

Alan Evans
Director of Regeneration & Place
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Application **DPP3/20/00420**
Decision Made **02/09/2020**

Notice of Resolution to Carry Out Development by the Local Authority

Town and Country Planning Act 1990

To: Planning
BDP
11 Ducie Street
MANCHESTER
M1 2JB

For: Mr. Parker
Wirral Council
Wallasey Town Hall
51 Brighton St
Wirral CH44 8ED

Subject **Outline Planning Application (with all matters reserved except access) for development of up to 11 apartments and 480sqm retail floorspace on land off Boundary Road.**

Location **LAND AT FORMER 41 TO 43, BEBINGTON ROAD, NEW FERRY**

Council Decision Summary

The decision to grant Planning Permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to any problems arising in relation to dealing with this application and have implemented the requirement in National Planning Policy Framework paragraph 187. In reaching this decision, the Local Planning Authority has had regard to the following:

The principle for the proposed development is supported by the national and local planning policy. The proposed development is in line with the RDP produced by the Council for the area affected by the gas explosion in 2017 in the central New Ferry.

The proposed development seeks to revert residential and retail use on the application sites which were left with irreversible damage and cleared following the gas explosion in 2017. The application proposals also seek to a promote city centre living in the area, in line with the requirements of policy SH1 of the Wirral UDP and policy CS7 of draft Wirral Core Strategy.

Wirral Borough Council hereby gives notice of a resolution to carry out the development specified in the application and accompanying plans submitted by you. Planning Permission is therefore deemed to be granted by the Secretary of State subject to the following matters:-

- 1 The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 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 1st April 2020 and listed as follows: 0050-B-004A Rev A ,0050-B-003A Rev A and 0050-B-005A received on 26th March 2020 and the Design and Access Statement dated March 2020, the Planning Statement Rev C dated March 2020 and the Heritage Statement Rev B dated April 2020

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

- 3 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.

- 4 Before any construction commences, samples of the facing/roofing/window 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.

- 5 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.

Reason: In the interests of highway safety and to accord with Policy HS4 of the Wirral Unitary Development Plan.

- 6 The detailed landscaping plans submitted as reserved matters shall include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) a schedule of implementation

Reason: In the interests of visual amenity and to ensure that the development complies with Policies of the Wirral Unitary Development Plan.

- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is sooner, for its permitted use. The approved landscape management plan shall be carried out as approved.

Reason: To ensure landscape features are properly considered and protected and to accord with Policy HS4 of the Wirral Unitary Development Plan.

- 8 PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

- 9 Prior to the commencement of the development, a full scheme of works for the reinstatement to standard footway levels of the existing vehicle access from the Boundary Road that is rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.

Reason: In the interest of Highway Safety and to comply with National and Local Plan Policy

- 10 Prior to the commencement of any development and as part of an application for the approval of reserved matters for layout, appearance and landscaping, full details of the sustainable drainage system to serve

the site, in the form of a 'Confirmed/ Final' Sustainable Drainage Strategy¹ and method of implementation shall be submitted in accordance with the submitted FRA and Outline Drainage Strategy (27-08-2019/ V01/ 072984 New Ferry/ Curtins) for consideration by the Local Planning Authority in consultation with the Lead Local Flood Authority. The surface water discharge rate must be as close to as reasonably practicable to the greenfield runoff rate and not exceed a rate of 5 l/s for all events up to and including the 100 year plus climate change event.

The submitted final detailed drainage design should be in accordance with the terms of condition below.

Reason : To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 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.

- 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, 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 Paragraph 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.

- 12 Prior to approval of any reserved matters application, the developer shall enter into a development agreement which will set out the level and type of affordable housing and a schedule for its delivery to be provided on site. This shall be at a minimum of 10% and shall comply with the definition set out in the NPPF (Annex 2) or superseding Guidance.

Reason: To ensure the provision of Affordable Housing and to comply with para 64 of National Planning Policy Guidance.

Notes To Applicant

The decision to grant planning permission has been taken having regard to the policies and proposals in the Wirral Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance.

Compliance with Conditions: The Council expects strict compliance with all conditions. Failure to do so may result in the service of a Breach of Condition Notice and prosecution by the Council.

The applicant/developer is reminded that they may need to comply with other regulations that are not granted by this planning permission. The applicant/developer must gain all necessary consents as required (e.g. from water authorities, highways authorities, building regulations or landowners benefitting from legal rights affecting the land) before development is commenced. The granting of this planning permission for the use of the land does not confer any express or implied approval for other regulatory authorities and the applicant/developer is advised that the separate consent(s) of other authorities may be required before the development commences. You are advised that it is the responsibility of the applicant/developer to ensure all separate consents are obtained where required.

Building Regulations: A separate submission under the Building Regulations 2010 (as amended) may be required before you commence this development. You are therefore advised to consult the Building Control Section at this office. Tel: 0151 691 8454

The Local Planning Authority has displayed a Site Notice advertising your application. It is normally mounted on a fence, lamp post or other item of street furniture. In order to keep the environment of Wirral clean and tidy would you please arrange to have this Notice removed as soon as possible.

Street naming and numbering process is a statutory function of the Council in allocating building names and addresses to new developments and conversions. Any addresses assigned outside of this process will not be officially recognised. Further information is available on our website via the following link; <https://www.wirral.gov.uk/planning-and-building/street-naming-and-numbering>, or by making contact with the section by either telephoning 0151 691 8454 or by emailing buildingcontrol@wirral.gov.uk, with your enquiry.

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."
2. The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development. Paragraph 165 of the NPPF requires maintenance arrangements to be in place to "ensure an acceptable standard of operation for the lifetime of the development".

It is the advice of the LLFA that the maintenance arrangements capable of **ensuring** an acceptable standard of operation for the lifetime of the development, to satisfy paragraph 165 of the NPPF, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance/replacement of all communal components of the system as per the approved Operation and Maintenance Plan and that any property-level SuDS remain in situ as per the approved surface water drainage strategy.

The LPA should be aware that the surface water drainage proposals include:

- **Communal components that may not be adopted by the Water and Sewerage Company** - the LPA should be satisfied that maintenance of all communal components has been secured in perpetuity via an appropriate mechanism / agreement.

1 Terms of Condition

Final Detailed Sustainable Drainage Design to comply with DEFRA's technical standards for sustainable drainage systems and The SuDS Manual C753 and include:

- Justification of final design
- If infiltration is proposed; GI report, infiltration testing to BRE 365, trial pit records and completed table B.6 Infiltration assessment checklist from The SuDS Manual C753
- Drawings to show:
 - Contributing areas
 - Final layout of roads and properties including plot numbers, finished floor levels and boundaries with exceedance routing clearly shown
 - Final layout of soakaways; sewers; outfalls; SuDS; flow controls and overland flow paths (designed for exceedance)
 - SuDS serving multiple properties such as soakaways and storage tanks situated in communal areas
 - Invert levels (to OS datum), cover levels, manhole and pipe sizes; pipe gradients; SuDS; materials; emergency overflows and annotation that correlates to the hydraulic calculations
- Hydraulic modelling for final drainage strategy to include:
 - System performance for the following return periods; 1, 30, 100 plus appropriate climate change allowance
 - System performance demonstrating adequate storage for the 1 in 100 year critical rainfall event (plus climate change allowance)
 - Volumetric runoff co-efficient (Cv) should be set to 100%
 - Urban creep allowance of 10% should be included as appropriate
- Timetable demonstrating completed SuDS construction prior to occupation

- Details of any phasing
- Provisional Operation and Maintenance Plan for all components
- Construction Phase Surface Water Management Plan

A handwritten signature in black ink, appearing to read "Alan Evans".

ALAN EVANS
Director of Regeneration & Place