

**Planning Committee**

**30 May 2019**

**Reference:**  
**APP/17/00779**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mr M Parry-Davies**

**Ward:**  
**Prenton**

**Location:**  
**Proposal:**

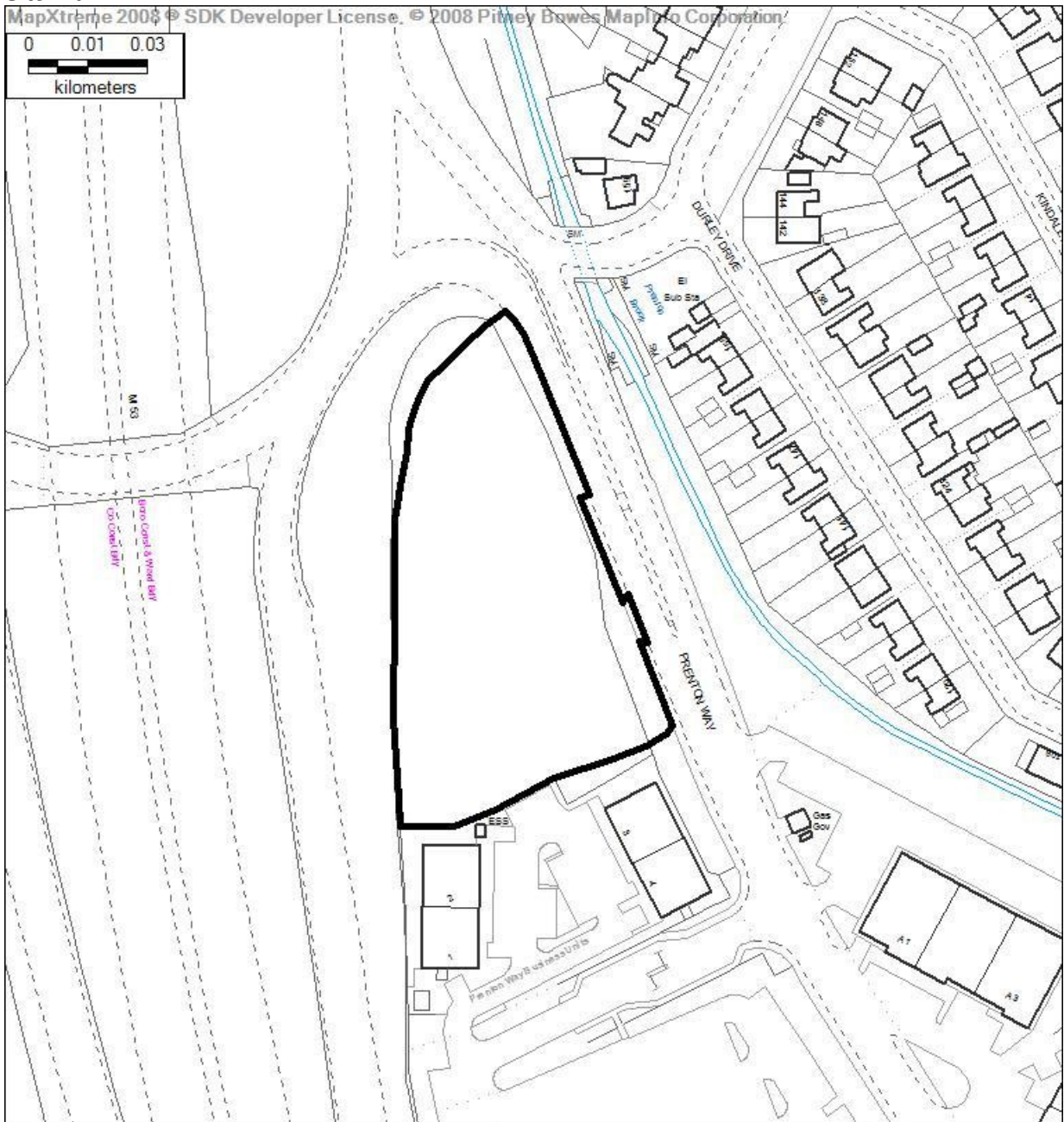
Vacant land, 2A PRENTON WAY, PRENTON, CH43 3DX  
Erection of a two storey restaurant with associated drive-thru, car parking, landscaping and associated works including the installation of 2no. customer order displays with associated canopies, 2no. gas and electricity kiosks, cycle stands, jumbrellas and children's play space.

**Applicant:**  
**Agent :**

MCDONALD'S RESTAURANTS LTD  
Planware Ltd

**Qualifying Petition:** Yes, Number of Signatures: 219

**Site Plan:**



**Development Plan designation:**

Primarily Industrial Area

**Planning History:**

- Location: Land adjacent to Total Fitness Gym, Total Fitness, Prenton Way, Prenton, Wirral, CH43 3DX  
Application Type: Full Planning Permission  
Proposal: Erection of a substation  
Application No: APP/07/05944  
Decision Date: 15/06/2007  
Decision Type: Approved
- Location: Land adj to Total Fitness, Prenton Way, Prenton, Wirral, CH43 3DU  
Application Type: Full Planning Permission  
Proposal: Erection of two office buildings  
Application No: APP/06/06195  
Decision Date: 04/08/2006  
Decision Type: Approved
- Location: Unused Land, 2A Prenton Way, Prenton, Wirral, CH43 3DX  
Application Type: Outline Planning Permission  
Proposal: Erection of two car showrooms (outline)  
Application No: OUT/03/07690  
Decision Date: 27/02/2004  
Decision Type: Approved
- Location: McDonalds Restaurant, West of (rear) 135-155 Durley Drive, Fronting Prenton Way, Prenton, Wirral, CH43 3DX  
Application Type: Full Planning Permission  
Proposal: Erection of a freestanding single storey modular restaurant( A3).  
Application No: APP/00/06448  
Decision Date: 25/01/2002  
Decision Type: Refused
- Location: Land at Former North West Water, North Cheshire Trading Estate, Prenton Way, Prenton, Wirral, CH43 3DX  
Application Type: Advertisement Consent  
Proposal: Erection of a free standing double sided illuminated tower sign.  
Application No: ADV/02/05071  
Decision Date: 05/07/2002  
Decision Type: Refused
- Location: West of (rear) 135-155 Durley Drive, Fronting Prenton Way, Prenton, Wirral, CH43 3DX  
Application Type: Full Planning Permission  
Proposal: Erection of a freestanding single storey modular restaurant ( A3 ).  
Application No: APP/00/06451  
Decision Date: 25/01/2002  
Decision Type: Refused
- Location: Former North West Water, North Ches Trading Estate, Prenton Way, Prenton, Wirral, CH43 3DX  
Application Type: Full Planning Permission  
Proposal: Erection of a two storey exercise, rehabilitation and hydrotherapy centre with associated car park  
Application No: APP/01/05390  
Decision Date: 19/09/2001  
Decision Type: Approved

Location: Former North West Water, North Ches Trading Estate, Prenton Way,  
Prenton, Wirral, CH43 3DX  
Application Type: Advertisement Consent  
Proposal: Erection of two illuminated free standing signs  
Application No: ADV/01/06654  
Decision Date: 28/09/2001  
Decision Type: Approved

Location: Land at junction of M53 Woodchurch Roundabout and Prenton Way,  
Prenton. L43 3DU  
Application Type: Full Planning Permission  
Proposal: Renewal of temporary planning permission WAPP/24318 for use of land for  
youth training horticulture scheme and erection of a portacabin.  
Application No: APP/89/05273  
Decision Date: 16/03/1989  
Decision Type: Approved

Location: East of Manweb, west of railway line, North Cheshire Trading Estate, Prenton  
Way  
Application Type: Outline Planning Permission  
Proposal: Erection of 225,000 sq.ft. of retail floorspace, 10,000 sq.ft. garden centre,  
6,500 sq.ft. restaurant and layout of 1,500 car parking spaces.  
Application No: OUT/88/05483  
Decision Date: 06/07/1988  
Decision Type: Refused

Location: Land to the West of, Prenton Way, Prenton, L43 3DU  
Application Type: Full Planning Permission  
Proposal: Use of land for Youth training Horticultural Scheme and erection of a  
portacabin  
Application No: APP/84/24318  
Decision Date: 22/03/1984  
Decision Type: Conditional Approval

Location: North Cheshire Trading Estate, Woodchurch  
Interchange, Landican, Birkenhead  
Application Type: Advertisement Consent  
Proposal: Estate agency boards  
Application No: ADV/75/03665  
Decision Date: 04/05/1976  
Decision Type: Refused

### **Appeal Details**

Application No	APP/00/06451
Appeal Decision	Dismissed
Appeal Decision Date	09/01/2003

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

#### **1.0 WARD MEMBER COMMENTS**

- 1.1 Councillor Tony Norbury has received representations from local residents who are concerned about antisocial behaviour and noise. He has also heard from other residents who have spoken about the employment opportunity this proposals would present.
- 1.2 Councillor Sam Frost echoes her Ward Colleagues comments and has stated that residents have also been in touch with her re-iterating the concerns set out in the representations below. Councillor Frost also stated that she believed that Members and residents would benefit from the application not being determined using delegated powers.

## 2.0 SUMMARY OF REPRESENTATIONS

### 2.1 REPRESENTATIONS

Having regards to the Council's Guidance on Publicity for Applications, 50 letters of neighbour notification were sent to properties adjacent to or nearby the application site. A Site Notice was also posted and the application was publicised by Press Notice in a local newspaper. 91 representations of objection have been received and these are summarised as follows:

1. Increase in traffic 24 hours a day, including delivery vehicles during the early hours of the morning;
2. Potential danger for pedestrians who would likely take the shortest route around the roundabout (to access the site);
3. Increase in litter;
4. Increase in noise disturbance;
5. There is another McDonald's less than 4 miles away and so this one is not necessary;
6. Decrease in value of properties which have already suffered from devaluation as a result of proximity to the motorway and factories that have been built in the area;
7. McDonald's has previously been refused on this site due to concerns relating to high volumes of traffic in already congested area;
8. Risks to public safety;
9. Attraction of pests to the area already suffering from problems with rats and seagulls;
10. Light pollution for local residents;
11. Anti-social behaviour that McDonald's has a tendency to attract: e.g. boy racers and trouble making;
12. Proposals will be built over a main water feed that has already burst in recent years causing significant flooding and considerable congestion as a result of the trading estate being closed;
13. Insufficient room within the site for large delivery vehicles on a daily basis;
14. Irony of building a fast-food restaurant next to a gym - this will serve to encourage obesity not discourage it and the strain obesity is already having on over-stretched NHS;
15. Four other McDonald's within a 5 miles radius - is there really any need for another?;
16. This area is an Industrial Estate not a shopping centre where this sort of use belongs;
17. Will affect the nearby Green Belt;
18. Loss of privacy for nearby residential properties;
19. Significant impact on emergency vehicles who use this roundabout to access the Arrowe Park hospital - any congestion caused (in an area that already suffers from congestion) would hold up emergency vehicles to and from the hospital;
20. Departure from the Development Plan - decisions should be made having regard to the UDP and this is not in conformity with the UDP - there are no special considerations that would outweigh the policy considerations; and
21. Well established trees and shrubs would have to be removed which at present act as a buffer in terms of air pollution and noise pollution from the adjacent motorway.

### 2.2 CONSULTATIONS

**Highways** - No objection subject to conditions.

**Highways England** - No objection.

**Environmental Health** - No objection.

**Merseyside Fire & Rescue Service** - No objection.

**United Utilities** - Several large pressurised water mains cross the site, covered by legal easements. United Utilities need access for operating and maintaining them. A diversion of the water mains is not acceptable to United Utilities. The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of UU water infrastructure. Following a review of the planning documents submitted for this application, it appears United Utilities assets are likely to be impacted by the proposals in connection with assets that fall under the entrance to the Drive-Thru element of the development, underneath a section of the one-way road system and beneath the reserved

bay car parking area shown on the Site Layout Plan. United Utilities do not offer an objection to the proposed development but should the application be approved there are a number of conditions that should be included in any subsequent Decision Notice to afford appropriate protective measures for the assets in the area.

**Lead Local Flood Authority** - Removes its objection to the proposed development subject to the inclusion of conditions.

### **3.0 Director's Comments**

#### **Reason for Referral to Planning Committee**

The application is a departure from the Development Plan. Having regard to the current Scheme of Delegation for Determining Planning Applications, this application is required to be determined by the Planning Committee.

A qualifying petition of objection signed by more than 25 signatures (219) has also been received.

### **3.1 Site and Surroundings**

3.1.1 The site is located at the northern part of the North Cheshire Trading Estate, adjacent to the M53 Motorway. The site is immediately adjacent to the roundabout at Junction 3 of the motorway giving access to Prenton Way and to Woodchurch Road. To the south are located a number of industrial uses; to the east are residential properties located on Durley Drive, Linden Drive and Kindale Road and to the west is the M53 motorway and open fields beyond.

3.1.2 The site currently benefits from mature landscaping in the form of mature trees and shrubs around the perimeter of the site. The site has been vacant for some time.

### **3.2 Proposed Development**

3.2.1 The application seeks permission for the erection of a 2-storey restaurant with drive-thru, car parking, landscaping and associated works. The restaurant will be operated by McDonalds. The building will have an internal floor area of 501 square metres and a gross area of 582 square metres. 43 parking spaces, together with an additional 4 disabled parking bays are proposed and access to the site is proposed in the south-east corner of the site via Prenton Way.

### **3.3 Development Plan**

3.3.1 Policy EM8 (Development within Primarily Industrial Areas) allows for proposals that fall within uses falling within Classes B1, B2 or B8 of the Town & Country Planning (Use Classes) Order 1987 and for proposals that relate to the reconstruction, extension or expansion of existing businesses.

3.3.2 Policy SH9 (Criteria for Out-of-Centre and Edge-of-Centre Retail Development) allows for such development provided that the proposals would not undermine the vitality and viability of any Key Town Centre or Traditional Suburban Centre as a whole; the proposal is accessible by a choice of mode of transport and would not have any adverse effect on overall travel and car use.

3.3.3 Policy SH10 states that proposals considered acceptable in terms of Policy SH9 will be permitted if the proposal is not located in the Green Belt; will not prejudice the Borough's requirement for housing or industrial land/premises; does not generate traffic in excess of that which can be accommodated by the existing highway network; has adequate provision for highway access and servicing arrangements together with off-street car and cycle parking; the siting, scale, design, choice of materials and landscaping is appropriate to the character of the area and the proposal will not cause nuisance to neighbouring uses (especially in respect of noise and disturbance).

3.3.4 SPD 3 (adopted 30 October 2006) provides additional guidance on the development and use of premises in Wirral as a café, restaurant, hot food takeaway or as a drinking establishment

such as a wine bar or public house.

### **3.4 Assessment**

3.4.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development ;
- Design;
- Highways;
- Drainage; and
- Amenity

#### 3.5 Principle of Development:

3.5.1 The proposed site is designated as part of a Primarily Industrial Area covering the North Cheshire Trading Estate on the Unitary Development Plan Proposals Map. The principle consideration in relation to the site Policies EM8 (Development within Primarily Industrial Areas). Policy EM9 Non-Employment Uses in Industrial Areas cited by the applicants as the principal consideration only applies to sites allocated for employment use, which is not the case here.

3.5.2 UDP Policy EM8 is considered to be consistent with the NPPF and its focus on building a strong, competitive economy (paragraph 80 refers). It does not seek to protect any site that has no reasonable prospect of being used for employment purposes (B1, B2 & B8). Draft Policy CS17 – Protection of Employment Land - (as amended) in the emerging Local Plan requires the submission of marketing information and evidence to show that the premises have been continuously marketed for employment uses (B1, B2, B8) for a period of at least 12 months in order to demonstrate there is no reasonable prospect of the site continuing to be used for employment purposes.

3.5.3 In this regard the applicant has submitted a report by Hitchcock, Wright and Partners who indicate that they have been marketing commercial property on the North Cheshire Trading estate continuously for over 14 years. The report considers details of the application site, other premises available in the area, analysis of recent transactions, marketing of the site, and financial viability. Evidence of marketing appears to be in relation to the Industrial Estate as a whole rather than specifically the application site. Their report concludes that there is limited demand for commercial premises in the area and the level of rent for office and industrial property, and the lengthy marketing voids and rental concessions, does not support commercial development. The site constraints would increase development costs further. The report considers that there are many alternative brownfield commercial development sites available in Wirral that are likely to be more efficient in terms of net developable area and cost of construction. The loss of 1.2 acres, and less on a net developable basis, of commercial development land on Prenton Way will, in the applicants view, have minimal effect on the commercial land supply in the Borough.

3.5.4 The Wirral Employment Land and Premises Study (WELPS) prepared by Lichfields consultants was approved by full Council on 9<sup>th</sup> June 2018 as a material consideration in the determination of planning applications and forms part of the Council's evidence base for the emerging Local Plan. Lichfields assessment of the application site (WELPS site ref 94) concludes that the site area should be reduced to reflect on-site constraints and the site re-designated to allow a wider range of mixed commercial uses (which may include non-B class uses in a future site specific local plan to secure delivery but not form part of the Borough's ongoing employment land supply.

3.5.5 To comply with national policy the Local Planning Authority would need to be satisfied that there is no reasonable prospect of the site being used for employment purposes (B1, B2 & B8) and be prepared to reallocate it for a more deliverable use that can help address identifiable needs through the Local Plan; and in the interim support planning applications on the basis that they would contribute to meeting an unmet need for development in the area (NPPF paragraph 120 refers).

3.5.6 In this case, the site has been vacant for a substantial period of time and given the conclusions of the evidence submitted by the applicant (notwithstanding the potential limitations of this in relation to the marketing of the site in question), the site constraints and the conclusions in the WELPS that site should be re-designated for mixed commercial uses to secure delivery, it is considered reasonable, in the specific circumstances of this case, that proposals for non B-class uses should be considered positively.

3.5.7 Sequential Assessment

National policy requires that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan (paragraph 86 refers). The applicant has submitted a sequential assessment (dated July 2017) which considers sites capable of accommodating a freestanding drive-thru restaurant of 582m<sup>2</sup> (and associated parking to meet the operational requirements of the store) in Birkenhead town centre, Moreton, Heswall and Woodchurch Road. No location/boundary plans of the sites assessed are included. The twelve sites assessed are all discounted, on grounds either of suitability, viability or availability. The applicant contends that the location of the proposed development is not only sequentially the most appropriate, but also the optimum location for the proposed use and also provides an opportunity to take advantage of passing traffic and linked trips. Although the sequential assessment is deficient in some respects, the broad conclusions relating to the lack of suitable, viable or available sites for a drive through restaurant within the centres assessed can be accepted.

3.6 Design:

3.6.1 The overall layout of the site has been informed by surrounding uses and the constraints of the site itself. The design of the 2-storey building reflects the overall branding of the McDonald's brand whilst also taking into account the site specific background of the local environment. This includes how the layout of the development fits in with the urban form of its location.

3.6.2 The footprint of the building has been designed to meet the operational requirements as a McDonald's restaurant, both in terms of customers choosing to eat in or take away from the premises.

3.6.3 The key layout influence on the site has been the location of the main building within the site which has been cited to minimise its impact on adjoining land uses. The positioning of the main building has in turn influenced the remainder of the built form across the site including the location of the car parking and landscaping, cycle racks and bin stores etc.

3.6.4 The pallet of materials proposed for the development are modern and directly connected to the McDonald's brand message. Colours proposed are natural and neutral including the use of khaki green timber effect aluminium and natural stone colours to achieve a subtle feel to the building proposed. The materials balance the operational requirements of the building, the architectural history of the brand and the integration of the proposals with the surrounding environment.

3.7 Highways:

3.7.1 The applicants submitted a Transport Assessment in support of the application which calculates the likely vehicle movements associated with a development of this scale based on TRICS (Trip Rate Information Computer System), which is a nationally recognised database of trip rates for developments used for transport planning purposes, specifically to quantify the trip generation of new developments. The applicant has also used count data and customer interview survey data from comparable McDonald's restaurants. The Assessment has been considered in detail by the Council's Highways engineers and it is concluded that the submitted figures for traffic generation are a robust assessment.

3.7.2 The impact of the proposed development on the highway network has been assessed at the following junctions using the appropriate junction modelling software for each junction:

- A552 Woodchurch Road/M53 Junction 3 Roundabout; and
- Prenton Way/Site Access.

The results of that assessment indicate that each of the junctions would operate within capacity.

- 3.7.3 The proposals provide for 48 car parking spaces (inclusive of disabled parking and cycle parking provision) and the Council's Highways engineers consider this to be an appropriate parking provision based on the expected level of demand and having regards to the Council's Supplementary Planning Document 4 - Parking Standards.
- 3.7.4 Concerns have been voiced regarding the safety of pedestrians and cyclists accessing the proposed development should it be approved. In response to those concerns, a Section 278 Agreement to include for the provision of a controlled toucan crossing and high friction surfacing treatment along Prenton Way and other localised alterations is proposed. The design of the controlled toucan crossing has gone through the required process with regards to safety auditing and is acceptable to the Local Highway Authority subject to the detailed design being submitted as part of the subsequent 278 submission.
- 3.7.5 The Transport Assessment demonstrates that both service bays can be accessed and egressed safely and illustrates that adequate visibility splays can be provided at the access to the site. In respect of parking and turning within the site, the plans submitted demonstrate that any internal movements would not affect the public highway.
- 3.7.6 Having considered all of the details for the development proposed, it is not considered that there are any sustainable reasons to refuse this development on the grounds of highway safety or congestion. A number of conditions are proposed to ensure the development does not adversely impact on highway safety.
- 3.8 Drainage:
- 3.8.1 The proposals have been considered in detail by the Lead Local Flood Authority (LLFA). The LLFA had originally objected to the proposed development due to the absence of adequate information to assess the principle of surface water drainage associated with the proposed development. Although the application site is located within Flood Zone 1 (defined by the Planning Practice Guidance as having a low probability of flooding), the proposed scale of the development was considered by the LLFA to present a risk of flooding on-site and off-site if surface water run-off is not effectively managed
- 3.8.2 The applicants have worked with the LLFA to submit additional information that sets out the requirement for the LLFA to manage local flood risk within the area. The LLFA are satisfied that the details provided together with conditions proposed (should planning permission be forthcoming) are now sufficient to enable the LLFA to manage any potential for flood risk in the area and as such their original objection has been removed.
- 3.8.3 Several large pressurised water mains cross the site, covered by legal easements, operated by United Utilities (UU). Access for operating and maintaining them is required by UU. A diversion of the water mains would not be acceptable to UU. The Water Industry Act 1991 affords UU specific rights in relation to the maintenance, repair, access and protection of their water infrastructure. Any grant of planning permission would not override or remove these rights. The assets likely to be impacted by the proposals are located underneath the area shown on the site layout as the entrance point for the drive-thru element of the development, underneath a section of the one-way road system and beneath the reserved bay car parking area. No buildings would be located over the UU asset(s).
- 3.8.4 There is an easement crossing the development site which is in addition to the statutory rights of inspection, maintenance and repair afforded to UU. Whilst this a private property matter rather than a planning consideration, the applicants are aware of the easement and the assets in question and a number of conditions are proposed (should permission be granted for this development) together with informative notes. UU do not object to the development subject to the conditions and informatives being imposed on any subsequent grant of planning permission.
- 3.9 Amenity:
- 3.9.1 A number of concerns have been highlighted that are directly linked to amenity, including



concerns around anti-social behaviour, noise disturbance, security and littering and light pollution.

3.9.2 The building has been designed with natural security and surveillance in mind. The building itself benefits from extensive areas of glazing which allows for views both in and out of the building promoting natural surveillance. A CCTV system will be installed externally to cover the site with monitors linked to staff areas including the Managers' office and kitchen areas. The site layout has been designed to minimise any potential hiding places and lighting will be provided to design out any potential "dark spots." Such measures will assist in minimising and dealing with any potential issues relating to anti-social behaviour etc.

3.9.3 The nearest residential property is 155 Durley Drive. This property (and others located along Durley Drive) are separated from the application site by Prenton Way. The rear elevation of the closest residential property to the site perimeter is 35 metres. That dwelling is 41 metres from the inside edge of the internal (drive-thru) road and 48 metres from the closest part of the main building. Therefore, the interface distances between the site and the nearest residential properties identified in SPD 3 are all comfortably achieved. The building has been designed to incorporate a roof-level plant zone which would be fully screened around its perimeter, thereby reducing at source any operating noise levels from external plant. The site would also be landscaped to minimise both the appearance of the site but also to act as a buffer between the site and nearby residential properties. Environmental Health Officers raise no objections to the proposed development in terms of potential for noise disturbance.

3.9.4 The rationalisation of lighting and reductions in required lux levels (including replacement of any tungsten filaments with compacts) and the installation of sensor and photo controlled lighting both within and outside of the buildings will ensure that there will be no light pollution to surrounding uses.

3.10 Other:

3.10.1 Other concerns relating to other McDonalds restaurants being located nearby and therefore another one is not needed, the decrease in the value of residential properties nearby, previous refusals on the site for McDonalds restaurants and impact on the Green Belt have been listed. The proximity of other McDonalds restaurants is not a material planning consideration nor is the potential for the devaluation of property in the area. The site is not in the Green Belt and the proposals are unlikely to have any impact as such. Whilst there has been previous refusals on this site relating to the impact that such a development would have on the local highway network, these current proposals have been scrutinised closely and considered carefully by the Council's Highways Engineers who have worked closely with the applicants highways advisors/consultants and with the imposition of appropriately worded conditions and the additional work that has been undertaken with regards to the submitted plans and Transport Assessment, the Local Highway Authority and the Local Planning Authority are satisfied that the previous reasons for refusal have been addressed.

3.11 Conclusion:

3.11.1 It is considered that having regards to the considerable period of time that the site has remained vacant, notwithstanding its designation in the Unitary Development Plan, that national and local planning policies are generally supportive of alternative uses for the site being brought forward. The development will provide for the creation of new jobs and details have been provided that demonstrate opportunities for skills and training through the end users employment programmes. Parking has been provided within the site and more sustainable methods of transport have been detailed in the accompanying Transport Statement and will also be secured via appropriately worded planning conditions. The design and layout of the proposed development is appropriate for the area and the proposed materials to be used in the construction of the building and throughout the scheme together with appropriate landscaping proposals will ensure the development integrates with its surroundings.

### **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:-

It is considered that having regards to the considerable period of time that the site has remained vacant, notwithstanding its designation in the Unitary Development Plan, that national and local planning policies are generally supportive of alternative uses for the site being brought forward. The development will provide for the creation of new jobs and details have been provided that demonstrate opportunities for skills and training through the end users employment programmes. Parking has been provided within the site and more sustainable methods of transport have been detailed in the accompanying Transport Statement and will also be secured via appropriately word planning conditions. The design and layout of the proposed development is appropriate for the area and the proposed materials to be used in the construction of the building and throughout the scheme together with appropriate landscaping proposals will ensure the development integrates with its surroundings.

**Recommended Decision:**                      **Approve**

**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 11 August 2017 and listed as follows: Drawing Number 7202-SA-8141-AL01 B (dated May 2017); Drawing Number 7202-SA-8141-AL03 A (dated May 2017); Drawing Number 7202-SA-8141-P004 A (dated May 2017); 7202-SA-8141-P005 A (dated May 2017); 7202-SA-8141-P006 A (dated May 2017) and 7202-SA-8141-P007 A (dated May 2017)

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

3. Before any construction above ground level commences, samples 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.

4. Prior to the commencement of any building works above ground level, full details of the hard and soft landscaping of the site (including all boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the proposal and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** For the avoidance of doubt and in the interests of amenity having regard to the Wirral Unitary Development Plan

5. The development hereby permitted shall not be occupied until the associated access roads and parking spaces have been laid out in accordance with the approved plans. The access roads and parking spaces shall thereafter not be used for any other purpose.

**Reason:** To ensure safe and satisfactory vehicle movement and parking on the site.

6. The development hereby permitted shall not be occupied until the pedestrian crossing has been laid out in accordance with details provided in drawing no. 3201-07A.

**Reason:** To ensure the safety and convenience of users of the crossing.

7. NO DEVELOPMENT SHALL TAKE PLACE until a delivery management plan has been submitted to and agreed in writing by the Local Planning Authority. Deliveries to the development hereby approved shall be undertaken in line with the approved details unless agreed otherwise in writing by the Local Planning Authority. No deliveries shall take place between the hours of 7:30-9.30 am, 12.00-13.30pm and 16.00-18:30 hours Monday to Sundays unless agreed otherwise in writing by the Local Planning Authority.

**Reason:** To provide safe access to the development and to prevent congestion on the highway.

8. 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.

9. PRIOR TO FIRST OPERATION of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall detail incentives for encouraging access to the site by modes other than the car and shall be implemented in all respects following the commencement of the operation of the use hereby approved.

**Reason:** To ensure that alternative forms of travel are promoted to encourage reduced dependence on the car having regard to the requirements of paragraphs 108, 109, 110 and 111 of the National Planning Policy Framework (February 2019).

10. NO DEVELOPMENT SHALL TAKE PLACE (including any demolition works) UNTIL a Construction Management Plan or Construction Method Statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved details.

Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

**Reason:** In the interests of the safe operation of the local highway network and having regards to visual and residential amenities of the area.

11. PRIOR TO FIRST OCCUPATION a full scheme of works and timetable for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, cycleways, verges, street lighting, surface water drainage, traffic signs, TRO's, road markings, street furniture, access onto the adjacent highway, road safety audit and monitoring shall be submitted to and agreed in writing with the Local Planning Department. The works shall be completed in accordance with the details as approved.

**Reason:** In the interests of the safe operation of the local highway network and having regards to visual and residential amenities of the area.

12. No development shall take place until a detailed Construction Risk Assessment Method Statement (RAMS) is submitted to and approved by the Local Planning Authority. The

statement shall outline how the pressurised water mains will be protected not only during the construction period but for the lifetime of the development and should include (although not exclusively) considerations such as changing land levels, vibration, disturbance and health and safety considerations. The development shall be undertaken in accordance with the approved RAMS.

**Reason:** To ensure a satisfactory form of development and to afford appropriate protection of infrastructure that crosses the site.

13. No development shall commence until the final detailed sustainable drainage design<sup>1</sup> for the management and disposal of surface water from the site based on the principles and details identified in the following submissions has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- SuDS Report (25<sup>th</sup> October 2018/ Ref: MD4160945/FG/013/ Issue 1/ Glanville)

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

14. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be **fully constructed prior to occupation** in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

#### **Further Notes for Committee:**

1. In order to fulfil the highway condition, it will 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 on the highway in Prenton Way and Durley Dr. The provision of a controlled Toucan crossing, high PSV carriageway surfacing on the approach to the proposed controlled crossing facility and all necessary amendments to the carriageways, kerbing, footways, cycleways, verges, street lighting, surface water drainage, traffic signs, TRO's, road markings, access onto the adjacent highway, tactile pedestrian paved crossings, street furniture. An independent Road Safety Audit shall be submitted to and agreed by the LPA and subsequent Road Safety Audit monitoring will be required upon completion of the development.
2. The applicant is advised that it is the responsibility of the applicant/developer to investigate the possibility of any United Utilities' assets potentially impacted by these proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development. A sewer and water plan can be purchased from United Utilities by visiting <https://www.unitedutilities.com/property-searches/> The applicant/developer is advised to

contact United Utilities regarding any potential water supply or connection to the public sewers. Additional information is available at <https://www.unitedutilities.com/builders-developers.aspx>

During and post construction there should be no additional load bearing capacity on the mains without prior agreement from United Utilities. This would include earth movement and the transport and positioning of construction equipment and vehicles. Existing land levels must not be increased/decreased over the water mains and public sewers either during or after construction without prior approval from United Utilities.

The applicant/developer is advised to contact United Utilities by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk)

### 3. **1Terms of Condition 13**

Final Detailed Sustainable Drainage Design to comply with DEFRA's technical standards for sustainable drainage systems and include:

- Drawings to include:
  - Final layout of roads and properties including plot numbers, finished floor levels and boundaries
  - Final layout of sewers; outfalls; SuDS; flow control details (must match flow control in calculations)
  - Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows
  - Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations
- Hydraulic modelling for final drainage strategy to include:
  - System performance for following return periods; 1, 30, 100, 100 plus appropriate climate change allowance
  - Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event with a limiting discharge rate as stated in the above referenced drainage strategy
  - Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs
  - Flow control device design calculations demonstrating compliance with limiting discharge rate as stated in the above referenced drainage strategy at the correct design head
  - Volumetric runoff co-efficient (Cv) should be set to '1'
  - Sensitivity checking for climate change at 40% if lower allowance used and climate change allowance to be applied in simulation criteria
- Timetable demonstrating completed SuDS construction prior to occupation
- Construction phase surface water management plan for each construction phase
- Copy of Ordinary Watercourse Consent for proposed works to culvert

4. For the avoidance of doubt, this permission **does not** grant the applicant permission to carry out work to/within the ordinary watercourse(s). The grant of planning permission by the Local Planning Authority does not mean that Land Drainage Consent will then be given. The applicant is advised that consent **must** also be obtained for Land Drainage Consent from Wirral Council's Lead Local Flood Authority **before** starting any works on site. Failure to do so may result in enforcement action. Information on the application process and relevant forms can be found at the bottom of the following webpage: <https://www.wirral.gov.uk/communities-and-neighbourhoods/emergencies/flooding/flood-monitoring-and-reports> It is the expectation of the LLFA that where diversion of an existing culvert is proposed, "daylighting" is considered in the first instance.

**Last Comments By:** 08/11/2017  
**Expiry Date:** 06/10/2017