and is sited in a way which does not dominate existing neighbouring properties, it is also considered that due to the variation of house types within the immediate area the design will not be detrimental to the character of the area, the scale of the building is also modest and provides off street parking, the siting of the dwelling does not alter the existing access into The Knap.

Concerns have been raised over the removal of protected trees. The trees were removed before the application was submitted and is currently being investigated. A condition is recommended to ensure that the site is appropriately landscaped.

It is considered that the scale of the house is modest and will not dominate the street scene or the neighbouring houses, the varied character of the area allows for a property of this scale without being out of character, the plot is visually set back from the Dawstone Road frontage and will have a minimal visual impact onto the character of the area.

SEPARATION DISTANCES

The predominant habitable room windows are located to the ground floor and face east and are set approximately 26m from the garage of no.1 The Knap. The sole bedroom window at first floor also faces east and will have visibility toward the garage and driveway of 1 The Knap, this elevation is also approximately 26m from the garage of 1 The Knap.

The rear elevation of the house that faces west is set over 14m from the windows to the east elevation of no.48 Dawstone Road.

The siting of the house in relation to existing dwellinghouses meets the Council's separation distances of 21m window to window and 14m window to blank elevation.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

CONCLUSION

It is considered that the scale, appearance and siting of the dwelling as amended is appropriate to the established character of the area taking into account Wirral's UDP Policies HS4 and HS5.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the scale, appearance and siting of the dwelling as amended is appropriate to the established character of the area taking into account Wirral's UDP Policies HS4 and HS5.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 7 September 2015 and listed as follows: PL11A, PL14A & PL12A.

Reason: For the avoidance of doubt and to define the permission.

3. Before any construction commences, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS5 of the Wirral Unitary Development Plan.

4. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

(Note: The gradients of any new road or turning area should not exceed 1:25 and those of parking or loading bays should not exceed 1:40).

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

5. The remainder of the undeveloped land within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

6. Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason(s): To ensure a proper standard of separation from, and standard of amenity with respect to the character of the area.

7. NO DEVELOPMENT SHALL TAKE PLACE until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan.

8. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

Reason: In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

11. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent overloading of the public sewerage system.

Last Comments By: 17/08/2015 14:13:06

Expiry Date: 07/09/2015

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Planning Committee

21 October 2015

Reference:
APP/15/00984

Area Team:
North Team

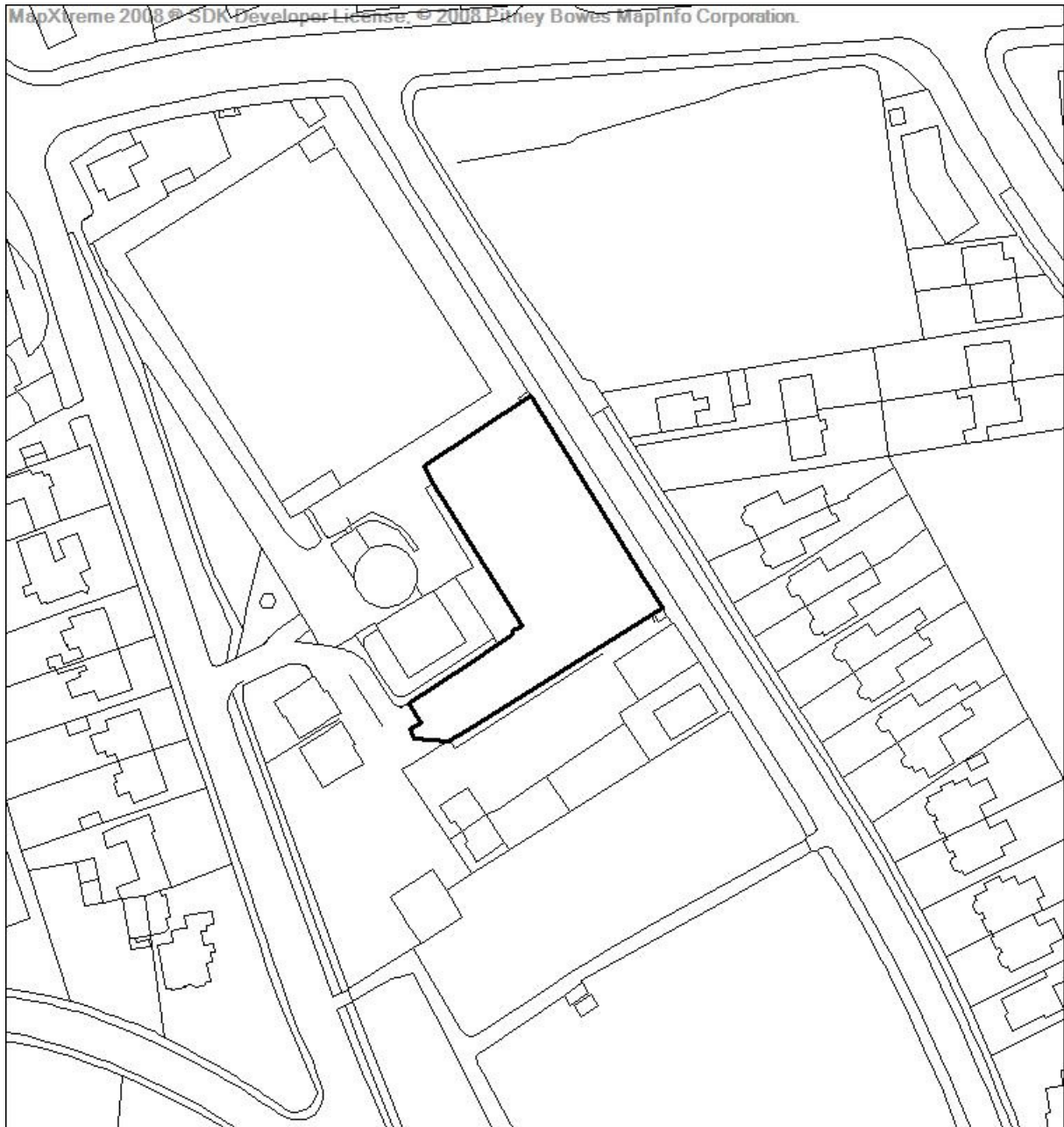
Case Officer:
Mr K Spilsbury

Ward:
Claughton

Location: Flaybrick Hill Reservoir, BOUNDARY ROAD, BIDSTON, CH43 7PE
Proposal: The development is for 6, 4 bedroom family dwellings, distributed evenly across the site. The houses are arranged to allow views of the existing Flaybrick Reservoir Water Tower from Hill Road.

Applicant: FLAYBRICK HOMES LTD
Agent : Brock Carmichael

Site Plan:



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Development Plan allocation and policies:

Density and Design Guidelines Area
Primarily Residential Area

Planning History:

- Location: Flaybrick Hill Reservoir, Boundary Road, Bidston, Wirral CH43 7PE
Application Type: Full Planning Permission
Proposal: Application to develop land for 4no. detached residential dwellings on the site of an existing water tower and pumphouse
Application No: APP/11/00468
Decision Date: 11/07/2011
Decision Type: Approve
- Location: Flaybrick Hill Reservoir, Boundary Road, Bidston, Wirral, CH43 7PE
Application Type: Outline Planning Permission
Proposal: Application to develop land for residential development including partial demolition of a wall (outline application with all matters reserved apart from the means of access).
Application No: OUT/05/06212
Decision Date: 18/11/2005
Decision Type: Approve
- Location: Flaybrick Hill Reservoir, Boundary Road, Bidston, Wirral, CH43 7PE
Application Type: Reserved Matters
Proposal: Erection of 14no. semi-detached houses (reserved matters of OUT/2005/6212) amended house types.
Application No: DLS/08/06830
Decision Date: 03/04/2009
Decision Type: Approve
- Location: Land south of (adjacent) waterworks, Hill Road, Claughton. L43 8TL
Application Type: Outline Planning Permission
Proposal: 33kv. electricity substation, (outline).
Application No: OUT/89/05821
Decision Date: 05/07/1989
Decision Type: Approve
- Location: Flaybrick Hill Reservoir, Boundary Road, Bidston. L43 7PE
Application Type: Listed Building Consent
Proposal: Demolition of disused boiler house and store.
Application No: LBC/87/05051
Decision Date: 12/03/1987
Decision Type: Refuse
- Location: South of Reservoir, Hill Road, Bidston. L43 8TL
Application Type: Outline Planning Permission
Proposal: Erection of 33kv. electricity sub-station, (replacement).
Application No: OUT/85/06713
Decision Date: 23/12/1985
Decision Type: Withdrawn
- Location: Flaybrick Reservoir, Boundary Rd, Bidston L43 7PJ
Application Type: Full Planning Permission
Proposal: Erection of a single storey extension to squash court to form changing room and shower room facilities
Application No: APP/78/11453
Decision Date: 24/01/1979
Decision Type: Conditional Approval

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 15 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report objections have been received from the occupiers of 10, 18, 30, 32 & 32a Hill Road, 7& 11 Boundary Road and 1 Waterworks cottage. The objections can be summarised as follows:

1. increased traffic, highway safety and parking,
2. contamination,
3. impact of the development on the character of the area and listed buildings/wall/gorse bush construction work,
4. height of buildings,
5. bin storage and
6. noise.

A qualifying petition of objection has also been received containing 38 signatures.

CONSULTATIONS:

Head of Environment & Regulation (Traffic & Transportation Division) - No Objections

Head of Environment & Regulation (Pollution Control Division) - No Objections

United Utilities - No Objection

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of objection has been received. Under the Council's current Scheme of Delegation for Determining Applications, the application must be considered by Planning Committee.

INTRODUCTION

The proposed development is to develop the land to the east of the water tower and pumphouse adjacent to Hill Road with 6no. detached residential dwellings.

The site as a whole benefits from planning permission for 14 semi-detached dwelling houses under OUT/2005/6212 Application to develop land for residential development including partial demolition of a wall (outline application with all matters reserved apart from the means of access). Approved 18/11/05 and the subsequent reserved matters application; DLS/2008/6830 - Erection of 14no. semi-detached houses (reserved matters of OUT/2005/6212) amended house types. APPROVED 03/04/08. A further application was approved on the west of the site fronting Boundary Road APP/11/00468 for 4 No. residential dwellings - Approved 11/07/2011.

As the development has already been implemented under the previous consents; OUT/05/6212 & DLS/08/6830, the requirement for affordable housing is not imposed in this instance as the development proposes less dwellings than that originally approved.

PRINCIPLE OF DEVELOPMENT

The site is allocated within the Unitary Development Plan as Primarily Residential. The overall principle of dwellings on the site has already established with the original outline consent. Therefore the proposed development is considered acceptable in principle subject to: Policy HS4: Criteria for New Housing Development, Policy CH1: Development Affecting Listed Buildings and Structures as the adjacent Water Tower is a Listed Building, Policy GR7: Trees and New Development and the National Planning Policy Framework

In consideration of the first of these criteria, the proposed dwellings are considered to be of a scale commensurate with surrounding property and will therefore not have an adverse impact upon the area.

The National Planning Policy Framework advocates a presumption in favour of sustainable development as well as delivering a wide choice of high quality homes.

SITE AND SURROUNDINGS

The area proposed for development is to the east of the pump house fronting onto Hill Road. The site benefits from outline planning consent for residential development, granted in 2005 and a subsequent reserved matters application for amended house types granted in 2009.

The site is raised from the road and is enclosed by a large sandstone retaining wall. The site is relatively flat and is screened from the road by mature gorse bushes.

There are two semi-detached dwellings (Waterworks cottages) located to the east of the site. The existing access to the site is off Boundary Road which also serves the reservoir site, the karate club and the waterworks Cottages.

POLICY CONTEXT

The following policies are deemed appropriate in this instance:

Wirral UDP

Policy HS5 – Density and Design Guidelines

Policy HS4: Criteria for New Housing Development

Policy CH1: Development Affecting Listed Buildings and Structures

Policy GR7: Trees and New Development

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

The National Planning Policy Framework (NPPF) states that the purpose of Planning is help to achieve sustainable development and that good design is a key aspect which should contribute positively for making places better for people. The NPPF also says that local planning authorities should resist inappropriate development of residential gardens where the development would cause harm to the local area. It is not considered that the proposed development is of such a scale to represent any harm to the local area in terms of amenity as well as heritage and conservation, given the mix and density of development that already exists within the immediate locality. It is considered that the proposed development is in keeping with the principles of the NPPF.

APPEARANCE AND AMENITY ISSUES

The scheme is the result of pre-application discussions between the Local Authority and the developer to ensure the setting of the Grade II listed water tower was preserved, and the amenities of local residents preserved.

It is considered that the proposed layout and dwelling type will not result in a significant loss of privacy, daylight or sunlight to the surrounding neighbouring properties and will not be visually overbearing or dominant when viewed from adjoining properties.

Concerns have been raised by local residents with regard to the need for further development at the site and to the nature of the proposed development, which they deem is not in keeping with the surrounding area and the Grade II Listed Water Tower.

The proposed dwellings are large properties, two and a half storey (second floor in the roof space) and reflect a simple modern design that will not detract from the adjacent Listed Buildings.

The area is a varied mix of different housing types and ages and it is considered that the simple design of the proposed dwellings will be in keeping with the character of the area.

The site layout will be consistent with the existing street scene and will provide similarly scaled dwellings with similar separation distances to those existing properties surrounding the site.

Whilst the site is elevated from Hill Road it is considered that the proposed scheme will tie into the existing residential fabric of the area without compromising the views of the Listed Buildings. The overall height has been kept down by including the second floor within the roof space.

Further concern has been raised regarding the number of vehicles using the site, highway safety, contaminated land, potential for wheelie bins, and the length of time the overall development has taken and the impact of construction on residents.

The Head of Environment & Regulation (Traffic & Transportation Division) has been consulted with regards to the impact of 6 additional dwellings on the existing road network and the potential highway safety issues. No objections have been raised on either counts.

The impact of wheelie bins being left in the road and the length of time the developer has taken to construct the development is not a planning consideration and as such a refusal on these grounds could not be sustained.

With regards to the contaminated land issues, the Head of Environment & Regulation (Pollution Control Division) has been consulted and has raised no objections to the scheme subject to a condition for remediation works. This will be attached to the approval should members be minded to approve the scheme.

In accordance with the Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting. Should members be minded to approve the scheme conditions can be imposed to ensure this is achieved.

SEPARATION DISTANCES

The proposed dwellings will be located in excess of 21m from those dwellings located along Hill Road and 21m from the dwellings located within the pump house. The closest property will be located in excess of 40m from the rear elevation of the existing cottages. As such the proposed separation distances have been comfortably met and it is therefore considered that there will be no loss of amenity for existing and proposed residents in terms of overlooking.

HIGHWAY/TRAFFIC IMPLICATIONS

Access to the development, will be taken via the existing access point. The access road would then run down towards the karate club to the south of the site towards the site of the new houses.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals. The Head of Environment & Regulation (Pollution Control Division) has raised no objections to the scheme subject to conditions.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that the residential development proposed on the site would be in keeping with the character of the area and would not introduce harm to the street scene. The proposal is acceptable in design terms and complies with HS4, CH1 and GR7 of Wirral's Unitary Development Plan, and The National Planning Policy Framework. The proposal is therefore considered to be acceptable and recommended for approval subject to conditions.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the residential development proposed on the site would be in keeping with the character of the area and would not introduce harm to the street scene. The proposal is acceptable in design terms and complies with HS4, CH1 and GR7 of Wirral's Unitary Development Plan, and The National Planning Policy Framework. The proposal is therefore considered to be acceptable and recommended for approval subject to conditions.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Before any construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

Reason: In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

Reason: To safeguard the amenities of the occupiers of adjoining property and the area generally and to accord with Policy HS4 of the Wirral Unitary Development Plan.

6. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

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

Reason: In the interests of amenity

8. All driveways shall be generally formed and hard-surfaced to the satisfaction of the Local Planning Authority before any of the dwellings to which they relate are occupied.

Reason: In the interests of amenity and to ensure a satisfactory standard of vehicular access to each property.

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

Reason: To ensure a satisfactory appearance and avoid overlooking having regard to Policy HS4 of the Wirral Unitary Development Plan.

10. No development shall take place until an assessment is carried out in accordance with authoritative technical guidance (CLR11), has been submitted to and approved in writing by the Local Planning Authority. If any contamination posing unacceptable risks is then found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. 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 be submitted to and approved by the Local Planning Authority.

Reason: To ensure the site is free from contaminants.

11. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan.

12. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the local planning authority. the approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: to ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the waste local plan

13. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 28th July 2015 and listed as follows: L(02)004 P02 (Dated 07.10.15), L(04)001 P07 (Dated 10.07.15), L(04)002 (Dated 10.07.15), L(04)003 (Dated 10.07.15), L(04)004 P07 (Dated 10.07.15), L(05)002 (Dated 10.07.15), L(04)005 (Dated 10.07.15), L(05)005 (Dated 10.07.15), L(05)004 (Dated 10.07.15), L(05)003 (Dated 10.07.15), L(02)002 (Dated 10.07.15), L(02)001 (Dated 10.07.15), L(04)006 (Dated 10.07.15), L(05)006 P07 (Dated 10.07.15), L(06)001 (Dated 10.07.15) & L(02)003 (Dated 10.07.15)

Reason: For the avoidance of doubt and to define the permission.

Last Comments By: 08/09/2015 11:25:06

Expiry Date: 22/09/2015

Planning Committee

21 October 2015

Reference:
APP/15/01101

Area Team:
North Team

Case Officer:
Ms J Storey

Ward:
**Leasowe and
Moreton East**

Location:
Proposal:

Melrose & Thornridge Heights, STAVORDALE ROAD, MORETON
Demolition of existing vacant garages and redevelopment of the site
with 38 no. houses and flats.

Applicant:
Agent :

Magenta Living
Ainsley Gommon Architects

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: 1 Melrose, Stavordale Road, Moreton, Wirral, CH46 9PG
Application Type: Work for Council by Council
Proposal: Change of use from residential use to use by local tenants group
Application No: APP/99/05899
Decision Date: 03/08/1999
Decision Type: Approve

Location: S Fender Heights ,Stavordale Rd ,Moreton L46 9PG
Application Type: Deemed
Proposal: Construction of 40 space car-park on the site - land between Fender Heights and Hillview Heights
Application No: DPP/80/16938
Decision Date: 17/12/1980
Decision Type: Approve

Location: Melrose Heights, Stavordale Road, Moreton, Wirral, CH46 9PG
Application Type: Full Planning Permission
Proposal: Installation of public radio broadcast antenna on roof of Melrose Heights.
Application No: APP/07/07397
Decision Date: 14/01/2008
Decision Type: Approve

Location: 45 Stavordale Road, Moreton, Wirral, CH46 9PP
Application Type: Full Planning Permission
Proposal: Erection of single storey side/rear extension.
Application No: APP/06/06611
Decision Date: 15/11/2006
Decision Type: Approve

Location: Melrose & Thornridge Heights STAVORDALE ROAD, MORETON, CH46 9PG
Application Type: Advertisement Consent
Proposal: Site signboard for proposed development, with client, design team and HCA logos, as well as a description of the scheme.
Application No: ADV/13/00079
Decision Date: 22/03/2013
Decision Type: Approve

Location: Melrose & Thornridge Heights STAVORDALE ROAD, MORETON, CH46 9PG
Application Type: Full Planning Permission
Proposal: Development of 23 no. 2 bed 4 person houses, and 30 no. 2 bed 4 person apartments (AMENDED PLANS RECEIVED 30TH APRIL 2013).
Application No: APP/13/00078
Decision Date: 30/01/2015
Decision Type: Approve

Summary Of Representations and Consultations Received:**REPRESENTATIONS**

Having regard to the Councils Guidance for Publicity on Planning Applications, 206 letters were sent to surrounding properties and site notices were displayed near the site. At the time of writing this report, 2 letters of objection have been received and a petition containing 28 signatures.

The objections can be summarised as:-

1. concerns regarding the replacement of garages with a fence
2. want to see a risk assessment for the demolition of the garages
3. What are the timescales for new boundary wall
4. close proximity of flats to my house issues of overlooking
5. plots 7 - 10 partially boarded by a tall fence will create a closed off alley
6. Inadequate parking for the site itself and for visitors.
7. concern that visitors may not be able to turn round at the end of the road if visitors park at the end of a dead end street.

CONSULTATIONS

Head of Environment & Regulation (Pollution Control Division) - No Objections

Head of Environment & Regulation (Traffic & Transport Division) - No Objections

Head of Housing (Housing Strategy Division) - No objections. Wirral's 2010 Strategic Housing Market Assessment update clearly sets out a requirement for affordable housing in this part of Wirral.

DIRECTORS COMMENTS:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The proposal is a major development, for which the Councils adopted Scheme of Delegation requires consideration by Planning Committee. In addition, a qualifying petition containing 28 signatures has been received.

INTRODUCTION

Planning Permission was granted earlier this year for 23 two-storey two-bedroom houses, and 30 two-bedroom flats (in three storey blocks). This current proposal seeks planning permission for 4, two bed roomed flats, 14, 2 bed houses, 11, 3 bedroomed houses and 4 bedroomed houses. All the development will be two storey in height.

PRINCIPLE OF DEVELOPMENT

The proposal is for a residential development within a designated Primarily Residential Area and has an existing extant planning permission for a larger number of dwellings. As such, the proposal is acceptable in principle.

SITE AND SURROUNDINGS

The site itself previously supported two large residential 'tower blocks', Melrose and Thornridge, and associated open space and car parking areas, including a line of garages on the boundary with houses accessed off Spencer Avenue. The buildings at the site are currently being demolished. To north, west and south are residential uses of land, including bungalows and dormer bungalows on Spencer Avenue, two storey housing on Stavordale Road, including that recently completed on the site of the former Sandbourne block, and two storey housing and maisonettes to the south accessed from Fender View Road and Stavordale Road. To the east there is agricultural land, designated as Green Belt.

POLICY CONTEXT

Unitary Development Plan policies URN1, GR5, GR7, HS4 and HS13 are relevant, whilst Supplementary Planning Documents SPD2: Self Contained Flat Developments and SPD4: Parking Standards are also relevant.

Policy URN1: Development and Urban Regeneration indicates that when considering development proposals, the Local Planning Authority will be guided by the general principles of the urban regeneration strategy. In particular, the Local Planning Authority will be concerned to ensure that:

- (i) full and effective use is made of land within the urban areas;
- (ii) neglected, unused or derelict land or buildings are brought into use; and

(iii) the need for new services is minimised by promoting the use of spare capacity in existing services;

The scheme is for 38 units of residential accommodation, which would replace a significantly greater number located on the site previously in high-rise buildings, and being demolished currently. The development is considered to address the criteria in URN1, making effective use of urban land and now unused land. The development takes place in the context of a number of similar proposals in the immediate vicinity, with redevelopment of the site of the Sandbourne tower block opposite granted planning permission in 2011 and now completed, and planning permissions having recently been granted for residential developments at Chapelhill and the Willowtree day centre.

The layout and design of the development must satisfy the criteria of HS4 – it must relate well to adjacent properties and not result in a detrimental change in the area. The surrounding uses are primarily two storey dwellings with gardens and off street parking, though there are bungalows to the north of the site on Spencer Avenue. The proposed development is considered acceptable in density and scale, with 3-storey elements limited to the northern end of the site, where there the access road to the Melrose tower block previously on the site, and an associated line of trees provide a separation to the properties fronting Spencer Avenue. A line of semi-mature trees also fronts Stavordale Road at this point, and would be retained to soften the appearance of the three-storey block of residential accommodation.

The development is considered sympathetic in character, and not to have potential to detrimentally impact on the surrounding properties or land uses. The proposed dwellings include gardens and off street parking which would address the criteria of HS4, within the limits established in Supplementary Planning Document 4 (SPD4). The proposed flat block will be located at the most southern part of the site and is considered to address the requirements of UDP Policy HS13. The layout includes a small area of amenity open space to the north and car parking to the east. The density is much lower than the previously approved scheme and at two storey relates well to both the existing and proposed development. The site is accessible to facilities such as Upton Park, closely located to the south to provide recreational opportunity, shopping facilities on Hoylake Road and public transport, with bus routes serving Stavordale Road itself.

The proposal has been designed with the principles of Secure by Design in mind, and Merseyside Police's Architectural Liaison Officer has raised no objections to the proposal subject to the inclusion of measures to reduce the potential for crime.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

APPEARANCE AND AMENITY ISSUES

The proposed scheme is for the construction of 38, two storey bedrooms and flats. The properties will contain space for off-street car parking and front and rear private gardens, whilst the flats have parking areas and appropriate amounts of amenity open space. The proposed houses will have their own identity but will take the scale and pallett of materials from the surrounding residential development thereby linking the new properties to the surrounding area.

The applicants have advised that the layout has been determined by the location of several large sewers running across the site. The new houses are arranged both in pairs of semi-detached houses or terraces of 3, with the exemption of one detached house.

The proposed development will require a new access road from Stavordale Road and the extension of two other existing roads, one from Fender View Road and the second from Stavordale Road. With regards to the landscape proposals, new tree and shrub planting scheme is proposed within the boundaries of the front and rear gardens

The design of the dwellings and flat blocks is simple and reflects the style of surrounding properties, being consistent with those recently constructed on the site of the Sandbourne block opposite, and granted planning permission at Chapelhill Road. The use of brick and render will link the new

properties with the surrounding area. All houses have space for front and rear gardens and off-street parking, whilst the flats have parking areas and appropriate amounts of amenity open space.

The submitted plans received respond to issues raised at pre-application by officers, particularly in respect of the relationship of the dwellings proposed with existing properties on Fender View Road and on Stavordale Road to the south of the site. This is a difficult relationship given the 'Radburn layout' that is used in the existing housing. It is considered that the layout proposed achieves a good balance, with a number of properties fronting Fender View Road to create a 'cul-de-sac' finish to this street, other properties oriented to face towards existing maisonettes on Stavordale Road to maintain the pedestrian-friendly feel to the pathways there, and further properties facing directly onto Stavordale Road to create an active frontage to the road.

SEPARATION DISTANCES

Concern has been raised from the occupier of no 1 Hayfield Place concerning the close proximity of the apartment block to that property and possible issues of overlooking. In addition, there is concern that if a tall fence was erected it would create a closed off alley alongside no 1.

The submitted drawings indicate that there is a fence to be constructed along the rear and part side boundaries. The front of the site adjacent to no 1 is to remain open. Amended drawings have been received which provides an interface distance of 14m between the front of the proposed two storey building and the gable of no 1 Hayfield place.

The proposed dwellings are adjacent to existing houses on three boundaries. The required interface distances of 21m (between habitable windows in principle elevations facing) and 14m (between a habitable windows in principle elevations and a blank gable), are achieved.

Affordable Housing

The application is for 100% of the units to be for social rented housing. The applicant has confirmed the applicant has confirmed that the housing will be either offered for rent at a figure which is a maximum of 80% of the market rent for the area or will be sold under an Affordable Home Ownership initiative recognised by the HCA, such as shared ownership or an equity loan scheme. It is considered good practice that a condition be attached to any planning approval

HIGHWAY/TRAFFIC IMPLICATIONS

Residents have raised concerns regarding the impact of the development on the parking on Fenderview Road. The applicant has advised that residents are currently parking on land that is owned by Magenta in the garage forecourt at the end of Fenderview Road. This will have to cease throughout the construction period and following the completed development. The proposed scheme contains in curtilage parking and is more sympathetic to parking than the consented development.

It is considered therefore that there are no significant highway/traffic implications. The site is established with a residential use and it is considered that the traffic movements can be accommodated within the existing highway network. The Director of Technical Services (Traffic and Transportation Divisions) has raised no objection to the proposed development.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The development is in a sustainable location with access to public transport and local facilities. The dwellings will be built to code for sustainable homes level 3, using energy efficient materials and building techniques. The applicants have advised that during the application process a number of residents have raised concerns regarding existing drainage issue in the area and the impact of this development in exacerbating the issue. The applicants have advised that their engineers have undertaken surveys of sewers that run through the development site and state that "having viewed the CCTV survey water mark in the sewers was quite low, suggesting that the sewers are not often surcharged and not running near capacity. The issue that may exist could be downstream or in another part of the estate, unconnected to this development"

In terms of this proposal the applicants have advised that as part of the design, they are required to agree a maximum surface water discharge rate with United Utilities. By reducing the surface water discharge from the development, there will be benefits to the downstream network by reducing peak

flows discharged into the drainage network and reduce overall flood risk. The applicants have further confirmed that they will be building an attenuation tank on site to hold the surface water.

Whilst a number of trees would be removed to facilitate the development. A tree survey report has been submitted, which includes an assessment of the value of these trees. It should be noted that a number of the trees that would be lost are categorized 'A' value, however, in most cases the trees lost would be part of a group thinned, and in the main retained. The impact to amenity is limited by this. Isolated trees are also proposed for removal, but the proposal makes provision for significant replacement tree planting that would in the course of time, achieve benefits in terms of visual amenity and ecology within the site. The development is considered consistent with UDP Policies GR5 and GR7 in this regard.

An ecological assessment of Melrose and Thornridge Heights and the immediate surrounds was submitted with this application. The results of the findings are as follows:-

Bats

The submitted report states that the trees on the site have been determined as Category 3 for roosting bats; they lack features suitable to roosting bats. The buildings on site are of negligible potential for roosting bats. There is no evidence of bats at the site.

Badgers

No evidence of badger was noted during the survey. The report confirms that there are no suitable habitats for badger on the development site.

Otter/water Vole

There are no suitable habitats for otter or water vole on site or near the site.

Birds

The trees and vegetation provide some foraging and nesting potential for a range of common bird species. All vegetation work should be undertaken outside the bird nesting season of March to August inclusive

HEALTH ISSUES

There are no significant health implications relating to this application.

CONCLUSION

The proposed development will utilise the existing infrastructure and is to be located on a previously developed brownfield site within a primarily residential area. The proposal is acceptable in planning terms and would provide high quality affordable housing appropriately designed to complement the surrounding residential properties and land uses.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development will utilise the existing infrastructure and is to be located on a previously developed brownfield site within a primarily residential area. The proposal is acceptable in planning terms and would provide high quality affordable housing appropriately designed to complement the surrounding residential properties and land uses.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Prior to the commencement of development, a scheme for the provision of affordable housing to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the occupancy criteria to be used in determining the identity of prospective and successive occupier of the affordable housing and the means by which such occupancy can be enforced. The approved scheme shall be implemented in full and in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and to comply with the Interim Planning Policy New Housing Development.

3. 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.

Reason: In the interests of highway safety and to accord with Policy HS4 of the Wirral Unitary Development Plan.

4. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

5. No development shall take place before details of a scheme of landscaping, which shall include details of both hard and soft landscaping works and earthworks, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will protect the character and appearance of the site and to ensure the proposed development enhances the visual amenity of the locality, having regard to Policy GR5 of the Wirral Unitary Development Plan.

6. No development shall take place before a detailed Method Statement for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved method statement. For the avoidance of doubt, the method statement shall include:

- A. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

- B. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
- C. the details and positions of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- D. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- E. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- F. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- G. the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- H. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
- I. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- J. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- K. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).
- L. the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- M. the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition, having regard to UDP Policy GR5.

- 7. The materials detailed in submitted materials schedule shall be used in the external construction of this development unless an alternative material has previously been submitted to and approved in writing by the Local Planning Authority. The development shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

- 8. No development shall take place before an assessment, carried out in accordance with authoritative technical guidance (CLR11), has been submitted to and approved in writing

by the Local Planning Authority. If any contamination posing unacceptable risks is found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. 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 this 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 be submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring the appropriate remediation of the site, having regard to UDP Policies PO1 and PO2 and the National Planning Policy Framework.

9. No development shall take place before (and notwithstanding the details included with the approved plans) a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties, and in the interests of designing out crime, to accord with Policies HS4 and HS13 of the Wirral Unitary Development Plan.

10. No development shall take place before details of the proposed finished floor levels has been submitted to and agreed in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum (notwithstanding any such detail shown on previously submitted plans) and shall show the existing and finished ground levels, eaves and ridges heights of surrounding properties. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and in the interests of adjoining residential amenity, having regard to UDP Policy HS4.

11. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) January 2013/25835LRD/Sutcliffe and the mitigation measures detailed within that FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants, having regard to the National Planning Policy Framework.

12. No development shall take place before a Drainage Impact Study, a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be fully implemented before the first use/occupation of the development and be constructed in accordance with the approved details and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, having regard to the National Planning Policy Framework.

13. No development shall take place before a scheme to manage overland flow due to event exceeding has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with

the timing/phasing arrangements embodied within the scheme or within any other period as may be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future users, having regard to the National Planning Policy Framework.

14. No removal of trees/scrubs/hedges or any other vegetation management shall be carried out on site between 1st March to 31st August inclusive in any year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

15. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy HS4 of the Wirral Unitary Development Plan.

16. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 3rd August 2015 and listed as follows:

1631 -SI -12.02 REV I, 1631 -SI -12.04 REV A, 1631 -SI -10 REV A, 1631 -SI -12.02 REV A, 1631 -SI -12.01 REV A, 1631 -SI -12.04 REV A, 1631 -SI -12.0 REV I, 1631 -SI - 03 REV I, 1631 -SI -10 REV I, 1631 -SI -12.03 REV I, 1631 -SI - 14 REV I, 1632-SI-15, 1632-GA-0 REV I, 1632-0GA-M REV I, 1632-GA-H REV I, 1632-GA-I, 1632-GA-J REV I, 1632-GA-EF REV I, 1632-GA-G REV I, 1632-GA-D REV I, 1632-GA-A REV I, 1632-GA-C/K/L REV I, 1632-GA-B REV I, 25835-661 and the amended site layout drawing 1632-SI-10 REV C received by the Local Planning Authority on 23rd September 2015

Reason: For the avoidance of doubt and to define the permission.

17. Construction of the development authorised by this permission shall not begin until the LPA has approved in writing a full scheme of works for the construction of the new highways and amendment of the existing highway made necessary by this development, including new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, tactile paved pedestrian crossings and access onto Stavordale Road and Fender View Road. The approved works shall be completed in accordance with the LPA written approval and in accordance with a written timetable to be agreed with the LPA prior to commencement of construction.

Reason: In the interest of highway safety and to comply with UDP Policy HS4 - Criteria for new housing development

18. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Waste Local Plan.

Further Notes for Committee:

1. In order to fulfil the highway condition, it will be necessary to enter into a legal agreements with the Council to secure works under the Highways Act and the New Roads and Street

Works Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, tactile paved pedestrian crossings street furniture, Road Safety Audit and RSA Monitoring.

Last Comments By: 09/09/2015 15:43:50

Expiry Date: 02/11/2015

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Planning Committee

21 October 2015

Reference:
APP/15/01138

Area Team:
South Team

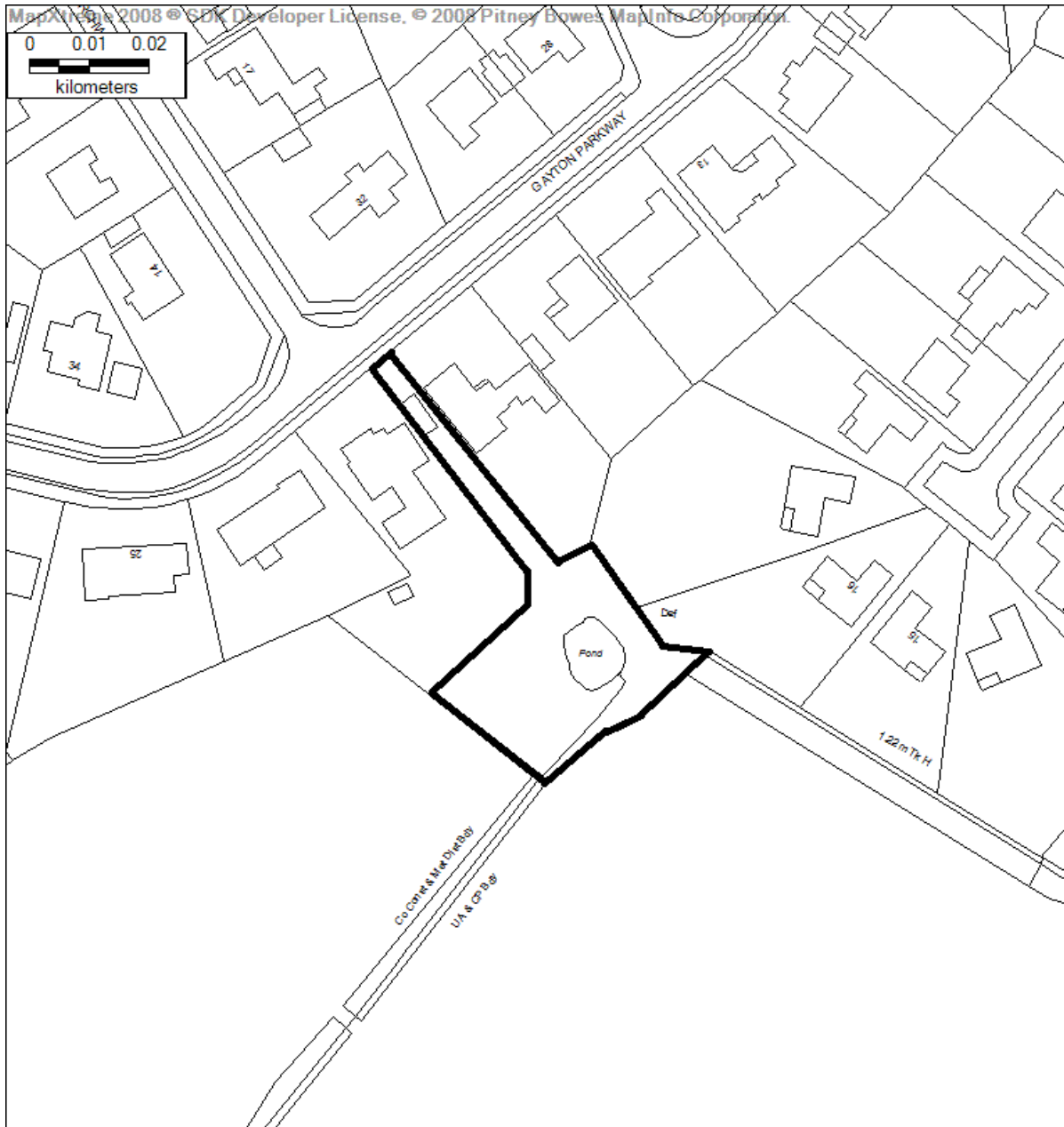
Case Officer:
Mr S Lacey

Ward:
Heswall

Location: 21 GAYTON PARKWAY, GAYTON, CH60 3SZ
Proposal: Erection of new dwelling at land to the rear of 21 Parkway, Gayton - amended site layout to that as approved as APP/15/00064 and the addition of two 'Juliet Balconies' to rear elevation

Applicant: Mr & Mrs Cotgrave
Agent : KJP Architecture

Site Plan:



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Development Plan allocation and policies:

Area of Special Landscape Value
Green Belt
Primarily Residential Area

Planning History:

Location: Land to the rear of 21 GAYTON PARKWAY, GAYTON, CH60 3SZ
Application Type: Full Planning Permission
Proposal: Erection of new dwelling at land to the rear of 21 Gayton Parkway - change of house type to that which was previously approved - 13/00735
Application No: APP/15/00064
Decision Date: 10/04/2015
Decision Type: Approve

Location: 21 Gayton Parkway, Gayton, Wirral, CH60 3SZ
Application Type: Full Planning Permission
Proposal: Erection of a front extension and front and rear dormer extensions
Application No: APP/02/05231
Decision Date: 25/04/2002
Decision Type: Approve

Location: 21, Gayton Parkway, Gayton. L60 3SZ
Application Type: Full Planning Permission
Proposal: Erection of a single storey extension at rear.
Application No: APP/88/06879
Decision Date: 15/11/1988
Decision Type: Approve

Location: Land to the rear of 21 GAYTON PARKWAY, GAYTON, CH60 3SZ
Application Type: Full Planning Permission
Proposal: Erection of new dwelling to land at the rear of 21 Parkway, Gayton.
Application No: APP/13/00735
Decision Date: 04/12/2013
Decision Type: Approve

Summary Of Representations and Consultations Received:**REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications, 11 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 5 letters of objection have been received along with a petition of 37 signatures objecting to the proposal. The objections raised can be summarised as follows:

1. House built at variance to the previously approved scheme (APP/15/00065)
2. The property in its different position on the plot is overbearing and introduces overlooking.
3. The size and scale of the dwelling is excessive
4. The house can be seen from the street scene and interferes with views of the open landscape beyond and Welsh hills.
5. Trees have been felled and a pond infilled
6. Impact on property values

CONSULTATIONS:

Head of Environment & Regulation (Traffic & Transportation Division) - No Objections

Wirral Wildlife - No objections.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of 37 signatures was received by the Council and under the scheme of delegation, this application is reported to Planning Committee for determination.

INTRODUCTION

The application seeks planning permission for the erection of a detached dwelling on land situated behind the existing dwelling 21 Gayton Parkway. The access to the dwelling would be between 19 and 21 Gayton Parkway. The land is situated within the primarily residential area but its boundary adjoins land in the Green Belt & an Area of special Landscape Value.

Planning permission has been granted for the erection of a detached dwelling on the land on two occasions under reference APP/13/00735 and APP/15/00065 . This application seeks planning permission for the erection of a dwelling in a different position on the plot. The proposed dwelling is of the same scale and design as that approved under APP/15/00065, with a minor alteration to the two outermost windows in the first floor rear elevation; the two windows have been changed to french doors with a Juliette balcony across the opening.

Work has already commenced on the development and at the time of writing this report, the site access has been created and the shell of the building has been erected.

PRINCIPLE OF DEVELOPMENT

The proposed development is for a detached residential dwelling within a Primarily Residential Area. The principle of development has been established as acceptable under the two previous planning approvals.

SITE AND SURROUNDINGS

The plot originally formed part of the garden area of no.21 Gayton Parkway. The land is bounded by residential properties on The Spinney and the land to the south is designated Green Belt and an Area of Special Landscape Value. The residential area is characterised by detached residential dwellings that are a mix of two-storey detached and dormer/bungalow dwellings.

POLICY CONTEXT

The proposal is for a new detached dwelling within a Primarily Residential Area, the proposed plot is a backland development site and will be assessed against Wirral's UDP Policies HS4 and HS10.

Proposals for the development of between one to three dwellings behind existing dwellings and accessed by a dedicated private drive will not be permitted unless the proposal retains the existing frontage dwellings of sufficient garden space, the proposed development including its access, not resulting in a detrimental change in the character of an area, nor in undue noise, disturbance, loss of privacy or sense of enclosure affecting adjoining residents, the proposed access being of sufficient width to provide a private drive of 3.0 metres width with amenity strips to one or both sides, and adequate passing places. The access must be properly formed and hard-surfaced, with adequate sight lines and visibility splays at its junction with the existing road. It should not have a seriously detrimental effect on the street scene or on highway safety. The proposed dwellings should provide adequate private garden space and adequate vehicle turning and parking/ garaging provision.

Proposals for new housing development on allocated sites and within the Primarily Residential Areas will be permitted subject to the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development and the proposal not resulting in a detrimental change in the character of the area.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

The proposed dwelling is a detached property located on a backland plot, the principle of development is acceptable.

APPEARANCE AND AMENITY ISSUES

Having regard to the current residential policies on backland plots, the proposed dwelling meets the guidance notes, the house is located to the rear of 21 Gayton Parkway and can be accessed via a private drive of 4m in width with a planted strip of 0.8m alongside no.19 Gayton Parkway.

The dwelling is a two-storey detached house, the overall design remains largely the same as the previous approval and the scale remains the same. The scale of the proposed dwelling is similar to the existing houses on The Spinney and its design is not out of keeping with the character of the area. As the house is a backland development, the property will not be readily seen from the highway and the house will not have a prominent impact onto the appearance of the street scene. The proposed plot has provision of private garden space as well as a suitable driveway and on site turning area.

The vehicle access into the site has already been created and once finished will be 4m in width and includes a planted strip between the access road and the boundary with no.19 Gayton Parkway. This will provide a natural screen between the existing dwelling and the access road.

The windows serving habitable rooms at the front of the property (both ground floor and first floor) provide outlook facing north east, toward the rear gardens of nos. 14 & 16 The Spinney. The windows are approximately 21m from the boundary with the houses on The Spinney, which gives a separation distance of approximately 45m window to window. Whilst the amended position of the house on the plot brings the house closer to properties at The Spinney, the house remains a significant distance away from those properties.

The windows to the rear have outlook to the south west and across the fields, these windows do not overlook neighbouring properties, the design of the house does not include side windows which protects the amenities of the rear of the houses on Gayton parkway.

The design of the dwelling is symmetrical and simple in appearance with two subordinate wings to the side of the main frontage. The design and the overall scale is nearly identical to the previously approved scheme (APP/15/00065). The amendment to the first floor rear windows does not introduce any new issues and does not have a detrimental impact on the overall design and appearance of the dwelling. The dwelling does not sit within a traditional street scene due to the plot being backland, however the house would not be alien in terms of design/scale in relation to the existing neighbouring houses. Due to the orientation of the house in relation to the neighbouring plots and the distance between the houses, the proposal does not have a detrimental impact on the level of amenity that neighbouring properties can reasonably expect to enjoy.

The plot that will accommodate the house is within the curtilage of the existing residential dwelling and forms the boundary to the designated Green Belt.

Due to the location of the land, concerns with regards to wildlife were raised during the previous application processes and subsequently a bat survey was carried out, it was found that bats forage and commute across the site and two trees were noted of importance, the Willow and Oak Tree.

The access road has been designed so that the development does not have a detrimental impact onto the Willow Tree which has been identified as a tree used by bats as a potential roost. The layout plan shows that the road has been designed to reduce any impact of the development onto the trees that have been identified within the bat survey. The retention of the trees also retains the appearance of mature vegetation along the boundaries of the plots within the area and acts as a buffer between the site and neighbouring properties.

Wirral Wildlife were consulted in the application process and have confirmed that they have no objection to the application non wildlife grounds.

In response to issues raised by neighbouring residents:

1. The fact that the development has not been carried out in accordance with planning approval APP/15/00065 either deliberately or in error, is not a valid reason to refuse this application. The Council must assess this scheme on its own merits.
2. The Council considers that proposed amended position of the house does not have a detrimental impact on the level of amenity that neighbouring residents can reasonably expect to enjoy given the ample separation distances that remain.
3. A detailed land survey has been submitted showing that the finished floor level of the property is approximately 70cm higher than the original land level prior to commencement of development. The Council considers the scale, height and design of the proposed dwelling to be acceptable.
4. The loss of a view is not a valid planning consideration. The fact that parts of the dwelling can be seen from the streetscene does not mean the proposal is unacceptable. The Council considers that the proposed dwelling does not have detrimental impact on the character of the streetscene.
5. The principle of developing this part of what was previously the domestic garden of 21 Gayton Parkway has already received planning approval and alterations to the landscape is to be expected. The trees on the site are not protected and the owner was entitled to remove the trees prior to commencement of development.
6. The impact of a development on the value of neighbouring properties is not a valid planning consideration.

It is considered that the proposed dwelling is acceptable in terms of siting, appearance, scale and relationship to existing neighbouring plots. The proposal is therefore acceptable having regard to Wirral's UDP Policies HS4 and HS10.

SEPARATION DISTANCES

The proposed dwelling exceeds the separation distances of 21m window to window and 14m window to blank wall. The orientation of the dwelling also reduces any possible feeling of overlooking.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

CONCLUSION

The design and siting of the dwelling is acceptable, the access and orientation of the proposed plot is successful in this location having regard to the proposed developments relationship with neighbouring properties and the overall character of the area. The siting, scale and appearance of the dwelling on this plot meets the criteria set out in Wirral's UDP Policies HS4 and HS10, the development is therefore acceptable.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The design and siting of the dwelling is acceptable, the access and orientation of the proposed plot is successful in this location having regard to the proposed developments relationship with neighbouring properties and the overall character of the area. The siting, scale and appearance of the dwelling on this plot meets the criteria set out in Wirral's UDP Policies HS4 and HS10, the development is

therefore acceptable.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th August 2015 and listed as follows: drawing number 001, dated 5th December 2014, drawing number 002, dated 5th June 2015, drawing number 003, dated 28th July 2015, drawing number 004, dated 28th July 2015.

Reason: For the avoidance of doubt and to define the permission.

2. Within 3 months of the date of this permission, samples of the facing, roofing materials and hardstanding to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

3. Within 3 months of the date of this permission, a landscaping scheme shall be submitted to and approved by the Local Planning Authority and the approved landscape work shall be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

4. Within 1 month of a the date of this permission 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 remaining period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy [§] of the Wirral Unitary Development Plan.

5. No trees indicated in the approved plan(s) or documentation to be retained shall be cut down, uprooted or destroyed, nor shall any trees be pruned other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any agreed pruning shall be carried out in accordance with British Standard 3998 (Tree Works).

Reason: To ensure the trees are properly considered and protected and that any agreed work is carried out to accepted arboricultural practices for the long term well being of the tree(s).

6. Notwithstanding the provisions of Schedule 2, Part 1, Class A, Class B, Class C, Class D and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings, or alterations or extensions to the dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/residential amenities of nearby

occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 18/09/2015 09:39:34
Expiry Date: 07/10/2015

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BETTER PLANNING TO FACILITATE CYCLING *(the Civic Mayor to refer to the Planning Committee)*

Proposed by Councillor Pat Cleary
Seconded by Councillor Phil Gilchrist

This Council supports the development of facilities for cycling in the interests of improved health, reduced air pollution, less congestion, and more economical travel. In particular, Council recognises that secure cycle parking/storage facilities are fundamental in facilitating the bicycle as a practical mode of transport for Wirral residents.

Council recognises that efforts to update Wirral's cycle parking standards have been ongoing for some time and looks forward to their implementation.

In the meantime, Council requests that officers reporting to the Head of Regeneration and Planning and the Strategic Director of Regeneration and Environment adopt a robust approach in requiring all relevant planning applications to identify, on submitted plans, the provision of cycle-parking facilities at homes and destinations which comply with the approved Council Cycle-Parking standards contained in Supplementary Planning Guidance 42 (Cycle Parking), and supplementary Planning Guidance Document 2 (Designing for Self-contained Flat Development and Conversions).

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Cabinet Meeting – Thursday 10th September

Minute 48

Councillor Pat Hackett introduced a report by the Strategic Director, Regeneration and Environment which sought the Cabinet's approval to establish a register of brownfield sites suitable for residential development and where relevant to develop Local Development Orders on identified suitable sites. Councillor Hackett also proposed amended recommendations.

Appended to the Strategic Director's report were the following appendices:

Appendix 1 - Sites without planning permission currently identified as suitable, available and viable for new housing development (April 2015)

Appendix 2 – Sites without planning permission currently identified as suitable but not currently viable for new housing development (April 2015)

Appendix 3 – Plans of sites listed in Appendix 1

Appendix 4 – Plans of sites listed in Appendix 2

The Cabinet noted that a Local Development Order would grant planning permission for housing in principle, subject to the approval of a limited number of technical details. Approval would support the objective to deliver more housing on brownfield land and would help to demonstrate the Council's ongoing commitment to support regeneration and meet the Borough's housing needs on previously developed sites. It would also support the delivery of more houses in line with the Wirral Council Plan: A 2020 Vision, which had set the objective of building 3,500 new homes by 2020.

The report recommended that the Portfolio Holder for the Economy be granted delegated authority to determine all future matters regarding the making of Local Development Orders and recommended that the Council noted the delegation of this function to the Portfolio Holder for the Economy and agrees that the necessary amendments be made to the Council's Constitution.

Councillor Bernie Mooney informed the Cabinet that she was pleased to see these changes and that local Councillors would be involved as they needed to have a say in what was built on brown field sites. She welcomed the amended recommendations and hoped that by approving them the Cabinet would help to speed up projects and procedures. Suitable houses and flat etc. needed to be built.

RESOLVED: That:

- (1) the establishment of a register of suitable brownfield sites for development initially on the basis of sites listed in Appendix 1 and Appendix 2 to the report be approved;**

- (2) the Brownfield Land Register be reviewed every six months by the Planning Committee and that during this review, sites which meet the criteria for brownfield land be added and sites that have been developed be removed;**
- (3) an up to date version of the register, including site plans, be published for public inspection on the Council's website;**
- (4) the Head of Regeneration and Planning be authorised to prepare draft Local Development Orders for sites identified on the register as appropriate, in consultation with Ward Members, and undertakes consultation on these as set out in the national legislation;**
- (5) the Head of Regeneration and Planning be requested to report the draft Local Development Orders and the outcome of the consultation to the Planning Committee who will determine the final adoption of an Order; and**
- (6) the report be referred to the Planning Committee for noting.**

Councillor Stuart Whittingham returned to the meeting.

WIRRAL COUNCIL

CABINET

10 September 2015

| | |
|--------------------------------------|--|
| SUBJECT: | BUILDING MORE HOUSING ON BROWNFIELD LAND |
| WARD/S AFFECTED: | ALL WARDS |
| REPORT OF: | STRATEGIC DIRECTOR REGENERATION AND ENVIRONMENT |
| RESPONSIBLE PORTFOLIO HOLDER: | COUNCILLOR PAT HACKETT |
| KEY DECISION? | YES |

1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks Member approval to establish a register of brownfield sites suitable for residential development and where relevant to develop Local Development Orders on identified suitable sites. A Local Development Order would grant planning permission for housing in principle, subject to the approval of a limited number of technical details. Approval would support the objective to deliver more housing on brownfield land and would help to demonstrate the Council's ongoing commitment to support regeneration and meet the Borough's housing needs on previously developed sites. It would also support the delivery of more houses in line with the Wirral Council Plan: A 2020 Vision, which sets the objective of building 3,500 new homes by 2020.
- 1.2 This report recommends that the Portfolio Holder for the Economy is given delegated authority to determine all future matters regarding the making of Local Development Orders and recommends that Full Council note the delegation of this function to the Portfolio Holder for the Economy and agree that the necessary amendments be made to the Council's Constitution (Section 9 of this report refers).

2.0 BACKGROUND AND KEY ISSUES

Background

- 2.1 The Government announced in June 2014 that it expects to see Local Development Orders (LDOs) in place on more than 90 per cent of brownfield land suitable for new housing by 2020. Local Development Orders are 'made' by local authorities and grant planning permission for specific types of development within a defined area without the need for a planning application to be submitted. This places the onus on local authorities to proactively grant

planning permission for housing on suitable brownfield sites prior to any developer interest.

- 2.2 The Government consulted on proposals for identifying suitable brownfield land and sharing data openly and transparently in 'Building more homes on brownfield land' (CLG, January 2015). A report of consultation responses has not yet been published.
- 2.3 The Government has now formally announced its intention to introduce a requirement, through the forthcoming Housing Bill, for local authorities to maintain a statutory register of suitable brownfield land, to help achieve the target of getting Local Development Orders in place on 90 per cent of suitable brownfield sites by 2020. In 'Fixing the foundations: creating a more prosperous nation' (HM Treasury, July 2015), the Government also set out a further intention to legislate to grant automatic permission in principle on brownfield sites identified on statutory registers, subject to the approval of a limited number of technical details.
- 2.4 Although the detailed requirements will not be known until the Housing Bill is laid before Parliament, the Council is already required to demonstrate that it is doing all that it can to support the delivery of housing on suitable brownfield land. The Wirral Council Plan: A 2020 Vision sets the objective of building 3,500 new homes. Member approval is therefore sought to establish a register of sites suitable for housing development and to develop Local Development Orders on identified sites, to support the delivery of housing, subject to the provisions to be contained within the forthcoming Housing Bill.

Identifying Brownfield Land Suitable for Development

- 2.5 'Brownfield' (previously developed) land is defined in Annex 2 of the National Planning Policy Framework as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

NPPF Annex 2 specifically excludes the following categories from the definition of brownfield land:

- *land that is or has been occupied by agricultural or forestry buildings;*
- *land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;*
- *land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and*
- *land that was previously-developed, but where the remains of the permanent structure have blended into the landscape in the process of time.*

- 2.6 The Government's 'Building more homes on brownfield land' consultation document proposed that local authorities should identify suitable land for housing development which follows the definition of brownfield land in the National Planning Policy Framework and also meets the following criteria:
- *The land must be available for development and be attractive to developers now or in the near future.*
 - *The land must be capable of supporting five or more dwellings.*
 - *The land should be free of any severe physical, environmental or policy constraints, unless the constraints can realistically be mitigated while retaining the viability of redevelopment.*
 - *Inappropriate development on brownfield land in the Green Belt should not be approved except in very special circumstances.*

What is a Local Development Order?

- 2.7 Local Development Orders are 'made' by local authorities and grant planning permission for specific types of development within a defined area without the need for a planning application to be submitted. They are the local authority equivalent of national permitted development rights.
- 2.8 LDOs can be used to grant full planning permission, outline permission or permission subject to conditions, and can be applied to a specific development site, to multiple sites, or to the entirety of a local authority's area. They are designed to speed up development and remove the need for developers to prepare a fully drawn-up planning application, by establishing the parameters for development. They can set out the size, numbers and location of housing on a site and can also cover other issues such as design or the provision of infrastructure.
- 2.9 LDOs are permanent unless they are specifically time limited and a local planning authority may revoke an LDO at any time. Setting an expiry date would allow a review of its operation, although the Council may be liable to pay compensation to persons with an interest in the land if it revokes or amends an LDO and subsequently refuses planning permission for development which would have been permitted through the LDO. No compensation is payable if the Council gives a minimum of 12 months or a maximum of 2 years notice of the revocation or amendment.
- 2.10 The granting of an LDO cannot guarantee that the development prescribed will actually take place but is one way to demonstrate the commitment of the Council to promoting housing development on brownfield land. It could allow the principle of development to be established on selected sites without taking them through the more lengthy process involved with the preparation and examination of a site specific Local Plan.
- 2.11 The use of LDOs for certain areas and types of development is restricted due to the need to comply with other legislation, including development affecting listed buildings and their settings or development which may be subject to Environmental Impact Assessment or Habitats Regulations Assessment. Further information on these restrictions is set out in Section 12 of this report.

Procedure for Making a Local Development Order

- 2.12 The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2.13 The Council would first be required to prepare a draft of the Order and a Statement of Reasons for making the Order, including a description of the type of development which the Order would permit and a plan identifying the land to which the Order would relate.
- 2.14 The draft Order and Statement of Reasons must be subject to a minimum of 28 days consultation, including with consultees prescribed in legislation. The Council would need to take into account any representations received when considering what modifications should be made to the draft Local Development Order, or whether the Order should be made.
- 2.15 A copy of the Local Development Order, the Statement of Reasons and any Environmental Statement (where required) should be sent to the Secretary of State as soon as reasonably practicable and no later than 28 days after the Council has adopted the Order.

Scope for Adopting LDOs on Suitable Brownfield Sites in Wirral

- 2.16 Wirral has a good record of supporting housing delivery on brownfield sites. Since 2006, over 80 per cent of all new housing development in Wirral has taken place on brownfield sites and the proportion of residential units with planning permission on brownfield sites stood at 95 per cent in April 2014. Adopting Local Development Orders on suitable sites would go even further to support the delivery of housing on brownfield sites.
- 2.17 Locally, there are currently no LDOs within Wirral.
- 2.18 The largest brownfield opportunity in the Borough is Wirral Waters. The preparation of an LDO for the Mersey Waters Enterprise Zone was considered at the time of designation but was not progressed because the major elements of Wirral Waters, on which the public have already been fully consulted, already have outline planning permission and the promotion of an LDO would be likely to merely duplicate the existing permission.
- 2.19 The Council's Strategic Housing Land Availability Assessment (SHLAA) 2014 was approved by the Portfolio Holder for the Economy under delegated authority on 17 December 2014. The SHLAA considers the potential supply of housing across the Borough over a 15 year period. Sites included in the SHLAA 2014 have been updated to an April 2015 base date, to account for new information and where planning permission has since been granted. This identifies a total potential supply of up to 3,370 units on up to 318 brownfield sites.

- 2.20 A number of these sites are subject to conflicting policy designations or have other suitability barriers such as access or flood risk to overcome. A number of these sites are also currently still in use or are considered not economically viable at present. When these factors are taken into consideration, the number of unconstrained brownfield sites stands at 12, yielding a potential capacity of up to 455 dwellings (Appendix 1 refers). There are an additional 65 sites with a potential capacity of 277 dwellings where the only existing identified constraint to development is viability (Appendix 2 refers).
- 2.21 Although the Government's consultation document recommended a minimum site threshold of 5 units, it is recommended that the list of sites for Wirral should not apply such a threshold, to allow a single LDO to be used on a number of smaller sites sharing similar characteristics. The indicative capacities identified in Appendix 1 and Appendix 2 are based on a density of 30 dwellings per hectare, however a higher or lower density on certain sites may be considered appropriate when preparing each LDO.
- 2.22 It is recommended that the sites in Appendix 2 are also included, to promote their development and further support their viability.
- 2.23 The level of detail and scope of each LDO may vary on a site by site basis depending on site specific circumstances and the Council's wider priorities.

3.0 RELEVANT RISKS

- 3.1 As part of its consultation paper, the Government proposed two options to ensure local authorities meet the 90 per cent objective: designations and policy-based incentives. Although the Government has not yet confirmed which option it intends to introduce (if any), the implications for each option are set out below.

Designations

- 3.2 Under the first option, local authorities that fail to comply could be designated as an 'under-performing authority' through an amendment to section 62A of the Town and Country Planning Act 1990.
- 3.3 The Council could be assessed on the extent to which suitable brownfield land identified the previous year was covered by LDOs. For example, at 2020 the Council could be liable for designation where they had not put appropriate LDOs in place by 2019.
- 3.4 Were the Council to be designated, applicants could be entitled to apply directly to the Secretary of State for planning permission on brownfield sites of 5 units or more. The Council could also be invited to prepare an action plan and could be considered for de-designation after 12 months provided its future performance exceeded the objective under which it had been designated.

Policy-based incentive

- 3.5 The second option proposed is to amend the National Planning Policy Framework so that local authorities that had failed to make sufficient progress against the brownfield objective would be unable to claim the existence of an up-to-date five year housing land supply when considering applications for brownfield development. The presumption in favour of sustainable development would therefore apply.
- 3.6 It is proposed that this measure would take effect fully from 2020 but that there would be a series of intermediate objectives to which this policy would apply.
- 3.7 Either option could remove the Council's ability to determine planning applications on brownfield sites which could result in planning permission being granted for schemes contrary to the Council's corporate priorities.

Other risks identified

- 3.8 One of the key barriers facing the redevelopment of brownfield sites in Wirral is viability. Although it is accepted that LDOs may help to reduce uncertainty for developers, the inability to access finance and generate sufficient development surpluses will still not be addressed. There is therefore a risk that development will still not be delivered, particularly on challenging sites, even where an LDO is in place.
- 3.9 There is also a risk that the adoption of LDOs will not speed up the planning process. A report into the use, value for money and effectiveness of LDOs in implementing local authority objectives was published by the Planning Advisory Service in January 2014. The report questioned the extent to which LDOs can speed up the planning system and concluded that the majority of LDOs in the survey were subject to detailed conditions, often requiring prior approval by the Council. It appeared that the standard planning application process was in many cases largely replicated by the requirement for a developer to confirm compliance with the LDO.
- 3.10 The Council would not be able to secure affordable housing through a section 106 agreement as part of an LDO. Affordable housing could only be secured by a condition on the permission to be granted under each Local Development Order. The Council will seek to maximise affordable housing on site in line with its affordable housing targets and aspirations as set out in the Wirral Council Plan.
- 3.11 As with any statutory land use planning initiative, the preparation and adoption of an LDO can be subject to judicial review. Applications must be made within six weeks of the LDO being adopted by a Council resolution.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 The only alternative option would be to not develop Local Development Orders for suitable brownfield land identified on the register, which would not represent the Council doing all it can to support housing delivery on

brownfield sites and which could lead to penalties being imposed on the Council which could compromise the Council's ability to determine planning applications on brownfield sites.

- 4.2 Some sites listed in Appendix 1 and Appendix 2 are already subject to developer interest and may be developed without requiring an LDO. A number of sites are also subject to legally binding development agreements which should secure the delivery of new housing. These set out through agreement what the Council approves to be developed. For example sites which have already been subject to previous housing market renewal activities will only require an LDO if a relevant development agreement is not taken forward within an appropriate period.

5.0 CONSULTATION

- 5.1 Consultation on a draft Order and accompanying Statement of Reasons would be undertaken in accordance with Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and would be subject to neighbour notifications, as a site specific proposal, in accordance with the Council's adopted Statement of Community Involvement (March 2014).

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 6.1 None

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 Voluntary, community and faith organisations will be consulted at each stage of the preparation of a Local Development Order, in accordance with Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 8.1 Although the legislation to make Local Development Orders has been established for some time, they have to date been little used. The newly established requirement to put Local Development Orders on 90 per cent of suitable brownfield land is therefore largely untested and the costs associated with meeting this requirement can only be estimated at present.
- 8.2 The preparation of the draft Local Development Order and its accompanying Statement of Reasons can be undertaken using existing resources. Additional funding may, however, be required to deal with any unexpected environmental constraints, including statutory appraisals such as Environmental Impact Assessment and Habitats Regulations Assessment where required.
- 8.3 The adoption of LDOs could reduce income from planning fees, as fewer planning applications would need to be submitted. There is, however, provision in the legislation to enable the Council to recover any costs at a level proportionate to each LDO through charging for prior approval or the confirmation of compliance with the LDO.

- 8.4 Making a Local Development Order could increase the land value of affected sites, as this would reduce the risk to purchasers by removing the need to apply for planning permission.

9.0 LEGAL IMPLICATIONS

- 9.1 The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 9.2 There is currently no specific provision for the determination of LDO's in the Council's Constitution. Approval is therefore sought for the Portfolio Holder for the Economy to be given delegated authority to determine all future matters regarding the making of Local Development Orders, including the approval of any consultation process on an Order and the determination of the final adoption of an Order. Any decision by the Portfolio Holder would be notified to the relevant Ward Members and would be subject to call-in. It is therefore recommended that Full Council note the delegation of this function to the Portfolio Holder for the Economy and agree that the necessary amendments be made to the Constitution.

10.0 EQUALITIES IMPLICATIONS

- 10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?
- (a) Yes and impact review has been sent to the Equality and Diversity Co-ordinator.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

- 11.1 Local Development Orders can be used to promote sustainable design and construction through the imposition of appropriate conditions.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 12.1 The Unitary Development Plan adopted in February 2000 and the Joint Waste Local Plan for Merseyside and Halton adopted in July 2013 will remain the statutory Development Plan for Wirral until the Core Strategy is formally adopted by the Council following independent examination.
- 12.2 Although a Local Development Order would grant planning permission for housing, the Council would have the ability to set conditions and reserve matters for prior approval as part of the Local Development Order, including the type and tenure of housing. A planning application for these specified developments would not be required once a LDO had been made but prospective developers would need to submit details of their proposals to ensure that it complies with the Order before any development took place.

- 12.3 Development outside of the terms of the LDO would still require a planning application to be submitted in the normal way.
- 12.4 Although there is no specific requirement for an LDO to be prepared in accordance with the statutory Development Plan, any LDO would still be required to support the principles of sustainable development.
- 12.5 LDOs do not remove or supersede any existing planning permission (or permission granted on appeal) or permitted development rights which are already in place and would not prevent a planning application being submitted to the Council for development which is not specified in the Order. Any development that did not fall within the permissions described by the Order would continue to be subject to the provisions of the statutory Development Plan for Wirral.
- 12.6 The use of LDOs for certain areas and types of development is restricted due to the need to comply with other legislation.
- 12.7 These exclusions include development affecting listed buildings and their settings and development for the most environmentally damaging types of development listed under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. Schedule 2 EIA development (which includes less harmful types of development including urban projects above 5 hectares or of more than 150 dwellings) will require screening and the Council may have to produce an environmental statement and take this into consideration before deciding to adopt an LDO.
- 12.8 An LDO cannot grant planning permission for development which is likely to have a significant effect on a European Site or European Offshore Marine Site (either alone or in combination with other plans and projects) unless the proposal is directly connected with or necessary to the management of the site. The Council would have to carry out screening in accordance with the Conservation of Habitats and Species Regulations 2010 on affected sites and, if required, carry out an Appropriate Assessment before the LDO could be adopted.
- 12.9 Section 106 planning obligations cannot be required under an LDO but a unilateral undertaking could still be offered by a developer in response to a condition attached to an LDO, for example, to mitigate any impact from development. Development carried out under an LDO may, however, be liable to pay a Community Infrastructure Levy charge where one applies.

13.0 RECOMMENDATION/S

- (1) That Cabinet approves the establishment of a register of suitable brownfield sites for housing development initially on the basis of sites listed in Appendix 1 and Appendix 2 to this report.
- (2) That Cabinet approves that the sites identified on the register are subject to periodic review and amendment by the Head of Regeneration and Planning, in consultation with the Head of Housing, and subject to the agreement of the Portfolio Holder for the Economy.

- (3) That an up to date version of the register including site plans are published for public inspection on the Council's website.
- (4) That Cabinet approves the preparation of draft Local Development Orders for sites identified on the register, in accordance with the necessary national legislation.
- (5) That the Portfolio Holder for the Economy is given delegated authority to determine all future matters regarding the making of Local Development Orders which delegation shall include the approval of any consultation process on an Order and the determination of final adoption of an Order.
- (6) That Full Council notes the delegation of this function to the Portfolio Holder for the Economy and agree that the necessary amendments be made to the Council's Constitution.

14.0 REASON/S FOR RECOMMENDATION/S

- 14.1 To enable the Council to develop Local Development Orders to support the delivery of new housing on suitable brownfield sites, in accordance with Government requirements.

REPORT AUTHOR: Hannah Austin
Senior Planning Officer
telephone (0151) 691 8192
Email hannahaustin@wirral.gov.uk

APPENDICES

Appendix 1 - Sites without planning permission currently identified as suitable, available and viable for new housing development (April 2015)

Appendix 2 – Sites without planning permission currently identified as suitable but not currently viable for new housing development (April 2015)

Appendix 3 – Plans of sites listed in Appendix 1

Appendix 4 – Plans of sites listed in Appendix 2

BACKGROUND PAPERS/REFERENCE MATERIAL

Building More Homes on Brownfield Land (CLG, 2015):
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398745/Brownfield_Consultation_Paper.pdf

Queen's Speech 2015 Briefing Notes (Cabinet Office, 2015):
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430149/QS_1obby_pack_FINAL_NEW_2.pdf

Fixing the Foundations: Creating a More Prosperous Nation (HM Treasury, 2015):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Produ ctivity_Plan_web.pdf

National Planning Policy Framework (CLG, 2012):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/211695 0.pdf

Report into the Use and Effectiveness of Local Development Orders (Planning Advisory Service, January 2014):

<http://www.pas.gov.uk/documents/332612/1099311/LDO+survey+2014/683bddcc-9bd0- 41da-9b67-d77919fe7fcd>

Town and Country Planning Act 1990 (section 61A to 61D, section 107 to 108, Schedule 4A):

<http://www.legislation.gov.uk/ukpga/1990/8/contents>

Town and Country Planning (Development Management Procedure) (England) Order 2015 (Articles 38 and 41):

<http://www.legislation.gov.uk/uksi/2015/595/contents/made>

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (Regulation 29):

<http://www.legislation.gov.uk/uksi/2011/1824/contents/made>

Conservation of Habitats and Species Regulations 2010 (as amended) (Regulation 78):

<http://www.legislation.gov.uk/uksi/2010/490/contents/made>

The Town and Country Planning (Compensation) (England) Regulations 2015 (Regulation 5):

http://www.legislation.gov.uk/uksi/2015/598/pdfs/uksi_20150598_en.pdf

Wirral Strategic Housing Land Availability Assessment 2014 Main Report:

<http://www.wirral.gov.uk/downloads/7604>

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|------------------------|-------------|
| None relevant | |

Appendix 1 - Sites without planning permission currently identified as suitable, available and viable for new housing development (April 2015)

| SHLAA Ref | Address One | Address Two | Indicative Capacity | Ground Condition | UDP Designation | Site Status | Ward | Settlement Area |
|-----------|--|-------------|---------------------|---|-----------------------|--------------|----------------------------------|-----------------|
| 228 | Land at New Chester Road (Fiveways Phase 2) | Rock Ferry | 135 | Cleared site (already subject to Council development agreement) | Primarily Residential | Vacant | Rock Ferry | Area 3 |
| 1666 | Former Acre Lane Resource Centre, Acre Lane | Bromborough | 76 | Remaining buildings would require demolition | Primarily Residential | Vacant | Eastham | Area 4 |
| 1877 | Land at Church Road (Phase 1) | Tranmere | 75 | Cleared site (planning permission granted) (already subject to Council development agreement) | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 1665 | Former Rock Ferry High School, Highfield South | Rock Ferry | 69 | Remaining buildings would require demolition | Primarily Residential | Vacant | Rock Ferry | Area 3 |
| 1350 | Land at Gibson House, Seabank Road | Egremont | 26 | Demolition consent granted | Primarily Residential | Vacant | Liscard | Area 1 |
| 1827 | Former Foxfield School, Douglas Drive | Moreton | 25 | Remaining buildings would require demolition | Primarily Residential | Vacant | Moreton West and Saughall Massie | Area 5 |
| 1878 | Land at Church Road (Phase 2) | Tranmere | 20 | Remaining buildings would require demolition (already subject to Council development agreement) | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 1758 | Land at Fender Way/Beechwood Drive | Beechwood | 13 | Cleared site (planning application pending) | Primarily Residential | Informal use | Bidston and St James | Area 3 |
| 1838 | Land corner of Urmson Road | Liscard | 7 | Cleared site (planning application pending) | Primarily Residential | Vacant | Liscard | Area 1 |
| 1640 | Alexander Hall, Rocky Lane | Heswall | 5 | Some site preparation required (planning application pending) | Primarily Residential | Vacant | Heswall | Area 7 |

| SHLAA Ref | Address One | Address Two | Indicative Capacity | Ground Condition | UDP Designation | Site Status | Ward | Settlement Area |
|------------------|---|--------------------|----------------------------|---|------------------------|--------------------|-------------------|------------------------|
| 1830 | Former Hoylake Presbyterian Church, Alderley Road | Hoylake | 3 | Potential for conversion and/or redevelopment | Primarily Residential | Vacant | Hoylake and Meols | Area 6 |
| TOTAL | | | 454 | | | | | |

Appendix 2 – Sites without planning permission currently identified as suitable but not currently viable for new housing development (April 2015)

| SHLAA Ref | Address One | Address Two | Indicative Capacity | Ground Condition | UDP Designation | Site status | Ward | Settlement Area |
|-----------|--|-------------|---------------------|---|---|-------------|----------------------|-----------------|
| 553 | Land at Station Road/Tyrer Street | Birkenhead | 20 | Cleared site now overgrown scrubland (already subject to Council development agreement) | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 572 | Former gas holder, Patten Street | Birkenhead | 20 | Cleared site | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 475 | Cleared site, Wheatland Lane | Seacombe | 15 | Cleared site | Primarily Residential | Vacant | Seacombe | Area 1 |
| 551 | Land at Shannon Street (1) | Birkenhead | 12 | Cleared site (potential to bring forward as part of wider scheme at Station Road) | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 552 | Land at Shannon Street (2) | Birkenhead | 12 | Cleared site (potential to bring forward as part of wider scheme at Station Road) | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 1870 | Former Social Club, Park Road South | Birkenhead | 11 | Potential for conversion and/or redevelopment | Primarily Residential/Birkenhead Park Conservation Area | Vacant | Claughton | Area 3 |
| 960 | Former Barleyfield House, Barleyfield | Pensby | 10 | Cleared site | Primarily Residential | Vacant | Pensby and Thingwall | Area 7 |
| 763 | 1-33 King Street | Rock Ferry | 9 | Cleared site | Primarily Residential | Vacant | Rock Ferry | Area 3 |
| 1690 | Former Cole Street Primary School, Cole Street | Birkenhead | 8 | Potential for conversion and/or redevelopment (planning application pending) | Primarily Residential | Vacant | Claughton | Area 3 |

| SHLAA Ref | Address One | Address Two | Indicative Capacity | Ground Condition | UDP Designation | Site status | Ward | Settlement Area |
|-----------|--------------------------------------|------------------|---------------------|--|--|--------------|----------------------------------|-----------------|
| 468 | 22 to 40 Borough Way | Seacombe | 7 | Cleared site | Primarily Residential | Vacant | Seacombe | Area 1 |
| 1873 | Rear of 1-13 Arnold Street | Liscard | 7 | Site clearance required | Primarily Residential | Vacant | Liscard | Area 1 |
| 255 | Cleared site south of 706 | New Chester Road | 6 | Cleared site | Primarily Residential | Vacant | Rock Ferry | Area 3 |
| 1513 | 91 Bermuda Road | Moreton | 6 | Remaining buildings would require demolition | Primarily Residential | Vacant | Moreton West and Saughall Massie | Area 5 |
| 20 | Former Grand Hotel, Marine Promenade | New Brighton | 5 | Cleared site | Primarily Residential | Informal use | New Brighton | Area 1 |
| 1280 | Former Warehouse, Dial Road | Tranmere | 5 | Site clearance required | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 1382 | 99A Duke Street | Birkenhead | 5 | Cleared site. Hardstanding and foundations need removing | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 1385 | Former Toronto Garage | Wallasey Village | 5 | Cleared site | Primarily Residential | Vacant | Wallasey | Area 1 |
| 1691 | Former Brooklands, Brook Street | Birkenhead | 5 | Cleared site | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 134 | Land adjacent to 100 | Brassey Street | 4 | Cleared site. Hardstanding would need removing | Traditional Suburban Centre | Vacant | Bidston and St James | Area 3 |
| 277 | Former garages, The Green | Bromborough | 4 | Site clearance required | Primarily Residential / Bromborough Pool Conservation Area | Vacant | Bromborough | Area 4 |
| 914 | 46 Ford Road | Upton | 4 | Cleared but now overgrown site | Primarily Residential | Vacant | Upton | Area 5 |

| SHLAA Ref | Address One | Address Two | Indicative Capacity | Ground Condition | UDP Designation | Site status | Ward | Settlement Area |
|-----------|---|-------------|---------------------|--|---|-------------|-------------------------|-----------------|
| 1402 | Vacant land north side of Park Drive junction with Park Road East | Birkenhead | 4 | Cleared but now overgrown site | Primarily Residential/ Birkenhead Park Conservation Area | Vacant | Cloughton | Area 3 |
| 1589 | Media House, Cloughton Road | Birkenhead | 4 | Potential for conversion and/or redevelopment | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 2 |
| 1658 | Car Park at Olinda Street | New Ferry | 4 | Hardstanding would need removing | Primarily Residential | Vacant | Bromborough | Area 4 |
| 1866 | Land to rear 118 Rake Lane | Wallasey | 4 | Remaining buildings would require demolition | Primarily Residential | Vacant | New Brighton | Area 1 |
| 452 | Land at Sidney Road/Holly Grove, Tranmere | Tranmere | 3 | Cleared site. Heavily sloping | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 47 | Vacant Unit 37A, Hartismere Road | Seacombe | 3 | Site clearance required | Primarily Residential | Vacant | Seacombe | Area 1 |
| 967 | Former Pool Inn, Poulton Road | Wallasey | 3 | Cleared site | Primarily Residential | Vacant | Seacombe | Area 1 |
| 1347 | Land in Old Chester Road/Holt Road | Tranmere | 3 | Cleared site. Hardstanding would need removing | Primarily Residential | Vacant | Rock Ferry | Area 3 |
| 1366 | Former Livingstone, 101 Livingstone Street | Birkenhead | 3 | Site clearance required | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 1698 | 6 Beresford Road | Oxton | 3 | Site requires clearance (planning application pending) | Primarily Residential | Vacant | Oxton | Area 3 |
| 1834 | 108 Egerton Park | Rock Ferry | 3 | Potential for conversion and/or redevelopment | Primarily Residential | Vacant | Rock Ferry | Area 3 |
| 455 | Former 4-12 Walmsley Street | Seacombe | 2 | Cleared site | Primarily Residential | Vacant | Liscard | Area 1 |
| 476 | Former 1-17 Montrose Avenue | Seacombe | 2 | Cleared site | Primarily Residential | Vacant | Seacombe | Area 1 |

| SHLAA Ref | Address One | Address Two | Indicative Capacity | Ground Condition | UDP Designation | Site status | Ward | Settlement Area |
|-----------|--|-------------|---------------------|---|-----------------------|-------------|-------------------------|-----------------|
| 761 | Former Great Float Pub, 51 Upper Beckwith Street | Birkenhead | 2 | Cleared site | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 966 | Land adj 347 Woodchurch Road | Prenton | 2 | Cleared site | Primarily Residential | Vacant | Prenton | Area 3 |
| 1060 | Former United Reform Church, Guildford Street | Seacombe | 2 | Site clearance required | Primarily Residential | Vacant | Liscard | Area 1 |
| 1334 | Southend Social Club, 2 Downham Road | Tranmere | 2 | Cleared site | Primarily Residential | Vacant | Rock Ferry | Area 3 |
| 1386 | Rocky's Gym, 75 Argyle Street | Birkenhead | 2 | Remaining buildings would require demolition (planning application pending) | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 2 |
| 1503 | Former 23-37 Trafalgar Road | Egremont | 2 | Cleared site | Primarily Residential | Vacant | Liscard | Area 1 |
| 1667 | St Annes Institute, St Annes Place | Birkenhead | 2 | Cleared site | Primarily Residential | Vacant | Bidston and St James | Area 3 |
| 136 | North of 41 Eltham Green | Woodchurch | 1 | Cleared site. Substation present. | Primarily Residential | Vacant | Upton | Area 5 |
| 146 | Land south of 5 Claughton Place | Claughton | 1 | Site clearance required | Primarily Residential | Vacant | Claughton | Area 3 |
| 218 | Former 65-67 Woodchurch Road | Prenton | 1 | Site clearance required | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 457 | 19-21 Trafalgar Rd | Egremont | 1 | Cleared site | Primarily Residential | Vacant | Liscard | Area 1 |

| SHLAA Ref | Address One | Address Two | Indicative Capacity | Ground Condition | UDP Designation | Site status | Ward | Settlement Area |
|-----------|---|--------------|---------------------|--|-----------------------------|-------------------------------|-------------------------|-----------------|
| 460 | Former 60 Union Street | Egremont | 1 | Cleared site | Primarily Residential | Vacant | Liscard | Area 1 |
| 464 | Adj 45 Brougham Road | Seacombe | 1 | Site clearance required | Primarily Residential | Vacant | Seacombe | Area 1 |
| 465 | Former 174 to 178 Borough Road | Seacombe | 1 | Cleared site | Traditional Suburban Centre | Vacant | Seacombe | Area 1 |
| 560 | Former 2 Austin Street | Seacombe | 1 | Site clearance required | Primarily Residential | Vacant | Seacombe | Area 1 |
| 571 | Former 6 and 8 The Grove | Wallasey | 1 | Cleared site. Trees around edge of site. | Primarily Residential | Vacant | Seacombe | Area 1 |
| 603 | South Westbourne House, Westbourne Road | Birkenhead | 1 | Site clearance required | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 610 | Land adjacent 30 Harland Road | Tranmere | 1 | Site clearance required | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 996 | Former Christ Church, Park Road South | Birkenhead | 1 | Site clearance required | Primarily Residential | Vacant | Cloughton | Area 3 |
| 1272 | Land adjacent 11 Marquis Street | Tranmere | 1 | Cleared but now overgrown site | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 1391 | 13 Hampden Road | Tranmere | 1 | Cleared but now overgrown site | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| 1570 | 85-89 King Street | Seacombe | 1 | Cleared site | Primarily Residential | Vacant | Liscard | Area 1 |
| 1576 | 11-17 Dacre Street | Birkenhead | 1 | Clearance required. Former industrial use. | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 2 |
| 1656 | Car Park, Mount Pleasant Road | New Brighton | 1 | Hardstanding would need removing | Primarily Residential | No longer appears operational | New Brighton | Area 1 |
| 1686 | 68 Derby Road | Tranmere | 1 | Site clearance required | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |

| SHLAA Ref | Address One | Address Two | Indicative Capacity | Ground Condition | UDP Designation | Site status | Ward | Settlement Area |
|------------------|--------------------------------------|--------------------|----------------------------|--|------------------------|--------------------|-------------------------|------------------------|
| 1832 | Former Luncheon Club, Highfield Road | Rock Ferry | 1 | Remaining buildings would require demolition | Primarily Residential | Vacant | Rock Ferry | Area 3 |
| 1836 | West of 33A Chesnut Grove | Tranmere | 1 | Cleared site | Primarily Residential | Vacant | Birkenhead and Tranmere | Area 3 |
| TOTAL | | | 255 | | | | | |

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**Planning Appeals Decided
Between 01/07/2015 and 30/09/2015**

Allowed

| | | |
|---|--|---|
| Application No.: APP/14/01287 | Application Type: APP | Ward: Prenton |
| Case Officer: Mrs J Malpas | Council Decision: Refuse | Decision Level: Planning Committee |
| Applicant: Mr & Mrs B Wild | Agent: Civitas Planning Ltd | |
| Location: Knighton, 9 GOLF LINKS ROAD, PRENTON, CH42 8LN | | |
| Proposal: The phrase "The foundations must be of a pile and beam construction and the ground beam must not require any greater excavation than 250mm below existing ground level." be removed from Condition 5 | | |
| Appeal Ref.: 3011352 | Appeal Type: Appeal against refusal | |
| Appeal Decision: Allowed | Decision Date: 14/07/2015 | |

| | | |
|--|--|---------------------------------------|
| Application No.: APP/15/00368 | Application Type: APP | Ward: Leasowe and Moreton East |
| Case Officer: Mrs MA Jackson | Council Decision: Refuse | Decision Level: Delegated |
| Applicant: Mr Mark Morgan | Agent: | |
| Location: 32 CHAPELHILL ROAD, MORETON, CH46 9QN | | |
| Proposal: Single storey extension | | |
| Appeal Ref.: 3051186 | Appeal Type: Appeal against refusal | |
| Appeal Decision: Allowed | Decision Date: 02/09/2015 | |

Dismissed

| | | |
|---|--|---|
| Application No.: APP/14/01014 | Application Type: APP | Ward: Birkenhead and Tranmere |
| Case Officer: Miss A McDougall | Council Decision: Refuse | Decision Level: Planning Committee |
| Applicant: SIP Car Parks | Agent: Euan Kellie Property Solutions | |
| Location: Unused Land (Grassed), CONWAY STREET, BIRKENHEAD, CH41 4AF | | |
| Proposal: This application is for the change of use of land currently an unused grassed area to 2No. car parks to be accessed via Simpson Street and Parkfield Avenue. The proposed car park will have 46 No. spaces inc 4 No. Disabled. | | |
| Appeal Ref.: 3003760 | Appeal Type: Appeal against refusal | |

**Planning Appeals Decided
Between 01/07/2015 and 30/09/2015**

Appeal Decision: Dismissed**Decision Date:** 23/07/2015**Application No.:** APP/14/01467**Application Type:** APP**Ward:** Eastham**Case Officer:** Mrs J McMahon**Council Decision:** Refuse**Decision Level:** Delegated**Applicant:** Mr J Devoy**Agent:** Neville Pickard**Location:** 6 MERTON ROAD, EASTHAM, CH65 1AP**Proposal:** Demolish existing outhouse and erect two storey side and single storey rear extension**Appeal Ref.:** 3013608**Appeal Type:** Appeal against refusal**Appeal Decision:** Dismissed**Decision Date:** 20/07/2015**Application No.:** APP/14/01062**Application Type:** APP**Ward:** Moreton West and
Saughall Massie**Case Officer:** Mrs J McMahon**Council Decision:** Refuse**Decision Level:** Delegated**Applicant:** MR & MRS S HARRIS**Agent:** CWJ Developments LTD**Location:** 1 BELFORD DRIVE, MORETON, CH46 6ER**Proposal:** Retention of...Ground and 1st floor extension to side elevation of property. Ground floor- new study to front of property and extended kitchen to rear, 1st floor- extended front bedroom and extended bathroom to rear.**Appeal Ref.:** 3030410**Appeal Type:** Appeal against refusal**Appeal Decision:** Dismissed**Decision Date:** 04/09/2015**Application No.:** APP/15/00159**Application Type:** APP**Ward:** Heswall**Case Officer:** Mrs J McMahon**Council Decision:** Refuse**Decision Level:** Delegated**Applicant:** Mr C Scullion**Agent:** SDA Architecture & Surveying**Location:** 13 MOORWAY, GAYTON, CH60 2TX**Proposal:** Re-submission - erection of a single storey rear extension, raise height of roof by 0.8m including front and rear dormers and new front porch.**Appeal Ref.:** 3121580**Appeal Type:** Appeal against refusal

Planning Appeals Decided
Between 01/07/2015 and 30/09/2015

Appeal Decision: Dismissed**Decision Date:** 28/08/2015

Grand Total: 6

| | Total | |
|--------------|----------|-------------|
| Allowed | 2 | 33% |
| Dismissed | 4 | 66% |
| Total | 6 | 100% |

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