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PLANNING COMMITTEE

Thursday, 13 December 2018

Present: Councillor S Foulkes (Chair)

Councillors P Cleary T Jones
G Davies M Jordan
D Elderton S Kelly
K Hodson I Lewis
AER Jones

Deputies: Councillors C Meaden (for B Kenny)

Apologies: Councillors R Abbey
S Frost

94 MINUTES

The Director of Governance and Assurance submitted the minutes of the meeting held 15 November 2018.

Resolved – That the minutes be approved.

95 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor G Davies declared a prejudicial interest in respect of item 5 by virtue of his dealings with the applicant by virtue of his position as Cabinet Member for Housing and Planning.

Councillor G Davies declared a prejudicial interest in respect of item 11 by virtue of his involvement by virtue of his position as Cabinet Member for Housing and Planning.

96 REQUESTS FOR SITE VISITS

No such requests were made.

97 ORDER OF BUSINESS

The Chair agreed to vary the order of business.

98 **APP/18/00550 : 1-7 LEASOWE ROAD, WALLASEY VILLAGE, CH44 2BY -
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW
BUILDING CONTAINING 3 NEW RETAIL (A1) UNITS TO THE GROUND
FLOOR WITH 9 RESIDENTIAL UNITS ABOVE**

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

A Petitioner addressed the Committee.

The Applicant addressed the Committee.

Members were informed that an additional condition had been applied following publication of the agenda, as follows:

“ Prior to the first occupation of the dwellings, arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.”

On a motion by Councillor Foulkes and seconded by Councillor Davies it was:

Resolved (10:1) That the application be approved subject to 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 19th October 2018 and 25th October 2018 and listed as follows: P-AL-00-001 Revision A; P-AS-20-001 Revision D; P-AL-20-001 Revision C; P-AE-20-003; P-AE-20-001 Revision C**
- 3. Before any construction 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.**
- 4. Prior to first occupation of the development, all first and second floor windows in the rear elevation (serving the access corridor for all apartments, and the entrance hall and bathroom for one apartment) shall be obscurely glazed and retained as such thereafter.**
- 5. The retail units hereby permitted shall only be open to the public between**

the hours of 08:00 and 21:00 hours

6. Prior to any works above ground level, a full scheme of works for the reinstatement to standard footway levels of any existing vehicle access from the highway that is rendered obsolete by the development shall be submitted and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.

7. No development shall take place until a Construction Management Plan or Construction Method Statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved details. Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

8. The flat-roof area to the rear of the building hereby permitted shall not be used by occupiers of these apartments other than for maintenance purposes

9. Before any construction above ground level, details of secure covered cycle parking and/or storage facilities shall be 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.

10. No servicing shall take place at the development hereby permitted between the hours of 21:00 and 08:00

11. Prior to the first occupation of the dwellings, arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

99 **DLS/18/00715 : LAND AT DOCK ROAD, SEACOMBE, CH41 1JW - 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**

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

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

Amendments to conditions following publication of the agenda were as follows:

DELETE CONDITION 4 AND AMEND CONDITION 3 AS FOLLOWS:

3. PRIOR TO FIRST OCCUPATION, a full scheme of works and a timetable for the construction of the new highways and/or amendment(s) of the existing highway made necessary by this development shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of new carriageways, footways, cycle ways, street lighting, surface water drainage, traffic signs, alterations to the existing traffic signal junction, tactile paved pedestrian crossings, traffic regulation orders, road markings, controlled pedestrian crossings, street furniture, access onto the adjacent highway, amendments to existing bus stop arrangement, road safety audit and monitoring. The approved works shall be completed in accordance with the approved details.

AMEND CONDITION 4:

4. PRIOR TO FIRST OCCUPATION OF EACH BLOCK OF APARTMENTS, details of secure covered cycle parking and/or storage facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and shall be available prior to the first use/occupation of each of the blocks approved as they are developed, having regards to the phased nature of the development. The facilities as approved shall be retained for use at all times thereafter.

ADD CONDITION:

16. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be

implemented in full unless otherwise agreed in writing with the Local Planning Authority.

On a motion by Councillor Tony Jones and seconded by Councillor David Elderton it was:

Resolved (10:0) 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. Before any construction commences, samples of the facing and 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. Prior to first occupation, a full scheme of works and a timetable for the construction of the new highways and/or amendment(s) of the existing highway made necessary by this development shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of new carriageways, footways, cycle ways, street lighting, surface water drainage, traffic signs, alterations to the existing traffic signal junction, tactile paved pedestrian crossings, traffic regulation orders, road markings, controlled pedestrian crossings, street furniture, access onto the adjacent highway, amendments to existing bus stop arrangement, road safety audit and monitoring. The approved works shall be completed in accordance with the approved details.**
- 4. Prior to first occupation of each block of apartments, details of secure covered cycle parking and/or storage facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and shall be available prior to the first use/occupation of each of the blocks approved as they are developed, having regards to the phased nature of the development. The facilities as approved shall be retained for use at all times thereafter.**
- 5. 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.**
- 6. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be implemented and operated in**

accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

7. Prior to the commencement of development a detailed report on the current condition of the Dock Wall and Dock shall be submitted to and approved in writing by the Local Planning Authority and any work required to be undertaken as a result of the commissioned report shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any of the proposed units.

8. Following the commencement of development and for the lifetime of the development the owners shall monitor the structural condition of the dock walls and Lock Gates and issue a revised and updated report into the condition of the Dock Wall and Dock Gates to the Local Planning Authority not less than once every five years.

9. Prior to the commencement of development details of the allocations policy with regards to the affordable housing units shall be submitted to and agreed in writing by the Local Planning Authority. The Approved scheme shall be implemented in full.

10. The units of accommodation hereby permitted shall not be occupied until 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 to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

11. Prior to the commencement of development an assessment shall be carried out in accordance with authoritative technical guidance (CLR11), shall be submitted to and approved in writing by the Local Planning Authority. If any contamination posing unacceptable risks is then found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority. The end use of this site is considered residential for the purpose of land contamination risk assessment and management. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination posing unacceptable risks is found, which has not been previously identified, 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 a verification report shall be submitted to and approved by the Local Planning Authority.

12. Prior to the commencement of development a plan indicating how the 100 affordable units will be spread across the different blocks and will be an even

mix of one and two bedroomed properties shall be submitted to and approved by the local planning Authority. The approved plan shall be implemented in full.

13. The mitigation measures set out within the submitted SPA Bird Mitigation Strategy, Wirral Waters, by TEP (Version 4.0) shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority. Prior to the commencement of any remediation or construction works on site, a Construction Environmental Management Plan which incorporates remediation and construction phase mitigation measures set out within the SPA Bird Mitigation Strategy (Version 4.0) shall be submitted to and agreed in writing with the Local Planning Authority in accordance with Condition 9 of OUT/09/06509). All monitoring shall be undertaken in line with the monitoring schedule set out within Section 4 of the SPA Bird Mitigation Strategy and Monitoring Reports will be provided to the Council for review as per the schedule set out within Section 4 of the Strategy.

14. The framework of measures (including the index linked contributions per residential unit towards Wirral Rangers Service, restrictions on dog ownership, home owners packs and Natural Environment Section on the Wirral Waters Website) together with the schedule of payment instalments set out within the Framework for Addressing Diffuse Recreational Pressure on Coastal Natural 2000 sites, Wirral Waters - Habitats Regulations Assessment (by TEP, November 2018, Version 4.0) shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

15. No tree felling, scrub clearance, vegetation management, ground clearance and/or building works 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, hedgerows and vegetation shall be checked first by an appropriately experienced and qualified ecologist to ensure no breeding birds are present. If any breeding birds are found to be present, details of how they will be protected shall be submitted to and approved in writing by the Local Planning Authority.

16. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

APP/18/00942 : NEW DEVELOPMENT PROVIDING 3 NO. INDUSTRIAL UNITS ON A VACANT SITE IN AN ESTABLISHED EMPLOYMENT AREA, SUITABLE FOR B1, B2 OR B8 CLASS USE, WITH ASSOCIATED OFFICES, PARKING, LANDSCAPING AND INFRASTRUCTURE - RIVERVIEW ROAD, BROMBOROUGH

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

On a motion by Councillor Steve Foulkes and seconded by Councillor George Davies it was:

Resolved (11:0) 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 following plans:

Site Location Plan - Zone 2 (Drawing no. C4C-B0-ZZ-00-DR-A-(00)000 Rev.A);
 Proposed Site Plan - Zone 2 (Drawing no. C4C-B0-ZZ-00-DR-A-(01)002 Rev.D);
 Proposed Site Plan - Unit 1 (Drawing no. 15029-C4C-B1-ZZ-DR-A-(20)001 Rev. A);
 Proposed Layout Plans - Unit 1 (Drawing no. 15029-C4C-B1-ZZ-DR-A-(20)002 Rev. A);
 Proposed Elevations - Unit 1 (Drawing no. 15029-C4C-B1-ZZ-DR-A-(20)003 Rev. A);
 Proposed Site Plan - Unit 2 (Drawing no. 15029-C4C-B2-ZZ-DR-A-(20)001 Rev. A);
 Proposed Layout Plans - Unit 2 (Drawing no. 15029-C4C-B2-ZZ-DR-A-(20)002);
 Proposed Elevations - Unit 2 (Drawing no. 15029-C4C-B2-ZZ-DR-A-(20)003 Rev. A);
 Proposed Site Plan - Unit 5 (Drawing no. 15029-C4C-B4-LL-DR-A-(20)001 Rev. A);
 Proposed Layout Plans - Unit 5 (Drawing no. 15029-C4C-B4-LL-DR-A-(20)002 Rev. A);
 Proposed Elevations - Unit 5 (Drawing no. 15029-C4C-B4-LL-DR-A-(20)003 Rev. A);

3. 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 during 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.

4. 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:

- Bird nesting boxes (indicating the number, type and location on an appropriately scaled plan);
- Details of any external lighting scheme, which shall be designed so as to avoid unacceptable impacts on bats and their insect food, the River Mersey and the landscape buffer along the eastern site boundary, Eastham Woods/Country Park; 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 and maintained as such thereafter..

5. 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.

6. 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.

7. No development approved by this planning permission shall take place until

a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

8. No occupation of any part of the development hereby approved shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

9. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved

details.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

12. Before the development hereby approved is first commenced, 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 submissions, has been submitted to and approved in writing by the Local Planning Authority:

- **Proposed Drainage Strategy Document (August 18/Riverview Phase 3/Proposed Drainage Strategy/Drawing No. RED030-250 Rev. P3/Muir Associates UK (Ltd).**

13. 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.

The approved scheme shall be fully constructed prior to the first occupation of any part of the development 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.

Prior to the first occupation of any part of the development an 'as built' drainage design/layout drawings and an Operation and Maintenance Plan detailing how any elements of the sustainable drainage system not adopted by the Water and Serwerage Company will be maintained in perpetuity.

14. 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.

15. Before the development hereby approved is first commenced, a full scheme of works for the construction of the new vehicle accesses from the highway and amendments to the existing highway made necessary by this

development shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved works shall be completed in accordance with the approved scheme prior to the first occupation of any part of the development.

16. No part of the development shall be occupied until secure covered cycle parking and/or storage facilities have been installed in accordance with details that shall be approved in writing by the Local Planning Authority. These facilities shall be retained for use at all times thereafter.

101 **APP/18/01085: ERECTION OF NEW DETACHED DWELLING - LAND BETWEEN 36 & 52/54 STANLEY LANE, EASTHAM, CH62 0AG**

The Corporate Director for Economic and Housing growth submitted the above application for consideration.

Following publication of the agenda, an additional condition as proposed as follows:

“Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.”

On a motion by Councillor George Davies and seconded by Councillor David Elderton it was:

Resolved (11:0) 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 13th December 2018 and listed as follows: EVA650-0316-R Revision 3**
- 3. Prior to the commencement of any building works 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.

4. Prior to the commencement of any building works above ground level, full details of the hard and soft landscaping of the site 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 of the proposal and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

5. Prior to the commencement of any building works above ground level, full details of all proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Any boundary treatment shall subsequently be in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority

6. 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no new walls, fences or other means of enclosure shall be erected on any part of the land lying between any main wall of the building fronting a highway and the highway boundary.

8. Prior to the commencement of any building works above ground level, details of the timber windows and doors (including elevation drawings at a scale of 1:20 and vertical and horizontal cross sections at a scale 1:5 or 1:2 to indicate their profile) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be used in the construction of the development

9. All rooflights within the development hereby permitted shall be conservation rooflights unless otherwise agreed in writing by the Local Planning Authority

10. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

102 **APP/18/01147 : CHANGE OF USE FROM A CAFE (A3) AND THE OLD PIER HOTEL TO FIVE APARTMENTS (C3) - BIRCHEN HOUSE, HAMILTON STREET, BIRKENHEAD, CH41 6QS - CROSSFIELD EXCLUSIVE DEVELOPMENTS**

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

The following additional condition was proposed following publication of the agenda:

“The bin storage shall be provided in accordance with the approved drawing 433 C107 before the flats hereby approved are brought into use. The bin storage shall include provision for recycling bins and shall be retained as such thereafter.”

On a motion by Councillor David Elderton and seconded by Councillor George Davies it was:

Resolved (11:0) 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 5 October 2018 and listed as follows: 433/C101 Rev C, 433/C102, 433/C103, 433/C104, 433/C105, 433/C106 and with the approved plans received by the local planning authority on 15 November 2018 and listed as follows: 433/C107.**
- 3. The dwellings hereby approved shall not be occupied until vehicle parking spaces 9 and 10 have been demarcated in accordance with approved plan 433/C107 and these areas shall be retained thereafter for that specific use.**
- 4. The bin storage shall be provided in accordance with the approved drawing 433 C107 before the flats hereby approved are brought into use. The bin storage shall include provision for recycling bins and shall be retained as such thereafter.**
- 5. The cycle storage shall be provided in accordance with the approved drawing 433 C107 before the flats hereby approved are brought into use. The cycle storage shall be retained as such thereafter.**

103 **APP/18/01198 : PROPOSED CHANGE OF USE OF VACANT INDUSTRIAL UNIT TO GYMNASIUM (CLASS D2) - UNIT 11, ARROWE COMMERCIAL PARK, ARROWE BROOK ROAD, UPTON, CH49 1AB**

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

It was moved by Councillor Ian Lewis and seconded by Councillor Kathy Hodson and:

Resolved (11:0) 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 and listed as follows: Drawings and reports numbered: 2018 017 300 001 Revision 01 (Existing and Proposed Unit Plans), received on 4 October 2018; 2018 017 000 LP01 Revision 01 dated 21.11.18 (1:1250 Location Plan), received on 21 November 2018; 2018 017 000 LP02 Revision 01 dated 21.11.18 (1:500 Block Plan), received on 21 November 2018; Justification for Loss of Employment Land Statement, Sept 2018 – Rev A, received on 4 October 2018; Planning Statement, November 2018 – Rev B, received on 22 November 2018.**
- 3. The Unit 11 at Arrowse Commercial Park shall be used as a gymnasium and for no other purpose (including any other purpose in Class D2 of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005, or any subsequent Order or statutory provision revoking or re-enacting that Order.**
- 4. The use hereby permitted shall be discontinued and the building and land restored to its former condition on or before 16 November 2027 in accordance with a scheme of work(s) to be submitted to and approved in writing by the Local Planning Authority.**
- 5. All vehicle parking for gymnasium users and staff shall take place within the Arrowse Commercial Park site area on the car parking space areas for gymnasium use shown on the 1:500 Block Plan; unless these spaces are completely full at any one time, when excess parking shall be accommodated on other available spaces within the site, on an informal basis.**

104 **APP/18/01234 : TWO STOREY EXTENSION TO EXISTING PROPERTY AND NEW BUILD PROPERTY AND ASSOCIATED GARAGE WITHIN**

SAME PLOT - LITTLE MUNDENS, 43 FARR HALL DRIVE, HESWALL, CH60 4SE

The Corporate Director for Economic and Housing Growth submitted the above application for consideration.

A Ward Councillor addressed the Committee.

A discussion was had regarding site history surrounding the site and issues encountered with drainage within the area.

It was moved by Councillor Steve Foulkes and seconded by Councillor Kathy Hodson and:

Resolved (11:0) That consideration of this application be deferred to allow officers to confirm planning history for the site and to consult directly with Welsh Water.

105 **17_00174ENF : ERECTION OF A REAR DORMER ROOF EXTENSION AT 359 UPTON ROAD, NOCTORUM, WIRRAL, CH43 9RJ**

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

Members were advised how the purpose of the report was to advise Members of an unauthorised erection of a rear dormer at 359 Upton Road, Noctorum. Members heard how the erection of a roof extension at a dwellinghouse is permitted by the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 Class B subject to a number of limitations and conditions. Members were then advised that the dormer extension built at 359 Upton Road complies with all of those limitations and conditions except for the following: a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Background information was provided and Members heard how the Council had received a complaint from a member of the public on 26 June 2017 in relation to the erection of a dormer roof extension without consent. On 5 September 2017, a letter was sent to the occupier requesting that steps be taken to remedy the breach of planning control by either re cladding the dormer with a hung tile, submitting a retrospective planning application seeking permission to retain the dormer as built, or permanently removing the entire dormer. Members then heard how a second letter was sent on 10 October 2017 to which no response was received and a site visit was made on 31 May 2018 and letters were sent to 4 neighbouring properties on 5 June

2018 explaining that the Council were in a process of considering whether it was expedient to issue an enforcement notice to the owners of the property.

Members were advised that Central Government guidance sets out that a Local Planning Authority should not take formal enforcement solely to remedy the absence of a planning application and such action should only be directed at unacceptable forms of development. Members were further advised that in this instance, the development is considered to comply with Policy HS11 (House Extensions) of Wirral's adopted unitary development plan, and is considered to be acceptable in planning terms.

It was moved by Councillor Steve Foulkes and seconded by Councillor Tony Jones and:

Resolved (11:0) That the committee agree that it is not considered expedient to issue an Enforcement Notice requiring the demolition of the dormer.

106 **ERECTION OF 2-STOREY REAR EXTENSION, TERRACE AND DETACHED GARAGE AT 13 MOUNT PLEASANT, OXTON, CH43 5SY – POTENTIAL REVOCATION OF PLANNING PERMISSION**

The Assistant Director for Major Growth Projects & Housing Delivery addressed the Committee to outline the report. Members were advised that the grant of planning permission associated with APP/18/00817 did not follow the correct procedural process due to significant pressures within the Planning Department having regards to the high volume of applications and pre – application enquiries being submitted to the Council coupled with resourcing issues.

Members heard how a planning application had been approved without being considered by Committee. Members were informed that under the Scheme of Delegation there were two grounds for this application to be considered by Committee namely a request from an elected Member and more than 15 individual objections had been received.

The Assistant Director advised that an internal investigation was undertaken which concluded that the planning permission was not properly granted in terms of procedure with regards to the Council's Constitution and Scheme of Delegation for determining planning applications. Following the investigation, actions taken were identified within the report as follows:

- A review of all of the applications where the agency worker was case officer were undertaken to ensure that this had not taken place elsewhere; no further incidents resulted following this review;
- Officers Reports for both delegated and Planning Committee items have been amended to include a specific section to report Ward

Members comments which will ensure that officers are required to report any received and for senior officers to be aware of these comments prior to authorising decisions; and

- Appropriate action was taken under the Council's HR procedures and all officers have received refresher instructions about the provisions of the current Scheme of Delegation for determining planning applications

The Committee were informed that notwithstanding that this application should have been reported to Planning Committee, all the material planning considerations raised in objections to the proposal had been taken into account. Members were advised that a report by Officers to the Planning Committee would have carried a recommendation to approve the application. Legal and Financial considerations were set out within the report.

In response to comment by a Member, the Assistant Director for Major Growth Projects & Housing reassured the Committee that the Council take these matters very seriously and that extra resources and staff have been recruited in order to alleviate workloads. He further informed the Committee that he would write to residents who had objected to explain the situation.

It was moved by Councillor Steve Foulkes and seconded by Councillor David Elderton and:

Resolved (11:0) that it is not considered expedient to revoke planning permission app/18/00817 having regards to the Development Plan and other material considerations.