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PLANNING COMMITTEE

Thursday, 9 June 2022

Present: Councillor S Kelly (Chair)

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

Deputies: Councillors S Powell-Wilde (In place of B Kenny)

60 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 21 April 2022 for approval.

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

Resolved – That the minutes of the meeting held on 21 April 2022 be approved.

61 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.

Councillor A Wright declared that she had a prejudicial interest in item 4, by virtue of having worked with interested parties prior to her appointment to the Committee. She indicated that she would leave the chamber during consideration of that item.

62 TREE PRESERVATION ORDER NO WR0421 WESTCLIFFE HOUSE, 5 CROFT DRIVE WEST, CALDY, CH48 2JQ

A report by the Director of Law and Governance informed the Committee of an objection to Wirral Borough Council Tree Preservation Order No WR0421 and recommended that the order should be confirmed.

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

Resolved unanimously that the Council Tree Preservation Order No WR0421 be confirmed.

- 63 **APP/21/01962: HILSTONE GRANGE, 17 STANLEY ROAD, HOYLAKE, CH47 1HN CONVERSION AND EXTENSION OF EXISTING BUILDING TO CREATE 7 APARTMENTS, INCLUDING DEMOLITION OF EXISTING GARAGE**

Councillor A Wright left the Chamber during the consideration of this matter, having declared a prejudicial interest.

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

On a motion by Councillor S Foulkes and seconded by Councillor K Hodson it was –

Resolved unanimously – that the application be approved subject to the following conditions.

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).**

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 16 December, 2021, 13 May, 2022 and 17 May, 2022 and listed as follows:

**B103 Rev.B (Proposed Ground Floor Plan), dated: 10 December, 2021;
B104 Rev.B (Proposed First Floor Plan), dated: 10 December, 2021;
B105 Rev.B (Proposed Second Floor Plan), dated: 10 December, 2021;
B106 Rev.C (Proposed Front and Street Scene Elevations), dated: 11 May, 2022;
B107 Rev.B (Proposed Right Side and Rear Elevations), dated: 10 December, 2021;
B108 REV.B (Propose Left Side and Rear (Golf Course Aspect) Elevations), dated: 10 December, 2021;
B109 Rev.F (Proposed Site Plan), dated: 17 May, 2022;
C140 Rev.A (Proposed Outbuildings); dated: 13 May, 2022;
C150 Rev.C (Proposed Footpath Crossing), dated: 17 May, 2022; and
C601 Rev.A (Proposed Window Details), dated: 11 May, 2022.**

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

Before any construction commences, samples of the facing and roofing 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 CH2 of the Wirral Unitary Development Plan**

The new windows and doors throughout the development shall be implemented in accordance with the approved full details received by the LPA on 13 May, 2022 and illustrated in drawing C601 Rev.A (Proposed Window Details), dated: 11 May, 2022, and shall remain thereafter.

***Reason:* To protect character and appearance of the Meols Drive Conservation Area to comply with Policy CH2 of the Wirral's UDP**

The construction of the new vehicle access from the highway and any amendments to the existing highway made necessary by this development, shall be completed in accordance with the approved full scheme of works received by the LPA on 17 May, 2022 and illustrated in drawing C150 Rev.C (Proposed Footpath Crossing), dated: 17 May, 2022, prior to occupation of the development.

***Reason:* In the interests of highway safety and to accord with Policy TR9 in the in the Wirral Unitary Development Plan.**

Prior to the commencement of works a Construction Environmental Management Plan detailing pollution control measures to be implemented during works on site to prevent any runoff into the adjacent designated area shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Environmental 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 interests of protecting designated sites and to accord with Policies NC1, NC3, NC5 and NC6 of the Wirral Unitary Development Plan.**

The following Reasonable Avoidance Measures (RAMs) shall be undertaken during the construction phase:

- 1. Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians to move**

- away from the affected areas;
2. The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
 3. 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 from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians .

Reason: To protect amphibians during construction and to comply with Policy NC7 (Species Protection) in the Wirral Unitary Development Plan.

A residents information leaflet shall be provided to all new residents of the development advising them of the importance of the European sites and a responsible user code.

Reason: In the interests of protecting designated sites and to accord with Policies NC1 of the Wirral Unitary Development Plan.

All exterior lighting shall be designed and used in accordance with the guidance of the Bat Conservation Trust.

Reason: To minimise the impacts on bats and their insect food from excessive light spill onto important habitats (e.g. linear bands of vegetation) in line with NPPF paragraph 180.

No tree felling, scrub clearance, hedgerow removal, 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, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

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

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

Reason: To mitigate the loss of bird breeding habitat and to comply with Policy NC7 in the Wirral Unitary Development Plan

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 Waste Local Plan

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Wirral UP Policies GR5, GR7, CH2 and LA7.

The new secure covered cycle parking/storage facilities, shall be provided in accordance with the approved details received by the LPA on 13 May, 2022 and illustrated in drawing C140 Rev.A (Proposed Outbuildings), dated: 13 May, 2022, 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.

The new external bin store shall be provided in accordance with the approved details received by the LPA on 13 May, 2022 and illustrated in drawing C140 Rev.A (Proposed Outbuildings), dated: 13 May, 2022, 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 a satisfactory appearance and adequate standards of hygiene

The off-street parking spaces, as shown on the proposed site plan (ref: B109 Rev.E) shall be provided for occupiers as shown prior to first occupation and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority

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

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ADV/21/02183: CAR PARK SW OF CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU. RETROSPECTIVE ADVERT CONSENT SOUGHT FOR 6 NO. NON-ILLUMINATED POLE MOUNTED AND 2 NO. NON ILLUMINATED WALL MOUNTED FASCIA SIGNS AND APP/21/02188: CAR PARK SW OF CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU. RETROSPECTIVE PERMISSION SOUGHT FOR ERECTION OF 2 NO. POLE MOUNTED ANPR AND 1 NO. WALL/POLE MOUNTED ANPR CAMERAS TO THE CAR PARKS. REPLACEMENT OF 4 EXISTING NO. PAY AND DISPLAY MACHINES

The Chair proposed and it was agreed by assent that items 5 (ADV/21/02183) and 6 (APP/21/02188) would be introduced and debated together.

The Development Management Manager presented the reports of the Director of Regeneration and Place in relation to the above applications for consideration.

Lead petitioners Rebecca Lowe and Carl Thompson addressed the Committee.

The Ward Councillors D Kenny and J Williamson addressed the Committee.

The applicant, Fraser Richards, Account Manager for Smart Parking, accompanied by a legal representative, Derek Millard Smith of JMW Solicitors addressed the Committee.

On a motion by the Chair and seconded by Councillor K Hodson it was –

Resolved (6:6 with Chair's casting vote) that –

ADV/21/02183 and APP/21/02188 be deferred to a future meeting of the Planning Committee and further information be sought from the Regeneration and Place Directorate on the likely impact these applications would have on the vitality of Liscard Town Centre and the scope to mitigate such concerns.

65 **APPOINTMENT OF MEMBERS TO STRATEGIC APPLICATIONS SUB-COMMITTEE**

A report by the Director of Law and Governance recommended that the Planning Committee establish a Strategic Applications Sub Committee as per instructions within the Council's Constitution.

The Lead Principal Lawyer (Regeneration, Planning and Property), noted that an alternative option to the recommendation had been submitted as a supplemental agenda item and reflected the responsibilities of the Strategic Applications Sub-Committee as agreed by Planning Committee in October 2020.

On a motion to adopt the alternative option as laid out in the supplemental agenda by the Chair and seconded by Councillor S Foulkes it was:

Resolved unanimously that –

(1) the Terms of Reference of the Strategic Applications Sub-Committee, as referred to in paragraph 3.1 of the report, be noted and those matters delegated to it be reserved to Planning Committee except as set out in paragraph 4 of this resolution.

(2) the size of the Strategic Applications Sub-Committee, having regard to the options referred to at paragraph 5.3 of the report be set at 7 members of the Planning Committee with 3 Labour Members, 2 Conservative Members, 1 Liberal Democrat Member and 1 Green Member;

(3) the Monitoring Officer be authorised as proper officer to carry out the wishes of the Group Leaders in allocating Members to membership and substitute membership of the Strategic Applications Sub-Committee and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members

(4) the following matters shall be determined at the Strategic Applications Sub Committee:

(i) Large-scale major developments (defined by the Ministry for Housing, Communities and Local Government (MHCLG) as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature, (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance.

(ii) significant applications by Wirral Borough Council to develop any land owned by the Council, or for development of any land by the Council or by the Council jointly with any other person (Regulation 3 applications).

(iii) Applications where it was proposed to make a decision that is a significant departure from the policies of the development plan, with the exception of domestic extensions.

(iv) Decisions that would need to be referred to the Secretary of State with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.

(v) informal pre-application discussions with developers in relation to any matter which potentially may come before the Sub-Committee for later decision.
