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PLANNING COMMITTEE

Thursday, 20 June 2019

<u>Present:</u>	Councillor	S Kelly (Chair)	
	Councillors	S Foulkes K Hodson S Hayes G Davies S Frost B Kenny	P Stuart S Whittingham I Williams B Berry I Lewis A Corkhill
<u>Deputy:</u>	Councillor	A Gardner (In place of M Jordan)	

20 MINUTES

The Director of Governance and Assurance submitted the minutes of the meeting held on 30 May 2019.

Resolved – That, subject to the amendments to be made, the minutes of the meeting held on 30 May 2019 be submitted for approval to the next meeting to be held on 18 July 2019.

21 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 I Lewis declared a personal interest in Item 8 – Roselands, 16 Croft Drive, Caldby, by virtue of being acquainted with a neighbour.

22 REQUESTS FOR SITE VISITS

Members were asked to request all site visits before any application would be considered.

No such requests were made.

23 ORDER OF BUSINESS

The Chair agreed to vary the order of business.

24 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.

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

A petitioner addressed the Committee.

A representative of the applicant addressed the Committee.

Two Ward Councillors addressed the Committee.

It was moved by Councillor S Hayes and seconded by Councillor S Frost that the application be refused.

The motion was put and lost (10:4).

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

Resolved (10:4) – That the application be approved subject to the following conditions:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19 February 2019, 1 March 2019 & 22 March 2019 and listed as follows: 18119-102-C18119-103-B, 18119-104, 18119-105, 18119-110-A, 18119-111-D, 18119-200 & 18119-201-A.

Before any construction of the development hereby permitted 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.

The affordable housing shall be provided within the development in accordance with the submitted Affordable Housing Statement.

A full scheme of works for the reinstatement to standard footway levels of the existing vehicle access from the highway that is rendered obsolete by the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall be submitted to, approved and completed as agreed, prior to first occupation of the development.

Prior to demolition, further surveys of the existing building for roosting bats shall be undertaken and results, together with a scheme of protection measures, shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation requirements shall then be implemented in full in a timescale to be agreed in writing with the Local Planning Authority.

Prior to commencement of construction of the development hereby permitted, 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 shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Drainage Strategy and Flood Risk Assessment for Proposed Development The Dell (April 2019/ Ref: LRD29933/ Rev 002/ Sutcliffe)

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.

Prior to first occupation, details shall be submitted showing, type, location and date of installation of bat and bird boxes that shall be erected within the application site and agreed in writing with the Local Planning Authority.

- 25 **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 DWELLINGHOUSE (AMENDED)**

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

A Ward Councillor addressed the Committee.

It was moved by Councillor I Lewis and seconded by Councillor K Hodson that the application be refused.

The motion was put and lost (4:9:1 abstention).

On a motion by Councillor B Kenny and seconded by Councillor P Stuart it was –

Resolved (9:4:1 abstention) – That the application be approved subject to the following conditions:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th February 2019 and listed as follows:

**2019 013 001/02, received 4th February 2019;
2019 013 002/05, received 29th March 2019;
2019 013 003/05, received 12th March 2019; and
2019 013 004/08, received 2nd May 2019.**

Prior to any above ground works taking place, samples of the materials (roof tiles, brickwork, render 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.

Prior to first occupation of the hereby approved development, the cycle store as shown on submitted drawing no: 2019 013 002/05 shall be provided and made available for use and shall be retained for use at all times thereafter.

Prior to first occupation of the development hereby approved, the parking layout for the provision of 10 no. cars shall be implemented in accordance with the approved details as shown on drawing 2019 013 002/05. It shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Prior to first occupation of the hereby approved development, the bin store as shown on submitted drawing no: 2019 013 002/05 shall be made available for use and shall be retained for use at all times thereafter.

The first floor windows on the rear (south) elevation adjacent to 295 Telegraph Road shall be obscurely glazed and non-opening, up to a height of 1.7m

above the internal floor level. This shall be installed prior to the first occupation of the flats hereby approved and retained as such thereafter.

Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

- 26 **APP/19/00308: WIRRAL RUGBY CLUB LTD, THORNTON COMMON ROAD, THORNTON HOUGH, WIRRAL - RETROSPECTIVE PERMISSION FOR CHANGE OF USE OF ADDITIONAL SMALL AREA OF PLAYING FIELDS FOR HARDSTANDING CAR PARK**

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

On a motion by Councillor G Davies and seconded by the Chair it was –

Resolved (12:2) – That the application be approved subject to the following condition:

The overflow car parking area hereby permitted shall be used only on Saturday and Sunday, and up to 30 other days in any 12 month period.

- 27 **APP/19/00338: BRIMSTAGE BREWERY, HOME FARM, BRIMSTAGE LANE, BRIMSTAGE CH63 6HY - ERECTION OF FIRST FLOOR EXTENSION ABOVE EXISTING BREWERY TO FORM TAP ROOM AND SALES AREA (MIXED USE CLASS A1/A4) WITH EXTERNAL STAIR, AND FORMATION OF CAR PARKING**

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

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

Resolved (14:0) – That the application be approved subject to the following conditions:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14 March 2019 and listed as follows:

AL(21)011 Revision B (Proposed Elevations) dated 14.03.2019

AL(--)012 (Proposed Site Plan) dated 28.02.2019

AL(--)013 (Proposed Plans Ground and First Floors) dated 28.02.2019

The external timber cladding and external roofing material shall match that to the existing brewery building as closely as possible in terms of type, size and colour.

The premises shall only be open to customers and other visiting members of the public between the hours of 08:00 and 20:00.

The development hereby permitted shall not be brought into use until:

- i) The car parking bays identified on drawing number AL(--)-012 (Proposed Site Plan) have been constructed and are available for use; and**
- ii) At least one secure cycle parking stand has been installed on the site and is available for use.**

Thereafter the car and cycle parking shall be retained.

Stripping of the bargeboards shall be carried out by hand and under the supervision of a suitably licensed ecologist.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order, the development hereby permitted shall be used only for purposes ancillary to the operation of Brimstage Brewery and shall not be sold, let or otherwise occupied or used independently of the brewery including any other use within classes A1 or A4 of the Use Classes Order 1987 (as amended).

All storage in relation to the development hereby approved shall be contained within the brewery buildings.

Notwithstanding the provisions of the Town & Country Planning (General Development Procedure) (England) Order 2015 (or any subsequent re-enactment) the gross internal floorspace shall not exceed 81m² and there shall be no extension or alteration to the development hereby approved.

28 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 - AMENDED PROPOSAL

Councillor I Lewis declared a personal interest in this matter (minute 21 refers).

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

A petitioner addressed the Committee.

The agent addressed the Committee.

It was moved by the Chair and seconded by Councillor I Lewis that the application be refused.

The motion was put and lost (6:8).

On a motion by Councillor B Kenny and seconded by Councillor P Stuart it was –

Resolved (8:6) – That the application be approved subject to the following conditions:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 11 March 2019 & 24 April 2019 and listed as follows: 16-156-110 Rev A, 16-156-111 Rev A, 16-156-120 & 16-156-130 Rev A.

Prior to commencement of development, samples of the facing, roofing, window and gateway 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.

No tree felling, scrub clearance, hedgerow removal, 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 buildings, trees, scrub, hedgerows and vegetation 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 for approval.

The development hereby permitted shall not be occupied until details of bird and bat boxes, number, location, type and timing to be erected on site, has been provided for approval and implemented in accordance with those details.

Rhododendron is present within the site boundary. This Species is listed on Schedule 9 of the Wildlife and Countryside Act. A method statement, prepared by a competent person shall be submitted to the Local Planning Authority prior to any clearance works on site, which includes the following information:

- **A plan showing the extent of the plant;**
- **The method that will be used to prevent the plant/s spreading further, including demarcation;**
- **The method of control that will be used, including details of post-control monitoring; and**
- **How the plants will be disposed of after treatment/removal.**

In order to provide protection for priority species, Reasonable Avoidance Measures are required, these include:

- **A toolbox talk prior to commencement of any clearance works regarding the**

presence of badger (and hedgehog) in the area and the legislation protecting them;

- A check prior to any clearance or construction works for signs of badger activity on site and within 30m of the proposed development;
- All excavations should be covered at night to prevent access by badger and hedgehog; if this is not possible then a means of escape should be provided to ensure that no animals become trapped. This could include backfilling, covering with board, or fitting with a means of escape, such as plank leading out of the excavation with an angle of no more than 45°;
- Appropriate storage of materials to ensure that badger and hedgehog do not become trapped and that materials are not available for excavation of new setts (for example, storage of sand); and
- Protective fencing should be erected around the site during construction.

29 **APP/19/00401: 45 MOUNT ROAD, WEST KIRBY CH48 2HH - PROPOSED NEW DWELLING TO LAND ADJACENT TO 45 MOUNT ROAD, WEST KIRBY**

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

A petitioner addressed the Committee.

A representative for the applicant addressed the Committee.

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

Resolved (14:0) – That the application be approved subject to the following conditions:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 18 March 2019 and listed as follows: 1738 SD 012, 1738 SD 011, 1738 SD 013 and in accordance with the approved plans received by the local planning authority on 20 May 2019 and listed as follows: 1738 SD 010 Rev A.

Before any construction commences, details 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.

The north facing bathroom window shall not be glazed otherwise than with obscured glass and fixed shut and thereafter be permanently retained as such.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory

provision re-enacting or revoking the provisions of that Order), no window, other than that hereby approved, shall be added to the side (north facing) elevation of the property unless expressly authorised.

30 **APP/19/00403: 27 TARRAN WAY NORTH, MORETON CH46 4TT - CHANGE OF USE OF INDUSTRIAL UNIT 27 TARRAN WAY NORTH FROM USE CLASS B1 TO SUI GENERIS TO ENABLE US TO OPEN A DOG DAY CARE CENTRE**

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

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

Resolved (14:0) – That the application be approved subject to the following conditions:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 1 April 2019.

No more than 60 dogs shall be allowed on the premises at any time.

31 **APP/19/00431: WESTWAYS, 16 LINGDALE ROAD, WEST KIRBY CH48 5DQ**

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

A Ward Councillor addressed the Committee.

It was moved by Councillor A Gardner and seconded by Councillor K Hodson that the application be refused.

The motion was put and lost (3:11).

On a motion by Councillor S Kelly and seconded by Councillor B Kenny it was –

Resolved (11:3) – That the application be approved subject to the following conditions:

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 5th April 2019 numbered, 0.001_Rev_A, and received on 30th April 2019 and listed as follows:

0.002_Rev_B

3.100_RevA

3.101_RevA

3.200_RevA

3.201_RevA

Prior to the occupation of the accommodation hereby approved, the first floor and stairwell windows on the eastern and western elevation shall be glazed with obscure glass, details of which, shall be approved in writing by the Local Planning Authority before installation. The windows shall also be non opening up to a height of 1.7m from the floor of the room they serve. The windows shall be retained as such thereafter.

Prior to the occupation of the accommodation hereby approved, details of a screen to be installed on the western side of the rear first floor balcony shall be submitted to and agreed in writing with the Local Planning authority. The screen shall be installed in accordance with the approved details before the accommodation hereby approved is occupied and retained as such thereafter.

Prior to the occupation of the accommodation hereby approved, the eastern elevation of the glazed link structure facing 14 Lingdale Road shall be glazed with obscure glass in accordance with the details in drawing 3.201_Rev A revised on 30/4/19, details of which, shall be approved in writing by the Local Planning Authority before installation. The windows shall be retained as such thereafter.

32 ANY OTHER URGENT BUSINESS - REQUEST FOR UPDATES: HILLBARK HOTEL AND SPA AND THORNTON MANOR

The Committee considered this item of urgent business in view of the need for an update prior to the next Committee.

The Legal Advisor to the Committee gave an update on enforcement matters relating to Hillbark Hotel and Spa. It was also reported that the application in respect of Thornton Manor would need to be re-determined and that the consultation was due to close on 24 June 2019.

Resolved – That the updates provided in respect of Hillbark Hotel and Spa and Thornton Manor be noted.