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PLANNING COMMITTEE

Thursday, 30 April 2009

<u>Present:</u>	Councillor	D Elderton (Chair)	
	Councillors	J Crabtree	D Knowles
		J George	D Mitchell
		A Jennings	M Redfern
		P Johnson	L Rowlands
		B Kenny	J Salter
<u>Deputies:</u>	Councillors	S Quinn (in place of A Bridson)	

271 MINUTES

The Director of Law, HR and Asset Management submitted the minutes of the meeting held 2 April 2009.

Resolved – That the minutes be received.

272 DECLARATIONS OF INTEREST

Members 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 Mitchell declared a prejudicial interest in respect of planning application APP/20095055 - Variation of condition 6 and 8 on App 2005/6494 to allow use of the site for overnight camping of competitors for 11 nights per year (amended description) on Land South of Eastham Refinery, North Road, Eastham, by virtue of him having made a statement on the application.

Councillor Elderton declared a prejudicial interest in respect of planning applications APP/20057749 and LBC/20057750 - Siting of temporary marquee for 12 weeks (max) per year and enclosure of existing bridge link at Hillbark Hotel, Hillbark, Royden Park, Frankby, by virtue of him having registered concerns about the applications.

273 REQUESTS FOR SITE VISITS

Members were asked to request all site visits before any applications were considered.

Resolved – That a site visit be arranged for application number 2009/5057 (2-2A Village Road, Oxtan).

274 20057749 - SITING OF TEMPORARY MARQUEE FOR 12 WEEKS (MAX) PER YEAR AND ENCLOSURE OF EXISTING BRIDGE LINK AT HILLBARK HOTEL, HILLBARK, ROYDEN PARK, FRANKBY

Councillor Elderton, having declared an interest in this application, withdrew from the meeting whilst this application was determined.

Councillor Rowlands in the Chair for this item.

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

It was moved by Councillor Salter, seconded by Councillor Jennings and -

Resolved (11:0) – That the application be refused for the following reasons:

1. The site lies within the Green Belt and the development is in conflict with the principles of Green Belt control. The local planning authority does not consider that there are any very special circumstances in the present case to justify overriding Green Belt policy. The development is therefore contrary to Policy GB2 – Guidelines for Development in the Green Belt of the adopted Wirral Unitary Development Plan and guidance set out in Planning Policy Guidance Note 2 – Green Belt.

2. The development, by virtue of its materials, scale and siting adjacent to a grade II listed building, detrimentally affects the setting and integrity of that listed building to the prejudice of the visual amenities of the locality. The development is therefore contrary to Policy CH1 – Development Affecting Listed Buildings and Structures of the adopted Wirral Unitary Development Plan.

275 **20057750 - SITING OF TEMPORARY MARQUEE FOR 12 WEEKS (MAX) PER YEAR AND ENCLOSURE OF EXISTING BRIDGE LINK AT HILLBARK HOTEL, HILLBARK, ROYDEN PARK, FRANKBY**

Councillor Elderton, having declared an interest in this application, withdrew from the meeting whilst this application was determined.

Councillor Rowlands in the Chair for this item.

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

It was moved by Councillor Salter, seconded by Councillor Jennings and –

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2. The development, by virtue of its materials, scale and siting adjacent to a grade II listed building, detrimentally affects the setting and integrity of that

listed building to the prejudice of the visual amenities of the locality. The development is therefore contrary to Policy CH1 – Development Affecting Listed Buildings and Structures of the adopted Wirral Unitary Development Plan.

276 **20086408 - PROVISION OF EXTERNAL TIMBER DECKING WITHIN EXISTING RAILED EXTERNAL SEATING AREA (AMENDED DESCRIPTION) AT LA BODEGA, 2 MARKET STREET, HOYLAKE**

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

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

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 outdoor café area shall not be used when amplified sound or music is used on the premises.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 2, Class A Minor Operations (or any subsequent re-enactment) no gates, fences, walls or other means of enclosure shall be constructed forward of any wall of the building which fronts a highway without the express consent of the Local Planning Authority.

4. 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 1st April 2009.

5. The external timber decking hereby approved shall be periodically treated to maintain the quality, appearance and integrity of the timber.

277 **20086549 - VARIATION OF CONDITION 6 ATTACHED TO PLANNING PERMISSION APP/2005/6316 TO ALLOW THE SITING OF 27NO. CARAVANS ON LAND SOUTH EAST OF EAST VIEW FARM, PARK ROAD, MEOLS**

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

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

1. No more than 27 caravans shall be on the site at any one time.

2. 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 24th March 2009

278 **20086877 - INSTALLATION OF A W S 1200 MICRO WIND TURBINE TO THE REAR CORNER ELEVATION OF A BUNGALOW AT 24 SEABANK ROAD, HESWALL**

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

Resolved (11:1) – That had the Local Planning Authority determined the application this Committee does not support the recommendation of officers to refuse the planning application and requests that officers inform the Planning Inspector that the Committee supports the proposal.

279 **20087003 - ERECTION OF 20 FLATS (OUTLINE) AT 123 REEDS LANE, LEASOWE**

With the permission of the Committee this application was deferred for submission and consideration of additional information / details.

280 **20095041 - REDEVELOPMENT OF REDUNDANT CAR PARK TO CREATE 86 NO. RESIDENTIAL UNITS AND ASSOCIATED WORK, INCLUDING ACCESS (RE-SUBMISSION OF APP NO 08/6181) (OUTLINE) ON LAND NORTH OF CROFT RETAIL AND LEISURE PARK, WELTON ROAD, BROMBOROUGH**

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

A spokesperson for the petitioners against the proposal addressed the meeting.

The applicant's agent addressed the meeting.

A ward councillor addressed the meeting.

Resolved (9:2) (Councillor Salter abstaining) – That the application be approved subject to the following conditions and also to a Section 106 Legal Agreement;

1. Approval of the detail of the layout, scale and appearance of the building(s), the access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of two years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5. Development shall not commence until a scheme for the provision of cycle parking has been submitted to and agreed in writing by the local planning authority. The cycle parking facility shall be erected in accordance with the approved details prior to the occupation of the development hereby approved and retained as such thereafter.

6. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

7. No development shall be commenced 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.

8. Any trees or shrubs 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 approved in writing by the Local Planning Authority.

9. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 7. The works shall be carried out:

- In accordance with a programme to be agreed with the Local Planning Authority.

10. The development hereby permitted shall not be commenced until a detailed Flood Risk Assessment has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed design Flood Risk Assessment should be compliant with Planning Policy Statement 25 and should address, amongst others, the following issues:

(i) The proposed rate of discharge should be determined by the performance of the existing drainage infrastructure on the site, confirmed through survey and calculation.

(ii) A drainage design which reflects the detailed development should be submitted along with any associated calculations. The drainage proposals for the development should be measured against the existing performance of the site with any betterment clearly demonstrate by calculation. Key data should include the total impermeable area of the whole development, the existing impermeable area and the allowable peak discharge from the site and the total volume of any attenuation storage which will be provided. Appropriate drawings including the site layout showing the location of any storage should

be provided. Flows beyond the 1 in 30 year, but up to 1 in 100 years plus climate change should be stored on site unless runoff from the site has no unreasonable adverse impacts compared with the existing situation.

(iii) Confirmation should be obtained from United Utilities that they are able to service and accommodate the proposed development without increasing flood risk.

(iv) The site layout should be designed so that overland flow does not affect new buildings, neighbouring land and ensure that safe access and egress to and from the development is provided over the development lifetime. Any above ground conveyance routes should be identified and measures taken to ensure the safety of people and property at times of surcharge and protect the long term security of these routes. Appropriate layout drawings showing levels and overland flow routes should be provided.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied in the scheme, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.

11. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works to provide cycle and pedestrian access from the development site into the adjacent retail park to the south of the development site. The occupation of any part of the development shall not begin until those works have been completed in accordance with the local authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

12. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works to provide emergency vehicle access from the development site onto Stadium Road via the new link road approved under planning approval APP/2006/7052. The occupation of any part of the development shall not begin until those works have been completed in accordance with the local authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

13. Prior to the commencement of development details of all boundary treatment including an acoustic fence to be located on the southern boundary of the site shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation and retained as such thereafter.

14. Prior to the commencement of the development details of a proposed barrier/gate to be provided at the emergency service access shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any dwelling and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

15. 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 30th April 2009.

281 20095046 - ERECTION OF 12 FLATS AT 123 REEDS LANE, LEASOWE

With the permission of the Committee this application was deferred for submission and consideration of additional information / details.

282 20095055 - VARIATION OF CONDITION 6 AND 8 ON APP 2005/6494 TO ALLOW USE OF THE SITE FOR OVERNIGHT CAMPING OF COMPETITORS FOR 11 NIGHTS PER YEAR (AMENDED DESCRIPTION) ON LAND SOUTH OF EASTHAM REFINERY, NORTH ROAD, EASTHAM

Councillor Mitchell, having declared an interest in this application, withdrew from the meeting whilst this application was determined.

A spokesperson for the petitioners against the proposal addressed the meeting.

The applicant's agent addressed the meeting.

A ward councillor addressed the meeting.

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

It was moved by Councillor Jennings, seconded by Councillor Redfern and -

Resolved (9:2) – That the application be refused for the following reason:

The Local Planning Authority considers that the activities associated with the use of the land for overnight camping, having regard to the close proximity to the site of residential properties on Merton Road and Dudley Crescent, would by virtue of noise and general disturbance at unsociable hours, be detrimental to the amenities which those nearby residents could reasonably expect to enjoy. The proposals would be contrary to Policy PO3 – Noise, of the adopted Wirral Unitary Development Plan.

283 20095057 - PROPOSED DEMOLITION OF EXISTING BUILDING AND 2 BED RESIDENTIAL UNIT AND ERECTION OF 3.5 STOREY BUILDING COMPRISING OF 4NO RETAIL UNITS, 8 NO OFFICES AND A SINGLE RESIDENTIAL UNIT (AMENDED SCHEME) AT 2-2A VILLAGE ROAD, OXTON

With the permission of the Committee, consideration of this application was deferred pending a site visit.

284 20095277 - ERECTION OF A 10M HIGH STREETWORKS POLE WITH EQUIPMENT CABINETS ON PAVEMENT ADJACENT TO ALDI, 33 LAIRD STREET, BIRKENHEAD

With the permission of the Committee, this application was withdrawn.

285 **CHANGES TO THE PLANNING APPEALS PROCESS AND COSTS AWARDS - THE METHOD OF DETERMINING APPEALS - HOUSEHOLDER APPEALS - COSTS AWARDS - OTHER CHANGES**

The Director of Technical Services submitted a report advising the Committee of changes to the appeals process and cost awards.

He reported that the main changes had been set out in four parts:

- (i) The method of determining appeals.
- (ii) New planning process for appeals against the refusal of planning permission for householder development.
- (iii) Changes to the 'award of costs' regime relating to planning appeals.
- (iv) Other changes relating to Hearings and Inquiries Procedures.

The changes introduced through secondary legislation had come into force from 6 April 2009 as a result of the Planning Act 2008, which had been given Royal assent in November 2008.

Resolved – That the report be noted.

286 **ANY OTHER BUSINESS**

As it was the last meeting of the year, the Chair expressed his sincere thanks to all the Committee members and officers for their work over the past year.

Councillor Rowlands expressed on behalf of the Committee their thanks to Councillor Elderton for the excellent manner in which he had chaired the Committee over the past year.