

## PLANNING COMMITTEE

Thursday, 26 November 2015

<u>Present:</u>	Councillor	A Leech (Chair)	
	Councillors	S Foulkes J Walsh I Williams D Elderton	E Boulton K Hodson D Mitchell P Cleary
<u>Deputies:</u>	Councillors	T Johnson D Roberts B Berry	
<u>Apologies:</u>	Councillors	D Realey	

### 102 MINUTES

The Strategic Director for Transformation and Resources submitted the minutes of the meeting held on 21 October 2015.

**Resolved – That the minutes be approved**

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

Councillor Steve Foulkes declared a prejudicial interest in respect of item 16 by virtue of him being a board member of Magenta Living.

### 104 REQUESTS FOR SITE VISITS

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

The following requests were unanimously approved:

**APP/15/01087: BEBINGTON SERVICE STATION, 152 KINGS ROAD, HIGHER BEBINGTON, CH63 8PZ – DEMOLITION OF THE EXISTING SERVICE STATION, AND REDEVELOPMENT TO PROVIDE A NEW PETROL FILLING STATION FACILITY, COMPRISING OF CANOPY/FORECOURT, SALES BUILDING WITH ATM, UNDERGROUND STORAGE TANKS, ASSOCIATED PARKING, LANDSCAPING AND OTHER ANCILLARY WORKS.**

**APP/15/ 01166: DALESIDE NURSING HOME, 136 – 138 BEBINGTON ROAD, ROCK FERRY, CH42 4QB – FIRST FLOOR EXTENSION TO PROVIDE THREE BEDROOMS (AMENDED PROPOSAL)**

**APP/ 15/01174: AMENITY OPEN SPACE, ST NICHOLAS ROAD, WALLASEY VILLAGE – CHANGE OF USE TO RESIDENTIAL GARDEN**

105 **APP/15/00398: 11 SEABANK ROAD, EGREMONT, CH44 0EE - CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPANCY - 6 BEDROOM PROPERTY INCREASING TO 7 BEDROOMS WITH INTERNAL ALTERATIONS**

The Assistant Chief Executive submitted the above application for consideration.

It was moved by Councillor K Hodson and seconded by Councillor Elderton and

**Resolved (12:0) 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 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.**
- 3. Prior to 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.**
- 4. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19 March 2015 and listed as follows: Drawing Number 41\_2015\_02 (dated 03.03.2015)**

106 **OUT/15/00977: GRAZING LAND, LEASOWE ROAD, WALLASEY VILLAGE - OUTLINE APPLICATION FOR 10 DWELLINGS**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee

It was moved by Councillor Mitchell and seconded by Councillor Johnson and

**Resolved (7:5) That the application be approved subject to the following conditions and a Section 106 agreement:**

- 1. 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.**
- 2. 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**
- 3. 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.**
- 4. No development shall take place until full details and samples of materials for all external work has been submitted to and approved in writing by the Local Planning Authority.**
- 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. 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.

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 20th July 2015 and listed as follows: L(80)001

7. No development shall take place (including any demolition, earthworks or vegetation clearance) until a scheme of landscaping, phased in relation to any phasing of the development, 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 shall include for but not restricted to the following details:

- a. existing trees and shrubs not directly affected by the buildings and works.
- b. walls and fences
- c. proposed walls and fencing, indicating materials and heights.
- d. screen planting on boundary
- e. existing contours and any alteration, such as earth mounding,
- f. details of the proposed arrangements for maintenance of the landscaping

The scheme as approved shall be carried out prior to the first occupation of any of the dwellings hereby approved. Any trees, shrubs or plants that die within a period of 5 years from the completion of the 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 approval for any variation.

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

**9. No development shall take place until a scheme for the provision and implementation for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. As a minimum, such a scheme shall include:**

- a. Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 years +30% allowance for climate change);**
- b. Discharge rates and volumes (both pre and post development);**
- c. Temporary storage facilities;**
- d. Means of access for maintenance and easements where applicable;**
- e. Methods employed to delay and control surface water discharged from the site;**
- f. Measures taken to prevent flooding and pollution of the receiving ground water and/or surface waters, including watercourses**
- g. Flood water exceedance routes, both on and off site;**
- h. A timetable for implementation, including phasing where applicable;**
- i. Site investigation and test results to confirm infiltration rates.**

**The drainage scheme should demonstrate that the peak run off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 years rainfall event should never exceed the peak greenfield run off rate for the same event.**

**The development shall not be brought into use or the dwellings first occupied until the scheme as approved has been fully implemented in accordance with the timing/phasing arrangements embodied within the scheme and shall be subsequently maintained as such thereafter.**

**10. No development shall take place until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum, such a scheme shall include:**

- a. The arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company;**
- b. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system**

(including mechanical components) and will include elements such as:

- i. On-going inspections relating to performance and asset condition assessments; and
  - ii. Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- c. Means of access for maintenance and easements where applicable

The development shall not be brought into use or the dwellings first occupied until the scheme as approved has been fully implemented and shall be subsequently managed and maintained as such thereafter.

11. No development shall take place until full details of the access road has been submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be restricted to any footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls,, surface water outfall, embankments, visibility splays, carriageway gradients, drive gradients, street furniture and traffic calming measures, and shall include the timetable for the provision of such works. The development shall not be first occupied until the details as agreed have all been constructed and laid out in accordance with the approved details.

12. No development shall take place until a noise survey has been submitted to the Local Planning Authority in relation to the impact of traffic noise on the dwellings in this proposed development has been approved by the Local Planning Authority. The approved scheme shall be implemented in full.

13. No development shall take place until a detailed Construction Environment Management Plan for the construction phase of the development and a Construction Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall provide details of measures proposed for the storage of all plant, machinery and materials to be used in connection with the remodelling and construction of the development and for controlling any escape of noise and/or fumes during the works. The development shall be carried out in accordance with the Construction Environment Management Plan. The scheme shall in particular include:-

1) locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the

development;

2) details of all bunds, fences and other physical protective measures to be placed on the Site in connection with such storage including the time periods for placing and retaining such bunds, fences and measures (as the case may be);

3) provision for the on-going maintenance of any such bunds, fences and other measures;

4) the control and removal of spoil and wastes;

5) measures to prevent the pollution of surface and ground water arising from the storage of plant and materials.

The code of practice shall indicate:

a. the proposed hours of operation of remodelling and construction activities;

b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;

c. sound attenuation measures incorporated to reduce noise at source;

d. details of measures to be taken to reduce the generation of dust;

e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development. The development shall only be implemented in accordance with the Construction Environment Management Plan, provided that this may be amended in accordance with details expressly submitted to and approved in writing by the Local Planning Authority for such purpose

107 **APP/15/00979: LAND NORTH WEST TO 1 THE KNAP, GAYTON, CH60 0EX - PROPOSED NEW 2 BED DORMER PROPERTY ON LAND AT 1 THE KNAP**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee

It was moved by Councillor Elderton and seconded by Councillor Boulton that the application be refused on the following grounds:

‘The proposed dwelling in this location would create a cramped form of development which will result in a detrimental change in the character of the area and is therefore contrary to the provisions of the National Planning Policy Framework and Unitary Development Plan Policy HS4 – Criteria for New Housing Development.’

The motion was put and lost (5:7)

It was then moved by Councillor Johnson and seconded by Councillor Walsh and

**Resolved (7:5) 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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 7 September 2015 and listed as follows: PL11A, PL14A & PL12A.**
- 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. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate 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 and the development shall be carried out and completed in accordance with the details so approved.  
(Note: The gradients of any new road or turning area should not exceed 1:25 and those of parking or loading bays should not exceed 1:40).**
- 5. The remainder of the undeveloped land within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.**
- 6. 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.**



**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 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.**

9. 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.

10. 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.

**11. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

108 **APP/15/00983: CHESTNUT HOUSE, KINGS DRIVE, CALDY, CH48 2JF - RE-DESIGN OF EXISTING DWELLING WITH PROPOSED EXTENSIONS TO INCLUDE A NEW SWIMMING POOL, GYMNASIUM, HABITABLE SPACES. PROPOSED EXTERNAL WORKS AND RE-MODEL OF THE ELEVATIONS AND NEW EXTERNAL DETACHED DOUBLE GARAGE AND LANDSCAPING WORKS.**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee

It was moved by Councillor Elderton and seconded by Councillor Boulton that the application be refused on the following grounds:

‘ The proposed development, by reason of its size and scale, represents overdevelopment of the site and is likely to affect the privacy of neighbours, contrary to policies HS11, CH2 and CH11 of the Wirral Unitary Development Plan; the Caldy Conservation Area Appraisal & Management Plan and the National Planning Policy Framework.’

The motion was put and lost (3:9)

It was then moved by Councillor Foulkes and seconded by Councillor T Johnson and

**Resolved (9:3) 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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 31st July 2015 and listed as follows: 13-125-134 A (Dated 10.15), 13-125-131 E (Dated 06.15), 13-125-132 E (Dated 06.15), 13-125-133 D (Dated 06.15), 13-125-160 F (Dated 06.15), 13-125-161 E (Dated 06.15), 13-125-110 B (Dated 06.15),**
  
- 3. In order to protect habitats of special local importance for nature conservation:**
  - i. Construction work shall only take place between 8am and 6pm.**
  - ii. Any holes or trenches left open overnight must have a means of escape provided.**
  - iii. All construction materials, especially those containing lime, must be stored so that badgers cannot access them, and to the front of the house, not the rear.**
  - iv. When fencing to the garden is installed, access shall be left for the badgers to move around between gardens.**
  - v. No fires to be lit in the vicinity of the sett**

- vi. No heavy plant machinery to be driven or used in the vicinity of the sett
- vii. Any obvious badger paths to be left clear of obstruction
- viii. The boundary fences allow for the free movement of badgers

4. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive unless otherwise agreed in writing by the Local Planning Authority.

5. 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 with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).**
- K. 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)**
- L. 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.**
- M. 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.**
- N. 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).**
- O. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).**
- P. the timing of the various phases of the works or development in the context of the tree protection measures.**

**6. 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.**

**7. No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).**

**8. 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.**

**9. 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.**

**10. 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.**

11. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The detailed landscaping plans shall include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) a schedule of implementation

109 **APP/15/01040: CLEARED SITE GRASSED ADJACENT 54, OLD BIDSTON ROAD, BIRKENHEAD, CH41 8BL - ERECTION OF THREE DWELLINGS**

The Assistant Chief Executive submitted the above application for consideration.

On a motion by Councillor K Hodson and seconded by Councillor Walsh and

**Resolved (12:0) 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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 6356/02a and listed as follows: (Dated 07.15)
3. 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.
4. No development shall take place until an assessment is carried out in accordance with authoritative technical guidance (CLR11). If any contamination posing unacceptable risks is then found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local

**Planning Authority. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If during the course of development any contamination posing unacceptable risk is found which has not been previously identified, additional measures for the remediation of the land shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority**

**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 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.**

- 110 **APP/15/01087: BEBINGTON SERVICE STATION, 152 KINGS ROAD, HIGHER BEBINGTON, CH63 8PZ - DEMOLITION OF THE EXISTING SERVICE STATION, AND REDEVELOPMENT TO PROVIDE A NEW PETROL FILLING STATION FACILITY, COMPRISING OF CANOPY/FORECOURT, SALES BUILDING WITH ATM, UNDERGROUND STORAGE TANKS, ASSOCIATED PARKING, LANDSCAPING AND OTHER ANCILLARY WORKS.**

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

- 111 **APP/15/01143: 78 DAWSTONE ROAD, GAYTON, CH60 8ND - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO DETACHED DWELLINGS. AMENDMENT TO PREVIOUSLY WITHDRAWN APPLICATION REF APP/15/00061**

**Resolved – That following publication of the agenda, the item be deferred to allow for the submission and consideration of further details.**

- 112 **APP/15/01166: DALESIDE NURSING HOME, 136-138 BEBINGTON ROAD, ROCK FERRY, CH42 4QB - FIRST FLOOR EXTENSION TO PROVIDE THREE BEDROOMS (AMENDED PROPOSAL)**

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

- 113 **APP/15/01174: AMENITY OPEN SPACE, ST NICHOLAS ROAD, WALLASEY VILLAGE - CHANGE OF USE TO RESIDENTIAL GARDEN**

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

- 114 **APP/15/01182: THE LYDIATE, HESWALL, WIRRAL, MERSEYSIDE, CH60 8PR - RESIDENTIAL DEVELOPMENT FOR TWO DETACHED DWELLINGS WITH DETACHED GARAGES INCLUDING ASSOCIATED LANDSCAPING WORKS**

The Assistant Chief Executive submitted the above application for consideration.

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

**Resolved** (12:0) 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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 24 August 2015 and listed as follows: B101, B102, B103, B105, B107, B108, B109 and B100**
- 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. 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.**



**5. The development shall be constructed in accordance with the submitted Construction Management and 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.**

**6. No retained trees, shrubs or hedges shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).**

**(a) If any retained tree, shrub or hedge is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.**

**(b) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.**

**In this condition —retained tree, shrub or hedge means an existing tree, shrub or hedge which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.**

**7. No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it**

shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

**8. 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.**

**9. The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.**

**10. Prior to commencement of development details of a surface water management plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in full in accordance with the agreed plan and retained as such thereafter.**

**11. No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan.**

**12. 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.

13. 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.

14. Prior to the first occupation of the dwellings, the proposed window to the side elevations shall be obscurely glazed and non opening up to a height of 1.7m above the floor level of the room they serve. They shall be retained as such thereafter.

115 **APP/15/01202: 50 EGERTON ROAD, CLAUGHTON, CH43 1UJ - DOUBLE STOREY REAR EXTENSION, RAISED BALCONY AND GARAGE CONVERSION TO ANNEXE ROOM**

**Resolved** – That consideration of this item be deferred to allow for further publicity following amended description of development.

116 **APP/15/01235: 2 SHELLEY WAY, WEST KIRBY, CH48 3LQ - RETENTION OF GARDEN PAVILION/SUMMER HOUSE (RESUBMISSION OF APP/14/01323)**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee.

It was moved by Councillor Elderton and seconded by Councillor Boulton that the application be refused on the following grounds:

‘The pavilion already constructed and sited close to the common boundary is of such a scale and height as to be overbearing and is considered to be an intrusive and unneighbourly form of development and therefore has a detrimental impact on the residential amenity of the occupiers of no 4 Shelly Way and is contrary to policy HS 11 of Wirral’s Unitary Development Plan.’

The motion was put and carried (7:5)

**Resolved** (7:5) That the application be refused on the following grounds:

**The pavilion already constructed and sited close to the common**

boundary is of such a scale and height as to be overbearing and is considered to be an intrusive and unneighbourly form of development and therefore has a detrimental impact on the residential amenity of the occupiers of no 4 Shelly Way and is contrary to policy HS 11 of Wirral's Unitary Development Plan.

117 **APP/15/01320: BARNCROFT, LARCHWOOD CLOSE, PENSBY,WIRRAL - 21 EXTRA CARE APARTMENTS INCLUDING SUPPORT FACILITIES, CAR PARKING AND LANDSCAPED GARDENS**

Having previously declared a prejudicial interest, Councillor S Foulkes left the meeting during consideration of this item.

The Assistant Chief Executive submitted the above application for consideration.

A Petitioner addressed the Committee.

The Applicant addressed the Committee.

A Ward Councillor addressed the Committee.

It was moved by Councillor Walsh and seconded by Councillor Johnson and

**Resolved (11:0) 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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 2 October 2015 and listed as follows: 14F098/001 dated Jul 14, 14G106/001 and 14G106/002 dated Aug 14, Barn/03 dated Sept 15, P4086 - 001B, P4086 - 002A, P4086 - 003G, P4086 - 004H, P4086 - 005D, P4086 - 006C, P4086 - 007F and P4086 - 008B dated September 2015**

**3. The hard and soft landscaping scheme shown on plan reference numbers P4086 – 008B and Barn/03 dated September 2015 hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season**

unless the Local Planning Authority gives its written consent to any variation.

4. The development shall be carried out in accordance with the proposed ground levels and proposed finished floor levels as shown on the approved plans, P4086 – 005D, P4086 – 006C dated September 2015, 14F098/001 dated Jul 14, 14G106/001 and 14G106/002 dated Aug 14 unless otherwise agreed in writing by the Local Planning Authority.

5. Before any construction commences, 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.

6. 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.

7. Prior to the first occupation of the residential units, 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.

8. 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.

9. Foul and surface water shall be drained on separate systems.

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions

(inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5l/s.

11. Montbretia is an invasive species and if found on the site, full details of a scheme for its eradication shall be submitted to and approved in writing by the Local Planning Authority before any building works are commenced. The scheme shall include details that the Montebretia is mechanically grubbed up and buried by a depth of at least 1 metre within the boundary; a timetable for implementation and clearly identify the extent of the Montebretia on a scaled plan. The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

12. No tree felling, scrub clearance, hedgerow removal, vegetation management or ground clearance shall take place during the period of 1 March to 31 August inclusive unless otherwise agreed in writing by the Local Planning Authority. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows shall be checked by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and agreed in writing by the Local Planning Authority.

13. Prior to the commencement of development, a scheme for the provision of affordable housing to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the occupancy criteria to be used in determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy can be enforced. The approved scheme shall be implemented in full and in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

118 **PROPOSED ADOPTION FOR THE LOCAL LISTED BUILDING CONSENT ORDER FOR RESIDENTIAL HOUSE THAT ARE GRADE II LISTED IN PORT SUNLIGHT VILLAGE CONSERVTION AREA**

A Report by the Assistant Chief Executive provided an update to the Report of the Strategic Director of Regeneration and Environment presented to the

Planning Committee on 17 September which sought permission to consult on a proposed Listed Building Consent Order (LLBCO), for the Port Sunlight Conservation Area. Members were informed that, following their consent, a consultation process had now been completed and responses were included in an appendix to the report.

Members were advised that Local Listed Building Consent Orders (LLBCOs) were introduced through the Enterprise and Regulatory Reform Act 2013 (ERRA 2014) which gave Local Planning Authorities powers to make Legal Orders granting general Listed Building Consent for certain alterations (but not demolitions) to specified listed buildings. Members were informed that the measures were intended to simplify the development and management of listed buildings and came into force in April 2014.

Members heard how the Council had been working with Port Sunlight Village Trust (PSVT), with the support of Historic England to develop the LLBCO for specific buildings in the Port Sunlight Conservation Areas.

It was explained that the purpose of this LLBCO is to:

- i. Streamline and clarify the consent process for the most common listed building consent applications for owners in Port Sunlight Village;
- ii. provide clear and reliable information to empower property owners to address enforcement issues;
- iii. reduce capacity issues on the Council by reducing time spent on reviewing repetitive listed building consent applications.

Members heard how the consultation process work began on 18 September 2015 whereby consultation letters were sent out. At the same time, ten Site Notices were posted on lampposts within the area and additional site notices were posted in village bulletin boards and the Port Sunlight Village Trustees. Members were then advised that there were also two consultation events held in Port Sunlight village; the first on 7th October from 1:30 – 3:30pm and the second on 22<sup>nd</sup> October from 5:30 – 7:30pm, during which, a total of 25 residents attended. It was explained that the consultation exercise was largely positive and comments were summarised within the report.

It was explained how it is a requirement that the proposed order would be subject to continuous monitoring to assess its effectiveness and the Council would consider annual reports on the progress of the LLBC.

Councillor Mitchell addressed the Committee to thank officers for all their hard work through the consultation process and subsequent preparation of the report. This was endorsed by the Committee.

Councillor Leech further praised Officers for their work and identified to the Committee that if approved, Wirral be the lead Authority in the implementation of a LLBCO.

**Resolved (12:0):**

**That the Local Listed Building Consent Order for Port Sunlight be adopted for a period of ten years.**

**119 PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 12/10/2015 AND 12/11/2015**

The Assistant Chief Executive submitted a report detailing planning applications decided under Delegated Powers between 12/10/2015 and 12/11/2015.

**Resolved – That the report be noted**