

## PLANNING COMMITTEE

Thursday, 18 February 2016

Present: Councillor A Leech (Chair)

Councillors D Realey D Elderton  
P Brightmore E Boulton  
S Foulkes P Hayes  
T Johnson K Hodson  
J Walsh D Mitchell  
I Williams P Cleary

### 157 MINUTES

The Strategic Director for Transformation and Resources submitted the minutes of the meeting held on 20 January 2016.

**Resolved – That the minutes be approved.**

### 158 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

Councillor P Cleary declared a prejudicial interest in respect of item 9 by virtue of him being acquainted with the applicant.

### 159 REQUESTS FOR SITE VISITS

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

The following requests were unanimously approved:

**OUT/15/01123: MARFIELD COTTAGE, 4 MARLFIELD LANE, PENSBY, CH61 1AJ – Outline planning permission for two detached houses on land to the rear of 4 Marfield Lane, Pensby Wirral ( Amended)**

**APP/15/01401: ALLOTMENT GARDENS WEST, THE ANZACS, NEW FERRY– Erection of two pairs of lock up garages.**

### 160 OUT/14/00407: PERSHORE HOUSE SCHOOL PLAYING FIELDS, GLENAVON ROAD, PRENTON - CHANGE OF USE TO A RESIDENTIAL

**DEVELOPMENT (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) (AMENDED DESCRIPTION).**

The Assistant Chief Executive submitted the above application for consideration.

The Lead Petitioner addressed the Committee

The Applicant addressed the Committee

A Ward Councillor Addressed the Committee

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

**Resolved (9:3: with one abstention) That the application be refused on the following grounds:**

**Insufficient evidence has been submitted to demonstrate that the playing fields are surplus to requirements or that the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. In the absence of these details, the Council is not satisfied that there would be no conflict with national planning policies and that the development proposed is therefore contrary to Policies RE5 and RE6 of the Wirral Unitary Development Plan.**

161 **APP/14/01198: LAND ADJACENT TO THE RECTORY, MARK RAKE, BROMBOROUGH, CH62 2DH - ERECTION OF 10 DWELLINGS INCLUDING CONSTRUCTION OF ACCESS- ADDITIONAL INFORMATION RECEIVED**

The Assistant Chief Executive submitted the above application for consideration.

The Lead Petitioner addressed the Committee.

The Applicant addressed the Committee.

A Ward Councillor addressed the Committee.

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

**Resolved (11:2) That the application be approved subject to a 106 legal agreement and 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/roofing/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. No works or development shall take place until a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:

- A. the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.
- B. a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 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.
- C. 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, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

- D. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 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.
- E. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).
- F. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).

- G. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).**
- H. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.**
- I. the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)**
- J. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction (section 7.4 BS 5837)**
- K. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.**
- L. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.**
- M. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).**
- N. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).**
- O. the timing of the various phases of the works or development in the context of the tree protection measures.**

**4. 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 Root Protection Area (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 Local Planning Authority.**

**5. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.**

**6. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

**7. No development shall commence until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.**

**8. Prior to the development commencing, an archaeological evaluation or watching brief shall be submitted and approved in writing by the Local Planning Authority. This must be undertaken by a professionally qualified archaeologist who is a member of the Institute of Archaeologists at Practitioner grade or above. The approved programme of works shall subsequently be implemented and where appropriate, completed in accordance with the approved details. The programme shall include written schemes of investigation for evaluation and watching briefs.**

**9. Prior to the commencement of development details of the works to the sandstone wall shall be submitted to and agreed in writing with the local planning Authority. The approved scheme shall be implemented in full.**

**10. Details of the new vehicular access onto Mark Rake shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of the development. The approved plan shall be implemented**

in full prior to first occupation and retained as such thereafter.

11. Prior to the commencement of development details of the required flush kerbs to be provided at accesses on Mark Rake between the site and Bromborough Village Road shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be completed to the satisfaction of the Local Planning Authority prior to the first occupation of the dwellings.

12. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

13. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1<sup>st</sup> March to 31<sup>st</sup> August inclusive.

14. No development shall take place on the application site until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

15. No development shall take place until a site waste management plan, confirming how construction waste will be recovered and re-used on the site or at any other site has been submitted to and approved in writing with the Local Planning Authority.

16. Prior to the commencement of development arrangements for the storage and disposal of refuse, and vehicular access thereto, shall be made for inclusion 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 before the development hereby approved is brought into use unless otherwise agreed in writing with the Local Planning Authority.

17. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on the October 2014 and listed as follows: W12/2238/03 & W12/2238/01 AND W12/2238/03

received by the Local Planning Authority on 11th November 2015

18. Prior to any works commencing on site, details of the installation of bat boxes and bat bricks, including their locations, shall be submitted to and approved in writing by the Local Planning Authority.

162 **APP/15/00956: EAST FARM, COLUMN ROAD, CALDY, WIRRAL, MERSEYSIDE - CREATE ONE NEW 5 METRE WIDE ENTRANCE ONTO COLUMN ROAD**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee.

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

**Resolved (13:0) 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 amended and received by the local planning authority on 1st February 2016
3. No works or development shall take place until a scheme for the protection of the retained trees - The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:
  - A. An arboricultural method statement (section 6 BS 5837) containing; Althea details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 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.

- B. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction (section 7.4 BS 5837).
- C. The design of the vehicular access shall take account of all trees situated on or off site and must be in line with appropriate guide lines (section 7.4 of BS 5837: Trees in relation to design, demolition and construction - Recommendations) and Arboricultural Advisory and Information Service, Practice Note 'Driveways Close to Trees 1996'). The driveway 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, 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.

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 Root Protection Area (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.

163     **OUT/15/01123: MARLFIELD COTTAGE, 4 MARLFIELD LANE, PENSBY, CH61 1AJ - OUTLINE PLANNING PERMISSION FOR TWO NEW DETACHED HOUSES ON LAND TO THE REAR OF 4 MARLFIELD LANE, PENSBY, WIRRAL (AMENDED).**

**Resolved** – That the item be deferred for a formal site visit.



164 **APP/15/01401: ALLOTMENT GARDENS WEST, THE ANZACS, NEW FERRY - ERECTION OF TWO PAIRS OF LOCK UP GARAGES**

**Resolved** – That the item be deferred for a formal site visit.

165 **APP/15/01481: ABBEYSTED, 23 ABBEY ROAD, WEST KIRBY, CH48 7EN - PROPOSED NEW DWELLING IN GARDEN OF 23 ABBEY ROAD**

Councillor P Cleary, having previously declared a prejudicial interest, left the room during consideration of this application.

The Assistant Chief Executive submitted the above application for consideration.

The Lead Petitioner addressed the Committee

The Agent addressed the Committee.

A Ward Councillor addressed the Committee.

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

**Resolved (9:3)** 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 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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 13th November 2015 and listed as follows: 1523-SD-003, and the amended plans received on 2nd February 2016 and listed as follows: 1523-SD-002 Revision A; 1523-SD-004 Revision A; 1523-SD-005 Revision B; 1523-SD-006 Revision B;**
- 4. The windows for Bedroom 3 on the east-facing elevation, and the main part of the window of Bedroom 4 (facing east) shall be non-opening and obscurely glazed up to a height of 1.7 metres above finished floor level and shall be retained as such 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. Prior to first occupation or use of the development, 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 previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.**

166 **APP/15/01576: FOXDALE, 30 HOWBECK ROAD, OXTON, CH43 6TQ - SINGLE STOREY REAR EXTENSION AND INTERNAL ALTERATIONS**

Councillor T Johnson was not present during consideration of this application.

The Assistant Chief Executive submitted the above application for consideration.

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

**Resolved (12:0) 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 8/12/2015 and listed as follows: 220\_2015\_01, 02/12/15, 220\_2015\_02, 02/12/2015.**

167 **APP/15/01633: PLOT 2 REAR OF 38 THURSTASTON ROAD, IRBY, CH61 0HF - ERECTION OF HOUSE AND GARAGE**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee.

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

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

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.**
- 2. No development shall take place before details of all materials to be used in the external construction (facing bricks, roof tiles/slates etc) of this development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details.**
- 3. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.**
- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) no garages, outbuildings or enclosure shall be constructed within the applications site without the prior written approval of the Local Planning Authority.**
- 6. No development shall take place before details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.**

**7. 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.**

**8. Prior to the first occupation or use of the development, 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 previously submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.**

**9. Before the development hereby permitted is first occupied the first-floor window on the side (north-facing) elevation, shall be glazed with obscure glass only and shall be top hung and open inwards. The window shall be permanently maintained with obscure glazing at all times thereafter.**

**10. No development shall take place until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.**

**11. Any trees or shrubs in connection with the approved landscaping scheme required by Condition 9 that are removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.**

**12. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 15 December 2015 and listed as follows: 2930/1.A (dated 11.12.2015)**

168 **APP/16/00004: ARROWE HALL, ARROWE PARK ROAD, WOODCHURCH  
- CONSTRUCTION OF 2 NO. SELF-CONTAINED ONE BED ASSISTED  
LIVING UNITS WITHIN THE GROUNDS OF AN EXISTING CARE FACILITY**

The Assistant Chief Executive submitted the above application for consideration.

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

**Resolved (13:0) 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 8th January 2016 and listed as follows: 15034/1A (08/01/16), 15034/2A (08/01/16), 15034/3 (08/01/16), 15034/5A (08/01/16) and 15034/6B (08/01/16).**
- 3. 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.**
- 4. All external doors shall be constructed of timber and all external windows shall be constructed of timber/aluminium and remain thereafter.**
- 5. The external finishes of the development hereby permitted shall be carried out in accordance with the approved materials of Hardie Plank (Cedar) Khaki Brown for the cladding and Hardie Panel (smooth) Arctic white for the window surrounds and remain thereafter.**
- 6. Before any construction commences, a sample of the roofing material 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.**

169 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS  
BETWEEN 11/01/2016 AND 07/02/2016**

The Assistant Chief Executive submitted a report detailing planning applications decided under delegated powers between 11/01/2016 and 07/02/2016.

Councillor A Leech asked Planning Officers to check data relating to a planning application in respect of 162 Moreton Road, Upton, CH49 4NZ as it was her view that the incorrect ward had been inputted.

**Resolved – That the report be noted.**