

PLANNING COMMITTEE

Thursday, 18 January 2018

Present: Councillor A Leech (Chair)

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

Deputy: Councillor G Watt (In place of K Hodson)

112 MINUTES

The Director for Business Services submitted the minutes of the meeting held on 14 December 2017.

Resolved- That minutes be approved.

113 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 S Foulkes declared a prejudicial interest in Item 10 and Item 17 by virtue of being a Board Director for Magenta Living.

Councillor G Watt declared a non-prejudicial interest in Item 14 as he has made long standing opposition to development in Darmonds Green and would consider the application on its own merit.

114 REQUESTS FOR SITE VISITS

The following site visits were unanimously approved.

AGENDA ITEM 5 – APP/17/00743: ELMEE'S DISCOUNT, 186 BOROUGH ROAD, SEACOMBE, CH44 6NJ: Retention of shop at ground floor and change of use of the rear store, first floor and second floor of the building to a 5 bedroom HMO (use class c4) with associated alterations (amended scheme)

AGENDA ITEM 6- APP/17/01009: THE SHIP INN, 208 BRECK ROAD, WALLASEY VILLAGE, CH44 2ED: Erection of 9 new dwellings and associated landscaping on land adjacent to the former Ship Inn, Breck Road, Wallasey.

115 **ORDER OF BUSINESS**

The Chair sought and received approval from the Committee to move the following items up the agenda due to attendance of the public with interests in these items.

Agenda Items 4: St Anselmians Rugby Club, Agenda Item 10: Ashton Court, Banks Road, Agenda Item 15: 42 Cavendish Road. These items were heard first in this order followed by the remaining items in the order of business.

116 **APP/17/00179: OLD ANSELMIANS RUGBY CLUB, EASTHAM VILLAGE ROAD, EASTHAM, CH62 0BJ: MIXED DEVELOPMENT FOLLOWING THE DEMOLITION OF THE EXISTING PAVILION BUILDING INCLUDING THE CONSTRUCTION OF 21 HOUSES, THE ERECTION OF A SPORT PAVILION/COMMUNITY FACILITY, THE CONSTRUCTION OF A CAR/COACH PARK, THE REPOSITIONING OF FLOOD LIGHTS, THE LAYOUT OF NEW PITCHES AND THE ERECTION OF BALL CATCHMENT FENCING.**

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

2 Lead Petitioners against addressed the Committee.

The Agent for the Applicant addressed the Committee.

A Ward Councillor addressed the Committee.

The Heritage Champion addressed the Committee.

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

Resolved - (12- 1 Abstention) That the application be approved subject to a section 106 agreement in relation to highway matters, the conditions mentioned in the report and referred to the Secretary of State for consideration before a decision is issued.

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 between the 17th March and the 1st December and listed as follows:

AR5001.LP01

Proposed Club House 9804-C01_D

Proposed Site Plan 9804 PL104 L

Proposed Club House Elevations and Section 9804-PL 105_C

Proposed Club House Ground Floor Plans 9804-PL 106_C

Proposed Club House First Floor Plans 9804-PL 107_B

Proposed Site Plan 9804-PL 108_C

Car Park Plan 9804 PL109

Sweep Path for Coaches SCP/16523/ATR04

Construction Management Plan AR5001 EASTHAM - CM 03 02 17

Garage and Fencing Detail AR5001 EASTHAM - GARAGES & FENCING 03 02 17
House Types AR5001 EASTHAM - House Types 03 02 17
Pine House Type AH10 HT.PI.01A
Landscaping and External Works AR5001 EASTHAM - LANDSCAPING & EW
Fence Elevation AH10 FE.01A
Planning Layout AR5001 EASTHAM - PLANNING LAYOUT PL01
Site Ground Floor Plan AR5001 EASTHAM - PLANNING LAYOUT PL.02A
Planning Layout AR5001 EASTHAM - PLANNING LAYOUT PL03
Street Scenes AR5001 EASTHAM - Streetscenes 03 02 17 A3 - SS.01
Street Scenes AR5001 EASTHAM - Streetscenes 03 02 17 A3 - SS.0.2.A
Street Scenes AR5001 EASTHAM - Streetscenes 03 02 17 A3 - SS.03A
Site Survey Anselmians RUFC-Sheet1-a0
Site Survey Anselmians RUFC-Sheet2-a0
Site Survey Anselmians RUFC-Sheet3-a0

3. Before any approved phase of the construction commences, samples of the facing, roofing and window materials to be used in the external construction of this phase of the 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.

5. The hard and soft landscaping scheme hereby approved for each approved phase of the development shall be carried out prior to the occupation of any part of the corresponding phase 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (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.

7. Before any approved phase of development commences, a Site Waste Management Plan, confirming how demolition and construction waste will be recovered in relation to this phase 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. Before any equipment, machinery or materials are brought onto site for each approved phase, 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 relevant phase of 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. Prior to the commencement of development in relation to the club house, details of secure covered cycle parking and/or storage facilities shall be 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.

10. The floodlights hereby approved shall be turned off between the hours of 2100 hours and 0900 hours Monday to Friday, between 1800 hours and 0900 hours on Saturday and between 1700 hours and 0900 hours on Sundays and Bank Holidays.

11. The playing pitches and areas for junior rugby hereby permitted shall not be constructed other than substantially in accordance with the Rugby Football Union's Notes Guidance note 2 'Grass Pitches for Rugby' and are passed by a recognised pitch specialist (agronomist).

12. Surface water sustainable drainage works, comprising all components of the surface water drainage system for each approved phase of the development, shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment & Drainage Management Strategy (Betts Hydro Consulting Engineers Reference HYD102 Revision 2.2 6th February 2017) read in conjunction with Preliminary Drawing : Preliminary Drainage Layout (Residential)(Betts Associates HYD102/100 REV A) approved in writing by the Local Planning Authority, in conjunction with the Lead Local Flood Authority.

The surface water sustainable drainage scheme shall be fully constructed prior to occupation of the relevant phase of the development and subsequently in accordance with any period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

13. No development shall commence until full details of a scheme for a surface water sustainable drainage system to serve each approved phase of the development the site, and method of implementation 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 surface water sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

14. No development on each approved phase of the development shall take place until a full scheme of works and timetable for the construction of the new

highways and/or amendment of the existing highway made necessary by this element of the development, including new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, TRO's, tactile paved pedestrian crossings, street furniture, access onto the adjacent highway, road safety audit and monitoring has been submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the LPA written approval prior to occupation of the relevant phase of the development.

15. No development shall take place until an assessment is carried out in accordance with authoritative technical guidance (CLR11), has been submitted to and approved in writing by the Local Planning Authority.

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 risks 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.

16. NO DEVELOPMENT SHALL TAKE PLACE until arrangements for the storage, recycling and disposal of refuse, and vehicle access thereto, have been made within the curtilage of the buildings, 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 any of the buildings are occupied or brought into and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

17. Prior to the commencement of development on the site, a scheme for the phasing of both the residential and sports/community elements of the development hereby approved, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme of phasing shall include a timetable of works and a plan of the phases of work. The development shall be carried out in accordance with the approved scheme of phasing.

117 **APP/17/01222: ASHTON COURT, BANKS ROAD, WEST KIRBY, WIRRAL CH48 0RJ: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 14 NO. NEW BUILD RESIDENTIAL PROPERTIES**

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

Councillor S Foulkes left the meeting during consideration of this application.

2 Lead Petitioners addressed the Committee.

The Agent for the Applicant addressed the Committee.

A Ward Councillor addressed the Committee.

On a motion for refusal moved by Councillor I Lewis and seconded by Councillor D Elderton it was:

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

In the absence of an Executed Section 106 agreement, Committee is not satisfied that the proposed development would make adequate provision for affordable housing, in accordance with Policy HSG2 and HS6 of the Wirral Unitary Development Plan, nor the reasons stated by the Planning Inspector, which Committee considers to be material consideration.

118 **APP/17/01388: 42 CAVENDISH DRIVE, ROCK FERRY, CH42 6RQ: REAR GROUND FLOOR EXTENSION (RETROSPECTIVE).**

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

On a motion moved by Councillor I Lewis and seconded by Councillor T Johnson it was:

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

1. The development hereby permitted shall be limited to a period of 12 months, expiring on 18th January 2019.

2 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 21/11/17 and listed as follows: Drawing No. 02.

NB. Subsequent to the Committee decision it is considered that the proposed condition 1 approved by the Committee is unenforceable and the permission has not therefore been issued and not therefore formally granted. Officers have visited the site and steps have now been taken to clear the site. This application is to be brought back to the next meeting of the Planning Committee to enable appropriate conditions to be determined prior to issuing the permission.

119 **APP/17/00743: ELMEES DISCOUNT, 186 BOROUGH ROAD, SEACOMBE, CH44 6NJ: RETENTION OF SHOP AT GROUND FLOOR AND CHANGE OF USE OF THE REAR STORE, FIRST AND SECOND FLOOR OF THE BUILDING TO A 5 BEDROOM HMO (USE CLASS C4) WITH ASSOCIATED ALTERATIONS. (AMENDED SCHEME).**

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

- 120 **APP/17/01009: THE SHIP INN, 208 BRECK ROAD, WALLASEY VILLAGE, CH44 2ED: ERECTION OF 9 NEW DWELLINGS AND ASSOCIATED LANDSCAPING ON LAND ADJACENT TO THE FORMER SHIP INN, BRECK ROAD, WALLASEY.**

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

- 121 **APP/17/01114: HILBRE COURT HOTEL, BANKS ROAD, WEST KIRBY, CH48 3HT: RETROSPECTIVE PLANNING APPLICATION FOR PROPOSED DECKING TO FRONT ELEVATION AND ASSOCIATED LANDSCAPING. INCLUDING DOOR AND WINDOW AMENDMENTS. (AMENDED).**

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

On a motion moved by Councillor S Foulkes and seconded by Councillor D 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 received by the local planning authority on 16/11/17 and listed as follows: Drawing No. PL-01 Rev:A, PL-02 Rev:C, 01 Rev:X, 02 Rev:X.**
- 3. Within 2 months of the date of this decision notice; the window(s) hereby permitted on the North (side) elevation shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7m above the internal floor level of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.**
- 4. The external 'Decked veranda' as shown on Drawing No: PL-01 Rev:A shall not be used by customers (except for egress) between the hours of 19:00 to 9:00 Monday to Sunday.**
- 5. No amplified sound, voice or any music shall be played in external areas at any time.**

- 122 **APP/17/01092: ALEXANDER HALL, ROCKY LANE, HESWALL, CH60 0BY: DEMOLITION OF THE ALEXANDER HALL AND ERECTION OF TEN APARTMENTS - AMENDMENTS TO APPROVED PROPOSAL, APP/16/00024 & APPROVED PROPOSAL APP/15/00718 INCLUDING AMENDMENTS TO LIFT SHAFTS, WINDOW STYLE & INTERNAL ALTERATIONS, CONDITIONS ATTACHED TO APP/16/00024 ADDRESSED.**

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

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

Resolved (12-1 Absent) 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 and listed as follows: 002 Rev H (11.09.2017) 003 Rev J (21.11.2017) 004 Rev H (11.09.2017) 005 Rev J (21.11.2017) 006 Rev J (21.11.2017) & 008 Rev J (12.12.2017)

2. The site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority within three months of the date of approval, the scheme shall include details of planting types, heights, soft and hard landscaping, the landscape work shall 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.

3. Within three months of the date of approval 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 in accordance with the approved details within three months of the date of the approval of details by the Local Planning Authority.

4. Within three months of the date of approval details of the space and facilities for cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The cycle parking shall be completed in accordance with the approved details within three months of the date of the approval of details by the Local Planning Authority and shall be permanently retained thereafter.

5. Foul water and surface water discharges shall be drained separately from the site.

6. Within three months of the date of approval a surface water drainage scheme based on the hierarchy of drainage options in the NPPG with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the LPA. 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 and unless otherwise agreed in writing by the LPA, no surface water shall discharge to the public sewer either directly or indirectly. The scheme shall be carried out in accordance with the approved details.

7. Within three months of the date of approval 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 within three months of the date of the approval of details unless otherwise agreed in writing with the Local Planning Authority.

8. Within 3 months of the date of approval, the windows to the west facing elevation of Flat A10 as shown on plan 004, shall be fitted with fixed and

obscure glazing up to a height of 1.7m from the finished first floor internal floor level and shall be permanently retained in that condition thereafter.

9. The outer area of Flat A07 as shown on plan 003 received 21 November 2017 shall not be used as a balcony at any time and the internal screen shall remain in situ to prevent stepping out or use of the external area.

123 **APP/17/01186: THORNDALE BUSINESS CENTRE, 182 WALLASEY ROAD, LISCARD, CH44 2AG INSTALLATION OF FOUR NEW ACCESS DOORS**

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

On a motion moved by Councillor A Leech and seconded by Councillor D Realey it was:

Resolved- (13-0) That the following 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 11 October 2017 and listed as follows: PPSD NORTH FACE Rev B & PPSD Plan View Rev B.

3. The four new access doors hereby approved shall not be used and shall remain closed between the hours 20.00 hours and 08.00 hours Monday to Sunday.

124 **APP/17/01263: 3-5 TOBIN STREET, EGREMONT, CH44 8DF: INSTALLATION OF 3 NO ADDITIONAL WINDOWS TO THE NORTH EAST SIDE ELEVATION OF THE BUILDING (AMENDED DESIGN).**

This Application was withdrawn from the Agenda.

125 **APP/17/01274: 9 RUSSELL ROAD, ROCK FERRY, CH42 1LU: THE PROPOSED AREA WILL BE USED FOR A PERSONAL TRAINING STUDIO WITH A SMALL AREA (WHICH IS ALREADY SEPARATED AND WAS PREVIOUSLY OFFICES) FOR A BEAUTY AND MAKEUP ROOM. THE MAJORITY OF THE AREA WILL HAVE EQUIPMENT SOLELY FOR PERSONAL TRAINERS TO USE FOR THEIR CLIENTS FOR 1-2-1 SESSIONS**

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

On a motion moved by Councillor S Foulkes and seconded by Councillor I 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 the 2 November 2107.

3. The premises shall be used for a Personal Fitness Training Studio (incorporating Beauty Therapy, Sports Massage and ancillary consultation room) and for no other purpose (including any other purpose in D2 of the schedule to the Town and Country Planning Use Order 1987, or any subsequent Order or statutory provision revoking or re-enacting that Order.

4. The use hereby permitted shall be discontinued and the land restored to its former condition on or before ten years of the approval date in accordance with a scheme of work(s) to be submitted to and approved in writing by the Local Planning Authority.

126 APP/17/01287: 21 GULLS WAY, HESWALL, CH60 9JG: RESUBMISSION: REMOVAL OF EXISTING ROOF AND NEW ROOF WITH RECONFIGURED LAYOUT INCLUDING FRONT AND REAR DORMER WINDOWS. NEW SINGLE STOREY SIDE AND REAR EXTENSION. REMODELLED FRONT ELEVATION INCLUDING NEW FRONT PORCH

This application was withdrawn from the Agenda.

127 APP/17/01331: STONE HIVE, DARMONDS GREEN, WEST KIRBY, CH48 5DU: CONSTRUCTION OF TWO-STOREY DWELLING ADJACENT TO STONE HIVE

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

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

Resolved- (11-2) 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 19th October 2017 and listed as follows: 1705-01 Rev B; 1705 03 Rev A

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to the dwelling shall be erected unless expressly authorised.

6. The windows in the north elevation (serving the stairway) and the north-facing window serving Bedroom 4 shall be obscurely glazed and non-opening prior to first occupation and retained as such thereafter.

7. Prior to commencement of development, a full scheme of works for the reinstatement to standard footway levels of any vehicle accesses from the highway that are rendered obsolete by the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.

8. 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.

9. Prior to the first occupation of the dwelling, arrangements for the storage, recycling 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 and retained as such thereafter unless otherwise agreed in writing with the local planning authority.

128 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 05/12/2017 AND 08/01/2018**

The Managing Director for Delivery submitted a report detailing planning applications decided under delegated powers between 05/12/2017 and 08/01/2018.

Resolved - That the report be noted.

129 **PLANNING APPEALS DECIDED BETWEEN 01/10/2017 AND 31/12/2017**

The Managing Director for Delivery submitted a report detailing planning appeals between 01/10/2017 and 31/12/2017.

Resolved - That the report be noted.

130 **JUDICIAL REVIEW UPDATE**

The Assistant Director for Environmental Services updated members on

1 – Thornton Manor Hotel - That the Judicial Review date is set for 31 January and members will be updated at the next meeting.

2 - Hillbark Hotel - Further legal advice had been sought and the original enforcement notice served had been withdrawn and a new enforcement notice had been reissued giving 3 months for compliance. Effective 15 February 2018 – compliance by 19 May 2018 subject to any appeal to this enforcement notice.