

**Planning Committee**

**8th September 2022**

<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/21/02227	DM	Mr P Howson	Hoyle and Meols

<b>Location:</b>	M & Co, 6 DEE LANE, WEST KIRBY, CH48 0QA
<b>Proposal:</b>	Demolition of the existing building and replacement with a 4 storey mixed use development providing replacement commercial units to the ground floor, with residential apartments to upper floors and all associated works.
<b>Applicant:</b>	Starship Group
<b>Agent :</b>	Mr S Bracken, Eden Planning

<b>Qualifying Petition</b>	A qualifying petition has not been received.
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**Site Plan:**



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<b>Development Plan designation:</b>	Key Town Centre
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<b>Planning History:</b>	No relevant history.
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## Summary Of Representations and Consultations Received:

### 1. Ward Member Comments

Councillor Wright has requested the application is removed from delegated powers on the basis that the development would constitute overdevelopment (being in her opinion a storey too high) and would not fit the locality. There are concerns around the loss of mature trees from Sandlea Park and a key business within West Kirby.

### 2. Summary of Representations

#### **REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications 161 notifications were sent to neighbouring properties. At the time of writing 16 letters of representation have been received in relation to the proposal comprising of 4 letters of support and 12 letters of objection.

The objections are summarised below:

- a. Inadequate parking;
- b. Loss of a large commercial unit;
- c. Impact upon Sandlea Park including quality of the public space;
- d. The proposed building is too tall and out of character;
- e. Loss of privacy; and
- f. Loss of light

The letters of support can be summarised as:

- The investment is good and will kickstart other developments;
- The design is acceptable and will enhance the park. Contributions towards the enhancement of the park should be made and the retail unit should be adaptable so it can function as one;
- The existing building no longer fits the area

#### **CONSULTATIONS**

Highways Engineer – no objection

Environmental Health – no objection

Wirral Wildlife – no objection

MEAS – no objection subject to conditions relating to the provision of a Construction Environmental Management Plan, lighting, restrictions on the timings of vegetation removal, site waste management plan and the provision of homeowners packs identifying alternative recreational space

Natural England – no objection subject to conditions relating to the provision of a Construction Environmental Management Plan and homeowners packs identifying alternative recreational space

Trees & Landscaping - no objection

Forward Planning – no objection

Regeneration - no comment

<b>3.1 Site and Surroundings</b>	
3.1.1	The development site and the land to the immediate east and south all lies within the West Kirby Key Town Centre. An area of designated Urban Greenspace exists to the north and west of the development site. The building which currently occupies the development site was likely constructed in the late 1960s or early 1970s and is typical of the period as it lacks any ornamentation.
3.1.2	This part of Dee Lane is arguably a weaker part of the Key Town Centre in terms of street scene and urban grain as it is dominated by a supermarket which effectively deadens virtually the entirety of the southern axis of the street.

<b>3.2 Proposed Development</b>	
3.2.1	The development proposal involves the demolition of a large (530.2 sqm) commercial unit and the erection of two smaller commercial units (gross 168.1 sqm) with eight residential apartments across the first, second and third floors.

<b>3.3 Development Plan</b>	
3.3.1	<p>The Wirral Unitary Development Plan 2000</p> <ul style="list-style-type: none"> <li>• SH1 Criteria for Development in Key Town Centres</li> <li>• TL1 The Protection of Urban Tourist Resources</li> <li>• HS4 Criteria for New Housing Development</li> <li>• GR5 Landscaping and New Development</li> <li>• GR7 Trees and New Development</li> <li>• TR9 Requirements for off Street Parking</li> </ul> <p>The Joint Waste Local Plan for Merseyside and Halton</p> <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>

<b>3.4 Other Material Planning Considerations</b>	
3.4.2	<p>The National Planning Policy Framework (2021)</p> <ul style="list-style-type: none"> <li>• Achieving sustainable development</li> <li>• Decision-making</li> <li>• Achieving well-designed places</li> </ul>
3.4.3	<p>Supplementary Planning Document 2: Designing for Self-Contained Flat Developments and Conversions</p> <p>Supplementary Planning Document 4: Parking Standards</p>

<p>3.4.4</p>	<p>The Emerging Local Plan</p> <p>Wirral Borough Council is in the process of submitting a new local plan for examination.</p> <p>On the 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.</p> <p>In attaching weight to emerging plans such as Wirral's para 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> <ul style="list-style-type: none"> <li>• the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>• 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>• 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>Policy WS 11 of the emerging Local Plan sets out a number of planning objectives for town and local centres including enabling appropriate residential uses to support centres.</p> <p>As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision making process.</p> </li></ul>
<p>3.4.5</p>	<p>Wirral Tree, Hedgerow and Woodland Strategy 2020-2030 and National Design Guide (2021) are also material considerations.</p>
<p><b>3.5 Assessment</b></p>	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies taken as a whole should be refused unless material considerations justify granting permission. Similarly, proposals which accord with the Development Plan should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan as whole and then take account of other material considerations.</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>• Design;</li> <li>• Highways;</li> <li>• Ecology and Trees;</li> <li>• Amenity</li> </ul>

<b>3.6 Principle of Development</b>	
3.6.1	The development proposal involves the demolition of a large (530.2 sqm) (currently tenanted) commercial unit and the erection of two smaller commercial units (gross 168.1 sqm) with eight residential apartments across the first, second and third floors. There would be a net loss of 362.1 sqm of commercial space as a result of the proposal.
3.6.2	The statutory plan for Wirral consists of the Unitary Development Plan (UDP saved by way of Direction of the Secretary of State on 18th September 2007) and the Merseyside and Halton Joint Waste Local Plan 2013. Under the current UDP the proposed development site is designated as a Key Town Centre. UDP Policy SH1 seeks to guide development within the Key Town Centre and allows for A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and D1 (non-residential institutions) uses together with other uses appropriate to the town centre location subject to proposals satisfying a number of criteria.
3.6.3	It should be noted that from 01 September 2020 the Town and Country Planning (Use Classes) Order 1987 was amended and introduced changes to the system of use classes. Class A1, A2, A3 and D1 was revoked and replaced with the new broad Class E which covers commercial, business and service.
3.6.4	Paragraph 86 of the National Planning Policy Framework (NPPF) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The NPPF advises that residential development often plays an important role in ensuring the vitality of centres and should be encouraged on appropriate sites.
3.6.5	Under the current UDP and the NPPF the mixed (street level commercial/upper floor residential) is acceptable in principle. Whilst the proposal would result in a net reduction of commercial space there is no policy which addresses contraction in the case of a larger unit being replaced by smaller units and there is no policy requirement to retain a certain amount of commercial space within the Town Centre. There are no objections to the proposal on this basis.

<b>3.7 Design</b>	
3.7.1	The standards for new housing development are set out under UDP Policy HS4 which includes visual implications. Development proposals should be of a scale that relates well to surrounding property with regard to existing densities and form of development. Proposals should not result in detrimental change in the character of the area.
3.7.2	Policy HS4 requires development proposals to consider other, practical matters such as servicing, access and parking. These matters cannot be considered in isolation as excessive areas of hardstanding and/or poorly located cycle and bin stores can detract from the quality of development and character of the area. Landscaping and boundary treatments should relate proposals to their surrounds. UDP Policy GR5 requires development proposals to be supported by landscaping proposals.
3.7.3	As the proposal involves the erection of a flatted development the Supplementary Planning Document (SPD) for Designing for Self-Contained Flat Development and Conversions applies. The SPD advises that applicants will be expected to show how good design and layout has been taken into account through drawings and design statements that show how the proposed development will fit in with surrounding properties and within the wider setting of the area.
3.7.4	Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a

	<p>result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.</p>
3.7.5	<p>The NPPF should be read alongside the National Design Guide (2021). Paragraph 21 of the Design Guide advises that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:</p> <ul style="list-style-type: none"> <li>• the layout (or masterplan);</li> <li>• the form and scale of buildings;</li> <li>• their appearance;</li> <li>• landscape;</li> <li>• materials; and</li> <li>• their detailing</li> </ul>
3.7.6	<p>Part 2 of the Design Guide sets out the ten characteristics of well-designed places. This includes (but is not limited to) the following;</p> <ul style="list-style-type: none"> <li>• Contextual design which responds positively to the features of the site and the surrounding area beyond its boundary. Paragraph 43 advises well-designed development is integrated into its surroundings and designed around an understanding of the landscape character and existing patterns of built form and architectural styles which should inform the layout, grain, form and scale of development.</li> <li>• Design which responds to local identity and elements of a place that make it distinctive. This includes the height, scale, massing and relationships between buildings, façade design and landscape setting.</li> <li>• Built form which relates well to the site and its context.</li> </ul>
3.7.7	<p>The application seeks approval for the demolition of the existing commercial unit and the erection of a four storey mixed use development which would comprise of 168.1 square metres of street level commercial space and eight two-bed apartments. The proposed development site lies within the Key Town Centre as defined by the current Wirral UDP Proposals Map.</p>
3.7.8	<p>As noted earlier in the report, Dee Lane is arguably a weaker part of the Town Centre in a visual sense due to the dominance of the Morrisons supermarket service yard. The junction with Banks Road features an area of public realm which appears poorly integrated into its surrounds and is unbecoming of such a prominent corner plot. Whilst this area of public space does feature planters at the back edge of pavement which create a degree of enclosure and definition (especially when the trees are in leaf) a significant segment of the plot is open with a haphazard mix of street furniture and utilities (bin, salt bin, cycle stand, notice board, broadband box). The adjacent land is dominated by a service yard and associated supermarket which effectively has a 'dead' frontage out onto Dee Lane. The supermarket car park extends the rest of the length of Dee Lane down into the coastal parade.</p>
3.7.9	<p>The building which currently occupies the development site was likely constructed in the late 1960s or early 1970s and is typical of architecture of the period with its clean lines and lack of ornamentation. The ground floor commercial frontage offers the only real visual interest. The land adjacent and to the rear is an area of Urban Greenspace known as Sandlea Gardens and is defined by an attractive sandstone wall. The</p>

	remainder of the northern axis of Dee Lane features residential dwellings which run down to the parade.
3.7.10	In consultation with the Council's Urban Design Officer, there was some concern over the height of the proposed building. However, as it would sit opposite the adjacent supermarket's service yard, and the fact that the yard and associated supermarket building is rather 'bland' and has a general 'deadening' effect on the street, the proposed height is deemed acceptable and an appropriate contrast and conclusion to this part of the Town Centre. As the fourth floor would be recessed the perceived height of the building would likely feel less imposing from the surrounding footways, and the overall height of the building is therefore considered to be appropriate for this town centre location.
3.7.11	In terms of the proposed design, the building has a modern art-deco architectural language which curves itself around towards the seafront. The development of the site warrants something which is a departure from the general uninspiring design of the existing building and other development in this part of the Town Centre. The Morrisons supermarket presents a dead brick frontage along Dee Lane as its primary frontage is orientated towards the car park which provides little visual interest. The northern axis of Dee Lane appears slightly disjointed with a competing mix of unrelated architectural styles. The proposed development will enhance this by providing an active frontage onto this part of Dee Lane and contrast with the service yard of the supermarket, and the proposed building should therefore make a positive addition to the street scene of the town centre.
3.7.12	Finally, the proposed design would incorporate two ground floor commercial units into its elevation which would maintain an active frontage into this part of the Town Centre. In terms of its design the proposal is acceptable.

<b>3.8 Highways</b>	
3.8.1	The requirements for off-street vehicle and cycle parking are set out as maximums under Policies TR9 and TR12 of the UDP and the accompanying Supplementary Planning Document on Parking Standards.
3.8.2	Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should give priority first to pedestrian and cycle movement, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places whilst minimising the scope for conflict between different users and allowing for the efficient delivery of goods and emergency access.
3.8.3	The proposal will provide one parking space per apartment, located within the ground floor area of the development, and accessed off Dee Lane. The Council's Highways team have advised that the proposed level of car parking of one space per apartment is acceptable in this instance given the development sites location a short distance from sustainable modes of transport and local amenities (shops etc). Highways are satisfied that vehicles can enter and leave the car parking area in a forward gear.
3.8.4	Concern had been expressed initially about prospective residents and customers of the commercial units having to cross Dee Lane and advised that a new uncontrolled crossing with central refuge would be required. However, it is concluded that a refuge would narrow the highway to an unacceptable degree which would potentially increase the incidence of accidents along Dee Lane.

<b>3.9 Ecology and Trees</b>	
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3.9.1	The Local Planning Authority rely on Merseyside Environmental Advisory Service (MEAS) to provide advice and guidance on ecological matters. The protection of species is enshrined in UDP Policy NC7.
3.9.2	The application was supported by a Bat Roost Survey which concluded the loss of the existing building was unlikely to have any negative effect on bat populations. MEAS accepted the conclusions of the Survey.
3.9.3	<p>The proposed development is close to a number of designated sites protected under the Conservation of Habitats &amp; Species Regulations 2017. As there are pathways between the site and these sites a Habitats Regulations Assessment (HRA) on likely effects was required. MEAS concluded that subject to mitigation there would be no adverse impact upon designated sites, however, Natural England should be consulted on their conclusions prior to determination. Natural England have been consulted on the HRA and advise that they have no objection subject to mitigation in the form of;</p> <ul style="list-style-type: none"> <li>• Advisory leaflet for prospective occupiers explaining the importance of local sites</li> <li>• The production and implementation of a Construction Environmental Management Plan</li> </ul> <p>Conditions have been imposed on this basis.</p>
3.9.4	<p>There are a number of mature trees within the Council park, Sandlea Gardens, which currently abut the development site, with their crowns overhanging the existing building. The Wirral Tree and Woodland Strategy is therefore relevant. UDP Policy GR7 states that in assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees and their visual value within the locality. Policy GR7 requires buildings, structures and hard surfaces to be sited in order to:</p> <ul style="list-style-type: none"> <li>• Preserve the wooded character of the site or of the surrounding area;</li> <li>• Ensure retained trees have adequate space to prevent damage to their canopy or root structures during construction and to allow for the future growth of canopy and roots to normal mature sizes;</li> <li>• Prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms or to remove perceived danger to life and property.</li> </ul>
3.9.5	The application was submitted with a supporting Tree Survey. The Survey advised that a single tree (T3 (mature common beech) drawing No. S21558-T) was proposed for removal and would require adequate compensation. However, it was clear from the submitted drawing that the crowns of a number of trees would encroach into the development site and into the private balcony areas of a number of the proposed apartments. In order to provide suitable accommodation for future occupiers, it was considered that these trees would have to be removed for the scheme as presented to be supported.
3.9.6	The applicant subsequently submitted a Tree Addendum which proposed to remove three mature trees within Sandlea Gardens. Four replacement trees (2No. Ginko Biloba and 2No. Nyssa Sylvatica) are proposed in a similar location.
3.9.7	The Local Planning Authority has consulted with the Tree Officer and (as the trees are within public open space) the Parks and Open Spaces Tree Officer. The Tree Officer advised that T2 (mature willow) and T3 are not in a good position so as to attain maturity without affecting the adjacent wall between the park and the application site. The Tree Officer advises that the current trees have a visual value as they obscure the unattractive rear of the existing building. The Parks and Open Spaces Tree Officer advised that T2 and T3 are the only trees they would support losing subject to

	securing replacements. The officer is satisfied that, subject to maintenance, the other surrounding trees will not be impacted by the development.
3.9.8	The Council's Landscape Manager has also been consulted on the proposed works. The Landscape Manager is also only willing to support the loss of T2 and T3 but this is subject to four replacement trees being planted within Sandlea Gardens and a further five trees being planted within the nearby Ashton Park. Thus the loss of two trees (T2 and T3) is considered acceptable on the basis of nine replacement trees being secured. A sum of £2,434.05 has been requested from the developer for replacement planting and a further £1,701 in establishment costs to which they have agreed. This will be secured via a planning obligation under Section 106 of the Town and Country Planning Act.

<b>3.10 Amenity</b>	
3.10.1	UDP Policy HS4 requires new residential development to provide adequate individual private or communal garden space to each dwelling. Adequate distances should also be made between habitable rooms in separate dwellings.
3.10.2	The Supplementary Planning Document provides a number of criteria for flat developments in order to ensure adequate levels of amenity for neighbouring uses and prospective occupiers. Proposals should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor should they be visually overbearing or dominant when viewed from adjoining property. Habitable room windows facing each other should be at least 21 metres apart. Main habitable room windows should be 14 metres from any black gable. If there are differences in land levels or where development adjoins that of a different ridge height a greater separation should be provided.
3.10.3	Proposals for new flat development should be in sustainable locations and accessible by a choice means of transport. High density developments should be within walking range of local services.
3.10.4	As the development site is situated within a Key Town Centre and incorporates ground floor commercial units, UDP Policy SH1 applies. Policy SH1 requires development proposals to not cause nuisance to neighbouring uses or lead to a loss of amenity as a result of noise and disturbance, on-street parking or delivery vehicles.
3.10.5	The development site lies within West Kirby Key Town Centre which is generally characterised by buildings constructed at the back edge of pavement with side spacing often merely providing access to rear entryways utilised for bin storage and servicing. It is expected that densities of development are greater within town centres and more relaxed outside of centres. Regardless, each of the proposed apartments would have a private balcony area which is acceptable in this location. The development would also abut Sandlea Gardens (an area of public open space) whilst the beach and Ashton Park are also within close proximity to the development site. It is therefore concluded that the proposal will provide adequate amenity opportunities for future occupiers.
3.10.6	In terms of neighbouring amenity, the development proposal would be approximately 39 metres from the curtilage of No. 26 Dee Lane (located to the west) and approximately 43 metres from Sandlea House exceeding the above mentioned interface distances.
3.10.7	The development site is located within a sustainable location within close proximity to public modes of transport and local shops and is acceptable in this respect.
3.10.8	Finally, when considering the potential impacts of the ground floor commercial units on amenity, the proposal lies within a key town centre with a supermarket adjacent which operates from 0700 to 2200 hours six days per week. Environmental

	Health have raised no objection to the proposal and the application is considered acceptable subject to the imposition of an hours of opening condition.
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<b>Summary of Decision</b>	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:-
	The proposed development is acceptable in principle and would not adversely affect the character and appearance of the area or the amenity of surrounding occupiers. There would be no adverse impact upon the adopted highway and the Engineer has raised no objection to the proposal. Whilst the proposal would result in the loss of trees there would be a net gain through compensatory tree planting at the expense of the applicant. The proposal would comply with UDP Policies SH1, TL1, HS4, GR5, GR7, TR9 and the National Planning Policy Framework and is recommended for approval.

<b>Recommended Decision:</b>	<b>Conditional Approval subject to a planning obligation to secure a commuted sum of £4,005.05 for the planting of nine replacement trees within the surrounding area</b>
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<b>Recommended Conditions and Reasons:</b>	
<p>1. The development hereby permitted shall begin not later than [3] years from the date of this decision.</p> <p><b>Reason:</b> To comply with Section 91 (as amended) of the Town and Country Planning Act 1990</p>	
<p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 23 November 2021 and listed as follows: PL.001, PL.002, PL.003, PL.004, PL.006</p> <p>Transport Statement</p> <p><b>Reason:</b> For the avoidance of doubt and to define the permission.</p>	
<p>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</p> <p><b>Reason:</b> To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area</p>	
<p>4. Notwithstanding the indicative detail shown on the approved drawings, no development above ground floor slab level shall take place until full details of all new windows and doors, including all sill, lintel, and jamb/reveal detail drawings, at 1:20 scale with cross sections at 1:2 (or similar) have been submitted to and approved in writing by the Local Planning Authority</p> <p><b>Reason:</b> To ensure a satisfactory appearance to the development</p>	
<p>5. No structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be placed on the balconies at any time</p>	

**Reason:** In the interests of preserving the character of the proposed building having regards to the National Planning Policy Framework

6. PRIOR TO FIRST OCCUPATION of the dwellings hereby approved, full details of secure, lockable and covered cycle parking and/or storage facilities for at least eight bicycles 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 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 THE FIRST OCCUPATION OF THE DWELLINGS OR COMMERCIAL UNITS 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

8. No above ground construction shall begin until the LPA has approved in writing a full scheme of works for the construction of the new vehicle accesses from the highway and any amendments to the existing highway made necessary by this development, including details of the temporary vehicle crossing access, the new permanent vehicle access in accordance with LPA concrete crossing specifications and amendments to the footway at Dee Lane for pedestrian safety. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

**Reason:** In the interest of highway safety and to comply with UDP Policy

9. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by The Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of highway safety

10. Prior to first occupation, 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

11. No vegetation management or demolition 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

12. Prior to implementation including any demolition, groundworks, scrub clearance and tree removal, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP should address and propose measures to minimise the main construction effects of the development and include details of ecological mitigation and pollution prevention.

The CEMP should include (but not be limited to) the following; details of any tree or scrub removal (for the avoidance of doubt this should not be between 1 March and 31 August inclusive unless informed by a suitably qualified ecologist); details of construction lighting (for the avoidance of doubt this should be directed away from sensitive ecological receptors, in this instance the adjacent gardens); details of pollution control measures, particularly in relation to airborne pollutants during demolition and a full specification of site hoarding with a minimum height of 2.4 m. The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development. The CEMP should be accessible to site managers, all contractors and sub-contractors working on site

**Reason:** These details are required prior to commencement of works to ensure the environmental impacts of construction are prevented or minimised in accordance with Policy EN5

13. A homeowner sales/information pack which highlights the location of, and promotes the use of, alternative recreational spaces within the area (such as Ashton Park or the raised promenade) 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 herby permitted.

**Reason:** To protect European Sites from excessive recreational pressure

14. 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

15. The ground floor commercial units shall only be open for customers between the following hours:

0700 – 2200 Mondays - Fridays

0800 - 2300 Saturdays

0800 – 2200 Sundays

**Reason:** In the interests of neighbouring amenity

**Informatives**

Construction of the development authorised by this permission shall not begin until the LPA has approved in writing a full scheme of works for the construction of the new vehicle accesses from the highway and any amendments to the existing highway made necessary by this development, including details of the removal of redundant crossings, the new permanent vehicle access in accordance with LPA crossing concrete specifications and amendments to the Dee Lane footway. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

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.

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.

In order to fulfil the highway condition, it may be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, traffic signs, TRO's, road markings, traffic calming, tactile pedestrian paved crossings.

<b>Last Comments By:</b>	3-January 2022
<b>Expiry Date:</b>	13-January-2022

