

PLANNING COMMITTEE

Thursday, 4 August 2022

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	P Martin
	G Davies	P Stuart
	H Gorman	A Wright
	K Hodson	A Gardner (In place of M Jordan)
	B Kenny	S Powell-Wilde (In place of J McManus)
	P Martin	D Burgess-Joyce (In place of T Elzeiny)
	P Stuart	

73 WELCOME AND INTRODUCTION

The Chair welcomed Members of the Planning Committee, Officers and viewing members of the public to the meeting.

74 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 29 June 2022 for approval.

On a motion by Chair and seconded by Councillor Steve Foulkes it was

Resolved – that the minutes of the meeting held on 29 June 2022 be approved

75 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.

Councillor Alison Wright declared a prejudicial interest in agenda Item 4 as she had commented publicly on this application. She stated that she would leave the chamber during the discussion of this item.

Councillor Andrew Gardner declared a personal interest in item 6 and stated that he would leave the chamber during the discussion of this item.

APP/20/01716 100 AND 102 MEOLS DRIVE, WEST KIRBY CH48 5DB, DEMOLITION OF THE EXISTING DWELLINGS ON SITE AND ERECTION OF A RESIDENTIAL APARTMENT BUILDING (USE CLASS C3) WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS (AMENDED SCHEME)

Councillor Alison Wright left the chamber.

The Principal Planning and Enforcement Team Leader presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Lead Petitioner Elizabeth Webster addressed the Committee.

Councillor Alison Wright addressed the Committee as Ward Councillor.

The Applicant's Agent, Quintin Keohane addressed the Committee.

It was moved by Councillor Andrew Gardner and seconded by Councillor David Burgess-Joyce that the proposal be rejected on the grounds that it did not comply with Policy CH2 of Wirral's Unitary Development Plan. The motion was put and lost (2:9).

On a motion by the Chair and Seconded by Councillor S Foulkes, it was:

Resolved (9:2) – that the application be approved subject to a Section 106 agreement and to the following conditions.

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

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

- 2. The development hereby permitted shall be carried out in accordance with the approved plans by the local planning authority on 25/11/2020, 29/03/2022 and 01/04/2022 (unless otherwise stated) and listed as follows:**

**4418.01F Landscape Layout
4418.03F Landscape Layout (rendered)
4418.E Landscape Strategy Document
4418.02B Indicative Planting Plan
P19070-FCH-XX-00-DR-A-1200 Revision P11
P19070-FCH-XX-00-Dr-A-1300 Revision P12
P19070-FCH-XX-01-DR-A-1301 Revision P12
P19070-FCH-XX-02-DR-A-1302 Revision P08
P19070-FCH-XX-B1-DR-A-1399 Revision P05**

P19070-FCH-XX-B1-DR-A-1310 Revision P03
P19070-FCH-XX-XX-DR-A-1400 Revision P10
P19070-FCH-XX-XX-DR-A-1401 Revision P10
P19070-FCH-XX-XX-DR-A-1402 Revision P09
P19070-FCH-XX-XX-DR-A-1403 Revision P07
Design & Access Statement Ref: P19070-FCH-XX-XX-RG-A-0003
P04 (March 2022)
Daylight & Sunlight Assessment dated 25/03/22
Arboricultural Implications Assessment Ref: MTM0016.AIA.02
dated 23/03/2022
Arboricultural Method Statement Ref: MTM0016.MS.02 dated
23/03/2022
Drainage Strategy & Maintenance Strategy Document Ref: 1976
dated 28/03/2022
Ecological Assessment dated October 2020
Heritage Assessment dated October 2020
Supplementary Heritage Statement received 28/03/2022
Supplementary Heritage Statement dated June 2022
Planning Statement dated March 2022
Transport Statement dated 24/03/22
Outline Environment Management Plan
Bat Survey Results dated 25/05/21

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

- 3. The facing materials to be used in the external construction of this development hereby approved and set out in the Design and Access Statement shall then be used in the construction of the development unless agreed otherwise in writing with the Local Planning Authority.**

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.

- 4. The dwellings hereby permitted shall not be occupied until a detailed scheme for landscaping has been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the proposed landscaping shall include details of replacement trees for each existing tree removed . The landscaping shall be carried out in accordance with the approved details before any of the apartments are occupied. The landscaping provisions shall be retained in situ in perpetuity.**

Reason: In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

5. **Prior to first occupation of the development hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the approved residential curtilage and be retained in situ in perpetuity.**

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

6. **No development besides demolition and remediation works 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 hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

7. **No development hereby approved shall take place (including ground works and vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not limited to the following:**

- a) **Risk assessment of potentially damaging construction activities**
- b) **A pre-commencement check for hedgehogs and agreement of monitoring measures where necessary**
- c) **Identification of “biodiversity protection works” / Reason Avoidance Measures (RAMs) including but not limited to:**
 - i. **The working area, together with any storage areas, being kept clear of debris, and any stored materials being kept off the ground on pallets to prevent amphibians from seeking shelter or protection within them;**
 - ii. **Any open excavations (e.g foundations / footings / service trenches etc) being covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets being covered with a thick layer of**

topsoil or similar) to prevent amphibians from seeking shelter beneath them.

- iii. Any excavation being 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.
 - iv. Any open pipes being temporarily capped at the end of each working day to prevent any animals gaining access.
 - v. Any holes or trenches left open overnight being either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps) in case any hedgehog should fall in.
 - vi. All building materials being stored so that hedgehogs cannot access them.
 - vii. The use of chemicals (such as herbicides & fertilisers) being avoided wherever possible. Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals. Any obvious hedgehog paths to be left clear of obstruction.
 - viii. All the property boundaries allow for the free movement of wildlife both during & after construction.
 - ix. Protective fencing being erected surrounding the construction site during the building work to prevent hedgehogs from entering the site
- d) A precautionary working method statement requiring removal of invasive species and excavation by hand tools. Corms/root systems and cuttings to be disposed of at a licenced waste management facility.
- e) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. should only take place between 8am and 6pm daylight working hours and starting one hour after sunrise and ceasing one hour after sunset)
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- h) Use of protective fences, exclusion barriers and warning signs
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
- j) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To adequately demonstrate biodiversity and highway safety is safeguarded.

- 8. 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.**

Reason: In the interest of biodiversity.

- 9. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and which does not result in excessive light spill onto the habitats in line The Institution of Lighting Professionals (ILP) Guidance shall be submitted for approval and implemented in accordance with those details.**

Further guidance is available at the Bat Conservation Trust website

<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

- 10. 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.**

Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).

- 11. No tree felling, scrub clearance, vegetation management, ground clearance or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.**

Reason: In order to ensure no net-loss in biodiversity.

- 12. The tree works methodology hereby approved and set out in Tree Protection Plan in accordance with the Arboricultural Implications Assessment (AIA) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority.**

Reason: To preserve the biodiversity of the site and health of the trees on the site in accordance with NPPF paragraphs 170, 175, 177 and UDP Policy GR7

- 13. No development shall commence until the final detailed sustainable drainage design for the management and disposal of surface water from the site based on the principles and details identified in the following submissions has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:**

- Drainage Strategy and Maintenance Strategy Document; Meols Drive, West Kirby, Wirral (rev P2/ dated 28/03/2022 / ref: 1976 / Shape Consulting Engineers)**
- 1976-C-0001 rev P03 dated 28 March 2022 – Drainage Strategy Plan**

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

- 14. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.**

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning

Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

- 15. Prior to the demolition of the Coach House and Conservatory to the rear of 100 Meols Drive, a recording of these structures shall be carried out and submitted to the Local Planning Authority. The recording must be in line with Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice Guidance Note**

Reason: To record the detailing of these buildings having regards to Wirral Unitary Development Plan Policy CH2

Further Notes for Committee:

- 1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details**
- 2. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk. Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.**

3. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

4. The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development.

It is the advice of the LLFA that the maintenance arrangements capable of ensuring an acceptable standard of operation for the lifetime of the development, to satisfy paragraph 165 of the NPPF, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance of the system as per the approved Operation and Maintenance Plan.

77 **APP/21/02117 CHERRY COTTAGE, WEXFORD ROAD, OXTON CH43 9TB, RETROSPECTIVE CHANGE OF USE FROM DOMESTIC GARAGE TO HOLIDAY LET ACCOMODATION**

The Principal Planning and Enforcement Team Leader presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

On a motion by Councillor Steve Foulkes and seconded by Councillor Paul Martin it was –

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

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25th July 2022 and listed as follows:
Drawing number: 2020 149 103 Rev.05, dated: 25 July 2022.

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

- 2. This planning permission shall be for a limited period of 1 year, expiring on 04 August 2023, after which a new permission will be necessary.**

Reason: To assess the effect of unrestricted use / there being no maximum limit on the number of lets/let days per year, on the amenity of the neighbouring area and on residential character.

- 3. The accommodation hereby approved shall be let out as short-term stay holiday accommodation only in accordance with the terms of the application.**

Reason: To ensure that no sub-division of the plot occurs.

- 4. A 1.7m high x 1.5m deep privacy screen shall be installed adjacent to the boundary shared with Laguna within 3 months of the date on the decision notice. This screen shall extend back from the northern-most corner of the principal elevation of the conversion parallel to the direction of the hedgerow and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of residential amenity and in accordance with Policy HS11 of the Wirral Unitary Development Plan.

78 EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC

On a motion by Chair and seconded by Councillor Steve Foulkes, it was –

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined by paragraphs 3, 5 and 7 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

79 FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE AT THORNTON MANOR, MANOR ROAD, THORNTON HOUGH WIRRAL

Councillor Andrew Gardner left the Chamber.

The Principal Planning and Enforcement Team Leader introduced a report of the Director of Regeneration and Place which set out enforcement options

against the owner of Thornton Manor, Manor Road, Thornton Hough, for failing to comply with the requirements of an enforcement notice.

On a motion by the Chair and seconded by Councillor Kathy Hodson it was –

Resolved unanimously – that the recommendations as detailed in the report be agreed.