

PLANNING COMMITTEE

Thursday, 31 May 2018

Present: Councillor A Leech (Chair)

Councillors RL Abbey AER Jones
P Cleary T Jones
G Davies Jordan
D Elderton S Kelly
Frost I Lewis
K Hodson

Deputies: Councillors C Meaden (for S Foulkes)

1 MINUTES

The Director of Governance & Assurance submitted the minutes of the meeting held on 19 April 2018.

Resolved – That the minutes be approved.

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

Councillor Tony Jones declared a prejudicial interest in respect of item 8 by virtue of his ongoing discussions with objectors.

3 REQUESTS FOR SITE VISITS

The following site visits were unanimously approved:

APP/17/10295: Land at Acre Lane and Meadowside Road, Bromborough, CH62 – Detailed application for the erection of 217 dwellings, with associated access (off Acre Lane and Meadowside Road) and landscaping and other ancillary works.

APP/17/01358: 25 Slatey Road, Oxton, Wirral, CH43 4UE – Proposed two – storey side extension to provide 2 no. front, to an existing dwelling previously converted into apartments.

4 ORDER OF BUSINESS

The Chair agreed to vary the order of business.

- 5 **APP/16/01088: LAND AT CONWAY STREET, BIRKENHEAD, CH61 6EN - A MIXED USE COMMUNITY/ COMMERCIAL/SHOP/FINANCIAL SERVICE AND PUBLIC SPACE TO THE GROUND FLOOR, WITH 132 ONE AND TWO BED APARTMENTS TO UPPER STOREYS WITH PRIVATE GARDEN TERRACES.**

The Assistant Director for Environmental Services submitted the above application for consideration.

The Development Control Manager advised that the following amendments to the conditions list had been made:

Condition 12 :Construction of the development authorised by this permission shall not begin until the Local Planning Authority has approved in writing a full scheme of works for the construction of the new vehicle accesses from the highway and amendments to the existing highway made necessary by the development approved, including new vehicle crossing accesses in accordance with the local highways authority commercial crossing specifications, all necessary road markings, traffic signs and street furniture and associated traffic regulation orders and the reinstatement to standard footway levels of all existing vehicle crossings made obsolete by this development. The approved works shall be completed in accordance with the Local Planning Authority's written approval and prior to occupation of the development.

Condition 18: The ground floor use hereby permitted shall be made available for commercial occupation and marketed for its intended use before the 40th apartment has been occupied.

Councillor P Clearly requested that an amendment be made to condition 17 as follows:

Prior to the first occupation of the dwellings, arrangements for the storage and disposal of refuse, including provision for recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and approved 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.

On a motion by Councillor Davies and seconded by Councillor R Abbey it was:

Resolved (13:0) that the application be approved subject to the conditions as amended as follows:

- 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 April 2018 listed as follows: 472 A002 A (20/07/16), 472 A101 C (Dated 24/01/18), 472 A110 B (Dated 24/01/18), 472 102 B (Dated 24/01/18), 472 A103 B (Dated 24/01/18) 472 A104 B (Dated 24/01/18), 472 A105 B (Dated 24/01/18), 472 A106 B (Dated 24/01/18), 472 A107 B (Dated 24/01/18), 472 A108 B (Dated 24/01/18) and 472 A109 B (Dated 24/01/18)**
- 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. 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**

5. The development hereby permitted by this planning permission shall be carried out in accordance with the principles and details specified in the following approved submission, including limiting discharge rate and storage volumes:

- Conway Street, Birkenhead –Drainage Strategy (28th July 2017/ First issue/ Waterco Ltd).**

6. No development shall commence until the confirmed full and final design for a surface water sustainable drainage system¹ to serve the entire site and method of implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the 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 maintenance and inspection schedule.

7. Prior to first occupation details of mechanical ventilation for all the dwellings together with suitable façade treatments such as the installation of acoustic high performance double-glazed window units and a background ventilation system will need to provide adequate ventilation with closed windows shall be submitted to and agreed in writing with the Local Planning Authority . The agreed details shall be implemented in full prior to first occupation and retained as such thereafter.

8. Prior to first occupation openable windows should be limited within the sensitive habitable rooms, particularly for facades on the inner courtyard which are screened to a degree from road traffic noise (the perceived noise level from the Fireman's Arms may be greater in these areas) to minimise impact from commercial noise and patron noise. Internal noise levels from mechanical ventilation must be balanced so as not to adversely affect the internal noise climate. Details of which shall be submitted to and agreed in writing with the LPA prior to first occupation and retained as such thereafter.

9. Prior to first occupation a noise assessment should be carried out to ascertain if the World Health Organisation guideline values for community noise in outside amenity areas can be achieved. In order to cause no more than 'moderate annoyance, daytime and evening' the outside amenity areas such as balconies and garden areas should be designed to achieve a sound level of 50dB LAeq,16 hour, details of which shall be submitted to and agreed in writing with the LPA prior to first occupation.

10. Prior to commencement of development a scheme for monitoring ground-level air quality including Nox2 levels shall be undertaken to obtain further information on the local air quality and to determine the necessity for the incorporation of measures within the building design for air quality mitigation. The details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement including detailed design proposals regarding location of mechanical ventilation air intake proposals. The agreed details shall be implemented in full prior to first occupation and retained as such thereafter.

11. 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

12. Construction of the development authorised by this permission shall not begin until the Local Planning Authority has approved in writing a full scheme of works for the construction of the new vehicle accesses from the highway and amendments to the existing highway made necessary by the development approved, including new vehicle crossing accesses in accordance with the local highways authority commercial crossing specifications, all necessary road markings, traffic signs and street furniture and associated traffic regulation orders and the reinstatement to standard footway levels of all existing vehicle crossings made obsolete by this development. The approved works shall be completed in accordance with the Local Planning Authority's written approval and prior to occupation of the development.

13. Prior to commencement of development details of pedestrian dropped kerbs at the junction of Oliver Street East and Walton Street shall be submitted to and agreed in writing with the Local Planning Department. The agreed details shall be implemented in full prior to first occupation and shall be retained as such thereafter.

14. Prior to commencement of development details of all external ground floor doors, including secure access arrangements, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented in full prior to first occupation and retained as such thereafter.

15. 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.

16. 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.

17. Prior to the first occupation of the dwellings, arrangements for the storage and disposal of refuse, including provision for recycling facilities, and vehicle

access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and approved 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.

18. The ground floor use hereby permitted shall be made available for commercial occupation and marketed for its intended use before the 40th apartment has been occupied.

- 6 **APP/17/01295: LAND AT ACRE LANE AND MEADOWSIDE ROAD, BROMBOROUGH, CH62 - DETAILED APPLICATION FOR THE ERECTION OF 217 DWELLINGS, WITH ASSOCIATED ACCESS (OFF ACRE LANE AND MEADOWSIDE ROAD) AND LANDSCAPING AND OTHER ANCILLARY WORKS.**

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

- 7 **APP/17/01358: 25 SLATEY ROAD, OXTON, WIRRAL, CH43 4UE - PROPOSED TWO-STOREY SIDE EXTENSION TO PROVIDE 2 NO. ONE-BEDROOM APARTMENTS AND CAR PARK AREA TO FRONT, TO AN EXISTING DWELLING PREVIOUSLY CONVERTED INTO APARTMENTS**

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

- 8 **APP/18/00041: 37 CLIFTON ROAD, TRANMERE, CH41 2SF - CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS ADJACENT TO 37 CLIFTON ROAD (AMENDED DESIGN)**

The Assistant Director for Environmental Services submitted the above application for consideration.

Councillor P Clearly, seconded by Councillor S Kelly moved refusal on the following grounds:

“The proposed development would, by reason of its cramped appearance and proximity to the site boundaries, constitute an over development of the site which would fail to preserve or enhance the character and appearance of the Clifton Park Conservation Area. As such, the proposals are contrary to Policies CH2 and Policy HS4 having particular regards to Criterion (i) and (ii) of that Policy together with the principles of the National Planning Policy Framework.”

The motion was put and lost (6:7)

On a motion by Councillor G Davies and seconded by Councillor R Abbey it was:

Resolved (7:6) 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 13th April 2018 and listed as follows: 01 A (Dated 13/04/18), 02 A (Dated 13/04/18), 03 A (Dated 13/04/18), 04 (Dated 28/03/18) and 10 B (Dated 13/04/18)**
- 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. 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**

- 5. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.**

6. 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.

7. The development shall be carried out strictly in accordance with the approved Arboricultural Method Statement. Which details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works and tree protection measures throughout the course of development.

9 **APP/18/00103: PIER HOUSE, TOWER PROMENADE, NEW BRIGHTON, CH45 2JY - THE PROPOSED ERECTION OF 1NO. THREE BEDROOM AND 1NO. TWO BEDROOM APARTMENT AT FOURTH FLOOR LEVEL OF THE EXISTING BUILDING, AS PER APPROVAL APP/13/01110**

Having previously declaring a prejudicial interest in respect of this item, Councillor T Jones left the room prior to consideration.

The Assistant Director for Environmental Services submitted the above application for consideration.

On a motion by Councillor Elderton and seconded by Councillor Abbey 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 9/3/18 and listed as follows: A2A.17.809_101, 102, 103, 104 and 105

3. All new external work shall be carried out in materials that match, as closely as possible, in colour, texture and design detail those of the existing building.

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.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of noise, dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

10 APP/18/00202: 52 OXTON ROAD, BIRKENHEAD, WIRRAL, CH41 2TW - CHANGE OF USE TO A3 (RESTAURANT) WITH RETROSPECTIVE CONSENT SOUGHT FOR EXTERNAL FLUE TO THE REAR ELEVATION.

The Assistant Director for Environmental Services submitted the above application for consideration.

On a motion by Councillor Abbey and seconded by Councillor Jones 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 21 February 2018 and listed as follows: unreferenced floor plans.
3. The premises shall not be open for business outside the hours of 08.00 and 23.00 Monday to Saturday and 9.00 and 22.30 Sundays and Bank Holidays.
4. A suitable noise insulation scheme between the ground floor and the residential accommodation (adhering to 'Building Regulations Approved Document E - Resistance to the passage of sound') shall be submitted in writing to and approved by the Local Planning Authority, prior to the commencement of any building/renovation work.
5. Notwithstanding the details shown on the approved plans, a suitable

scheme of fume extraction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby authorised. When designing the fume extraction system reference should be made to the Defra Document: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.'

6. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity. The premises shall not be used for the performance of live music.

7. The flue hereby permitted shall be painted black, and shall be maintained in that colour in perpetuity.

11 **APP/18/00265: FOX & HOUNDS, 107 BARNSTON ROAD, BARNSTON, CH61 1BW - ERECTION OF SIDE EXTENSION, REAR EXTENSION AND LINK TO OUTBUILDING, BIN STORE, ACCESS AND PARKING ALTERATIONS AND REVISED LANDSCAPING**

The Assistant Director for Environmental Services submitted the above application for consideration.

On a motion by Councillor R Abbey and seconded by Councillor G Davies it was:

Resolved (12:1) That the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 8th March 2018 and listed as follows: B103; B105; B106; B107; B108 Rev B; B109 Rev B; and the amended plan received on 8th May 2018 and listed as: B104 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. Notwithstanding the information submitted with the application, prior to first use of the development hereby permitted, full details of the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use of the proposal and shall be retained as such thereafter unless otherwise

agreed in writing by the Local Planning Authority.

- 12 **APP/18/00330: THE GATEHOUSE, WIRRAL BUSINESS CENTRE, DOCK ROAD, WALLASEY, MERSEYSIDE, WIRRAL, CH41 1JW - CHANGE OF USE OF THE GATEHOUSE AT WIRRAL BUSINESS CENTRE TO A TAKEAWAY SNACK BAR (RETROSPECTIVE APPLICATION).**

The Assistant Director for Environmental Services submitted the above application for consideration.

On a motion by Councillor R Abbey and seconded by Councillor D Elderton it was:

Resolved (13:0) That the application be approved

- 13 **JUDICIAL REVIEW UPDATE**

The Legal Advisor to the Planning Committee provided an update for Members on the ongoing judicial review application relating to Thornton Manor Hotel.

Members heard that the planning application for this site now stands as undetermined due to planning permission reference APP/10/00445 being quashed. The planning application of April 2010 therefore now needs to be re – determined. Members were advised that Council Officers will be requesting updated information in relation to this application and a report detailing recommendations will be brought back to this Planning Committee in due course.

Councillor Kelly requested that the judgement order pertaining to this case be re circulated to the Committee for the benefit of new committee members.

Councillor Leech also requested that a chronology of events relating to this case be provided.

- 14 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 09/04/2018 AND 20/05/2018**

The Assistant Director for Environmental Services submitted a report detailing planning applications between 09/04/2018 and 20/05/2018.

Resolved – That the report be noted.