

PLANNING COMMITTEE

Thursday, 21 May 2009

Present: Councillor D Elderton (Chair)

Councillors J Crabtree D Kirwan
J George D Mitchell
A Jennings S Mountney
P Johnson M Redfern
B Kenny J Salter

Deputies: Councillors L Rowlands (In place of P Hayes)

1 MINUTES

The Director of Law, HR and Asset Management submitted the minutes of the meeting held 30 April 2009.

Resolved – That the minutes be received.

2 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.

Councillor D Kirwan declared a personal interest in respect of planning application APP/2008/6927 – 161 Banks Road, West Kirby, by virtue of his knowledge of the applicant

Councillor Mountney declared a prejudicial interest in respect of the item relating to Proposed Enforcement Action at Moreton Brickworks, Moreton, having previously expressed a view on this matter.

3 APPOINTMENT OF VICE-CHAIR

On a motion by Councillor Elderton and seconded it was;

Resolved – That Councillor Simon Mountney be appointed Vice–Chair of Planning Committee.

4 20086927 - CHANGE OF USE FROM RESIDENTIAL ACCOMMODATION TO DOCTORS SURGERY AT 161 BANKS ROAD WEST KIRBY

The Director of Technical Services submitted the above application for consideration.

A ward councillor addressed the meeting.

Resolved (11:1) – That the application be approved subject to the following conditions and also to a Section 106 Legal Agreement:

1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

2 The premises shall be closed for the development hereby permitted between 18.30 hours and 08.00 hours Monday to Friday, 1130 hours to 0900 hours Saturdays, and shall remain closed on Sundays.

3 The premises shall be used solely for a doctor's surgery and for no other purposes whatsoever, including any other purpose in Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and/or re-enacting that order.

4 Cycle parking stands shall be provided in accordance with details to be submitted and approved in writing with the Local Planning Authority. Such agreed stands shall be retained thereafter.

5 A Full Travel Plan shall be submitted to and approved in writing by the local planning authority within 6 months of the first occupation of the development hereby permitted. The provisions of the Travel Plan shall be implemented and operated in accordance with the programme for as long as the development is occupied and shall not be varied other than through agreement with the local planning authority.

For the avoidance of doubt, such a plan shall include:

- Access to the site by staff
- Information on existing transport services to the site and staff travel patterns;
- Travel Plan principles including measures to promote and facilitate more sustainable transport;
- Realistic targets for modal shift or split;

- Identification of a Travel Plan co-ordinator and the establishment of a travel plan steering group;
- Measures and resource allocation to promote the Travel Plan; and
- Mechanisms for monitoring and reviewing the Travel Plan, including the submission of an annual review and action plan to the local planning authority.

6 The development hereby permitted is for no more than two doctors and two nurses working at any one time

7 The development hereby permitted shall operate in accordance with the floor layout as shown on drawing no. DR/2008/091/001 revision 2 (received 18/03/2009).

8 The development hereby approved shall be carried out in accordance with the details shown on the plan(s) received by the Local Planning Authority on 18th March 2009.

9 Full details of a scheme for sound attenuation shall be submitted to and approved in writing by the Local Planning Authority. The approved sound attenuation shall be carried out before the use hereby approved commences and retained as such thereafter.

5 **20095057 - PROPOSED DEMOLITION OF EXISTING BUILDING AND 2 BED RESIDENTIAL UNIT AND ERECTION OF 3.5 STOREY BUILDING COMPRISING 4NO RETAIL UNITS, 8 NO OFFICES AND A SINGLE RESIDENTIAL UNIT (AMENDED SCHEME) AT 2A VILLAGE ROAD OXTON**

The Director of Technical Services submitted the above application for consideration.

A ward councillor addressed the meeting.

On a motion by Councillor Redfern seconded by Councillor Johnson it was:

Resolved (11:1) – That the application be refused for the following reason :

The proposed development would result in an un-neighbourly form of development by reason of its size, height and siting which the Local Planning Authority considers would be detrimental to the amenities which adjoining residents could reasonably expect to enjoy. The development, if approved, would be contrary to policy HS15 of the adopted Wirral Unitary Development Plan.

6 **20095394 - CHANGE OF USE OF CLASS A1 (RETAIL) TO CLASS A4 (WINE BAR WITH FOOD) AND ERECTION OF AWNING AND ASSOCIATED EXTERNAL ALTERATIONS AT FORMER GRIFFITHS FUNERAL HOME GRANGE BANK GRANGE ROAD WEST KIRBY**

The Director of Technical Services submitted the above application for consideration.

A ward councillor addressed the meeting.

On a motion by Councillor Rowlands seconded by Councillor Johnson it was:

Resolved (7:5)– That the application be refused for the following reason:

The proposed development would be located within 40m of residential properties which would be likely to result in a loss of amenity to these properties which would be contrary to SPD 3 Hot Food Takeaways, Restaurants, cafes and drinking establishments and Policy SH1 of the adopted Wirral Unitary Development Plan.

7 **20095412 VARIATION OF CONDITION 3 OF APP/2001/7190 TO EXTEND OPENING HOURS. SUNDAY TO THURSDAY 0800 TO 0100; FRIDAY AND SATURDAY 0800 TO 0130; THURSDAYS PRECEDING GOOD FRIDAYS AND SUNDAYS PRECEDING BANK HOLIDAY MONDAYS 0800 TO 0130; CHRISTMAS EVE, CHRISTMAS DAY, AT BAR ONE 43 MARKET STREET HOYLAK**

The Director of Technical Services submitted the above application for consideration.

Resolved – That the application be refused for the following reason:

The proposal is deemed to result in an unacceptable loss of amenity to the occupiers of the surrounding properties that is contrary to the adopted Unitary Development Plan policy SH1 and associated SPD3. No supporting information has been submitted with the application to demonstrate a change in circumstances to justify approval contrary to UDP policy SH1.

8 **CONSERVATION AREA APPRAISALS AND MANAGEMENT PLANS**

The Director of Technical Services referred to the appointment of consultants, Donald Insall and Associates, in March 2007 to carry out appraisals and management plans for Conservation Areas in Wirral. He reported that Conservation Area Appraisals were promoted by English Heritage as useful documents for the understanding of the significance, character and appearance of such areas. It was proposed that the Appraisals should be adopted by the Council and used as a material consideration in determining any planning applications within or affecting the setting of the conservation area. The Management Plans were intended to follow on from appraisals to provide a focus for action and management of conservation areas.

The Director submitted the consultants' reports, appraisals and management plans for the following areas:-

- (i) Bidston Village
- (ii) Birkenhead Park
- (iii) Bromborough Pool
- (iv) Caldy Village
- (v) Eastham Village
- (vi) Rock Park
- (vii) Thurstaston
- (viii) Wellington Road

He referred to comments received from the Birkenhead Park Conservation Area Advisory Committee, and reported that these amendments and additions would be included in the final version of the Management Plan.

Resolved - That this Committee recommend to Cabinet that:-

(1) The Appraisals for the following areas be adopted by the Council and used to inform the evidence base for the preparation of future planning policy in the forthcoming Local Development Framework and used as a material consideration in determining future applications for planning permission, listed building and conservation area consent:-

- (i) Bidston Village**
- (ii) Birkenhead Park**
- (iii) Bromborough Pool**
- (iv) Caldy Village**
- (v) Eastham Village**
- (vi) Rock Park**
- (vii) Thurstaston**
- (viii) Wellington Road**

(2) The Management Plans act as an agenda for further consultation both locally and within the Council to identify priorities for action and the resources necessary for their implementation.

(3) A further report be submitted to Planning Committee after all 16 Appraisals and Management Plans have been reported to Cabinet regarding the need for and relative priorities for Article 4 directions between areas, and the financial and staffing implications arising.

9 PROPOSED ENFORCEMENT ACTION AT MORETON BRICKWORKS, MORETON

The Director of Technical Services submitted a report outlining the current position regarding the Appeal against the Enforcement Notice which was due to be heard at an Informal Hearing on 19 August, 2009 and proposed terms of agreement with the appellant whereby they would withdraw their appeal on condition that they could continue the recycling operations until 30 September, 2009 and that the site restoration works would be completed by 31 March, 2010.

Resolved - The Council accepts the offer of the appellant on condition that:

- (1) The recycling operations, including the importation and exportation of waste material shall cease on 30 September 2009;
- (2) The restoration of the site shall be completed in accordance with the requirements of the Planning Enforcement Notice by 31 March 2010.
- (3) That the site shall be operated in accordance with the conditions attached to planning permissions APP/1999/6780 and APP/2003/5880 (as applicable).
- (4) That each side shall pay their own costs and that the appellant agrees not to claim costs previously awarded at appeal (APP/W4325/A/08/2088852).

10 **ANY OTHER BUSINESS**

At the request of the Chair, the Director of Technical Services reported upon the legal situation regarding the siting of temporary marquees at Hillbark Hotel, Royden Park, Frankby.

Resolved – That the Director of Technical Services prepare a written statement explaining the situation in more detail, together with a recommended course of action, and provide this information to Members within the next seven days.

11 **20085774 - ERECTION OF 25-ROOM MOTEL TO REAR (OUTLINE)MERSEY CLIPPER, 17 PRENTON ROAD WEST, PRENTON**

The Director of Technical Services submitted the above application for consideration.

A ward councillor addressed the meeting.

Resolved – That the application be refused for the following reason:

Inadequate evidence has been provided to show that the proposed use cannot be located in existing centres or more sequentially preferable sites. This is contrary to the provisions of Policy W6 of the Regional Spatial Strategy for the North West and National Planning Policy PPS 6 "Planning for Town Centres."