

PLANNING COMMITTEE

Wednesday, 21 July 2010

<u>Present:</u>	Councillor	D Mitchell (Chair)	
	Councillors	D Elderton B Kenny E Boulton P Gilchrist P Johnson	M Johnston J Keeley S Kelly J Salter
<u>Deputies:</u>	Councillors	G Davies G Watt (for P Hayes)	

32 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 Keeley declared a prejudicial interest in APP/10/00657 by virtue of this matter having previously been heard by the Licensing Committee and to which he had made representations.

Councillor Kelly declared a prejudicial interest in APP/10/00583 by virtue of having previously spoken on behalf of the objectors.

Councillor Watt declared a personal interest in APP/10/00445 by virtue of his wife having worked at the premises for several days earlier this year.

Councillor Boulton declared a prejudicial interest in APP/10/00545 by virtue of having spoken about this matter prior to being an elected member.

33 REQUESTS FOR SITE VISITS

Members were asked to submit their requests for site visits before any planning applications were considered.

The following requests for site visits were unanimously approved;

Application 10/00668 – Griffiths Funeral Home, Grange Bank, Grange Road, West Kirby, CH48 4DY – change of use of land to front of the Red Door to provide an outdoor seating area.

Application 10/00677 – Ganneys Meadow School, Ganneys Meadow Road, Woodchurch, CH49 7NS – erection of 12 no dwellings (Amendment to Planning Permission APP/2008/5857)

Application 10/00445 – Thornton Manor, Manor Road, Thornton Hough, CH63 1JB – Proposed erection of three marquees within the Thornton Manor Estate, namely at

the dell, the walled garden and at the lake, to be used for private functions and conferences.

34 **APP/10/00545 - PANACHE, 43 MARKET STREET, HOYLAKE, CH47 2BG - RETENTION OF CANOPY AT REAR FOR SEATING AND STORAGE**

(Councillor Boulton, having declared a prejudicial interest (see minute 227) left the room whilst the application was considered).

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

A ward councillor addressed the meeting.

On a motion by Councillor Mitchell and seconded by Councillor Salter it was:

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

- 1. That the development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. That the outside area shall not be used for the consumption of food and drink between the hours of 2130 and 0800 hours.**
- 3. That no live or recorded music or amplified voices be played in the outside area at any time.**

35 **APP/10/00537 - 18 MOCKBEGGAR DRIVE, WALLASEY VILLAGE, CH45 3NN - ERECTION OF FRONT, SIDE AND REAR EXTENSIONS**

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

The representative of the petitioners was reported to be unwell and therefore a letter submitted on their behalf was circulated to and considered by members of the Planning Committee.

Resolved (11:1) – That the application be approved subject to the following condition:

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

36 **APP/10/00657 - RAGE, 18 LISCARD VILLAGE, LISCARD, CH45 4ST - CHANGE OF USE TO RESTAURANT AND DRINKING ESTABLISHMENT (OPENING HOURS 0900 HOURS UNTIL 0230 HOURS)**

(Councillor Keeley, having declared a prejudicial interest (see minute 227) left the room whilst the application was considered).

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

A petitioner addressed the meeting.

A ward councillor addressed the meeting.

Resolved – That consideration of this matter be deferred for a site visit and for officers to gather more information on other late night establishments within the Key Town Centre.

37 **APP/10/00583 - UNUSED LAND, VILLAGE ROAD, OXTON, CH43 5SR - PROPOSED DEMOLITION OF EXISTING BUILDING AND 2 BED RESIDENTIAL UNIT AND ERECTION OF 3/ 3.5 STOREY BUILDING COMPRISING OF 4NO. RETAIL UNITS, 8 OFFICES AND A SINGLE RESIDENTIAL UNIT**

(Councillor Kelly, having declared a prejudicial interest (see minute 227) left the room whilst the application was considered).

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

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

Resolved (11:00) – That the application be approved subject to the following condition:

1. That the development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. Development shall be built in accordance with plans received on 09 June 2010.

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. Details of gates and acoustic fencing shall be agreed in writing by the Local Planning Authority and built prior to first occupation of the building. Any enclosures shall remain as such thereafter unless agreed in writing by the Local Planning Authority.

5. No part of the development shall be brought into use until details of cycle parking has been agreed in writing by the Local Planning Authority. These facilities shall be permanently retained thereafter.

6. The approved Travel Plan shall be implemented in accordance with the timetable approved in writing by the Local Planning Authority. The approved

Travel Plan shall continue to be implemented as long as any part of the development is occupied.

7. Prior to first occupation of any part of the development, the windows on the west facing side elevation shall be fixed and obscurely glazed and shall be retained as such thereafter.

8. Prior to first occupation of any part of the development, the windows on the north facing side elevation shall be fixed and obscurely glazed and shall be retained as such thereafter.

9. The ground floor premises shall be used only for the purpose of A1 retail specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended nor for any other purpose without the prior permission of the Local Planning Authority.

10. Details of a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The proposed landscaping shall be completed before the proposal hereby approved is occupied and thereafter shall be maintained to the satisfaction of the Local Authority.

11. Landscaping works to be carried out in accordance with the approved details as set out in Condition 10.

12. Prior to first occupation of the building, detailed section drawings of any security shutters shall be submitted to the Local Planning Authority and agreed in writing. The details as agreed shall be implemented and retained as such.

13. No part of the development shall be occupied until facilities clear of the highway have been provided as part of the development hereby approved for the loading/unloading/turning of vehicles in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority; such drawings shall detail means of access, size, siting and surface treatment, and the areas so provided shall at no time be used for any other purpose.

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

15. The design of the vehicular access and parking areas, shall take account of all trees situated on or off site and must be in line with appropriate guide lines (BS 5837: 'Trees in Relation to Construction' 2005 and Arboricultural Advisory and Information Service, Practice Note 'Driveways Close to Trees 1996'). The driveway / parking areas, which are within 4 m of existing trees, must be constructed utilising minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to withstand any influence of existing trees with regard to future potential indirect/direct tree related

damage. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of the proposed driveway / parking, which are within 4m of existing trees, to include their dimensions (in relation to existing ground levels), specifications (materials) and when they are to be constructed in relation to other development works.

16. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:

1; a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

2; the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.

3; a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

4; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

5; the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

6; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

7; the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

8; the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.

9; the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).

10; the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

11; the timing of the various phases of the works or development in the context of the tree protection measures.

17. The following activities must not be carried out under any circumstances:

a, No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

b, No works shall proceed until the appropriate Tree Protection Barriers are in place, with

the exception of initial tree works.

c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.

d, No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA

e, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

18. 21 days before any development is commenced resulting in any alteration of existing ground levels, demolition or alteration of the structure, written notice shall be given to the local planning authority whereupon the local planning authority, within 21 days of receipt of such notice, shall specify in writing to the developer which persons authorised by the local planning authority shall be allowed access to the site to inspect tree protection measures and construction of driveways / access near trees, for the purpose of arboricultural investigation.

19. Before any construction commences, details of the windows 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 and retained thereafter.

38 DLS/10/00582 - MERSEYSIDE FIRE BRIGADE, EXMOUTH STREET, BIRKENHEAD, CH41 4AX - DEMOLITION OF EXISTING FIRE STATION AND CONSTRUCTION OF NEW COMMUNITY FIRE STATION - RESERVED MATTERS APPLICATION OF (OUT/2007/5835) FOR LAYOUT, SCALE, EXTERNAL APPEARANCE AND LANDSCAPING

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

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

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

A) The expiration of three years from the date of this permission.

OR

B) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. Before any construction commences, samples of the facing, roofing 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. Notwithstanding the approved plans, details of a full scheme of works to provide vehicular access from the highway into the development site, including all associated surfacing, kerbing, tactile paving, road markings and surface water drainage requirements shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development. The approved scheme of works shall be implemented in full prior to the first occupation and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

4. Notwithstanding the submitted details, no development shall commence until full details of a scheme to remove and replace the existing traffic island on Exmouth Street, fronting the development site, has been submitted to and approved in writing by the local planning authority. Such details will include all associated road markings, traffic signage, signal signage and electrical equipment and any commuted sums. The scheme will be implemented in full accordance with such details as approved and retained thereafter.

5. No development shall be commenced until details of all security measures including CCTV. Gates, fences and glazing specifications of all ground floor windows have been submitted to and agreed in writing with the Local Planning Authority. The approved development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

- 39 **APP/10/00668 - GRIFFITHS FUNERAL HOME, GRANGE BANK, GRANGE ROAD, WEST KIRBY, CH48 4DY - CHANGE OF USE OF LAND TO FRONT OF THE RED DOOR TO PROVIDE AN OUTDOOR SEATING AREA**

Resolved - That consideration of the application be deferred for a formal site visit.

- 40 **APP/10/00445 - THORNTON MANOR, MANOR ROAD, THORNTON HOUGH, CH63 1JB - PROPOSED ERECTION OF THREE MARQUEES WITHIN THE THORNTON MANOR ESTATE AT THE DELL, THE WALLED GARDEN AND AT THE LAKE TO BE USED FOR PRIVATE FUNCTIONS AND CONFERENCES**

Resolved - That consideration of the application be deferred for a formal site visit.

- 41 **APP/10/00677 - GANNEYS MEADOW NURSERY SCH, GANNEYS MEADOW ROAD, WOODCHURCH, CH49 7NS - ERECTION OF 12 NO. DWELLINGS (AMENDMENT TO PLANNING PERMISSION APP/2008/5857)**

Resolved - That consideration of the application be deferred for a formal site visit.

- 42 **DEVELOPMENT CONTROL QUARTERLY PERFORMANCE REPORT**

The Director of Technical Services submitted a report setting out Development Control Performance under NI 157 for the first quarter of 2010/2011. This period covered 1 April 2010 to 30 June 2010 and indicated to Planning Committee the quarterly performance for all applications, i.e. Majors, Others and Minors.

Resolved – That the Committee note the contents of the report.

43 **PLANNING ENFORCEMENT SERVICE PERFORMANCE DURING 2008/09 AND 2009/10**

The Director of Technical Services submitted a report informing members on the performance of the Planning Enforcement service within Development Control, during 2008/09 and 2009/10.

Resolved – That the report be noted.

44 **WIRRAL BOROUGH COUNCIL TREE PRESERVATION ORDER NO. 342 - LAND AT SALEM VIEW TO THE REAR OF 26 BIRCH CLOSE, OXTON**

The Director of Technical Services submitted a report to inform members of an objection to Wirral Borough Council Tree Preservation Order No 342 and to recommend that the order shall be confirmed.

Resolved – That Wirral Borough Council Tree Preservation Order No 342 be confirmed.

45 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 25/06/2010 AND 11/07/2010**

The Director of Technical Services submitted a report informing members of Planning Applications which had been decided under his delegated powers between 25/06/2010 and 11/07/2010.

Resolved – That the report be noted.
