

AREA FORUM (HESWALL AND PENSBY & THINGWALL)

Thursday, 25 February 2010

Present:

Councillor	L Rowlands (Chair)
Councillors	P Johnson R Wilkins
Community Representatives	Tony Garrett, Mark Johnston
Older People's Parliament	Sandy Cameron
Lead Officer	None
Area Service Co-ordinator	Tracey Smith
Streetscene Manager	Mark Traynor
Community Safety	Ian Lowrie
NHS Wirral	Russell Favager
Wirral University Teaching Hospital NHS Foundation Trust	Alistair Bardsley
Merseyside Police	Inspector Kate Cunningham
Merseyside Fire and Rescue Service	John Davies
Apologies	David Armstrong
Councillors	S Quinn M Redfern

1 **WELCOME, INTRODUCTIONS AND APOLOGIES**

Cllr. Rowlands welcomed everyone to the meeting, and he stated that Tracey wished to apologise that Barnston had been missed off the heading. It will be on next time.

2 **AREA CO-ORDINATOR'S REPORT**

All agreed that the Minutes of the previous meeting were a true record, and copies were available if anyone wanted them. The Minutes were signed, and it was agreed that any matters arising would be dealt with under Headings on the Agenda.

3 **PLANNING PROCESSES - MATTHEW DAVIES DEVELOPMENT CONTROL MANAGER**

Cllr. Rowlands introduced Matthew Davies and said that as many of the queries at the Area Forum meetings were regarding Planning in and around the Borough, Matthew Davies had come to give an insight as to how Planning works round the Borough, and how it works right through to the final approval or dismissal.

Matthew Davies, Development Control Manager for Wirral Council.

Wirral is a bit of an 'odddity' – the Planning function is split into three departments.

The Planning covers houses LDF and UDP.

Development Control is perhaps what people have most inter-action with – the general, Public planning investment, planning applications for everything (including trees and hedges) and presentation. In terms of Planning Development, there are two teams, and Heswall falls into the South team.

Development is the carrying out of building, engineering, amending or the material change of use in buildings or land. Other things are involved, such as the demolition of a wall in a Conservation Area, the rules are slightly different in all Conservation Areas.

There are effectively several types of Planning applications, and we have to be aware of them all –

(1) Outline Planning permission is where someone is seeking to erect a new building or some sort of development, and there may not be enough information provided with the application for full Planning, so it is just an Outline application. Outline sometimes means that the applicant just wishes to sell a site, with the added benefit of Planning permission.

(2) the next step is the approval of the resource matters, and the details of the application, the outline of the access etc. and the proposed design.

(3) Full Planning Applications are for everything on the site, the layout, the design, listed buildings and permission to carry out work on protected buildings. Any trees in a Conservation Area are protected, and those that we visit outside a Conservation Area are protected by a T.P.O.

How are applications processed, and how do we proceed? When the application is received, we check that we have all the information to make a decision, and we check the register, and the application is given a specific file page number, with the prefix the year. The application is placed in the public register at Cheshire Lines, and published, and there are three ways in which this can be done. We send out a neighbour notification to anybody who is next to a site that we have received an application. Some times we include more people and send letters out to them, and the period of time is 21 days. Recently, Telecom have prohibited notices being put on their poles. The notices are fairly obvious, they are bright yellow, and every application has a site notice, and there are now more than before, because we have often been asked why did we not get a letter of notification? One lady reported that they are usually tied too high up the lampposts, and you cannot read them.

The third is a Press Notice, and they are advertised by law. Departures from the UDP, listed buildings or in a Conservation Area.

How can you object to a Planning Application? By writing in to the Planning Department – we do occasionally get letters in support of them also. Sometimes you might hear about them by word of mouth, or general articles in the Press, but by whatever means you hear about an application, you are entirely free to make objection if you so wish. Copies of all applications with supporting documents are available for inspection at Cheshire Lines, and they are on view on the website. You can also, if you wish, make an appointment to speak to the Case Officer dealing with a particular application.

All comments should be made in writing with your name and address and the Planning Application number. The set time for application comments is 21 days, and it should be noted that, on the website, it shows the last date for comment, and that is because sometimes the letter goes in the Press a bit later than the application. Once that last date has gone, the Council have the right to make a decision.

There are legal Regional and National Planning Policies, and the Officers have to be aware of all the requirements, and follow them. The current document for us at the moment is The Wirral Unitary Development Plan, and the strategy is at the back, but this is due to be replaced.

There are a raft of statements on the Department's website (about 25 in total) and they range from such items as climate change, wastewater risk etc. and these are also national concerns.

Sandy Cameron asked which region does Wirral come into, and Matthew replied the North West. The North West Development Agency covers areas, including Cumbria and Lancashire.

The appeal decisions, which are heard tend to direct Planning Policy – for example, we may determine household planning decision, and the Inspector may turn over our decision, and it may be that we have not done the right thing. Loss of light is something which we have to consider – that is daylight and night, overshadowing, overbearing, loss of trees, layout and density of buildings. These are all things that we have to consider if you are looking to object to an application. There are some things that we cannot consider, and we do get many objections from people, but they are not always rescinded, because they are sometimes matters that are controlled

under other legislation. Health and safety for example, private issues between neighbours, loss of value of a property, loss of a view, competition between businesses. Objections relating to the fact an application has been submitted retrospectively.

There are some people who will do something contravening the Planning rules. Problems arising from the construction of any works.

We try to minimise that as much as we can, but we cannot refuse it simply for that reason. Any comments received on planning applications cannot be treated confidentially. They will go on the file, and that file is available for public inspection.

We are frequently asked "why have I not received a response to my objection?" On Wirral we determine between 2,000 and 3,000 applications, and all applications will generate at least one letter for every one, and we do not have time to answer every letter. We summarise the objections in our Report, and your objections are addressed.

How are Planning applications processed? They are all looked at for the area, although the current Area Plan is different for public consultation. This finishes on 6th March, and there is a document at the back of the room, and it is also available on the website. We also contact other departments and outside agencies – most commonly they include the Borough Engineer and the Environmental Health Officer. We consult also the Tree Officer, the National Trust, Natural England and we do have an Architectural Liaison Officer from Merseyside Police who comes into the office to discuss the applications with our Officers, and they pick up issues relating to crime. The difficulty is that a Planning Officer has to balance all the conflicting thoughts on an application, and it is his decision, following looking at all the points which have been raised. It may be that he will look at the application with the people and ask for the drawings to be revised. If the revisions are minor, then the neighbours who were originally informed will be so again. Around 95% are delegated to the Director of Technical Services for his decision. Those applications not dealt with under delegated powers go to the full Planning Committee. Councillors are allowed to request that an application should be taken out of delegated powers, but they have to put forward true planning objections. A qualifying petition is one which has been sent by 25 households, not 25 people.

Mr. Rosenberg asked is the Council vote is divided, is there anyone who has the casting vote?

MD replied that there are 12 members on the Planning Committee, and if they equal, the Chairman has the casting vote.

Central Government have given us eight weeks to make a decision, and at the moment, around 87% are made within those time scales. Major applications are given 13 weeks, because they will take longer to consider. During the 8 week period (or the 13 week period) the applicant has the right to appeal that the Council has taken too long to reach a decision. He can go to the Secretary of State and request a decision to be made through a Planning Inspectorate from Bristol. Once an application is taken down that route, the Council cannot be involved, and it is up to the Planning Inspectorate. Once a decision is made, the notice will be sent within 24 hours, either to the applicant or his agent. It will also be put on the website. If you object, you should make it clear that you wish to receive the decision. Decisions for

Refusal have to be given, and also for Planning Permission when it is granted. Most grants for Planning permission are subject to conditions and enforcements. If an applicant thinks a condition is not fair, he can appeal within six months.

Lady asked whether an objector could be present whilst the application is being considered.

MD replied that it is allowed. If a Property Developer puts in an application for development, and a neighbour did not wish the development to be approved, the full Planning Committee would consider whether the development would have a negative result for the neighbourhood, and may suggest that the application is revised, and one other point to be raised is that objections may not always be relevant to the planning. The Council will very often attach conditions to an approval, and this will control the implementation of the promise to control the operation of the permission. Also, in the case of outlining consensus, in formulating the condition, the Council have six rules for the planning condition.

The conditions must be relevant, and must be necessary.

That the conditions are all in the control of the applicant, and all conditions must be endorsed.

Where the planning conditions and where there are improvements to the Highway, the Council will enter into a legal agreement for these works.

The planning applications will stay valid for three years.

If an application has not been implemented in that three-year period, it lapses, and if they want to go ahead, they will have to re-apply.

There is a difference between a diversifying consent and a Planning consent. The difference is that the first is likely to take up to 20/30 years to complete the development. Sometimes we may grant a temporary permission, and that is for the Council to allow the time to assess the development – i.e. for hot food takeaways in residential areas. We might give a temporary 12-month approval to allow us to assess the impact on the neighbourhood.

Gentleman said that takeaway shops should be made to have litter bins.

MD – all public restaurants, hot food takeaways etc. have to enter a Section 106 Agreement to supply a litter bin. They would not receive approval if they did not. The cost of a 106 Section is about £700.

Once Planning permission has been granted, there may be other requirements, e.g. Building Regulations. They are completely separate and are often in addition to the Planning consent.

Any applicant has the right to appeal against the decision of a Planning Committee.

Third party objectors have no right to appeal against the approval of an application. There has only been on occasion on Wirral in the last ten years.

An aggrieved applicant has the right to appeal to the Secretary of State at the Government.

Anybody who has been served an Enforcement Notice can also appeal to the Secretary of State. Appeals must be lodged within six months of the application.

Enforcement Notices must be appealed against in 28 days of the date of issue of the Enforcement Notice. You effectively appeal to the Secretary of State who will appoint an Inspector at the Planning Inspectorate in Bristol. It is very rare that the Secretary of State will actually get involved with the Appeal himself.

Appeals are dealt with in three different ways, written representations are the most common, and that is done between the representatives of the Local Authority and the appellant. Copies will be sent to the Planning Inspector.

The second way is an informal Hearing, usually half a day, and the Inspector will give a summary in the community. The Appellant will give their case and the Objectors will give their opinion. In terms of a decision, the Inspectorate try to get a decision out within five weeks, whereas on appeal, the Enquiry can take anything between seven to twelve weeks.

Recently, we had an appeal with the Medical Centre over the road, and the Inspector dismissed the appeal.

With an Appeal, the Planning Inspector will be very diverse from the local community. They will make their decision purely based on planning policy.

Planning Enforcement. What does the Planning Enforcement team do? It is important to say that the Planning Enforcement service is not a discretionary service. The Council recommends that an appropriate Enforcement Team can be consulted. Some breaches of Planning control may not do any harm, and some people do not realise they need Planning permission before work starts. It follows the process from when a breach in the Planning programme has been found.

Types of alleged breach include works not being completed as shown on the approved plans;

Any works, however, complete, or work alterations to land.

Any change of use – for example from a house to flats.

Breaches of conditions on a Planning permission. This is an important one, because anything happening on this can cause many serious issues.

Demolition of a building in a Conservation Area without consent.

Removal of a tree without consent.

Removal of a hedgerow.

These are the sorts of things that Enforcement will investigate. I think it is fair to say that most breaches of Planning control are not offences. Most are causing damage, or removing a tree without permission, altering a listed building.

When reporting an alleged breach of Planning control, it is important that we have all the information we need, and that it is reported properly. We cannot have an unnamed objection. We do not reveal where the complaint has come from, but unfortunately sometimes it is impossible to keep the complainant's identity hidden. Sometimes it may be the neighbour, but we never give any information away. We have to identify the site on a map, and we need to know that the Enforcement Officer knows what he is looking for, and we need to know what harm has been done. We need to know the Owner of the land, there may be big dogs on the site, or the resident may be dangerous. We do not reveal where the complaint has come from, but we have to investigate it.

Mr. Garrett interrupted the presentation and asked that the Speaker to finish, as there were other people waiting to speak.

Cllr. Rowlands thanked Matthew Davies for an extremely informative explanation of the way the Planning Department work, and he hoped that it had cleared up some of the questions that may have been in peoples' minds.

4 **PARTNER UPDATES**

NHS Wirral - Russell Favager of the NHS reported that there was a full Report available to anyone who wished to avail themselves of it, and drew attention to the fact that there is a free NHS check available to everyone with their local GP. Alistair Bardsley had reported that there is a great deal of capital development taking place on the wards and MRSA is being controlled, and the hospital is working very hard at a difficult period

Merseyside Police - Inspector Kate Cunningham reported that, generally the news was good – continuing to reduce the amount of crime, 25% from last year. Anti-social behaviour is down again, and there have been some significant arrests in the past month, all due to information coming from the public. There was a break-in at commercial premises in Thingwall, and they were caught. In terms of the priorities agreed at the meeting in January, speeding motorists on Fishers Lane in Pensby, has been looked into and there has been some improvement, and also a reduction in the anti-social behaviour in

The Ridgeway Centre. We have also been asked to watch a couple of premises in Heswall where there have been disturbances.

Community Safety - Ian Lowry advised that there was information relating to community safety on page 12 of the area co-ordinators report and that the community safety team works with in partnership with the Police to help reduce crime. Mike Collins from Community Patrol pointed out that the correct phone number on page 12 of the report should read 666 5265. He also reported that community patrol are working on a some initiatives one is to train people on removing dog fouling.

Fire Service - John Davies, Fire Service. Please see page 24 of the area co-ordinators report. Heswall has got a new fire engine, which is a considerable investment, as the average life of a fire engine is about ten years. Heswall Fire

Station has asked the schools to name the new fire engine. Mr. Garrett asked would there be a purchaser for the old engine.

Older Peoples Parliament - Sandy Cameron, Older People's Parliament. On Page 39 of the area co-ordinators report there is information on the Older People's Parliament, numbers are increasing with more people joining.

5 PUBLIC QUESTION TIME

Sandy Cameron drew attention to the fact that he had notified Phil Miner about the state of Thurstaston Road/Delavor Road. Cllr. Peter Johnson said that Technical Services had notified him that work would start on this soon.

Sandy Cameron also said that Poll Hill Road is very bad.

Tony Garrett reported that Banks Road and Broad Lane are also in need of repair. He also mentioned that on Page 8, of the co-ordinators report, John Pyke raised the fact that the rose beds in front of Castle Buildings are being walked over. Can they be tarmaced over?

John Pyke, Heswall Society responded by stating that the possibility of tarmacing over the rose beds fills him with horror.

Cllr. Rowlands agreed that they may be in need of attention, but people enjoy them, and he would rather see roses than tarmac in that position.

Claire Sanderson advised that Pensby Library Junior Users received some funding from the area forum and purchased some bean bags, for the junior users. The bean bags have been very successful and used regularly by the young people, in fact they were that comfortable they fell asleep on them.

Gentleman raised that in Whitfield Lane and Pensby Road – there is a tree there, which obscures the view, and could cause an accident. Representative from Street Scene is meeting him tomorrow to look at this.

Pauline Sutton – raised an issue about Downham Road North junction with Whitfield Lane – the double yellow lines do not go far enough, and the Police say it is the Council's job to look at it. On one occasion I was coming round the corner, and I saw a car practically cause an accident. Streetscene will look at this.

It was also reported that people are still coming across to the Aldi car park, and there was nearly an accident there last week. Could the entrance be moved slightly? Geoff Bell has been to look at this, and it does not seem to be a practical solution.

Do the Council have any policy for re-furbishing the lamp posts in the road? They have never been painted in the 40 years Cllr. Rowlands said there is a rolling

programme around the Borough to replace them. However Pauline Sutton said that to paint them was less expensive.

Cllr. Bob Wilkins said that most of the old ones are quite dangerous, as they are rotten at the bottom.

Beryl Crocker – elderly ladies complain about the state of the tarmac at the bus stop at Pensby Road (near Rosemead Avenue) causing puddles and lots of loose stones. Also the yellow double lines have not been put there, and people park there to go to the dentist. - Street Scene made a note of this.

Tony Garrett said thank you for the two benches installed at the Banks Road car park, and a lady also thanked for one on the Puddydale through the You Decide Funding. .

Tony Garrett also asked whether the light columns should have a number on. Street Scene said that all the columns should have a number on.

Alan Bailey made an enquiry about Tesco. Sometime ago the Manager was making changes, and it was agreed that Tesco would consult the local community. Since then there have been two applications for planning process, and no consultation with the local community. Cllr. Johnson said the Manager did say that himself, but he has now left, and there is a new Manager, and we shall have to contact him about consulting with the local community

Sandy Cameron asked whether he could be asked to replace the white lines and arrows, as people do not seem to be able to see them, and go straight through the entrance.

Cllr. Johnson said that as it is private land, the Council have no control there.

A member of the public said that the Pensby Clinic is not DDA compliant, if it is not compliant, when will there be new premises and where will they be?

Russell Favager replied that they are consulting with the doctors and with the Council about what we can do with the Heswall site and talks are ongoing. A member of the public commented that the reason was the design of the building.

John Brace – the law regarding the DDA – it is up to individual dissatisfied users to bring it up with the GPs, and if they do not do anything about it, they can take them to court.

Russell Favager replied – that it will vary from building to building, but the individual users must raise it with the people who control the building.

The Puddydale is a very clear asset for Heswall. How far has the Asset Review got? This is open green space.

Cllr Rowlands responded it belongs to the public. It is public open space, and nothing is going to be built on there. He also stated that he wanted to see a building in Heswall that will be suitable for at least twenty to thirty years. The Council and the appropriate departments need to look at it as soon as possible and provide a building

suitable for everyone's needs, and I am sure they will come back with a revised design to suit everybody.

A member of the public asked have the Council considered letting off the land at Irby Road corner?

Tony Garrett said that in Heswall Hall car park, - the area behind the Fire Station and the Jehovah's Witness building, the newspaper collection bins, one of them was set on fire at Christmas, and it was full of rubbish dumped by people, and the whole area need emptying. The area should be given a clean-up once a month, as bottles are always being broken and smashed here. - Streetscene manager made a note of this.

Sue Proudlove – the access to some of the shops was mentioned last time. The area in Pensby still has no dropped kerbs. One other thing, for the winter, the sand bins, there are areas in Pensby and probably Heswall where there was no sand in the bins for the bad weather.

Cllr. Wilkins – the dropped kerbs will be done, and the places have been agreed.

Streetscene manager – the grit bins have been filled three times. If we get a request, we do put a refill.

Tracey Smith advised that each Area Forum as part of the You Decide process will get £5,000 for grit bins for the winter. If anyone has any locations where they think they should go within Heswall Pensby Thingwall area then please contact her.

Sue Proudlove advised wheel chair users and others find it very difficult to get out where there is no pathway cleared especially to the shops. Cllr. Rowlands – replied that owners should make it safe.

Sue Proudlove –stated that the shop owners tell her that they say that the Council will not let them have dropped kerbs outside their premises.

John Pyke – Heswall Society. The potential Medical Centre. We do need it, and we want a good centre, hopefully the Council will look at it favourably next time.

Russell Favager – consultations are taking place.

Claire Sanderson thanked the Hospital Trust as her friend called an ambulance, and it arrived in three and a half minutes. .

Tony Garrett asked if there is any chance of The Warrens being scrapped?

Cllr. Rowlands – advised that planning permission has been given and Russell Favager – the review is finished, and talks are ongoing.

A question was then asked “what will happen to community centres that are under the strategic asset transfer if they are not transferred?”

Cllr. Johnson responded that it has been stated they will close in January 2011, and then presumably sold off. At present the Alexander Hall and Heswall Hall Steering Group are in the process of preparing a Business Plan for the running of the Halls.

Cllr. Wilkins said he is Chairman of the Kylemore Centre, and there are talks going ahead with two groups who are interested in taking over the Centre, and it is hoped that one of them will take over, and the general usage of the Hall will be as it is at the moment for use of the community. If this does not happen, there may be other people who might be interested.

Mr. Rosenberg said, on behalf of all the small proprietors, I do hope they will not allow small proprietors to come to Heswall Hall, because we pay good rates. I have even known them to let it out to one man to buy gold and silver. I do not want it to start again.

Cllr. Rowlands –I am sure the Steering Group will be aware of that problem.

Terry Roberts – Core Strategy Document. This is a 211 page complex document. How many residents do they expect to reply to this?

Tracey Smith – there is a summary document at the back if you would like to see it.

Terry Roberts – that is almost useless to the main document. I should be amazed if more than 100 residents reply to it.

Cllr. Rowlands – there must be a meaningful consultation held for the Core Strategy Document If it is too complicated for people to understand, we will pass the information back to the relevant officers for future reference.

Tony Garrett – I did buy a copy from Wallasey Town Hall a few months ago. As a member of Wirral Transport User Group there are six or eight pages which need further consultation. There are copies in Heswall Library, and I know that people have been consulting it.

Tracey Smith – many people have said it is really a very complex document, which it has to be, as it will affect Wirral for a long time.

Terry Roberts – I think the same has happened with PCT consultations in the past

Sandy Cameron I have been to some meetings in Lancashire and there are some towns in the North-west, Blackburn, Rochdale, where they have an arrangement between the hospital services and the transport services if they have an early morning appointment, if they show their bus pass, they can use the bus before 9.30 a.m.

Alastair Bradley will investigate and report back at the next Area Forum.

Tony Garrett stated – it has been brought up many times, by bus users that someone tried to board an Arriva bus at 9.31a.m, but was not allowed on because the bus was late.

Inspector Cunningham said that, at the back of the hall there were some newsletters if anyone would like to take a copy.

Cllr. Rowlands thanked all the Officers for their attendance, and closed the meeting at 9.15pm

Amendments:

- Ridgeway Centre – the actual correct name is:

The Hope Centre, Ridgewood Park

6 DATE OF FUTURE MEETINGS

Wednesday 16th June – Venue: Hope Centre, Fishers Lane, Pensby, Wirral CH61 5XE