

PLANNING COMMITTEE

Thursday, 20 February 2014

Present: Councillor B Mooney (Chair)

Councillors D Realey J Walsh
D Elderton I Williams
S Kelly E Boulton
P Brightmore W Clements
S Foulkes P Hayes
A Leech S Mountney

215 MINUTES

The Strategic Director for Transformation and Resourced submitted the minutes of the meeting held on 23 January 2014.

Resolved – That the minutes be approved

216 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary or non pecuniary interests in connection with any items of the agenda and to state the nature of the interest.

No such declarations were made.

217 REQUESTS FOR SITE VISITS

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

The following requests were unanimously approved:

APP/13/0110: TOWER PROMEDNADE, NEW BRIGHTON, CH45 2JY – THE PROPOSED ERECTION OF 1 NO. THREE BEDROOM AND 1NO. 2 BEDROOM APARTMENT AT FOURTH FLOOR LEVEL OF THE EXISTING BUILDING

APP/13/01494: BOAT STORAGE YARD, BACK SEA VIEW, HOYLAKE, CH47 2DL – DEMOLITION OF EXISTING VACANCT STORAGE UNIT AND ERECTION OF 1 NO. DETACHED DWELLING

APP/14/00011: GREAT MEOLS PRIMARY SCHOOL, ELWYN ROAD, MEOLS, CH47 7AP – ERECTION OF A SPORTS HALL AND RELOCATION OF STORE BUILDINGS.

- 218 **APP/13/01110: TOWER PROMENADE, NEW BRIGHTON, CH45 2JY - THE PROPOSED ERECTION OF 1NO. THREE BEDROOM AND 1NO. 2 BEDROOM APARTMENT AT FOURTH FLOOR LEVEL OF THE EXISTING BUILDING**

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

- 219 **APP/13/01375: LAND TO THE REAR OF 1-4 MILL ROAD, THINGWALL - CONSTRUCTION OF 3NO. SPLIT LEVEL HOUSES ON LAND TO THE REAR OF 1-4 MILL ROAD. AMENDMENT TO PLOT 2**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

A Ward Councillor addressed the Committee

On a motion by Councillor Brightmore and seconded by Councillor Leech it was:

Resolved (11:2) That the application be refused on the following grounds:

The proposal would result in an unneighbourly form of development in that it would lead to overbearance which the Local Planning Authority considers would be detrimental to the amenities which the occupiers of the adjoining properties 28, 30 and 32 Beverley Gardens could reasonably expect to enjoy, contrary to Unitary Development Plan Policy HS4.

- 220 **OUT/13/01403: ANCHOR COTTAGE, WALLASEY VILLAGE, CH45 3LP - OUTLINE APPLICATION FOR A RESIDENTIAL HOUSE AND GARAGE WITH ACCESS OFF WALLASEY VILLAGE ROAD**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

On a motion by Councillor Realey and seconded by Councillor Brightmore it was:

Resolved (13:0) That the application be approved subject to the following conditions:

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) Layout
- (b) Scale
- (c) Appearance
- (d) Access and
- (e) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

No development shall take place before samples of the facing and roofing 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.

- 221 **APP/13/01494: BOAT STORAGE YARD, BACK SEA VIEW, HOYLAKE, CH47 2DL - DEMOLITION OF EXISTING VACANT STORAGE UNIT AND ERECTION OF 1 NO. DETACHED DWELLING (AMENDED SITE PLAN RECEIVED)**

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

- 222 **APP/14/00011: GREAT MEOLS PRIMARY SCHOOL, ELWYN ROAD, MEOLS, CH47 7AP - ERECTION OF A SPORTS HALL AND RELOCATION OF STORE BUILDINGS.**

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

- 223 **APP/14/00039: 1 BORDER ROAD, BARNSTON, CH60 2TN - FIRST FLOOR SIDE EXTENSION AND CONSERVATORY**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

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

Resolved (13:0) That the application be approved subject to the following conditions:

The development hereby permitted shall be commenced before the expiration of three 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 15 January 2014 and listed as follows: 146_2013_02 dated 14 January 2014.

- 224 **APP/13/01022: ST HILARY MANOR, 6 ST HILARY DRIVE, WALLASEY VILLAGE, CH45 3NB - RECONSTRUCTION OF GROUND FLOOR BALCONY/TERRACE TO INCLUDE GLASS ROOM EXTENSION AND BASEMENT IMPROVEMENTS INCLUDING SWIMMING POOL AND SPA; ERECTION OF AN EAST FACING DORMER, AND; ERECTION OF BALCONY AT FIRST FLOOR LEVEL AND ROOFLIGHTS TO WEST FACING ELEVATION (AMENDED DESCRIPTION)**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

On a motion by Councillor Clements and seconded by Councillor Kelly it was:

Resolved (13:0) That the application be approved subject to the following conditions:

The development hereby permitted shall be commenced before the expiration of three 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 27th September 2013 and listed as follows: drawing numbers 101_2013_03 and 101_20013_04 (dated 30.09.2013).

Notwithstanding the approved plans, before the first use of the first-floor balcony hereby approved, a 1.8 metre high opaque glass screen or close board timber fencing shall be erected along the full length of the north and south facing sides of the balcony. The screen shall be retained as such thereafter.

- 225 **APP/13/01273: GERALD COURT, 2A GERALD ROAD, OXTON, CH43 2JX - RETROSPECTIVE APPLICATION FOR REGULARISATION OF AMENDED DESIGN AND LAYOUT AND AN ADDITIONAL FLAT TO PERMISSION APP/05/6232; AND PROPOSED DEVELOPMENT OF DORMER WINDOW TO GERALD ROAD ELEVATION (AMENDED DESCRIPTION).**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

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

Resolved (13:0) That the application be approved subject to the following conditions:

Within six months of the date of permission, the new dormer shown on Drawing No. 561_2013_01 Revision A shall be constructed in full and retained as such thereafter.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 24th January 2013 and listed as follows: Drawing No. 561_2013_01 Revision A (dated 04.04.13).

No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

Within three months of the date of permission, the rooflights in the north west facing elevation serving the bathroom and kitchen of Flat 5 , and the rooflight and windows in the south west facing elevation serving the living room of Flat 5 and the bathroom and kitchen of Flat 3, shall be fixed and obscure glazed. The development shall be retained as such thereafter.

226 **APP/13/01434: 1 POPLAR GROVE, TRANMERE, CH42 0JP - NEW BUILD BUNGALOW**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

On a motion by Councillor Boulton and seconded by Councillor Hayes it was:

Resolved (13:0) That the application be approved subject to the following conditions:

The development hereby permitted shall be commenced before the expiration of three 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 3rd January 2014 and listed as follows: 130_2013_01 (dated 03.01.2014)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

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.

Prior to the first occupation of the dwellings 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.

227 **APP/14/00012: SUMMER HOUSE, 111 HIGHER BEBINGTON ROAD, HIGHER BEBINGTON, CH63 2PL - ERECTION OF A FRONT EXTENSION, CHANGE THE EXISTING FLAT ROOF TO A LEAN TO ROOF AND A SIDE EXTENSION**

The Strategic Director for Regeneration and Environment submitted the above application for consideration.

On a motion by Councillor Clements and seconded by Councillor Hayes it was:

Resolved (13:0) That the application be approved subject to the following conditions:

The development hereby permitted shall be commenced before the expiration of three 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 7 January 2014 and listed as follows: 167_2013_01 dated 29 November 2013.

228 **FAILURE TO COMPLY WITH PLANNING ENFORCEMENT NOTICE AT 137 RAEBURN AVENUE, EASTHAM WIRRAL CH62 8BE**

A Report by the Strategic Director for Regeneration and Environment advised Members of the failure to comply with the requirements of a Planning Enforcement Notice in relation to the property at 137 Raeburn Avenue, Eastham, Wirral.

The Report set out the options open to the Council in order to proceed with the matter and sought authority from the Planning Committee to take the appropriate course of action. Available options were:

Option A

The Council would pursue a prosecution in the Magistrate's Court against the occupiers for their failure to comply with the notice. The likely outcome would be that the occupiers are found guilty of the offence and fined. The Council would then afford a further period of time in which to comply with the enforcement notice, the Council would pursue a prosecution against them again.

The public interest in pursuing a prosecution would be the removal of a structure that does not comply with Wirral's adopted Supplementary Guidance note 11.

Option B

The Council would pursue a prosecution against the occupiers for their failure to comply with the requirements of the notice. The likely outcome would be that the occupiers are found guilty of the offence and fined. If the occupiers do not comply with the requirements of the notice following prosecution, the Council can take the stance that it is not in the public interest to pursue a further prosecution.

The Council would not continue to pursue compliance with the notice by the current owners. The enforcement notice would remain in force and any future buyer of the property would be responsible for ensuring that the requirements of the notice are carried out.

Option C

The Council can take the stance that it is not in the public interest to pursue a prosecution against the occupiers at all. The occupiers would be issued with a formal caution.

The Council would not continue to pursue compliance with the notice by the current owners. The enforcement notice would remain in force and any future buyer of the property would be responsible for ensuring that the requirements of the notice are carried out.

Option D

The Council can carry out the works required by the notice in default. It is estimated that the works would cost around £4000.00. A charge would be placed on the land and the Council would recoup the money if the property were sold.

In addition the Council has the option of either pursuing a prosecution against the occupiers for their failure to comply with the notice, or issuing a formal caution.

The Report recommended to Members that Option B is the most appropriate course of action

Members heard that since publication of the report representations had been made by the solicitor of the residents of the property concerned informing the Planning Authority of personal circumstances. As a result Planning Officers have opted to change their recommendation to Option C.

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

Resolved (12:1)

That the Committee agree to take Option C as the most appropriate course of action

229 **CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS FOR THE DETERMINATION OF PLANNING APPLICATIONS AND PLANNING RELATED MATTERS**

A Report by The Strategic Director for Regeneration and Environment submitted a report recommending to Members that the current Scheme of Delegation relating to the determination of planning applications and planning related matters be revised.

It was reported that the Regeneration & Environment Department and the Development Management Division teams are committed to continuous improvement and performance in the delivery of planning decisions.

Members were advised that they will retain the right to remove any application from delegation should they wish to, providing there are sound planning reasons for referring the application to the Planning Committee

A Member welcomed on behalf of the Committee the importance of Members retaining the right to take applications out of delegation.

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

Resolved (13:0) That

- (1) the proposed changes to the current Scheme of Delegation for determining planning applications and planning related matters be noted and Council be recommended to adopt the amendments as set out in Appendix A of the report and;**
- (2) the Chair of the Planning Committee be requested to attend the appropriate Cabinet meeting.**

230 **PROPOSED DESIGNATION OF LOWER BEBINGTON CONSERVATION AREA**

A Report by the Strategic Director for Regeneration and Environment sought the approval of Members to designate a Conservation Area in Lower Bebington. It was

reported that Wirral Council had published a Conservation Area appraisal for the area on the Council website. A copy of the appraisal and a map showing the proposed boundary was attached to the report.

A Councillor queried the implications of further housing being built in Bebington if Members were to approve the adoption of the Conservation Area.

The Head of Regeneration and Environment advised that adoption of the Conservation Area would not prevent further developments, however any new housing would need to be planned and designed in line with the nature of the character of the area.

On a motion by Councillor Foulkes and seconded by Councillor Elderton it was

Resolved (13:0) That the Planning Committee note the proposed designation of Lower Bebington as a Conservation Area together with the attached Character Appraisal and boundary plan and recommend to Council that the designation be approved as a material consideration in planning and conservation related matters.

231 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 13/01/2014 AND 09/02/2014**

The Strategic Director of Regeneration and Environment submitted a report detailing planning applications decided under delegated powers between 13/01/2014 and 09/02/2014

Resolved – That the report be noted.

232 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

The Head of Regeneration and Environment addressed the Committee to inform Members that Matthew Rushton, Principal Planning Officer will be leaving the Authority. He expressed his sincere thanks to Matthew for his attitude and approach in handling planning applications. Members heard how Matthew's level of expertise has been greatly valued in the Department and he was applauded for all the work he had undertaken.

Councillor David Elderton addressed the Committee to express his personal thanks to Matthew for all the help he had given him over the years.

The Chair and Councillor Stuart Kelly reiterated comments made by Councillor Elderton.

The Committee endorsed all comments and wished Matthew best wishes and luck for the future.

