

Planning Committee

18 January 2017

Reference:
APP/16/00732

Area Team:
North Team

Case Officer:
Mr K Spilsbury

Ward:
Claughton

Location:
Proposal:

Co-op ESWA Club, 54-56 PARK ROAD SOUTH, BIRKENHEAD, CH43 4UY
Proposed conservation and reinstatement of former Social Club through conversion to 11 No. Apartments, facilitated through enabling development scheme of 7 no. townhouses and 21 no. apartments with associated landscaping works. (Amended)

Applicant:
Agent :

ND Property
JWPC Ltd

Site Plan:



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Development Plan allocation and policies:

Conservation Area (for illustrative purposes)
Urban Greenspace
Primarily Residential Area
Historic Park or Garden

Planning History:

Location: 54 Park Road South, Birkenhead
Application Type: Full Planning Permission
Proposal: Fire escape
Application No: APP/74/00050
Decision Date: 05/06/1974
Decision Type: Approve

Location: 54 Park Road South, Birkenhead
Application Type: Full Planning Permission
Proposal: Emergency external escape staircase
Application No: APP/74d/00016
Decision Date: 05/06/1974
Decision Type: Approved

Location: E.S.W.A. Club, 54-56, Park Road South, Birkenhead. L43 4UY
Application Type: Advertisement Consent
Proposal: Erection of an illuminated fascia sign.
Application No: ADV/89/05037
Decision Date: 29/06/1989
Decision Type: Refused

Summary Of Representations and Consultations Received:**REPRESENTATIONS:**

Having regard to the Councils adopted Guidance on Publicity for Planning Applications, 72 letters of neighbour notification were issued to adjoining residents and a Site Notice displayed. At the time of writing 6 representations of support have been received, and 7 representations of objection. A qualifying petition of objection has also been received signed by 145 signatures. The grounds of objection can be summarised as follows:

1. The failure of the viability assessment and the conservation credit system to justify an unprecedented, larger scale enabling development
2. The heritage statements failure to justify the proposed enabling development in terms of its impact on the setting of Birkenhead Park; the inappropriate design proposals and its inadequate treatment of boundary issues
3. The negative implications of the transport statement
4. The quality and suitability of the architects plans
5. The inability to guarantee the full implementation of the 5 year landscape & establishment plan.
6. The lack of parking provision and potential danger from increased volume of traffic
7. Encroachment on the park perimeter
8. The development will have a negative impact upon house prices
9. The scale of development would be detrimental to the character and setting of the conservation area (Policy CH6)
10. Small scale terraced housing is wholly unprecedented within the park
11. Birkenhead Park is a heritage asset of international significance and at present embodies the Outstanding Universal Value (OUV) which make it potentially eligible to be inscribed by UNESCO as a World Heritage Site. A group of individuals and organisations are supporting that bid. Henry Owen-John, Historic England's officer for World Heritage has also indicated that the Park could be a contender. The authenticity and integrity of sites are essential qualities for World Heritage Sites and the proposed new development would harm the Park's authenticity, integrity and OUV of the

Park more than the continued poor condition of 54-56 until such time as a developer can be found who can make its conversion viable without such enabling development. UNESCO and ICOMOS would also consider that allowing the proposed development would cause sufficient harm to the potential World Heritage Site and represent such poor management of the heritage asset that it would massively diminish the chances of the Park being inscribed on to the World Heritage list.

The letters of support relate to the need for new housing in the area, the retention of the undesignated heritage asset and investment and regeneration is welcomed in the area.

The Oxton Society – as an active participant of the Conservation Areas Wirral (CAW) Group, the Society considers that such a large-scale development would undermine the heritage integrity of Birkenhead Park and its surrounding landscape. While the restoration of 54-56 Park Road South is welcomed, nevertheless it is the view of the Society (as expressed by others) that the restoration of this non-designated heritage asset does not justify the harm to a Grade 1 Registered Historic Park which is a recognised asset of outstanding national importance. The benefits that would be brought forward by the proposed development would not mitigate the substantial harm that would be caused to the unique heritage value of Birkenhead Park.

CONSULTATIONS:

Highways – no objection subject to conditions

Environmental Health – no objection.

Local Lead Flood Authority - no objection subject to conditions

Housing - affordable housing would normally be required for a development of this size subject to viability appraisals.

Historic England - No objection

Cheshire Gardens Trust - Welcomes the restoration of the undesignated heritage asset but raises concern over the enabling development and its impact upon the park.

Wirral Wildlife - No objection subject to conditions

Merseyside Environmental Advisory Service - No Objection subject to conditions

Merseyside Fire and Rescue Service - Non planning related comments

Friends of Birkenhead Park object to the proposals and their objections can be summarised as follows:

1. A large-scale development on private land immediately adjacent to the Park Drive would be unprecedented. It would seriously undermine the heritage integrity of a Grade I Registered Park of international significance and encourage other developers to emulate this strategy.
2. It ignores the heritage significance of the perimeter garden areas which have always part of the open land setting of Birkenhead Park, as laid down in Paxton's original plan and reaffirmed in Wirral Council's planning regulations. The original conditions of sale and subsequent restrictive covenants prohibit the development of the open land setting which must be used 'solely as a garden'. These restrictive covenants are still in force.
3. It is in direct breach of many of the Council's key planning regulations, including CH6, CH01/CH26, HS4, as well as the National Planning Policy Framework, paragraph 131.
4. The justification for the large-scale enabling development is based on questionable data that reflect the developers' concern that their 'biggest problem' would be the 'lower cost of ESWA building'. A number of expenditure items which relate to the new build have been deliberately allocated to the ESWA refurbishment in order to inflate the conservation deficit. An independent assessment of the conservation deficit statement was carried out by a firm of quantity surveyors that is not RICS-accredited and which has no track record in this field. As a result the financial statement has not been properly scrutinized, as required by Historic England, and there is clear evidence that the conservation deficit is seriously below the figure submitted by the developers.

5. It would inflict substantial and unjustifiable harm on the setting of Birkenhead Park.
6. It would jeopardize current plans to submit Birkenhead Park for inclusion on the UK's list of tentative World Heritage Site which have the support of the Leader of the Council. World Heritage Site inscription would deliver very substantial economic and social benefits for Birkenhead, the Wirral, and the Liverpool City Region.
7. It is also important to note that the Heritage Lottery Fund, which provided over £6m towards the restoration of Birkenhead Park (supported by a major grant to the Friends of Birkenhead Park), has not been notified of the planning application, despite the fact that it would lead inevitably to irreparable harm to the open landscape setting of the park. The new build (28 housing units and 29 car parking spaces) would be to the detriment of HLF's investment and HLF would be duty bound to intervene in this case if planning permission was granted. The inability of Wirral Council to maintain the heritage integrity of Birkenhead Park, including its open landscape setting, may also affect current plans to apply for a further major grant from HLF of up to £5m in order to take forward a range of heritage-related projects that would help to strengthen the international profile of the park and provide additional benefits for the people of Wirral.

Birkenhead Park Management Advisory Committee object to the proposed development and their objections are summarised as follows:

1. The analysis of the impact of the development on this part of the Park in the Heritage Statement is verbose, abstract and twisted to fit a general proforma found in advice from English Heritage. Nowhere, is there a detailed analysis of the palpable impacts on the Park through a visual analysis which should include contextual drawings to show summer and winter situations
2. One block in the revised scheme has been pulled back further into the site. The other block, the more prominent of the two, has been left in the same position. If approved this block would inflict substantial and unjustifiable harm on the immediate setting of Birkenhead Park. The most recent residential development surrounding the Park, Dures Court, is at least 12 metres away from the boundary to Park Drive. This block if approved at 8 metres away would not preserve or enhance the character or appearance of the Conservation Area. It would also act as a precedent for future development on open land adjoining the Park

Director's Comments:

Consideration of this application was deferred from Planning Committee on 15 December 2016 to allow for a formal Members Site Visit to take place.

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition signed by 145 signatures has been received. Therefore, under the provisions of the Scheme of Delegation for Determining Planning Applications, this application is required to be determined by the Planning Committee.

PROPOSAL

The application is for the repair and reinstatement of 54-56 Park Road South, Birkenhead. The proposal includes conversion of the building into 11 apartments and development within its ground consisting of 7 town houses and 21 apartments (39 residential units in total).

SITE AND SURROUNDINGS

54-56 Park Road South, later called the ESWA building, is a mid-19th century pair of semidetached dwellings, constructed on a parcel of land which was sold to partially fund the development of Birkenhead Park, one of the first publicly funded civic parks in the world. It is a non-designated heritage asset, constructed as part of the original development around the park and with an added significance in its historic and social association as the home of Andrew "Sandy" Irvine, the mountaineer who famously died in an attempt to climb Mount Everest in 1924.

The building and its site makes a positive contribution to the character and appearance of the conservation area as one of a band of buildings surrounding the park. The land to the rear was not developed and was probably intended as a buffer to protect view to and from the park. In the 1930's the buildings changed use to become a social club, with a parcel of land to the rear functioning as sports facilities. The building is located within Birkenhead Park Conservation Area, designated in 1977, with the purpose of protecting the character of the grade I registered Birkenhead Park.

The ESWA club ceased in 2012 and the building has since been unused. The rear garden consists of a bowling green and playing field and has not been built on historically.

Birkenhead Park lies immediately to the north of the site with Park Drive running adjacent to the northern boundary of the site. There is also a public footpath to the east of the site leading into the park. Villas of similar style, age and appearance lie adjacent to the site as well as Park High School which lies to the west of the site.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

As stated above the building is located within Birkenhead Park conservation area and on the fringes of the Grade I listed Birkenhead Park and Garden. The applicants intend to re-use of the former ESWA Sports and Social Club Building through its conversion to 11 apartments. However, following the closure of the social club use in 2012 and a major fire at the site in the following year, the building has become in an extremely poor state of repair.

54-56 Park Road South is noted within the Conservation Area Appraisal for Birkenhead Park as being 'a building making a positive contribution to the character of the Conservation Area'.

The applicant states that it would be uneconomical to 'convert' the building without some form of external funding to support the scheme and as such the applicant plans to achieve the capital needed to conserve the existing building through an enabling development of 21 apartment and 7 town houses in the grounds of the site adjacent to Birkenhead Park.

Due to the sensitive nature of the site and its potential impact upon the national significance of Birkenhead Park which is recognised in its status as a grade I registered park the Local Planning Authority has worked extensively with the applicant as well as Historic England to secure a development that has the least harm on the Grade I listed park and the Birkenhead Park Conservation Area.

The ESWA building is itself not listed, however it retains a high communal value and also historical value as being the home to Sandy Irvine, the famous mountain climber who was killed in 1924 when climbing Everest as such it is an unregistered local asset.

Following consultation with the Local Planning Department and Historic England the applicant has provided justification for the enabling development in the form of a viability assessment. The Council have commissioned Kinniar Miller Associates to independently evaluate this to ensure the development of enabling works are justified. The findings have been confirmed by Kinnear Miller Associates and the figures provided by the applicant therefore agreed. It is therefore accepted that the scheme consisting of 7 town houses and 21 apartments is therefore the minimum required to ensure the funding and conservation of 54-56 Park Road South.

In terms of planning legislation, the Planning (Listed Buildings and Conservation areas) Act 1990, s72 is requires; "special attention shall be paid to the desirability of preserving and enhancing the conservation area".

The National Planning Policy Framework (NPPF) is also directly relevant. Paragraph 131 states; *In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

It is considered that there is a strong desirability for the retention of the former ESWA club due to its historical importance and high communal value. The retention and conservation of the building will bring the site back into residential use preserving the building for future generations thereby adding to the sustainability of the community and in turn its economic vitality. The overall design of the scheme has been developed in conjunction with English Heritage and the Local Planning Authority. This is

discussed further in the Appearance And Amenity Issues section below.

Paragraph 132 of the NPPF states; *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.*

The Local Planning Authority considers that the potential loss of the main building would introduce a significant level of harm due to its historical significance and contribution to the conservation area and the understanding of the development of Birkenhead Park. This would not only be a departure from the requirements of the NPPF but unacceptable in terms criterion (i) of policy CH6 of the Unitary Development Plan.

Concern has been raised over enabling development of 21 apartments and 7 town houses and the potential harm to the Grade I listed Park due to the encroachment into the green buffer surrounding the park and the departure from the original concept of villas set in large gardens around the park as shown in Paxton's original plan. As such in accordance with paragraph 134 of the NPPF, the potential harm has been weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance the retention of a locally significant building which contributes in a positive way to the character and appearance of the conservation area are considered significant enough to outweigh the harm.

This view has been reached following advice from Historic England who state that *"developing to the rear of the site would not in our view enhance the character and appearance of the conservation area, and there will be a level of harm to the conservation area. We do however note that some late additions to the conservation area in similar locations have been accepted along its west and south borders.*

Our view is that the proposal has now been amended to a level where the harm caused to the character and appearance of the conservation area, from a heritage point of view, could be justified and outweighed by the benefits of retaining the heritage asset in a viable use".

Having regards to Wirral's Unitary Development Plan the following policies are relevant:

CH1 Development affecting Listed Buildings and structures
CH2 Development affecting Conservation Areas
CH6 Birkenhead Park Conservation Area
CH26 The preservation of Historic Parks and Gardens
HS4 Criteria for New Housing Development
HS10 Backland Development
HS13 Self Contained Flat Conversions
GR5 Landscaping and New Development
GR6 Greenspace within New Family Housing Development
GR7 Trees and New Development
NC7 Species Protection
TR12 Requirements for cycle parking
TR13 Requirements for Disabled Access
SPG Note 10 Backland Development and Birkenhead Park Conservation Area Appraisal and Management Plan are also relevant.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

The proposal is for a relatively high density proposal of 39 residential units on a site measuring 0.59ha, which would achieve appropriate spacing, provision of private amenity space, bins and cycle storage. Should members be minded to approve the scheme conditions will be imposed to secure landscaping including boundary treatment in compliance with UDP Policies GR5 and GR7. In terms of scale the design has been reduced significantly from that originally proposed to the Local Planning Authority. The applicant following consultation with the Local Planning Authority, the Friends of Birkenhead Park and Historic England has agreed to redesign the layout of the development to create additional spacing

between the proposed apartments and the park. This will soften the effect of the proposal and by introducing appropriate planting will lessen the impact.

In accordance with the requirements of UDP Policy HS6 the applicant has submitted a viability assessment looking at the potential for affordable housing. This again has been independently assessed by Kinnear Miller Associates who state The appraisal summaries and residual valuation scenarios confirm as per the output , results and analytic data above that it is not presently viable to the developer to include any affordable housing units within this development without falling below their normal market acceptable profit on total development costs. As such it is accepted that affordable housing cannot be provided on the site.

The enabling development is to be located on the site of a former bowling green that was used in association with the private members ESWA club. The use of the club ceased in 2012 and have remained unused ever since. The site is not allocated as a sports ground for protection from development under Proposal RE6 of the Wirral Unitary Development Plan.. The applicant has submitted an open space assessment in accordance with NPPF paragraph 74 that references Wirral's Open Space Assessment. It can be accepted that there are adequate similar bowls facilities elsewhere in Birkenhead Park within easy reach of the site and as such a loss would therefore not be harmful to the wider community.

In accordance with SPD2 one third of the whole site should be made available for private landscaped communal areas. This has been achieved and in addition the site has easy access to Birkenhead Park.

In accordance with UDP Policy HS10 the development is a back land development and as such sufficient garden space has been retained for the future occupiers of 54-56 Park Road South. The access to the rear of the site is existing and will not result in a detrimental change in the character of the area or introduce noise, disturbance, loss of privacy or a sense of enclosure affecting adjoining residents. 54-56 Park Road South and 30 Park Road South are located over 6m from the proposed access road which will not only ensure the privacy of residents as a result of increased vehicle demand from those accessing and egressing the site but will also be sufficient distance to prevent noise disturbance. The Proposed access road will be 5.5m in width allowing sufficient distance for two vehicles to pass and as such the development complies with policy HS10.

All of the proposed habitable rooms located within the 54-56 Park Road South have sufficient outlook and due to the overall size of the plot and the siting of the proposed apartments and terraced dwellings there is sufficient outlook for all habitable rooms and no overlooking introduced. All properties have generous private or communal garden space and are located within close proximity of Birkenhead Park. The development meets the requirements of policy HS4 and HS13 of the Wirral UDP.

In accordance with the Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting. Should members be minded to approve the scheme conditions can be imposed to ensure this is achieved.

Should members be minded to approve the development a section 106 agreement would need to be entered into with the developer to secure the complete redevelopment of 54-56 Park Road South prior to the completion of the enabling development hereby permitted.

APPEARANCE AND AMENITY ISSUES

The proposed development would be contemporary in design, constructed in timber and brick with slate roofs. The design has come about following consultation with Historic England, the Friends of Birkenhead Park and the Local Planning Authority in order to be as sensitive as possible to the views in and out of Birkenhead park.

The scheme is an amendment from original proposal and has been developed to minimise the amount of turning points and roads within the site so that the proposed apartment block is further drawn back from the boundary to the park. As part of the proposals railings would be reinstated to the east of the site and tree and hedge screening would be introduced in accordance with a landscape management plan for the site to lessen the visual impact.

Should members be minded to approve the scheme a landscape management plan condition will be attached in addition to secure a suitable planting scheme to maintain a screen to complement the wider boundary treatment and thus enhance the engagement with the Registered Park and Garden.

In terms of spacing the land to the north of the apartments and the park has been increased from that originally submitted and in order for it to be retained as open space without sub-division in order to maintain the existing open characteristic adjacent to the Park and avoid the domestication of these spaces a condition will be imposed should members be minded to approve the scheme to ensure that these spaces are not built upon.

SEPARATION DISTANCES

In accordance with SPD 2 habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three storey development adjacent to two storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres. The proposed development has achieved the required separation distances through the design of its building and the positioning of habitable and non habitable windows. The apartments and terraced dwellings have interface distances in excess of 21m from all floors.

HIGHWAY/TRAFFIC IMPLICATIONS

It is not considered that there are significant highway issues. The Engineers Department has raised no objection to the development. Concerns raised regarding insufficient parking is not sufficient to warrant refusal of the scheme Highway safety has also been assessed as a result of the increased number of dwellings and in turn cars in the area. There are 30 parking spaces which is below the maximum permitted by the SPD however there is off-site parking provision on Park Road South and the site is located within a sustainable area with close bus and rail links. Should members be minded to approve the scheme a condition is required to control the detail of the access on to Park Road South to ensure highway safety as well as details of cycle storage to be submitted.

ENVIRONMENTAL/SUSTAINABILITY/HEALTH ISSUES

There are no significant environmental, sustainability or health implications.

CONCLUSION

In the determination of this planning application the Local Planning Authority has considered the key heritage issues including the effect of the works upon the conservation area, a designated heritage asset as well as the effects upon the setting of Birkenhead Park Registered Park and Garden. The Council has accepted that the only method of retaining and conserving the non designated heritage asset 54-56 Park Road South is through the permission of enabling works in the form of 21 apartments and 7 town houses at the rear of the site. The viability assessment has been independently verified and the findings accepted. The applicant has worked with the Council to deliver a scheme that is deemed acceptable to the setting of Birkenhead Park Registered Park and Garden and to the Conservation Area and thereby meets the requirements set out in the Unitary Development Plan and National Planning Policy Framework. Historic England is satisfied that the proposal has been amended to a level where the harm caused to the character and appearance of the conservation area, from a heritage point of view, can be justified and outweighed by the benefits of retaining the heritage asset in a viable use. Subject to a section 106 agreement to secure the complete redevelopment of 54-56 Park Road South prior to the completion of the enabling development it is considered that on balance therefore the proposal satisfies the criteria set out in Wirral Unitary Development Plan and the principles of the National Planning Policy Framework and is therefore recommended for approval.

Summary of Decision:

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:-

In the determination of this planning application the Local Planning Authority has considered the key heritage issues including the effect of the works upon the conservation area, a designated heritage asset as well as the effects upon the setting of Birkenhead Park Registered Park and Garden. The

Council has accepted that the only method of retaining and conserving the non designated heritage asset 54-56 Park Road South is through the permission of enabling works in the form of 21 apartments and 7 town houses at the rear of the site. The viability assessment has been independently verified and the findings accepted. The applicant has worked with the Council to deliver a scheme that is deemed acceptable to the setting of Birkenhead Park Registered Park and Garden and to the Conservation Area and thereby meets the requirements set out in the Unitary Development Plan and National Planning Policy Framework. Historic England is satisfied that the proposal has been amended to a level where the harm caused to the character and appearance of the conservation area, from a heritage point of view, can be justified and outweighed by the benefits of retaining the heritage asset in a viable use. Subject to a **section 106 agreement** to secure the complete redevelopment of 54-56 Park Road South prior to the completion of the enabling development it is considered that on balance therefore the proposal satisfies the criteria set out in Wirral Unitary Development Plan and the principles of the National Planning Policy Framework and is therefore recommended for approval.

Recommended Decision: Approve subject to a Section 106 Legal Agreement

Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 29th June 2016 and 8th November 2016 and listed as follows: 2014 029 001 rev 03 (Dated 20.10.2016), 2014 029 002 rev 09 (Dated 02.11.2016), 2014 029 003 rev 09 (Dated 02.11.2016), 2014 029 300 010 (Dated 23.04.2014), 2014 029 300 011 (Dated 23.04.2014), 2014 029 300 012 (Dated 23.04.2014), 2014 029 300 (Dated 23.04.2014), 2014 029 300 013 (Dated 23.04.2014), 2014 029 300 014 (Dated 23.04.2014), 2014 029 300 015 (Dated 23.04.2014), 2014 029 300 016 (Dated 23.04.2014), 2014 029 300 017 (Dated 23.04.2014), 2014 029 300 018 (Dated 23.04.2014), 2014 029 300 019 (Dated 23.04.2014) & 2014 029 300 020 (Dated 23.04.2014)

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

3. 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 policies WM8 and WM9 of the Waste Local Plan.

4. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, 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 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 and WM9 of the Waste Local Plan.

5. Notwithstanding the submitted details, construction of the development authorised by this permission shall not commence until details of the vehicular access from the development site onto park road south have been submitted to and agreed in writing with the Local

Planning Authority. The occupation of any part of the development shall not begin until those works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority. For the avoidance of doubt the works to the access shall include sufficient set back of the proposed gate to allow a vehicle to wait off the highway whilst the gates are opened and the relocation of the adjacent bus stop as necessary.

Reason: In the interest of highway safety

6. No development shall take place until details of secure covered cycle parking and/or storage facilities have been 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 the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

7. Prior to commencement of development a method statement having regards to Rhododendron and Japanese knotweed shall be submitted to and agreed in writing with the Local Planning Authority detailing:
 - i. A plan showing the extent of the plants
 - ii. What methods will be used to prevent the plant spreading further, including demarcation, and
 - iii. What methods of control will be used, including details of monitoring

Once the work has been carried out within the agreed timescale as set out in the method statement a validation report shall be submitted to and agreed in writing with the Local Planning Authority confirming the remediation treatment has been carried out and that the site has been free of the invasive species for 12 consecutive months for approval in writing by the Local Planning Authority

Reason: In the interest of species protection having regards to policy NC7.

8. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

9. In accordance with section 5.2 of the ecological report, prior to first occupation of the approved scheme hereby approved details and locations of additional nest boxes within the site shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full prior to completion of the development and retained as such thereafter.

Reason: In the interest of species protection having regards to policy NC7 of the Wirral Unitary Development Plan

10. NO WORKS OR DEVELOPMENT SHALL TAKE PLACE UNTIL a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include [include those that are pertinent]:
 - A. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out

in accordance with BS3998, 2010, Tree work-Recommendations.

- B. written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.

An arboricultural method statement (section 6 BS 5837) containing;

- C. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- D. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).
- E. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).
- F. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).
- G. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- H. the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).
- I. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction (section 7.4 BS 5837)
- J. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc.) on site.
- K. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- L. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).
- M. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).
- N. the timing of the various phases of the works or development in the context of the tree protection measures.

Reasons: To protect trees having regards to Policy GR7 of the Wirral Unitary Development Plan

11. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection. The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing

without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

Reason: To protect trees having regards to policy GR7 - Trees and New Development

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

Reason: To protect trees having regards to Policy GR7 of the Wirral Unitary Development Plan

13. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The detailed landscaping plans shall include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) a schedule of implementation

Reason: In the interests of visual amenity and to ensure that the development complies with Policy HS 4 of the Wirral Unitary Development Plan.

14. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area Policy CH6 of the Wirral Unitary Development Plan.

16. Surface water sustainable drainage works, comprising all components of the surface water

drainage system, shall be carried out in accordance with the details contained within the submitted Drainage Strategy and Flood Risk Assessment (Revision B SWF Consultants ESWA Social Club, Birkenhead Drainage Strategy and Flood Risk Assessment) and further information supplied - Drainage Calculations & Simulations Results, Drainage Layout (CL7445-01c) and SuDS Maintenance Plan approved in writing by the Local Planning Authority, in conjunction with the Lead Local Flood Authority.

The surface water sustainable drainage scheme shall be fully constructed prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the approved 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.

Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework, Paragraph 103, UDP Policy WA2 and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

17. No development shall commence until full details of a scheme for a surface water sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework, Paragraph 103 and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

18. No development shall take place until full details of all rainwater goods and soil pipes on the site, which shall include a sectional profile and a material have been submitted and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and be retained as such thereafter.

Reason: To protect the significance of the heritage asset to comply with Policies CH2 and CH6 of Wirral's UDP and NPPF.

19. Before work commences on the roof on the former ESWA club details and a sample of the slates shall be submitted for written approval by the local planning authority. The approved slates shall be implemented before occupation of 54-56 Park Road South and retained as such thereafter.

Reason: To protect the significance of the heritage asset to comply with Policies CH2 and CH6 of Wirral's UDP and NPPF.

20. Development shall not commence until full details of the windows and external doors throughout the development site have been submitted for written approval by the local planning authority prior to the commencement of works. These shall include cross sectional drawings at 1:1 and elevation details at 1:5 scale (or similar). The development shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: To protect the significance of the heritage asset to comply with Policies CH2 and CH6 of Wirral's UDP and NPPF.

21. Any external brick repairs and alterations on the former ESWA club shall be undertaken using a matching brick to the existing in material, size, colour and texture. A sample of any new brick to be used shall be submitted to and agreed in writing with the local planning authority before work commences and the agreed brick implemented in the construction of the development and retained as such thereafter.

Reason: To protect the significance of the heritage asset to comply with Policies CH2 and CH6 of Wirral's UDP and NPPF.

22. Before any construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policies CH2 and CH6 of Wirral's UDP and NPPF

23. All existing sliding sash windows on the former ESWA club (54-56 Park Road South) shall be accurately repaired and/or renewed to a sectional profile and material to be agreed by the Local Planning Authority. The agreed scheme shall be implemented in full during the construction of the scheme and remain thereafter.

Reason: To protect the significance of the heritage asset to comply with Policies CH2 and CH6 of Wirral's UDP and NPPF.

24. Development shall not commence until full details including colour and cross section drawings (scale 1:2 or 1:15) of the railings have all been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To protect the significance of the heritage asset to comply with Policies CH2 and CH6 of Wirral's UDP and NPPF.

Further Notes to Committee

1. Details of a scheme for a surface water sustainable drainage system, comprising all components of the surface water drainage system, should include:
- a. Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year +40% allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
 - b. Demonstrate that the surface water run-off would not exceed the pre-development greenfield runoff rate for an existing greenfield site
 - c. Include details of a site investigation and test results to confirm infiltrations rates;
 - d. Include details of how any flood water, including depths, will be safely managed in exceedance routes so as not to cause flooding to buildings within the site or elsewhere outside the site boundary;
 - e. Secure arrangements for adoption by an appropriate public body or statutory undertaker or, management and maintenance by a Residents' Management Company through an appropriate legal agreement;
 - f. Secure arrangements, through an appropriate legal agreement for funding on-going maintenance of all elements of the sustainable drainage system including:
 - i. mechanical components;
 - ii. on-going inspections relating to performance and asset condition assessments and;
 - iii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
 - g. Secure means of access for maintenance and easements, where applicable.
 - h. Include a timetable for implementing the scheme.

Last Comments By: 07/12/2016
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