



Planning Committee

Date:	Thursday, 17 August 2023
Time:	6.00 p.m.
Venue:	Committee Room 1 - Birkenhead Town Hall

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AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES (Pages 1 - 20)**

To approve the accuracy of the minutes of the meetings held on 8 June and 20 July 2023.

- 4. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked whether they have 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.

5. **APP/22/01592; 22 MONTPELLIER CRESCENT, WALLASEY, CH45 9AB. DEMOLITION OF EXISTING SINGLE STORY REAR EXTENSIONS TO MONTPELLIER MANSIONS. ERECTION OF FULL HEIGHT REAR EXTENSION, NEW MANSARD ROOF WITH DORMERS AND INTERNAL ALTERATIONS TO APARTMENTS. ERECTION OF A TWO-STORY REAR EXTENSION AND INTERNAL RECONFIGURATION TO THE COACH HOUSE. (AMENDED PLANS AND DESCRIPTION) (Pages 21 - 38)**
6. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- PLANNING APPEALS (Pages 39 - 42)**
7. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPLICATIONS (Pages 43 - 48)**
8. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- ENFORCEMENT ACTIVITY BETWEEN 1ST JANURARY 2023 TO 31ST MARCH 2023, AND 1ST APRIL 2023 TO 30TH JUNE 2023. (Pages 49 - 54)**

Planning Committee Terms of Reference

The terms of reference for this committee can be found at the end of this agenda.

PLANNING COMMITTEE

Thursday, 8 June 2023

<u>Present:</u>	Councillor	S Kelly (Chair)	
	Councillors	S Foulkes H Gorman C Baldwin B Kenny J Stewart Laing	G McManus S Powell-Wilde A Gardner (in place of M Booth) S Mountney (in place of K Hodson) Jason Walsh

1 WELCOME AND INTRODUCTION

The Chair welcomed Members of the Planning Committee, Officers, members of the public and those watching the webcast to the meeting.

2 APOLOGIES FOR ABSENCE

Apologies were received from Councillor K Hodson who was deputised by Councillor S Mountney and Councillor M Booth who was deputised by A Gardner.

3 MINUTES

The Director of Law and Governance submitted the minutes of the Planning Committee meeting held on 19 April 2023 and the minutes of the Strategic Applications Sub-Committee held on 27 April 2023.

Resolved – That the minutes of the Planning Committee meeting held on 19 April 2023 and the minutes of the Strategic Applications Sub-Committee held on 27 April 2023 be approved.

4 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 item on the agenda and if so, to declare them and state what they were.

No such declarations were made.

5 APP/23/00471: GRAZING LAND LEASOWE ROAD, WALLASEY VILLAGE, WIRRAL, CH45 8LP, ERECTION OF 13 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE, ACCESS, INTERNAL ROADS, LANDSCAPING AND ASSOCIATED WORKS

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Objectors to the application, Sharon Edwards and Pat Richie, addressed the Committee.

Ward Councillors Ian Lewis and Lesley Rennie addressed the Committee.

The Applicant, Dave Dargan addressed the Committee.

On a motion by the Chair and seconded Councillor Steve Foulkes it was –

Resolved (unanimously) – that the application be approved subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

2. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plan:

- Location Plan PL.001(B)
- Existing Site Plan PL.002(B)
- Proposed Site Plan 1:500 PL.003(K)
- Proposed Site Plan 1:200 PL.004(H)
- Proposed Street Elevations PL.005(D)
- Proposed Boundary Location and Details PL.006(D)
- Unit Type 1 – 3B6P House – Plans and Elevations PL.007(E)
- Unit Type 2 – 3B6P House – Plans and Elevations PL.007-01(C)
- Unit Type 2a – 3B6P House – Plans and Elevations PL.007-02(A)
- Unit Type 2b – 3B6P House – Plans and Elevations PL.007-03(A)
- Indicative External Works PL.0013(A)
- Indicative Landscaping Plan PL.0012(D)
- Proposed Finished Floor Levels PL.0015(C)

3. Prior to the commencement of development an Affordable Housing Scheme shall be submitted and approved by the Local Planning Authority in writing. As part of this affordable housing scheme, and this development. At least 20% (At least 3 units) of the development shall form Affordable Housing Units within the development. The affordable housing shall be retained in accordance with the approved scheme.

4. Prior to development above damp proof course level proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

5. Notwithstanding any description of the materials in the application, no development shall be commenced above damp-proof course levels until samples of the materials to be used in the construction of the external

walls and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

6. Windows identified as obscure glazing in the approved drawings, shall be installed as such before the proposed dwellings are brought into use and shall not be altered, and maintained as such in perpetuity. This shall be level 4 obscurity or above.

7. The development shall be carried out in accordance with the submitted flood risk assessment (ref: Flood Risk Assessment and Drainage Management Strategy / ref: HYD779_GREENLEAS.CLOSE_FRA&DMS / rev 3.0 / dated 20 April 2023 / by BETTS HYDRO Consulting Engineers) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5.00 metres above Ordnance Datum (AOD)
 - Incorporation of flood resilience and resistance measures and materials into the developments design and construction.
 - Safe access and egress from the site during all flood event scenarios.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

8. Prior to the commencement of development, a Construction and Environmental Management Plan shall be submitted to and approved in writing by The Local Planning Authority. The provisions of the Construction and Environmental 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.

9. Prior to the removal of the existing footway a full scheme of works for the reinstatement to standard footway levels of the existing vehicle access on Leasowe Road from the highway that is rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.

10. No development, except for site enabling works including site clearance, groundworks, and foundations, shall commence until a full scheme of works and timetable for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, street lighting,

surface water drainage, traffic signs, road markings, traffic calming (including the introduction of a 20mph Traffic Regulation Order), tactile paved pedestrian crossings, street furniture, access onto the adjacent highway has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in accordance with the Local Planning Authority written approval prior to occupation of the development.

11. Any tree or scrub clearance shall be conducted outside of the breeding bird season (March – September). If this is not possible then a breeding bird survey should be conducted by a suitably qualified ecologist prior to works commencing. If nesting birds are discovered, then the area around the nest shall be isolated and works halted until nesting has finished.

12. All construction activities shall comply with general environmental best practice measures including:

- the measures set out in the Environment Agency's Pollution Prevention Guidelines;
- excavations should be sealed overnight or should have at least one shallow sloping side allowing animals to escape should they fall in;
- an ecologist shall be contacted for advice should any protected species be discovered during construction; and,
- appropriate measures to suppress dust should be put in place during hot, dry, or windy weather;
- broadleaved trees, hedgerows and the ruderal vegetation on site are suitable to be used by nesting birds. Therefore, vegetation removal should be undertaken outside of the breeding bird season (which is from March to August inclusive). If this is not possible, a suitably experienced ecologist should check the habitat for breeding bird activity no more than 48 hours before clearance. If nesting activity is found, it will need to be left in situ until the nesting effort has been completed.

13. Prior to development reaching damp-proof course level and installation of landscaping features a Biodiversity Enhancement Plan (including stock details and quantities) demonstrating a Biodiversity Net Gain will be provided to the LPA for approval in writing, and should include clearly marked-up plans showing:

- bat and bird nesting boxes; and,
- the creation of habitats through planting of native trees, hedgerows and grassed areas.

The approved plan shall be fully implemented as approved.

Reason: to maintain the landscape and biodiversity value of the site and comply with Policy NC7 of the Wirral Unitary Development Plan Adopted

2000) and comply with Section 15 of the National Planning Policy Framework.

14. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved Drainage Layout shown on:

- 23010-AJF-ZZ-ZZ-DR-D-001 dated March 2023 – Proposed Surface Water Drainage Layout – Sheet 1 / by AJF Structural Engineering; and,
- 23010-AJF-ZZ-ZZ-DR-D-002 dated March 2023 – Proposed Surface Water Drainage Layout – Sheet 2 / by AJF Structural Engineering.

For the avoidance of doubt, the surface water discharge rate from the development shall be no more than 2.0 l/s.

The approved scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved Sustainable Drainage Strategy (shown on the Drainage Layout drawings), or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

15. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site and that maintenance arrangements are in place to ensure an acceptable standard of operation for the lifetime of the development in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework.

16. In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority.

Following completion of the remedial works identified in the approved remediation strategy a verification report must be prepared, submitted to and approved in writing of the Local Planning Authority.

17. Prior to development above damp proof course level a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out prior to the occupation of any part of the development. 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.

18. Prior to occupation of the approved houses, refuse and cycle provision shall be provided within the rear gardens of each house and made available for use, and the provision shall be maintained as such thereafter.

19. The residential houses hereby approved shall be constructed to incorporate the noise mitigation measures identified within the Environmental Noise Survey by Red Acoustics (ref: R1577-REP01-PB)

20. Prior to occupation of each individual house hereby approved, the car parking spaces associated with that individual house, shown on approved drawing PL.004(H), shall be provided and made available for use, and shall be maintained as such thereafter.

21. Prior to development above damp proof course level a Management Plan to cover the areas of the site that are not buildings, private amenity space or highway shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of appearance, landscaping, lighting, use, accessibility, security and maintenance of these areas.

Prior to occupation of the residential units hereby approved the Management Plan shall be enacted, and the development shall be operated in accordance with the approved Management Plan thereafter.

22. 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.

- 6 **APPH/22/01521: DEE HAVEN, 94 CALDY ROAD, CALDY, WIRRAL, CH48 2HZ, REFURBISHMENT OF EXISTING DWELLING, ERECTION OF NEW SINGLE STOREY REAR EXTENSION WITH ASSOCIATED LANDSCAPING, INCLUDING DEMOLITION OF EXISTING GARAGE AND OUTBUILDINGS, CREATION OF ADDITIONAL PARKING SPACE AND REMOVAL OF PART OF BOUNDARY WALL TO FACILITATE SAME, AND ERECTION OF GARDEN STORE AT REAR.**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

The Applicant addressed the Committee.

On a motion by the Chair and seconded by Councillor Steve Foulkes it was –

Resolved (unanimously) – that the application be approved subject to the following conditions:

1 The development hereby permitted shall begin not later than 3 years from the date of this decision.

2 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12 January 2023 and 10 March 2023 and listed as follows:

**B104 E (Proposed Ground Floor Plan), dated: 12 January 2023;
B105 D (Proposed First Floor Plan), dated: 12 January 2023;
B106 C (Proposed Roof Plan), dated: 12 January 2023;
B107 B (Proposed Front and West Side Context Elevations), dated: 12 January 2023;
B108 C (Proposed East Side and Rear Elevations), dated: 12 January 2023; and
B109 D (Proposed West Side Elevation and Garden Store Plan and Elevations), dated: 10 March 2023.**

3 No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4 No external lighting shall be installed until details of the proposed lighting scheme to include type, location and illuminance level has been submitted to and approved by the Local Planning Authority, thereafter development should be carried out in accordance with the approved details.

5 No tree, shrub or hedgerow felling is to be carried out on the site between 1 March and 31 August in any year. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, 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.

6 Prior to construction, a scheme for the provision of bird nesting and bat boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved shall be completed and available for use prior to first use of the development and shall thereafter be retained.

- 7 **APP/22/00334: CAMMELL LAIRD, CAMPBELTOWN ROAD, BIRKENHEAD, WIRRAL, CH41 9BP, CONSTRUCTION OF A BUILDING FOR EMPLOYMENT PURPOSES CLASS E(G)III, B2 AND B8, ALONG WITH A GATEHOUSE ASSOCIATED INFRASTRUCTURE INCLUDING: SERVICE YARD, CAR PARKING, DRAINAGE AND HARD AND SOFT LANDSCAPING**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

The Applicant's Agent addressed the Committee.

On a motion by the Chair and seconded by Councillor Steve Foulkes it was –

Resolved (unanimously) – that the application be approved subject to the following conditions:

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

2. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plans:

P21-2391_01-A Detailed Soft Landscaping Proposals

P21-2391_02-A Detailed Soft Landscaping Proposals

Proposed Boundary Treatments Site Plan P403 Rev. D

Proposed Elevations Dwg no. P200 rev. D

Gatehouse Information Dwg no. P110 rev. B

Proposed Roof Plan Dwg no. P101 rev. B

Proposed Floor Plan Dwg no. P100 rev. C

**Proposed Site Plan Dwg no. P402 rev. E
Proposed Surface Treatments Site Plan Dwg no. P404 rev. C
Proposed External Lighting Layout Dwg No. 2390/E01 rev. P1
Site Location Plan Dwg no. P401 rev. B**

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the material type, colour and texture. The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

4. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) document shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, pollution prevention and soil resource management. The CEMP would normally be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts. The CEMP should include, but not be limited to, the following:

- pollution prevention measures as set out in paragraph 6.3.3 of the shadow HRA report (Information for a Habitats Regulations Assessment, RPS, ECO02904 March 2023, Rev E, Final);**
- details of construction lighting, designed to avoid light spillage into the adjacent Liverpool Bay SPA;**
- details of measures to reduce significant noise effects to waterbirds during construction. These details should include the location and specification of acoustic fencing to be installed upon site boundary; and**
- details of the Ecological Clerk of Works (ECoW) that will be employed onsite throughout construction period to assist with avoidance of visual disturbance effects to waterbirds within the adjacent Liverpool Bay SPA, as set out in paragraph 6.4.9 of the shadow HRA (Information for a Habitats Regulations Assessment, RPS, ECO02904 March 2023, Rev E, Final).**

5. A scheme of noise control for any plants and equipment to be installed on site shall be submitted to and approved in writing by the Local Planning Authority prior to the development is brought into use. The approved scheme shall be implemented before the plant and machinery is brought into operation and the approved noise protection measures shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

6. The development shall be undertaken in full accordance with the recommended mitigation measures set out under section 7 of the approved Air Quality Assessment (Hoare Lee, Revision 01, 18 February 2022). This shall include a Dust Management Plan which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development and the scheme constructed in accordance with the approved details.

7. The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to: a) Involvement of employees b) Information on existing transport policies, services and facilities, travel behaviour and attitudes c) Access for all modes of transport d) Targets for mode share e) Resource allocation including Travel Plan Co-ordinator and budget f) A parking management strategy g) A marketing and communications strategy h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel i) An action plan including a timetable for the implementation of each such element of h above j) Mechanisms for monitoring, reviewing and implementing the travel plan.

The Approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use. An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years.

The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan.

8. Construction of the development authorised by this permission shall not begin until the Local Planning Authority (LPA) has approved in writing a full scheme of works and timetable for the construction of the new highways and/or amendment of the existing highway made necessary for this development, including new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile paved pedestrian crossings, street furniture, access onto the adjacent highway, road safety audit and monitoring. The approved works shall be completed in accordance with the LPA approval prior to the occupation of the development.

9. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). 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 by the LPA.

10. The parking provision shown on the approved Proposed Site Plan (Dwg no. P402 rev. E) shall be provided prior to first occupation of the building hereby approved. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter unless otherwise agreed in writing by the local planning authority.

11. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (Rev 1, 02/12/2021, Tier Consult). The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;**
- (ii) A restricted rate of discharge of surface water agreed by the local planning authority (if it is agreed that infiltration is discounted by the investigations);**
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;**
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where acceptable; and**
- (v) Foul and surface water shall drain on separate systems.**

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

13. No tree felling, scrub clearance, hedgerow removal, vegetation management and / or ground clearance 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, scrub, 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, and the approved details adhered to in full.

14. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

15. The development permitted by this planning permission shall be carried out in accordance with the principles set out within section 5.4.2. of the Ecological Impact Assessment (Ref: August 2022RSE_5581_R1_V1_ECIA). The measures shall be fully implemented prior to the construction of the development and in accordance with the timing / phasing arrangements embodied within the report, unless otherwise agreed in writing, by the local planning authority.

15. Prior to the commencement of development, the applicant should submit a method statement on the removal of Cotoneaster, an invasive species, which includes the following information:

- A plan showing the extent of the plant(s).
- The method(s) that will be used to prevent the plant/s spreading further, including demarcation.
- The method(s) of control that will be used, including details of post-control monitoring.
- How the plants will be disposed of after treatment/removal.

16. Notwithstanding the approved plans a revised landscaping scheme which shall include coastal shrubland or other suitable alternative habitat along the eastern side of the site shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in full prior to the development being brought into use. Any trees of plants that within a period of five years of 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 within the first available planting season.

17. The development permitted by this planning permission shall be carried out in accordance with the recommendations set out in section 13 of the Ground Investigation Report (Ref: TE1338-TE-00-XX-RP-GE-001-V0, Version 01, Tier Consult).

18. If, during the undertaking of site works, contamination not previously identified is found to be present, then further site works shall be

suspended until the extent of contamination has been determined and defined in agreement with the local planning authority. Written Agreement shall then be obtained from the local planning authority to enable onsite works to recommence within the area(s) not affected by the contamination identified.

Works shall not recommence with the defined area of contamination until the developer has submitted and obtained written approval, from the local planning authority, of a remediation strategy detailing how the identified contamination shall be dealt with. The remediation strategy shall be implemented as approved.

19. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

20. No development shall take place on site 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 thereafter be implemented in full unless otherwise agreed in writing.

21. No development shall commence until a final detailed sustainable drainage design for the management and disposal of surface water from the site, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The details of the 'Final' Sustainable Drainage Strategy must be based on the principles and details identified in Proposed Foul and Surface Water Drainage Layout (T_21_2487-55-01 rev P2 dated 1 March 2022 – drawing produced by Tier Consult).

The final Detailed Sustainable Drainage Design will be required to comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include:

- Justification of final design
- The new outfall/headwall shown on the Proposed Foul and Surface Water Drainage Layout drawing (T_21_2487-55-01 rev P2 dated 1 March 2022) is shown as outside the red line boundary; therefore written confirmation / evidence is required to prove / confirm the surface water outfall / headwall is situated within land owned / controlled by the applicant or provision of evidence of a legal agreement between the applicant and the land owner is required.

- Provision of evidence of any licences and agreements that must be obtained / required for provision of a new outfall / headwall into The River Mersey at an uncontrolled discharge rate.
- Drawings to include:
 - Final layout of roads, buildings, finished floor levels, external levels and boundaries;
 - Final layout of sewers; outfalls; SuDS; flow control details (must match flow control in calculations) hatched above ground storage areas with depths indicated;
 - Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows;
 - Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations;
- Hydraulic modelling for final drainage strategy to include:
 - System performance for following return periods; 1, 30, 100 plus appropriate current climate change allowance;
 - Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event with a limiting discharge rate as stated in the above referenced drainage strategy;
 - Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs;
 - Flow control device design calculations demonstrating compliance with limiting discharge rate as stated in the above referenced drainage strategy at the correct design head;
 - Volumetric runoff co-efficient (Cv) should be set to '1';
 - Apply the correct climate change allowance: For further information on the correct climate change allowance to apply you should refer to 'Flood Risk Assessments: Climate Change Allowances'.
- Timetable demonstrating completed SuDS construction prior to occupation
- Construction phase surface water management plan

22. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

8 APPOINTMENT OF MEMBERS TO STRATEGIC APPLICATIONS SUB-COMMITTEE

A report by the Director of Law and Governance recommended that the Planning Committee establish a Strategic Applications Sub Committee with the Terms of Reference as set out within the report.

It was reported that the Constitution, as approved by Council, required the establishment of the Strategic Applications Sub-Committee. The members of the Sub-Committee may comprise between 6 and 9 members of the Planning Committee, politically balanced.

On a motion by the Chair and seconded by Councillor S Powell Wilde it was -

Resolved (unanimously) that –

(1) the Terms of Reference of the Strategic Applications Sub-Committee, as referred to in paragraphs 3.1 and 3.2 of the report, be noted.

(2) the size of the Strategic Applications Sub-Committee, having regard to the options referred to at paragraph 5.3 of the report be set at 7 members of the Planning Committee with 3 Labour Members, 2 Conservative Members, 1 Green Member and 1 Liberal Democrat Member.

(3) the Monitoring Officer be authorised as proper officer to carry out the wishes of the Group Leaders in allocating Members to membership and substitute membership of the Strategic Applications Sub-Committee and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.

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PLANNING COMMITTEE

Thursday, 20 July 2023

Present: Councillor S Kelly (Chair)

Councillors S Foulkes G McManus
K Hodson S Powell-Wilde
C Baldwin J Walsh
M Booth

Deputies: Councillors G Davies (for B Kenny)
L Luxon-Kewley (for J Stewart Laing)
K Murphy (for H Gorman)

15 WELCOME AND INTRODUCTION

The Chair welcomed Members of the Planning Committee, Officers and members of the public to the meeting.

16 APOLOGIES FOR ABSENCE

Apologies were received from Councillor B Kenny who was deputised by Councillor G Davies, Councillor J Stewart Laing who was deputised by L Luxon-Kewley and Councillor H Gorman who was deputised by K Murphy.

17 MINUTES

The Director of Law and Governance submitted the minutes of the Planning Committee meeting held on 29 June 2023.

Resolved – That the minutes of the Planning Committee meeting held on 29 June 2023 be approved.

18 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 item on the agenda and if so, to declare them and state what they were.

No such declarations were made.

19 ORDER OF BUSINESS

With the consent of the Members of the Committee, the Chair agreed to vary the order of business.

- 20 **APP/22/02189; 38 CARLTON ROAD, OXTON, BIRKENHEAD, WIRRAL, CH42 9NQ, USE OF THE PROPERTY AS AN 8 BED HMO AND THE INSTALLATION OF AN AUTOMATIC OPENING VENT ROOFLIGHT ON THE REAR ROOF TO REPLACE EXISTING ROOFLIGHT.**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

The Lead Petitioner, Liam Orr addressed the Committee.

Ward Councillor Amanda Onwuemene addressed the Committee.

The Applicant, Leo Suarez addressed the Committee.

On a motion by the Chair and seconded Councillor Kathy Hodson it was –

Resolved (unanimously) – that the application be approved subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19 December 2022 and listed as follows:

- **Proposed Ground Floor Plan (S-09)**
- **Proposed First Floor Plan (S-10)**
- **Proposed Second Floor Plan (S-11)**
- **Proposed Roof Plan (S-12)**
- **Proposed Basement Floor Plan (S-13)**
- **Proposed Sections (S-14)**
- **Proposed Front and Side Elevations (S-15)**
- **Proposed Rear Elevation (S-16)**
- **HMO Management Plan**
- **Acoustic Report by Howell Acoustics**

3. The basement floorspace shall be used for storage and not as a habitable room or rooms.

4. No laundry facilities shall be provided within bedroom 8, as shown on drawing S-11 hereby approved.

5. Prior to the first occupation of either bedroom 5 or bedroom 7, as shown on drawings S-10 and S-11 respectively, the refuse and cycling facilities shown in the rear yard on drawing S-09 hereby approved shall be provided and made available for use to all occupants, and the provision shall be maintained as such thereafter.

6. The car parking shown on drawing S-09 hereby approved shall be retained in its existing form for the lifetime of the development.

7. Prior to the occupation of the bedrooms hereby approved the following communal facilities shall be provided and made available for use to all occupants, and the facilities shall be maintained as such thereafter:

- Ground Floor – WC, Laundry, door leading to Rear Yard (as shown on drawing S-09 hereby approved);
- First Floor – Living Room and Diner-Kitchen (as shown on drawing S-10 hereby approved).

8. No more than eight persons shall be resident at the property.

21 **APP/23/00495; CHERRY COTTAGE WEXFORD ROAD, OXTON, PRENTON, WIRRAL, CH43 9TB, RETENTION OF GARAGE CONVERSION FOR USE AS A HOLIDAY LET**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

The Lead Principal Lawyer addressed the Committee and advised that Ward Councillor Allan Brame had sent apologies that he was unable to attend the meeting and read a representation that he had sent to the Committee.

The Chair, seconded by Councillor Jason Walsh moved approval of the application subject to the amendment of Condition 3.

The amendment was put and lost (1:9) (1 abstention).

On a motion by Councillor Kathy Hodson and seconded Councillor Steve Foulkes it was –

Resolved (10:1) – That the application be approved subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on March 29th 2023, and listed as follows:

- **Drawing Number: 2020 149 103, Revision 05, dated 27th July 2022**
2. **The accommodation hereby approved shall be let out as short-term stay holiday accommodation only in accordance with the terms of the application.**
 3. **The 1.7m high x 1.5m deep privacy screen adjacent to the boundary shared with Laguna shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.**
- 22 **APP/22/01592; 22 MONTPELLIER CRESCENT, WALLASEY, CH45 9AB, DEMOLITION OF EXISTING SINGLE STORY REAR EXTENSIONS TO MONTPELLIER MANSIONS. ERECTION OF FULL HEIGHT REAR EXTENSION, NEW MANSARD ROOF WITH DORMERS AND INTERNAL ALTERATIONS TO APARTMENTS. ERECTION OF A TWO STORY REAR EXTENSION AND INTERNAL RECONFIGURATION TO THE COACH HOUSE. (AMENDED PLANS AND DESCRIPTION)**

The Chair reported that a request had been received to defer this matter.

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

Resolved – That the consideration of this application be deferred to a future meeting of the Planning Committee.

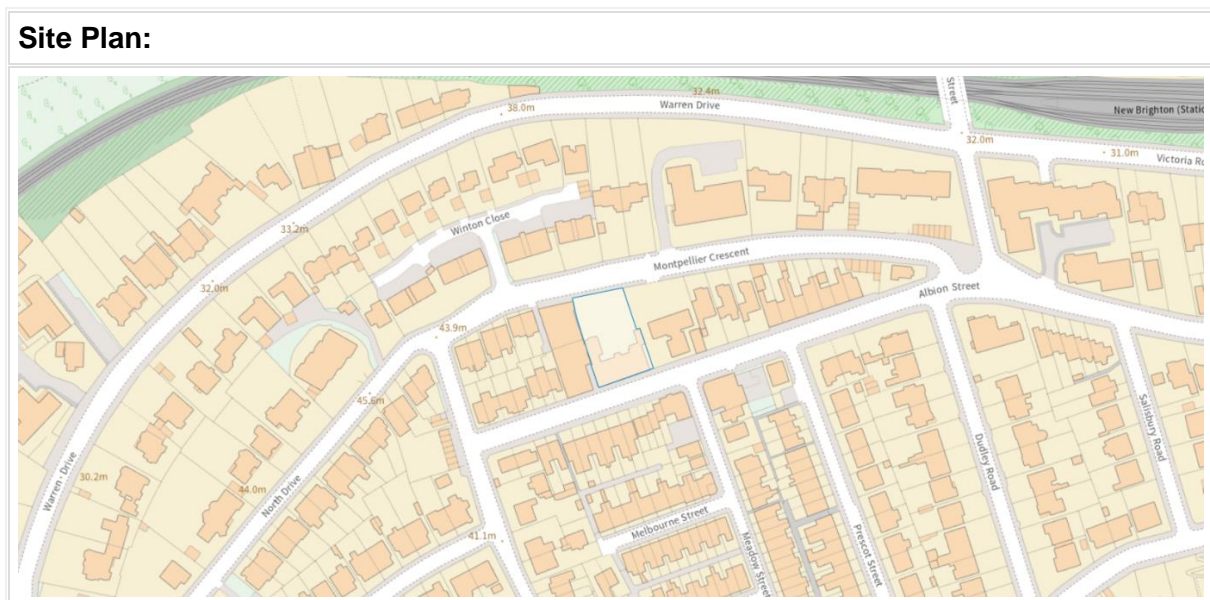
Agenda Item 5

Planning Committee	
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Reference:	Area Team:	Case Officer:	Ward:
APP/22/01592	DM	Mr J McKee	New Brighton

Location:	22 Montpellier Crescent, Wallasey, CH45 9AB.
Proposal:	Demolition of existing single story rear extensions to Montpellier Mansions. Erection of full height rear extension, new mansard roof with dormers and internal alterations to apartments. Erection of a two-story rear extension and internal reconfiguration to the Coach House. (Amended plans and description)
Applicant:	Mr Paul Brett
Agent:	H Williams Evoke Architecture

Qualifying Petition	Yes. As per part 1(b)(iii) of the Council's adopted Scheme of Delegation for Planning Decisions, an application will be determined by Committee if within the specified consultation period, one or more petition of objection totalling 25 or more individual signatories is received.
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Development Plan designation:	Primarily Residential Area
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Planning History:	<p>APP/06/06628 – Conversion of hotel to fourteen flats, erection of a two-storey extension to rear of property and a first-floor side extension, erection of front and rear dormer windows and provision of off-street parking – Approve 17.11.06.</p> <p>APP/06/05994 – Conversion of hotel to eleven flats and erection of a two and a half storey building to provide six flats – Withdrawn 17.07.06.</p> <p>DLS/05/06003 – Reserved Matters application for the erection of 10 self-contained apartments with parking – Approve 24.06.2005.</p> <p>OUT/04/07775 – Outline planning application for the erection of 10 self-contained apartments with parking – Approve – 07.01.2005.</p> <p>OUT/04/06987 – Outline planning application for the erection of 10 self-contained apartments with parking – Withdrawn 20.09.04</p>
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	No comments received.
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 58no. notification letters were sent to properties 22.12.22. In response to a suite of revised plans, notification letters were re-sent on two occasions: 15.06.23 and 15.06.23. In response, 1no. petition was received objecting to the proposed development and 10no. representations objecting to the application were also received.</p> <p>Of the representations received, the following are the main issues raised:</p> <ol style="list-style-type: none"> 1. Sole entrance to building via Montpellier Crescent; location of resident carpark. Concern about traffic and disruption on both Montpellier Crescent and Albion Street. 2. Increase in pollution and noise. 3. Impact to neighbouring amenity by reason of loss of privacy, daylight and sunlight and overshadowing impacts; both communal open space within neighbouring development and on residential units. 4. Overdevelopment of site. 5. Impacts to existing drainage infrastructure. 6. Heritage impacts. 7. Excessive height; and

	<p>8. Design out of keeping with character of area.</p> <p>Whilst not material considerations in the determination of a planning application, the following issues were also raised within representations received:</p> <ol style="list-style-type: none"> 1. Adverse impact of eviction of existing residents; 2. Applicant ownership of different sites leading to concerns about financial viability of constructing proposed scheme to completion; and 3. Process for neighbour notification process.
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	<p><u>CONSULTATIONS</u></p> <p>Environmental Protection – No objection</p> <p>Traffic and Transportation – No objection</p> <p>Highways Assets – No objection</p> <p>Tree Preservation Officer – No objection subject to condition</p>
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<p>3. Site and Surroundings</p>	<p>.</p>
<p>3.1</p>	<p>The application site is a plot of land fronting Albion Street to the south and Montpellier Crescent to the north. It hosts a part three-storey, part two-storey rendered building with a hipped roof-form. The associated adjoining “coach-house” building extends further north, than the primary building. The building as existing, contains 14no. self-contained flats.</p>
<p>3.2</p>	<p>An associated car-parking area is accessed off-of Montpellier Crescent with provision for 14no. cars. Adjacent; along the site’s western boundary is a grassed area with mature landscaping.</p>
<p>3.3</p>	<p>The site’s western side boundary abuts that of no. 106 Albion Street and 30 Montpellier Crescent, a commercial use with understood residential at a first-floor level. Directly east of the application site is Montpellier Court, which is an established residential development of three-storeys, containing self-contained flats. Further north, fronting the opposite site of Montpellier Crescent and indeed further south, fronting the south side of Albion Street is residential accommodation</p>
<p>3.4</p>	<p>The application site is located within a primarily residential location within the New Brighton Ward. The site is located approximately 550m west of New Brighton Train Station.</p>

4. Proposed Development	
4.1	This application seeks to reconfigure the existing building; delivering 13no. self-contained flats - 2no. 1b 2p, 5no. 2b 3p and 6no. 3b 5p. This is an overall reduction of one flat and would be achieved through a proposed series of extensions and alterations.
4.2	The significant reconfiguration of the roof forms on both the primary building and the lean-to two storey element is proposed. Regards the latter, the application proposes the continuation of the hipped roof on what is as existing, part hipped and part flat. Regards the primary building, the application proposes to replace the hipped roof with a successor with a steeper pitch with the associated integration of 10no. dormer windows within both the northern and southern elevations with associated balconies within the northern roof-pitch. 2no. of the existing chimney breasts are to be retained.
4.3	A two-storey part-facing brick part rendered extension off-of the northern elevation fronting Montpellier Crescent affects the upper two floors of the primary building; and it would be cantilevered over the ground floor above a newly formed entrance area. The proposed extension would also extend into the roof at a third-floor level; integrating into the proposed replacement roof.
4.4	A two-storey extension is proposed off-of the northern elevation of the adjoining “coach house” constructed of facing brick.
4.5	Associated alterations to windows and doors are proposed as well as the reconfiguration of the off-street parking layout and landscaping.

5. Development Plan	
5.1	Under the provisions of Section 70(2) of the Town and Country Planning Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2), applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
5.2	<p>The adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the ‘UDP’) and the Joint Waste Local Plan for Merseyside and Halton.</p> <p>Relevant policies of the UDP are:</p> <p>URN1 Development and Urban Regeneration</p> <p>HS4 Criteria for New Housing Development</p> <p>HS11 House Extensions</p>

	<p>GR5 Landscaping and New Development</p> <p>GR7 Trees and New Development</p> <p>NCO1 Principles for Nature Conservation</p> <p>NC7 Species Protection</p> <p>TR9 Requirements for Off-Street Parking</p> <p>TR12 Requirements for Cycle Parking</p> <p>PO4 Noise Sensitive Development</p> <p>Relevant policies of The Joint Waste Local Plan for Merseyside and Halton are:</p> <p>WM8 Waste Prevention and Resource Management</p> <p>WM9 Sustainable Waste Management Design and Layout for New Development</p>
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6. Other Material Planning Considerations	
6.1	<p>The National Planning Policy Framework (2021)</p> <p>Wirral SPD2 – Designing for Self-Contained Flat Development and Conversions (2006)</p> <p>Wirral SPD4 – Parking Standards (2007)</p> <p>Technical Housing Standards – Nationally Described Space Standard</p>
6.2	<p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision-making process. In attaching</p>

	<p>weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and 3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
<p>6.3</p>	<p>The following emerging plan policies are relevant to the determination of this planning application:</p> <p>WS1 The Development and Regeneration Strategy for Wirral 2021-2037</p> <p>WS3 Strategy for Housing</p> <p>WS5 Strategy for Green and Blue Infrastructure, Open Space, Biodiversity and Landscape Protection</p> <p>WS6 Placemaking for Wirral</p> <p>WS7 Principles of Design</p> <p>WS9 Strategy for Transport</p> <p>WD1 Landscaping</p> <p>WD3 Biodiversity and Geodiversity</p> <p>WD5 House Extensions</p> <p>WD6 Self-Contained Flats</p> <p>WD14 Pollution and Risk</p> <p>WM6 Waste Management</p>
<p>7. Assessment</p>	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of development • Design.

	<ul style="list-style-type: none"> • Residential Quality • Neighbour Amenity. • Highways, and • Trees.
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7.1. Principle of Development	
7.1	The principle of development is acceptable subject to compliance with relevant policies and guidance outlined above.

7.2. Design	
7.2.1	Policy HS11 (House Extensions) outlines criteria for adherence for extensions to houses. As per the outlined criteria, this policy relates more-so to extensions to dwellinghouses rather than a building of a flatted nature; as per the application site; within its existing form.
7.2.2	Policy HS13 (Self-Contained Flat Conversions) sets out criteria for proposals for the conversion of existing buildings into self-contained flats. Whilst elements of the outlined criteria are of relevance, the building, in its existing form, already hosts self-contained flats and this application, in design terms, proposes various alterations and extensions, to re-configure the building and this policy, as well as Policy HS11, only hold limited weight in the assessment of this application.
7.2.3	Adopted SPD2 – Designing for Self-Contained Flat Development and Conversions outlines that development should not be visually overbearing or dominant when viewed from adjoining property.
7.2.4	Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”. Paragraph 134 of the NPPF states that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
7.2.5	The proposed development relates to the reconfiguration of the existing building, through a series of proposed extensions and alterations. The application site fronts both Albion Street and Montpellier Crescent. The proposed changes fronting Albion Street are limited with the most substantial changes proposed, being visible from the north, from Montpellier Crescent.
7.2.6	Proposed changes to the south elevation; fronting Albion Street are limited to the proposed replacement of windows at all levels (RAL7016; Anthracite Grey in UPVC) and repairs to associated cills where the applicant deems necessary. However, the existing

	<p>hipped roof of the primary building is to be reconfigured; with the resulting roof-form having a steeper pitch. The proposed roof-form integrates 6no. dormer windows into the south elevation; which are all in-line with existing fenestration on all existing levels below; regards positioning and width. The proposed development affecting the roof form, results in the reduction in height of the overall ridge height by approximately 0.6m in comparison to the existing. 2no. of the chimney breasts are to be retained; as shown on proposed elevation plans. Officers recognise that the proposed roof works, represent a significant intervention within the public realm. The application building represents a building of townscape value and makes a positive contribution to the street scene, particularly within the immediate context along Albion Street. However, the proposed works affecting the roof; are not considered unacceptable or inappropriate.</p>
7.2.7	<p>This planning application is supported by a proposed materials schedule (ref. PL.010(b)) which details the proposed roof form, to be finished in a standing seam cladding in dark grey/black and the submitted Design & Access Statement provides precedent examples for comparison. Whilst this material represents a more contemporary approach, officers conclude it to be appropriate and of a high-quality. However, to ensure quality, officers recommend a condition be attached to the planning permission; requiring details of all external facing materials, to adequately control the quality of the build.</p>
7.2.8	<p>Off the northern elevation, fronting Montpellier Crescent, a full height extension is proposed affecting all upper levels. The extension would extend approximately 3.5m in depth from the original elevation. The proposed extension is cantilevered over the ground floor. The extension would introduce a part rendered, part brick elevation; with the brick element being within the approximate central part of the elevation; juxtaposing the rendered elevations either side; including the lean-to two-storey element as existing; within the eastern part of the site. The resulting rear elevation features windows of a traditional style; RAL7016; Anthracite Grey in UPVC and Juliet balconies at a first and second-floor level, with 2no. balconies at a roof level; within the reconfigured roof space. Four dormer windows are proposed within the northern roof-pitch. As existing, there exist four dormer windows within the northern pitch, however the proposed replacement, promote more of a regular pattern through their locations.</p>
7.2.9	<p>Proposed development under this application affecting the western part of the site, includes the proposed two-storey extension; which would extend off-of the northern elevation of the “coach house” building; by approximately 3.7m. The extension would have a flat roof and match the eaves height of the existing coach house; with a maximum height of approximately 5.35m. The extension is slightly set in; off-of the shared western boundary of the site. As outlined, the proposed extension off-off the northern elevation extends all upper floors. This extension; would extend close to the western elevation of the application site; at a second-floor level; to the depth of the coach house.</p>

7.2.10	The existing two-storey lean-to building would have its existing hipped roof; extended to cover the entirety of the roof-level; currently this is part hipped and part flat.
7.2.11	Representations received in response to this application expressed objection citing the overdevelopment of the site, the excessive height of the proposal and that the proposed development was out of keeping with the character of the area. As set out; the overall ridge height of the roof, would be slightly reduced as a result of the proposed development. Officers recognise; particularly by reason of the proposed extension to the northern elevation (facing Montpellier Crescent), the height, particularly along the western shared boundary is increased and the overall massing of the proposed, is somewhat greater than the existing. However, the application is not considered to constitute the overdevelopment of the site; this is particularly noting the net loss of 1no. self-contained flat as a result of this application in comparison to the existing, across a larger floorplate. Further, officers note the large nature of the site. The extensions proposed are appropriate in scale, whilst still allowing the development proposed to deliver adequate parking, and amenity space.
7.2.12	Officers conclude, subject to a condition relating to external materials as outlined to ensure quality, that the proposed development, in its design; inclusive of height, massing and appearance, represents a high-quality series of extensions and alterations which represent an enhancement to the existing building; which is considered of townscape value and for reasons set-out, the application is in accordance with the relevant policy framework.

7.3 Residential Quality	
7.3.1	Both Policy HS13 and SPD2 imply good design quality and amenity being a requirement for occupiers of self-contained units.
	The UDP does not set out minimum floorspace standards for residential dwellings, however. Statutory Guidance: Technical Housing Standards (2015) does. Officers note this technical guidance is a material consideration in decision making however in the absence of any policy within the adopted development plan, it represents only that; guidance in decision making. All but 1no. units exceed the recommended minimum floorspace size for the associated unit size. The exception; Flat 3 has a GIA (Gross Internal Area) of 47.6sqm; with the recommended being 50sqm. This deviation from guidance is minor and the unit benefits from dedicated integrated storage and represents otherwise good quality accommodation. It is noted regards the existing accommodation; 14no. self-contained flats, 5no. Units fail to meet the minimum floorspace standards. On this basis, the proposed reconfiguration represents an improvement to the existing situation, in better reflecting the outlined statutory guidance.
7.3.2	3no. of the proposed units; flat 4 at ground-floor and flats 12 and 13

	<p>at a third-floor level, have dedicated private amenity space. Flat 11 at a second-floor level and flat 7 at a first-floor level benefit from Juliet style balconies. As per the proposed site plan (ref. PL.006(E)), the communal space is to be retained and enhanced as part of this application. Should planning permission be granted, officers recommend a condition requiring full details of both hard and soft landscaping throughout the site, to ensure quality. Officers note that as existing, none of the 14no. units benefit from private amenity space and that this application reflects an enhancement to the quality of accommodation offered. To this end, officers are supportive of the design rationale and conclude the proposed accommodation to represent good quality accommodation in the context of the relevant policy framework.</p>
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7.4 Neighbour Amenity	
7.4.1	<p>HS13 (Self-Contained Flat Conversions) sets out that for proposals for the conversion of existing buildings into self-contained flats, proposals must ensure the privacy of neighbours and occupants and sets out a detailed criteria for adherence to. As outlined, this policy is somewhat limited in its relevance to this application; noting the building as existing hosts self-contained flats and this application, seeks to reconfigure the existing building, through a series of extensions and alterations. Adopted SPD2 states that development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties.</p>
7.4.2	<p>Paragraph 130(f) of the NPPF sets out that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.</p>
7.4.3	<p>The proposed development relies on existing openings within both the eastern and western side elevations; orientated toward neighbouring residential sites. The proposed development would result in the removal of an existing dormer window within the eastern roof pitch.</p>
7.4.4	<p>As existing, at ground-floor level within the western elevation, there are 3no. windows serving flats 3 and 4; with 1no. understood to serve a bathroom and the remaining 2no., serving habitable spaces. The applicant proposes the retention of these windows within what would be proposed unit 1. Whilst it would be preferable to avoid where possible, windows serving habitable spaces within the streetscene, officers acknowledge the proposal does not alter the existing situation; thereby not exacerbating the matter. As per the proposed floor plan (ref. PL007(E), 2no. of these windows; serving a utility room and a bathroom, are to be obscured which will be secured through a condition. The applicant has also outlined windows on other floors to be obscured, which would be controlled through the same condition should planning permission be granted.</p>

7.4.5	A two-storey extension is proposed along the western shared boundary of the site; off the south elevation of the existing “coach house”; which matches the eaves height of the existing building. This is a shared boundary with no.22; where an existing building of a typical warehouse appearance is located; which is understood; to be in-part residential in its use. The applicant has submitted a shadow survey which tests both winter (December 21st) and summer sun path; showing overshadowing extent within the immediate context. The shadow survey demonstrates that the slight increase to massing along this shared boundary does not result in any unacceptable adverse impact to neighbouring amenity considering the individual site circumstances and the minor scale of the proposed extension at this location. No windows are proposed within the western side elevation of this proposed extension.
7.4.6	The proposed extension off the north elevation of the primary building at all upper levels extends close to the western shared boundary. As existing, an approximate 1.5 storey link between the coach house and the primary building is present along this boundary. The resulting proposed extension would increase the height of this link between the buildings by approximately 2.8m. A balcony would be located on-top of this, serving proposed unit 12 at a 3 rd floor level. Noting the existing context; particularly the orientation of the site, no unacceptable daylight/sunlight impacts would result from the proposed extension. The understood residential part of the neighbouring site to the west; fronting Albion Street, is limited to the part of the building which largely mirrors, in its footprint, the application site in its existing form. The rooflights serving the understood residential units, would not be unacceptably overlooked by reason of the proposed balcony.
7.4.7	An extension of the hipped-roof form within the existing two-storey lean-to element; abutting the site’s eastern boundary is proposed. This would not result in any unacceptable adverse impact to neighbouring residential amenity by reason of loss of daylight/sunlight due to the minor scale of the continuing of the existing roof form.
7.4.8	For reasons outlined, the proposed development would not result in any unacceptable adverse impact affecting neighbouring residential amenity by reason of overlooking, overbearing, loss of privacy or daylight or sunlight and is for reasons outlined, in accordance with the relevant adopted policy framework.

7.5 Highways	
7.5.1	Typically, the key issues around Highways and Transport matters in relation to residential developments, such as this, are highway safety, access, car parking and sustainable transport options. Policies TRT3, TR9 and TR12 of the UDP are relevant in relation to this section. SPD4 is also relevant to this application, which sets out the Parking Standards. Consultation has been undertaken with the Highways Team, who stated no objection to this application and their comments are considered as part of the commentary below.

7.5.2	The requirements for off-street vehicle and cycle parking are set out as maximums under Policies TR9 and TR12 of the UDP and the accompanying Supplementary Planning Document on Parking Standards.
7.5.3	Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7.5.4	The scheme reduces the number of dwellings on site to 13. The level of car parking proposed is appropriate; with at least 1no. space/self-contained flat delivered, along with the introduction of 2no. disabled parking spaces. This is a slight increase in comparison to the existing situation and in accordance with the SPD's parking standards for self-contained flats.
7.5.5	This application would deliver 14no. cycle parking spaces, whereas existing, there are not understood any dedicated parking spaces for bicycles. This is a welcome addition and accords with saved UDP policy TR12.
7.5.6	The existing access: from Montpellier Crescent, would be unchanged as a result of this application.
7.5.7	Representations received objecting to the application outlined concern about the location of the carpark and about traffic and disruption on both Montpellier Crescent and Albion Street as well as concern regards highways safety and volume of traffic generate by the proposed development. Officers conclude, noting that the car-parking arrangement including access, remains unchanged bar the addition to 2no. disabled parking bays, that there would be a negligible impact from a highway safety/capacity perspective generated by this application. Any traffic generated as a result of construction does not form a material consideration in decision-making however officers recommend should planning permission be granted, that a Construction Environmental Management Plan be submitted and approved by the LPA prior to the commencement of development.
7.5.8	Subject to the imposition of suitably worded highway conditions on any grant of consent, it is considered that there would be no grounds to refuse the application in relation to highway safety and the proposal would accord with relevant UDP policies.
7.5.9	<u>Waste Management</u> The approach to waste management remains unchanged as a result of this proposal. A dedicated part enclosed space for bin storage is located within the north-east corner of the site; fronting Montpellier Crescent.
7.6 Trees	
7.6.1	Policy GR7 (Trees and New Development) of the UDP sets out the LPA's approach to tree protection and enhancement.

7.6.2	This application is accompanied by an Arboricultural Implications Assessment (ref. TRE/MMASNB) and an Arboricultural Method Statement (ref. TRE.MMASNB). The former identified 2no. existing trees on site; T1; a graded B Sycamore tree, and T2; a graded B Holly Tree which are located within a grassed area; to be retained within the north-western corner of the site fronting Montpellier Crescent. The applicant outlines that these trees will be retained as part of this application and makes recommendations for tree-protection during construction through a submitted tree protection plan within the submitted Arboricultural Method Statement.
7.6.3	The Borough Tree Officer was consulted on this application and stated no objection subject to appropriate conditions; that the development be carried out in accordance with the submitted detail; including the tree protection plan, to ensure the protection of the existing trees. To this end, there are no adverse tree impacts arising from this application subject to appropriate conditions.
7.6.4	Having regards to the Wirral Tree Strategy, as the trees on site will remain and are subject to tree protection, the objective of the Tree Strategy is met.

8. Summary of Decision (Planning Balance)	<p>Section 70(2) of the Town and Country Planning Act 1990 and Section 37(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.</p> <p>Considering the individual merits of this application it is considered that the application is acceptable in planning terms having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), The Joint Waste Local Plan for Merseyside, the emerging Local Plan and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:</p>
8.1	The impact of the design on the character of the surrounding area. Whilst extensions and alterations to the building represent a series of significant interventions cumulatively, the application site is a spacious site, capable of hosting the proposed development. The interventions cumulatively, subject to appropriate conditions to ensure quality in delivery, are considered of a high-quality and represent an enhancement to the application site and the surrounding street scene.
8.2	The impact to neighbouring amenity. The proposed development utilises existing openings on east and west side elevations and the application would result in the removal of 1no. dormer window at roof-level within the eastern elevation. Whilst the application represents the intensification of the residential use on site by reason of floorspace, the proposed development would not result in any unacceptable adverse impact affecting neighbouring amenity.

8.3	The impact to the safety and capacity of the highways network. The proposed development utilises the existing vehicular and pedestrian entrance from Montpellier Avenue and the exiting dedicated refuse storage. This application introduces 2no. disabled parking spaces whilst retaining number of parking spaces otherwise on-site as existing; 14no. spaces notwithstanding the application results in the net loss of 1no. self-contained flat on site.
8.4	The impact to existing trees and ecology. The application is suitably evidenced with appropriate supporting evidence to this end and subject to conditions regards a Tree Protection Plan, compliance conditions with the supporting information and enhancements to ecology on site, this application does not result in any unacceptable impact to existing trees, and adequately protects protected/unprotected species in line with the relevant policy framework.
8.5	The proposal is therefore considered to comply with the relevant Development Plan policy, principally formed by the Wirral Unitary Development Plan Policy and the Joint Waste Local Plan for Merseyside and Halton; as well as other material considerations, such as the emerging Local Plan and the National Planning Policy Framework.

Recommended Decision:	Conditional Approval
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Recommended Conditions and Reasons:	
<p>1. The development hereby permitted shall begin not later than 3 years from the date of this decision.</p> <p>Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p> <p>2. The development hereby permitted shall be carried out in accordance with the approved plans listed as follows:</p> <p>PL.001 Location Plan</p> <p>PL.002(A) Existing Site Plan</p> <p>PL.004(A) Existing Elevations</p> <p>PL.003(B) Existing Floorplans</p> <p>PL.005 Existing Street Elevations</p> <p>PL.006(E) Proposed Site Plan</p>	

PL.007(E) Proposed Floor Plans

PL.009(D) Proposed Street Elevations

PL.008(E) Proposed Elevations

PL.010(B) Proposed Elevation Materials

Bat Scoping Assessment (Mulberry Consultants, ref. KE22/02693, dated 19.12.22)

Arboricultural Method Statement (Mulberry Consultants, ref. TRE/MMASNB, dated 20.12.22)

Arboricultural Implications Assessment (Mulberry Consultants, ref. TRE/MMASNB, dated 20.12.22)

Reason: For the avoidance of doubt and to define the permission

3. Notwithstanding the hereby approved Proposed Elevation Material Plan (ref. PL.010(B)), prior to the commencement of any works to the superstructure (other than demolition), the applicant will submit to the LPA and have approved in writing, details of all external facing materials.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy HS4.

4. Notwithstanding the hereby approved Proposed Site Plan (ref. PL.006(E)), prior to the commencement of any works to the superstructure (other than demolition), the applicant will submit to the LPA and have approved in writing, details of the 14no. cycle parking stands/enclosures.

The development will be built out strictly in accordance with the approved details and maintained and be used solely for the purpose of cycle parking for the life of the development.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

5. Other than the 2no. dedicated disabled spaces, the 14no. car-parking spaces as shown on hereby approved Proposed Site Plan (ref. PL.006(E)), shall be built-out strictly in accordance with the hereby approved details and maintained and be used solely for the purposes of parking for the life of the development.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with SPD4.

6. Unless otherwise agreed in writing by the LPA, the 2no. disabled parking spaces as shown on hereby approved Proposed Site Plan (ref. PL.006(E)), shall be built out strictly in

accordance with the hereby approved details and maintained and be used solely for the purposes of parking of blue badge holders for the life of the development.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with SPD4.

7. Prior to the commencement of any works to the superstructure (other than demolition), a detailed scheme for landscaping will be submitted to and approved in writing by the Local Planning Authority.

The scheme shall comprise of a plan and specification and demonstrate: i) The materials to be used for hard and soft surfacing; ii) tree and hedge planting across the site (including a minimum of nine trees and, where iii) detailed planting plan and specification for soft landscaping of land iv) the location and design of fences, gates, walls, railings or other means of enclosure v) the timing of implementation of the scheme and vi) the specification and siting of a box scheme is produced for the site including suitable nesting features for house sparrows which should be built into the hereby approved extensions. Thereafter development shall be carried out as approved.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment having regard to saved policies GR5 and NC7 of the Wirral Unitary Development Plan.

8. No tree, shrub or hedgerow felling is to be carried out on the site between 1 March and 31 August in any year. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, 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.

Reason: To protect birds during their breeding season in accordance with saved policy NC7 of the Wirral Unitary Development Plan.

9. No plant or materials shall be brought onto site until Root Protection Area fencing and Ground Protection has been installed in accordance with the submitted tree protection plan MMNB/MS/01 and specification within the hereby approved Arboricultural Impact Assessment and Method Statement by Mulberry Consultants.

Thereafter:

Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification, without prior approval of the Arboricultural consultant and / or the local planning authority.

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.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

10. The Arboricultural Method Statement TRE/MMASNB and plan MMNB/MS/01 submitted in support of the application shall be adhered to in full.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

11. Prior to the commencement of development, a Construction and Environmental Management Plan shall be submitted to and approved in writing by The Local Planning Authority. The provisions of the Construction and Environmental 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.

Reason: In the interest of highway safety and to comply with Policies HS4, WA2, WA5, TRT3 of the Wirral Unitary Development Plan (Adopted 2000), and Section 9 of the National Planning Policy Framework.

12. The development hereby permitted shall not be occupied until the windows identified on the hereby approved proposed floor plans; PL.007(E) and proposed elevations; PL.008(E) are fitted with glazing obscured to at least Pilkington level 3. Thereafter the obscured glazing shall be retained for the life of the development.

Reason: To prevent harmful overlooking in the interests of protecting the privacy and amenity of neighbouring residents.

Informative:

A site inspection with the Local Highway Authority should be arranged prior to the commencement of development to agree the condition of the existing public highway. Any damage to the existing public highway that occurs as a result of the development would require reinstatement, at the developer's expense, to the specification of the Local Highway Authority. For further details contact Highways & Infrastructure, area manager via www.wirral.gov.uk

Last Comments By:	25 June 2023
Expiry Date:	21 July 2023

:



WIRRAL PLANNING COMMITTEE

17 August 2023

REPORT TITLE	DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- PLANNING APPEALS
REPORT OF	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is 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.

This matter affects all Wards within the Borough.

RECOMENDATION

Planning Committee is recommended to note and endorse this performance update report.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

1.1 To enable Members to be updated on the performance of the Development Management Service regarding planning appeals, including the percentage of Council decisions overturned on appeal by the Planning Inspectorate.

2.0 OTHER OPTIONS CONSIDERED

2.1 As this report is for information no alternative options are recommended.

3.0 BACKGROUND INFORMATION

3.1 The Government has prescribed a Performance Indicator relating to appeals arising from the Council's refusal of planning permission. The Performance Indicator measures the Council's appeals performance in the form of the percentage of appeals allowed.

3.2 This indicator is concerned only with planning applications for which the Council has refused planning permission. It does not include planning appeals against conditions and non-determinations. Target setting for this indicator is at a local level and there is

no prescribed national target. As a general comparison the national average for the number of appeals allowed is around 33% per year.

Commentary on Performance

3.3 Performance is reported for Members on a quarterly basis. The following table shows the data for the last four full performance years, together with the performance data for the first quarter of the current reporting year:

Planning Appeals	2019/20 Year	2020/21 Year	2021/22 Year	2022/23 Year	2023/24 Year to date (Q1)
Planning Appeals allowed as a percentage of appeals determined	25% 9 appeals allowed out of 36 Appeals	31% 11 appeals allowed out of 35 appeals	20% 10 appeals allowed out of 50 appeals	35% 9 appeals allowed out of 26 appeals	66.6% 2 appeals allowed out of 3 appeals

3.4 Within the fourth quarter 2022/23, there have been 2 appeals allowed from a total of 6 appeal decisions. The appeals allowed within this fourth quarter were:

- APP/22/00614 – 10 Rowton Close Oxton – extensions to side and rear of existing dwelling
- APP/22/00476 – 28 Birch Road Meols – Alterations to proposed rear extension.

3.5 Thus far within the first quarter 2023/24, there have been 2 appeals allowed from a total of 3 appeal decisions, due to the low number of appeals received during this quarter the percentage allowed is high. The appeals allowed within this first quarter were:

- APP/21/01853 – Merseyside Fire and Rescue Service, West Kirby Community Fire Station, The Concourse, Grange Road West Kirby – Demolition of buildings and erection of a residential development comprising 2 apartment buildings (C3 use) with associated access, refuse, car parking, landscaping, and other infrastructure.
- APP/20/00216 – 47 Argyle Street Birkenhead – To use site for pay and display/contract parking for a temporary period of 5 years with associated works including fencing and lighting/CCTV column (retrospective)

4.0 FINANCIAL IMPLICATIONS

- 4.1 Whilst there are no direct implications from the report., the appeals it refers to can be expensive when defending decisions at appeal, especially when the Council must put together an external team to defend a case when dealing with member overturns from planning committee. There is also the potential for an award of costs both for and against the Council in appeal situations. These can involve significant sums.

5.0 LEGAL IMPLICATIONS

- 5.1 Whilst there are no direct legal implications associated with the report. Appeals carry legal implications and officers work closely with the Legal Services, particularly in respect of instruction for barristers when undertaking Public Inquiries and sometimes Hearings. Planning decisions are also subject to legal proceedings (judicial reviews).

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There is a risk of government intervention if performance falls below that considered acceptable. This report seeks to monitor performance and manage the risk.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 This report is factual so there has been no consultation on its contents.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 There are no direct community wealth implications arising from this report.

REPORT AUTHOR: Alexandra McDougall

Principal Planning & Enforcement Team Leader

Email: alexandramcdougall@wirral.gov.uk

APPENDICES None



PLANNING COMMITTEE

17 AUGUST 2023

REPORT TITLE	DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPLICATIONS
REPORT OF	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service with regard to determining planning applications. The report outlines performance against government targets in terms of the speed of processing all applications.

This matter affects all Wards within the Borough.

RECOMMENDATION

Planning Committee is recommended to note and endorse the performance report.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

1.1 To enable Members to be updated on the performance of the Development Management Service with regard to determining planning applications.

2.0 OTHER OPTIONS CONSIDERED

2.1 As this report is for information no alternative options are recommended.

3.0 BACKGROUND INFORMATION

Development Management Performance Indicators

3.1 Development Management performance is monitored within the 3 subdivisions as set out below.

(a) Major Applications

The Government’s target is for 60% of major applications to be determined in 13 weeks. Major applications are defined as residential development of 10 or more units

or retail/ commercial development of 1,000 square metres or more of additional floor area.

(b) Minor Applications

The Government's target is for 65% of minor applications to be determined in 8 weeks. Minor applications are defined as residential development of less than 10 units or retail/commercial development of less than 1,000 square metres of additional floor area.

(c) Other Applications

The Government's target is for 80% of other applications to be determined in 8 weeks. Other applications include advertisements, conservation area, listed building and householder proposals. Householder applications are not included as a separate National Indicator. However, they comprise about 60% of all applications submitted to the Council and their handling is therefore a key issue in performance terms.

Additional measures introduced to address issues with underperforming Authorities

- 3.2 Section 62A of the Town and Country Planning Act 1990 allows certain applications to be made directly to the Secretary of State for Levelling Up, Housing and Communities where the local planning authority is deemed to be underperforming. The two criteria used to assess whether Local Authorities are performing to the required standard are Speed of Decisions and Quality of Decisions.

Speed of Decisions

- 3.3 The measure to be used is the percentage of decisions on applications for major development made:
- (i) within the statutory determination period; or
 - (ii) within such extended period as has been agreed in writing between the applicant and the local planning authority.

Currently 60% of Major applications must be determined either within 13 weeks or within the extended period agreed with the applicant.

- 3.4 In addition, the Secretary of State also monitors performance for non-major applications. In these cases, 70% of applications must be determined either within 8 weeks or within the extended period agreed with the applicant.

Quality of Decisions

- 3.5 The measure to be used is the percentage of decisions on applications for Major development that have been overturned at appeal, once nine months have elapsed following the end of the assessment periods recorded in the data collected by the Department for Levelling Up, Housing and Communities.

- 3.6 Currently the threshold for designation is 10% or more of an authority's decisions on applications for Major and Non-Major applications being overturned on appeal.

Commentary on Annual Performance – National and Local Targets

- 3.7 The table below includes overall figures for 2021/22, together with figures for all four quarters of 2022/23, and for the first quarter of 2023/24. New data not reported to Planning Committee previously is data for 2022/23 Q4 (1st January to 31st March 2023) which is also subsequently incorporated into the overall figures for 2022/23, and the data for Q1 (1st April 2023 to 30th June 2023) of the 2023/24 period:

Table 1 Performance

Planning Applications	2021/22 Year	Q1 2022/23	Q2 2022/23	Q3 2022/23	Q4 2022/23	2022/23 Year	Q1 2023/24
Majors (Applications determined within 13 weeks)	96% (25/26)	100% (4/4)	70% (7/10)	93% (13/14)	80% (8/10)	84% (32/38)	75% (9/12)
Minors (Applications determined within 8 weeks)	79% (199/251)	69% (36/52)	76% (41/54)	85% (46/54)	81% (42/52)	78% (165/212)	76% (54/71)
Others (inc. householders) (Applications determined within 8 weeks)	91% (1017/1121)	89% (193/216)	68% (124/183)	80% (154/192)	82% (183/222)	80% (654/813)	75% (151/201)
All (All application types determined within designated timescales)	87% (1238/1398)	86% (233/272)	70% (172/247)	82% (213/260)	82% (233/284)	80% (851/1063)	75% (214/284)
Householders (Householder applications determined)	89%	92%	65%	79%	83%	79%	73%

within weeks)	8	(692/774)	(170/185)	(103/159)	(129/163)	(151/182)	(402/507)	(116/158)
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3.8 The Service met the requirements for Major, Minor and Other targets in 2022/23. The reduction in the number of applications being determined within the statutory period, when compared to 2021/22, can largely be attributed to the introduction of the Council's new IT system for Development Management, which went live towards the end of June 2022.

3.9 As noted in the previous report, officers were unable to validate or determine applications for approximately 3-4 weeks whilst the service was migrated to the new system, and this created a backlog of applications to be registered and determined. In addition to this, processes have taken longer to complete as Officers and support staff familiarise themselves with the new system, whilst teething problems with the new system also caused further delays.

3.10 There was an improved performance for applications determined within time within Q3 and Q4 when compared to Q2 as Officers began to become more familiar with the new system. Despite this, issues with the new system remain. Whilst improvements are ongoing and processes are being continuously refined, it takes longer for the planning application process to be carried out on the new system and there is therefore a continued reliance on extensions of times to meet targets.

4.0 FINANCIAL IMPLICATIONS

4.1 Financial risk because of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk.

5.0 LEGAL IMPLICATIONS

5.1 The Government monitors planning performance in terms of speed and quality of decision-making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision-making. It is important to continue to meet these targets or special measures will be applied.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 There is a risk of government intervention if performance falls below the Department for Levelling Up, Housing and Communities' targets. This report seeks to monitor performance and manage the risk.

8.0 ENGAGEMENT/CONSULTATION

8.1 This report is factual so there has been no consultation on its contents.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no direct community wealth implications arising from this report.

REPORT AUTHOR: Neil Williams
Principal Planning and Enforcement Team Leader

APPENDICES

None

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years) Council

Council Meeting	Date
Planning Committee	11 th February 2021
Planning Committee	15 th July 2021
Planning Committee	14 th October 2021
Planning Committee	10 th February 2022
Planning Committee	13 th October 2022
Planning Committee	9 th February 2023

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PLANNING COMMITTEE

27 July 2023

REPORT TITLE:	DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- ENFORCEMENT ACTIVITY BETWEEN 1ST JANURARY 2023 TO 31ST MARCH 2023, AND 1ST APRIL 2023 TO 30TH JUNE 2023.
REPORT OF:	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period of 1st January 2023 to 31st March 2023, and 1st April 2023 to 30th June 2023.

The performance of the enforcement service will be reported to Planning Committee on a quarterly basis.

This matter affects all Wards within the Borough.

RECOMMENDATIONS

Planning Committee is recommended to note and endorse the performance update.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

1.1 To enable Members to be updated on the performance of the Development Management Service with regard to its enforcement activity.

2.0 OTHER OPTIONS CONSIDERED

2.1 As the Council's enforcement activity is being undertaken in accordance with the Council's Planning Enforcement Policy, no alternative options are recommended.

3.0 BACKGROUND INFORMATION

Performance and Workloads

3.1 The Council's Planning Enforcement Policy sets out how the enforcement service will be delivered and defines the standards to be met. The Council aims to send an acknowledgement letter to the complainant within 5 working days of receipt of the enquiry and to conduct a first site visit within 15 working days.

3.2 The Council also aims for 80% of cases to reach a 'key milestone' within 13 weeks of receipt of the initial enquiry. A key milestone is one of the following dates on which:

- It is established that there has been no breach of planning control.
- A retrospective planning application is submitted.
- A breach of planning control is remedied through negotiation.
- It is deemed not to be expedient to take formal enforcement action.
- Formal action (such as the service of an enforcement notice) is taken; or
- It is established that the time limit has passed for the Council to take enforcement action.

3.3 The following table sets out the performance of the enforcement service between 1st January 2023 to 31st March 2023.

Total number of enforcement cases opened	No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks	No. of cases closed
94	62	87%	67

3.4 The following table sets out the performance of the service between 1st April 2023 to 30th June 2023.

Total number of enforcement cases opened	No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks	No. of cases closed
91	39	97.5	22

3.5 The majority of the Planning Enforcement team's work remains reactive, responding to reports about possible breaches of planning control.

Formal Enforcement Action

- 3.6 Paragraph 59 of the National Planning Policy Framework states ‘Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control....’
- 3.7 Formal action should only be taken as a last resort when all attempts to resolve the matter informally have been exhausted. Formal notices (being enforcement notices or breach of condition notices) are therefore, only served in cases where negotiation has not proven successful, and it is expedient to do so. The majority of cases are resolved through negotiation.
- 3.8 Between 1st January 2023 and 30th June 2023, 3 enforcement notices were issued.
- 3.9 One Planning Contravention Notice (being requisitions for information about site ownership and activity on the land) was issued between 1st January 2023 and 30th June 2023.

Key Successes

- 3.10 Examples of some of the key successes achieved during the first two quarters of the calendar year 2023 are set out below.
- (i) **Land at Freddie's Bar and Grill, Stanley Road, New Ferry, CH62 5AR.** An enforcement notice was issued in January 2023 and although not fully complied with at the time of writing this report the unauthorised use of the premises has ceased.
 - (ii) **YOT Café, 12 Banks Road, Heswall.** Officers successfully negotiated and secured the submission of a planning application (and its approval) for a change of use of the premises.
 - (iii) **1 Arrowe Avenue, Moreton.** Officers successfully negotiated the removal of all vehicles relating to an unauthorised use of the land for storage of commercial vehicles.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 172(1) of the Town and Country Planning Act 1990 provides that the Council may issue an enforcement notice where it appears to the Council that
- (a) ...there has been a breach of planning control; and
 - (b) ... it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.'
- 5.2 The above provision is reflected in Paragraph 59 of the National Planning Policy Framework which confirms the statutory position that planning enforcement action is discretionary.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The number of enforcement enquiries (new cases) received by the Council continues to remain higher than the average received in previous years.
- 6.2 This increase in volume of work has placed the service under considerable pressure with workloads in the team increasing as a result. Although recent recruitment has taken place and Jason Bramwell has been appointed as the Principal Planning and Enforcement and Team Leader. Recruitment to backfill Jason's role has been successful with Brendan Greenfield being appointed as the Senior Planning Enforcement Officer, also recruitment for the Assistant Enforcement Officer post has been successful with Anne Noble being appointed. It should be noted that both Brendan and Anne commenced employment with the Authority in July 2023, and are currently settling into their new roles. The demand for enforcement action and the resources available will be closely monitored.

7.0 RELEVANT RISKS

- 7.1 There are risks that Enforcement Notices are subject to challenge by way of appeal to the Planning Inspectorate; or
- 7.2 The above risks can be mitigated by ensuring that:
- (a) enforcement activity is carried out having regard to the provisions of the development plan and other material considerations; and
 - (b) the justification for issuing an enforcement notice is set out in a clearly reasoned report.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 This report is factual so there has been no consultation on its contents.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The aim of planning enforcement is to secure the lawful use of land that is the subject of suspected breaches of planning control.

REPORT AUTHOR: Jason Bramwell
Principal Planning and Enforcement Team Leader
email: jasonbramwell@wirral.gov.uk

APPENDICES

Appendix 1- List of formal notices served.

BACKGROUND PAPERS

**Council Enforcement Policy
Planning Enforcement Policy**

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee	9 th February 2023
Planning Committee	13 th October 2022
Planning Committee	10 th February 2022
Planning Committee	14 th October 2021
Planning Committee	15 th July 2021
Planning Committee	11 th February 2021

Appendix 1- List of formal notices served.

Enforcement Notices

Register number	Address	Date Issued	Breach
675	Land at Hilltop, 4a The Village, Bebington, Wirral, CH63 7PW	10 th January 2023	Unauthorised erection of a wooden fence and gate exceeding 1m in height adjacent to a highway used by vehicular traffic
676	Land at Cherry Tree Carpark, Cherry Tree Shopping Centre, 8A Cherry Square, Liscard, Wirral, CH44 5XU	25 th January 2023	Unauthorised installation of ANPR cameras and replacement of pay and display machines
677	Land at Freddie's Bar and Grill, Stanley Road, New Ferry, CH62 5AR	27 th January 2023	Material change of use from club house to bar and restaurant, erection of extensions, installation of extraction flue, erection of fencing and gates and engineering operations comprising the formation of an external seating area

Planning Committee – Terms of Reference:

The principal role of the Planning Committee is to act as the administrative committee responsible for making decisions as local planning authority on planning applications, development control and similar regulatory matters, which are more particularly described as *Functions relating to town and country planning and development control* and related matters as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Committee is charged by full Council to fulfil those functions:

- (a) to consider and determine applications submitted under the Planning Acts for planning permission, listed building consent, and reserved matters pursuant to major planning applications;
- (b) to consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations;
- (c) to determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused;
- (d) related matters including but not limited to:
 - (i) applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
 - (ii) applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
 - (iii) applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003, as amended);
 - (iv) applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);
 - (v) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (vi) powers related to Commons Registration;
 - (vii) functions relating to public rights of way;
 - (viii) the licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980; and
 - (ix) functions relating to Town and Village Greens;

- (e) to exercise any other function of the Council under the Planning Acts and related legislation, whether as a local planning authority or otherwise, which may be referred to it by the Director for Economic and Housing Growth or other officer authorised by him/her.