

# PLANNING COMMITTEE

Thursday, 9 November 2023

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	B Kenny
	H Gorman	J Stewart Laing
	K Hodson	G McManus
	C Baldwin	Jason Walsh
	M Booth	

Deputy:

Councillor GJ Davies (In place of S Powell-Wilde)

43 **WELCOME AND INTRODUCTION**

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

44 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor S Powell-Wilde, who was deputised by Councillor George Davies.

45 **MINUTES**

The Director of Law and Governance submitted the minutes of the Planning Committee meeting held on 11 October 2023.

**Resolved – That the minutes of the Planning Committee meeting held on 11 October 2023 be approved.**

46 **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 item on the agenda and if so, to declare them and state what they were.

No such declarations were made.

47 **ORDER OF BUSINESS**

With the consent of the Members of the Committee, the Chair agreed to vary the order of business.

48 **APPH/23/00355: 71 THE VILLAGE, BEBINGTON, WIRRAL, CH63 7PL - RE-INSTATEMENT OF GATE AND PIER AND PART OF WALL TO FRONT; EXCAVATION WORKS TO FRONT, SIDE AND REAR; CONSTRUCTION OF CAR PORT TO SIDE; DEMOLITION OF REAR EXTENSION; CONSTRUCTION OF**

## **TERRACE AND PART BASEMENT LEVEL AND PART GROUND FLOOR LEVEL EXTENSION TO REAR; ALTERATIONS**

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

The Chair made reference to the addendum to the report.

The Lead Principal Lawyer advised in respect of a correction to the addendum in that Section 93(2) of the Levelling Up and Regeneration Act 2023 would not come into force until regulations were made by the Secretary of State. Therefore Members were asked to disregard this.

The Chairman of Friends of Mayer Park, Mr Dennis Boyd addressed the Committee.

Ward Councillor, Ed Lamb addressed the Committee.

The applicant's representative, Mr Armstrong addressed the Committee.

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

**Resolved (10:1) – That the application be approved subject to the following conditions:**

**1. The development hereby permitted shall begin not later than 3 years from the date of this decision.**

**2. The development hereby permitted shall be carried out in accordance with the approved plans and document received by the local planning authority on 07/03/2023, 19/09/2023, 03/10/2023 and 19/10/2023 and listed as follows: -**

**- 21-048-110 Revision F and 21-048-111 Revision E received on 07/03/2023;**

**- 21-048-130 Revision P received on 19/09/2023;**

**- the tree protection outlined in the Arboricultural Method Statement Ref. TRE/71TV/Rev F received on 03/10/2023; and**

**- 21-048-122 Revision G, 21-048-120 Revision Q, 21-048-141 Revision B and 21-048-121 Revision F received on 19/10/2023.**

**3. The construction of the rear extension and car port shall not take place until samples of the materials to be used in the construction of external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.**

**4. The construction of the rear extension shall not take place until sample panels of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The approved sample panels**

shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panels.

5. Before development commences on the approved re-instatement of piers and wall to front, full details and specifications of the approved re-instatement of piers and stone wall to front shall be submitted to and agreed in writing by the Local Planning Authority. The information submitted shall include details of all new materials (including reconstruction with the use of original material as far as practicable), designs, stone samples, coping samples and finishes. The re-instatement of the pier and stone wall shall then be completed in accordance with the agreed details within six months of the date of this decision.

6. Before the windows and doors hereby approved are installed, details of their material (including the material of the lintel above), design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

7. Details of the species mix, height and density of new planting to the boundary shown on the approved site plan ref. 21-048-130 Revision P shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed extension. All planting, seeding and/or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the extension or the completion of the development, whichever is the sooner, and any planting which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8. The measures contained in the approved arboricultural method statement ref. TRE/71TV/Rev to protect the health of existing trees during construction shall be implemented in full throughout the construction phase.

49      **APP/22/00662: MEMORIAL HALL, THE SPIRE, BRECK ROAD, POULTON, CH44 3BD - DEMOLITION OF EXISTING DERELICT HALL, PROPOSED NEW 33 NO. APARTMENTS WITH ASSOCIATED LANDSCAPING WORKS**

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

The applicant's agent, Mr Johnson addressed the Committee.

On a motion by Councillor Kathy Hodson and seconded by Councillor Steve Foulkes it was –

**Resolved (unanimously) –**

**(1) That the Director of Regeneration and Place be authorised to approve the application subject to the following conditions and subject to the completion of an agreement pursuant to section 106 of the Town and County Planning Act 1990.**

**1 The development hereby permitted shall begin not later than [3] years from the date of this decision.**

**2 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 13 April 2022, 16 September 2022 & 17 August 2023 and listed as follows:  
21101-PJA-00-00-DR-A-1100-D  
21101-PJA-01-ZZ-DR-A-2100  
21101-PJA-01-ZZ-DR-A-2000-B**

**3 No development involving the use of any facing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**4 Prior to first occupation, a scheme for the provision of bird nesting/bat boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved shall be completed and available for use prior to first occupation/use of the development and shall thereafter be retained.**

**5 No development or demolition shall take place until a report on a programme of historic building investigation, including a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of historic building investigation and works shall be undertaken in accordance with the approved Written Scheme of Investigation (WSI).. The WSI must include the following five steps:**

- A programme and methodology of site investigation and recording.**
- A programme for post-investigation reporting to include production of a final report of the significance of the historic building.**
- Provision for appropriate publication and dissemination of the archaeology and history of the historic building, including protection and location of historic artefacts**

- Provision for archive deposition of the report and records of the site investigation.
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

**6 No development or demolition shall take place until a report on a programme of archaeological works including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of archaeological works and works shall be undertaken in accordance with the approved Written Scheme of Investigation (WSI). The WSI must include the following five steps:**

- A phased programme and methodology of site investigation and recording;
- A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
- Provision for appropriate publication and dissemination of the archaeology and history of the site;
- Provision for archive deposition of the report, finds and records of the site investigation; and
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

The Historic Building Investigation and archaeological investigation works should be described in a Written Scheme of Investigation (WSI) produced by an appropriately qualified and experienced archaeologist. For the historic building investigation, it should conform with the standards of Historic England 2016 Understanding Historic Buildings: A Guide to Good Recording Practice (<https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/>).

**7 No tree felling, scrub clearance, vegetation removal, hedgerow removal 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.**

**8 The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:**

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

**9 Prior to demolition a minimum of two nocturnal bat surveys shall be completed to further assess the building's use by roosting bats and**

those surveys shall be submitted to the Local Planning Authority. The surveys should follow the guidance set out in Collins (2016), which are seasonally constrained to May to September (inclusive) and submitted to the Local Authority prior to any demolition works.

**10 No development shall commence until final detailed plans and particulars of the sustainable drainage system, in the form of a 'Final' Sustainable Drainage Strategy, for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The details of the 'Final' Sustainable Drainage Strategy must be based on the principles and details identified in the following submitted documents and Terms of Condition below; Drainage Strategy (Feb 22 / Drawing No 21101-T-DRS-CIV-500 / Rev C/ Thomasons) Drainage Strategy & Management and Maintenance Plan (January 2023 / Contract No LV1160 / Rev B/ Thomasons) The approved scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved 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. For the avoidance of doubt, the surface water discharge rate from the development site shall be no more than 4.2l/s. Terms of Condition; Final/Confirmed Sustainable Drainage Strategy to comply with DEFRA's technical standards for sustainable drainage systems, and the SuDS Manual and include: Justification of final design Drawings to include: Final layout of site with proposed ground and finished floor levels Pre and post development flow paths Plan showing hatched permeable/impermeable areas. Final layout of sewers; outfalls; SuDS. Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; emergency overflows and annotation that correlates to the hydraulic calculations Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. 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 on-site storage for the 1 in 100 year (plus climate change) critical rainfall event Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs Volumetric runoff co-efficient (Cv) should be set to '1' Timetable including any phasing and demonstrating completed SuDS construction prior to occupation Construction Phase Surface Water Management Plan Secure means of access for maintenance and easements, if applicable**

**11 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 in consultation with the Lead Local Flood Authority. The approved drainage scheme shall be fully constructed prior to occupation. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements in accordance with the approved details, shall be submitted prior to occupation 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.**

**12 A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees, including location and type of a minimum of 13 new replacement trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

**13 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any 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.**

**14 Prior to first occupation provision and distribution of a resident's advisory leaflet within the sales packs of the properties which will include details of a 'responsible user code' for visitors to the international and national sites in line with LCR\_leaflet\_wirral.pdf (meas.org.uk).**

**15 The development shall not be occupied until the parking including 2 accessible parking bays and turning area[s] have been provided in accordance with details which have been first submitted to and approved in writing by the local planning authority and the area[s] shall**

thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

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

**17 The provision of a new footway contiguous to, and adjacent with, the development boundary along the Mill Lane frontage is required, and for these works to be installed and completed prior to the first occupation of the apartments.**

**18 No plant or materials shall be brought onto site until Root Protection Area fencing and Ground Protection has been installed in accordance with the submitted tree protection plan and specification.**

**Thereafter:**

**Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification, without prior approval of the arboricultural consultant and/or the local planning authority.**

**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.**

**(2) That the Director of Regeneration and Place be authorised to refuse the application in the event that a satisfactory section 106 agreement is not received within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.**

50 **APP/23/00282: 11 CALDY ROAD, WEST KIRBY, WIRRAL, CH48 2HE - THE DEMOLITION OF THE EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF A DETACHED BUILDING CONTAINING 6 APARTMENTS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING**

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

Ward Councillor, Jennifer Johnson addressed the Committee.

The applicant's agent, Mr Nellist addressed the Committee.

On a motion by Councillor Steve Foulkes and seconded by Councillor Kathy Hodson it was –

**Resolved (unanimously) – That the application be approved subject to the following conditions:**

**1. The development hereby permitted shall begin no later than 3 years from the date of this decision.**

**2. The development hereby permitted shall be carried out in accordance with the approved plans listed as follows:**

**LOC/01 rev. B (Location Plan)**

**PLAN/01 rev. E (Proposed Site Plan)**

**PLAN/02 rev. C (Proposed Ground & First Floor Plans)**

**PLAN/03 rev. C (Proposed Second Floor & Roof Plans)**

**PLAN/04 rev. D (Proposed West & South Elevations)**

**PLAN/05 rev. D (Proposed East & South Elevations)**

**PLAN/06 (Bin & Cycle Store Details)**

**PLAN/07 rev. A (Existing & Proposed Caldy Road Streetscene Sections)**

**PLAN/08 rev. A (Existing & Proposed Sections Through 11 Clady Road)**

**PLAN/09 rev. A (Existing Dwelling Plans Elevations)**

**Dusk Survey Results, Issue No. 1, Tyrer Ecological Consultants, 08.06.23**

**Updated Preliminary Ecological Appraisal, Tyrer Ecological Consultants 08.06.23**

**Preliminary Ecological Appraisal, Tyrer Ecological Consultants 13.02.21**

**Dusk Survey Results, Tyrer Ecological Consultants, 12.08.21**

**Arboricultural Impact Assessment & Method Statement, Tree Solutions.**

**Arboricultural Consultants, ref. 20/AIA/WIRR/81, June 21**

**Topographical Survey, dwg. no. 8788/01**

**3. No development above ground shall take place until the adjacent dwelling at no.9 Caldy Road as shown on the hereby approved Location Plan (ref. LOC/01 rev. B) and Proposed Site Plan (PLAN/01 rev. E) and edged in blue has been demolished.**

**4. The facing materials to be used in the external construction of this development hereby approved and set out in the PLAN/4 Rev. D (Proposed West & North Elevations) & PLAN/5 Rev. D (Proposed East &**

**South Elevations) shall be used in the construction of the development unless agreed otherwise in writing with the Local Planning authority.**

**5 Prior to occupation of the development hereby approved, all windows in both side elevations of the building hereby approved shall be fixed and obscurely glazed on installation and remain as such thereafter.**

**6. Prior to the commencement of any works to the superstructure (other than demolition), a detailed scheme for landscaping will be submitted to and approved in writing by the Local Planning Authority**

**The scheme shall comprise of a plan and specification and demonstrate:**

- a. The materials to be used for hard and soft surfacing;**
- b. Tree and hedge planting across the site (including a minimum of 10no. trees)**
- c. Detailed planting plan and specification for soft landscaping of land**
- d. The location and design of fences, gates, walls, railings or other means of enclosure**
- e. The timing of implementation of the scheme; and**
- f. The development shall be carried out strictly in accordance with the approved details. The development shall not be first occupied until the landscaping scheme has been implemented in full and the scheme shall be retained for the life of the development.**

**7. Prior to first occupation of the development hereby approved, the secure cycle storage and refuse storage structures as shown on approved drawings PLAN 01 Revision B (Proposed Site Plan) and PLAN 06 (Refuse and Cycle Stores Plans and Elevations) shall be constructed strictly in accordance with the hereby approved plans, made available for use and be retained in situ in perpetuity.**

**8. No development shall commence (excluding any demolition works) until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and retained as such thereafter.**

**9. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect ecology and that does not result in excessive light spill onto the habitats in line shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented in accordance with those details prior to the occupation of the development hereby approved and retained as such thereafter.**

**Further guidance is available at the Bat Conservation Trust website**

<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

10. Prior to first occupation, a scheme for the provision of bird nesting/bat boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The boxes so approved shall be completed and available for use prior to first occupation/use of the development and shall thereafter be retained.

11. No tree felling, scrub clearance, vegetation management, ground clearance or building works 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, 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.

12. No development hereby approved shall take place (including ground works and vegetation clearance) until a method statement, prepared by a competent person, has been submitted to and approved in writing by the local planning authority. The Method Statement shall include, but not limited to the following:

- A plan showing the extent of the Three-cornered Leek, Himalayan Cotoneaster and Virginia Creeper;
- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of if treatment/removal is required.

Thereafter the development shall be carried out in accordance with the approved method statement

13. No plant or materials shall be brought onto site until Root Protection Area fencing and Ground Protection has been installed in accordance with the submitted tree protection plan and specification. (Drawing number 03) within the Arboricultural Impact Assessment and Method Statement by Tree solutions.

Thereafter:

Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification, without prior approval of the arboricultural consultant and / or the local planning authority.

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.**

**14. The Arboricultural Method Statement in Appendix 5 and Tree Protection plan 21/AIA/WIRR/81 03 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 page 13 of the report, by a suitably qualified tree specialist.**

**15. Prior to the occupation of the development hereby approved, a tree replacement strategy showing a minimum of 10 new replacement trees of a minimum heavy standard size shall be submitted to and approved in writing by the Local Planning Authority. The tree replacement strategy shall comprise of a plan and specification of the number, species, size and location of all replacement trees and a method statement to secure the sustainable planting of trees.. The approved Tree replacement Strategy must be adhered to and implemented in full during the first planting season following the first occupation of the development or the completion of the development, whichever is sooner. Any trees which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation".**

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