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PLANNING COMMITTEE

Wednesday, 29 June 2022

Present:

Councillor S Kelly (Chair)

| | | |
|-------------|-----------|-----------|
| Councillors | S Foulkes | B Kenny |
| | G Davies | P Martin |
| | T Elzeiny | J McManus |
| | H Gorman | A Wright |
| | M Jordan | |

Deputies:

Councillors D Burgess-Joyce (in place of K Hodson)
S Powell-Wilde (in place of P Stuart)

66 **MINUTES**

The Director of Law and Governance submitted the minutes of the meeting held on 9 June 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 9 June 2022 be approved

67 **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.

68 **APP/21/02094 21 MANOR ROAD, LISCARD, CH45 4JA, RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM ALLEYWAY TO GARDEN, AND ERECTION OF NEW FENCE (AMENDED DESCRIPTION)**

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

The Development Management Manager noted that an error had been noted in paragraph 3.7.2 of the report regarding the condition to erect the proposed fence within a specified timescale. It should read “within 3 years” and not “within 3 months”.

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

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

1. **The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 07 March 2022 and listed as follows:**

Detail drawing numbers 1171-02-01-001 Rev D Location Plan (dated 07 March 2022), 1171-02-02-002 Rev D Site Layout Proposed (dated 07 March 2022) and 1171-02-90-001 Rev A Proposed Fence Details (dated 11 October 2021)

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

2. **The fence detailed in drawing numbers 1171-02-02-002 Rev D (dated 07 March 2022) and 1171-02-90-001 Rev A (dated 11 October 2021) shall be erected within 3 months of the date of the permission and retained thereafter.**

Reason: In the interest of residential amenity and to accord with policy HS11 of the adopted Wirral UDP.

- 69 **APP/21/00288 CARBERRY, 28 QUARRY ROAD EAST, HESWALL CH60 6RB, ERECTION OF 7NO. APARTMENTS IN A SINGLE BLOCK WITH ASSOCIATED PARKING, LANDSCAPING, BIN AND CYCLE STORAGE FOLLOWING THE DEMOLITION OF EXISTING DWELLING AND GARAGE**

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 the Chair it was –

Resolved unanimously – that the application be approved subject to 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 12 & 17 May 2022 and listed as follows:**

**PLP 002V2
PLP 003V2
PLP 004V2
PLP 005V2
PLP 009**

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

3. Before any external facing construction commences, samples of the facing 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.

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

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

5. No tree felling, shrub removal, scrub clearance, or vegetation management is 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 trees, shrubs, 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: To avoid any detrimental impact onto nesting birds having regard to Wirral's UDP Policy NC7

6. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on protected species:

- A pre-commencement check for badger and hedgehog.
- 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.
- Appropriate storage of materials to ensure that mammals do not use them

Reason: Having regard to priority species in accordance with Wirral's UDP Policy NC7

7. Details for the construction of the widened vehicle access from the highway in Quarry Road East and any amendments to the existing highway made necessary by this development shall be submitted in writing to the LPA in accordance with LPA crossing specifications. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

Reason: Having regard to Highway safety

- 8. 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.**

Prohibited Activities.

The following activities must not be carried out under any circumstances:

- A. No fires to be lit within 20 metres of existing trees and shrubs to be retained.**
- B. Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.**
- C. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.**
- D. No builders debris or other materials to be stored within the Root Protection Areas.**
- E. No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be a used and located not within 10 metres of any Root Protection**
- F. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.**

G. No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

Arboricultural Site supervision.

The Arboricultural Impact Assessment & Method Statement Ref NWTC 21.03 and Tree Protection Plan PL.P.008 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section 7 of the report Ref NWTC 21.03, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with UDP Policy GR7

- 9. Before any demolition or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.**

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with UDP policy GR7.

- 10. 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.

11. Notwithstanding the details shown on the proposed site plan, details of the bin storage and secure cycle storage shall be submitted to and approved in writing prior to first occupation of the building. The bin and cycle storage shall be erected as agreed prior to first occupation and maintained as such thereafter.

Reason; Having regard to appearance and amenity in accordance with Wirrals UDP Policy HS4

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. 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 prior to the commencement of the works for the approval of the proposed details.

70 **APP/218/02147 ALLANDALE, FARR HALL ROAD, HESWALL, CH60 4SD, DEMOLITION OF AN EXISTING BUILDING AND DEVELOPMENT OF 4NO. DETACHED DWELLINGS, WITH ASSOCIATED HARD AND SOFT LANDSCAPING**

The Chair proposed and it was agreed by assent that this item would be heard first due to the level of public interest in this application. The order of items reverted to the agenda after this item.

Councillor G Davies was running late and missed the beginning of the debate so was not able to exercise his right to participate on this item.

The Development Management Manager 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.

The applicants' agent, Andy Armstrong addressed the committee.

On a motion by the Chair and seconded by Councillor M Jordan it was:

Resolved (7:4:1) – that the application be refused on the following grounds:

1. **The proximity of plot one 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 a 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 one 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 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.

71 **EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC**

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

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 5 and 7 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

72 **FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE AT 77 CHESTER STREET, BIRKENHEAD**

The Principal Planning and Enforcement Team Leader introduced a report of the Director of Regeneration and Place which set out enforcement options against the owner of 77 Chester Street, Birkenhead for failing to comply with the requirements of an enforcement notice.

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

Resolved unanimously – that the recommendations as detailed in the report be agreed.

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