

PLANNING COMMITTEE

Thursday, 10 November 2022

Present:

Councillor S Kelly (Chair)

Councillors S Foulkes
G Davies
T Elzeiny
H Gorman
K Hodson
M Jordan

B Kenny
P Martin
J McManus
P Stuart
A Wright

96 **WELCOME AND INTRODUCTION**

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

97 **APOLOGIES FOR ABSENCE**

No apologies were received.

98 **MINUTES**

The Head of Legal Services submitted the minutes of the meeting held on 13 October 2022 for approval.

The Chair noted that he had been described as the seconder of the substantive motion under Minute 90 and corrected the record as Councillor P Stuart had seconded this motion.

Resolved – That, subject to Councillor P Stuart being noted as the seconder for the substantive motion under Minute 9, the minutes of the meeting held on 8 September 2022 be approved.

99 **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.

100 **APP/21/02378 114 RAKE LANE, LISCARD CH45 5DL**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Lead Petitioner Nick Ainger addressed the committee.

On a motion by Councillor S Foulkes and seconded by Councillor K Hodson, it was –

Resolved (11:1) – that the application be approved subject to the following conditions:

1. The development hereby permitted shall begin not later than [3] years from the date of this decision.

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 16 December 2021 & 16 August 2022 and listed as follows: 612/01, 612/03, 612/04, 612/101, 612/102, 612/103, 612/104, 612/105 and Location Plan

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

3. No development involving the use of any facing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area

4. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS 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.

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

5. A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment

6. No vegetation management works are 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 buildings 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: To protect birds during their breeding season

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 Policy WM8 of the Wirral Unitary Development Plan

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or additions to the roof of the dwellings

hereby approved [other than those expressly authorised by this permission] shall be formed or constructed.

Reason: To protect the appearance of the property and to protect the environment of people in neighbouring properties

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages or other buildings incidental to the enjoyment of the dwellings hereby approved shall be erected other than those expressly authorised by this permission.

Reason: To protect the appearance of the property and to protect the amenity of prospective occupiers by ensuring an adequate amenity area is retained

10. The dwellings hereby permitted shall not be occupied until the bathroom windows at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter

Reason: To protect the appearance of the property and to protect the environment of people in neighbouring properties

11. The following Reasonable Avoidance Measures (RAMs) shall be undertaken during the construction phase:

- 1.** Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any mammals to move away from the affected areas;
- 2.** 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 mammals from seeking shelter or protection within them; and
- 3.** Any open excavations (e.g. foundations / footings / service trenches etc) should have a means of escape
- 4.** Exposed open pipe systems should be capped to prevent mammals from gaining Access

Reason: To protect amphibians/mammals during construction and to comply with Policy NC7 (Species Protection) in the Wirral Unitary Development Plan

12. 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: To improve the developments contribution to biodiversity and the local environment

13. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 612/101 Proposed Site Plan. The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hardsurfaced areas have a satisfactory appearance.

14. Notwithstanding the submitted details, details of secure covered cycle parking and/or storage facilities shall be 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 occupation of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport

Informatives:

- 1. A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developer's expense, to the LA specifications and written approval. For further details contact Highway Management, area manager via www.wirral.gov.uk**
- 2. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. 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.

101 **APP/22/00562 MARINERS PARK CARE HOME, ROYDEN AVENUE, EGREMONT CH44 0HN**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Lead Petitioner Aileen Buckley addressed the committee.

Applicant's Agent Leon Armstrong addressed the committee.

Architect Eleanor McCallum addressed the committee.

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

Resolved (11:0) (1 abstention) – that the application be approved subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

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 and listed as follows: 5563_110 Rev. A, 5563_1150 Rev. A, 5563_1200 Rev. B, 5563_1201 Rev. B, 5563_1202 Rev. B, 5563_1203 Rev. B, 5563_1204 Rev. B, 5563_1205 Rev. B, 5563_1206 Rev. B, 5563_1300 Rev. B, 5563_1350 Rev. B, 5563_1400 Rev. B, Arbtech TPP 01, Arbtech AIA 01 Rev. A, UG_1423_LAN_GA_DRW_01 Rev. P03, UG_1423_LAN_HL_DRW_02 P02, UG_1423_LAN_SL_DRW_03 Rev. P02, UG_1423_LAN_LSN_DRW_04 Rev. P01

Biodiversity Net Gain Design Stage Assessment

Construction Environment Management Plan: Biodiversity – Draft

HRA Screening Report

Preliminary Ecological Appraisal

Biodiversity Enhancement Management Plan

Arboricultural Survey

Arboricultural Method Statement Rev A

Transport Statement

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

3. No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area

4. The landscaping and planting shall be carried out in accordance with drawing Nos. UG_1423_LAN_GA_DRW_01 Rev. P03, UG_1423_LAN_HL_DRW_02 Rev. P02, UG_1423_LAN_SL_DRW_03 Rev P02, UG_1423_LAN_LSN_DRW_04 Rev. P01 and shall be completed within six months of completing the development Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season

Reason: To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area

5. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number PAL-ZZ-00-DR-A-1201 Rev B. The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

6. Details of secure covered cycle parking and/or storage facilities shall be 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 occupation of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

7. The pollution control measures detailed in the Construction Environment Management Plan: Biodiversity – Draft shall be implemented in full for the entirety of the demolition and construction phase of development.

Reason: To protect European Sites from pollution during the demolition and construction phases of development

8. 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 WM8 of the Wirral Unitary Development Plan

9. No tree felling, scrub clearance, hedgerow removal or vegetation management 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 trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval

Reason: To protect birds during their breeding season

10. The following Reasonable Avoidance Measures (RAMs) shall be undertaken during the construction phase:

- 1. Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians/mammals to move away from the affected areas;**
- 2. 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 mammals/amphibians from seeking shelter or protection within them; and**
- 3. Any open excavations (e.g. foundations / footings / service trenches etc) should have a means of escape**
- 4. Exposed open pipe systems should be capped to prevent mammals/amphibians from gaining access**

Reason: To protect amphibians/mammals during construction and to comply with Policy NC7 (Species Protection) in the Wirral Unitary Development Plan

11. Prior to first occupation of the development hereby approved, a “lighting design strategy for biodiversity” for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall: a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan

12. A homeowner sales/information pack which highlights the location of, and promotes the use of, alternative recreational spaces within the area and explains the importance, sensitivities and vulnerabilities of protected European Sites to recreational impacts, shall be provided to every new home buyer for the development hereby permitted.

Reason: To protect European Sites from excessive recreational pressure

13. No development or demolition shall take place until the applicant or their agents, has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include the following five steps:

- **A phased programme and methodology of site investigation and recording;**
- **A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;**
- **Provision for appropriate publication and dissemination of the archaeology and history of the site;**
- **Provision for archive deposition of the report, finds and records of the site investigation; and**
- **Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI**

Reason: In order to preserve the special architectural or historic interest of the site and to accord with Policy CH25 of the Wirral Unitary Development Plan.

14. No development shall commence until the final detailed sustainable drainage design (that satisfies the terms of condition below) 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 Report, Mariners Park, Wallasey, Wirral / Version 01 / dated 15 September 2022 / ref: 221-071 / by The Alan Johnston Partnership**
- **MAR-AJP-ZZ-00-DR-C-1000 rev P01 dated 14 September 2022 – Outline Drainage Layout**

Terms of Condition 14

- **Final Detailed Sustainable Drainage Design to comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include:**
- **Justification of final design**
- **An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.**
- **Drawings to include:**
- **Final layout of roads, buildings, finished floor levels, external levels and boundaries**
- **Final layout of sewers; outfalls; SuDS; flow control details (must match flow control in calculations) hatched above ground storage areas with depths indicated**
- **Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows**
- **Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations.**
- **Hydraulic modelling for final drainage strategy to include:**
- **System performance for following return periods; 1, 30, 100 plus appropriate climate change allowance**
- **Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event with a limiting discharge rate as stated in the above referenced drainage strategy**
- **Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs Flow control device design calculations demonstrating compliance with limiting discharge rate as stated in the above referenced drainage strategy at the correct design head**
- **Volumetric runoff co-efficient (Cv) should be set to '1'**

- **Urban creep allowance of 10% should be applied in the design criteria**
- **Appropriate climate change allowance to be used, as per new guidance on climate change allowances**

Timetable demonstrating completed SuDS construction prior to occupation

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework.

15. 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 and that maintenance arrangements are in place to ensure an acceptable standard of operation for the lifetime of the development in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework

16. The development hereby approved shall be occupied in accordance with details within the Planning Statement unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt 27 units shall be reserved for occupiers over 55 years of age.

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

17. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report - Dated 15.09.2022 which was prepared by AJP. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

18. Before the construction of development above ground level, details of proposed new tree planting in line with the Council's adopted Tree, Hedgerow and Woodland Strategy shall be submitted to and agreed in writing with the Local Planning Authority. The replacement trees must be planted in the first planting season after completion of the development. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season.

Reason: In the interests of visual amenity and in accordance with the Tree, Hedgerow and Woodland Strategy 2020-2030

19. The office shown on drawing No. 5563_1205 Rev. B shall be used for Class E(g)(i) and for no other purpose, including any within Class E; of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

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.

20. The Arboricultural Method Statement Arbtech Arboricultural Method statement Rev A and plan Arbtech TPP 01 (based on 5563-1200 Rev C) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in page 24 and 25 of the report, Arbtech Arboricultural Method statement Rev A, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with UDP GR7.

Informatives:

A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developer's expense, to the LA specifications and written approval. For further details contact Highways & Infrastructure, area manager via www.wirral.gov.uk