



## Planning Committee

<b>Date:</b>	<b>Thursday, 18 April 2024</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Council Chamber - Birkenhead Town Hall</b>

**Contact Officer:** Katy Brown  
**Tel:** 0151 691 8543  
**e-mail:** [katherinebrown@wirral.gov.uk](mailto:katherinebrown@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

PLEASE NOTE: Public seating is limited therefore members of the public wishing to attend are asked to register their attendance in advance by emailing [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk). Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)

This meeting will be [webcast](#)

## AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES (Pages 1 - 12)**

To approve the accuracy of the minutes of the meeting held on 14 March 2024.

- 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. LDP/24/00138: 70 CHARLOTTE ROAD, EGREMONT, WALLASEY, WIRRAL, CH44 0DW APPLICATION FOR A LAWFUL**

**DEVELOPMENT CERTIFICATE RE: USE OF A C3 DWELLING AS A CHILDREN'S HOME FOR A MAXIMUM OF FOUR CHILDREN, WITH UP TO THREE CARERS, WITH SLEEP OVERNIGHT, WORKING ON A ROTA BASIS TO C2 CLASS (Pages 13 - 20)**

- 6. RVC/23/01961; THE QUADRANT ALBERT ROAD / STATION ROAD, CH47 2EE VARY CONDITION 12 (17/01191, 19/00065 & 22/01426) IN ACCORDANCE WITH THE DETAILS SUBMITTED AS SET OUT IN PHASING PLAN REFERENCE 19084-SK-12 DATED 30 JULY 2021 (PHASING PLAN MARCH 2019 REV. A & 19084-201-R). THE PROPOSAL IS TO ALLOW INDEPENDENT OCCUPATION THAT PERMITS RESIDENTIAL AND COMMERCIAL UNITS OF PHASE II, TO BE FULLY OCCUPIED AND BROUGHT INTO USE SEPARATELY OF PHASE I (CONVERSION OF THE TOWN HALL) - OR WHICHEVER PHASE, IS COMPLETED FIRST. (Pages 21 - 36)**
- 7. APP/23/01878; CAR PARK WOODHEAD STREET, NEW FERRY, WIRRAL, CH62 5ER ERECTION OF 43 NEW DWELLINGS WITH ASSOCIATED NEW ROADS AND AMENITY SPACES (100% AFFORDABLE HOUSING). (Pages 37 - 56)**
- 8. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPLICATIONS (Pages 57 - 60)**
- 9. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPEALS (Pages 61 - 66)**
- 10. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- ENFORCEMENT ACTIVITY BETWEEN: 1ST JULY 2023 TO 30TH SEPTEMBER 2023, 1ST OCTOBER 2023 TO 31ST DECEMBER 2023 AND 1ST JANUARY 2024 TO 26 MARCH 2024 (Pages 67 - 72)**

#### **Planning Committee Terms of Reference**

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

## PLANNING COMMITTEE

Thursday, 14 March 2024

Present: Councillor S Kelly (Chair)

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

In attendance: Councillors L Luxon-Kewley

### 62 WELCOME AND INTRODUCTION

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

### 63 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Brian Kenny, he was deputised by Councillor Louise Luxon-Kewley.

### 64 MINUTES

**Resolved – That the minutes of the meeting held on 8 February 2024 be approved.**

### 65 APP/23/00551: THE GRANGE, GRANGE ROAD, WEST KIRBY, WIRRAL, CH48 4EE DEMOLITION OF HOUSE AND OUT BUILDINGS TO PROVIDE 12 APARTMENTS TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AND WORKS INCLUDING THE RELOCATION OF THE SUBSTATION. (AMENDED DESCRIPTION)

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

Ward Councillor Jeff Green addressed the committee.

The applicant's agent, Mr Nick Fillingham addressed the committee.

On a motion by Councillor Kathy Hodson seconded by the Chair, it was.

**Resolved – That the Director of Regeneration and Place be authorised to:**

**(1) approve the application subject to the following conditions and subject to the completion of a s106 agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with section 8.10.1 of this report.**

**(2) refuse the application in the event that a satisfactory section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.**

**Conditions:**

**1. The development hereby permitted shall begin not later than [3] years from the date of this decision. Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.**

**2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th April 2023 and 28th November 2023 and listed as follows: 010 Rev D; 011 Rev E; 012 Rev A; 106 Rev C; 107 Rev C; 200 Rev A; 201 Rev B; 003 Rev A; 001. Reason: For the avoidance of doubt and to define the permission.**

**3. No development involving the use of any facing 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. 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. Prior to the occupation of the development, full details of the relocated electricity substation and any enclosures shall be submitted to and approved in writing by the local planning authority and thereafter constructed and retained in accordance with the approved details. 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. .**

**5. No development hereby approved shall take place (including ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in**

writing by the local planning authority. The CEMP shall include, but not limited to the following: a) Risk assessment of potentially damaging demolition and construction activities b) A pre-commencement check for hedgehogs and agreement of monitoring measures where necessary c) Identification of “biodiversity protection works” / Reason Avoidance Measures (RAMs) including but not limited to: i Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any reptiles present to move away from the affected areas; ii. The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent reptiles from seeking shelter or protection within them; iii. Any open excavations (e.g., foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to reptiles; iv. Bat mitigation measures which may be necessary following completion of the bat surveys; v. Measures to avoid harm to breeding birds and location and form of bird boxes; vi. Measures to avoid harm to other UK protected species; vii. Details of how retained trees, scrub and vegetation are to be protected during works; viii. Measures to avoid harm to Conservation sites including Grange Hill and Caldby Sites of Biological Importance detailing pollution prevention measures and details of how designated habitats and geological features will be protected; and ix. Invasive species method statements. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Reason: To ensure that biodiversity is safeguarded.

6. Prior to first occupation of the development hereby approved, the screening measures adjacent to car parking bays, including the 1.1m high timber fence and hedging, as shown on approved drawing no. 011 Rev E shall be installed and thereafter permanently retained. Reason: To safeguard the amenities of existing and future occupiers.

7. Prior to the installation of any external lighting associated with the development hereby approved, details of the lighting, including appearance and luminance, shall be submitted to and approved in writing by the Local Planning Authority and thereafter constructed and retained in accordance with the said details unless otherwise agreed. Reason: To safeguard the amenities of neighbouring and future residents and biodiversity.

8. Prior to first occupation of the development hereby approved the refuse storage facilities as detailed on plan nos. 010 Rev D and 011 Rev

**E, shall be installed, and thereafter retained in accordance with the approved details in perpetuity. Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Joint Waste Local Plan.**

**9. No development shall commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For avoidance of doubt, the works shall include: i. The provision of dropped kerbs and tactile paving at the entrance to the development from Grange Road and for this to be widened in accordance with the drawing reference number 010 Rev B and a commercial crossing constructed and installed to the entrance. ii Resurfacing of the footway to Grange Road contiguous with/along the development site frontage to provide a continuous palette of material. iii. The provision of dropped kerbs and tactile paving at the Gerard Close junction with Grange Road. iv. Replacement/upgrade of street lighting as necessary as part of the detailed design. iv. Drainage works necessary to facilitate the highway works. The approved scheme shall subsequently be implemented prior to first occupation of the development hereby approved. Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.**

**10. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained, and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 010 Rev D. The parking and servicing areas shall be retained as such thereafter. Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.**

**11. The development shall not be brought into use until full details of the proposed cycle parking facilities as shown in drawing number 010 Rev D, are submitted to and approved in writing by the local planning authority and then constructed and retained in accordance with said details thereafter. Reason: To ensure that adequate provision is made for parking cycles on the site; and to preserve the appearance of the development.**

**12. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing**

by the Council as Local Planning Authority. The method statement shall include, but not be limited to: - Construction traffic routes, including provision for access to the site. - Entrance/exit from the site for visitors/contractors/deliveries

- Location of directional signage within the site
- Siting of temporary containers
- Parking for contractors, site operatives and visitors
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction. - Temporary roads/areas of hard standing
- Schedule for large vehicles delivering/exporting materials to and from site.
- Storage of materials and large/heavy vehicles/machinery on site - Measures to control noise and dust.
- Details of street sweeping/street cleansing/wheelwash facilities
- Details for the recycling/disposing of waste resulting from demolition and construction works - Hours of working
- Phasing of works including start/finish dates

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority. Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

13. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Mitigation and Enhancement Measures Statement in relation to bat species (Amenity Tree, 23 January 2024, version 2) which details the methods for maintaining the conservation status of common pipistrelle, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England. Reason: In the interest of biodiversity.

14. Prior to the commencement of development, the applicant shall submit a method statement on the control of Rhododendron and Cotoneaster, both 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. Reason: To remove an invasive species as listed under Schedule 9 of the Wildlife and Countryside Act (1981) and ensure the protection of the native natural environment in accordance with Policy NC01 of the Wirral UDP.

**15. 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. 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.**

**16. Prior to the commencement of any works a survey must be undertaken by a suitably qualified ecologist to confirm the presence/absence of terrestrial mammals. If any signs of badgers or other mammals are found during the pre-commencement check further survey work will be required to be undertaken and a mitigation strategy submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works within 30 metres of any sett. The mitigation strategy shall be implemented in full in accordance with the approved details. Reason: To prevent the disturbance of protected species and the destruction of any sett tunnels within the site.**

**17. No tree felling, scrub clearance, vegetation management, ground clearance or building works 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 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: In order to ensure no net-loss in biodiversity.**

**18. The tree works methodology hereby approved and set out in Tree Protection Plan in accordance with the Arboricultural Implications Assessment (ACS Consulting, as received on 3rd October 2023) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority. Reason: To preserve the biodiversity of the site and health of the trees on the site in accordance with UDP Policy GR7.**

**19. 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. Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Joint Waste Local Plan for Merseyside and Halton.**



**20. 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 with 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 applicable; 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. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.**

**21. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan. Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.**

**22. The dwellings hereby permitted shall not be occupied until the landscaping plan (plan no. 011 Rev E) hereby approved in conjunction with any Biodiversity Enhancement measures has been implemented in full, including the planting of all new trees shown on the plan. The landscaping provisions shall be retained in situ in perpetuity. Reason: In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.**

**23. Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or evidence that the site has been registered under the bat low impact class licence (CL21). Reason: In the interests of biodiversity.**

**24. Upon occupation, the occupier(s) of each dwelling shall be provided with a copy of the information leaflet 'Respecting Nature in Wirral: A voluntary code for responsible recreation' (or any document that supersedes or updates that document) as part of their homeowner/tenant information pack. The developer shall maintain a register of the date on which each occupier was supplied with the leaflet and, no later than one month after occupation of the final dwelling comprised in the development, the register shall be deposited in writing with the Local Planning Authority. Reason: To avoid significant adverse effects upon statutory designated nature conservation sites arising from recreational disturbance to qualifying species, in accordance with saved policies NC1 and NC3 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.**

66 **RVC/23/01413: 100 & 102 MEOLS DRIVE, CH48 5DB SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2 OF CONSENTED SCHEME REF APP/20/01716 TO REMOVE BASEMENT AND PROVIDE PARKING AT GROUND LEVEL, TOGETHER WITH INTERNAL LAYOUT ALTERATIONS AND TO PICK UP AN ERROR IN THE APPROVED SOUTH ELEVATION PLAN**

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

An objector to the application, Mr Tom Hutchinson addressed the Committee.

An objector to the application, Mr Chris Moore, representing Hoylake Conservation Areas Association, addressed the Committee.

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

The applicant's agent, Ms Maria Dychala addressed the Committee.

Councillor Max Booth raised the following motion for refusal, seconded by Councillor Kathy Hodson; The proposed scheme, as a result of the formation of additional hardstanding and car parking to the front of the site, fails to preserve or enhance the distinctive characteristics of the Meols Drive

Conservation Area, contrary to saved policy CH2 of the Wirral Unitary Development Plan and the Meols Drive Conservation Area Character Appraisal. This less than substantial harm to the significance of the designated heritage asset is not outweighed by the public benefits of the development, contrary to the provisions of the National Planning Policy Framework.

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

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

**Resolved (8:3) – That the Director of Regeneration and Place be authorised to:**

**(1) approve the application subject to the following conditions and subject to the completion of a supplemental agreement to the existing s106 agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with sections 8.4.2 and 8.4.3 of this report.**

**(2) refuse the application in the event that a satisfactory supplemental section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.**

**Conditions:**

**1. The development hereby permitted shall begin no later than 14th April 2026. Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.**

**2 The development hereby permitted shall be carried out in accordance with the approved plans by the local planning authority on 25/11/2020, 29/03/2022, 01/04/2022, and 28/11/2023 (unless otherwise stated) and listed as follows: 22-MEOLS-SITE-101 Rev C – Amended Site Plan; 22-MEOLS-PLAN-102 Rev A– Amended Ground Floor Plan; 22-MEOLS-PLAN-103 Rev A– Amended First Floor Plan; 22-MEOLS-PLAN-104 Rev A– Amended Second Floor Plan; 22-MEOLS-PLAN-111 Rev A - Amended Side (South) Elevation; P19070-FCH-XX-B1-DR-A-1310 Revision P03; P19070-FCH-XX-XX-DR-A-1400 Revision P10 P19070-FCH-XX-XX-DR-A-1401 Revision P10; P19070-FCH-XX-XX-DR-A-1403 Revision P07; 22/MEOLS/SITE1003 RevA; P19070-FCH-XX-B1-DR-A-1310 Revision P03; P19070-FCH-XX-XX-DR-A-1400 Revision P10 P19070-FCH-XX-XX-DR-A-1401 Revision P10; P19070-FCH-XX-XX-DR-A-1403 Revision P07  
Reason: For the avoidance of doubt and to define the permission.**

**3 The facing materials to be used in the external construction of this development hereby approved and set out in the Design and Access Statement shall then be used in the construction of the development unless agreed otherwise in writing with the Local Planning Authority. Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.**

**4 The dwellings hereby permitted shall not be occupied until a detailed scheme for landscaping (including a management plan) has been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the proposed landscaping shall include details of the at least 20 replacement trees for those existing trees removed. The landscaping shall be carried out in accordance with the approved details before any of the apartments are occupied. The landscaping provisions shall be retained in situ in perpetuity. Reason: In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.**

**5 Prior to first occupation of the development hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the approved residential curtilage and be retained in situ in perpetuity. Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Joint Waste Local Plan.**

**6. The development shall be constructed in full accordance with the Construction Environment Management Plan (BlueOak Estates Limited, April 2023) as discharged under application reference: DIS/23/00813. Reason: To adequately demonstrate biodiversity and highway safety is safeguarded.**

**7. The development hereby permitted shall not be occupied until details of bat 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. Reason: In the interest of biodiversity.**

**8. Prior to the occupation of the development hereby approved, a lighting scheme designed to protect amenity, ecology and which does not result in excessive light spill onto the habitats in line The Institution of Lighting Professionals (ILP) Guidance shall be submitted for approval and implemented in accordance with those details. Further guidance is available at the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-onbatsandlighting>**

**Reason: In the interest of amenity and to preserve biodiversity and habitat in accordance with NPPF.**

**9. 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. Reason: In the interest of biodiversity and habitat in accordance with NPPF (paragraph 180).**

**10. No tree felling, scrub clearance, vegetation management, ground clearance or building works 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 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: In order to ensure no net-loss in biodiversity.**

**11 The tree works methodology hereby approved and set out in accordance with the Arboricultural Method Statement (Mulberry, dated: 07/08/2023; Ref: MTM0016.MS/Rev E) shall be adopted and complied with in full unless agreed otherwise in writing with the Local Planning Authority. Reason: To preserve the biodiversity of the site and health of the trees on the site in accordance with the NPPF and UDP Policy GR7.**

**12. 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 in accordance with the National Planning Policy Framework.**

**13. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 22-MEOLS-SITE-101 Rev C – Amended Site Plan. The parking and servicing areas shall be retained as such thereafter.**

**Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.**

1 RVC/23/01413: 100 & 102 Meols Drive, CH48 5DB Section 73 application for the variation of condition 2 of consented scheme ref APP/20/01716 to remove basement and provide parking at ground level, together with internal layout alterations and to pick up an error in the approved South Elevation Plan

1 RVC/23/01413: 100 & 102 Meols Drive, CH48 5DB Section 73 application for the variation of condition 2 of consented scheme ref APP/20/01716 to remove basement and provide parking at ground level, together with internal layout alterations and to pick up an error in the approved South Elevation Plan

#### 67 **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 declarations were made

# Agenda Item 5

Planning Committee	18 <sup>th</sup> April 2024
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<b>Reference:</b>	<b>PS Development Code</b>	<b>Case Officer:</b>	<b>Ward:</b>
LDP/24/00138	Q26 - Certificates of lawful development	Miss C Robinson	Liscard

<b>Location:</b>	70 Charlotte Road, Egremont, Wallasey, Wirral, CH44 0DW
<b>Proposal:</b>	Application for a Lawful Development Certificate re: use of a C3 dwelling as a children's home for a maximum of four children, with up to three carers, with sleep overnight, working on a rota basis to C2 class
<b>Applicant:</b>	Mr Michael Parkes

<b>Reason for referral to Planning Committee</b>	Called out of delegation by Cllr Janette Williamson
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**Site Plan:**



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<b>1. Development Plan designation:</b>	Area of Greatest Need Primarily Residential Area
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<b>2. Planning History:</b>	Application <u><a href="#">APP/12/00635</a></u>
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	<p>Proposed installation of externally applied insulation to the rear and gables of properties with either a coloured render or pebble dash finish. Various properties within Liscard Ward (CH44), properties fronting Charlotte Road, Church Street, Clifton Grove, Clysedale Road, Comely Bank Road, Crescent Road, Glenamond Street, Guilford Street, Lea Road, Mossy Bank Road, Rice Hey Road, Rice Lane and Union Street.</p> <p>Approved 02/07/2012.</p> <p>Application <u>APP/12/00650</u></p> <p>Proposed installation of externally applied insulation to the rear and gables of properties with either a coloured render or pebble dash finish. Various properties within Liscard Ward (CH44), properties fronting Blenheim Road, Egremont Promenade, Cliff Drive, Cunard Avenue, King Street, Kinglake Road, Poole Road, Cunard Avenue, Ismay Drive, Rudgrave Place, Rudgrave Square, Seabank Avenue, Seabank Road, King George Drive, St Brides Road, St Elmo Road, St Lucia Road, St Vincents Road, Trafalgar Avenue, Trafalgar Road, King George Drive, Poole Road, Richard Chubb Drive, Seabank Road, Wright Street, Whitley Drive and Webster Avenue.</p> <p>Approved 02/07/2012.</p>
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### 3. Summary Of Representations and Consultations Received:

<p><b>3.1 Ward Member Comments</b></p>	<p>Cllr Janette Williamson requested that the application be removed from delegation, noting that a site visit is required. Cllr Williamson cites that she believes that the site is not suitable to house vulnerable children, with the property being in an area of high rates of anti-social behaviour, criminal behaviour, drug use and fly tipping.</p>
<p><b>3.2 Summary of Representations</b></p>	<p><b><u>REPRESENTATIONS</u></b> Applications for Lawful Development Certificates are based purely on an assessment of whether planning permission is required for a proposed development or use. As such, no planning judgement can be made in relation to such applications. For this reason, the Council does not publicise such applications</p>

<p><b>3.2.1</b></p>	<p><b><u>CONSULTATIONS</u></b> There is no legal requirement to carry out consultations for this type of application and none have been undertaken.</p>
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<p><b>4. Site and Surroundings</b></p>	
<p>4.1</p>	<p>The host dwelling is a brick-built end of terrace property located in a primarily residential area. The property is three storeys, the second floor is within the roof space and served with existing dormer windows.</p>



	Only part of the ground floor will be utilised by the application for staff accommodation.
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<b>5. Proposed Development</b>	
5.1	This application seeks a lawful development certificate for the proposed use of the dwelling as a children's home within use class C2. The property is currently under C3a use.

<b>6. Relevant Matters for Consideration</b>	
6.1	<p>Section 192(1) of the Town and Country Planning Act 1990 (“the 1990 Act”) (as amended) provides that any person who wishes to ascertain whether any proposed use of a building would be lawful, may make an application for the purpose to the local planning authority, specifying the land and describing the use in question.</p> <p>In relation to such applications “Material planning considerations” which are as a matter of course considered in planning applications are not relevant. The decision in this matter is to be based strictly on factual evidence, the planning status/history of the site and the relevant law applicable to the circumstances of the case. The planning merits of the proposed use applied for do not fall to be considered.</p> <p>Section 192(2) of the 1990 Act provides that if, on an application under that section, the Council is provided with information satisfying it that the new use described in the application would be lawful they should issue a certificate to that effect. In any other case the application should be refused. The onus is firmly on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.</p> <p>National Planning Practice Guidance sets out that on an application for a Certificate the local planning authority needs to consider whether, on the facts of the case and relevant planning law, the use would be lawful. Planning merits are not relevant.</p> <p>In determining an application for a prospective development, a local planning authority needs to ask, "if this proposed change of use had occurred on the application date, would it have been lawful for planning purposes?"</p> <p>The lawfulness of the use for which a certificate of lawful proposed use or development is in force shall be conclusively presumed unless there is a material change, before the use is instituted, in any of the matters relevant to determining such lawfulness</p>
6.2	<p>Having regard to the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the Use Classes Order”) Class C2 includes the following:</p> <p><u>Class C2. Residential institutions</u></p>

	<p>Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).</p> <p>Use as a hospital or nursing home.</p> <p>Use as a residential school, college, or training centre</p>
6.3	<p>Class C3 includes the following:</p> <p><u>C3: Use as a dwelling house (whether a main residence or not) by</u></p> <p>A) a single person or by people to be regarded as forming a single household,</p> <p>B) Not more than six residents living together as a single household where care is provided for residents: or</p> <p>C) Not more than six residents living together as a single household where no care is provided to residents (other than use within Class C4)</p>
6.4	<p>“Care” is defined amongst other matters as meaning the personal care of children including any medical care and treatment.</p> <p>In the case of <i>North Devon District Council v First Secretary of State [2003]</i> 2 non-resident staff were to be always on duty in relation to a premises that was used for the purpose of providing accommodation to looked after children. The premises that was the subject of the application for a certificate of lawful proposed use was under the supervision of a team of 6 or 7 adult carers operating in 8-hour shifts. It had been argued that the children would constitute a single household within Class C3(b) living together. It was held that the children were not capable of forming a single household in the absence of a live-in carer on the basis that children are not generally capable of running a household themselves.</p> <p>The judge stated that "The question ...arises whether carers who do not live but who provide, not necessarily through the same person, a continuous 24-hour care can be regarded as living together. In my view, the answer to that is no, what is required is indeed residential care with a carer living in full—time and looking after those in the premises who otherwise would be unable to live as a household."</p> <p>The judge found that the use came into Class C2. However, he went on to say that notwithstanding this, planning consent may not be required if the change of use was not a material change of use as a matter of fact and degree.</p> <p>The judge found based on the particular facts that there was no material change of use.</p>

<b>7. Assessment</b>	
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7.1.1	<p>The applicant recognises that the present use of the property is C3, and the proposed use would be C2 but asserts that the changes do not represent a material change of use.</p> <p>The definition of care in the 1987 Use Classes Order links the personal care of children specifically to class C2. Children cannot form a household without a caregiver and a children's home cannot fall within use class C3 unless a care giver is also resident at the property such that a single household is formed. A care giver staying overnight at the property in the course of their work is not resident if that care giver has their own residence elsewhere, which would be the case in this instance.</p> <p>As such a change of use to C2 will occur, but, in accordance with (North Devon District Council vs First Secretary of State (2003)), this only constitutes development if the change of use is material, namely that a clear change in the overall character of the use will arise.</p> <p>The main issue pertinent in the assessment of the proposal is therefore whether a material change of use will occur.</p>
7.1.2	<p>The case of East Barnet UDC v British Transport Commission (1962) held that 'material' means material for planning purposes.</p> <p>PPG guidance states that</p> <p>A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use' however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case. [And] Movement from one primary use to another within the same use class is not development and does not require planning permission.</p>
7.1.3	<p>The applicant has confirmed that there will be a maximum of four young people (between the ages of 8-18) at the house supported by a maximum of two members of staff during the day and through the night. During weekdays an additional (third) staff member - in the form of a carer/manager - will also be on site. Except at shift changeover times, which last approximately ten minutes, no more than three carers will be on the premises at any one time.</p> <p>Though anticipated to be home tutored initially, the intention is that the young people will attend school, undertake indoor and community-based activities, and will have a routine as would any other household. Any tutoring undertaken is intended to be done online, thus not bringing increased activity to the site.</p> <p>The house will not be changed structurally while the function of the dwelling would remain fundamentally the same in that it would be run as a single household. The house is located close to public transport routes and local amenities and the young people will attend local schools, leisure centres and activity clubs under supervision.</p>

	Based on the submitted information, the number of occupants of the property, the number of projected comings and goings, and the activities undertaken at the property would not be materially different in overall character to those which could be expected under the existing use of the property as a single dwelling. As such, based on this information it is considered that a material change of use will not occur.
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<b>8. Other Matters</b>	
8.1	There is little capacity to resist this application; should the submitted documentation satisfactorily evidence that no material change of use shall occur, the works must be considered lawful. It is however recognised that there is local concern regarding the suitability of this site to host a children's home. To formally operate in such a manner, the site will need to become an OFSTED registered provider. This process is independent from the planning process.
8.2	It is understood that the provider must undertake a location assessment. This assessment considers the suitability of the site and its surrounding area.

<b>9. Summary of Decision</b>	
9.1	The dwelling would be used as a children's home supervised by non-resident carers which will place the proposed use within use class C2. Based on the evidence presented during the application, on the balance of probabilities the use of the building and the character of activity associated with that use would not be significantly different to that which could be expected at a single dwellinghouse of this size. Therefore, a material change of use would not occur, and a Lawful Development Certificate should be granted.

<b>9. Recommended Decision:</b>	Lawful Use
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<b>Recommended Reasons:</b>
1 The dwelling would be used as a children's home supervised by non-resident carers. This puts the proposed use within use class C2 rather than the current use which is class C3. Nevertheless, based on the submitted evidence on the balance of probabilities the use of the building and the character of activity associated with that use would not be significantly different to that which could be expected at a single dwellinghouse of this size. Therefore, a material change of use would not occur by virtue of the proposed use.

<b>Last Comments By:</b>	17-03-2024
<b>Expiry Date:</b>	02-April-2024

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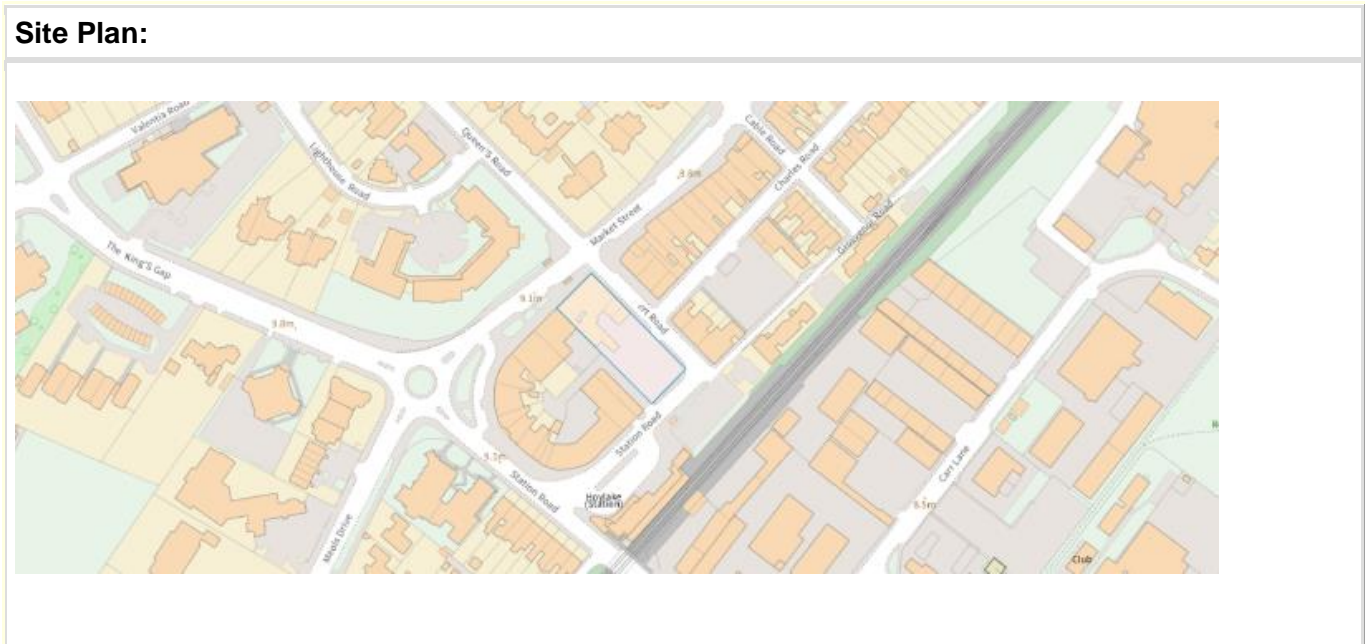
# Agenda Item 6

Planning Committee	18 <sup>th</sup> April 2024
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<b>Reference:</b>	<b>PS Development Code</b>	<b>Case Officer:</b>	<b>Ward:</b>
RVC/23/01961	Q06 - Other Major Developments	Ms A McDougall	Hoylake and Meols

<b>Location:</b>	The Quadrant Albert Road / Station Road, CH47 2EE
<b>Proposal:</b>	Vary Condition 12 (17/01191, 19/00065 & 22/01426) in accordance with the details submitted as set out in phasing plan reference 19084-SK-12 dated 30 July 2021 (Phasing Plan March 2019 Rev. A & 19084-201-R). The proposal is to allow independent occupation that permits residential and commercial units of Phase II, to be fully occupied and brought into use separately of Phase I (Conversion of the Town Hall) - or whichever Phase, is completed first.
<b>Applicant:</b>	Mr Martyn Atherton
<b>Agent :</b>	Mr Paul Parker of Paddock Johnson

<b>Reason for referral to Planning Committee</b>	15 Letters of Objection have been received
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<b>1. Development Plan designation:</b>	Primarily Commercial Area and Meols Drive Conservation Area
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<p><b>2. Planning History:</b></p>	<p>Applications</p> <p><u>APP/17/01191</u></p> <p>Conversion of Edwardian Town Hall to a small one or two screen cinema/arts space with associated cafe/bistro, fine dining restaurant, atrium cafe/bar with small retail units around a central courtyard, with further retail units for artists and makers. Also included are 40 Apartments on 4 levels above the ground floor artisan spaces.</p> <p><u>NMA/23/00157</u></p> <p>Creation of an additional fire escape</p> <p><u>APP/19/00065</u></p> <p>Variation of Condition 12 of 17/01191</p> <p><u>RVC/22/01426</u></p> <p>Variation of Conditions 8 and 12 of APP/17/01191</p> <p><u>DIS/22/00911</u></p> <p>Discharge of Conditions 4/11/13 of APP/17/01191</p> <p><u>DIS/23/01611</u></p> <p>Condition 3 (discharged)</p> <p><u>DIS/20/01243</u></p> <p>Conditions 3/5/8/9/10 (part discharged)</p> <p><u>DIS/19/01764</u></p> <p>Conditions 2/3/5/8/9/10/12/13 (Condition 12 phasing plan discharged)</p>
	<p>The construction works are underway, the site has previously been divided into Phase I and Phase II due to different ownership control. Under DIS/19/01764 the phasing plan details as required by Condition 12 were submitted and discharged. This split the site into Phase I and Phase II. A further application RVC/22/01426 further amended the phasing of the development setting out a delivery timescale for both phases Phase 1 including the front most part of the building and conversion of the Town Hall and Phase II the artisan units and residential flats above.</p>

**3. Summary Of Representations and Consultations Received:**

<p><b>3.1 Ward Member Comments</b></p>	<p>No comments received.</p>
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	<p>Note - Councillor Gardner expressed concerns regarding the non fulfilment of Phase I</p>
<p><b>3.2 Summary of Representations</b></p>	<p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Council's Statement of Community Involvement, 207 notification letters were sent to neighbouring properties on 15th January 2024, publicity closed 21st February 2024. The application was advertised in the press and by site notice on 15th January 2024.</p> <p>16 representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> <li>• flats will be complete and occupied before community uses approved under phase I;</li> <li>• grant money funding - what has happened with this financial support regarding the bringing forward of the community uses;</li> <li>• untidy/unfinished site;</li> <li>• original approval only granted consent for the flats to enable the bringing forward of the community provisions such as the arts centre;</li> <li>• no parking for the building;</li> <li>• height of the approved structure;</li> <li>• the variation of Condition 12 would remove the fundamental principles of the original approval for the flat development to enable the restoration of the historic buildings and renovation of the old Town Hall</li> </ul> <p>1 representation supporting the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> <li>• housing shortage requires flats to be released.</li> </ul>
	<p><b><u>CONSULTATIONS</u></b></p> <p>Kings Gap and Meols Drive Society - No comments received.</p> <p>Hoylake Vision Community Planning Forum - Supports the proposal in order to bring the development into use</p>
<p><b>4. Site and Surroundings</b></p>	
<p>4.1</p>	<p>The application site is located in the centre of Hoylake which is a coastal town in the north west of Wirral. The site is immediately adjacent to Albert Road and Market Street, of which Market Street is a key route through Hoylake. The site was comprised of the former offices of Hoylake Urban District Council adjacent to the fire station with the Quadrant to the west and Hoylake railway station to the south east.</p>

	<p>The site is located within the Meols Drive Conservation Area at its eastern most extent. The Meols Drive Conservation Area is protected due to its particular architectural quality and spacious tree lined character, providing an example of late Victorian and Edwardian suburban housing.</p> <p>The site is located within Hoylake Town Centre with the majority of the town centre extending to the east of the application site. A diverse range of amenities and uses are available within the town centre which includes a range of architectural styles that have evolved over time during the growth of Hoylake.</p> <p>To the west of the site is the Quadrant a semi-circular run of operators marking the entrance point into Hoylake Town Centre and acting as an arrival space for Hoylake train station. To the north of the site is the residential accommodation for the town with agricultural fields and a golf course to the south of the site over the railway.</p>
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<p><b>5. Proposed Development</b></p>	
<p>5.1</p>	<p>Planning permission was granted under APP/17/01191 for the redevelopment of existing town hall and fire station to create ground floor commercial units (Use Classes A1, A2, A3, A4), restaurant (Use Class A3), cinema (Use Class D2) and demolition of remaining buildings and structures, and erection of a mixed use development comprising 40 apartments (Use Class C3) and 17 artisan units (Use Class A1), and associated infrastructure.</p> <p>Condition 12 attached to APP/17/01191 read;</p> <p>“Prior to the commencement of development, a phasing plan indicating the phasing of the residential development with the commercial development shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full.”</p> <p>Condition 12 was discharged under DIS/19/01764 reference plan 02-02-014</p> <p>Condition 12 was subsequently varied under APP/19/00065 to read:</p> <p>“The proposed development shall be carried out in accordance with the phasing plan received by the Local Planning Authority on 12th March 2019 and the works programme for the Beacon Project received by the Local Planning Authority on 18th June 2019 unless otherwise agreed in writing with the Local Planning Authority.”</p> <p>The phasing plan received on 12<sup>th</sup> March 2019 set out the phases on a plan with a phasing timetable for both elements of phase I and phase I</p> <p>Condition 12 was then varied under RVC/22/01426 to read:</p> <p>The proposed development shall be carried out in accordance with the phasing plan received by the Local Planning Authority on 1 September 2022</p>

	<p>(Phasing Plan March 2019 Rev A) unless otherwise agreed in writing with the Local Planning Authority.</p> <p>The phasing plan received on 1<sup>st</sup> September 2022 set out the parameters of the phases in plan reference 19084-201- R in relation to Phasing Plan March 2019 Rev A.</p> <p>The current proposal is to vary condition 12, which was most recently varied under reference RVC/22/01426, to allow the two phases that have previously been identified as Phase I (leisure and commercial) and Phase II (flats and ground floor non residential/artisan units) to proceed independently from one another, without preventing one element being brought forward due to site issues with another element, so as not to result in the whole site stalling from completion.</p> <p>The original approval APP/17/01191 was approved and works are underway on site., It should be noted that there is no Section 106 securing the phasing of the works or the potential enabling development.</p>
5.2	<p>Under this application, condition 12 is proposed to be varied as follows:</p> <p>“In accordance with the details submitted as set out in phasing plan reference 19084-SK-12 dated 30 July 2021 (Phasing Plan March 2019 Rev. A &amp; 19084-201-R) , the proposal is to allow independent occupation that permits residential and commercial units of Phase II, to be fully occupied and brought into use separately of Phase I (Conversion of the Town Hall) - or whichever Phase, is completed first.”</p> <p>Suggested alternative wording <u>of Condition 12</u></p> <p>Phase 1 and Phase 2 of the development are hereby permitted to be carried out and brought into use independently of one another and in accordance with the details submitted in phasing plan reference 19084-SK-12 dated 30 July 2021 (Phasing Plan March 2019 Rev. A &amp; 19084-201-R). For the avoidance of doubt, either Phase 1 or Phase 2 may be brought into use first.</p>

<b>6. Development Plan</b>	
6.1	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and 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.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of</p>

	<p>the Secretary State on 18 September 2007, the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013) and the Hoylake Neighbourhood Development Plan</p>
<p>6.2</p>	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <p>The current policies of the UDP are relevant. Policy SHO1 will seek the enhancement of the vitality and viability of key town centres to ensure people have easy access by a choice of transport modes to a wide range of shopping provision.</p> <p>Policy SH1 establishes that a range of use classes including retail, leisure and non- residential institutions would be suitable within Key Town Centres. The proposals would need to ensure that they do not undermine the vitality and viability of any Key Town Centre and does not generate traffic more than that which can be accommodated by the existing highway network.</p> <p>Policy SH6 defines appropriate uses within Primarily Commercial Areas.</p> <p>Policy HS4 establishes that sites within the Primarily Residential Areas as per the Proposals Map will be permitted, subject to the proposal being of an appropriate scale that does not have a detrimental change in the character of the area.</p> <p>Policy CH2 permits development within Conservation Areas where the proposals preserve or enhance the distinctive characteristics of the Area. The general design and layout of the area including relationship between its buildings and the character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the Area.</p> <p>Policy TR12 establishes that where considered practicable and desirable new development will be required to provide cycle parking facilities at a ratio of 1:1 for every residential apartment.</p>
<p>6.3</p>	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18<sup>th</sup> July 2013) is also applicable. Relevant policies are:</p> <p>WM8 - Waste Prevention and Resource Management - Requires that any development involving demolition and/or construction must implement measures to achieve the efficient use of resources</p> <p>WM9 - Sustainable Waste Management Design and Layout for New Development) The design and layout of new built developments and uses must, where relevant, provide measures as part of their design strategy to address the collection and storage of waste and recycling.</p>

6.4	<p>The Hoylake Neighbourhood Development Plan is part of the Development Plan . Relevant policies are;</p> <p>Policy HS1 establishes that proposals for a range of retail development will be permitted provided that a consistent active frontage would be maintained at ground floor level.</p> <p>Policy HS2 supports redevelopment of selective buildings within the town centre boundary where a positive contribution to a vibrant mix of uses with a high-quality design is maintained.</p> <p>Policy HS4 proposals that support high quality food and drink, arts and cultural uses and retail trading will be permitted subject to the proposal being able to demonstrate no significant adverse impacts upon the amenities of local residents.</p> <p>Policy HS5 proposals which have an active ground floor level which seek to create residential apartments will be permitted subject to the proposal being able to demonstrate that it would not have a significantly adverse impact upon the living conditions of occupants of nearby buildings with a residential use.</p> <p>Policy DI1 requires the alteration of any building displaying characteristic local features must not materially diminish the significant character of the building.</p> <p>Policy DI2 requires all proposals for new buildings or alterations to existing buildings to respond to the distinctive character and reflect the identity of the area in terms of their size, design and materials of construction</p>
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<p><b>7. Other Material Planning Considerations</b></p>	
7.1	<p><b><u>The National Planning Policy Framework (NPPF) (2023)</u></b></p> <p>Paragraph 97 of the NPPF states</p> <p>“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <p>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</p> <p>b) take into account and support the delivery of local strategies to improve</p>

	<p>health, social and cultural well-being for all sections of the community;  c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs  d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and  e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.</p> <p>Paragraph 98 of the NPPF states</p> <p>“Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.”</p>
<p>7.2</p>	<p><b><u>The Emerging Local Plan</u></b></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 <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></p> <p>On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors’ view on certain matters and what should now be done. It should be read as the Inspectors’ initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors’ view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. For the purposes of decision making, the post-hearing note does not change the status of the emerging Local Plan. The Plan is at an advanced stage and weight may be given to relevant policies in the emerging plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.</p> <p>.</p> <p>In attaching 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"> <li>1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>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</li> <li>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)."</li> </ol> <p>The following emerging plan policies are relevant to the determination of this planning application:</p> <p><u>Policy WD 11 Design in Centres</u></p> <p><u>Policy WD 10 Non-Residential Uses in Primarily Residential Areas</u></p> <p><u>Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking</u></p> <p><u>Policy WS 6 Placemaking for Wirral</u></p> <p><u>Policy WD 6 Self Contained Flats</u></p>
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<b>8. Assessment</b>	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>· Principle of development;</li> <li>· Phasing and impact on Design;</li> <li>· Amenity; and</li> <li>· Other Matters</li> </ul>

<b>8.2 Principle of Development</b>	
8.2.1	<p>Planning permission was granted for the redevelopment of the existing town hall and fire station to create ground floor commercial units (Use Classes A1, A2, A3, A4), restaurant (Use Class A3), cinema (Use Class D2) and demolition of remaining buildings and structures, and erection of a mixed use development comprising 40 apartments (Use Class C3) and 17 artisan units (Use Class A1), and associated infrastructure.</p>
8.2.2	<p>The proposal is to vary condition 12, of the original planning application 17/01191 which was subsequently varied under application 19/00065 and RVC/22/01426 (Phasing Plan March 2019 Rev. A &amp; 19084-201-R)., The principle to vary the condition is considered acceptable as the site has an extant consent. Whether the changes to the conditions are acceptable will</p>

	be assessed within this report in terms of the impact those changes have to the development as a whole and the wider commercial and neighbouring residential areas.
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<b>8.3 Phasing and impact on Design</b>	
8.3.1	The amendments to the phasing of the development have previously been approved. The proposed variation to the wording of Condition 12 under this application allows for a more succinct condition to describe the phasing elements of parts I & II.
8.3.2	Concerns have been raised following public consultation with regards to Phase I remaining empty. In the absence of any legal agreement requiring either phase to come forward prior to the other, it would be unreasonable to prevent the completion and occupation of Phase II prior to Phase I being completed, as the two areas of the development are under two different ownerships. The proposed variation to condition 12 would still allow Phase I to be implemented and would not prevent Phase I being implemented prior to Phase II, if that were to happen.
8.3.3	The variation to the phasing would have no additional impact onto the design of the building as approved, this would however allow the building to be finally complete without relying on one part of the development for the other, thus prevent further delay in completing one of the phases.

<b>8.4 Amenity</b>	
8.4.1	The variation to phasing under condition 12 is considered acceptable in that the phasing allows the continuation of development for whichever phase is completed first. The variation to the condition does not prevent one phase completing, this allows the two phases to complete independently from the other. This would not prevent Phase I being brought forward at a future date or even prior to Phase II and provides the continuation of the development as originally approved albeit in potentially different stages.
8.4.2	Concerns have been raised from local residents with regard to how the original application was approved on the basis that the community/commercial facilities were to be provided. However, the rewording of this condition to allow one development to complete before the other does not restrict the continuation of Phase I and does not therefore, in terms of planning control harm the objectives of the development as approved. The proposal is considered to be acceptable in accordance with Wirral's UDP the NPPF, the Hoylake Neighbourhood Development Plan and the draft Local Plan.
8.4.3	The objectives of the application as per the original approval and subsequent variations are not considered to have further impact on amenity, these impacts were assessed at the time of the original grant of consent for the development as a whole.

<b>8.5 Other Matters</b>	
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8.5.1	Concerns have been raised from local residents that the changes to the phasing would result in no community or commercial elements of the scheme being brought forward. However the original planning permission did not stipulate that phase 1 must be implemented first. Whilst the provision of positive public facilities would benefit the wider community and the local businesses, the changes to the phasing do not prevent these facilities being provided in the future. It would therefore be unreasonable to prevent the delivery of the residential flats and ground floor commercial units identified in the Phase II plan from being brought into use, on the basis that Phase I is not being provided immediately.
8.5.2	Additional concerns have been raised with regards to the building as erected in terms of height and lack of parking, this however has previously been assessed and approved subject to APP/17/01191 and is not a material consideration in this context. Having regard to the grant funding/enabling development and condition of the site, these are outside of the planning permission remit and were assessed as part of the original application. There are no planning obligations associated with the original grant of planning permission to control these elements.
8.5.3	The proposed variation of condition 12 will allow the residential aspect of the development to come forward without any potential delay arising from the completion of phase 1 of the development. This is a benefit in terms of housing delivery, which is a material consideration as to whether the proposed variation is acceptable.

<b>8.7 Conclusion</b>	
8.7.1	The variation to the phasing condition allows the two phases, Phase I and Phase II to work independently from one another and this does not prevent either Phase completing. The proposed variation does prevent the potential continued delay in completion and occupation of Phase II, given that the two elements are controlled by different ownership. It is therefore considered appropriate and reasonable to allow Phase I and Phase II to be carried out independently of one another under the variation of condition.
8.7.2	The site as a whole has previously been granted approval for a division in terms of Phase I and Phase II as can be seen on the approved phasing division plan. The variation of condition would therefore enable the two phases to complete, separate from one another. This is not considered to harm the objectives of the original grant of planning consent or subsequent amendments to the scheme.

<b>9. Summary of Decision (planning Balance)</b>	
9.1	Section 70(2) of the Town and Country Planning Act 1990 and section 38(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. Having regard to the individual merits of this application this recommendation has been made having regard to the relevant Policies and

	Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton, the Hoylake Neighbourhood Development Plan and all relevant material considerations including national policy advice and the emerging Local Plan. In reaching this decision the Local Planning Authority has considered the following: -
9.2	The submission of details to vary condition 12 of planning approval APP/17/01191, APP/19/00065 & RVC/22/01426 are sufficient, the development as a whole is not considered to be detrimentally affected by the division of the site into Phase I and Phase II and the variation of Condition 12 to allow the two phases to complete construction independently from one another is therefore appropriate and reasonable. The proposed development is consistent with the NPPF's core principles. The original development makes use of brownfield land and is in a sustainable, urban location, and the variation of Condition 12 does not impede this. The proposal therefore accords with THEME 1 of the Hoylake Neighbourhood Development Plan and Policies SH01, SH6, HS4 of the Wirral UDP , the NPPF and Policy WS6 of the emerging Local Plan.

<b>10. Recommended Decision:</b>	Conditional Approval
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**Recommended Conditions and Reasons:**

1 APP/17/01191 Implemented

2 The development shall be carried out using all external materials approved under discharge of condition application DIS/19/01764

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policies of the Wirral Unitary Development Plan.

3 The sustainable drainage design shall be implemented as per the details submitted and approved under DIS/23/01611

**Reason** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework.

4 Prior to the occupation of any properties, a completed Operation and Maintenance Plan with appended as-built drawings must be submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority along with evidence of arrangements to secure funding and maintenance of the sustainable surface water drainage system for the lifetime of the development through an appropriate legally binding agreement. The approved Operation and

Maintenance Plan shall be implemented prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

**(Details submitted DIS/22/00911)**

**Reason:** To ensure a satisfactory sustainable surface water drainage system is provided to serve the site and secure satisfactory management and maintenance of the approved surface water drainage system in accordance with the National Planning Policy Framework.

5 The fume extraction shall be implemented as per the details submitted and approved under DIS/20/01243

**Reason:** In the interest of amenity and to comply with UDP Policy SH6

6 The ground floor commercial premises shall not be used except between the hours of :- 08:00 hours and 22:00 hours Mondays to Thursday 08:00 hours and 11:30 hours Friday and Saturdays 10:00 hours and 22:00 on Sundays and Bank Holidays without the written consent of the Local Planning Authority.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties

7 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 31st January 2018 and 1st September 2022 listed as follows: 02-02-000, 02-02-001, 02-02-002, 02-02-003, 02-02-004, 02-03-000, 02-03-001, 02-03-002, 02-05-004, 02-05-003, 02-05-002, 02-05-001, 190-201-R.

and plans relating to NMA/23/00157 received on 6th February 2023 and listed as follows:

19084-201-T

and phasing plan - 19084-SK-12 dated 30 July 2021 ( Phasing Plan March 2019 Rev. A & 19084-201-R)

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

8 The cycle parking as shown on plan 190-201-R (received 01/09/22) shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

**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.

9 The Construction Management Plan shall be adhered to in line with the details submitted and approved under DIS/20/01243

**Reason:** In the interests of highway safety and to accord with Policy HS4 of the Wirral Unitary Development Plan

10 The Site Waste Management Plan shall be adhered to in line with the details submitted and approved under DIS/20/01243

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy HS4 of the Wirral Unitary Development Plan

11 Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

**(Details submitted DIS/22/00911)**

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM9 of the Waste Local Plan

12Phase 1 and Phase 2 of the development are hereby permitted to be carried out and brought into use independently of one another and in accordance with the details submitted in phasing plan reference 19084-SK-12 dated 30 July 2021 (Phasing Plan March 2019 Rev. A & 19084-201-R). For the avoidance of doubt, either Phase 1 or Phase 2 may be brought into use first.

**Reason:** To ensure a comprehensive development and to comply with Unitary Development Plan Policy SH1 and the policies within the Planning Policy Framework

13 Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

**(Details submitted DIS/22/00911)**

**Reason:** In the interests of highway safety and to accord with Policy HS4 in the in the Wirral Unitary Development Plan.

<b>Last Comments By:</b>	07-02-2024
<b>Expiry Date:</b>	22-March-2024

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# Agenda Item 7

Planning Committee	18 April 2024
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<b>Reference:</b>	<b>PS Development Code</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/23/01878	Q01 - Major Dwelling	Ms A McDougall	Bromborough

<b>Location:</b>	Car Park Woodhead Street, New Ferry, Wirral, CH62 5ER
<b>Proposal:</b>	Erection of 43 new Dwellings with associated new roads and amenity spaces (100% Affordable Housing).
<b>Applicant:</b>	Ms Katie Davies
<b>Agent :</b>	Mr Ben Green, John McCall Architects

<b>Reason for referral to Planning Committee</b>	Over 15 Letters of Objection
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## Site Plan:



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<b>1. Development Plan designation:</b>	Town Centre Conservation Area
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<b>2. Planning History:</b>	Application DEM/23/01367
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	<p>Application for demolition of -104 - 124 New Chester Road are a number of properties that require demolition. The buildings have shop fronts to the ground floor and first floor flats above. The buildings are traditionally built with external brick walls, timber slat/concrete tile roofs, timber windows and concrete ground floors. All buildings have small yard areas to the rear with boundary walls (invalid application - waiting for bat survey)</p> <p>Application DPP3/20/00415 Outline Planning Application (with all matters reserved except access) for development of up to 15 houses and 30 apartments on Woodhead Street car park and land off New Chester Road, together with retention of 70 car park spaces for public use (approved).</p>
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### 3. Summary Of Representations and Consultations Received:

<p><b>3.1 Ward Member Comments</b></p>	<p>Councillor Murphy has commented on the application stating that whilst the loss of the car park is unfortunate the new homes are welcome as part of the regeneration of New Ferry.</p>
<p><b>3.2 Summary of Representations</b></p>	<p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 297. notification letters were sent to neighbouring properties on 11th December 2023. In response;</p> <p>18 representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> <li>• loss of car park will impact neighbouring residential streets;</li> <li>• loss of car park will impact businesses within New Ferry;</li> <li>• alternative car parks are unsuitable; and</li> <li>• the proposal contradicts public consultation to protect car parking within Woodhead Street</li> </ul>
	<p><b><u>CONSULTATIONS</u></b></p> <p>LLFA - No objection subject to conditions/informative</p> <p>Highways - No objection subject to conditions/informative</p>



	<p>MEAS - No objection following confirmation of recreational pressure agreement</p> <p>Environmental Health - No objection</p> <p>Conservation - No Objections</p> <p>Housing Strategy - No objection</p> <p>Port Sunlight Village Trust - No comments</p> <p>Trees/Street Tree Officer - No Objections</p> <p>Wirral Rights of Way - No comments</p>
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<b>4. Site and Surroundings</b>	
4.1	The application site consists of predominantly the Woodhead Street Car Park and includes existing buildings running to the east along New Chester Road. These buildings are to be demolished to make way for residential development as part of the application proposal. The main visual setting of the New Chester Road element is traditional terraces with commercial at ground floor and residential above.
4.2	The site bounds the rear of properties to the south on Boundary Road non residential properties to the west on the pedestrian area of Bebington Road.
4.3	The application site is located within New Ferry Key Town Centre and is bounded by Port Sunlight Conservation Area to the south. Hesketh Hall is located adjacent to the existing vehicle access point onto Woodhead Street.

<b>5. Proposed Development</b>	
5.1	The proposal is for the redevelopment of the site to include 43 residential properties. There will be a mix of house types including a terrace style development along New Chester Road with an apartment block to the north section and more traditional housing types within the development re-purposing the Woodhead Street car park.
5.1.2	The proposal seeks 100% Affordable Housing. The works include boundary treatments, a green common that sits central to the site and retention of pedestrian walkways to access the retail area such as the link to Bebington Road.

5.1.3	The mix of house types is made up of 33 houses and 10 flats. There are 6 housing types that range from two bed to four bed houses and the flats are a mix of 2 bed (8 units) and 1 bed (2 units).
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<b>6. Development Plan</b>	
6.1	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and 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.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <p>HS4 Criteria for New Housing Development  CH2 Development affecting Conservation Areas  CH9 Port Sunlight Conservation Area  SH1 Criteria for Development in Key Town Centres</p>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18<sup>th</sup> July 2013) is also applicable. Relevant policies are:</p> <p>WM8  WM9</p>

<b>7. Other Material Planning Considerations</b>	
7.1	<p><b><u>The National Planning Policy Framework</u></b></p> <p>Paragraph 70 of the NPPF states; Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:</p> <p>a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;</p> <p>b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;</p> <p>c) use tools such as area-wide design assessments, permission in</p>

	<p>principle and Local Development Orders to help bring small and medium sized sites forward;</p> <p>d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and</p> <p>e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes</p> <p>Paragraph 90 of the NPPF states; Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:</p> <p>a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;</p> <p>b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;</p> <p>c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;</p> <p>d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;</p> <p>e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and</p> <p>f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.</p>
<p>7.2</p>	<p><b><u>The Emerging Local Plan</u></b></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On 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 26th</p>

October 2022. The local plan and supporting evidence base can be viewed online at [www.wirral.gov.uk/lpexam](http://www.wirral.gov.uk/lpexam)

On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors' view on certain matters and what should now be done. It should be read as the Inspectors' initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors' view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. For the purposes of decision making, the post-hearing note does not change the status of the emerging Local Plan. The Plan is at an advanced stage and weight may be given to relevant policies in the emerging plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.

In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

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)."

The following emerging plan policies are relevant to the determination of this planning application:

RA11 (RES-RA11.2) New Ferry Regeneration Area

Policy WD 6 Self Contained Flats

Policy WD 1 Landscaping including Trees

Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking

Policy WS 6 Placemaking for Wirral

Policy WS 11 including hierarchy of centres and impact assessments

7.3	<u>Wirral SPD 2 - DESIGNING FOR SELF CONTAINED FLAT DEVELOPMENT AND CONVERSIONS (2006)</u>
7.4	<u>Wirral SPD 4 - PARKING STANDARDS (2007)</u>
7.5	<u>Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)</u>

<b>8. Assessment</b>	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>· Principle of development;</li> <li>· Design;</li> <li>· Amenity;</li> <li>· Ecology &amp; Heritage; and</li> <li>· Highways/Car Park</li> </ul>

<b>8.2 Principle of Development</b>	
8.2.1	<p>The site has previously gained Outline planning permission for up to 45 flats and houses. The site is designated currently under the Wirral UDP as Town Centre. The site is designated under the emerging local plan as residential within the New Ferry Regeneration Area. The majority of the site is hardstanding for public car parking with the exception of the east boundary containing what was once retail units albeit much of these are now vacant.</p>
8.2.2	<p>In line with the emerging local plan Policy RA11 Residential development on the Woodhead Street Car Park (RES-RA11.2) shown on the Policies Map will be permitted subject to the delivery of:</p> <ol style="list-style-type: none"> <li>i. The removal of obsolete hard surfaces and associated equipment to create a new high quality residential area with active frontages that will support and complement the regeneration of New Ferry Local Centre and preserve and enhance heritage assets at Port Sunlight Village and Hesketh Hall; and</li> <li>ii. A permeable layout which will give priority to cycle and pedestrian routes into the Local Centre.</li> </ol>
8.2.3	<p>Taking account the previous 2020 permission and the emerging local plan, the principle of residential development has been established as acceptable.</p>

<b>8.3 Design</b>	
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8.3.1	<p>Apartments - There are 10 flats to be housed within the proposed apartment building, the design of the building is a mix of three storey to each end and two storey to the central section. This takes account of the variation of building heights within the wider New Ferry and the design style. The building has a dual main elevation appearance, with access to individual flats from the front and the rear, walkways around the building, designated amenity space separate to the central green common and parking to the rear via Woodhead Street.</p>
8.3.2	<p>The overall design does not appear out of place when taking into account the existing buildings on site. The proposed dwellings and the existing retail units opposite are of a similar scale.</p>
8.3.3	<p>New Chester Road - The New Ferry Road terrace proposal is a mix of two and two and a half storey style houses, similar to the apartment block. The two end units have gable ends. Within the terrace there are true two storey house types as well as part three storey types which are designed with a dormer style roof extension. This design feature is ad hoc across the elevation which allows for some visual break across the terrace. It is relevant that within the immediate street scene along New Chester Road there are some properties with front dormers.</p> <p>The design is a modern twist on the more traditional terraces within the area, however given the overall relationship between the proposed terrace, the apartments and the houses in Woodhead Street. This variation is not considered to harm the overall objectives of the development as a whole.</p> <p>These properties will have active frontages facing onto New Chester Road however the vehicle access and parking will be located to the rear. Due to this and to enhance the Woodhead Street side of the development, the terrace has a dual aspect, so that the rear stays active with hit and miss fencing and elongated gardens.</p>
8.3.4	<p>Woodhead Street - The Woodhead Street element of the development is considered more traditional in the context of a new housing scheme. There are a mix of housing types but each relates to the other so there is a continuity in design terms. These houses are arranged around the outer perimeter of the site and face onto the proposed green common that sits central to the development as a whole.</p> <p>The houses are typically two storey. Some include dormers to the roof to provide additional living space.</p>
8.3.5	<p>The boundary treatments along New Chester Road are predominantly low railings with shrubs behind allowing for a distinct separation from the public highway and the residential houses. The houses are also set back from the pavement so that they do not dominate the walkway. The current retail units are located up against the highway.</p>

	<p>To the southern corner of the New Chester Road element and the southern rear elevation of the new houses will be masonry walls. These properties are located against alley ways or vulnerable corners. This type of boundary is considered appropriate given the context. A condition for boundary treatment details for submission is therefore recommended..</p> <p>The majority of the remaining boundary treatments are hit and miss fencing and fencing panels between houses and gardens.</p>
8.3.6	<p>The overall design of the development plot is considered to reflect the scale, mass and character of the existing New Chester Road. The design introduces a less dense residential development behind that echoes the layout and character of Port Sunlight Village. This is exemplified by houses facing over common green areas and walkways through. Materials are shown on the plans, however given that the location is adjacent to the conservation area, conditions are recommended for materials to be submitted. There are also pedestrian walkways retained from the site to Boundary Road and into Bebington Road. This prevents the development feeling enclosed and allows easier movement from the site and neighbouring sites into the retail area of New Ferry. Overall the design is considered to reflect the principle of UDP HS4 and Policy RA11 of the emerging local plan</p>

<b>8.4 Amenity</b>	
8.4.1	<p>Apartments - It is noted that the flats and the houses on New Chester Road will replace existing buildings and there is an established pattern of development in terms of interface distances. Whilst the interface distances of 21m are not achieved to the east, it is not considered that the replacement buildings result in any greater harm than the current relationship. The apartments to the New Chester Road elevation have approximately 18m to the mixed use premises opposite and 14m from the side elevation of the proposed houses to the rear (angled) elevation of the apartment building.</p>
8.4.2	<p>New Chester Road - As above, the replacement houses do not fully achieve the interface distances and do have outlook to the east towards mixed use properties (commercial ground floor/residential above). The set back of the new terrace is considered to benefit the overall visual setting along the street scene and add a break between the pavement and the built form.</p> <p>The terraced houses have front and rear gardens, with access at the rear for car parking and through Woodhead Street into Bebington Road on foot. Given the limitations of the site, this dual aspect type of design is considered to fit well as a positive solution for both New Chester Road and Woodhead Street.</p>
8.4.3	<p>Woodhead Street - The houses within the site meet the interface distances to the neighbours located south (21m) and west (21m). The new properties also have a relationship in part to the rear elevation of</p>

	houses on Underley Terrace. The side elevation of one of the new builds is approximately 18m from the rear elevation of the existing dwelling.
8.4.4	There are some corner properties to the south on Woodhead Street and the south west of the Woodhead Street development that do not fully achieve the interface distances at 13m, window to blank elevation (14m being the distance recommended in SPD2). This is not the only outlook to the proposed houses and whilst it is unfortunate that this is not reflective of the layout as a whole, the shortfall is considered minimal at 1m and is between proposed houses so does not cause harm to existing residents. The remainder of the site is well set out, with appropriate gardens and outlook.
8.4.5	The properties are all set out in a traditional style, front to rear outlook, small gardens to the front and larger amenity space to the rear. There is parking available for the properties and it is noted that the corner dwellings along Woodhead Street entrance and the walk way through to Bebington Road also have windows to the side elevations allowing for an active feel to the development.
8.4.6	Each residential unit meets the national described space standards. Each property including the flats has private amenity space as well as the central shared common area. The access to the dwellings from within the site and externally is considered appropriate, with parking available as well as visitor parking spaces located around Woodhead Street itself.
8.4.7	The overall layout, scale and impact of the development maintains access points through the site into Bebington Road, softens boundary relationships to New Chester Road and is not considered to result in undue harm to the amenity of future occupiers or existing residents.

<b>8.5 Ecology</b>	
8.5.1	The main area is currently hard standing and there are existing buildings along New Chester Road that are subject to a demolition application DEM/23/01367, which is awaiting the relevant bat surveys. There are 7 trees near to the vehicle entrance point of Woodhead Street off New Chester Road which would be removed to make way for the development. The landscape layout shows 13 new trees to be planted. Due to the condition of the buildings on New Chester Road there are some landscaping features that may currently provide habitats for birds and other wildlife.
8.5.2	The proposal seeks to increase the amount of soft landscaping through the green common in the central section of the site that includes tree plantings, as well as the introduction of gardens to the front and the rear of the houses and apartment block. Therefore the overall impact is considered to improve on site provision of soft landscaped areas. MEAS (ecologists) have been consulted and no



	objection has been received due to the off set by overall uplift in landscaping and biodiversity contribution.
<b>8.6 Heritage</b>	.
8.6.1	The majority of the development site falls within New Ferry Key Town Centre, however to the south and south-west the rear gardens of houses within Port Sunlight bound the application site. The development also has relationships between its positioning to Hesketh Hall. The redevelopment of the site, more specifically the Woodhead Street element is considered to take design cues from the general layout and house mix that is common within Port Sunlight Village. Whilst the views from and to Port Sunlight will be minimal due to the existing buildings, there is a relationship that is not considered to harm the objectives of preserving the special character of the Conservation Area. The proposed layout and soft landscaped areas of the development would also contribute more positively than the existing car park
<b>8.7 Highways</b>	
8.7.1	The proposed provision and layout of the site, the access in and through is considered acceptable in accordance with the NPPF and SPD4.
8.7.2	The main objection from the public to the proposed development is the impact of the loss of public parking to the established businesses of New Ferry. Concerns have been raised with the reduction of available parking and how that will not only impact businesses but push visitors to park in neighbouring residential roads.
8.7.3	The application site has been identified as part of the emerging local plan as a suitable housing site, there has been a previous approval for residential, albeit this retained 70 of the 213 parking spaces within the site. It is however noted that there is public parking at two sites off Grove Street and availability on Olinda Street. New Ferry is also served well in terms of bus links and walking proximity for neighbouring residential properties.
8.7.4	The site is considered in a sustainable location due to the proximity to bus links and New Ferry retail centre itself. Whilst the loss of the car park is considered unfortunate, the existing site is large and there are existing provisions within the surrounding locality for visitors to New Ferry. It is also considered that the introduction of new residents with easy links to the retail centre could help with the continued use and regeneration of New Ferry and would be less likely to travel out.
<b>8.8 Section 106 agreement</b>	

8.8.1	<p>When considering the potential content of a s106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a s106 Agreement can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.</p> <p>The applicant proposes Contributions/Provisions for the following are to ensure the proposal is policy compliant:</p> <ul style="list-style-type: none"> <li>• Recreational Pressure - Commuted sum contribution for each new home. A commuted sum contribution will be required for each new home (net new home) of: £280.26 per new home in the core zone (100% of the administrative area of Wirral is within the core zone. This was determined as only a small parcel of land in mid Wirral is &gt;5km from the coast and this does not coincide with any proposed allocations in the emerging Wirral Local Plan 2021-2037 and is rural); and</li> <li>• Affordable Housing 100% provision</li> </ul>
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<b>9. Summary of Decision (planning Balance)</b>	
9.1	<p>Section 70(2) of the Town and Country Planning Act 1990 and section 38(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. Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: -</p>
9.2	<p>The application site is allocated for residential development in line with the emerging local plan Policy RA11, taking account of this and the previous residential approvals on site, the scheme for residential is considered acceptable. As a residential development, the proposed development is considered an appropriate reuse and redevelopment, resulting in a visually positive contribution to New Ferry and its wider setting, the proposed development is considered acceptable in terms of scale, density, design, access and overall impact in accordance with Wirrals UDP Policies HS4, CH9, the NPPF and Policy RA11 of the emerging Local Plan.</p>

**10. Recommended Decision:**

Planning Committee is recommended to authorise the Director of Regeneration and Place to:

(1) approve the application subject to the following conditions and subject to the completion of a s106 agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with section 8.8 of this report.

(2) refuse the application in the event that a satisfactory section 106 agreement is not completed within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.

**Recommended Conditions and Reasons:**

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

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 8 December 2024 and listed as follows:

Overall Development Plans

Drainage Strategy Report

1829-JMA-ZZ-00-DR-A-0110 Rev 04 (site plan)

1829-JMA-ZZ-00-DR-A-0450 Rev 04 (whole site elevations)

1829-JMA-ZZ-00-DR-A-0117 Rev 03 (common green space)

1829-JMA-ZZ-00-DR-A-0118 Rev 03 (boundary treatments)

Apartments

1829-JMA-ZZ-00-DR-A-0257 Rev 03

1829-JMA-ZZ-00-DR-A-0258 Rev 03

1 829-JMA-ZZ-00-DR-A-0256 Rev 03

1829-JMA-ZZ-00-DR-A-0451 Rev 03

## Housing

1829-JMA-00-ZZ-DR-A-0250 Rev 03

1829-JMA-00-ZZ-DR-A-0251 Rev 03

1829-JMA-00-ZZ-DR-A-0252 Rev 03

1829-JMA-00-ZZ-DR-A-0255 Rev 03

1829-JMA-00-ZZ-DR-A-0254 Rev 03

1829-JMA-00-ZZ-DR-A-0253 Rev 03

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

3 No above ground development involving the use of any facing 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

**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 A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To improve the appearance of the development and its contribution to biodiversity and the local environment

5 No tree felling, scrub clearance or building works 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 buildings, trees, scrub 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.

**Reason;** Having regard to protected species in accordance with Wirrals UDP Policy NC7

6 Prior to first occupation, notwithstanding the information included in plan 1829-JMA-ZZ-00-DR-A-0118, details of the heights and materials to be used in the construction of the boundary treatments shall be submitted to and agreed in writing with the Local Planning Authority. The boundary treatments as agreed shall then be implemented and maintained as such.

**Reason;** Having regard to the character and appearance of the site and its surroundings in accordance with Wirral's UDP Policy HS4.

7 Detailed drawings shall be submitted to and approved by the Local Planning Authority following site clearance to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

**Reason:** In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no fencing, gates or other types of enclosures to a dwelling shall be erected unless expressly authorised.

**Reason:** In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

10 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 Strategy as detailed in the following submissions:

- Drainage Strategy Report, New Ferry, Wirral – Site A / ref: 221-166 / dated 31 July 2023 / by AJP

For the avoidance of doubt, the surface water discharge rate from the development shall be no more than 5l/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, 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.

**Reason;** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 175 of the National Planning Policy Framework.

11 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 Paragraph 175 of the National Planning Policy Framework.

12 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.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan.

13 No development shall take place until a full scheme of works and timetable for the construction of the new adoptable highways and/or amendment of the existing adopted highway made necessary by this development, including new carriageways, footways, street lighting, surface water drainage, traffic signs, TRO's, road markings, traffic calming, tactile paved pedestrian crossings, street furniture, access onto the adjacent highway has been submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the LPA written approval and in accordance with the approved development phasing plan.

**Reason:** In the interest of highway safety and to comply with UDP Policy HS4 – Criteria for new housing development.

#### INFORMATIVE

**Highways** - In order to fulfil the highway condition, it may be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and/or the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, traffic signs, TRO's, road markings, traffic calming, tactile pedestrian paved crossings, street furniture, Road Safety Audit and Road Safety Audit monitoring.

Consent is required for the formal closure of an existing highway. All costs will be recharged to the applicant, who should contact the Council's Highway Management team via [www.wirral.gov.uk](http://www.wirral.gov.uk) for further information." Private right of access to the rear of the properties will need to remain.

**Drainage** - The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development. The LPA should be satisfied that maintenance of the system is secured in perpetuity. If there are any material changes to the submitted information which impact on surface water drainage or the management of flood risk, the local planning authority is advised to consider re-consulting the LLFA.

**United Utilities** - Existing public sewers pass through this site which modelling data identifies as being at risk of sewer flooding. We request that the applicant liaises with United Utilities by email at [Seweradoptions@uuplc.co.uk](mailto:Seweradoptions@uuplc.co.uk) to understand

the nature of this flood risk and the impact upon the proposed site layout. We have identified that the finished floor levels of several proposed properties are close to main sewer which is susceptible to surcharging. The risk of sewer flooding needs to be assessed further as this could affect the developable area of the site and the detail of the design. The sequential approach should be applied in accordance with national planning policy. New development should be located so that it is safe and will not increase flood risk elsewhere. To discuss their drainage proposals the applicant should contact our Developer Services team by email at [SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk). Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>.

The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

Based on the information currently available, it is unclear whether sufficient distance is provided between proposed development features and our water asset(s). We recommend the applicant contacts our Water Developer Services team to ensure existing water assets, along with our required access widths, can be accommodated in the proposed layout. If the applicant fails to investigate and resolve any concerns prior to a positive determination, there is a risk that as the scheme progresses, the applicant, or any subsequent developer, may discover that their plans are not implementable in their existing form or that diversion of assets is required.

If the Local Authority requires any additional comment on the acceptability of the proposed layout from United Utilities, we will require a detailed site layout plan, which overlays the PROVEN location of the water asset(s) in relation to any proposed development (including walls, fencing, parking etc.). A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

**MEAS** - Preliminary bat roost assessment identified the building on site as having bat roost potential. An emergence and re-entry bat survey is required. Bats are protected species and UDP policy NC7 applies. Protected Species are a material



consideration. The survey and report are essential to determine if bats are present. If present the Local Planning Authority is required to assess the proposals against the three tests (Habitats Regulations) and determine whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance[1]. Any deviation from these guidelines must be fully justified. The applicant should note that timing for this survey is May to August / September inclusive. [1] Collins J (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th edition, Bat Conservation Trust, London, ISBN- 978-1-7395126-6-0

<b>Last Comments By:</b>	03-01-2024
<b>Expiry Date:</b>	05-March-2024

:



## PLANNING COMMITTEE

18 APRIL 2024

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

3.1 The statutory time limits for planning applications are set out in the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended). These time limits are as follows:

##### (a) Major Applications

Major applications should be determined within 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 & Other Applications (Non-Major)

Minor and Other applications should 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. Other applications include advertisements, conservation area, listed building and householder proposals.

### **(c) Applications subject to an Environmental Impact Assessment**

These applications should be determined within 16 weeks.

#### **Measures to address issues with underperforming Authorities**

- 3.2 Section 62A of the Town and Country Planning Act 1990 allows underperforming Authorities to be ‘designated’, which could result in applications being made directly to the Secretary of State for Levelling Up, Housing and Communities. The two criteria that are 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 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.
- 3.4 Currently, 60% of major applications must be determined within 13 weeks or within the extended period agreed with the applicant; and 70% of non-major applications should be determined 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.

#### **Performance – Speed of Decisions**

- 3.7 Previously, reports on planning application performance were broken down into the categories of Majors, Minors, Others and Householders (included within ‘Others’ but also included as a standalone criterion given the high number of householder applications that the Council receives). However, in line with the Criteria for Designation, this will be simplified, and applications will now be recorded in two categories - Major and Non-Major applications.
- 3.8 The table below therefore reflects this. It includes overall figures for 2022/23 and 2023/24, including a breakdown for all four quarters of 2023/24. New data not reported to Planning Committee previously is data for 2023/24 Q2 (1<sup>st</sup> July to 30<sup>th</sup> September 2023), Q3 (1<sup>st</sup> October to 31<sup>st</sup> December 2023) and Q4 (1<sup>st</sup> January to 31<sup>st</sup> March 2024):

<b>Planning Applications</b>	<b>2022/23 Year</b>	<b>Q1 2023/24</b>	<b>Q2 2023/24</b>	<b>Q3 2023/24</b>	<b>Q4 2023/24</b>	<b>2023/24 Year</b>
<b>Majors</b>						

	84% (32/38)	75% (9/12)	75% (3/4)	100% (7/7)	78% (7/9)	81% (26/32)
<b>Non-Majors</b>	80% (819/1025)	75% (205/272)	83% (195/235)	89% (219/245)	94% (211/225)	85% (830/977)
<b>All</b>	80% (851/1063)	75% (214/284)	83% (198/239)	90% (226/252)	93% (218/234)	85% (856/1009)

3.9 The Service met the requirements for Major and Non-Major application targets in 2023/24 and the Authority is therefore not under threat of being designated.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 Financial risk from an authority being designated 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 to submit planning applications direct to the Secretary of State for State for Levelling Up, Housing and Communities'. It is therefore important to continue to meet these targets or special measures may 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 If an authority is designated as underperforming, then applicants may be allowed to submit planning applications direct to the Secretary of State for Levelling Up, Housing and Communities. 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 The 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

<b>Council Meeting</b>	<b>Date</b>
<b>Planning Committee</b>	<b>15<sup>th</sup> July 2021</b>
<b>Planning Committee</b>	<b>14<sup>th</sup> October 2021</b>
<b>Planning Committee</b>	<b>10<sup>th</sup> February 2022</b>
<b>Planning Committee</b>	<b>13<sup>th</sup> October 2022</b>
<b>Planning Committee</b>	<b>9<sup>th</sup> February 2023</b>
<b>Planning Committee</b>	<b>17<sup>th</sup> August 2023</b>



**WIRRAL**  
**PLANNING COMMITTEE**

18 April 2024

<b>REPORT TITLE</b>	<b>DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPEALS</b>
<b>REPORT OF</b>	<b>DIRECTOR OF REGENERATION AND PLACE</b>

**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 England for the number of appeals allowed over the previous five financial years stands at 27.6% of decisions, with the five-year average for Northwest England standing slightly higher, at 31% of appeal decisions allowed.

### Commentary on Performance

3.3 Performance is reported for Members on a quarterly basis. The following table shows the data for the last five full performance years, with the quarterly data for year 2023-2024 reported thereafter.

Planning Appeals	2019/20 Year	2020/21 Year	2021/22 Year	2022/23 Year	2023/24 Year
Planning Appeals allowed as a percentage of appeals determined	32.4% 11 decisions out of 34  (National average 24.9%) (Regional average 26.5%)	33.3% 12 decisions out of 36  (National average 25.6%) (Regional average 29.8%)	19.6% 9 decisions out of 46  (National average 29%) (Regional average 31.2%)	34.3% 12 decisions out of 35  (National average 28.8%) (Regional average 31.4%)	28.9% 13 decisions out of 45  (National statistics not yet released) (Regional statistics not yet released)

3.4 Having regard to the above data, the rolling five-year average for appeals allowed stands at 29.1% (57 of 196 decisions), slightly higher than the national average, but below the regional average for Northwest England.

#### 2023-2024 Quarterly Reporting

##### 3.5 **Q1 2023-24 (April to June 2023)**

2 appeals were allowed within a total of 3 decisions (66.6% allowed)

The appeals allowed within this quarter were:

- **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), and
- **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.

##### 3.6 **Q2 2023-24 (July to September 2023)**

3 appeals were allowed within a total of 19 decisions (15.8% allowed).

The appeals allowed within this quarter were:



- **OUT/22/00107** - Land South of Burnbrae, Lever Causeway, Storeton, CH63 6HT - Outline planning application with all matters reserved for the erection of a single new detached home and associated works;
- **OUT/22/01305** - Land Off Grange Road, West Kirby, Wirral - Outline planning application for 39 no. residential units with associated works (access to be considered and all other matters reserved); and
- **APPH/23/00468** - Tawnywood, 40 Column Road, Newton, Wirral, CH48 1LH - New detached garage.

### 3.7 **Q3 2023-24 (October to December 2023)**

2 appeals were allowed within a total of 6 decisions (33.3% allowed).

The appeals allowed within this quarter were:

- **APPH/22/01136** - 1 Malmesbury Close, Greasby, Wirral, CH49 2QP - Proposed first floor to existing converted attached garage to contain bedroom. New porch in place of existing and addition of small brick shed building attached to side of existing house; and
- **APP/22/01327** - 175 Heygarth Road, Eastham, Wirral, CH62 8AL – Erection of a detached house on side garden.

### 3.8 **Q4 2023-24 (January to March 2024)**

6 appeals were allowed within a total of 17 appeal decisions (35.3% allowed).

- **APP/21/02188** – Car Park, Cherry Tree Shopping Centre, 6-8 Cherry Square, Liscard, CH44 5XU - Retrospective permission sought for erection of 2 no. pole mounted ANPR and 1 no. wall/pole mounted ANPR cameras to the Car Parks. Replacement of existing 4 no. Pay and Display Machines;
- **APPH/23/00042** - 82 Hinderton Road, Tranmere, Birkenhead, Wirral, CH41 9AE - Lean-to at the rear of the property. Wooden build with glass windows;
- **LDP/22/01732** - 136 Prenton Hall Road, Prenton, Wirral, CH43 3BJ - Re-modelling and re-purposing of internal spaces only, principally, the creation of internal space from an attached garage into habitable room under the rules for permitted development;
- **ANTX/23/00211** - Arrowe Park Road Street Works Arrowe Park Road, Wirral, CH49 0UB - Application to determine if prior approval is required for a proposed 15-metre-high telecommunications mast with associated antenna and ground cabinets;
- **RVC/22/02223** - The Menage Mill Hill Road, Irby, Wirral, CH61 4XQ - Retrospective Application for Variation of Condition 2 of approved Planning Permission APP/20/00576 to enlarge the Approved Dwelling; and

- **APP/23/00225** - 38 Kingsland Road, Oxtou, Wirral, CH42 9NW - Change of Use from five residential apartments (C3) to a House in Multiple Occupation HMO (Sui Generis).

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Whilst there are no direct implications from this report, the appeals it refers to can be expensive when defending decisions, especially when the Council must put together an external team to defend a case after member overturns from planning committee. There is also the potential for an award of costs against any party which is found to have acted unreasonably in its conduct of an appeal. There is therefore the potential for a costs award 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 Legal Services, particularly in respect of instruction for barristers when undertaking Public Inquiries and sometimes Hearings. Planning decisions may also be subject to legal proceedings in the form of 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 The 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: Andrew Siddall**

Principal Planning & Enforcement Team Leader

Email: [andrewsiddall@wirral.gov.uk](mailto:andrewsiddall@wirral.gov.uk)

## APPENDICES

None

## BACKGROUND PAPERS

None

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
Planning Committee	17 August 2023
Planning Committee	09 February 2023
Planning Committee	13 October 2022
Planning Committee	10 February 2022
Planning Committee	14 October 2021
Planning Committee	15 July 2021

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## PLANNING COMMITTEE

18 April 2024

<b>REPORT TITLE:</b>	<b>DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- ENFORCEMENT ACTIVITY BETWEEN: 1<sup>ST</sup> JULY 2023 TO 30<sup>TH</sup> SEPTEMBER 2023, 1<sup>ST</sup> OCTOBER 2023 TO 31<sup>ST</sup> DECEMBER 2023 AND 1<sup>ST</sup> JANUARY 2024 TO 26 MARCH 2024</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF REGENERATION AND PLACE</b>

### REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service regarding its planning enforcement activity for the periods of:

- 1<sup>st</sup> July 2023 to 30<sup>th</sup> September 2023;
- 1<sup>st</sup> October 2023 to 31<sup>st</sup> December 2023; and
- 1<sup>st</sup> January 2024 to 26 March 2024

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 This report enables Members to be updated on the performance of the Development Management Service regarding its enforcement activity.

#### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 As the Council's enforcement activity is being undertaken in accordance with its 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

within the Development Management Team 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 As of 2<sup>nd</sup> April 2024, the total number of open enforcement cases under active investigation was 366 cases. When the last performance report was presented to Planning Committee on 17<sup>th</sup> August 2023, the total number of open cases was 394 cases.

3.4 The following two tables set out the performance of the enforcement service between 1<sup>st</sup> July 2023 to 30<sup>th</sup> September 2023.

Total number of enforcement cases opened	No. of cases closed
117	140

No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks
89	76%

3.5 The following two tables set out the performance of the service between 1<sup>st</sup> October 2023 to 31<sup>st</sup> December 2023.

Total number of enforcement cases opened	No. of cases closed
82	81

No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks
57	68%

3.6 The following two tables set out the performance of the service between 1<sup>st</sup> January 2024 to 26<sup>th</sup> March 2024.

Total number of enforcement cases opened	No. of cases closed
72	98

No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks
61	84%

3.7 The majority of the Planning Enforcement work is reactive, responding to reports about possible breaches of planning control and determining applications for works to protected trees.

### Formal Enforcement Action

3.8 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....’

3.9 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 planning enforcement cases are resolved through negotiation.

3.10 Between 1<sup>st</sup> July 2023 and 26<sup>th</sup> March 2024, 3 enforcement notices were issued as listed in Appendix 1 of this report.

3.11 11 Planning Contravention Notices (being requisitions for information about site ownership and activity on the land) were issued between 1<sup>st</sup> July 2023 and 26<sup>th</sup> March 2024.

### Key Successes

3.12 Examples of some of the key successes achieved during the last two quarters of the calendar year 2023 and first quarter of 2024 are set out below.

Land at Freddie's Bar and Grill, Stanley Road, New Ferry, CH62 5AR.

- (i) An enforcement was issued in January 2023 requiring the use of the premises as a bar to cease and the removal of the unauthorised extensions. This has subsequently been fully complied with.

RAFA Club, Alton House, 17 Shrewsbury Road, Oxtou, CH43 1UU

- (ii) An enforcement notice was issued in October 2023 requiring the removal of a storage container from the land. This has subsequently been fully complied with.

Hamilton Square, "Restoring Hamilton Square Listed Buildings"

- (iii) This project recommenced in September 2023 and all owners, tenants and occupiers have now been written to, with many now engaging with officers.

#### **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 high and is consistent with the number of cases received in previous years.

6.2 The recent recruitment of officers within the team has resulted in workloads becoming more manageable for officers and has resulted in the elimination of the previous backlog within the service. The demand for enforcement action still remains high 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.

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 The 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](mailto:jasonbramwell@wirral.gov.uk)

**BACKGROUND PAPERS**

**Council Enforcement Policy**  
**Planning Enforcement Policy**

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Planning Committee	27 <sup>th</sup> July 2023
Planning Committee	9 <sup>th</sup> February 2023
Planning Committee	13 <sup>th</sup> October 2022
Planning Committee	10 <sup>th</sup> February 2022
Planning Committee	14 <sup>th</sup> October 2021
Planning Committee	15 <sup>th</sup> July 2021

## APPENDICES

### Appendix 1- List of formal notices served:

#### Enforcement Notices

<b>Register number</b>	<b>Address</b>	<b>Date Issued</b>	<b>Breach</b>
679	Land at 16 Penkett Road, Liscard, Wirral, CH45 7QN	03 October 2023	Without planning permission, unauthorised erection of a large timber outbuilding forward of the principal elevation
680	Land at 66 Town Meadow Lane, Moreton, CH46 7TB	3 <sup>rd</sup> October 2023	Without planning permission, operational development comprising of the erection of a timber fence with concrete posts and concrete base, around the front and side garden of a height exceeding 1 metre adjacent to a highway used by vehicular traffic
681	Land at Royal Air Forces Association ("RAFA") Club, Alton House, 17 Shrewsbury Road, Oxton, CH43 1UU	5 <sup>th</sup> October 2023	Without planning permission, operational development comprising of the siting of a metal storage container on the Land

## 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.