



## Planning Committee

<b>Date:</b>	<b>Thursday, 15 December 2022</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

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## AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES (Pages 1 - 40)**

To approve the accuracy of the minutes of the Planning Committee meeting and the Strategic Applications Sub Committee meeting held on 10 November 2022.

- 4. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members 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.

5. **APP/22/00977 9 CALDY ROAD, WEST KIRBY, WIRRAL CH48 2HE  
(Pages 41 - 62)**
6. **ADV/22/00807 APPLICATION FOR ADVERTISING CONSENT,  
LAND AT STANLEY ROAD, BIRKENHEAD CH41 7AZ (Pages 63 -  
70)**

#### **Planning Committee Terms of Reference**

The terms of reference for this committee can be found at the end of this agenda.

## 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](http://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](http://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](http://www.wirral.gov.uk)



## STRATEGIC APPLICATIONS SUB COMMITTEE

Thursday, 10 November 2022

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	H Gorman
	K Hodson	B Kenny
	S Kelly	M Jordan
	P Stuart	

16 **APOLOGIES**

No apologies were received.

17 **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.

18 **MINUTES**

The Head of Legal Services submitted the minutes of the meeting held on 27 October 2022 for approval.

**Resolved – That the minutes of the meeting held on 27 October 2022 be approved.**

19 **OUT/20/01881 RIVERSIDE PARK, SOUTHWOOD ROAD, BROMBOROUGH AND DPP4/22/01080 FORMER MOD SITE, OLD HALL ROAD, BROMBOROUGH**

The Chair proposed and it was agreed that both applications would be presented and debated as one item with separate votes on each.

The Principal Planning Officer presented the reports of the Director of Regeneration and Place in relation to applications OUT/20/01881 and DPP4/22/0180 for consideration.

The Assistant Director Chief Planner noted an error on the published Addendum List for this application:

Under the revised recommendation two, it says “refuse the application in the event that a satisfactory section 106 agreement is not received by 10 January 2022...”, the correct date is 10 January 2023.

The Assistant Director Chief Planner also pointed out an error on the MOD site recommendation re affordable housing to delete the reference to vacant building credit.

The provision of Affordable Housing (subject to a minimum provision of 20%,;

Applicants Agent Darren Muir addressed the committee regarding OUT/20/01881.

Applicants Agent Greg Dickson addressed the committee regarding DDP4/22/01080.

On a motion by the Chair and seconded by Councillor K Hodson for application OUT/20/01881 (in respect of Riverside Park, Southwood Road, Bromborough), it was –

**Resolved (6:1) – that the application be approved subject to the following conditions, including the revised conditions on the addendum list with the correction of the date included for paragraph 2:**

**1. approve the planning application subject to a planning obligation being completed securing:**

- (a) A Recreational Pressure financial contribution of £60,816.42;**
- (b) A Bus Stop contribution financial contribution of £27,000 to enhance two existing bus stops on Old Hall Road**
- (c) The provision of Affordable Housing (subject to a minimum provision of 20%, subject to Vacant Building Credit);**
- (d) The provision of Homeowner Information Packs (to help offset Recreational Pressure);**
- (e) A Biodiversity Net Gain contribution (subject to information to be submitted at Reserved Matters);**
- (f) Highways Works (noting that some may be secured via planning condition) relating to:**
  - (i) the formation of footways continuous to the developments' boundaries along Riverwood Road and Old Hall Road**

- stretching from the 'Riverside Park' development boundary in the east to the A41 / Old Hall Road junction in the west;
- (ii) The provision of cycle improvements taking in Riverwood Road, the gyratory and Old Hall Road to the A41 junction to form a segregated cycleway/footway;
  - (iii) cycle lane improvements to include the Riverwood Road roundabout, providing improvements to the existing crossing provisions for pedestrians and cyclists. A route through to the Croft Retail Park utilising the Riverwood Road roundabout junction. All cycle improvements to accord with LTN 1/20 requirements and 'Sustrans' best practice;
  - (iv) the inclusion of pedestrian crossing and cycle crossing facilities at the A41 / Old Hall Road junction across the eastern arm of the junction;
  - (v) dropped kerbs and tactile paving to all internal junctions and at the site access junctions onto Riverwood Road;
  - (vi) vehicle accesses to form adoption standard priority junctions onto Riverwood Road as necessary;
  - (vii) the existing PROW which runs through the Riverside Park development to be maintained at all times and appropriate signage provided.
  - (viii) widening of Warren Lane to 6m including the section that is within the adoption boundary;
  - (ix) the provision of footway improvements to Warren Lane so that a suitable footway is provided for the full length of Warren Lane, improving access to Eastham Woods and the Tennis and Rugby Club;
  - (x) vehicular, pedestrian and cycle link with the adjacent site across Warren Lane;
  - (xi) Contribution to the upgrade of two bus stops on Old Hall Road.
- (g) Warren Lane Works (including securing the link between the two sites);
  - (h) Public Open Space Management Plan;

- (i) Employment and Skills Management Plan; and**
- (j) Monitoring Costs (for the planning obligation and for the Employment and Skills Management Plan)**

**And subject to the conditions as listed within the report.**

**2. The development hereby permitted shall take place not later than [2] years from the date of approval of the last of the reserved matters to be approved.**

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

**3. All reserved matters applications shall be in accordance with the parameters and guidance set out in the approved Design Code document (October 2022). All reserved matters applications shall include a Statement of Conformity of how the development complies with the approved Design Code document**

**Reason: To ensure that the development delivers a high quality built environment which complies with all relevant national and local planning policy**

**4. No development involving the use of any facing materials shall take place until samples or details 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 having regards to the Wirral Unitary Development Plan**

**5. Prior to the commencement of any development and as part of an application for the approval of reserved matters for layout, appearance and landscaping full details of a sustainable surface water drainage system to serve the site and method of implementation shall be submitted for consideration by the Local Planning Authority in consultation with Lead Local Flood Authority. The drainage strategy shall comply with the terms of condition below and shall be developed in accordance with the discharge hierarchy and limit the surface water discharge rate to the greenfield equivalent. The sustainable surface water drainage strategy shall be in accordance with the following submitted document:**

- **Flood Risk Assessment and Drainage Strategy – Riverside Park, Bromborough (16.09.2022/ 20-0620.06/ Issue No.3/ Delta-Simons)**

### **Terms of Condition**

**Final/Confirmed Sustainable Drainage Strategy to comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include:**

- **Justification of final design, including:**
  - **For an infiltration design, a completed copy of Table B.6 Infiltration assessment checklist found in C753 The SuDS Manual (CIRIA), Appendix B**
  - **Demonstration that any infiltration design is in accordance with BRE 365 and CIRIA C753 SuDS manual; with a minimum of 1 metre clearance between the base of the soakaway and the seasonally high groundwater level; infiltration components of the system include an overflow and the maximum appropriate climate change allowance has been applied.**
  - **Evidence that the use of infiltration has been approved by a geotechnical engineer or engineering geologist (e.g. a Registered Ground Engineer Advisor or similar) with infiltration tests undertaken by a specialist site investigation company and the report submitted to support the drainage strategy**
- **Drawings to include:**
  - **Final layout of site with topography and finished floor levels a minimum of 300mm above the maximum flood level**
  - **Plan showing hatched permeable/impermeable areas. Pervious paving must be included in impermeable area for calculation of runoff.**
  - **Final layout of sewers; outfalls; SuDS. Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; emergency overflows and annotation that correlates to the hydraulic calculations**
  - **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. Water should not pond on the highway at the access points to property as part of the exceedance design**
  - **Plan showing ownership and maintenance responsibility for all SuDS components, including hard engineered and landscaped**

- **Hydraulic modelling for final drainage strategy to include:**
  - **System performance for following return periods; 1, 30, 100, 100 plus appropriate climate change allowance**
  - **Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event**
  - **Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs**
  - **Volumetric runoff co-efficient (Cv) should be set to '1' and 10% urban creep allowance included**
- **Timetable including any phasing and demonstrating completed SuDS construction prior to occupation**
- **Construction Phase Surface Water Management Plan**
- **Secure means of access for maintenance and easements, where applicable**
- **Completed North-West SuDS proforma**

**Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraphs 167 & 169 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems.**

**6. 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 Paragraph 167 and 169 of**

**the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems**

**7. No tree felling, scrub clearance, hedgerow removal, vegetation management and / or ground clearance 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, 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, and the approved details adhered to in full**

**Reason: In the interests of ecology having regards to Wirral Unitary Development Plan Policy NC7**

**8. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL details of bird nesting and bat boxes, to include their location, number and type on a suitably scaled plan, and the timing of their installation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the boxes shall be installed in accordance with the approved details and retained.**

**Reason: In order to mitigate for the loss of nesting bird habitat in accordance with the objectives of saved policy NC7 of the Wirral Unitary Development Plan.**

**9. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) document shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, pollution prevention and soil resource management. The CEMP would normally be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts. Regarding ecology the CEMP should include, but not be limited to, the following:**

- **Amphibian and reptile RAMs;**
- **Hedgehog and Badger RAMs;**
- **Soft-felling of trees with low bat roost potential (identified as trees T1);**
- **Measures to avoid harm to breeding birds;**
- **Tree and woodland protection measures; and**
- **Measures to avoid the transfer of construction-related pollutants into adjacent Eastham Woods LWS.**
- **Hoarding to be installed and maintained, around the active demolition and construction areas to avoid noise and visual**

disturbance to qualifying species within European sites and functionally linked habitats;

- Plant and equipment to be maintained in good working order and fitted with silencers and acoustic panels where appropriate;
- All vehicles and equipment to be switched off between periods of use;
- Methods used for concrete breaking and demolition will be carefully considered, non-percussive means will be used where possible;
- Use of construction lighting will be avoided, directional and restricted where possible so as not to exceed 0.5lux at the site boundary;
- Noise and vibration to be controlled and limited so far as reasonably practicable so that sensitive receptors are protected from excessive noise and vibration arising from; and
- Night working to be restricted. All construction works will cease at least 30 minutes before sunset and will not commence before sunrise in order to avoid disturbance to qualifying species roosting within European sites and adjacent functionally linked habitats.

**Reason:** To manage and mitigate the main environmental effects during the construction phases of the proposed development

**10. No development shall take place until a Site Waste Management Plan, confirming how 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 of the Waste Local Plan.

**11. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL details of external lighting to be installed on site have been submitted to and approved in writing by the Local Planning Authority. The details shall have regards to *Bat Conservation Trust website* - <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>.**

**Reason:** In the interests of nature conservation having regards to Wirral Unitary Development Plan Policy NC7

**12. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated**



with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- A site investigation scheme, based on desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- The results of the site investigation and the detailed risk assessment referred to in (1) 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.
- 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 (2) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect groundwater quality in the underlying Principal aquifer and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

13. Prior to any part of the development being occupied, a verification report demonstrating the 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.

Reason: To protect groundwater quality in the underlying Principal aquifer, and to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

14. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

**Reason: To protect groundwater quality in the underlying Principal aquifer, and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.**

**15. No development, besides demolition and site clearance and remediation, shall commence until a Road Phasing and Completion Plan has been submitted to and approved in writing by the Council as Local Planning Authority. The Road Phasing and Completion Plan shall set out the development phases and the standards to which roads serving each phase of the development will be completed.**

**Reason: To ensure that roads serving the development are completed and thereafter maintained to an acceptable standard in the interests of safety; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.**

**16. No phase of development (as set out within details relating to Condition 16) shall be occupied until the LPA has approved in writing a full scheme of works and timetable (relating to the relevant phase) for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile paved pedestrian crossings, street lighting and furniture, access onto the adjacent highway, road safety audit and monitoring. This shall include all roads proposed for adoption. The approved works shall be completed in accordance with the LPA written approval prior to occupation of the development.**

**Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway**

**17. No phase of development (as set out within details relating to Condition 16) shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed roads within the relevant phase of development have been submitted to and approved in writing by the Council as Local Planning Authority. The roads shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.**

**Reason: To ensure that roads serving the development are maintained to an acceptable standard in the interests of safety; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.**

**18. No phase of development (as set out within details relating to Condition 16) shall be occupied until details of the proposed surface water drainage for the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. This shall be designed to prevent the discharge of water on to the public highway. The drainage design shall be implemented as set out within the approved details prior to first occupation of the relevant phase.**

**Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.**

**19. No phase of development (as set out within details relating to Condition 16) shall be occupied until details of a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.**

**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.**

**20. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of the highways works for demolition/construction purposes has been submitted to and approved in writing by the Council as Local Planning Authority.**

**The method statement shall include, but not be limited to:**

- **Construction traffic routes, including provision for access to the site**
- **Entrance/exit from the site for visitors/contractors/deliveries**
- **Location of directional signage within the site**
- **Siting of temporary containers**

- **Parking for contractors, site operatives and visitors**
- **Identification of working space and extent of areas to be temporarily enclosed and secured**
- **during each phase of demolition/construction**
- **Temporary roads/areas of hard standing**
- **Schedule for large vehicles delivering/exporting materials to and from site**
- **Storage of materials and large/heavy vehicles/machinery on site**
- **Measures to control noise and dust**
- **Details of street sweeping/street cleansing/wheelwash facilities**
- **Details for the recycling/disposing of waste resulting from demolition and construction works**
- **Hours of working**
- **Phasing of works including start/finish dates**
- **How the existing public right of way across the site will be maintained and kept open to the public during construction**
- **How access to the tennis/rugby club and Eastham Woods will be maintained during construction and during completion of the Warren Lane works**

**The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.**

**Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.**

**21. Prior to occupation, full details of soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include full details on tree planting, including an assessment of canopy cover in comparison with the site as existing. The approved scheme shall be implemented in full prior to first occupation or no later than the first planting season following first occupation, unless otherwise agreed in writing with the Local Planning Authority.**

**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 having regards to Wirral Unitary Development Plan Policy GR5 and the National Planning Policy Framework**

**22. 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.**

**Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent properties having regard to Wirral Unitary Development Plan Policy HS4**

**23. Any Reserved Matters application(s) shall be accompanied by an Arboricultural Impact Assessment which adequately assesses the impact on existing trees within and directly adjacent to the site**

**Reason: For the avoidance of doubt and in the interests of retaining trees having regards to Wirral Unitary Development Plan Policy GR7**

**24. Prior to commencement of development, a Method Statement in relation to the removal of wall cotoneaster shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include the following information:**

- **A plan showing the extent of the plants;**
- **The methods that will be used to prevent the plant/s spreading further, including demarcation;**
- **The methods of control that will be used, including details of post-control monitoring; and**
- **How the plants will be disposed of after treatment/removal.**

**The removal of the plant(s) as set out in the Method Statement shall be carried out prior to first occupation**

**Reason: In the interests of removing invasive species**

**25. Prior to first occupation a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.**

**The provisions of the Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority**

**Reason: In the interests of highway safety and to accord with Policy TRT1 of the Wirral Unitary Development Plan and the National Planning Policy Framework**

**26. The children's play provision, as set out in the approved Design Code, shall be made available for use prior to the occupation of the 100th unit and shall be retained for use thereafter**

**Reason: In the interests of amenity for future occupiers having regards to Wirral Unitary Development Plan Policy GR6**

**27. Prior to first occupation, a scheme of works for the removal of the redundant access onto Riverwood Road (to the north-east of the site) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall set out how the redundant access will be brought back to adoptable standards and the works carried out in full prior occupation of the 30th dwelling**

**Reason: For the avoidance of doubt and to ensure that the unused access is removed and brought back to acceptable standards**

**28. No development, besides demolition and site clearance, shall commence until details of a scheme of works to the existing public right of way across the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include signage, improvements to footpaths within the site, and clear confirmation that it will be retained as open to the public in perpetuity. The agreed signage shall be erected prior to first occupation and retained as such thereafter**

**Reason: For the avoidance of doubt**

**29. refuse the application in the event that a satisfactory section 106 agreement is not received by 10 January 2022 unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Strategic Applications Sub-Committee.**

In respect of DPP4/22/01080 (Former MOD Site, Old Hall Road, Bromborough), it was –

**Resolved (unanimously) – that the application be approved subject to the following conditions, including the revised conditions on the addendum list:**

**1. Approve the planning application subject to a planning obligation being completed securing:**

**(a) Recreational Pressure financial contribution of £69,784.74 ;**

- (b) A Bus Stop contribution financial contribution of £27,000 to enhance two existing bus stops on Old Hall Road;**
- (c) The provision of Affordable Housing (subject to a minimum provision of 20%;**
- (d) The provision of Homeowner Information Packs (to help offset Recreational Pressure);**
- (e) A Biodiversity Net Gain contribution (subject to information to be submitted at Reserved Matters);**
- (f) Highways Works (noting that some may be secured via planning condition) relating to:**
  - (i) the formation of footways continuous to the developments' boundaries along Riverwood Road and Old Hall Road stretching from the 'Riverside Park' development boundary in the east to the A41 / Old Hall Road junction in the west;**
  - (2) The provision of cycle improvements taking in Riverwood Road, the gyratory and Old Hall Road to the A41 junction to form a segregated cycleway/footway;**
  - (3) cycle lane improvements to include the Riverwood Road roundabout, providing improvements to the existing crossing provisions for pedestrians and cyclists. A route through to the Croft Retail Park utilising the Riverwood Road roundabout junction. All cycle improvements to accord with LTN 1/20 requirements and 'Sustrans' best practice;**
  - (4) The inclusion of pedestrian crossing and cycle crossing facilities at the A41 / Old Hall Road junction across the eastern arm of the junction.**
  - (5) Dropped kerbs and tactile paving will be required to all internal junctions and at the site access junctions onto Old Hall Road.**
  - (6) Vehicle accesses to form adoption standard priority junctions onto Old Hall Road as necessary.**
  - (7) vehicular, pedestrian and cycle link with the adjacent site across Warren Lane;**
  - (8) Contribution to the upgrade of two bus stops on Old Hall Road.**

- (k) Warren Lane Works (including securing the link between the two sites);**
- (l) Public Open Space Management Plan;**
- (m) Employment and Skills Management Plan; and**
- (n) Monitoring Costs (for the planning obligation and for the Employment and Skills Management Plan)**

**2. No development shall commence on the site until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority:**

- (a) The external appearance of the development;**
- (b) The landscaping of the site;**
- (c) The Layout of the development; and**
- (d) The Scale of the development**

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

**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. The development hereby permitted shall be implemented no later than [2] years from the date of approval of the last of the reserved matters to be approved.**

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

**4. All reserved matters applications shall be in accordance with the parameters and guidance set out in the approved Design Code document (11996-AEW-XX XX-PP-A-005 P15). All reserved matters applications shall include a Statement of Conformity of how the development complies with the approved Design Code document**

**Reason: To ensure that the development delivers a high quality built environment which complies with all relevant national and local planning policy**



**5. No development involving the use of any facing materials shall take place until samples or details 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 having regards to the Wirral Unitary Development Plan**

**6. Prior to the commencement of any development and as part of an application for the approval of reserved matters for layout, appearance, scale and landscaping full details of a sustainable surface water drainage system to serve the site and method of implementation shall be submitted for consideration by the Local Planning Authority in consultation with Lead Local Flood Authority. The drainage strategy shall comply with the terms of condition (set out as an informative) and shall be developed in accordance with the discharge hierarchy and limit the surface water discharge rate to the greenfield equivalent. The sustainable surface water drainage strategy shall be in accordance with the following submitted documents:**

- Design Code – Former MOD site Bromborough (28.06.2022/11996-AEW-XX-XX-PP-A-005 P15/ AEW Architects**
- Flood Risk Assessment – Old Hall Road, Bromborough (28.06.2022/ 076574-CUR-00-XX-RP-C-00001/ V04/Curtins)**

**Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraphs 167 & 169 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems.**

**7. 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 Paragraph 167 and 169 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems.**

**8. If utilised for the drainage of surface water from the site, the existing length of private sewer on Riverwood Road from the development site to the public sewer must be offered for adoption at adoptable standards to the water and sewerage company at the earliest opportunity and evidence of an agreement in principle must be provided to the Local Planning Authority prior to the commencement of any development.**

**Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 167 and 169 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems.**

**9. No development or demolition shall take place until 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: To provide sufficient information in relation to archaeology, having regards to Paragraph 205 of the National Planning Policy Framework**

**10. No tree felling, scrub clearance, hedgerow removal, vegetation management and / or ground clearance is to take place during the period 1 Marc to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all 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, and the approved details adhered to in full**

**Reason: In the interests of ecology having regards to Wirral Unitary Development Plan Policy NC7**

**11. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL details of bird nesting and bat boxes, to include their location, number and type on a suitably scaled plan, and the timing of their installation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the boxes shall be installed in accordance with the approved details and retained.**

**Reason: In order to mitigate for the loss of nesting bird habitat in accordance with the objectives of saved policy NC7 of the Wirral Unitary Development Plan.**

**12. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) document shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, pollution prevention and soil resource management. The CEMP would normally be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts. The CEMP should include, but not be limited to, the following:**

- **Amphibian and reptile RAMs;**
- **Hedgehog RAMs (pre-commencement check; all trenches and excavations shall have means of escapes; exposed open pipes shall be capped;**
- **appropriate storage of materials);**

- **Soft-felling of trees with low bat roost potential (identified as trees T4, T5 and T7 in Bat Tree Assessment report);**
- **Measures to avoid harm to breeding birds;**
- **Tree and woodland protection measures; and**
- **Measures to avoid the transfer of construction-related pollutants into adjacent Eastham Woods LWS**

**Reason: To manage and mitigate the main environmental effects during the construction phases of the proposed development**

**13. No development shall take place until a Site Waste Management Plan, confirming how 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 of the Waste Local Plan.**

**14. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:**

- **A site investigation scheme, based on desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.**
- **The results of the site investigation and the detailed risk assessment referred to in (1) 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.**
- **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 (2) 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 written consent of the local planning authority. The scheme shall be implemented as approved.**

**Reason: To protect groundwater quality in the underlying Principal aquifer and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.**

**15. Prior to any part of the development being occupied, a verification report demonstrating the 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.**

**Reason: To protect groundwater quality in the underlying Principal aquifer, and to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.**

**16. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.**

**Reason: To protect groundwater quality in the underlying Principal aquifer, and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.**

**17. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE OCCUPIED UNTIL details of external lighting to be installed on site have been submitted to and approved in writing by the Local Planning Authority. The details shall have regards to *Bat Conservation Trust website* - <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>.**

**Reason: In the interests of nature conservation having regards to Wirral Unitary Development Plan Policy NC7**

**18. No development, besides site clearance and remediation, shall commence until a Road Phasing and Completion Plan has been submitted to and approved in writing by the Council as Local Planning Authority. The Road Phasing and Completion Plan shall set out the development phases and the standards to which roads serving each phase of the development will be completed.**

**Reason: To ensure that roads serving the development are completed and thereafter maintained to an acceptable standard in the interests of safety; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.**

**19. No phase of development (as set out within details relating to Condition 18) shall be occupied until the LPA has approved in writing a full scheme of works and timetable (relating to the relevant phase) for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile paved pedestrian crossings, street lighting and furniture, access onto the adjacent highway, road safety audit and monitoring. This shall include all roads proposed for adoption. The approved works shall be completed in accordance with the LPA written approval prior to occupation of the development.**

**Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway**

**20. No phase of development (as set out within details relating to Condition 18) shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed roads within the relevant phase of development have been submitted to and approved in writing by the Council as Local Planning Authority. The roads shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.**

**Reason: To ensure that roads serving the development are maintained to an acceptable standard in the interests of safety; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.**

**21. No phase of development (as set out within details relating to Condition 18) shall be occupied until details of the proposed surface water drainage for the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. This shall be designed to prevent the discharge of water on to the public highway. The drainage design shall be implemented as set out within the approved details prior to first occupation of the relevant phase.**

**Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.**

**22. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of the highways works for construction purposes has been submitted to and approved in writing by the Council as Local Planning Authority.**

**The method statement shall include, but not be limited to:**

- **Construction traffic routes, including provision for access to the site;**
- **Entrance/exit from the site for visitors/contractors/deliveries;**
- **Location of directional signage within the site;**
- **Siting of temporary containers;**
- **Parking for contractors, site operatives and visitors;**
- **Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction;**
- **Temporary roads/areas of hard standing;**
- **Schedule for large vehicles delivering/exporting materials to and from site;**
- **Storage of materials and large/heavy vehicles/machinery on site;**
- **Measures to control noise and dust;**
- **Details of street sweeping/street cleansing/wheelwash facilities;**
- **Details for the recycling/disposing of waste resulting from construction works;**

- Hours of working;
- Phasing of works including start/finish dates

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

**Reason:** To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

**23.** Prior to occupation, full details of soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include full details on tree planting, including an assessment of canopy cover in comparison with the site as existing. The approved scheme shall be implemented in full prior to first occupation or no later than the first planting season following first occupation, unless otherwise agreed in writing with the Local Planning Authority.

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 having regards to Wirral Unitary Development Plan Policy GR5 and the National Planning Policy Framework

**24. 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.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent properties having regard to Wirral Unitary Development Plan Policy HS4

**25.** Any Reserved Matters application(s) shall be accompanied by an Arboricultural Impact Assessment which adequately assesses the impact on existing trees within and directly adjacent to the site



**Reason: For the avoidance of doubt and in the interests of retaining trees having regards to Wirral Unitary Development Plan Policy GR7**

**26. Prior to commencement of development, a Method Statement in relation to the removal of wall cotoneaster and montbretia shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include the following information:**

- **A plan showing the extent of the plants;**
- **The methods that will be used to prevent the plant/s spreading further, including demarcation;**
- **The methods of control that will be used, including details of post-control monitoring; and**
- **How the plants will be disposed of after treatment/removal.**

**The removal of the plant(s) as set out in the Method Statement shall be carried out prior to first occupation**

**Reason: In the interests of removing invasive species**

**27. Prior to first occupation a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.**

**The provisions of the Travel Plan shall be implemented and the site operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority**

**Reason: In the interests of highway safety and to accord with Policy TRT1 of the Wirral Unitary Development Plan and the National Planning Policy Framework**

**28. The children's play provision, as set out in the approved Design Code, shall be made available for use prior to the occupation of the 100th unit and shall be retained for use thereafter**

**Reason: In the interests of amenity for future occupiers having regards to Wirral Unitary Development Plan Policy GR6**

**29. No development shall commence unless and until all relevant interests in the land enter into a section 106 agreement substantially in the form appended to this permission.**

**Reason: As the Local Planning Authority would not have granted outline planning permission in the absence of a signed Deed pursuant to section 106 of the Town and Country Planning Act 1990 binding all relevant interests in the land and, at the time of this outline permission being issued, it was not possible to bind all relevant interests in the land. This condition restricts the commencement of development until such time that the relevant interests in the land are bound by the section 106 agreement appended to this planning permission.**

**30. All Reserved Matters application shall set out how they comply with the conclusions set out within the submitted Outline Planning Application Energy and Sustainability Statement (Hannan Associates, 17th May 2022)**

**Reason: In the interests of sustainability having regards to the National Planning Policy Framework**

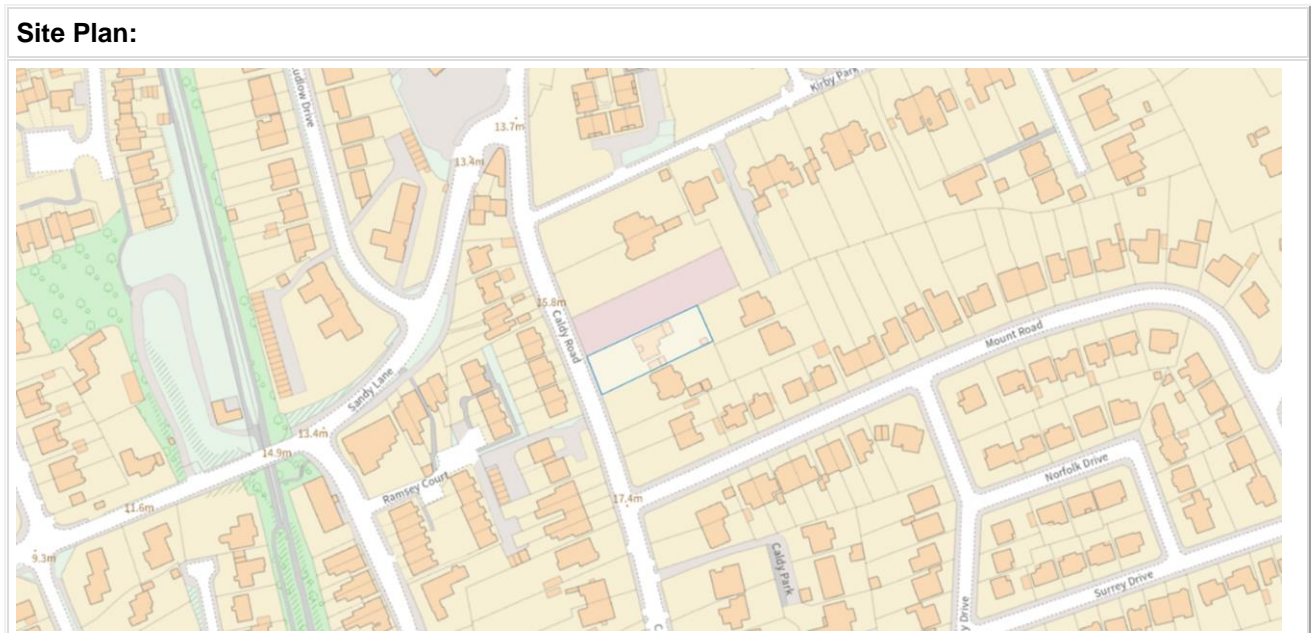
# Agenda Item 5

Planning Committee	15 December 2022
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/22/00977	DM	Mr A Siddall	West Kirby and Thurstaston

<b>Location:</b>	9 Caldy Road, West Kirby, Wirral, CH48 2HE
<b>Proposal:</b>	Demolition of the existing dwelling and the erection of six apartments with associated alterations to site access, parking, and landscaping.
<b>Applicant:</b>	Mr Gareth Pritchard
<b>Agent :</b>	

<b>Qualifying Petition</b>	Yes
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<b>Development Plan designation:</b>	Primarily Residential Area
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<b>Planning History:</b>	<p>No planning history for the site itself, although applications on neighbouring land are relevant.</p> <p><b>7 Caldy Road</b></p> <p>APP/19/01918 - In May 2020, planning permission was granted under delegated powers for the demolition of 7 Caldy Road, adjacent to the north, and its replacement with a detached three storey building containing six apartments, with</p>
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	<p>associated access, parking, and landscaping, under reference APP/19/01918. This development is now complete and occupied.</p> <p>APP/21/00309 - In July 2021, a further planning application for the erection of a single storey detached dwelling on land to the rear of 7 Caldy Road was approved under delegated powers, reference APP/21/00309. This dwelling is now completed and shares its access and parking with the existing apartment building.</p> <p><b>11 Caldy Road</b></p> <p>APP/21/01371 -In December 2021, planning application reference APP/21/01371 was refused by this committee for the demolition of the dwelling at 11 Caldy Road, adjacent to the south and the erection of a detached three storey building containing six apartments. The apartment building would have been identical to that completed at number 7. Planning Permission was refused for the following reason:</p> <p><i>'The proposed development, due to its scale, height and siting within the plot, will result in an overbearing form of development and create a poor outlook for the occupiers of the adjacent dwelling at number 9 Caldy Road. For these reasons, the Local Planning Authority considers that the proposal is detrimental to the residential amenities that these occupiers could reasonably expect to enjoy. The proposal is contrary to the advice contained within HS4 of Wirral Unitary Development Plan and the principles of the national planning policy framework.'</i></p> <p>That decision was appealed by the applicant, with the appeal dismissed by the Planning Inspectorate in July 2022. In dismissing the appeal, the inspector noted that the scheme would enclose the most sensitive part of the garden to number 9 to an unacceptable and harmful extent and, in combination with the existing apartment building at number 7, result in a scale of development appearing oppressive. Overshadowing of the garden and rear windows of number 9 during morning hours would exacerbate this harm. The proposal would also introduce enclosure to number 13 to the south, but this would not cause unacceptable harm to justify dismissing the appeal.</p>
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**Summary Of Representations and Consultations Received:**

<p><b>1. Ward Member Comments</b></p>	<p>No comments received.</p>
<p><b>2. Summary of Representations</b></p>	<p>Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to 17 surrounding addresses on 8th August 2022. The deadline for receipt of representations passed on 31 August 2022. In response to the notification 10 individual representations in objection were received, along with a petition in objection containing 32 signatures. Some of those signing the petition had also submitted individual letters. The material planning considerations raised by objections can be summarised as follows:</p> <p>1. The area suffers from excessive on-road parking which would be exacerbated by another development of apartments. This parking causes obstructions to drivers and reduces visibility for drivers existing dwellings onto the public highway, causing harm to highway safety.</p>

2. The pavement is heavily used by children walking to and from school and an increase in the number of vehicles crossing the pavement will be to the detriment of pedestrian safety.

3. The siting and scale of the proposed building will result in harm to neighbouring residents by way of overshadowing and enclosing of windows. Neighbouring occupiers will also be overlooked by the windows of the proposed apartment building.

4. The scale of the building is out of keeping with neighbouring properties and it represents over-development of the site of a single dwelling. The construction of further apartments will result in a detrimental change in the character of the area.

5. The scheme results in the loss of family housing. There is no need for more apartments to be constructed and if the site has to be redeveloped it should be for new family housing.

6. The loss of the existing front garden to car parking will be detrimental to the character of the area and would erode the biodiversity value of the site through the loss of trees and shrubs.

7. The intensification of development in this area will put pressure on existing drainage infrastructure.

### **CONSULTATIONS**

**Arboricultural Officer** – No objection. Trees to be removed are generally in a poor condition, are small, and have no real landscape value. The submitted details provide adequate tree protection. According to section 3.4 of the Tree, hedge and woodland strategy 14 trees should be re-planted as replacements. This is a little excessive given the size and condition of the trees being removed and the size of the site and the space constraints imposed by the proposal. The proposal indicates a possible 8 trees to be planted as replacements, which would be a net gain over the proposed tree removal.

**Highways** - The proposals include 12 off-street parking spaces in tandem formation to serve the 6 two-bedroom apartments. This level of in-curtilage parking is in line with the SPD parking standards and is considered appropriate and will help to minimise any regular overspill parking associated with the apartments from impacting on Caldly Road.

There are secure storage areas provided for cycles at the head of each of the tandem parking spaces and this arrangement is also considered acceptable and provides cycle parking in accordance with the TR12 cycle parking recommendations.

The works to amend the vehicle access off Caldly Road improves the width and visibility to appropriate standards, this work requires the prior approval from Wirral Highways and a section 50 road opening notice under the New Roads and StreetWorks Act 1991 prior to any works commencing on the highway.

A transport statement accompanies the submission, and this details the expected trip rates and subsequent vehicle numbers that the development is likely to generate during the traditional commuter peak hours, when the network is at its most trafficked. The industry standard TRICS database has been interrogated, which is a national collection of similar development types that can be filtered, and the category 'Flats – Privately Owned' was used within the calculations. This showed that the development could be expected to add approximately 3 vehicles to the network during either the morning or evening peak hours. Such a low number of vehicles does not raise any highway safety or network capacity concerns and the transport statement satisfactorily demonstrates that the development will have no significant impact on the network.

The visibility splay afforded to traffic and pedestrians at the new/amended access is satisfactory and therefore accepted by Traffic and Transportation.

Servicing to the apartments can be carried out from the adopted highway of Caldly Road in similar fashion to neighbouring properties and is an acceptable arrangement. On this basis Traffic and Transportation have no objection to the proposals.

A construction management plan should be conditioned to any planning consent to ensure that any disruption to neighbours is minimised, and details of this plan are therefore required to be submitted to the LPA for approval prior to any works commencing on site or that may impact on the adopted highway.

**Merseyside Environmental Advice Service (MEAS)** - Having regard to the location, scale and expected impacts of development, Habitat Regulations Assessment is not required.

No evidence of bat use or presence was found on site and the existing buildings have negligible roost potential. Therefore, the Council does not need to consider this proposal against the three tests of the Habitat Regulations. Habitats around the site are suitable for bat foraging so any external lighting should be designed to avoid excessive light spill over site boundaries.

Conditions are required to mitigate against the loss of breeding bird habitat, to avoid harm to terrestrial mammals during construction, and to secure safe disposal of invasive plant species.

Conditions are also recommended to secure carbon reduction measures within the development and to ensure the demolition and construction activity minimises waste and achieves efficient use of resources.

	<p><b>Merseyside Fire and Rescue Service</b> - Issues its standing advice to be communicated to the applicant as an informative.</p> <p><b>United Utilities</b> - Requires a detailed drainage strategy for foul and surface water disposal to be secured by condition, with an additional condition recommended to secure an on-going management and Maintenance plan for drainage assets that are not to be adopted by the sewerage undertaker. Also provides advice to the applicant on the provision of a water supply and the expectations surrounding the interaction between development and existing assets of United Utilities.</p>
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<b>3.1 Site and Surroundings</b>	
3.1.1	The application site comprises a detached bungalow finished in render with a dual pitched clay tiled roof situated to the east side of Caldly Road within a Primarily Residential Area as defined by the Council's Unitary Development Plan proposals map. The dwelling has been extended with a flat roofed extension to the rear, and a detached garage to the south side. Vehicular and pedestrian access is taken from Caldly Road where there is a landscaped front garden behind a stone boundary wall with hedging and trees above. The front garden contains vehicular parking and turning. A private rear garden terraces up to the rear boundary with ground levels rising from west to east.
3.2.2	Surrounding properties are residential in use with a recently constructed apartment building to the north on the former site of 7 Caldly Road. That building is over three floors with three apartments on the southern side of the building. These apartments have their principal outlook to the front and rear with secondary windows to main living spaces and bedrooms on the south side, which also contains a single, high-level window to study spaces for the apartments on the ground and first floors. The rear boundary of the site abuts the rear garden boundary of 1 The Oaks, a two-storey detached dwelling situated on higher ground. To the south is 11 Caldly Road a detached bungalow with a secondary bedroom window facing the site (the main bedroom window is to the rear) along with a study space window. To the opposite side of Caldly Road facing the front of the site are a run of recently constructed, semi detached dwellings over two storeys to the front (three at the rear).

<b>3.2 Proposed Development</b>	
3.2.1	Full planning permission is sought for the erection of a three storey building containing six apartments. The proposal is largely identical to the building erected at number 7, and for which planning permission was sought and refused at number 11. The front elevation of the building will sit on the line of the existing front elevation of number 9 and it will sit at a floor level and have roof eaves and ridge heights to match those of the neighbouring apartment building. The maximum height of the building will be 11 metres above ground level, and its maximum width and depth will be 13 by 20 metres respectively.
3.2.2	As with the existing apartments, the dwellings will be arranged around a central circulation core with open plan living, dining and kitchen space to the front incorporating an external terrace or balcony, with two bedrooms having their outlook to the rear. To the side will be small home office spaces with high level windows. These windows, along with secondary kitchen windows to the side will be obscurely glazed. To the front of the site, the existing access point will be

	widened to 4.5 metres and 12 car parking spaces, two allocated to each apartment, will be formed in a tandem arrangement. Also to the front will be a communal bin store and individual cycle storage containers. To the rear, the two ground floor apartments will have private terraces before a retaining wall of 1.2 metres in height, behind which shall be communal landscaped space.
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<b>3.3 Development Plan</b>	
3.3.1	<p>The development plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) and policies of the Merseyside and Halton Joint Waste Local Plan (2013). The following policies are of relevance to the application under consideration.</p> <p><u>Unitary Development Plan Part 1 Strategic Policies</u></p> <p>URN1 - Development and Urban Regeneration</p> <p>CHO1 - The Protection of Heritage</p> <p>NCO1 - Principles for Nature Conservation</p> <p>TRT3 - Transport and the Environment</p> <p><u>Unitary Development Plan Part 2 Policies</u></p> <p>HS4 - Criteria for New Housing Development</p> <p>GR6 - Landscaping and New Development</p> <p>GR7 - Trees and New Development</p> <p>CH2 - Development Affecting Conservation Areas</p> <p>NC1 - The Protection of Sites of International Importance for Nature Conservation</p> <p>NC3 - The Protection of Sites of National Importance for Nature Conservation</p> <p>NC7 - Species Protection</p> <p>TR9 - Requirements for Off-Street Parking</p> <p>TR12 - Requirements for Cycle Parking</p> <p><u>Merseyside and Halton Joint Waste Local Plan (2013)</u></p> <p>WM8 - Waste Prevention and Resource Management</p> <p>WM9 - Sustainable Waste Management Design and Layout of New Development</p>

<b>3.4 Other Material Planning Considerations</b>	
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3.4.1	<p>The National Planning Policy Framework is a material consideration in planning decisions. In assessing this application, the Local Planning Authority has given consideration to its provisions, in particular the following sections:</p> <p>Section 5 - Delivering a Sufficient Supply of Homes</p> <p>Section 9 - Promoting Sustainable Transport</p> <p>Section 11 - Making Effective Use of Land</p> <p>Section 12 - Achieving Well-Designed Places</p> <p>Section 15 - Conserving and Enhancing the Natural Environment</p> <p>Section 16 - Conserving and Enhancing the Historic Environment</p>
3.4.2	<p>The Council's Supplementary Planning Document (SPD) on Self Contained Flat Development was adopted in October 2006 and gives advice on gives advice on the location of such development, site layout, scale, massing, external appearance, landscaping and parking to ensure such flatted development integrates successfully with local character and achieves a high standard of amenity for existing and future occupiers. Consideration is also given to the Council's SPD on Parking Standards (2007) which sets out a maximum standard of one car parking space per apartment for flatted development.</p>
3.4.3	<p><b>Emerging Wirral Local Plan and its status</b></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded limited weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> <li>1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).” <p>In this instance the emerging Local Plan policies relevant to the assessment comprise:</p> </li></ol>

	<p>WD6 - Self-Contained Flats</p> <p>WD1 - Landscaping including Trees</p> <p>WD2 - Heritage Assets</p> <p>WS3 - Strategy for Housing</p> <p>WS6 - Placemaking for Wirral</p> <p>WS7 - Principles of Design</p> <p>WS8 - Strategy for Sustainable Construction</p>
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<b>3.5 Assessment</b>	
3.5.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>• The Principle of Development;</li> <li>• Siting, Design and effect on the visual character of the area;</li> <li>• The amenity of existing and potential future residents;</li> <li>• Access, car parking and servicing; and</li> <li>• Arboriculture and Ecology.</li> </ul>

<b>3.6 Principle of Development</b>	
3.6.1	<p>The application site falls within a primarily residential area where, in principle, the development and redevelopment of land and premises for residential purposes, including the intensification of residential development including flatted development, is acceptable subject to compliance with the criteria under saved UDP policy HS4 and the SPD on Self-Contained Flats.</p>
3.6.2	<p>Consideration is also given to section 11 of the NPPF which expects planning decisions to promote and support the development of under-utilised land and buildings, especially where this would help meet identified needs for housing where land supply is constrained. The NPPF considers it important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site, although this should be balanced against the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change.</p>
3.6.3	<p>In this location the Council has already supported flatted development on the adjacent site with that decision taken under the current policy context. The refused application for a similar scheme is also a material consideration as whilst that scheme was refused on the basis of harm to residential amenity at number 9, no refusal reasons were given in relation the principle of constructing flatted development in this area, or to scale, density, or design in respect of the impact on the character of the area or highways and transport impacts. On this basis it must be concluded that the Local Planning Authority found the effect of two similar apartment buildings in this area to be acceptable in these respects and when</p>

	considering similar development there is a presumption of consistency in decision making. The principle of flatted development is considered to be acceptable in this location subject to further consideration of detailed criteria
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<b>3.7 Siting, Design and Effect on the Character of the Area</b>	
3.7.1	The existing street scene is residential in character with the dwelling immediately to the south being a single storey bungalow, although the majority of properties are two and two and a half storey detached and semi-detached dwelling. There are some three storey apartment buildings in the locality, including directly to the north of the site, to the opposite side of Caldly Road to the south and further to the west on Sandy Lane. This is an area of mixed scale where there is no overriding consistency in size and form. In this context the principle of constructing a three-storey apartment building on the plot is considered acceptable subject to it not having an undue prominence. The application is accompanied by long and street scene sections and it is acknowledged that the building results in a step up in height from the bungalow to the south with a ridge height difference of 4.6 metres. It does however remain comparable in scale to the apartment building to the north and due to rising ground, has a consistent ridge height with the two storey dwellings at 13 and 15 Caldly Road to the south. The building will also remain 2.5 metres lower in height than the neighbouring dwelling to the rear sited on rising ground and will sit below the tree line to the north and east. On this basis it is considered that the scale of the building will not be out of character with its wider surroundings and will not be unduly prominent.
3.7.2	The external appearance of the building assists its assimilation into local context. Its external materials of red Cheshire brick, St Bees sandstone, white render and clay plain tile are applied in a contemporary manner but are locally distinctive. Window and door surrounds, rainwater goods, soffits and standing seam dormer structures to the south side elevation will be in a recessive slate grey. The principal elevation of the building is well articulated, referencing the double gabled form of neighbouring buildings and with interest created through the variety of external construction materials. The heavily glazed frontages of the apartments are well recessed behind the gable projections and will not therefore be a dominant feature of the building when approaching from the highway. The side and rear elevations of the building, as with its Edwardian neighbours are simpler, but well-mannered in appearance.
3.7.3	The frontage of the site will be predominantly taken up by car parking and turning space, as a result of the site-specific requirement of the Local Highway Authority for a non-standard amount of in-curtilage car parking. The application is accompanied by an indicative landscaping plan which demonstrates the use of sensitive hard surfacing materials to comprise reinforced gravel and block paving and the ability to plant trees within the landscape. This landscaping scheme, which involves the retention of the majority of the sandstone wall and hedging, can be worked up in detail through a suitably worded planning condition, but the indicative proposals demonstrate that the visual effect of the car parking can be reasonably mitigated by a comprehensive landscaping scheme for land forward of the principal elevation of the building.
3.7.4	Taking all considerations together, the scheme represents a material increase in scale over the existing dormer bungalow, but the resulting scheme is not out of character with the wider area and does not result in a detrimental change in the spatial quality of the neighbourhood. As such, the application is compliant with the visual amenity objectives of saved UDP policy HS4.

<b>3.8 The Amenity of Existing and Potential Future Residents</b>	
3.8.1	<p>Representation has been received from neighbouring occupiers that the proposed development will harmfully restrict outlook from windows to the south facing side elevation of apartments in the neighbouring building at number 7 (Hildeburgh House) and that light levels reaching these windows will be adversely affected. In response to these objections, a daylight/sunlight analysis has been carried out to consider the impacts in more detail. From front to rear, the side elevation windows in the ground and first floor apartments in Hildeburgh House comprise three secondary windows to the open plan living kitchen and dining areas (which have their principal outlook to the front), a single high-level window to a study/small third bedroom, and a secondary high-level window to a bedroom (which has its principal outlook to the rear). The analysis concludes that outlook and light levels reaching the main habitable spaces comprising the open plan living space to the front and the bedroom to the rear will not be materially compromised, given the alternative outlook and double aspect of these spaces. The study/single bedroom to the side is compromised in terms of light levels and there will be a noticeable reduction in natural light reaching this room. It is noted however that these rooms were designed principally as study spaces rather than bedrooms, with a restricted outlook from the high-level window accepted on this basis. As such, given that these two rooms are not considered main living spaces within the apartments, the overall impact on outlook and light levels reaching the ground and first floor apartments is considered on balance to be acceptable.</p>
3.8.2	<p>The proposed development sits no further forward than the front of the existing bungalow and the separation distance between windows in the proposed development and the facing properties to the opposite side of Caldly Road remains in excess of 21 metres. Similarly, the face-to-face separation distance to number 1 The Oaks to the rear is approximately 30 metres, with that dwelling being located at a higher ground level. As such no harmful overlooking or sense of enclosure could be attributed to the proposed development.</p>
3.8.3	<p>The proposed development will have no material impact on the outlook from the front elevation of number 11 Caldly Road, nor will there be a harmful effect on the outlook from the rear. From the nearest rear window, the presence of the development will be appreciable, however a 45-degree line is maintained from the centreline of the window at first floor level and above, meaning that no harmful sense of enclosure will arise. The orientation of the development to the north of number 11 ensures that no harmful overshadowing of spaces will occur and, when stood in the garden of number 11 an open aspect will remain to the south, ensuring that a harmful sense of enclosure does not arise. Taken together, the scheme does not result in significant harm to living conditions at neighbouring dwellings.</p>
3.8.4	<p>The proposed apartments provide a good standard of internal amenity and exceed the nationally described space standard for 2 bedroom 4-person dwellings and have a good outlook to the front and rear from main habitable rooms. Main living rooms face southwest, and rooms of similar use are stacked above one another to minimise the risk of excessive internal noise transmission in accordance with the principles in SPD2. The occupiers of all apartments have access to a private terrace or balcony to the front elevation, whilst the two ground floor apartments also have a dedicated external rear terrace. Other residents will have access to a communal landscaped space at the rear of the site, meeting the requirements of saved UDP policy HS4 for access to adequate communal or private amenity space.</p>
<b>3.9 Access, Parking, and Servicing</b>	

3.9.1	The application site is not in a location within 400 metres walking distance of high frequency public transport. As a primarily residential area it is a location where new residential development should be supported in principle. A development of 6 dwellings has recently been completed on the opposite site of the highway to the application site, as have the apartments to the north. The vehicular access to the site will be taken from the existing access point, albeit widened to 4.5 metres in width to allow sufficient visibility and manoeuvring space for the increased number of vehicles that would be expected. The constructional detail of the amended access and its footway crossing will require the approval of the Local Highway Authority.
3.9.2	The Council's SPD on parking standards seeks maximum provision of one space per apartment, however two spaces per apartment are provided in this instance. This is in line with the neighbouring development to the north where additional on-site parking was considered necessary by the Local Highway Authority given the size of each apartment, with two bedrooms, the lack of high frequency public transport in the vicinity, and existing problems of traffic flow on the public highway caused by competition for limited on-street parking spaces. In this context the increased provision is justified and in accordance with the more nuanced approach of saved UDP policy TR9 which recognises that various factors have to be balanced to arrive at a suitable level of off-street parking for each individual development.
3.9.3	Secure, covered cycle storage is indicated on the site plan and the supplied details confirm this to be sufficient to accommodate at least one bicycle per apartment, in accordance with the objectives of saved UDP policy TR12 An in-curtilage bin store is also provided and refuse collection can take place from the kerbside in common with neighbouring dwellings. A condition will be required to ensure these are installed and made available for use prior to first occupation.
3.9.4	On this basis, the proposed development is considered to meet its expected car parking demand on-site, minimising the risk of exacerbating existing problems caused by on-street parking and the access and servicing arrangements are accepted by the Local Highway Authority and do not result in an unacceptable impact on highway safety. The expected trip generation of a development of this small scale of approximately 3 vehicles in the peak hours is modest and cannot be said to result in a severe impact on the highway network.

<b>3.10 Arboriculture and Ecology</b>	
3.10.1	The application is accompanied by an Arboricultural Assessment which identifies the species, size, and condition of trees on site and those on adjacent land and identifies those to be removed and retained. Five trees to the site frontage are to be removed and one to the rear of the building, to accommodate the proposed development, its access, parking and turning areas. The trees to be removed at the front comprise a Birch, a Maple, a Cherry, a Holly, and a Whitebeam ranging between 3 and 6 metres in height. These trees provide some enclosure to the front of the property, softening and screening its appearance from the road. However, due to their modest size and condition they do not make a substantial contribution to the wider character of the area and would not warrant protection under a Tree Preservation Order, as such their removal can be accepted. To the rear, an ornamental cherry tree will be removed which has no wider amenity value. To the northwest corner of the property, T6, a 9-metre-high Birch is to be retained along with a smaller Holly which will retain some tree cover to the frontage, and which can be supplemented by new tree and supplementary hedge planting on the site frontage to Caldly Road as part of the detailed landscaping scheme reserved by condition. Indicative landscaping currently shows the planting of 8 trees on site which does provide a net gain. As such, with no objection from the Council's Arboricultural Officer, the scheme is considered, on balance, to meet the

	objectives of saved UDP policy GR7 and emerging Local Plan policy WD1. It does not substantially change the treed character of the wider area and allows for the retention of the tree and hedging of greatest visual value to the front of the site with replacement of specimens to be lost. Trees to be retained, including those larger specimens on third party land to the rear, will be protected during construction and a condition is applied to secure this.
3.10.2	The application site is sited within 500 metres of a number of international and national protected nature conservation sites within the Dee Estuary. In this instance, MEAS conclude that the proposed development is unlikely to harm the features for which the sites have been designated on the basis of its small scale and because the site is bordered on all sides by residential properties and roads with no direct connectivity to the protected sites. Having regard to the size of the development it is considered unlikely that there would be a significant increase in recreational pressure on these coastal designated sites and for these reasons Habitat Regulations Assessment is not required.
3.10.3	The existing buildings and trees on site have negligible bat roost potential and whilst the removal of trees and buildings does result in the loss of potential breeding bird habitat, this can be mitigated through the use of planning conditions. Other ecological implications of development including invasive species control, and construction phase avoidance measures to protect terrestrial mammals can also be secured by condition. On this basis there is no conflict with saved policies NC1, NC3 and NC7 of the Wirral Unitary Development Plan.

<b>3.11 Other Material Considerations</b>	
3.11.1	<b>Heritage</b> - Section 72 of the Listed Buildings and Conservation Areas Act 1990 puts a duty on planning authorities to pay due regard to the desirability of preserving the character and appearance of Conservation Areas when considering planning applications. As the site is within 100 metres of the boundary of the West Kirby Conservation area it is considered to be within its setting. When standing at the boundary of the conservation area, the character is of 2 and 3 storey residential buildings in brick, render and tiled roofs set adjacent to the street or behind stone walling with good tree cover. In this location the proposed building will be substantially screened by the existing apartment building at number 7 but nevertheless generally accords with character of buildings within the vicinity. As such there will be no material change to the setting of the conservation area and the development has a neutral effect.
3.11.2	<b>Drainage</b> - No evidence has been put forward by objectors to substantiate the claim that drainage infrastructure is insufficient to accommodate the proposed development. No objections have been raised by United Utilities, the statutory drainage undertaker, and it is considered that the site can be satisfactorily drained. A detailed drainage strategy is reserved by condition, and this will either demonstrate that surface water will be discharged to soakaway or, if ground conditions do not support infiltration, it will be discharged to the public sewer at restricted rates to be agreed with the drainage undertaker to avoid surcharging the drainage network. It remains the responsibility of United Utilities as the statutory undertaker to ensure that sufficient capacity exists in the foul drainage network to accommodate new development.

<b>3.12 Planning Balance and Conclusion</b>	
3.12.1	The proposed development represents the redevelopment of a site for housing within a primarily residential area, a location the Council considers suitable in principle for new housing development. An intensification of development on the

	<p>site through a net increase of five dwellings makes a positive although relatively modest contribution to the Council's housing land supply and this is not a location where the introduction of flatted development would have an adverse impact on character. The wider context of the site is mixed but will remain predominantly characterised by family housing. Having regard to the siting and scale of the development in context with its neighbours, it will not appear out of scale with the height of surrounding development being comparable due to the rising ground to the east. It is not unduly dominant due to its set back from the highway and its use of external construction materials integrate appropriately with its local context, whilst remaining contemporary in its overall architectural form.</p>
3.12.2	<p>Whilst there will be some modest harm to living conditions at the neighbouring ground and first floor apartments within Hildeburgh House as a result of a reduction in natural light reaching secondary study spaces, the dual aspect and large windows of the main living spaces and bedrooms means that the overall effect on living conditions arising from a sense of enclosure and overshadowing is limited and not sufficient to warrant refusal of the planning application. Due to distance, orientation and variation in ground levels, the living conditions at other neighbouring properties are not adversely affected.</p>
3.12.3	<p>The development accommodates its own expected car parking demand on site, in excess of the Borough wide standard of one space per apartment set out in the Council's Parking Standards SPD. As such, it is not expected to contribute significantly to existing on-street parking congestion and does not result in a severe impact on the highway network. The widening of the vehicular access to 4.5 metres allows for acceptable pedestrian visibility ensuring no detriment to highway and pedestrian safety.</p>
3.12.4	<p>The use of planning conditions to cover matters such as detailed landscaping, ecological mitigation, and drainage proposals is in accordance with established practice and allows for these matters to be adequately addressed post-decision. Therefore, taken as a whole the scheme is in accordance with the development plan, comprises sustainable development and is recommended for approval.</p>

<b>Summary of Decision</b>	<p>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: -</p>
	<p>Having regard to the location of development, its siting, scale and external appearance, the proposed scheme would not result in a detrimental change in the character of the area and would not result in significant harm to the living conditions at neighbouring properties. The scheme would not result in harm to highway safety and nor would it have a serve impact on the operation of the highway network. Matters relating to site landscaping, including replacement tree planting, ecological mitigation and drainage can reasonably be reserved by condition. As such the application as a whole complies with the relevant requirements of the development plan, supported by associated supplementary planning documents, and the objectives of the National Planning Policy Framework.</p>

<b>Recommended Decision:</b>	Conditional Approval
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<b>Recommended Conditions and Reasons:</b>
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 listed as follows:

PLAN 01 Revision B (Proposed Site Plan) received 31.10.2022

and the following plans received by the Local Planning Authority on 05 August 2022:

PLAN 02 (Proposed Ground and First Floor Plan)

PLAN 03 (Proposed Second Floor and Roof Plans)

PLAN 04 (Proposed Front and North Side Elevations)

PLAN 05 (Proposed Rear and South Side Elevations)

PLAN 06 (Proposed Bin and Cycle Stores Plans and Elevations)

PLAN 07 (Existing and Proposed Street Scene Elevations)

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

3 The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawings numbered PLAN 04 (Proposed Front and North Side Elevations) and PLAN 05 (Proposed Rear and South Side Elevations).

**Reason:** To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy HS4.

4 NO DEVELOPMENT SHALL COMMENCE until a Demolition and Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. For each phase of development, the CEMP shall demonstrate the following and, once approved, development shall be carried out in accordance with the approved plan.

(A) Highways

A.1 - Location(s) for the parking of vehicles of site operatives and visitors,

A.2 - Location(s) for the loading and unloading of plant and materials

A.3 - Location(s) for the storage of plant and materials used in the demolition and construction of the development



A.4 - The erection and maintenance of security hoardings (including decorative displays and facilities for public viewing where appropriate), and

A.5 - Measures to prevent the deposit of mud/grit/dirt on the public highway, with wheel washing facilities where appropriate.

(B) Residential Amenity

B.1 - Control, monitoring and mitigation of emissions of noise, dust and sub-surface vibration.

B.2 - Hours of demolition and construction activity, and deliveries to and dispatches from the site not to exceed 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. For the avoidance of doubt no activity, deliveries or dispatches shall take place on Sunday or Public Holidays.

(C) Waste Management

C.1 - The anticipated nature and volumes of waste that the demolition and construction phases of development will generate,

C.2 - The steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,

C.3 - The steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and

C.4 - Any other steps to be taken to manage the waste that cannot be incorporated into the new development.

(D) Invasive Species Removal

A method statement prepared by a competent person including the following information:

D.1 - A plan showing the extent of the plants,

D.2 - The method(s) that will be used to prevent the plants spreading further, including demarcation,

D.3 - The method(s) of control that will be used, including details of post-control monitoring, and

D.4 - How the plants will be disposed of after treatment/removal.

**Reason:** In the interests of highway and environmental safety, the amenity of highway users and neighbouring occupiers, and to ensure that demolition and construction of the development achieves efficient use of resources in accordance with policy WM8 of the Merseyside and Halton Joint Waste Local Plan.

5 NO DEVELOPMENT SHALL COMMENCE UNTIL details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall include:

- (i) 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;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Thereafter, the drainage schemes shall be completed in accordance with the approved details prior to first occupation of the development and retained for the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6 No plant or materials shall be brought onto site until Root Protection Area fencing has been installed in accordance with the submitted tree protection plan and specification. (Drawing number 22/AIA/WIRR/99 03) within the Arboricultural Impact Assessment and Method Statement by Tree Solutions Ltd, Revision A, dated November 2022.

Thereafter:

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

**Reason:** In the interests of the health and amenity value of trees and to accord with saved policy GR7 of the Wirral Unitary Development Plan.

7 No development other than demolition and vegetation removal shall take place until detailed construction plans setting out finished internal floor levels and external ground levels, and eaves and ridge heights, relative to existing levels and those of neighbouring properties have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out as approved.

**Reason -** To ensure the finished levels at construction accord with the levels approved at planning stage in the interests of maintaining the character of the area and residential amenity in accordance with the objectives of saved policy HS4 of the Wirral Unitary Development Plan.

8 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 comprise of a plan and specification and demonstrate:

- i) The materials to be used for hard and soft surfacing;
- ii) Compensatory tree and hedge planting across the site (including a minimum of eight trees and, where practical, the retention and infilling of the existing hedge to the Caldys Road frontage) to replace those specimens removed as part of the development to include the location, number, species and size of trees to be planted and a method statement to secure the sustainable planting of trees.
- iii) Detailed planting plan and specification for soft landscaping of land forward of the principal elevation of the building;
- iv) The location and design of fences, gates, walls, railings or other means of enclosure; and
- v) The timing of implementation of the scheme.

Thereafter development shall be carried out as approved.

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

9 If, within a period of five years from the date of planting of any tree under the landscaping scheme approved under condition 8, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place unless the Local Planning Authority agrees to any variation.

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

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

**Reason:** In order to avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework

11 The construction of the development hereby approved shall be carried out in accordance with the following reasonable avoidance measures for terrestrial mammals:

- i) All trenches and excavations should have a means of escape (e.g. a ramp);

- ii) Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- iii) Raised storage of materials on pallets to ensure that mammals do not use material stockpiles for shelter.

**Reason:** To avoid harm to protected species in accordance with the objectives of saved policy NC7 of 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 submitted to and approved in writing by the Local Planning Authority.

Thereafter the bird boxes shall be installed as approved and subsequently retained.

**Reason:** To provide suitable mitigation for the loss of breeding bird habitat in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.

13 Prior to first occupation of the development hereby approved, the cycle storage and refuse storage structures as shown on approved drawings PLAN 01 Revision B (Proposed Site Plan) and PLAN 06 (Refuse and Cycle Stores Plans and Elevations) shall be constructed in accordance with the approved plans, made available for use, and there after retained.

**Reason:** To ensure satisfactory provision is made for the storage of refuse and cycles in the interests of amenity and to accord with the objectives of saved policies HS4 and TR12 of the Wirral Unitary Development Plan.

14 The areas shown on approved drawing PLAN 01 REVISION B (Proposed Site Plan) for vehicular access, turning and parking shall be constructed, marked out, and made available for use prior to first occupation of the development hereby approved. Thereafter the vehicular access, turning and parking areas shall be retained for their intended purpose.

**Reason -** To ensure satisfactory off-street accommodation for vehicles is provided for and maintained, in the interests of highway safety and amenity and to accord with the objectives of saved policies HS4 and TR9 of the Wirral Unitary Development Plan.

15 Prior to first occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a residents management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

16 Prior to the installation of any external lighting, details of the type, location and luminance of the lighting to be installed shall be submitted to and approved by the Local Planning Authority. Thereafter the lighting shall be installed as approved. When designing the lighting scheme the designer should have regard to the Institute of Lighting Professionals and Bat Conservation Trust Guidance Note 08/18 'Bats and Artificial Lighting in the UK.'

**Reason -** To avoid significant harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan.

17. The development hereby permitted shall not be occupied until the windows identified on the approved floor plan and elevation drawings to be fitted with glazing obscured to at least Pilkington level 3, have been so fitted. Thereafter the obscured glazing shall be retained.

**Reason:** To prevent harmful overlooking in the interests of protecting the privacy and amenity of neighbouring residents.

#### **NOTES TO APPLICANT**

1. Merseyside Fire and Rescue Service advise the following:

i) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.

ii) Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned housing guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied, and

iii) The premises should comply with Section 55 of the County of Merseyside Act 1980.

#### **Housing**

Housing developments with units of detached or semidetached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.

2. The applicant, their advisers and contractors should be made aware that if any roosting bats are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

3. 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](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

<b>Last Comments By:</b>	31 August 2022
<b>Expiry Date:</b>	19 December 2022

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Planning Committee	December 15 <sup>th</sup> 2022
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
ADV/22/00807	DM	Miss C Robinson	Bidston and St James

<b>Location:</b>	Land at, Stanley Road, Birkenhead, CH41 7AZ
<b>Proposal:</b>	APPLICATION FOR ADVERTISEMENT CONSENT FOR REPLACEMENT OF 2NO TRADITIONAL 48-SHEET ADVERTISING DISPLAYS WITH 2NO 48 SHEET SIZED DIGITAL LED ADVERTISING UNITS
<b>Applicant:</b>	Hiles
<b>Agent :</b>	Owen Forward Planning

**Site Plan:**



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<b>Development Plan designation:</b>	Primarily Residential Area
<b>Planning History:</b>	No relevant planning history

**Summary Of Representations and Consultations Received:**

<b>1. Ward Member Comments</b>	Cllr Grey has sought to remove the application from delegation based on road safety concerns.
<b>2. Summary of Representations</b>	<p><b><u>REPRESENTATIONS</u></b></p> <p>The residents of 12 neighbouring residents were notified by way of advertisement of this application. At the time of writing this report, no representation had been received in response in this publicity.</p>
	<p><b><u>CONSULTATIONS</u></b></p>
	<p><u>Traffic &amp; Transportation</u></p> <p>No objection, subject to conditions.</p> <p>The adverts are free standing and located within a private boundary off the adopted highway.</p> <p>The replacement of the existing paper advertisement panels with similar sized digital displays does not raise any highway safety concerns. The sightlines and visibility afforded to vehicles travelling along Stanley Road, Wallasey Bypass, Station Road and Gautby Road remains satisfactory and pedestrians passing by also are not obstructed by the screens positioning.</p>
	<p><u>Highway Asset</u></p> <p>No comment.</p>
<b>3.1 Site and Surroundings</b>	The development site sits on the junction of Stanley Road with Station Road in Birkenhead, adjacent to Birkenhead North Station. There are residential properties on the opposite side of Stanley Road and to the rear of existing hoardings on Tyrer Street
<b>3.2 Proposed Development</b>	This application seeks advertisement consent to upgrade 2 existing advertisement billboards to digital LED Advertisement.
<b>3.3 Development Plan</b>	<p>The development plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) and policies of the Merseyside and Halton Joint Waste Local Plan (2013). The following policies are of relevance to the application under consideration.</p> <p>Wirral Unitary Development Plan policy HS15 – Non Residential Uses in Primarily Residential Areas</p> <p>Development within Primarily Residential Areas should be: an appropriate scale, not detrimentally change the character of the area and not cause nuisance to neighbouring uses</p>
<b>3.4 Other Material Planning Considerations</b>	NPPF Paragraph 136 Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts
	<b>Emerging Wirral Local Plan and its status</b>

	<p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> <li>1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”</li> </ol> <ul style="list-style-type: none"> <li>• The following Wirral Emerging Local Plan policy is relevant. WD 10 Non Residential Uses in Primarily Residential Areas</li> </ul>
	<p>Development proposals should be an appropriate scale, compliment the character of the area and not harm amenity of neighbouring properties through loss of privacy, noise and disturbance and traffic issues.</p>
<p><b>3.5 Assessment</b></p>	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>• Principle of development;</li> <li>• Impact on amenity; and</li> <li>• Public safety</li> </ul>
<p><b>3.6 Principle of Development</b></p>	<p>The display of outdoor advertisements is controlled in the interests of 'public safety' and 'amenity.' The control system is concerned with the visual effect that advertisement signs would have on their surroundings and highway safety</p>
<p><b>3.7 Impact on amenity</b></p>	<p>Having regard to visual amenity, the proposed scheme seeks to replace two existing signs with 48 sheet digital LED screen displays. At the time of the case officers site visit (7.11.2022) the signage board located near Tyrer Street had already been removed. The signage adjacent to Station Road however remains in situ.</p>

	<p>The proposed signs are intended to respect the existing character and appearance of the area, being installed in the same locations as the existing hoardings. The size of the proposed signs will be identical to the existing paper poster hoarding boards. The existing signs are externally illuminated, thus setting a precedent for illuminated signage in the area. It is acknowledged that the LED displays will present a different type of illumination, being inherently lit from within, however it is considered that these signs will not adversely affect the character of the area</p>
	<p>No technical information has been submitted regarding the levels of illumination of the signs by the agent/applicant. The existing signs were both externally illuminated with lighting along their length from above, with the light source shielded so that it illuminates only the sign itself. The vicinity is well illuminated by street lighting, due to the proximity of a pedestrian crossing (located in between the two signage locations) and Birkenhead North railway station (located some 80m East of the sign at the junction with Station Road). An Asda supermarket is also located some 100m South of the signage nearest Tyrer Street. The hoardings are splayed so they do not directly face the residential properties opposite on Stanley Road.</p>
	<p>The Institution of Lighting Engineers Technical Report No.5 - 3rd Edition (2001) sets out the measures for assessing acceptable lighting levels and to calculate appropriate luminance limits for signs. For low district brightness areas (e.g., rural or small village locations), classified as E2 zones, this guidance sets out that illuminated areas over 10m<sup>2</sup> should have luminance levels (cd/m<sup>2</sup>) no more than 300 cd/m<sup>2</sup>. The supporting details with the application confirm that illumination of the proposed signs will not exceed 300 cd/m<sup>2</sup> at night and light sensors will control illumination during the day to reflect the conditions. These figures align with prescribed luminance levels set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The illumination levels are therefore proportionate to their surroundings. Due to the notable levels of footfall activity in the area the retention of illuminated signage at these locations is considered of wider benefit for its contribution to enhanced pedestrian safety. Although it is not possible to directly compare illumination levels (cd/m<sup>2</sup>) of the existing and proposed units, the advertisements and their illumination are considered appropriate at this location.</p>
	<p>There is no other similar signage in the surrounding area meaning that there will be no excessive cluttering from a proliferation of advertisements. The orientation of the signs is such that, although relatively close together, they cannot be seen simultaneously from any viewpoint. The 48-sheet format is a well-established standard size for roadside advertising. In summary, the proposals are considered to adhere to the overarching aims of policy HS15 and emerging policy WD 10.</p>

<p><b>3.8 Highways</b></p>	<p>The Highways Authority have been consulted and have no objection to the proposed signage, subject to planning conditions to reinforce the critical aspects. The sight lines and visibility afforded to vehicles travelling along Stanley Road, Wallasey Bypass, Station Road and Gautby Road remain satisfactory and pedestrians passing by also are not obstructed by the screens positioning. No other public safety issues are identified. As set out in the amenity considerations above, the illumination levels proposed are technically appropriate for the conditions of the area and also reflects luminance levels set out in the advertisement regulations. Therefore, it is considered that the proposed signage would not be harmful to public safety or users of the highway.</p>
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**Recommended Decision:**

Conditional Approval

**Recommended Conditions and Reasons:**

1 This consent shall expire after a period of 5 years from the date of this permission.

**Reason:** To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

**Reason:** To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

3 No advertisement shall be sited or displayed so as to:

- a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

**Reason:** To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site

**Reason:** To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

**Reason:** To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6 Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 the site shall be left in a condition that does not endanger the public or impair visual amenity and in all respect to the reasonable satisfaction of the Local Planning Authority.

**Reason:** To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

7 The levels of the illuminance shall not exceed 600cd/m<sup>2</sup> during daylight hours or exceed 300cd/m<sup>2</sup> during twilight and night hours; as defined by official lighting up times.

**Reason:** To avoid glare, dazzle or distraction to passing motorists in the interests of road safety.

8 The illumination of the advertisement(s) shall not at any time be intermittent.

**Reason:** To avoid distraction to passing motorists in the interests of road safety.

9 The screen displays shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image.

**Reason:** To avoid distraction to passing motorists in the interests of road safety.

10. The advertisement display shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.

**Reason:** To avoid distraction to passing motorists in the interests of road safety.

<b>Last Comments By:</b>	21-June-2022
<b>Expiry Date:</b>	05-July-2022

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## Planning Committee – Terms of Reference:

The principal role of the Planning Committee is to act as the administrative committee responsible for making decisions as local planning authority on planning applications, development control and similar regulatory matters, which are more particularly described as *Functions relating to town and country planning and development control* and related matters as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Committee is charged by full Council to fulfil those functions:

- (a) to consider and determine applications submitted under the Planning Acts for planning permission, listed building consent, and reserved matters pursuant to major planning applications;
- (b) to consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations;
- (c) to determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused;
- (d) related matters including but not limited to:
  - (i) applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
  - (ii) applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
  - (iii) applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003, as amended);
  - (iv) applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);
  - (v) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (vi) powers related to Commons Registration;
  - (vii) functions relating to public rights of way;
  - (viii) the licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980; and
  - (ix) functions relating to Town and Village Greens;

- (e) to exercise any other function of the Council under the Planning Acts and related legislation, whether as a local planning authority or otherwise, which may be referred to it by the Director for Economic and Housing Growth or other officer authorised by him/her.