

PLANNING COMMITTEE

Tuesday, 9 November 2010

<u>Present:</u>	Councillor	D Mitchell (Chair)	
	Councillors	D Elderton B Kenny P Gilchrist P Hayes P Johnson	M Johnston J Keeley D Realey J Salter
<u>Deputies:</u>	Councillors	A Bridson (In place of S Kelly) W Clements (In place of E Boulton)	

105 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

Councillor Dave Mitchell declared a prejudicial interest in APP/10/01114 – Hooton Park Circuit Hooton Airfield North Road, EASTHAM, CH65 1AR - Erection of building and proposed karting circuit and associated facilities in accordance with application APP/2005/6494 as amended by permission APP/2009/5055, but without compliance with condition 10 of permission APP/2009/50 as he had led against the applicant when the application had gone to appeal. He indicated that he would vacate the Chair and the room for this item.

106 ORDER OF BUSINESS

The Chair agreed to vary the order of business.

107 REQUESTS FOR SITE VISITS

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

The following requests for site visits were unanimously approved;

APP/10/01069 - Land off Broadway (St Hilary Brow), BROADWAY, LISCARD, CH45 3NA (Amended Address) - Erection of part single and part two storey Medical Centre, including pharmacy, associated car parking and soft landscaping.

APP/10/01193 – Birkenhead High School, 86 Devonshire Place, Oxton, CH43 1TY – Application for the erection of a new hall and dining and associated teaching areas for the secondary school and the erection of a new hall and class spaces for the

infants/junior school etc. - a pre-committee site visit be arranged prior to consideration of the application at the 1 December 2010 Planning Committee.

- 108 **APP/10/01069 - LAND OFF BROADWAY (ST HILARY BROW), BROADWAY, LISCARD, CH45 3NA (AMENDED ADDRESS) - ERECTION OF PART SINGLE AND PART TWO STOREY MEDICAL CENTRE, INCLUDING PHARMACY, ASSOCIATED CAR PARKING AND SOFT LANDSCAPING.**

Resolved – That consideration of the application be deferred for a formal site visit.

- 109 **APP/10/01114 - HOOTON PARK CIRCUIT HOOTON AIRFIELD NORTH ROAD, EASTHAM, CH65 1AR - ERECTION OF BUILDING AND PROPOSED KARTING CIRCUIT AND ASSOCIATED FACILITIES IN ACCORDANCE WITH APPLICATION APP/2005/6494 AS AMENDED BY PERMISSION APP/2009/5055, BUT WITHOUT COMPLIANCE WITH CONDITION 10 OF PERMISSION APP/2009/5055.**

Councillor Dave Mitchell declared a prejudicial interest in the application by virtue of the fact that he had led against the applicant when the application had gone to appeal. He vacated the Chair and the room for this item.

The Director of Technical Services submitted the above application for consideration and noted that a petition had been received by the Council but had not yet been received in Development Control.

On advice from the Director of Law HR and Asset Management, Councillor Dave Mitchell returned to the room and addressed the meeting as ward councillor. He then left the room.

The applicant addressed the meeting.

On a motion by Councillor Realey and seconded by Councillor Salter it was;

Resolved – 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 Within 2 months of the date of this permission a scheme shall be submitted to the Local Planning Authority (LPA) for the provision of cycle parking. The cycle parking shall be erected on site in accordance with the approved details within 3 months of approval being given by the LPA and retained as such thereafter.

3 The provisions of the travel plan approved by the LPA shall be operated in accordance with the timetable contained therein and shall not be varied other than through agreement with the LPA.

4 Sight lines of 2.4 metres by 70 metres shall be retained at the access onto North Road.

5 The earth mounding approved on drawing C501/02 Rev C shall be permanently retained.

6 Other than when allowed by condition 10 there shall be no customers on site outside the hours of 09.00 to 19.00 Monday to Saturday and 10.00 to 19.00 Sundays and Public Holidays.

7 The track shall not be used other than between the hours of 09.00 and 18.00 Monday to Saturday and 10.00 to 18.00 Sundays and Public Holidays.

8 There shall be no maintenance of karts audible at the site boundary before 09.00 hours or after 19.00 hours daily.

9 There shall be no starting or running of kart engines other than when karts are on the track.

10 The site shall not be used for overnight accommodation for customers except on a permitted night. A permitted night is the Friday and Saturday night of a Motor Sports Association regulated race meeting. There shall be no more than 22 permitted nights in any calendar year and no more than 4 permitted nights over two weekends in any calendar month. The site owner shall maintain an up to date register of all competitors attending race weekend meetings which shall specify those competitors who stay overnight. The register shall be made available at reasonable times to the LPA.

11 There shall be no overnight camping anywhere on the site except in the area hatched red on plan reference SG/513/PL02.

12 There shall be no use of an amplified announcement system other than between the hours of 09.00 to 19.00 Monday to Saturday and 10.00 to 19.00 Sundays and Public Holidays.

13 The additional camping nights shall not commence until a suitable emergency evacuation plan has been submitted and a live test has been carried out and agreed in writing by the Local Planning Authority.

14 Before the development hereby approved commences, a scheme of boundary treatment to identify and contain the camping area shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the proposed use commences and retained as such thereafter.

110 APP/10/01161 - REMAX ESTATE, 283 HOYLAKE ROAD, MORETON, CH46 0RL - CHANGE OF USE OF GROUND FLOOR OF PREMISES FROM OFFICES TO HOT FOOD TAKE AWAY.

The Director of Technical Services submitted the above application for consideration.

A ward councillor addressed the meeting.

It was moved by Councillor Hayes and seconded by Councillor Keeley that the application be refused due to the over concentration of this use within the key town centre.

The motion was put and lost (3:8) (Councillor Wendy Clements abstaining).

On a motion by Councillor Dave Mitchell and seconded by Councillor John Salter it was;

Resolved (Councillors Wendy Clements and Elderton abstaining in respect of (1) below)

(1) (7:3) That the application be approved subject to a Section 106 Agreement and the following conditions;

a) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

b) The premises shall be closed between the hours of 2300 and 1130 Monday to Saturday, and shall remain closed on Sunday and Bank Holidays.

c) A suitable noise insulation scheme between the ground floor and the first-floor residential accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. The approved scheme shall be implemented in full prior to the use commencing.

d) A suitable scheme of fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the use commencing, and retained and operated as such thereafter.

(2) That the cumulative impact of the number of takeaways in the Moreton town centre area be referred to the Economy and Regeneration and Scrutiny Committee.

111 PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 12/10/2010 AND 29/10/2010

The Director of Technical Services submitted a report detailing applications delegated to him and decided upon between 12/10/2010 and 29/10/2010.

Resolved – That the report be noted.

112 FAILURE TO COMPLY WITH A LISTED BUILDING ENFORCEMENT NOTICE AT 31 CLIFTON ROAD, BIRKENHEAD, WIRRAL

The Director of Technical Services submitted a report to advise Members of the failure to comply with the requirements of a Listed Building Enforcement Notice in relation to the property at 31 Clifton Road, Birkenhead, Wirral. The report set out the options open to the Council to proceed with the matter and sought authority from Planning Committee to take the appropriate course of action.

It was moved by Councillor Dave Mitchell and seconded by Councillor Mark Johnston that Option B of the report be adopted. The motion was put and lost (2:10).

It was moved by Councillor Salter and seconded by Councillor Elderton that Option D as outlined in the report be adopted.

Resolved (10:2) –

(1) That Option D of the Director of Technical Services report be adopted and that the Council carry out the works required by the notice in default at an estimated cost of works around £35,000.00.

(2) That a charge be placed on the land so that the Council could recoup that money if the property were sold.

(3) That in addition, the Council has the option of either pursuing a prosecution against the occupiers for their failure to comply with the notice, or issuing a formal Caution.

113 **NO EXPEDIENCY FOR ENFORCEMENT ACTION AGAINST THE ERECTION OF A GATE WITHIN THE CURTILAGE OF A LISTED BUILDING AT THE SMITHY, NESTON ROAD, THORNTON HOUGH, WIRRAL**

The Director of Technical Services submitted a report that advised Members of the erection of a wooden gate within the curtilage of a listed building without the benefit of planning permission. It was reported that it was considered that it would not be expedient to take enforcement action against the development and the report sought authority from Planning Committee not to take any further action.

On a motion by Councillor Dave Mitchell and seconded by Councillor Mark Johnston it was;

Resolved (8:4) – That no enforcement action be taken.
