

# PLANNING COMMITTEE

Thursday, 14 January 2021

Present:

Councillor	S Kelly (Chair)		
Councillors	S Foulkes	P Stuart	
	K Hodson	M Jordan	
	G Davies	A Wright	
	S Frost	A Gardner	
	B Kenny		

## 19 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 17 December 2020 for approval.

**Resolved – That the minutes of the meeting held on 17 December 2020 be approved.**

## 20 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

No such declarations were made.

## 21 ORDER OF BUSINESS

With the consent of the Members of the Committee, the Chair agreed to vary the order of business.

## 22 APP/20/01065: LAND TO THE REAR OF 9 & 10 COPSE GROVE, IRBY, CH61 4YP - ERECTION OF 2 NO DETACHED HOUSES WITH ASSOCIATED FREE-STANDING GARAGE

**Resolved – That consideration of this application be deferred to a future meeting of this Committee for consideration of additional representations.**

## 23 APP/20/00720: TEVIOT BANK, 6 COTTAGE LANE, GAYTON, CH60 8PB - DEMOLITION OF EXISTING DWELLING AND ERECTION OF BUILDING CONTAINING 8 NO. APARTMENTS, WITH ASSOCIATED LANDSCAPING, PARKING, BIKE STORE AND BIN STORE

The Director of Regeneration and Place submitted the above application for consideration.

The Lead Petitioner addressed the Committee.

The Applicant addressed the Committee.

A Ward Councillor addressed the Committee.

**It was moved by the Chair and seconded by Councillor B Kenny that the application be approved subject to the following conditions.**

**The motion was put and carried (9:0).**

**Councillor A Gardner lost connection during consideration of this matter and therefore (having regard to the LLG Remote Meetings Protocol and Procedure Rules) took no part in the decision and was unable to vote on this matter as he had not heard all the facts.**

**Resolved (9:0) – That the application be approved with the following conditions:**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 2nd June 2020 and listed as follows: 19-425-001; 19-425-002; 19-425-003; 19-425-005; 19-425-101; 19-425-201; 19-425-202; 19-425-203; 19-425-204, and the amendment plans received on 2nd October 2020 and listed as follows: 19-425-205 A; 19-425-206 A; 19-425-207 A; 19-425-301 B; 19-425-302 B; 19-425-401 B; 19-425-601; 19-425-602; 19-425-701**
- 3. Before any construction above ground level commences, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.**
- 4. The proposed bin and cycle storage facilities, as shown on Drawings 202 and 203, shall be provided as shown prior to first occupation of the development and retained as such for use at all times afterwards, unless otherwise agreed in writing by the Local Planning Authority**
- 5. Prior to the construction of the new access, a full scheme of works for the new access onto Long Meadow, including adequate visibility splays as shown on the approved drawings and the reinstatement to standard footway levels of any existing vehicle accesses from the highway that are rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.**
- 6. The windows above ground floor level in the north-eastern elevation**

**(serving the stairwell) shall be obscurely glazed prior to first occupation and shall be retained as such thereafter**

**7. No development shall take place 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.**

**8. PRIOR TO COMMENCEMENT OF DEVELOPMENT, detailed drawings indicating 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.**

**9. No development above ground level shall take place before details of a scheme of landscaping, which shall include details of both hard and soft landscaping works, all boundary treatment, earthworks and retained trees, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out no later than 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**

**10. The development shall be carried out in accordance with the submitted arboricultural method statement (Arbtech, 1 July 2020) unless otherwise agreed in writing by the Local Planning Authority**

**11. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed and shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the Local Planning Authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees**

shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the Local Planning Authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

**12. The following activities must not be carried out under any circumstances:**

- a, No fires to be lit within 20 metres of existing trees and shrubs to be retained.
- b, Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
- c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- d, No builders debris or other materials to be stored within the Root Protection Areas.
- e, No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be a used and located not within 10 metres of any Root Protection f, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g, No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

**13. NO DEVELOPMENT SHALL TAKE PLACE UNTIL a Construction Management Plan or Construction Method Statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved details.**

Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

24 **APP/19/01177: WILLOWBANK, 33 OLDFIELD ROAD, HESWALL, CH60 6SN - ERECTION OF THREE 5-BEDROOM DETACHED DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING.**

The Director of Regeneration and Place submitted the above application for consideration.

The Applicant's Agent addressed the Committee.

**It was moved by Councillor K Hodson and seconded by Councillor S Foulkes that the application be approved subject to the following conditions.**

**The motion was put and carried (10:0).**

**Resolved (10:0) – That the application be approved with the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**

**2. Unless modified by other conditions of this consent, the development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22 September 2020 and listed as follows:**

**SHACK373 B102 Revision C (Proposed Site Plan)**

**SHACK373 B103 Revision B (House Type 1A)**

**SHACK373 B104 Revision C (House Type 1B)**

**SHACK373 B105 Revision B (House Type 2)**

**SHACK373 B106 Revision B (Context Elevation)**

**SHACK373 B107 Revision B (Site Sections A-A and B-B)**

**SHACK373 B108 Revision B (Site Sections C-C and D-D)**

### **3. PART A**

**No development shall commence (to include demolition and site clearance) until further revisions to the submitted Landscape Habitat Restoration Note and Landscape Proposals General Arrangement Plan have been submitted to and approved in writing by the Local Planning Authority. Such revisions shall make provision for:**

**i) Amendment to the Landscape Restoration proposals insofar as they relate to land to the rear of plot 4 to ensure that the domestic garden area of plot 4 does not extend beyond the red line boundary of the application site and to ensure a defensible boundary is erected between the domestic garden of plot 4 and land within the Heswall Dales SSSI which does not allow access**

between plot 4 and the SSSI,

ii) Detailed proposals for the treatment of site and plot boundaries, and

iii) Confirmation of timing for the implementation and completion of the Landscape Habitat Restoration Scheme.

Thereafter development shall be carried out in accordance with the approved Landscape Habitat Restoration Note and Landscape General Arrangement Plan.

## **PART B**

Within one month of completion of the Landscape Habitat Restoration Scheme a verification report shall be submitted for the approval in writing of the Local Planning Authority. Such report shall include a photographic schedule of the works carried out, demonstrate how the works carried out have complied with the scheme approved under Part A of this condition, set out a schedule of on-going management and maintenance works required to maintain the habitat in a favourable condition for the following 12-month period, and set out the timescale for carrying out the work.

Thereafter the works shall be carried out in accordance with the approved details.

## **PART C**

On the first anniversary of the submission of the verification report under Part B, and on every anniversary thereafter for a period of a further four years, a Landscape Habitat Management Annual Monitoring Report shall be submitted for the approval in writing of the Local Planning Authority. Such report shall:

- i) Assess the condition of the Landscape Habitat Restoration Area (to include a photographic schedule),
- ii) State the management and maintenance works that have been carried out over the preceding 12 months,
- iii) Set out a schedule of management and maintenance works required to maintain the habitat in a favourable condition over the next 12 month period, and
- iv) Set out the timescale for carrying out the work.

Thereafter the works shall be carried out in accordance with the approved details.

**4. No development shall commence (to include demolition and site clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the specific measures required to protect the Heswall Dales Site of Special Scientific Interest during the construction period. Thereafter development shall be carried out in accordance with the approved plan.**

**5. No dwelling shall be occupied until a Homeowner Information Pack has been submitted to and approved in writing by the Local Planning Authority. The information pack shall provide details on the Heswall Dales SSSI and its habitats, and the requirements for on-going management and maintenance work on their land. In particular the Information Pack shall, amongst other requirements:**

- i) Contain the detailed planting proposals for the restoration area section of their garden.**
- ii) Set out the list of approved species for replacement planting in the restoration area section of their garden,**
- iii) Set out a list of invasive species that should not be planted anywhere on their property, and**
- iv) Make specific reference to the restricted access to the Dales.**

**Thereafter the Information Pack, as approved, shall be issued to occupiers of the development.**

**6. No development shall commence until detailed engineering drawings of the site access road, comprising plans and sections drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority. Such drawings shall demonstrate the engineering solution to be adopted to span the Root Protection Areas of protected trees where they conflict with the line of the access road. Thereafter the access road shall be constructed in accordance with the approved details and completed prior to first occupation of any dwelling hereby approved.**

**7. No development shall commence until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. For each phase of development the plan shall demonstrate:**

- i) Location(s) for the parking of vehicles of site operatives and visitors clear of the public highway,**
- ii) Location(s) for the loading, unloading and storage of plant and materials used in construction of the development,**

- iii) Measures to prevent the deposit of mud/grit/dirt on the public highway, with wheel washing facilities where appropriate, and
- iv) Management, routing and control of HCV construction traffic.

Thereafter development shall be carried out in accordance with the approved plan.

8. No other plant or materials shall be brought onto site until tree protection fencing and ground protection has been installed around all trees to be retained as part of the development in accordance with the submitted tree protection plan and tree protection method statement (Tree Solutions Arboricultural Consultants 'Arboricultural Impact Assessment and Method Statement' dated June 2019 reference 19/AIA/WIRR/46).

Thereafter development shall be carried out in accordance with the approved details and all fencing and ground protection shall be retained until development subject to this consent is complete. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, disposal of liquids, or lighting of fires within any area fenced off as part of the tree protection plan and method statement.

9. No development above ground floor slab level shall take place until samples of the external walling and roofing materials to be used in the construction of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.

10. No development above ground floor slab level shall take place until a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address those areas of the site outside the SSSI Landscape Restoration Areas managed under condition 3 of this consent and it shall be informed by the West Wirral Heathlands and Arrowe Park Nature Improvement Area. The scheme shall demonstrate:

- i) The materials to be used in hard and soft surfacing,
- ii) The planting of trees, shrubs and hedgerow species of local provenance with details of the species, location, number, stock size and planting densities,
- iii) Details of the type, size and external appearance of any gates, fences, walls or other means of enclosure, and
- iv) The timing of implementation of the scheme.



**When considering species for tree, shrub and hedge planting, consideration should be given to suitable species that produce berry bearing fruit, and attract a range of insects, to encourage bird and bat foraging.**

**Thereafter the landscaping scheme shall be carried out as approved.**

**11. If, within a period of five years from the date of planting any tree, shrub or hedgerow (planted as part of the landscaping scheme approved under condition 10 or the SSSI Landscape Restoration Area proposals approved under condition 3) that specimen, or any specimen planted in replacement for it, is removed, uprooted, destroyed or dies or in the opinion of the Local Planning Authority becomes seriously damaged or defective, another specimen of the same species and size as that originally planted shall be planted in the same location, unless the Local Planning Authority approves any variation.**

**12. No vegetation removal shall take place within the main bird nesting season (April to September inclusive) until a pre-commencement check is carried out by a qualified ecologist no earlier than 48 hours prior to the commencement of works, and the qualified ecologist confirms to the Local Planning Authority in writing, no later than 48 hours after the check has taken place, that no actively nesting birds will be affected.**

**13. The following priority species reasonable avoidance measures shall be put in place during the construction phase of the development hereby approved:**

- i) A pre-commencement check by a qualified ecologist for common lizard, common toad and hedgehog within suitable habitats on site.**
- ii) All trenches and excavations shall have a means of escape (such as a ramp)**
- iii) Any exposed open pipe systems should be capped to prevent mammals gaining access, and**
- iv) Raised storage of materials on pallets and in such a manner that mammals are not able to use them for shelter.**

**14. No external lighting shall be installed until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a suitably scaled plan and lighting schedule and shall demonstrate:**

- i) The location, type and luminance of each light fitting to be installed, and**
- ii) How the scheme has been designed to take account of Bat Conservation Trust guidelines at [www.bats.org](http://www.bats.org) to prevent excessive light spill onto areas containing bat commuting and foraging habitat.**

Thereafter the external lighting scheme shall be carried out as approved.

15. Prior to first occupation of the dwelling(s) hereby approved arrangements for the storage and disposal of refuse including recycling facilities, 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby approved, or any detached building erected swimming or other pools, hard surfaces, raised platforms, gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission), without the express permission in writing of the Local Planning Authority.

17. Before any above ground construction work is commenced details of the proposed finished floor levels and the ridge and eaves heights of the dwellings 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 and the eaves and ridge heights of surrounding properties. The development shall be carried out as approved.

25 **APP/20/01435: MILL HOUSE, BLAKELEY ROAD, RABY MERE, CH63 0LZ - ALTERATIONS TO EXISTING BOUNDARY FENCING AND ENTRANCE GATES.**

The Director of Regeneration and Place submitted the above application for consideration.

A Ward Councillor addressed the Committee.

**It was moved by Councillor M Jordan and seconded by Councillor A Gardner that the application be refused for the following reason:**

Having regard to the sites location at the edge of the urban area and taking into account that the site is visible from the surrounding open countryside, having regards to the visual impact of the proposals, it is considered that the proposed railings do not form appropriate boundary treatment in terms of the visual amenities of the area and the character of the surrounding landscape. The proposals therefore do not comply with Policy LA7 (Criteria for Development at the Urban Fringe) of the adopted Wirral Unitary Development Plan.

The motion was put and lost (4:6).

It was further moved by the Chair and seconded by Councillor P Stuart that the application be approved with the following conditions.

**Resolved** (6:4) – That the application be approved with the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on (26 October, 2020 and 16 December, 2020) and listed as follows: (drawing refs: 'Proposed Main Entrance Gates' and 'Proposed Rear Entrance Gate and Fencing', dated: 16 December, 2020; and 'Proposed Site Plan', dated: 26 October, 2020)

3. The existing 2.4m high close boarded timber fence shall be removed and replaced by the approved 1.8m wall mounted railings no later than 1 month from the date the application was granted.

4. Development shall not commence until full details of the boundary treatment have been submitted for written approval by the local planning authority prior to the commencement of works. These shall include cross sectional drawings illustrating the thickness of the railings at 1:1 or 1:2, cross section drawings of the boundary treatment (wall and railings) scale 1:20 and elevational section details at 1:20 scale (or similar) of the wall itself. The development shall be implemented in accordance with the approved details.

5. 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 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;**
- h). 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);**
- i). 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;**
- j). the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837);**
- k). the timing of the various phases of the works or development in the context of the tree protection measures.**

**The development shall then be carried out strictly in accordance with the approved Arboricultural Method Statement.**

**6. The following activities must not be carried out under any circumstances:**

- a). No fires to be lit within 20 metres of existing trees and shrubs to be retained.**
- b). Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.**
- c). No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.**
- d). No builder's debris or other materials to be stored within the Root Protection Areas.**
- e). No mixing of cement, associate additives, chemicals, fuels, tar and other oil-based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be a used and located not within 10 metres of any Root Protection**
- f). No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.**
- g). No excavations, trenches, stripping, cultivation with a rotavator or changes in**

**surface level to occur within the Root Protection Area, unless authorised.**