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## PLANNING COMMITTEE

Thursday, 13 October 2022

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	P Martin
	T Elzeiny	J McManus
	H Gorman	P Stuart
	K Hodson	A Wright
	M Jordan	

Deputies:

Councillors C O'Hagan (In place of G Davies)  
S Powell-Wilde (In place of B Kenny)

85 **WELCOME AND INTRODUCTION**

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

86 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from:  
Councillor Brian Kenny  
Councillor George Davies

87 **MINUTES**

**Resolved –**

**That the minutes of the meeting held on 8 September 2022 be approved.**

88 **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.

The Chair proposed to vary the order of items to accommodate the members of the public present. He proposed dealing with items in the following order:

APP/21/02188 Car park SW of Cherry Tree Shopping Centre

APP/22/01037 Allandale, Farr Hall Road

APP/21/01924 9 Pipers End, Heswall

APP/21/02378 114 Rake Lane, Liscard

The performance reports in order

This was agreed and the minutes are presented in that order.

89 **APP/21/02188 CAR PARK SW OF CHERRY TREE SHOPPING CENTRE**

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

Lead Petitioner Rebecca Lowe addressed the Committee along with Malcolm Goode as a blue badge holder.

Ward Councillors D Kenny and J Williamson addressed the Committee.

The Applicant's Agent, Derek Maynard Smith and Mr Daley spoke in favour of the application and answered questions.

On a motion by Councillor P Stuart and seconded by Councillor P Martin, it was –

**Resolved (unanimously) –**

**That the application be refused on the grounds that the ANPR cameras have an intrinsic role in the management arrangements of the car park which is undermining the vitality and viability of Liscard town centre. The development is therefore contrary to section 7 of the National Planning and Policy Framework and policy SH1 of the Wirral Unitary Development Plan.**

90 **APP/22/01037 ALLANDALE, FARR HALL ROAD**

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

Lead Petitioner Keith Pritchard addressed the Committee on behalf of local residents objecting to this proposal.

Councillor A Hodson spoke in objection on behalf of the Heswall Society.

The Applicant, Michael Mansfield, addressed the Committee.

The Chair, seconded by Councillor K Hodson, moved that the application be rejected on the following grounds:

1 – The proximity of plot 1 to trees protected by a Tree Preservation Order is likely to result in pressure from future occupiers for the removal or significant pruning of these trees to secure reasonable natural light to rooms and gardens, or to remove perceived dangers to life or property, to the detriment of the health and amenity value of the trees and the wider character of the area. As such, the application is contrary to saved policies GRE1 and GR7 of the Wirral Unitary Development Plan.

2 - The proximity of plot 1 to trees protected by a Tree Preservation Order would be likely to result in a poor standard of internal and external amenity at the rear of this dwelling and within the private garden due to the sense of enclosure and shading caused by the proximity and scale of the trees and the extent of their canopies. As such, the application is contrary to saved policy HS4 of the Wirral Unitary Development Plan and paragraph 130 f) and 131 of the National Planning Policy Framework, which seeks to ensure developments create a high standard of amenity for existing and future users of land and buildings.

This was lost with 5 in favour, 7 against

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

**Resolved (7:5) – that planning permission be granted with the following conditions:**

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

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

**2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 30 June 2022 and listed as follows: 21-042-110, Rev M, 21-042-111 Rev E, 21-042-112 Rev C, 21-042-113 Rev B, 21-042-120 Rev F, 21-042-123, Rev B, 21-042-121 Rev F, 21-042-122 Rev B, 21-042-151 Rev E, 21-042-150 Rev E, 21-042-152 Rev B and 21-042-153 Rev B.**

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

**3. No surface water and/or land drainage shall be connected directly or indirectly to the public sewerage network.**

**Reason: to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment and to comply with Policy WA1 (Development and Flood Risk).**

**4. The balcony screens hereby permitted shall be installed before the balconies are first brought into use. The screens shall thereafter be retained for as long as the balconies are in active use.**

**Reason: in the interests of the privacy of neighbouring dwellings and to comply with Policy HS14 of the Wirral UDP.**

**5. Prior to the occupation of the dwellings hereby approved, details of bat boxes, including their number, type and location and the timing of their installation, shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall thereafter be installed in accordance with the approved details.**

**Reason: to compensate for the loss of the existing building that is considered to have moderate suitability for roosting bats and to comply with Policy NC7 of the Wirral UDP.**

**6. Details of external lighting for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is installed. The lighting shall thereafter be installed only in accordance with the approved details.**

**Reason: in the interests of protecting bat habitats and to comply with Policy NC7 of the Wirral UDP.**

**7. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on wild mammals: A pre-commencement check for wild mammals; All trenches and excavations should have a means of escape (e.g. a ramp); Any exposed open pipe systems should be capped to prevent mammals gaining access; and Appropriate storage of materials to ensure that mammals do not use them.**

**Reason: in the interests of protecting wild mammals and to comply with Policy NC7 of the Wirral UDP.**

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

**Reason: in the interests of protecting birds and to comply with Policy NC7 of the Wirral UDP.**

**9. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.**

**Reason: in the interests of protecting birds and to comply with Policy NC7 of the Wirral UDP.**

**10. The development hereby permitted shall be carried out only in accordance with the recommendations of the Arboricultural Method Statement and the Arboricultural Implications Assessment (dated 10 August 22 and 8 August 2022 respectively and both referenced TRE/AFHRH/Rev G).**

**Reason: in the interests of protecting trees on site and to comply with Policy GR7 of the Wirral UDP.**

**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: in the interests of protecting trees and to comply with Policy GR7 of the Wirral UDP.**

**12. Before any above ground construction commences, details of the 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 Policy HS4 of the Wirral Unitary Development Plan.**

**13. Prior to first occupation of the dwellings hereby permitted, a full landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of replacement tree planting on site and shall be implemented in full no later than the first planting season following first occupation. Any trees or shrubs dying within 5 years of being planted shall be replaced with an equivalent species no later than the following planting season.**

**Reason: In the interests of residential amenity and having regards to the Wirral Unitary Development Plan**

91 **APP/21/01924 9 PIPERS END, HESWALL**

The Senior Planning Officer presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Councillor A Hodson spoke against the application.

Jeremy Forsey spoke as the applicant.

In line with Standing Order 9.1, in the Council's Constitution the Chair asked Members to indicate if they wished to continue to deal with all items on the agenda in full, dispose of them briefly or defer them.

**Resolved (unanimously) –  
That the meeting continue until the conclusion of the agenda.**

Councillor K Hodson moved, seconded by Councillor M Jordan, that the application be refused on the following grounds:

That the proposal would result in an unneighbourly form of development due to its scale and close proximity to habitable windows within the neighbouring property 9 Pipers End. This would result in an unacceptable loss of light and overbearing impact which would have a harmful and detrimental impact upon the amenities of existing and future occupiers. The proposal is therefore considered to be contrary to the Wirral Unitary Development Plan policy HS4 and the National Planning and Policy Framework.

This was voted on and lost (4:8).

On a motion by Councillor P Stuart and seconded by Councillor J McManus, it was –

**Resolved (8:4) – that planning permission be granted subject to the following conditions:**

**1. The development must be begun not later than the expiration of three years beginning with the date of this permission.**

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.**

**2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Layout Ref F1528-3C rec 08.09.2022 Proposed Floor Plans Ref F1528-1 rec 06.07.2022 Proposed Elevations Ref F1528-2A rec 31.08.2022 Proposed Double garage Ref F1528-4 rec 06.07.2022 Badger Pathways V2 rec 16.08.2022**

**Reason: For the avoidance of doubt having regard to WMBC UDP Policy HS4 (New Housing Development) and TR9 (Requirements for Off-Street Parking)**

**3. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents, unless otherwise agreed in writing by the Local Planning Authority: Proposed Elevations Ref F1528-2A rec 31.08.2022**

**Reason: To ensure the appearance of the development is satisfactory having regard to WMBC UDP Policy HS4 (New Housing Development)**

**4. The two en-suite windows on the western side elevation and the en-suite and kitchen window on the eastern elevation will be of the development hereby permitted must be; a) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and; b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.**

**Reason: To preserve the amenities of neighbouring properties, having regard to WMBC UDP Policy HS4 (New Housing Development)**

**5. The Badger protection measures described in Badger Pathways V2 rec 16.08.2022 shall be implemented prior to first occupation of the development hereby permitted and maintained in perpetuity for the lifetime of the development. This shall include two-way opening badger gates in the location shown, a minimum of 500mm wide badger pathway in the location shown and a clearance of the garage from the side fence, in the location shown, to allow these pathways of between 0.81m and 0.98m in width.**

**Reason: To preserve the foraging and dispersal habits of badgers, a protected species, and having regard to WMBC UDP Policy NC7 (Species Protection).**

**6. No external lighting shall be used until a scheme for external lighting has been submitted in writing and approved by the Local Planning Authority.**

**Reason: To mitigate potential impacts to the foraging and commuting habitats of bats and having regard to WMBC UDP Policy NC7 (Species Protection).**

**7. The submitted landscaping plan and details described in: Proposed Site Layout Ref F1528-3C rec 08.09.2022 Shall be implemented prior to first occupation of the development hereby approved and shall be maintained for at least a period of 7 years after first occupation of the development.**

**Reason: In the interests of visual amenity and having regard to WMBC UDP Policy HS4 (New Housing Development).**

**8. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the CEMP 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. The CEMP should be accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures, and should include Pollution control measures to protect the adjacent Wirral Way Local Wildlife Site and adjacent habitats, particularly trees. This should include precautionary measures in respect of breeding birds and avoidance measures for badgers, hedgehogs, amphibians and reptiles. These should incorporate any appropriate mitigation measures suggested in the submitted ecological reports in addition to those suggested below. Specific mitigation measures raised by WMBC MEAS consultation response that should be included in the CEMP include: For the protection of Badgers and Hedgehogs: A pre-commencement check for badger and hedgehog; The Installation of protective fencing to prevent badgers entering the construction area; Construction work should be limited to daylight hours to avoid disturbing badger commuting in the vicinity of the development site; All trenches and excavations should be covered or have a means of escape (e.g. a ramp); Any exposed open pipe systems should be capped to prevent mammals gaining access; Appropriate storage of materials to ensure that mammals do not use them; Chemicals or harmful materials stored on site should be kept in secure compounds away from access by animals. For the protection of Amphibians and Reptiles: Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians / reptiles present to move away from the affected areas; 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 amphibians / reptiles from seeking shelter or protection within them; and Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians / reptiles from seeking shelter beneath them. Any excavation must be infilled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians / reptiles. For the protection of breeding birds: No tree felling, scrub clearance or vegetation management should take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected should be submitted for approval.

**Reason:** To mitigate the risk of accidental damage or pollution to the Wirral Way Local Wildlife Site that adjoins the southern boundary and to protect badgers, hedgehogs, amphibians, reptiles and breeding birds and to and comply with WMBC UDP Policy NC7 (Species Protection).

9. An ecological enhancement of 2 bird nesting boxes (including sparrow and/or swift boxes on new buildings) shall be installed prior to first occupation and retained as such thereafter.

**Reason:** To improve bird breeding habitat and comply with UDP Policy NC7 (Species Protection).

10. 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.

92      **APP/21/02378 114 RAKE LANE, LISCARD**

Councillor P Martin moved that this item be deferred to the next meeting as objections had been received regarding the consultation process and the ability of objectors to attend the meeting. Councillor S Foulkes suggested that the reason for deferral should be due to the late hour and to make sure that Members had sufficient time to consider the matter fully. This was moved by Councillor P Martin and seconded by Councillor P Stuart.

**Resolved (unanimously) –  
That the matter be deferred until the next scheduled meeting of the Planning Committee.**



93 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPLICATIONS**

The Chief Planner presented the report of the Director of Regeneration and Place which updated Members on the performance of the Development Management Service with regard to determining planning applications. The report outlined performance against government targets in terms of the speed of processing all applications.

**Resolved –  
that the report be noted.**

94 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPEALS**

The Chief Planner presented the report of the Director of Regeneration and Place which updated Members on the performance of the Development Management Service regarding planning appeals, including the percentage of the Council's decisions overturned (on appeal) by the Planning Inspectorate. It was noted that there were no concerns raised on the performance.

**Resolved –  
That the report be noted.**

95 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE ENFORCEMENT ACTIVITY BETWEEN 01.01.2022 TO 31.03.2022 AND 01.04.2022 TO 30.06.2022**

The Chief Planner presented the report of the Director of Regeneration and Place which updated Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period of 1st January 2022 to 31st March 2022, and 1st April 2022 to 30th June 2022.

**Resolved –  
That the report be noted.**

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