PLANNING COMMITTEE

Tuesday, 8 March 2011

Present:	Councillor	D Mitchell (Chair)	
	Councillors	D Elderton	M Johnston
		B Kenny	J Keeley
		E Boult	S Kelly
		P Hayes	D Realey
		P Johnson	J Salter
Deputies:	Councillors	A Brighouse (In place of P Gilchrist)	

163 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 David Elderton declared a prejudicial interest in respect of planning applications APP/10/01306 – Sheldrakes Restaurant, Banks Road, Heswall CH60 9JS – Material Amendments to two extant planning permissions (07/6813 & 08/5852), APP/10/01411 Sheldrakes Restaurant, Banks Road, Heswall, CH60 9JS – The premises shall not be open to customers outside the following – Sunday and Monday 0900 hours to 2300 hours, and all customers shall have vacated the premises no later than 2330 hours. Tuesday to Saturday 0900 hours to midnight (0000hours), and all customers shall have vacated the premises no later than 0030 hours the following day. New Year's Eve/New Year's Day 9000 hours to 0200 hours and all customers shall have vacated the premises no later than 0200 hours and APP/10/00016 – Kukis, 119-121 Banks Road, West Kirby, CH48 0RB – Change of use of first and second floors from two self-contained flats to eleven B & B/Hotel en-suite bedrooms - by virtue of having written in support in principle for these developments in his role as Cabinet member for Culture, Tourism and Leisure.

164 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/10/01517 - Thai Rooms, 54 Wallasey Road, Liscard, CH45 4NW – Alterations to front elevation & change of use to drinking establishment.

APP/11/00016 - Kukis, 119-121 Banks Road, West Kirby, CH48 0RB – Change of use of first and second floors from two self-contained flats to eleven B & B/Hotel en-suite bedrooms

165 **ORDER OF BUSINESS**

The Chair agreed to vary the order of business.

166 **APP/10/01104 - CHANGE OF USE TO TWO SELF CONTAINED GROUND FLOOR APARTMENTS WITH SINGLE STOREY EXTENSION AND REAR STAIRCASE AT 57 ARGYLE STREET SOUTH, TRANMERE, CH41 9DA**

The Director of Technical Services submitted a report requesting that Members confirm the reasons for approval of planning application APP/10/01104 (Minute No. 155 refers).

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

Resolved (8:2) - That the existing use of the first floor of the property as residential accommodation, its peripheral location within an industrial estate, and high vacancy rates within the remainder of the industrial estate are considered to be material considerations in support of a departure from the Unitary Development Plan which seeks to protect such land for industrial use.

167 **DLS/10/01266 - LAND NORTH OF CROFT RETAIL & LEISURE PARK, WELTON ROAD, BROMBOROUGH,WIRRAL, CH62 3PN - RESERVED MATTERS APPLICATION FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING OUTLINE APPROVAL FOR THE REDEVELOPMENT OF THE REDUNDANT CAR PARK TO CREATE 86 NO. RESIDENTIAL UNITS AND ASSOCIATED WORK (OUT/2009/5041) - AMENDED DESCRIPTION**

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

A petitioner addressed the meeting.

A ward Councillor addressed the meeting.

It was moved by Councillor Stuart Kelly and seconded by Councillor Paul Hayes that the application be refused on the grounds of highway safety at Magazine Road, Mill Road and the A41.

The motion was put and lost (4:7) (1 abstention).

It was moved by Councillor Dave Mitchell and seconded by Councillor Denise Realey that the application be approved subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with all of the submitted details, documents and plans received by the Local Planning Authority on 20/10/2010 and amended plan details shown on the plan received by the Local Planning Authority on 27th January 2011.

2. 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 traffic calming measures on the new roads within the development site. Within six months

of the first occupation, those works shall be completed in full in accordance with the approved scheme of works.

3. Before the development hereby permitted is brought into use all windows in the western facing elevation of the apartment block adjacent to plot 81 as shown on drawing number AL001 revision H shall be fixed and obscurely glazed with frosted glass and shall be retained as such thereafter.

The motion was put and carried (7:4) (1 abstention),

Resolved – That the application be approved subject to the following conditions;

1. The development hereby approved shall be carried out in accordance with all of the submitted details, documents and plans received by the Local Planning Authority on 20/10/2010 and amended plan details shown on the plan received by the Local Planning Authority on 27th January 2011.

2. 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 traffic calming measures on the new roads within the development site. Within six months of the first occupation, those works shall be completed in full in accordance with the approved scheme of works.
3. Before the development hereby permitted is brought into use all windows in the western facing elevation of the apartment block adjacent to plot 81 as shown on drawing number AL001 revision H shall be fixed and obscurely glazed with frosted glass and shall be retained as such thereafter.

168 **APP/10/01306 - SHELDRAKES RESTAURANT, BANKS ROAD, HESWALL, CH60 9JS - MATERIAL AMENDMENTS TO TWO EXTANT PLANNING PERMISSIONS (07/6813 & 08/5852) INCLUDING; (I) FIRST FLOOR EXTENSIONS WITH DISABLED ACCESS/FACILITIES: (II) IMPROVED CIRCULATION AREAS (GROUND AND FIRST FLOOR); (III) A NEW INTERNAL STAIRCASE; (IV) MINOR ALTERATIONS TO MAIN ENTRANCE AND FIRST FLOOR LANDING AREAS.**

Councillor David Elderton left the meeting during consideration of this item.

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

A petitioner addressed the meeting.

The applicant's agent addressed the meeting.

It was moved by Councillor Peter Johnson and seconded by Councillor James Keeley that
1) The visual impact of the proposal would be out of character with the existing building and would be harmful to the appearance and character of the Green Belt. The proposals are contrary to Policy GB2 of the Wirral UDP.
2) The proposed alterations would create the appearance of a commercial use alongside the access to the shore which would be contrary to Policy GB2 of the Wirral UDP.

The motion was put and lost (3:8)

It was moved by Councillor Dave Mitchell and seconded by Councillor Denise Realey 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 premises as extended shall only be open to the public, Sunday and Monday 0900 to 2300, and all patrons shall vacate the premises no later than 2330 hours, Tuesday to Saturday 0900 to Midnight and all patrons shall vacate the premises by 0030 hours the following day, New Years Eve 0900 to 0200 on New Years Day and all patrons to have vacated the premises by 0200 hours.

3. Before any construction commences, samples of the external 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 use hereby permitted shall not commence until a noise control scheme, which shall have first been submitted to and approved in writing by the local planning authority, has been implemented as approved.

5. Notwithstanding the details shown on the submitted plans, other than the balcony area directly in front of the main south-west facing first floor elevation, access to and use of, the balcony area (shown on plan ref 301_002 rev 02 as Ballasted Membrane Flat roof) shall be restricted to that necessary for essential maintenance and repairs.

6. Before any construction commences, details including siting of and materials to be used of the terrace railings 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.

The motion was put and carried (8:3)

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. The premises as extended shall only be open to the public, Sunday and Monday 0900 to 2300, and all patrons shall vacate the premises no later than 2330 hours, Tuesday to Saturday 0900 to Midnight and all patrons shall vacate the premises by 0030 hours the following day, New Years Eve 0900 to 0200 on New Years Day and all patrons to have vacated the premises by 0200 hours.

3. Before any construction commences, samples of the external 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 use hereby permitted shall not commence until a noise control scheme, which shall have first been submitted to and approved in writing by the local planning authority, has been implemented as approved.

5. Notwithstanding the details shown on the submitted plans, other than the balcony area directly in front of the main south-west facing first floor elevation, access to and use of, the balcony area (shown on plan ref 301_002 rev 02 as Ballasted Membrane Flat roof) shall be restricted to that necessary for essential maintenance and repairs.

6. Before any construction commences, details including siting of and materials to be used of the terrace railings 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.

169 **APP/10/01411 - SHELDRAKES RESTAURANT, BANKS ROAD, HESWALL - THE PREMISES SHALL NOT BE OPEN TO CUSTOMERS OUTSIDE THE FOLLOWING - SUNDAY AND MONDAY 0900 HOURS TO 2300 HOURS, AND ALL CUSTOMERS SHALL HAVE VACATED THE PREMISES NO LATER THAN 2330 HOURS. TUESDAY TO SATURDAY 0900 HOURS TO MIDNIGHT (0000 HOURS), AND ALL CUSTOMERS SHALL HAVE VACATED THE PREMISES NO LATER THAN 0030 HOURS THE FOLLOWING DAY. NEW YEAR'S EVE/NEW YEAR'S DAY 0900 HOURS TO 0200 HOURS AND ALL CUSTOMERS SHALL HAVE VACATED THE PREM**

Councillor David Elderton left the meeting during consideration of this item.

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

It was moved by Councillor Peter Johnson and seconded by Councillor James Keeley that the application be refused on the grounds that it would be harmful to neighbouring residential properties to the North West and South East of this proposal.

The motion was put and lost (3:8).

It was moved by Councillor Dave Mitchell and seconded by Councillor Denise Realey 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 premises as extended shall only be open to the public, Sunday and Monday 0900 to 2300, and all patrons shall vacate the premises no later than 2330 hours, Tuesday to Saturday 0900 to Midnight and all patrons shall vacate the premises by 0030 hours the following day, New Years Eve 0900 to 0200 on New Years Day and all patrons to have vacated the premises by 0200 hours.

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.

The motion was put and carried (8:3).

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. The premises as extended shall only be open to the public, Sunday and Monday 0900 to 2300, and all patrons shall vacate the premises no later than 2330 hours, Tuesday to Saturday 0900 to Midnight and all patrons shall vacate the premises by 0030 hours the following day, New Years Eve 0900 to 0200 on New Years Day and all patrons to have vacated the premises by 0200 hours.

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.

170 **APP/10/01452 - WOODVILLE, RABY ROAD, THORNTON HOUGH, CH63 4JR - CHANGE OF USE OF INDOOR RIDING SCHOOL TO BUSINESS (B1) - RESUBMISSION OF APPROVED 2006/6807 (DESCRIPTION AMENDED TO MATCH THE APPEAL DECISION 1073530)**

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

On a motion by Councillor Dave Mitchell and seconded by Councillor John 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. Before the first use of the premises hereby permitted a scheme showing the area to be used for car parking and the loading and unloading of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the agreed scheme has been laid out ion accordance with the approved plan and that area shall not thereafter be used for any other purpose other than the loading, unloading and parking of vehicles.

3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0800 hours to 1800 hours nor at any time on Sundays, Bank or Public Holidays.

4. There shall be no external storage of goods, raw materials finished products or refuse.

5. Before the first use of the premises hereby permitted a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants; noting species, plant sizes and proposed numbers/densities where appropriate. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

6. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

7. The buildings subject to this permission shall be used for B1 Business use and for no other purposes (including any B8 Storage or Distribution uses) as set out in the Town and Country Planning Uses Classes Order 2005, or any subsequent Order or statutory provision revoking or re-enacting that Order.

171 **APP/10/01466 - COARSE FISHING LAKE, BARNACRE, BARNACRE LANE, SAUGHALL MASSIE, CH46 5NJ - RETENTION OF CHANGE OF USE OF EXISTING OUTBUILDING TO HOLIDAY LET**

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

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

Resolved (12:00) – That application be approved subject to the following conditions;

1. The development shall be occupied for holiday purposes only and not as any person's sole or main place of residence.

2. The owners/occupiers of the site shall maintain an up-to-date register of the names of all owners/occupiers of the development, and of their main home addresses. The register shall be made available at all reasonable times for inspection by officers of the local planning authority.

172 **APP/10/01517 - THAI ROOMS, 54 WALLASEY ROAD, LISCARD, CH45 4NW - ALTERATIONS TO FRONT ELEVATION & CHANGE OF USE TO DRINKING ESTABLISHMENT**

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

173 **APP/10/01531 - LAND EAST OF, 27 BRACKENWOOD ROAD, HIGHER BEBINGTON, WIRRAL, CH63 2LR - ERECTION OF A TWO STOREY MEDICAL CENTRE, INCLUDING PHARMACY, CAR PAR AND ASSOCIATED LANDSCAPING.**

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

A ward Councillor addressed the meeting. The ward Councillor raised a number of concerns including the impact on local network and infrastructure, insufficient parking spaces, no provision for motorcycles, un-neighbourly form of development, lack of privacy, detrimental impact to the residential area and the use of area as a shortcut to the motorway junction. The ward Councillor further requested a deferral of this matter until after full and meaningful consultation had taken place.

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

Resolved (11:00) (1 abstention) - That the application be approved conditionally subject to a Section 106 legal agreement and 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/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.

3. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:
A; a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
B; the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
C; a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
D; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
E; the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
F; the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

G; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
H; the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
I; the details of any special engineering required to accommodate the protection of retained trees (section10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
J; the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
K;. the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
L; the timing of the various phases of the works or development in the context of the tree protection measures.
M; the details of the working methods required to accommodate the protection of retained trees (section10 of BS5837), i.e. in connection with removal of vegetation beneath the canopies.

4. No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

5. The following activities must not be carried out under any circumstances:
a, No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
b, No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
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 mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause then to enter a RPA
e, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

6. If within a period of five 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, or becomes, in the opinion of the Local Planning Authority,

seriously damaged or defective, 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.

7. 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.

8. 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 approved in writing by the Local Planning Authority.

9. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 7. The works shall be carried out in accordance with a programme to be agreed with the Local Planning Authority;

10. Before the development hereby permitted is brought into use the first floor windows in the north west elevation facing 27 Brackenwood Road as indicated on drawing No. 621-300A shall be obscurely glazed with frosted glass and shall be retained as such thereafter.

11. Notwithstanding the approved plans, details of the proposed access onto Brackenwood Road shall be submitted to and agreed in writing with the Local Planning Authority prior to the first occupation of the development. The approved scheme shall be implemented in full and retained as such thereafter.

12. Prior to the first occupation of the development a scheme of works detailing the acoustic details of the louvers provided for the first floor plant room shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in full prior to first occupation in accordance with the approved plans and retained as such thereafter.

13. Prior to the first occupation of the development details of all external air conditioning units or similar mechanical plant shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in full prior to first occupation in accordance with the approved plans and retained as such thereafter.

14. Prior to the first occupation of the development details of how the surface water will be managed shall be submitted to the Local Authority. The scheme shall be implemented in full in accordance with the approved details and retained as such thereafter.

15. Within 6 months of the first occupation of the development a full travel plan shall be submitted to and agreed in writing with the Local Authority. The travel plan shall be implemented in full and retained as such thereafter.

16. 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.

17. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent re-enactment) the Pharmacy within the building hereby permitted shall have a gross floor space of no greater than 101m², as shown in drawing no. 621-200 Rev J.

174 **APP/10/01532 - PINEWOOD, 28 TOWER ROAD NORTH, HESWALL, CH60 6RS - DOUBLE STOREY, AND SINGLE STOREY EXTENSIONS**

Resolved – That consideration of the item be deferred to allow for further details relating to trees to be removed to be submitted.

175 **APP/11/00016 - KUKIS, 119-121 BANKS ROAD, WEST KIRBY, CH48 0RB - CHANGE OF USE OF FIRST AND SECOND FLOORS FROM TWO SELF CONTAINED FLATS TO ELEVEN B&B/HOTEL EN-SUITE BEDROOMS.**

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

176 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 05/02/2011 AND 23/02/2011**

The Director of Technical Services submitted a report informing members of Planning Applications decided under his delegated powers between 5 December, 2011 and 23 February, 2011.

Resolved – That the report be noted.

177 **DEVELOPMENT CONTROL QUARTERLY PERFORMANCE REPORT**

The Director of Technical Services submitted the above report for Members consideration. The report set out Development Support Control Performance under NI 157 for the second quarter of 2010/2011 which covered the period 1 October, 2010 to 31, December 2010.

Resolved – That the report be noted.