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PLANNING COMMITTEE

Thursday, 18 October 2018

<u>Present:</u>	Councillors	S Foulkes	S Frost
		RL Abbey	K Hodson
		P Cleary	AER Jones
		G Davies	M Jordan
		D Elderton	S Kelly
		B Kenny	

<u>Deputies:</u>	Councillors	C Meaden (for T Jones)
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67 MINUTES

The Director of Governance and Assurance submitted the minutes of the meeting held on 13 September 2018

Resolved – That the minutes be approved.

68 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor G Davies declared a prejudicial interest in respect of item 12 by virtue of the land previously been owned by Wirral Council and his attendance of meetings with the agent to this application in his capacity as Cabinet Member with response Council assets.

69 REQUESTS FOR SITE VISITS

The following requests for site visits were unanimously approved:

APP/18/00286: ST Nicholas Vicarage, 22 Groveland Road, Wallasey Village, CH45 8JY – The Construction of a new Vicarage and dwelling alongside the sub- division of the existing vicarage.

APP/18/00762: 45 Corporation Road, Birkenhead – Retrospective application for 12 no units at first and second floor and alterations to roof. Confirmation of layout of ground floor (works started approximately 1.1.2017)

70 ORDER OF BUSINESS

The Chair agreed to vary the order of business

71 **APP/18/00176: PEEL HEY, FRANKBY ROAD, FRANKBY, CH48 1PP - ERECTION OF NEW FUNCTION SUITE INCORPORATING ADDITIONAL TOILETS, BAR, CELLAR AND CIRCULATION LINKING TO EXISTING KITCHEN (AMENDMENT TO PLANNING PERMISSION APP/16/00001)**

The Corporate Director for Delivery Services submitted the above application for consideration.

On a motion by Councillor R Abbey and seconded by Councillor D Elderton it was:

Resolved (13:0) 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 27th June 2018 and listed as follows: P.60.1; P.61.0; P.62.0; P.63.0; P.64.1**
- 3. The function room hereby permitted shall only be used between the hours of 0800 and Midnight and shall be cleared, with all ancillary activity completed, within 30 minutes of closing time.**
- 4. No development or other operations shall commence on the site until adequate steps, which shall have been submitted to and agreed with the Local Planning Authority, have been taken to safeguard against damage or injury during construction works, all trees on the site, or whose root structure may extend within the site, which are within the Frankby Conservation Area. In particular, no excavations, site works, trenches or channels shall be cut or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure.**
- 5. Before any construction commences above ground level, samples of the 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.**
- 6. The development hereby approved shall not be occupied until the walls/floors, as applicable, have been insulated to provide sound attenuation**

against internally generated noise in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

7. The materials of the new windows and doors should consist of painted/stained timber. Details and cross section drawings for all new windows and doors (scale 1:5 or 1:2) shall be submitted to and approved in writing prior to the commencement of development. The windows and doors as approved shall be inserted prior to completion and retained as such thereafter.

8. There shall be no amplified music to the external areas at any time, music only to be played within the function room and at which times the external doors to the garden room must be closed to prevent music being emitted from the extension.

- 72 **APP/18/00286:: ST NICHOLAS VICARAGE, 22 GROVELAND ROAD, WALLASEY VILLAGE, CH45 8JY - THE CONSTRUCTION OF A NEW VICARAGE AND DWELLING ALONGSIDE THE SUB-DIVISION OF THE EXISTING VICARAGE**

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

- 73 **APP/18/00390: 5 LARKHILL AVENUE, UPTON, CH49 4PN - ERECTION OF A BUNGALOW IN THE REAR GARDEN OF 5 LARKHILL AVENUE, WITH ACCESS FROM HUNSTANTON CLOSE**

The Corporate Director for Delivery Services submitted the above application for consideration.

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

Resolved (13:0) 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 August 2018 and listed as follows: 2018_01; 2018_02; 2018_03**
- 3. Before any construction commences, samples of the 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to the dwelling shall be erected unless expressly authorised.

74 **APP/18/00519: ROSEBRAE NURSING HOME, 8 SPITAL ROAD, BEBINGTON, CH63 9JE - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 12 NO. SELF-CONTAINED 2-BED APARTMENTS**

The Corporate Director for Delivery Services submitted the above application for consideration.

A Ward Councillor addressed the Committee.

It was moved by Councillor M Jordan and seconded by Councillor I Lewis that the application be refused for the following reasons:

“The off street parking provision proposed is not adequate to serve the whole development and parking would overspill onto surrounding roads, exacerbating an existing problem. There is no availability to park on Spital Road where traffic is often backed up to the railway station. Further disruption to traffic would be effected by both the building demolition and construction as well as the ongoing bin collection and other such heavy goods traffic”

The motion was put and lost (2:11)

On a motion by Councillor R Abbey and seconded by Councillor G Davies it was:

Resolved (11:2) That the application be approved subject to a section 106 agreement and 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 13th April 2018 and listed as follows: 2017 079 001 Revision 03; 2017 079 002 Revision 02; 2017 079 003 Revision 02; 2017 079 004 Revision 04; 2017 079 005 Revision 04

3. Before any construction commences, samples of the 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.

4. The development authorised by this permission shall not begin until the LPA has approved in writing a full scheme of works for:

(i) provision of a 2m wide footway co-extensive with the frontage of the site including pedestrian dropped kerbs to the proposed vehicle access in accordance with LPA standards

(ii) the provision of the proposed vehicle access in accordance with LPA concrete commercial crossing specifications

The approved works shall be completed in accordance with LPA written approval and completed prior to occupation of the development

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. No development shall commence until the final detailed sustainable drainage design¹, for the management and disposal of surface water from the site based on the principles and details identified in the following documents and limited to a discharge rate of 5 l/s with 27.2 m³ attenuation storage has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Surface and Foul Water Drainage Assessment (*July 2018 / KRS.0329.001.R.001.B/ KRS Environmental*)**
- Proposed Surface Water Drainage Layout (*Sept 2017 /Drg No 522/STRL 001/ Interim Consultancy Solutions*)**
- Submitted Sustainable Drainage System Operation and Maintenance Plan**

7. Prior to the occupation of any properties the applicant must submit 'as

built' drainage design/layout drawings and an updated Operation and Maintenance Plan as necessary.

8. Prior to first occupation, full details of the proposed bin store (including how refuse will be collected and the required recycling facilities) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained as such thereafter.

9. Prior to first occupation the kitchen windows in the side elevations (at first and second floor level) shall be obscurely glazed and retained as such thereafter.

- 75 **APP/18/00673: UNUSED LAND ADJOINING 27 WOODHEAD ROAD, NEW FERRY- EXTEND BOUNDARY FENCE & USE OF LAND/SIDE/DERELICT LAND ADJACENT TO MY PROPERTY/GARDEN FOR PRIVATE GARDEN USE ONLY. LAND DIRECTLY ADJACENT TO 27 WOODHEAD ROAD, GARDEN SIDE.**

The Corporate Director for Delivery Services submitted the above application for consideration.

On a motion by Councillor D Elderton and seconded by Councillor R Abbey it was:

Resolved (13:0) 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 11th June 2018.

- 76 **APP/18/00762: 45 CORPORATION ROAD, BIRKENHEAD - RETROSPECTIVE APPLICATION FOR 12 NO UNITS AT FIRST AND SECOND FLOOR AND ALTERATIONS TO ROOF. CONFIRMATION OF LAYOUT OF GROUND FLOOR. (WORKS STARTED APPROXIMATELY 1.1.2017).**

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

77 **APP/18/00770: LAND ADJACENT TO PINETREE COURT, 28 WALLASEY VILLAGE, WIRRAL, CH44 2DH - ERECTION OF BUNGALOW**

The Corporate Director for Delivery Services submitted the above application for consideration.

A Ward Councillor addressed the Committee.

It was moved by Councillor D Elderton and seconded by Councillor I Lewis that the application be refused for the following reasons:

“ The proposed development constitutes an over-development of the site that would result in a cramped appearance which would fail to be of a high standard of design and layout. In particular, the close proximity of the rear elevation to the rear boundary wall and the eastern side elevation located less than 1 metre from the gable end of 15 and 16 Pinetree Court would result in an unsatisfactory quality of residential accommodation for future occupiers. The proposal also fails to provide any satisfactory private amenity space for sufficient size and quality commensurate to the size and layout of the dwelling proposed. The development is therefore contrary to Policy HS4 (Criteria for New Housing Development) together with the principles of the National Planning Policy Framework.”

The motion was put and it was:

Resolved (13:0) That the application be refused on the following grounds:

The proposed development constitutes an over-development of the site that would result in a cramped appearance which would fail to be of a high standard of design and layout. In particular, the close proximity of the rear elevation to the rear boundary wall and the eastern side elevation located less than 1 metre from the gable end of 15 and 16 Pinetree Court would result in an unsatisfactory quality of residential accommodation for future occupiers. The proposal also fails to provide any satisfactory private amenity space for sufficient size and quality commensurate to the size and layout of the dwelling proposed. The development is therefore contrary to Policy HS4 (Criteria for New Housing Development) together with the principles of the National Planning Policy Framework.

78 **APP/18/00936: 44 DOVEPOINT ROAD, MEOLS, CH47 6BB - RETENTION OF TWO STOREY REAR EXTENSION WITH AMENDED WINDOW DESIGN**

The Corporate Director for Delivery Services submitted the above application for consideration.

On a motion by Councillor G Davies and seconded by Councillor R Abbey it was:

Resolved (13:0) 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 (30 September, 2018 and 02 October, 2018) and listed as follows: (drawing nos: 552 03 Rev.C and 552 04 Rev.C, dated: 30 September, 2018; and drawing no: 552 05 Rev.B, dated 02 October, 2018)**
- 3. Prior to occupation of the southernmost first floor rear bedroom closest to the rear boundary of 1 Guffitts Rake (Bedroom 1 as shown on drawing no: 552 05 Rev.B, dated 02 October, 2018), the proposed angled window with splayed wing to the right shall be implemented in full as shown on drawing 552 05 Rev.B and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.**

- 79 **APP/18/01002: GIRTRELL COURT, 5 WOODPECKER CLOSE, UPTON, CH49 4QW - THREE-STOREY EXTRA CARE DEVELOPMENT (USE CLASS C3) COMPRISING OF 78NO. ONE AND TWO BED AFFORDABLE APARTMENTS, 195M2 OFFICE SPACE, 59NO. CAR PARKING SPACES TO THE EAST OF THE SITE, AND LANDSCAPED AREAS TO THE SOUTH.**

Having previously declared a prejudicial interest in respect of this item, Councillor G Davies left the room during consideration.

The Corporate Director for Delivery Services submitted the above application for consideration. Members heard how the conditions had been amended following publication of this agenda to include an additional condition as follows:

“Before any apartment in the development hereby approved is first occupied, a scheme of works to provide waiting restrictions on Woodpecker Close at the exit from the proposed refuse bay shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full.”

A Ward Councillor addressed the Committee

It was moved by Councillor I Lewis and seconded by Councillor Elderton that the application be refused on the following grounds:

“The application by size of its size, depth, width, height and massing would have an unacceptably and significantly adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact and therefore is contrary to Wirral UDP Policies HS4 and HS7.”

The motion as put and lost (4:8)

It was then moved by Councillor R Abbey and Councillor S Kelly and

Resolved (8:4) that the application be approved subject to the following conditions (as amended):

- 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 following plans:**

**Site Location Plan (drawing no. 4823-01_1100);
Ground and First Floor Plans (drawing no. 4823-01_1200 A);
Second Floor and Roof Plans (drawing no. 4823-01_1201 A);
Communal Facilities and Office (drawing no. 4823-01_1202 A);
Elevation Sheet 1 (drawing no. 4823-01_1350);
Elevation Sheet 2 (drawing no. 4823-01_1351);
Site Layout Plan (drawing no. 4823-01_1800 B);
Bin, Scooter, Plant and Maintenance Stores (drawing no. 4823-01_1900 A);
General Landscape Arrangement (drawing no. 001-ND084-D-01).**

- 3. Before the development hereby approved 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.**

- 4. Before the development hereby approved is first commenced, details of the facing/roofing/windows and door 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.

5. Before the development hereby approved is first commenced, a scheme for the protection and enhancement of biodiversity within the development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:

- A bat box that shall be installed on a suitably mature tree or on the extra care building;
- Bird nesting boxes (indicating the number, type and location on an appropriately scaled plan);
- An external lighting scheme that protects ecology and does not result in excessive light spill onto habitats, and;
- A timetable for the implementation of the biodiversity protection and enhancement.

The scheme shall thereafter be implemented in full accordance with the approved details and timetable.

6. No tree felling, scrub clearance or hedgerow removal is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted and approved prior to the commencement of such works.

7. Before the development hereby approved is completed or occupied, whichever is the soonest, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:

- a) a scheme of landscaping, which shall include indications of existing trees to be retained, together with measures for their protection in the course of development;
- b) a schedule of proposed native tree species, plant species, size and density and planting locations; and
- c) an implementation programme.

All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the soonest. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

8. Before the development hereby approved is completed or occupied, whichever is the soonest, details of all the means of enclosure on the site boundaries shall be submitted to and approved by the Local Planning Authority. Thereafter, the means of enclosure shall be provided in accordance with the approved details before the approved development is occupied.

9. No part of the development shall be occupied until the facilities for bicycle parking have been provided in accordance with the approved plans. These facilities shall thereafter be retained for bicycle parking.

10. Before the development hereby approved is first commenced, the final detailed sustainable drainage design for the management and disposal of surface water from the site based on the principles and details identified in the Proposed Drainage Strategy Document (16.08.18 / Ref 1437/ Shape Consulting Engineers) and Drainage Strategy Plan (30.04.2018 / Rev P04/ Project No 1437/ Shape Consulting Engineers) shall be submitted to and approved in writing by the Local Planning Authority.

11. The development hereby approved, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy and maintained in perpetuity in accordance with an Operation and Maintenance Plan approved by the Local Planning Authority as required by Condition 10.

The approved scheme shall be fully constructed prior to occupation in accordance with the approved details and timetable embodied within the approved Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Also prior to the occupation of any properties the applicant must submit 'as built' drainage design/layout drawings and an Operation and Maintenance

Plan detailing how any communal elements of the sustainable drainage system, not adopted by the Water and Sewerage Company will be maintained in perpetuity.

12. Foul and surface water shall be drained on separate systems.

13. The affordable housing shall be provided within the development in accordance with the submitted Affordable Housing Statement (Version 2. October 2nd 2018 - alpha).

14. Before the development hereby approved is first commenced, a Construction and Environmental Management Plan (CEMP), which shall also include a Site Waste Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to for the duration of the construction of the development.

15. Before the development hereby approved is first commenced and further to the recommendations of the Combined Phase 1 & Preliminary Phase 2 Geo-Environmental & Geotechnical Site Assessment Report (Shape Consulting Engineers dated May 2018) included with the application, an intrusive site investigation should be undertaken and submitted to the local planning authority for approval. In the event that remediation or risk management works are required, a Remediation Strategy shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and a Verification Report shall be submitted to the local planning authority that confirms that the development has been implemented in accordance with the agreed remediation measures.

If, during the course of development, unacceptable land contamination risks are found which have not been previously identified, or have not been adequately addressed in the remediation/risk management strategy, the local planning authority shall be informed and additional measures for the remediation of the land shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be included in the above Verification Report to be submitted to and approved by the local planning authority.

16. Before any apartment in the development hereby approved is first occupied, a scheme of works to provide waiting restrictions on Woodpecker

Close at the exit from the proposed refuse bay shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full.

80 PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 03/09/2018 AND 08/10/2018

The Corporate Director for Delivery Services submitted a report detailing planning applications decided under delegated powers between 03/09/2018 and 08/10/2018

Resolved – That the report be noted.

81 PLANNING APPEALS DECIDED BETWEEN 01/07/2018 AND 30/09/2018

The Corporate Director for Delivery Services submitted a report detailing planning appeals decided between 01/07/18 and 30/09/18.

Resolved – That the report be noted.

82 ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR

The Chair proposed that forthcoming major development applications due to be submitted as part of the Wirral Waters scheme is due to be considered by the Planning Committee, detailed as follows:

DLS/18/00715 – Reserved Matters Application pursuant to Planning Permission OUT/09/006509 providing details of access, appearance, layout, scale and landscaping for the construction of 500 apartments (1 and 2 bedroom) (with ancillary accommodation) associated parking, landscaping and other associated works at Northbank West, Dock Road, Seacombe (Wirral Waters).

APP/18/00470 – The erection of a specialist care village comprising 72 care spaces incorporated into six household clusters (34 apartments and 3 guest bedrooms) with ancillary facilities, associated car parking and landscaping on land off Dock Road, Birkenhead

It was suggested that a site visit take place in advance so that timescales can best be adhered to and that this site be visited as part of the itinerary prior to the next committee.

Resolved - That Members agree to undertake a site visit before considering: DLS/18/00715 – Reserved Matters Application pursuant to Planning Permission OUT/09/006509 providing details of access, appearance, layout, scale and landscaping for the construction of 500 apartments (1 and 2 bedroom) (with ancillary accommodation)

associated parking, landscaping and other associated works at Northbank West, Dock Road, Seacombe (Wirral Waters); and

APP/18/00470 – The erection of a specialist care village comprising 72 care spaces incorporated into six household clusters (34 apartments and 3 guest bedrooms) with ancillary facilities, associated car parking and landscaping on land off Dock Road, Birkenhead

Councillor M Jordan then requested an update on the Thornton Manor Judicial Review and was informed that the Court of Appeal is due to hear the matter in March 2019