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PLANNING COMMITTEE

Thursday, 18 August 2016

Present: Councillor A Leech (Chair)

Councillors D Realey D Elderton
P Brightmore E Boulton
T Johnson K Hodson
J Walsh I Lewis
I Williams S Kelly

Deputies: Councillors P Stuart (In place of S Foulkes)

37 MINUTES

The Strategic Director for Transformation and Resources submitted the minutes of the meeting held on 21 July 2016.

Councillor J Walsh requested that the following amendments be made in connection with minute 22 (in bold):

Councillor S Foulkes declared a prejudicial interest in connection with Item 13 on the agenda (47 Heath Road, Bebington) – minute 33 refers – by virtue of being acquainted with the **applicant**.

Councillor S Foulkes declared a personal interest in connection with an application listed within Item 16 on the agenda (Planning Applications Decided Under Delegated Powers) – minute 36 refers- by virtue of being Board of **Magenta Living Housing**.

Resolved – That the minutes be approved subject to the above amendments.

38 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor A Leech declared a prejudicial interest in connection with item 8 (land to the rear of White-Haven, 8 Heron Road), by virtue of her being acquainted with the building partner.

39 REQUESTS FOR SITE VISITS

The following site visits were unanimously approved:

APP/16/00694: HURSTWOODS INTERNATIONAL LTD, ALEXANDRA ROAD, NEW BRIGHTON, CH45 0JZ – ERECTION OF 2 NO.FOUR –

STOREY 80 BED RESIDENTIAL CARE HOMES WITH ASSOCIATED EXTERNAL WORKS AND LANDSCAPING AFTER DEMOLITION OF EXISTING FOOD PROCESSING FACTORY AND ASSOCIATED BUILDINGS.

40 **ORDER OF BUSINESS**

The Chair agreed to vary the order of business.

41 **APP/16/00196: GREENLEAVES, 26 WOODLANDS DRIVE, BARNSTON, CH61 1AL - AMENDMENTS TO PREVIOUSLY APPROVED APPLICATION - APP/11/00492 - ERECTION OF SIDE AND REAR EXTENSIONS - AMENDED DESIGN**

The Assistant Chief Executive submitted the above application for consideration.

On a motion by Councillor Elderton and seconded by Councillor Boulton 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. Before the development hereby permitted is brought into use the en-suite bathroom window in the first floor north facing elevation shall be obscurely glazed with frosted glass and non opening up to a height of 1.7m from floor level and shall be retained as such thereafter.**
- 3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 06 July 2016 and listed as follows: 31_2011_02 Rev A (dated 09.02.2016)**
- 4. Within six months of this permission the proposed rendered external finish of the extensions hereby approved shall be implemented in full and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.**

42 **APP/16/00403: 15 GROSVENOR ROAD, BIRKENHEAD, CH43 4UR - TWO STOREY SIDE EXTENSION AND DETACHED GARAGE WITH ACCESS ROAD**

The Assistant Chief Executive submitted the above application for consideration.

On a motion by Councillor Elderton and seconded by Councillor Hodson 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 14 June 2016 and listed as follows: 43_2016_01 Rev.B.**
- 3. The external finishes of the development hereby permitted shall match those of the existing building in material, colour, style, bonding and texture.**
- 4. Before any equipment, machinery or materials are brought onto site, 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 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.**
- 5. No tree which is to be retained shall be cut down, uprooted or destroyed, or have surgery undertaken, without the written approval of the Local Planning Authority, within 1 year from the completion of the development. Any such trees removed or dying shall be replaced with trees of a size and species to be agreed in writing with the Local Planning Authority in the next available planting season.**

43 **APP/16/00422: LAND ADJACENT TO ST PETERS CE PRIMARY SCHOOL, THURSTASTON ROAD, HESWALL, CH60 4SA - PROPOSED ERECTION OF 4 NO. RESIDENTIAL UNITS AS RE-DESIGN OF APP/14/01341 (AMENDED PLANS RECEIVED AMENDED ACCESS AND REDUCE PLOT TO 4 DWELLINGS)**

The Assistant Chief Executive submitted the above application for consideration.

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

Resolved (12:0) 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 development hereby permitted shall be carried out in accordance with the approved plans as amended received by the local planning authority on the 5 July 2016 and listed as follows: 001, 002, 003, 004, 005, 006, 007 dated 05.07.16**
- 3. No development shall take place until full details of the new access arrangements, including a 2 metre wide footway, have been submitted to, and approved in writing, by the Local Planning Authority. The footway shall be constructed in accordance with the approved details and before construction of the new dwellings hereby approved is commenced. The footway shall be retained and maintained permanently thereafter.**
- 4. No development shall take place until full details of the road markings relating to school safety have been submitted to and approved in writing by the Local Planning Authority. The details shall include the amendment of the existing 'School Keep Clear' carriageway markings that extend across the proposed access to be replaced by a 'no waiting at any time' on the Thurstaston Road frontage. The approved road markings shall be completed in accordance with the approved details prior to the first occupation of the development hereby approved.**
- 5. No development shall take place until 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.**
- 6. Prior to first occupation of the development details of a scheme for 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.**
- 7. 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.

8. 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.

9. No development shall take place 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. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

10. 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.

11. No development shall take place until 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 plans. The development shall be carried out in accordance with the approved details.

12. No development shall take place until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the drainage system has been constructed and completed in accordance with the approved plans.

13. 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.

14. Prior to the first occupation of the dwellings 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 unless otherwise agreed in writing with the Local Planning Authority.

15. No development shall take place (including any demolition works) until a Construction Management Plan or Construction Method Statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved details.

Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

44 APP/16/00511: LAND ADJACENT TO 103 PIPERS LANE, HESWALL, CH60 9HR
- NEW BUILD DWELLING AT LAND ADJACENT 103 PIPERS LANE

The Assistant Chief Executive submitted the above application for consideration.

Councillor K Hodson declared a personal interest in connection with this application by virtue of her being a resident of Pipers Lane.

On a motion by Councillor Elderton and seconded by Councillor Boulton it was:

Resolved (8:4) – That the application be refused on the following grounds:

The proposed development, having regard to its siting, scale, form and design, and to its relationship with the adjoining Green Belt and Area of Special Landscape Value, would result in a form of development that is in sharp contrast to the predominant character of Pipers Lane and would

form an unduly prominent addition to the street scene and surrounding landscape, with specific reference to views from the Dee Coast Area of Special Landscape Value, which would give rise to demonstrable harm to the character and appearance of the area and visual amenities, contrary to Policies HS4 (Criteria for New Housing Development) and LA1 (Protection of Areas of Special Landscape Value) of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework.

- 45 **APP/16/00634: LAND AT THE REAR OF WHITE-HAVEN, 8 HERON ROAD, MEOLS, CH47 9RU - NEW BUILD RESIDENTIAL BUNGALOW DEVELOPMENT AT THE REAR OF 8 HERON ROAD**

Having previously declared a prejudicial interest in connection with this application, Councillor Leech left the room during consideration of this item. Councillor. The Deputy Chairperson (Councillor D Realey), took the Chair for this item.

A Petitioner addressed the Committee

A Ward Councillor addressed the Committee

On a motion by Councillor Boulton and Councillor Elderton it was:

Resolved (8:3) That the application be refused on the following grounds:

The proposed development, having regard to the dimensions of the site and those of the dwelling proposed and the close proximity of the proposed dwelling to the site boundaries, would appear out of keeping with the existing pattern of development, appearing incongruous in the street scene and represents a cramped and contrived form of development in comparison to the surrounding built form and would lead to the creation of unsatisfactory habitable conditions by reason of poor outlook to the rear of the proposed development. The development would therefore be contrary to Policy HS4 of the Wirral Unitary Development Plan.

- 46 **APP/16/00684: 47 HEATH ROAD, BEBINGTON, CH63 3BP - PROPOSED TWO-STOREY AND SINGLE-STOREY REAR EXTENSION**

Members were informed that this application has now been withdrawn and therefore it was not considered.

- 47 **APP/16/00693: 2 GIRTRELL ROAD, UPTON, CH49 4LQ - ERECTION OF THREE BEDROOM DETACHED HOUSE TO REAR OF GARDEN**

The Assistant Chief Executive submitted the above application for consideration.

A Petitioner addressed the Committee.

The Applicant addressed the Committee.

A Ward Councillor addressed the Committee.

On a motion by Councillor Lewis and seconded by Councillor Elderton it was:

Resolved (8:4) That the application be refused on the following grounds:

The erection of an additional dwelling sited on this rear garden area as proposed would introduce a pattern of development that would lead to a detrimental change in the character of the area and, furthermore, by introducing additional domestic activity in this backland site the existing standards of residential amenity in the immediate vicinity of properties surrounding the site would be seriously diminished. The proposal is therefore contrary to the National Planning Policy Framework and Policy HS4 of the Wirral Unitary Development Plan.

- 48 **APP/16/00694: HURSTWOODS INTERNATIONAL LTD, ALEXANDRA ROAD, NEW BRIGHTON, CH45 OJZ - ERECTION OF 2 NO. FOUR-STOREY 80-BED RESIDENTIAL CARE HOMES WITH ASSOCIATED EXTERNAL WORKS AND LANDSCAPING AFTER DEMOLITION OF EXISTING FOOD PROCESSING FACTORY AND ASSOCIATED BUILDINGS**

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

- 49 **APP/16/00859: 301 GREASBY ROAD, GREASBY, CH49 2PQ - ERECTION OF TWO STOREY SIDE AND REAR EXTENSION**

The Assistant Chief Executive submitted the above application for consideration.

A Ward Councillor addressed the Committee.

On a motion by Councillor Realey and seconded by Councillor Walsh it was:

Resolved (10:1) (with one abstention) 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 15 June 2016**

and listed as follows: 001, 002 (Rev 05) and Site Location Plan

3. Prior to first occupation the first floor rear elevation bathroom window(s) shown on drawing No. 002 shall not be glazed otherwise than with obscured glass and non-opening up to 1.7 metres from the internal finished floor level and thereafter be permanently retained as such.

50 **APP/16/00965: 48 BROWNING AVENUE, ROCK FERRY, CH42 2DF - SINGLE STOREY EXTENSION (RETROSPECTIVE WORKS)**

The Assistant Chief Executive submitted the above application for consideration.

On a motion by Councillor Realey and seconded by Councillor Williams 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 8 July 2016 and listed as follows: 2015 056 300 002 Rev.04.

3. The external finishes of the development hereby permitted shall match those of the existing building in material, colour, style, bonding and texture.

51 **REMOVAL OF REQUIREMENT FOR A SECTION 106 LEGAL AGREEMENT FOR THE PROVISION OF AFFORDABLE HOUSING ON APP/14/01198 – ERECTION OF 10 DWELLINGS ON LAND ADJACENT TO THE RECTORY, MARK RAKE, BROMBOROUGH**

Members were advised that planning application APP/14/01198 was reported to Planning Committee on 18 February 2016 whereby it was resolved that approve the development of 10 dwellings on the site subject to conditions and a Section 106 Legal Agreement.

Members heard how since the decision of the Planning Committee, the Court of Appeal has ruled that contributions for affordable housing should not be sought from small scale and self- build developments.

The report sought approval from Members that the requirement for a section 106 Legal Agreement to secure on-site affordable housing be removed from the Planning Committee's resolution on 18 February 2016 and that authority be delegated to the Head of Planning and Regeneration to now approve the application subject to conditions as outlined in the attached report previously considered by Members.

On a motion by Councillor Elderton and seconded by Councillor Hodson it was:

Resolved (4:2) (with 6 abstentions) – that the requirement for a Section 106 Agreement to secure on-site provision of affordable housing be removed from the Planning Committee's resolution of 18th February 2016 and that delegated authority is given to the Head of Planning and Regeneration to approve application APP/14/01198.

52 **REMOVAL OF REQUIREMENT FOR A SECTION 106 LEGAL AGREEMENT FOR THE PROVISION OF AFFORDABLE HOUSING ON OUT/15/00977 – ERECTION OF 10 DWELLINGS ON LAND OFF LEASOWE ROAD, WALLASEY VILLAGE**

Members were advised that planning application OUT/15/00977 was reported to Planning Committee on 26 November 2015 whereby it was resolved that approve the development of 10 dwellings on the site subject to conditions and a Section 106 Legal Agreement.

Members heard how since the decision of the Planning Committee, the Court of Appeal has ruled that contributions for affordable housing should not be sought from small scale and self- build developments.

The report sought approval from Members that the requirement for a section 106 Legal Agreement to secure on-site affordable housing be removed from the Planning Committee's resolution on 26 November 2015 and that authority be delegated to the Head of Planning and Regeneration to now approve the application subject to conditions as outlined in the attached report previously considered by Members.

On a motion by Councillor Elderton and seconded by Councillor Hodson it was:

Resolved (4:2) (with 6 abstentions) – that the requirement for a Section 106 Agreement to secure on-site provision of affordable housing be removed from the Planning Committee's resolution of 26th November 2015 and that delegated authority is given to the Head of Planning and Regeneration to approve application OUT/15/00977.

53 **PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 09/07/2016 AND 05/08/2016**

The Assistant Chief Executive submitted a report detailing planning applications decided under delegated powers between 09/07/2016 and 05/08/2016.

Resolved – That the report be noted.

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