

## PLANNING COMMITTEE

Thursday, 10 November 2016

Present: Councillor A Leech (Chair)

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

### 83 MINUTES

The Director for Business Services submitted the minutes of the meeting held 20 October 2016.

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

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

Councillor S Foulkes declared a prejudicial interest in respect of item 7 by virtue of being a Board Member of **Magenta Living Housing**.

### 85 REQUESTS FOR SITE VISITS

The following site visits were unanimously approved:

**APP/16/00985: LAND ADJACENT TO SAUGHALL MASSIE ROAD, SAUGHALL MASSIE, WIRRAL – A SINGLE STOREY TWO BAY COMMUNITY FIRE STATION INCORPORATING OPERATIONAL AND WELFARE ACCOMODATION, OFFICES AND MEETING SPACE, EXTERNAL DRILL AND TRAINING FACILITIES AND ASSOCIATED CAR PARKING.**

**OUT/16/01192: STONE HIVE, DARMONDS GREEN, WEST KIRBY, CH48 5DU – CONSTRUCTION OF NEW SINGLE-STOREY DWELLING ADJACENT TO EXISTING HOUSE (OUTLINE).**

**APP/16/01205: PIPISTRELLE RISE, NOCTORUM DELL, NOCTORUM, CH43 9UL – ERECTION OF 3NO DWELLINGS AND ASSOCIATED HARD AND SOFT LANDSCAPING WITH ACCESS FROM PIPISTRELLE RISE.**

A request was made by Councillor Ian Lewis that application: **APP/16/00985:** be held in close proximity to the site. The Chair agreed to consider this request and to report back in due course.

86 **ORDER OF BUSINESS**

The Chair agreed to vary the order of business.

87 **APP/16/00535: TOWER WHARF CONTACT COMPANY OFFICE DEVELOPMENT SITE, 2 TOWER WHARF, TOWER ROAD, BIRKENHEAD, CH41 1LD - CHANGE OF USE ONLY OF EXISTING VACANT SUBSTATION BUILDING TO CREATE CLASS A1 CONVENIENCE STORE**

A Report by the Managing Director for Delivery submitted the above application for consideration.

On a motion by Councillor Lewis 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. Prior to the occupation of the unit, the proposed roller shutters shall be powder coated in a colour to be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full.**
- 3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th August 2016 and listed as follows: 04-90-008 & 04-90-009**
- 4. Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 and the Town & Country Planning (Permitted Development) Order 2015 (or any subsequent re-enactment) there shall be no creation of additional floor space, including any mezzanine floor space, or extension of the development hereby permitted as shown on the approved plans. The retail unit shall have gross internal floor space no greater than 30 square metres with a net trading area no greater than 25 square metres.**
- 5. Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes Order) 1987 and the Town & Country Planning (Permitted Development) Order 2015 (or any subsequent re-**

enactment) the premises shall only be used for the sale of convenience goods, cold food and drink for consumption off the premises, and for no other purpose.

6. 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.

88 **APP/16/00633: CEDAR COTTAGE, 10 CROFT DRIVE WEST, CALDY, CH48 2JG - DEMOLITION OF EXISTING COTTAGE, AND CONSTRUCTION OF LARGE SINGLE DWELLING, INCLUDING ACCESS AND LANDSCAPING WORKS**

The Managing Director for Delivery submitted the above application for consideration.

A Petitioner addressed the Committee

The Agent addressed the Committee

A Ward Councillor addressed the Committee.

On a motion by Councillor Realey and seconded by Councillor Lewis 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 26th September 2016 and listed as follows: 5715 P-002 Rev 2; 5715 P-003 Rev 1; 5715 P-004; 5715 P-100 Rev 1; 5715 P-101 Rev 2; 5715 P-102 Rev 1; 5715 P-103 Rev 1; 5715 P-201 Rev 1; 5715 P-202 Rev 2; 5715 P-203 Rev 2; M2603.05E; M2603.06A; M2603.08B; Arboricultural Report (Urban Green, September 2016); Construction Method Statement;**

**3. All obsolete accesses shall be reinstated to standard footway levels within 3 months of first occupation of the property unless otherwise agreed in**

**writing by the Local Planning Authority**

**4. 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.**

**5. 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.**

**6. The first-floor rear windows serving the Games Room and the rooflights in the rear elevation of the proposed leisure suite shall all be obscurely glazed and retained as such thereafter**

**7. No removal of trees, shrubs or hedgerows, or any vegetation management and/or cutting operations shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.**

**8. Prior to first occupation, the landscaping/boundary treatment set out in the supporting document (Barnes Walker, M2603.D.0916ec\_Rev A) shall be implemented and completed in full and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority**

**9. No works or development shall take place until a scheme of supervision and monitoring for the arboricultural protection measures in accordance with para. 6.3 of British Standard BS5837: 2012 - Trees in Relation to design, demolition and construction - recommendations has been approved in writing by the local planning authority. The scheme of supervision shall be carried out as approved and will be administered by a qualified arboriculturist instructed by the applicant. This scheme will be appropriate to the scale and duration of the works and will include details of:**

- a. Induction and personnel awareness of arboricultural matters;**
- b. Identification of individual responsibilities and key personnel;**

- c. Statement of delegated powers;
- d. Timing and methods of site visiting and record keeping, including updates;
- e. Procedures for dealing with variations and incidents.

**10. Prior to the commencement of any development, including site clearance, demolition, storage of plant, materials, machinery, the siting of site huts and WCs etc., a site meeting shall be held and attended by the site manager, the demolition contractor, the arboricultural consultant and a representative from the local planning authority to discuss all the details of the tree protection measures as specified and any other site operations that have implications for trees. At this time it shall be agreed the intervals at which the arboricultural consultant shall carry out subsequent site visits to sign off installation of tree protection measures and supervise sensitive operations in relation to trees. It is the responsibility of the site foreman to inform all employees, contractors and sub-contractors visiting and or working on the site of the details specified and to raise the importance of the tree protection measures so as to avoid causing damage to retained trees.**

**All tree pruning and felling associated with site handover shall be carried out as the first operation on site, in accordance with the specification in any Tree Tables. Work shall comply with BS3998:1989 Recommendations for Tree Work and current Best Practice.**

**11. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.**

**The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles**

shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

Following the full installation of the Tree Protection Measures, the arboricultural consultant shall carry out a site visit to confirm by taking photographs that the protection measures have been installed to an acceptable standard and in accordance with a specification. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

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

- a. No fires to be lit within 20 metres of existing trees and shrubs to be retained.
- b. Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
- 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 builders debris or other materials to be stored within the Root Protection Areas.
- e. No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be a used and located not within 10 metres of any Root Protection
- f. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g. No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

**13. 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.**

**14. 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.**

**89 OUT/16/00706:83 SAUGHALL MASSIE LANE, UPTON, CH49 6LZ -  
OUTLINE CONSENT FOR A DORMER BUNGALOW WITH SOME  
MATTERS RESERVED**

The Managing Director for Delivery submitted the above application for consideration.

A Ward Councillor addressed the Committee.

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

**Resolved (10:3) That the application be approved subject to the following conditions:**

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

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

**3. 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) Scale**
- (b) Appearance**
- (c) 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.**

**4. 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.**

**5. The detailed plans submitted as reserved matters shall include a survey of existing and proposed ground levels, sections across the site and details of the finished slab level for the property. The ground levels across the site and finished slab levels for each property shall be as per the approved plans.**

**6. The detailed landscaping plans submitted as reserved matters 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**

**7. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.**

**8. 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.**

**9. Before development commences, a scheme for the provision of bat boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved within each phase of the development shall be completed and available for use before the last dwelling within that phase is occupied.**

**10. No building works are to take place during the period 1<sup>st</sup> March to 31<sup>st</sup> August inclusive unless otherwise agreed in writing by the Local Planning Authority.**



**APP/16/00823: ASHTON COURT, BANKS ROAD, WEST KIRBY CH48 0RJ  
- DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 14 NO.  
NEW-BUILD RESIDENTIAL PROPERTIES.**

Having previously declared a prejudicial interest in respect of this application, Councillor Foulkes was not present during consideration of this item.

The Managing Director for Delivery submitted the above application for consideration

There had been two qualifying petitions submitted on the matter and the Chair agreed for a representative for each petition to address the Committee.

The Applicant addressed the Committee.

A Ward Councillor addressed the Committee.

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

**Resolved (12:0) That the application be refused on the following grounds:**

- (1) Notwithstanding the principle of residential development within the Primarily Residential Area, the development proposed, and notably Plots 7 & 8 by reason of scale, siting, design and the relationship with neighbouring properties, would result in an unneighbourly form of development that would appear overbearing and result in a loss of privacy for occupants of neighbouring properties, particularly 3 and 4 Ashton Drive. The development is therefore contrary to Policy HS4 (New Housing Development) of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework.**
- (2) The proposed development, by reason of the siting and layout of Plot 14 at the south east end of the site, and having regards to the restricted and enclosed nature of this part of the site, together with its relationship with the adjacent sub-station, would result in a cramped form of development that also fails to provide a well surveilled environment that would be to the detriment of the safety and amenities of the occupiers of this property. The development is therefore contrary to Policy HS4 (New Housing Development) of the Wirral Unitary Development Plan and the principles for good design required by the National Planning Policy Framework.**

91 **APP/16/00982: UNIT 2 & 3, CANDY PARK 1, OLD HALL ROAD, BROMBOROUGH, CH62 3PE - CHANGE OF USE TO CLASS D2 LEISURE WITH ANCILLARY CAFE FACILITIES**

Councillor Ian Lewis was not present during consideration of this item.

The Managing Director for Delivery submitted the above application for consideration

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

**Resolved (12:0) That the application be approved subject to the following conditions:**

- 1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th September 2016 and listed as follows: 2316-005 (Dated 23.03.16), 2316-006 & 2316-007**
- 2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 3. The unit shall be used as an trampoline arena with ancillary cafe and for no other purpose, including any other purpose in D2 (Assembly and Leisure) of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005, or any subsequent Order or statutory provision revoking or re-enacting that Order, unless otherwise agreed in writing by the Local Planning Authority.**
- 4. 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.**

92 **APP/16/00985: LAND ADJACENT TO SAUGHALL MASSIE ROAD, SAUGHALL MASSIE, WIRRAL - A SINGLE STOREY TWO BAY COMMUNITY FIRE STATION INCORPORATING OPERATIONAL AND WELFARE ACCOMMODATION, OFFICES AND MEETING SPACE, EXTERNAL DRILL AND TRAINING FACILITIES AND ASSOCIATED CAR-PARKING.**

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

- 93      **APP/16/01079: HEATHERLAND COURT RESTAURANT, 100 THURSTASTON ROAD, THURSTASTON, CH61 0HS - DEMOLITION OF ONE EXISTING DWELLING AND INTEGRAL COMMERCIAL PREMISES AND REPLACEMENT WITH FOUR NEW DWELLINGS.**

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

The Managing Director for Delivery submitted the above application for consideration

On a motion by Councillor Elderton and seconded by Councillor Walsh 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 25th October 2016 and listed as follows: 1402/1.2/P2 (Dated 10.2016), 1402/1.3A/P2 (Dated 10/2016), 1402/1.4D/P2 (Dated 10/2016) & 1402/1.3B/P2 (Dated 10/2016)**
  
- 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 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. 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.

6. In order to protect habitats of special local importance for nature conservation:

- 1) Construction work shall only take place between 8am and 6pm.
- 2) Any holes or trenches left open overnight must have a means of escape provided.
- 3) 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.
- 4) When fencing to the garden is installed, access shall be left for the badgers to move around between gardens.
- 5) No fires to be lit in the vicinity of the sett
- 6) No heavy plat machinery to be driven or used in the vicinity of the sett
- 7) Any obvious badger paths to be left clear of obstruction
- 8) The boundary fences allow for the free movement of badgers

7. 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.

8. 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

9. Prior to the commencement of the development a full scheme of works for the reinstatement of standard footway levels of any existing vehicular access

form the highway that are rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme. The approved scheme shall be maintained as such thereafter.

10. Notwithstanding the approved plan details of the proposed hardstandings of the properties fronting onto Thurstaston Road shall be submitted to and agreed in writing with the Local Planning Authority. The hardstandings shall be enlarged so that it is possible for a vehicle to enter and exit the site in a forward gear. The approved scheme shall be implemented in full prior to first occupation and retained as such thereafter.

11. Before the development hereby permitted is brought into use the first floor window serving the en suite in the rear elevation of the bungalow adjacent to 1 school Lane and the two side windows serving the bathroom and landing of the bungalow adjacent to 1 school Lane shall be fixed and obscurely glazed with frosted glass up to 1.7m above finished floor level and shall be retained as such thereafter.

94     **APP/16/01089: LAND ADJACENT TO 3 DALE GARDENS, HESWALL, CH60 6TQ - NEW BUILD DWELLING WITH ACCESS FROM OLDFIELD ROAD**

The Managing Director for Delivery submitted the above application for consideration

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

**Resolved (13:0) That the application be refused on the following grounds:**

- (1) The proposed development, having regard to its siting, form and design, and its location within the Dee Coast Area of Special Landscape Value, would result in a form of development that would give rise to demonstrable harm to the character and appearance of the area which would be contrary to Policy LA1 ( Protection of areas of Special Landscape Value) of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework; and
- (2) The proposed development on land designated as Urban Greenspace would prejudice the visual amenities, landscape

character and nature conservation value of the site. Alternative provision of equivalent benefit has not been brought forward to compensate for the loss of this designated Urban Greenspace. Therefore, the development is contrary to Policy GR1 (The Protection of Urban Greenspace) of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework.

- 95 **OUT/16/01192: STONE HIVE, DARMONDS GREEN, WEST KIRBY, CH48 5DU - CONSTRUCTION OF NEW SINGLE-STOREY DWELLING ADJACENT TO EXISTING HOUSE (OUTLINE)**

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

- 96 **APP/16/01205: PIPISTRELLE RISE, NOCTORUM DELL, NOCTORUM, CH43 9UL - ERECTION OF 3NO DWELLINGS AND ASSOCIATED HARD AND SOFT LANDSCAPING WITH ACCESS FROM PIPISTRELLE RISE.**

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

- 97 **PLANNING APPEALS DECIDED BETWEEN 01/07/2016 AND 30/09/2016**

The Managing Director for Delivery submitted a report detailing planning appeals decided between 01/07/2016 and 30/09/2016.

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

- 98 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 09/10/2016 AND 31/10/2016**

The Managing Director for Delivery submitted a report detailing planning applications decided under delegated powers between 09/10/2016 and 31/10/2016.

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

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