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## PLANNING COMMITTEE

Thursday, 14 October 2021

Present: Councillor S Kelly (Chair)

Councillors S Foulkes M Jordan  
S Frost A Gardner  
AER Jones B Berry  
B Kenny H Gorman  
P Stuart

Deputy: Councillor J Johnson (In place of K Hodson)

### 26 MINUTE'S SILENCE

The Chair announced the sad passing of Councillor Andy Corkhill and Honorary Alderman Gerry Ellis. Members stood in tribute for a minute's silence.

### 27 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 16 September 2021 for approval.

**Resolved – That the minutes of the meeting held on 16 September 2021 be approved.**

### 28 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.

No such declarations were made.

### 29 APP/20/01257: PURLEY, KINGS DRIVE, CALDY, CH48 2JH - NEW BUILDING WITHIN THE GROUNDS OF PURLEY, TO BE ANCILLARY TO THE MAIN PROPERTY. AMENDMENT FROM APPLICATION AS ORIGINALLY SUBMITTED, WHICH WAS FOR A SELF-CONTAINED DWELLING. JULY 2021 - FURTHER AMENDMENTS REDUCING HEIGHT OF PROPOSED BUILDING AND OMITTING NEW ACCESS.

The Director of Regeneration and Place submitted the above application for consideration.

An objector on behalf of The Caldý Society addressed the Committee.

The Applicant's Agent was unable to attend the meeting having regard to limiting numbers due to Coronavirus. Mr M Neal, Legal Advisor to the Committee, therefore read out to the Committee the Agent's written representation.

It was moved by the Chair and seconded by Councillor S Foulkes that the application be approved subject to the following conditions with the inclusion of conditions relating to a Construction Management Plan and that no walls, fences or other means of enclosure shall be removed on any part of the land lying between any main wall of the building fronting a highway and the highway boundary.

The motion was put and carried (11:0).

**Resolved** (11:0) – That the application be approved with the following conditions:

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

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 5 July 2021 and listed as follows: 2024/010 Rev C, 2024/102 Rev B, 2024/100 Rev C, 2024/101 Rev C, 2024/200 Rev E.

No works shall proceed on site until details of pollution control and protection measures for the adjacent woodland areas have been submitted to the local planning authority for approval. All site works shall then proceed only in accordance with the approved measures.

Prior to the first occupation of the development details of the proposed lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The information submitted shall include details of the type of lights and an estimate of the light levels at the site boundaries of the site. The lighting shall thereafter be installed and operated in accordance with the approved details.

No tree felling, hedgerow or shrub removal is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

The development hereby permitted shall not be first brought into use until details of bird and bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval to the local planning authority and implemented in accordance with those details. The approved details shall thereafter be implemented before first occupation of the building.

The following measures/precautions should be taken during building works to

**protect wild animals:**

- **A pre-commencement check for the presence of wild animals.**
- **Any holes or trenches left open overnight should either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps) in case any animal should fall in.**
- **Any open pipes should be temporarily capped at the end of each working day to prevent any animals gaining access.**
- **Construction work is limited to daylight hours and should only take place between 8am and 6pm.**
- **All building materials to be stored so that animals cannot access them.**
- **The use of chemicals (such as herbicides & fertilisers) should be avoided wherever possible.**
- **Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals.**
- **Any obvious animal paths to be left clear of obstruction.**
- **The property boundaries allow for the free movement of wildlife after construction.**
- **Fencing shall be erected surrounding the construction site during the building work to prevent animals from entering the site.**

**Before any construction commences, details of the facing (colour, texture and specification) 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.**

**Development of the relevant parts of the building shall not commence until full details of the windows and external doors including sliding doors throughout the development have been submitted for written approval by the local planning authority prior to the commencement of works. These shall include cross sectional drawings at 1:1 and elevation details at 1:5 scale (or similar) and should incorporate sill, lintel, jamb and reveal details or similar. The development shall be implemented in accordance with the approved details**

**All rainwater goods shall be of the material aluminium or of a similar quality; profile details and colours are to be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the agreed detail and retained thereafter.**

**No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.**

Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

The following activities must not be carried out under any circumstances:

- a, No fires to be lit within 20 metres of existing trees and shrubs to be retained.
- b, Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
- 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 builders debris or other materials to be stored within the Root Protection Areas.
- e, No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be used and located not within 10 metres of any Root Protection
- f, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g, No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that

Order) no walls, fences or other means of enclosure shall be removed on any part of the land lying between any main wall of the building fronting a highway and the highway boundary.

30 APP/21/01252: WINDWHISTLE, 5 RECTORY LANE, HESWALL, CH60 4RZ - CREATION OF 1 NO PROPOSED DWELLING (RETROSPECTIVE).

The Director of Regeneration and Place submitted the above application for consideration.

It was moved by the Chair and seconded by Councillor S Foulkes that the application be approved subject to the following conditions.

The motion was put and carried (11:0).

**Resolved** (11:0) – That the application be approved with the following conditions:

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on September 30th 2021 and listed as follows: B101 Rev A and B104 Rev A and plans received by the local planning authority on 21 June 2021 and listed as follows: B102 Rev A and B103 Rev A.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.

Prior to first occupation, details of privacy screens to the rear terrace shall be submitted to and approved in writing, the details shall include location, materials and height of the screens. The screens shall be installed as approved within an agreed time frame by the Local Planning Authority and maintained as such thereafter.

A scheme of planting to provide a screen along the south west rear boundary of the site consisting predominantly of evergreens or other suitable plants capable of growth to a height of 2 metres shall be submitted to and agreed in writing within 4 weeks of the date of this permission. The approved scheme shall be fully implemented in the first planting season following approval of details in writing by the Local Planning Authority. Any trees or plants, that within a period of 5 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.

31      **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPLICATIONS**

The Director for Regeneration and Place submitted a report updating Members on the performance of the Development Management Service with regard to determining planning applications.

The report outlined performance against government targets in terms of the speed of processing all applications.

The Assistant Director, Chief Planner reported that in 2021/22, despite the continuing difficulties caused by the Covid-19 pandemic, an increase in planning application numbers and staffing resources, the Service had again comfortably surpassed the requirements for all targets in Major, Minor and Other categories of applications for Quarter 2 which was the period 1 July to 20 September 2021 and that 100% of Major applications and 78% of Minor applications had been determined within 13 weeks (Major) and 8 weeks (Minor) or within the extended period agreed between the Council and the applicant.

It was further reported that 86% of other applications had been determined within 8 weeks or within the extended period agreed between the Council and the applicant for the second quarter of 2021/22.

Members were informed that there was still a backlog due to increased work and staffing resources however two new appointments had been made and a further appointment for a planning assistant was in the process of being appointed.

Councillor S Foulkes commented upon the fact that Matthew Parry-Davies had left the organisation and the Chair requested that the best wishes of the Committee be placed on record.

On a motion by the Chair and seconded by Councillor S Foulkes, it was -

**Resolved – That the report be noted.**

32      **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPEALS**

The Director for Regeneration and Place submitted a report to update Members on the performance of the Development Management Service regarding planning appeals, including the percentage of the Council's decisions overturned (on appeal) by the Planning Inspectorate.

The Assistant Director, Chief Planner reported that the national average for the number of appeals allowed is around 33% per year. During the first quarter of 2021/22 0 appeals had been allowed out of 11 appeals and during the second quarter 3 appeals had been allowed out of 12 appeals from a total of 23 appeal decisions, therefore this was comfortably under 33%. Details of the 3 appeals allowed were outlined in paragraph 3.5 of the report.

Members were advised that the next report to be brought to this Committee would include those decisions that had been particularly successful.

On a motion by the Chair and seconded by Councillor S Foulkes, it was -

**Resolved – That the report be noted.**

33 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - ENFORCEMENT ACTIVITY BETWEEN 1 JULY 2021 AND 30 SEPTEMBER 2021**

The Director for Regeneration and Place submitted a report to update Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period 1 July to 30 September 2021.

Members were advised that the performance of the enforcement service would be reported to the Planning Committee on a quarterly basis in future.

The Assistant Director, Chief Planner reported that 128 new cases had been opened between 1 July and 30 September 2021 and that during this period 67 cases had reached a key milestone, 85% of these had been reached within 13 weeks. During this period 58 cases had been closed.

The report outlined some examples of key successes achieved during this quarter which included Land at the corner of Price Street and Pattern Street, Birkenhead, 37 The Wiend, Tranmere, Old Anselmians Rugby Club, Eastham and Wallasey Cricket Club, The Oval Cricket Ground, Liscard and Members were advised that no formal notices had been issued during this period.

On a motion by the Chair and seconded by Councillor S Foulkes, it was -

**Resolved – That the report be noted.**

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