

PLANNING COMMITTEE

Thursday, 21 July 2016

Present:

Councillor A Leech (Chair)

Councillors	D Realey	D Elderton
	P Brightmore	E Boulton
	S Foulkes	P Cleary
	T Johnson	I Lewis
	J Walsh	S Kelly
	I Williams	

Deputy:

Councillor W Clements (In place of K Hodson)

21 MINUTES

The Strategic Director for Transformation and Resources submitted the minutes of the meeting held on 21 July 2016.

Resolved – That the minutes be approved.

22 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.

Councillors D Elderton and I Lewis declared a prejudicial interest in connection with Item 12 on the agenda (Cleaver Residential Home) – minute 32 refers – by virtue of having received hospitality at the premises.

Councillor S Foulkes declared a prejudicial interest in connection with Item 13 on the agenda (47 Heath Road, Bebington) – minute 33 refers – by virtue of being acquainted with an objector.

Councillor S Foulkes declared a personal interest in connection with an application listed within Item 16 on the agenda (Planning Applications Decided Under Delegated Powers) – minute 36 refers – by virtue of being Board Director of Magenta Living Housing.

23 REQUESTS FOR SITE VISITS

Councillor S Foulkes declared a prejudicial interest in respect of planning application APP/16/00684 and took no part in the decision to request a site visit (minute 22 refers).

The following site visits were unanimously approved:

APP/16/00511: LAND ADJACENT TO 103 PIPERS LANE, HESWALL, CH60 9HR - NEW BUILD DWELLING AT LAND ADJACENT 103 PIPERS LANE.

APP/16/00634: LAND AT THE REAR OF WHITE-HAVEN, 8 HERON ROAD, MEOLS, CH47 9RU - NEW BUILD RESIDENTIAL BUNGALOW DEVELOPMENT AT THE REAR OF 8 HERON ROAD.

APP/16/00684: 47 HEATH ROAD, BEBINGTON, CH63 3BP - PROPOSED TWO-STOREY AND SINGLE-STOREY REAR EXTENSION.

APP/16/00693: 2 GIRTRELL ROAD, UPTON, CH49 4LQ - ERECTION OF THREE BEDROOM DETACHED HOUSE TO REAR OF GARDEN.

- 24 **APP/16/00489: 28A TARRAN WAY WEST, MORETON, WIRRAL CH46 4TZ - CHANGE OF USE FROM USE CLASS B1 TO SUI GENERIS TO ENABLE A DOG DAY CARE CENTRE**

The Assistant Chief Executive submitted the above application for consideration.

On a motion by Councillor S Foulkes and seconded by Councillor D Realey it was:

Resolved – 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.**
- 2. No more than 30 dogs shall be allowed on the premises at any time, with no more than 10 of those allowed in the outside yard area at any one time.**
- 3. No development shall take place until details of a noise insulation scheme to the building has been submitted to and approved in writing. The scheme as agreed shall be implemented before the dog day care centre comes into use and shall be permanently retained thereafter.**

- 25 **APP/16/00511: LAND ADJACENT TO 103 PIPERS LANE, HESWALL, CH60 9HR - NEW BUILD DWELLING AT LAND ADJACENT 103 PIPERS LANE**

Resolved – That consideration of this item be deferred for a formal site visit.

- 26 **APP/16/00522: ASDA STORES LTD, WOODCHURCH ROAD, WOODCHURCH, CH49 5PD - CONSTRUCTION OF A FOUR PUMP (EIGHT FILLING POSITION) FULLY AUTOMATED PETROL FILLING STATION WITHIN THE CURTILAGE OF THE EXISTING STORE; TO INCLUDE FUEL STORAGE TANKS, ASSOCIATED PIPEWORK, OVERHEAD CANOPY, FORECOURT SURFACING, AIR AND WATER UNIT AND RECONFIGURATION OF CAR PARKING BAYS**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the meeting.

On a motion by Councillor P Cleary and seconded by Councillor I Lewis it was –

Resolved (9:4) – That the application be refused for the following reason:

1. The development proposed is likely to result in an increased use of the site which, together with the loss of 44 parking spaces, would be unsatisfactory and undesirable having regard to the likely additional vehicular traffic generated, exacerbating local highway problems of congestion, particularly during peak periods of operation, which would result in a hazard for road users both along Woodchurch Road and within the site itself. The development proposed would therefore result in a source of unacceptable levels of traffic movements and congestion along an already busy road which would be to the detriment of the amenities of the locality.
- 27 **APP/16/00543: LAND AT PORT CAUSEWAY, BROMBOROUGH, WIRRAL, CH62 4SQ - DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF A FOODSTORE, CAR PARK, SERVICING, ACCESS AND LANDSCAPING.**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee.

It was moved by Councillor P Cleary and seconded by Councillor S Kelly that –

“The application be refused.”

The motion was put and lost (2:11).

On a motion by Councillor D Realey and seconded by Councillor I Lewis it was –

Resolved (11:2) - 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.**
- 2. 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.**
- 3. No development shall take place until a full scheme of works and timetable for the construction of the new highway and/or amendment of the existing highway made necessary by this development, including foot ways, street lighting, surface water drainage, traffic signs, road markings, tactile paved pedestrian crossings, street furniture and access onto the adjacent highway has been submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the LPA 's written approval prior to the commencement of the development.**
- 4. Surface water drainage works shall be carried out in accordance with the details contained within the submitted documents listed below and approved in writing by the Local Planning Authority, in conjunction with the Lead Local Flood Authority:**
 - Email from P. Starbutts to L. Makeating on 27/05/2016 at 09.16 regarding surface water management arrangements**
 - Email from P. Starbutts to L. Makeating on 27/05/2016 at 09.56 regarding maintenance arrangements**
 - GeoEnvironmental Investigation, Port Sunlight, Bromborough, December 2014, REF: A0680/R1/V1**
 - Aldi - Bromborough Rainfall Profiles (8295 Discharge Calculations)**
 - Aldi Store, Chester New Road, Bromborough - Existing Drainage Drawing, Job No. 8295/D/101 Revision. P1, Date: August 2015**
 - Aldi Store, Chester New Road, Bromborough - Proposed Drainage Drawing, Job No. 8295/D/002 Revision. P2, Date: April 2016**

The surface water drainage scheme shall be fully constructed prior to occupation and subsequently in accordance with the timing / phasing

arrangements embodied within the approved Surface Water 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.

The sustainable drainage system management and maintenance plan shall be implemented in accordance with the approved details upon completion of the development. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details for its lifetime as agreed under the details of this planning permission.

5. **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.
6. All boundary treatment to be erected, including the positions, design and materials, shall be carried out in accordance with the details shown on the approved plan (Drawing Number 1566NES-107 Rev A). The boundary treatment as approved shall be completed before the building hereby approved is first brought into use.
7. The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.
8. 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.

- 9. 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.**
- 10. The supermarket shall be closed for trade between 22.00 and 08.00 hours Monday to Saturday and between 18.00 and 10.00 hours on Sundays and Bank Holidays.**
- 11. Servicing and deliveries shall not take place between the hours of 22.00 hours and 06.00 hours Monday to Saturday and 18.00 hours and 10.00 hours on Sundays and Bank Holidays. No vehicle shall arrive before the start time or leave after the finish time.**
- 12. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th May 2016 and listed as follows: 1555NES-100,V1506 LO1, NES 1555NES-V102D,1555NES-CG101A, 1555NES-V104C, 8295/D/002-P2, 8295/D/101-P1, 8295/D/0002-A1 and V1566LO1B received by the Local Planning Authority on 2nd June 2016**
- 13. Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 (or any subsequent re-enactment) there shall be no creation of additional floor space, including any mezzanine floor space, within the building hereby permitted as shown on the approved plans. The retail unit shall have gross internal floor space no greater than 1,817 square metres with a net trading area no greater than 1,254 square metres, as shown in the approved drawings. There shall be no sub-division of the building hereby approved.**
- 14. Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (or any Order revising, revoking or re-enacting that Order) the premises shall only be used for the sale of convenience goods, cold food and drink for consumption off the premises other than ancillary to the principal retail use of the premises. For the purposes of this condition, "ancillary" is defined as**

not exceeding 20% of net retail floor space for the building hereby approved.

15. Foul and surface water drainage shall be drained on separate systems.
16. NO DEVELOPMENT SHALL TAKE PLACE until details of the level and intensity of lighting within the development, including inside the store hereby approved, has been submitted to and approved in writing by the Local Planning Authority.
17. No removal of any trees, shrubs or hedges or any ground clearance or building work shall be carried out on site between 1 March and 31 August inclusive in any year unless otherwise approved in writing by the Local Planning Authority. If it is necessary to undertake works during the bird breeding season then all trees, shrubs and hedges shall first be checked by an appropriately qualified/experienced ecologist, as agreed with the Local Planning Authority, to ensure no breeding birds are present. In the event of breeding birds being present, full details of mitigation and protection measures shall be submitted to and approved in writing by the Local Planning Authority before any such works commence.

28 **APP/16/00550: LAND ADJACENT TO 5 MOUNT OLIVE, OXTON, WIRRAL CH43 5TT - DEVELOPMENT OF 2 NO. TWO STOREY DETACHED FOUR BEDROOM DWELLINGS ON LAND ADJACENT TO 5 MOUNT OLIVE, WITH ASSOCIATED HIGHWAYS AND LANDSCAPING. THE PROPOSED WORKS ALSO INCLUDE THE DEMOLITION OF A SINGLE STOREY DETACHED GARAGE TO CREATE A NEW ACCESS POINT TO THE APPLICATION SITE.**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee.

On a motion by Councillor P Brightmore and seconded by Councillor D Elderton it was:

Resolved – 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.
2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25

April 2016 and listed as follows: 15-175-110 Rev.C, 15-175-120 Rev.B, 15-175-121 Rev.B & 15-175-122 Rev.A.

- 3. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all materials to be used in the external construction (facing bricks, roof tiles/slates etc) of this development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details.**
- 4. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.**
- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) there shall be enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.**
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) no garages, outbuildings or enclosure shall be constructed within the applications site without the prior written approval of the Local Planning Authority.**
- 7. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to and approved in writing by the Local Planning Authority. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.**
- 8. 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.

- 9. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.**
- 10. NO WORKS OR DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with provisions of BS5837 ("Trees in relation to construction - 1990") and BS3998 ("Recommendations for tree works - 1989"). The approved scheme for the protection of existing trees to be retained shall be implemented BEFORE DEVELOPMENT COMMENCES and be maintained in full until the development has been completed.**
- 11. NO DEVELOPMENT SHALL TAKE PLACE until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.**
- 12. Any trees or shrubs in connection with the approved landscaping scheme required by Condition 11 that are removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.**
- 13. 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.

29 **APP/16/00593: 34 HOYLAKE ROAD, BIDSTON, CH41 7BX - SINGLE STOREY REAR EXTENSION, INTERNAL ALTERATIONS AND NEW SHOP FRONT TO FACILITATE USE AS A GENERAL STORE (AMENDED DESCRIPTION)**

The Assistant Chief Executive submitted the above application for consideration.

On a motion by Councillor D Elderton and seconded by Councillor E Boulton it was:

Resolved – 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.
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22ND April 2016 and listed as follows: 42_2016_01 (Dated 16.03.2016)
- 3. The premises shall be closed between the hours 23:00 hours and 07:00

hours

- 30 **APP/16/00615: HESSLEDALE, BUSH WAY, HESWALL, CH60 9JB - LOFT CONVERSION INCLUDING RAISING THE HIPPED ROOFS TO EITHER SIDE, DORMER EXTENSIONS TO THE FRONT AND REAR AND 1ST FLOOR EXTENSION AT THE FRONT.**

The Assistant Chief Executive submitted the above application for consideration.

On a motion by Councillor Elderton and seconded by Councillor Walsh it was:

Resolved – 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.**
 2. **The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 27 April 2016 and dated 20 April 2016.**
- 31 **APP/16/00634: LAND AT THE REAR OF WHITE-HAVEN, 8 HERON ROAD, MEOLS, CH47 9RU - NEW BUILD RESIDENTIAL BUNGALOW DEVELOPMENT AT THE REAR OF 8 HERON ROAD**

Resolved – That consideration of this item be deferred for a formal site visit.

- 32 **APP/16/00648: CLEAVER RESIDENTIAL HOME, OLDFIELD ROAD, HESWALL, CH60 6SE - EXISTING REAR SITE LEVELS UPDATED IN RELATION TO APPROVAL REF: APP/13/01294**

Councillors D Elderton and I Lewis declared a prejudicial interest in this matter and left the room during its consideration (minute 22 refers).

The Assistant Chief Executive submitted the above application for consideration.

On a motion by Councillor D Realey and seconded by Councillor S Foulkes it was:

Resolved – That the application be approved subject to the following condition:

1. **The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning**

authority on 10th May 2016 and listed as follows: 1271-103-V, 1271-103-S, 1271-300.

- 33 **APP/16/00684: 47 HEATH ROAD, BEBINGTON, CH63 3BP - PROPOSED TWO-STOREY AND SINGLE-STOREY REAR EXTENSION**

Councillor S Foulkes declared a prejudicial interest and took no part in the decision for this matter to be deferred for a formal site visit (minute 22 refers).

Resolved – That consideration of this item be deferred for a formal site visit.

- 34 **APP/16/00693: 2 GIRTRELL ROAD, UPTON, CH49 4LQ - ERECTION OF THREE BEDROOM DETACHED HOUSE TO REAR OF GARDEN**

Resolved – That consideration of this item be deferred for a formal site visit.

- 35 **PLANNING APPEALS DECIDED BETWEEN 01/04/2016 AND 30/06/2016**

The Assistant Chief Executive submitted a report detailing planning appeals decided between 1/4/2016 and 30/6/2016.

Resolved – That the report be noted.

- 36 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 13/06/2016 AND 08/07/2016**

Councillor S Foulkes declared a personal interest in respect of an application listed in this matter (minute 22 refers).

The Assistant Chief Executive submitted a report detailing planning applications decided under delegated powers between 13/6/2016 and 8/7/2016.

Resolved – That the report be noted.
