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PLANNING COMMITTEE

Thursday, 30 May 2019

<u>Present:</u>	Councillor	S Kelly (Chair)	
	Councillors	G Davies S Foulkes S Frost B Kenny P Stuart S Whittingham	B Berry K Hodson I Lewis M Jordan I Williams
<u>Deputies:</u>	Councillors	A Brame (for A Corkhill) P Cleary (for S Hayes)	

1 MINUTES

The Director of Governance and Assurance submitted the minutes of the meeting held on 17 April 2019.

Resolved – That the minutes of the meeting held on 17 April be approved.

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and if so, to declare them and state the nature of the interest.

Councillor S Frost declared a prejudicial interest in Item 17 – Vacant land at 2A Prenton Way, Prenton by virtue of having previously campaigned against this development before becoming an elected member.

3 REQUESTS FOR SITE VISITS

The following requests for site visits were unanimously agreed:

APP/19/00139: THE DELL, PRENTON HALL ROAD, PRENTON, CH43 3AE - DEMOLITION OF EXISTING PUBLIC HOUSE (A4 USE), AND ERECTION OF SINGLE FOUR-STOREY APARTMENT BLOCK CONTAINING 28NO. 2-BEDROOM SELF-CONTAINED FLATS (C3 USE) - ALL FOR AFFORDABLE HOUSING FOR RENT, AND ASSOCIATED CAR PARKING, AMENITY SPACE AND LANDSCAPING

APP/19/00167: 1 OLDFIELD DRIVE, HESWALL, CH60 6SS ERECTION OF A THREE-STOREY APARTMENT BLOCK COMPRISING OF 4 NO. TWO

BEDROOM AND 1 NO. THREE BEDROOM APARTMENTS, FOLLOWING DEMOLITION OF EXISTING DWELLING HOUSE (AMENDED).

APP/19/00372: ROSELANDS, 16 CROFT DRIVE, CALDY, CH48 2JW - PROPOSED DEVELOPMENT OF 1 NEW BUILD DWELLING WITHIN THE CURTILAGE OF 'ROSELANDS', 16 CROFT DRIVE

APP/19/00431: WESTWAYS, 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ FOR THE ERECTION OF A NEW REAR TWO STOREY EXTENSION TO HOUSE ONE FURTHER SINGLE DWELLING (AMENDMENT TO APP/18/00124)

4 APPOINTMENT OF VICE CHAIR

On a motion by Councillor S Kelly and seconded by Councillor K Hodson it was:

Resolved unanimously that Councillor S Foulkes be appointed as Vice Chair of the Planning Committee

5 ORDER OF BUSINESS

The Chair agreed to vary the order of business.

6 APP/17/00779: VACANT LAND, 2A PRENTON WAY, PRENTON, CH43 3DX - ERECTION OF A TWO STOREY RESTAURANT WITH ASSOCIATED DRIVE-THRU, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS INCLUDING THE INSTALLATION OF 2NO. CUSTOMER ORDER DISPLAYS WITH ASSOCIATED CANOPIES, 2NO. GAS AND ELECTRICITY KIOSKS, CYCLE STANDS, JUMBRELLAS AND CHILDREN'S PLAY SPACE.

Councillor S Frost declared personal and prejudicial interests in this matter and left the room during its consideration.

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

A petitioner addressed the Committee.

The applicant addressed the Committee.

Two Ward Councillors addressed the Committee.

It was moved by Councillor P Cleary and seconded by Councillor I Lewis that the application be refused,.

The motion was put and lost (6:7)

On a motion by Councillor S Foulkes and seconded by the Chair it was –

Resolved (8:5) 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 11 August 2017 and listed as follows: Drawing Number 7202-SA-8141-AL01 B (dated May 2017); Drawing Number 7202-SA-8141-AL03 A (dated May 2017); Drawing Number 7202-SA-8141-P004 A (dated May 2017); 7202-SA-8141-P005 A (dated May 2017); 7202-SA-8141-P006 A (dated May 2017) AND 7202-SA-8141-P007 A (dated May 2017);**
- 3. Before any construction above ground level 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. Prior to the commencement of any building works above ground level, full details of the hard and soft landscaping of the site (including all boundary treatment) 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. The development hereby permitted shall not be occupied until the associated access roads and parking spaces have been laid out in accordance with the approved plans. The access roads and parking spaces shall thereafter not be used for any other purpose.**
- 6. The development hereby permitted shall not be occupied until the pedestrian crossing has been laid out in accordance with details provided in drawing no. 3201-07A.**
- 7. NO DEVELOPMENT SHALL TAKE PLACE until a delivery management plan has been submitted to and agreed in writing by the Local Planning Authority. Deliveries to the development hereby approved shall be undertaken in line with the approved details unless agreed otherwise in writing by the Local Planning Authority. No deliveries shall take place between the hours of 7:30-9.30 am, 12.00-13.30pm and 16.00-18:30 hours Monday to Sundays unless agreed otherwise in writing by the Local**

Planning Authority.

- 8. 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.
- 9. PRIOR TO FIRST OPERATION** of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall detail incentives for encouraging access to the site by modes other than the car and shall be implemented in all respects following the commencement of the operation of the use hereby approved.
- 10. NO DEVELOPMENT SHALL TAKE PLACE** (including any demolition works) UNTIL a Construction Management Plan or Construction Method Statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and 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.
- 11. PRIOR TO FIRST OCCUPATION** a full scheme of works and timetable for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, cycleways, verges, street lighting, surface water drainage, traffic signs, TRO's, road markings, street furniture, access onto the adjacent highway, road safety audit and monitoring shall be submitted to and agreed in writing with the Local Planning Department. The works shall be completed in accordance with the details as approved.
- 12. No development shall take place** until a detailed Construction Risk Assessment Method Statement (RAMS) is submitted to and approved by the Local Planning Authority. The statement shall outline how the pressurised water mains will be protected not only during the construction period but for the lifetime of the development and should include (although not exclusively) considerations such as changing land levels, vibration,

disturbance and health and safety considerations. The development shall be undertaken in accordance with the approved RAMS.

- 13. 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 submissions has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:**

- **SuDS Report (25th October 2018/ Ref: MD4160945/FG/013/ Issue 1/ Glanville)**

For the avoidance of doubt, no surface water should connect to the public sewerage system.

- 14. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.**

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

- 7 APP/18/01642: UNIT 7, THE CURVE, 139 TELEGRAPH ROAD, HESWALL, CH60 7SE - CHANGE OF USE OF VACANT EXISTING RETAIL UNIT NO. 7 (CLASS A1 USE) AT FIRST FLOOR LEVEL, TO USE AS A HEALTH AND FITNESS CENTRE INCLUDING GYMNASIUM USE (CLASS D2 USE), TO OPERATE 24 HOURS A DAY 7 DAYS A WEEK. INCLUDING ADDITION OF ROOF MOUNTED AIR CONDITIONING UNITS.**

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

A Ward Councillor addressed the committee.

On a motion by the Chair and seconded by Councillor K Hodson it was –

Resolved (13-1) 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 6th February 2019 and listed as follows: plan/drawing numbers 0104-PL01, 0104-PL02, 0104-PL03, 0104 PL04 Revision 2, 0104 PL05/a Revision 2, 0104 PL05 Revision 2 and 0104-PL06 (date 2018).**
 - 3. Prior to first occupation the applicant shall submit a good scheme of sound insulation to provide protection against both airborne and impact noise created in the premises.**
 - 4. The use hereby permitted shall only be open to all users between 7am and 1130pm Monday to Saturday and between 8am and 10pm on Sundays and Bank Holidays.**
 - 5. PRIOR TO FIRST USE of the development hereby approved, a Site Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Site Management Plan shall include but not be solely restricted to the following measures:**
 - i. The car park and associated pedestrian access shall be closed between 2300 hours and 0600 hours daily and details of how access to the car park between these hours will be prohibited/restricted;**
 - ii. Installation of an ANPR System;**
 - iii. Signage detailing opening and closing hours;**
 - iv. Details of an Induction Training Pack;**
 - v. CCTV Surveillance; and**
 - vi. Complaints Procedure that sets out how local residents can complain to the club and how management will respond.**
- 8 DPP3/19/00035: HESWALL PRIMARY SCHOOL, WHITFIELD LANE, HESWALL, CH60 7SD - ERECTION OF SINGLE-STOREY SIDE EXTENSION TO FORM EXTENDED LOBBY. ERECTION OF SINGLE-STOREY REAR EXTENSION TO FORM 2 NO. CLASSROOMS. OTHER WORKS INCLUDE BOTH INTERNAL AND EXTERNAL ALTERATIONS TO SCHOOL.**

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

On a motion by Councillor G Davies and seconded by Councillor K Hodson it was –

Resolved (14-0) – 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 23rd January 2019 and listed as follows:**

**B03279-01, received 23rd January 2019;
B03279-05, received 23rd January 2019; and
B03279-06, received 23rd January 2019.**

- 3. Prior to any above ground works taking place, samples of the materials (roof tiles, brickwork, and openings) 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.**

- 9 DPP3/19/00046: WEST KIRBY & HOYLAKE WAR MEMORIAL, FOOTPATH OVER GRANGE HILL BY WAR MEMORIAL TO LANG LANE, WEST KIRBY, CH48 4ET - ENHANCED LIGHTING SCHEME AND INSTALLATION OF WEB-CAMERA AND CCTV.**

Resolved - that consideration of this item be deferred to allow for additional information to be obtained by officers

- 10 LBC/19/00047: WEST KIRBY & HOYLAKE WAR MEMORIAL, FOOTPATH OVER GRANGE HILL BY WAR MEMORIAL TO LANG LANE, WEST KIRBY, CH48 4ET - APPLICATION FOR LISTED BUILDING CONSENT FOR ENHANCED LIGHTING SCHEME AND INSTALLATION OF WEB-CAMERA AND CCTV.**

Resolved - that consideration of this item be deferred to allow for additional information to be obtained by officers

- 11 APP/19/00139: THE DELL, PRENTON HALL ROAD, PRENTON, CH43 3AE - DEMOLITION OF EXISTING PUBLIC HOUSE (A4 USE), AND ERECTION OF SINGLE FOUR-STOREY APARTMENT BLOCK CONTAINING 28NO. 2-BEDROOM SELF-CONTAINED FLATS (C3 USE) - ALL FOR AFFORDABLE HOUSING FOR RENT, AND ASSOCIATED CAR PARKING, AMENITY SPACE AND LANDSCAPING.**

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

- 12 **APP/19/00146: 9 THE ROW, MARKET STREET, HOYLAKES, CH47 3BB - VARIATION OF CONDITION 2 OF PLANNING PERMISSION APP/10/00746 (CHANGE OF USE FROM RETAIL UNIT TO CAFE/RESTAURANT) TO ALLOW EXTENDED OPENING HOURS OF 08:00 TO 23:30 MONDAY TO SUNDAY (EXISTING PERMITTED OPENING HOURS 08:00 TO 18:00 MONDAY TO SATURDAY)**

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

A petitioner addressed the Committee.

The applicant addressed the Committee.

A Ward Councillors addressed the Committee.

On a motion by the Chair and seconded by Councillor S Foulkes it was –

Resolved (13-1) – That the application be approved with the following conditions.

1. The premises shall only be open to customers and other visiting members of the public between the hours of 08:00 and 23:00

2. The use hereby permitted shall not commence trading until:

i) A scheme of noise insulation between the ground floor and first floor accommodation has been submitted to and approved in writing by the Local Planning Authority and thereafter installed in accordance with the approved details; and

ii) All external doors to the premises have been fitted with self-closing mechanisms.

Thereafter the noise insulation and self-closing mechanisms shall be retained.

The details of the noise insulation scheme shall adhere to 'Building Regulations Approved Document E - Resistance to the Passage of Sound' or any updates to or replacement for that document.

3. After 21:00 hours on any day of the week:

i) No external area shall be used for the purposes of eating or drinking;

ii) No music shall be played in, or relayed to, any external area; and

iii) All external windows and doors shall be kept closed, except for the purposes of access and egress.

4. There shall be no disposal of waste into external containers between the hours of 21:00 and 07:00.

5. No hot food shall be prepared on the premises until:

- i) A scheme of fume extraction has been submitted to and approved in writing by the Local Planning Authority; and
- ii) The fume extraction equipment has been installed in accordance with the approved details and is available for use.

Thereafter the fume extraction equipment shall be retained.

When designing the fume extract system reference should be made to the Defra document 'Guidance on the control of odour and noise from commercial kitchen exhaust systems.'

- 13 **APP/19/00167: 1 OLDFIELD DRIVE, HESWALL, CH60 6SS - ERECTION OF A THREE-STOREY APARTMENT BLOCK COMPRISING OF 4 NO. TWO BEDROOM AND 1 NO. THREE BEDROOM APARTMENTS, FOLLOWING DEMOLITION OF EXISTING DWELLING HOUSE (AMENDED).**

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

- 14 **APP/19/00206: LAND AT FORMER OLD TAVERN CLUB, MAGAZINE LANE, NEW BRIGHTON, CH45 5AD - CONSTRUCTION OF 14 NO. 2 BEDROOM SELF-CONTAINED FLATS WITH NEW ACCESS AND ASSOCIATED PARKING AND LANDSCAPE WORKS**

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

A Petitioner addressed the Committee.

The Agent addressed the Committee.

On a motion by Councillor S Foulkes and seconded by Councillor S Whittingham it was –

Resolved (14-0) – 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 February 2019 and listed as follows: L01; L02; L03; L05; L06 and the amended plan received on 29th April 2019 and listed as: L04 Revision B

3. Before any construction above ground level 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 details shown on the plans, prior to first occupation of the development full details of the 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.
5. PRIOR TO COMMENCEMENT OF DEVELOPMENT a full scheme of works for the construction of the new vehicle access from the highway and amendments to the existing highway made necessary by this development, including a new vehicle crossing in accordance with LPA crossing specifications, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in full prior to first occupation of the development
6. PRIOR TO COMMENCEMENT OF DEVELOPMENT, detailed drawings indicating the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.
7. No development above ground level shall take place before details of a scheme of landscaping, which shall include details of both hard and soft landscaping works and earthworks, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out no later than the first planting season following the completion of development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation
8. Prior to first occupation, full details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and

approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to first occupation and retained as such thereafter

9. All bathroom and stairwell first-floor windows in the eastern elevation of the building to the rear of the application site ('Block 2') shall be obscurely glazed prior to first occupation and retained as such thereafter

10. No development shall commence until the final detailed sustainable drainage design, in the form of a 'Confirmed/ Final' Sustainable Drainage Strategy, for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The details of the 'Confirmed / Final' Sustainable Drainage Strategy must follow the drainage hierarchy and be in accordance with DEFRA's technical standards for sustainable drainage systems and The SuDS Manual (C753) and meet all requirements, including submission requirements, of Wirral Council's 'Sustainable Drainage Technical Guidance.' The development shall be subject to a limiting discharge rate of 5 l/s for surface water.

11. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

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

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

A Ward Councillor addressed the Committee.

On a motion by the Chair and seconded by Councillor K Hodson it was –

Resolved (13-1) – 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 5th March 2019 and listed as follows:**

2019/009/002/REV01 - Dated 14th February 2019.

2019/009/001/REV01 - Dated 14th February 2019.

- 16 APP/19/00366: 31A CARHAM ROAD, HOYLAKE, CH47 4FF - RETROSPECTIVE CHANGE OF USE TO CAR SALES AND SHOWROOM, VALET, VEHICLE PARKING/STORAGE, AND OFFICE SPACE**

Resolved – That consideration of this item be withdrawn from the Committee to be dealt with by officers under delegated powers.

- 17 APP/19/00372: ROSELANDS, 16 CROFT DRIVE, CALDY, CH48 2JW - PROPOSED DEVELOPMENT OF 1 NEW BUILD DWELLING WITHIN THE CURTILAGE OF 'ROSELANDS', 16 CROFT DRIVE**

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

- 18 APP/19/00431: WESTWAYS, 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ FOR THE ERECTION OF A NEW REAR TWO STOREY EXTENSION TO HOUSE ONE FURTHER SINGLE DWELLING (AMENDMENT TO APP/18/00124)**

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

- 19 ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

- 1. The chair informed the committee that he had been communicating with planning committee spokespeople, cabinet members and legal**

services about the potential for setting up a planning sub-committee. It was noted that initial discussions had been positive and that it would allow the committee to get involved with specific policies of the Local Plan.

David Ball confirmed he had been in discussion with the Chair, planning committee spokespeople and relevant cabinet members and intended to bring more information to the next planning committee.

Agreed – That the Chair and David Ball continue to explore the idea of a planning sub-committee and bring back more information at the next Planning Committee.

2. The chair noted that he has asked for the subject of Thornton Manor to be a standing agenda item and for any developments in the case to be brought to the attention of the committee.

The borough solicitor confirmed that planning permission for a marquee at Thornton Manor had been quashed and that they had appealed and lost. The current position is that the planning application would have to be re-determined.

The current legal position of the site was discussed, and it was confirmed by the borough solicitor that Thornton Manor currently have no permission for the marquee but that while the planning application is being processed, the council will refrain from taking enforcement action.

The Chair highlighted that the High Court judgement is a public document and that the criticisms brought against the council need to be addressed. The chair asked for planning officers to bring a report to committee to address these criticisms.

Councillor Ian Lewis suggested that as there was an application for the planning committee to determine, the Audit and Risk Management Committee should deal with the report on the situation. The chair confirmed this with the committee.

Agreed - that planning officers will provide an update to the committee on any developments in the case against Thornton Manor and that they would provide a report to the Audit and Risk Management Committee regarding criticisms brought against the council by the High Court.

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