

# PLANNING COMMITTEE

Thursday, 17 March 2022

<u>Present:</u>	Councillor	S Kelly (Chair)	
	Councillors	S Foulkes AER Jones B Kenny P Stuart	M Jordan A Gardner B Berry H Gorman
<u>Apologies:</u>	Councillor	K Hodson	

## 50 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 10 February 2022 for approval.

On a motion by the Chair and seconded by Councillor S Foulkes it was –

**Resolved – That the minutes of the meeting held on 10 February 2022 be approved.**

## 51 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.

## 52 OUT/20/00967: WITCH WOOD, MERE LANE, HESWALL, CH60 6RR, OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE DEMOLITION OF THE EXISTING DWELLING AND THE ERECTION OF A DETACHED BUILDING CONTAINING 7 SELF-CONTAINED APARTMENTS WITH A DETACHED BIN/CYCLE STORE AND ON-SITE CAR PARKING.

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

The Ward Councillor L Rowlands addressed the Committee.

E Tranfield, the applicant addressed the Committee.

On a motion by the Chair and seconded by Councillor S Foulkes it was –

**Resolved unanimously – that the application be approved subject to the following conditions.**

**1. The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended).**

**2. No development shall commence on site until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development**
- (d) The landscaping of the site; and**
- (e) The means of access**

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

**3. Any subsequent application for reserved matters shall be accompanied by full details of 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.**

**4. Details of materials for all external work including samples, shall be submitted to and approved by the Local Planning Authority before any construction takes place above ground level**

**5. No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.**

**6. The detailed landscaping plans submitted as reserved matters shall include:**

**(i) details of boundary treatments and hard surfaces**

**(ii) the location, size and species of all trees to be planted**

**(iii) the location, size, species and density of all shrub and ground cover planting**

**(iv) a schedule of implementation**

**7. The approved landscaping shall be completed before the development approved is occupied. Within 5 years of the implementation of the approved landscaping scheme, any plants or trees which die or become diseased shall be replaced with an equivalent plant or tree.**

**8. 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 vehicle access from the highway and any amendments to the existing highway made necessary by this development, including details of the temporary vehicle crossing access, the new permanent vehicle access in accordance with the LPA crossing specifications and amendments to the footway to Mere Lane. The approved works shall be completed in accordance with the LPA's written approval and prior to occupation of the development.

9. Prior to the first occupation of the development hereby approved, details of the proposed refuse storage including provision for recycling shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

10. Any subsequent application for reserved matters shall include details of secure covered cycle parking. 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.

11. Before the development hereby approved is first commenced, a Construction and Environmental Management Plan (CEMP), which shall also include a Site Waste Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to for the duration of the construction of the development.

12. No tree felling, scrub clearance or hedgerow removal is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted and approved prior to the commencement of such works.

13. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

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

15. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and does not result in excessive light spill onto the habitats in line shall be submitted for approval and implemented in accordance with those details.

16. A method statement for the protection of terrestrial mammals and amphibians during the construction period shall be submitted to and agreed with the Local Planning Authority before any development commences. This shall include, but not be limited to:

- A pre-commencement check for terrestrial mammals;
- All trenches and excavations should have a means of escape (e.g. a ramp);

- Any exposed open pipe systems should be capped to prevent mammals gaining access;
  - Appropriate storage of materials to ensure that mammals do not use them.
- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians present to move away from the affected areas;
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
  - Any open excavations (e.g. foundations / footings / service trenches etc.) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil (or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians. The construction of the development hereby approved shall be carried out in accordance with the approved details.

17. A licensed bat ecologist is required to directly supervise the removal of the timber boards at the gable ends; and the removal of any existing lifted tiles from the roof of the building (referred to as buildings 1 and 2 in the ecology report: ETIVE ECOLOGY Ltd. September 2018. Witchwood, Mere Lane, Heswall. Proposed Re-development of residential site Ecology Report).

18. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started, or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

19. Before the development is commenced, a method statement detailing measures to be taken during construction to protect the health of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved method statement shall be implemented in full throughout the construction phase. Reason: To prevent damage to trees in the interests of the visual amenity of the area and to comply with Policy GR7 of the Wirral Unitary Development Plan.

53      **OUT/21/01516: BIRKENHEAD SCHOOL, NOCTORUM FIELD, NOCTORUM ROAD, NOCTORUM, CH43 9UQ. THE DEMOLITION OF THE EXISTING PAVILION AND ERECTION OF UP TO 33 DWELLINGS AND ASSOCIATED INFRASTRUCTURE. ALL MATTERS ARE RESERVED WITH THE EXCEPTION OF ACCESS.**

The Principal Planner presented the report of the Director of Regeneration and Place in relation to the above application. The Principal Planner explained that the applicant had submitted an appeal to the Planning Inspectorate on the grounds of non-determination of the application. The report listed an

assessment to enable the Committee to establish the decision that would have been made had it determined the application. This would enable Council officers to establish the stance that should be taken by the Council in terms of contesting the appeal.

M Gilbert the Lead Petitioner for a petition in opposition to the application addressed the Committee.

B Elkerton and S Williams on behalf of the petitioners in support of the application addressed the Committee.

The Ward Councillor G Wood addressed the Committee.

M Turner, a representative for the applicant addressed the Committee.

On a motion by Councillor S Foulkes and seconded by the Chair it was –

**Resolved unanimously – that**

- (1) The application would have been refused on the following grounds: -**
  - (i) The playing pitches are not surplus to requirement and the proposed mitigation package is inadequate to compensate for the loss of the existing Noctorum Playing Field. This loss will not be replaced by equivalent or better provision in terms of quantity and quality, and the proposal is therefore contrary to Wirral Unitary Development Plan Policy RE6, National Planning Policy Framework Paragraph 99 and Sport England’s playing fields policy.**
  - (ii) The loss of this previously undeveloped site for a residential development, particularly one that has a higher density than the prevailing character of the area, would have a clear adverse impact on the character of this area and therefore conflicts with Wirral Unitary Development Plan Policy HS4 and HS5 and the National Planning Policy Framework, in particular Paragraph 124.**
  - (iii) Insufficient evidence has been provided to demonstrate that this development cannot meet the 20% affordable housing requirement on site, and the proposal is therefore contrary to Wirral Unitary Development Plan Policy HSG2 and HS6 and the National Planning Policy Framework**
  - (iv) The proposal is considered to constitute unsustainable development due to the site being located a substantial distance from local services and the lack of a dedicated pedestrian footpath for substantial parts of the surrounding road network. This will result in significant highway safety concerns and will dissuade future occupiers of the site to consider alternative, sustainable transport modes. The proposed development is therefore considered to be contrary to the Wirral Unitary**

**Development Plan, in particular Policy TR9 and TRT1, and the National Planning Policy Framework, in particular Paragraphs 110 and 112**

- (v) Insufficient evidence has been provided to demonstrate that the private land drain to which the proposed drainage system proposes to outfall will retain connectivity for the lifetime of the development and without a functioning outfall the minimum operational standards cannot be met. The proposal is therefore contrary to Paragraph 169 of the National Planning Policy Framework.**
  
- (2) Authority be given to the Director of Regeneration of Place to amend the reasons for contesting the appeal to reflect any changes in planning policy or material considerations as the case progresses.**