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PLANNING COMMITTEE

Thursday, 21 October 2010

Present:

Councillor	D Mitchell (Chair)	
Councillors	D Elderton	M Johnston
	B Kenny	J Keeley
	P Gilchrist	S Kelly
	P Hayes	D Realey
	P Johnson	J Salter

Deputies:

Councillors	T Anderson (In place of E Boulton)
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91 MINUTES

The Director of Law, HR and Asset Management submitted the minutes of the meeting held on 7 and 28 September 2010.

Resolved – That the minutes be received.

92 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked if 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.

No such declarations were made.

93 REQUESTS FOR SITE VISITS

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

No requests for site visits were made.

94 ORDER OF BUSINESS

The Chair agreed to vary the order of business.

95 APP/10/00139 - TEXACO FILLING STATION, TOWNFIELD CLOSE, NOCTORUM, CH43 9JW - DEMOLITION OF PETROL STATION AND ERECTION OF SINGLE STOREY SHOP UNITS (CLASS A1).

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

On a motion by Councillor Dave Mitchell and seconded by Councillor Denise Realey it was:

Resolved (12:00) – 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 retail units hereby permitted shall be closed between the hours of 23.00 and 08.00 Mondays to Fridays, 18.00 and 08.00 on Sundays and Bank Holidays.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent re-enactment) there shall be no creation of additional floor space within the building hereby permitted as shown on the approved plan drawing no. D1-02 Rev A. The four retail units shall be constructed in accordance with the approved drawings concurrently with the remainder of the development and shall be retained as such thereafter, as four individual units. Unit 1 shall have a gross floor space of no greater than 81.9m², Unit 2 shall have a gross floor space of no greater than 81.9m², Unit 3 shall have a gross floor space of no greater than 103.2m² and unit 4 shall have a gross floor space of no greater than 130.3 m². For the avoidance of doubt, subdivision of the units to form smaller retail units is not permitted.

5. Details of the appearance and operation of the proposed roller shutters shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in full prior to the first use of the development hereby permitted and retained as such thereafter.

6. No part of the development hereby permitted shall commence until:

a) An investigation and assessment methodology, including analysis suite and risk assessment methodologies has been agreed in writing by the Local Planning Authority prior to site investigations;

b) A site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination (including chemical/radiochemical/landfill gas/asbestos/physical hazards/other contamination) at the site and submitted to the Local Planning Authority. The investigation and assessment shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risk associated with them;

c) A statement giving precise details of the nature and extent of any such remediation which shall include an implementation timetable, monitoring proposals and remediation validation methodology has been submitted to and agreed in writing by the Local Planning Authority, and;

d) The remediation scheme has been agreed by the Local Planning Authority to have been demonstrably and successfully completed.

7. Development shall not commence until a scheme for the provision of cycle parking has been submitted to and agreed in writing by the local planning authority. The cycle parking facility shall be erected in accordance with the approved details prior to the occupation of the development hereby approved and retained as such thereafter.

8. The development shall be implemented in accordance with the approved drawings, reference: 109-32 D0-01, 109-32 D1-01 Rev A, 109-32 D1-02 Rev A and 109-32 D1-11 Rev B.

9. Details of any security or floodlighting shall be submitted to and agreed in writing with the Local Planning Authority before any such lighting is brought into use.

10. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

11. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 11. The works shall be carried out prior to the first use of any part of the development.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) of the Wirral Unitary Development Plan.

12. 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.

96 APP/10/00818 - LAND ADJ HILLSIDE COTTAGE, MEADOW LANE, STORETON, CH63 6HG - DEMOLITION OF EXISTING STABLES AND ANCILLARY BUILDINGS AND ERECTION OF STABLE BLOCK PROVIDING RIDING FACILITIES FOR PEOPLE IN NEED OF CARE, (FOR THE YOUNGER PATIENT WITH PHYSICAL AND SENSORY DISABILITY) SPECIFICALLY FOR PEOPLE BETWEEN THE AGES OF 16-65 AND INCREASE THE WIDTH OF MEADOW LAND LEADING TO THE FACILITIES.

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

A petitioner addressed the meeting.

A representative of the agents addressed the meeting.

Ward Councillors addressed the meeting.

It was moved by Councillor Dave Mitchell and seconded by Councillor Mark Johnston that the application be approved subject to conditions.

The motion was put and lost (4:7) (Councillor Salter abstaining)

It was moved by Councillor Hayes and seconded by Councillor Keeley:-

That the application be refused on the grounds that the local planning authority considers that the proposed development would result in an intensification of an existing use with additional activity along Meadow Lane which, by virtue of the general disturbance associated with the increased scale of activities, would have a detrimental impact on the surrounding environment. The proposals are therefore contrary to Policy GB2 of the adopted Wirral Unitary Development Plan.

The motion was put and carried (7:4) (Councillor Salter abstaining)

Resolved (7:4) (Councillor Salter abstaining) – That the application be refused on the grounds that the local planning authority considers that the proposed development would result in an intensification of an existing use with additional activity along Meadow Lane which, by virtue of the general disturbance associated with the increased scale of activities, would have a detrimental impact on the surrounding environment. The proposals are therefore contrary to Policy GB2 of the adopted Wirral Unitary Development Plan.

97 **APP/10/00890 - BRICKFIELD FARM, STATION ROAD, STORETON, WIRRAL CH61 1DG FORMATION OF GREEN WASTE COMPOSTING AREA, VEHICLE ACCESSWAY AND SITE OFFICE**

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

A petitioner addressed the meeting.

A representative of the applicant addressed the meeting.

A ward Councillor addressed the meeting.

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

Resolved (11:1) – 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. Shredding on site shall be restricted to 1 day a week during the approved opening hours of this approved application.**

3. The green waste reception and processing site shall only be open between 8am and 7pm Monday to Friday.

4. Notwithstanding the details contained within the Design & Access Statement, no works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been submitted to and approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at that those times.

5. If within a period of three years from the date of the planting of any tree that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

6. The height of any green waste materials stored on site shall not exceed 3 metres.

7. When the use hereby approved ceases, the land shall be restored to its former agricultural condition within 12 months of the cessation of the use.

98 APP/10/00893 - LAND ADJACENT TO 290 UPTON ROAD, NOCTORUM, CH43 9RN - ERECTION OF A NEW DWELLING

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

A ward Councillor addressed the meeting.

On a motion by Councillor Dave Mitchell and seconded by Councillor Keeley it was:

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. 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.

3. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species, and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

4. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.

5. All hard and soft landscaping works shall be carried out in accordance with the approved details as set out in Condition 3. The works shall be carried out in accordance with a programme to be agreed with the Local Planning Authority.

6. Visibility splays of 2.4 metres by 2.4 metres shall be provided at the junction of the proposed access with Upton Road before any part of the development is brought in to use. These splays shall be retained as such thereafter.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order) the enlargement of the dwelling or any addition to the roof or the erection or construction of a porch shall not be carried out.

8. Prior to the occupation of the dwelling hereby approved, the south facing landing window and east facing bathroom window shall be obscurely glazed and non-opening above 1.7 metres in height and shall be retained as such thereafter.

99 **APP/10/00926 - CLEARED SITE, THERMAL ROAD, BROMBOROUGH, CH62 4TP
- NEW WAREHOUSE WITH ASSOCIATED OFFICES, CAR PARKING AND
LORRY LOADING AREAS.**

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

On a motion by Councillor Dave Mitchell seconded by Councillor Salter it was:

Resolved (12:00) – 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 part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

3. Within 6 months of the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the timescale contained therein unless otherwise agreed in writing with the Local Planning Authority.

4. Notwithstanding the submitted details, the development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works to provide vehicular access from the highway into the development site. The occupation of any part of the development shall not begin until those works have been completed in accordance with the approved details and certified in writing as complete by the local planning authority.

5. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works to reinstate to standard footway levels any and all existing vehicle accesses from the highway into the development site that are rendered obsolete by the development hereby approved. The occupation of any part of the development shall not begin until those works have been completed in accordance with the approved details and certified in writing as complete by the local planning authority.

6. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), an up to date ground contamination risk assessment shall be undertaken and the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses**
- potential contaminants associated with those uses**
- a conceptual model of the site indicating sources, pathways and receptors**
- potentially unacceptable risks arising from contamination at the site.**

(b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(c) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Should the above assessment identify any unacceptable risks, then a scheme of remediation to render the site suitable for its intended use shall be submitted to and approved in writing by the Local Planning Authority. Any changes to the components set out above require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

7. A statement giving precise details of the nature and extent of any such remediation together with certification that the site has been made suitable for its intended use shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

8. The development permitted by this planning condition shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) July 2010/ 4378R001/ BCAL Consulting and the following mitigation measures detailed within the FRA:

- **Limiting the surface water run-off generated by the development to 287 litres per second, for events with flow probabilities of up to and including the 1 in 100 year event (including 20% increase in rainfall intensity to allow for the effects of climate change), requiring 951 m³ of on-site attenuation. Any proposed surface water storage areas must not pose a flood risk to the proposed development or to those neighbouring the site.**

9. Prior to commencement of development, full details of a scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.

10. Prior to the commencement of the development, the approved scheme and timetable for the eradication of Japanese Knotweed referred to in condition 9 above, shall be implemented in full and a validation report confirming the remediation treatment carried out and that the site is free of Knotweed shall be submitted to and approved in writing by the Local Planning Authority.

11. The hard and soft landscaping scheme shown on drawing number 001A dated June 2010 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.

12. The development hereby permitted shall not be carried out except in complete accordance with the details contained within the submitted reports and the details shown on the submitted plans, numbers 4124/01, 4124/SK04P, 4124/SK05E, 4124/SK06E, 4124/SK07E, 4124/SK08C, 4124/SK09, 4124/SK11, 5692A, 1141/10 – 001A, D16801/PY/C.

100 **APP/10/00966 - UNIT 24 CARHAM ROAD, HOYLAKE, CH47 4FF- ERECTION OF TWO-STOREY SIDE EXTENSION TO FORM ADDITIONAL WAREHOUSING FACILITIES**

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

A petitioner addressed the meeting.

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

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. No work or associated activities including deliveries/loading/unloading /servicing /or parking or manoeuvring of vehicles by staff and/or visitors shall be carried out on the premises before 08:00 or after 21:00**
- 3. 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.**

101 **APP/10/01016 - HAWKSTONE, 40 STANLEY AVENUE, HIGHER BEBINGTON, CH63 5QF - RETROSPECTIVE PLANNING APPLICATION FOR THE ERECTION OF A DWELLING HOUSE AND GARAGE (AMENDMENT TO APP/2007/5215)**

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

A ward Councillor addressed the meeting.

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

Resolved (10:2) – That the retrospective planning 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. 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.**
- 3. Prior to the first occupation of development details of all boundary treatment shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.**

4. 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.

5. 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.

6. The development hereby approved, shall be substantially completed within 9 months of the date of the notice of approval.

102 PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 17/09/2010 AND 11/10/2010

The Director of Technical Services submitted a report informing members of Planning Applications decided under his delegated powers between 17 September, 2010 and 11 October, 2010.

Resolved – That the report be noted.

103 DEVELOPMENT CONTROL QUARTERLY PERFORMANCE REPORT

The Director of Technical Services submitted the above report for Members consideration. The report set out Development Control Performance under NI 157 for the second quarter of 2010/2011 which covered the period 1 July, 2010 to 30 September, 2010.

Resolved – That the report be noted.

104 RECENT CHANGES TO NATIONAL PLANNING POLICY

The Director of Technical Services submitted a report advising Members on recent announcements from the Department of Communities and Local Government about changes to national planning policy. Members were asked to note the changes to national planning policy, in particular Planning Policy Statement 3 *Housing* and the revocation of the Regional Spatial Strategy for the North West.

Resolved – That the report be noted.
