



Planning Committee

Date:	Thursday, 6 June 2024
Time:	6.00 p.m.
Venue:	Committee Room 1 - Birkenhead Town Hall

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This meeting will be [webcast](#)

AGENDA

1. WELCOME AND INTRODUCTION
2. APOLOGIES FOR ABSENCE
3. MINUTES (Pages 1 - 8)

To approve the accuracy of the minutes of the meeting held on 18 April 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. APPOINTMENT OF MEMBERS TO STRATEGIC APPLICATIONS SUB-COMMITTEE (Pages 9 - 14)

6. **APP/23/01915 52 CALDY ROAD, CALDY, WIRRAL, CH48 2HN
CHANGE OF USE OF DWELLING TO THREE SELF-CONTAINED
FLATS (3 X 3 BED); CONSTRUCTION OF THREE STOREY
EXTENSION TO FRONT, SIDE AND REAR WITH TERRACE TO
GROUND FLOOR REAR AND BALCONIES TO FIRST AND
SECOND FLOOR REAR; CONSTRUCTION OF CHIMNEY TO SIDE;
INSTALLATION OF HARD LANDSCAPING, CYCLE PARKING
STORE AND ALTERATIONS (Pages 15 - 30)**

7. **APP/24/00200 231 - 231A BECKWITH STREET, BIRKENHEAD,
WIRRAL, CH41 4HW CHANGE OF USE FROM INDOOR
CHILDREN'S PLAY SPACE (USE CLASS E(F)) TO A
CONVENIENCE RETAIL STORE (USE CLASS E(A)) (Pages 31 - 40)**

Planning Committee Terms of Reference

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

PLANNING COMMITTEE

Thursday, 18 April 2024
Times Not Specified

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

Apologies Councillors

68 WELCOME AND INTRODUCTION

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

69 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Brian Kenny, he was deputised by Councillor George Davies.

70 MINUTES

Resolved – That the minutes of the meeting held on 14 March 2024 be approved.

71 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.

72 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

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

Ward Councillor Jeanette Williamson addressed the committee.

The applicants, Micheal Parks and Jake Boness addressed the committee.

On a motion by the Chair, seconded by Councillor Colin Baldwin, it was,

Resolved – that the application be approved subject to the following conditions.

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, on the basis of 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.

- 73 **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.**

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

Ward Councillor Andrew Gardener addressed the committee.

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

Resolved – that the application be approved subject to the following conditions.

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

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

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.

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

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.

**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)**

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.

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

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

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)

12 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 & 19084-201-R). For the avoidance of doubt, either Phase 1 or Phase 2 may be brought into use first.

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)

74 **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).**

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

Mark Craig, an objector to the application, addressed the committee.

Ben Green, the agent to the applicant, addressed the committee.

The solicitor read out a statement submitted by Ward Councillor Jo Bird.

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

Resolved - that the application be approved subject to the following conditions.

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

2 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 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

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

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.

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.

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.

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.

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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.

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.

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.

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.

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.

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.

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

The Development Management Manager presented the report of the Director of Regeneration and Place to the committee.

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

Resolved – that the report be noted.

76 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPEALS**

The Development Management Manager presented the report of the Director of Regeneration and Place to the committee.

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

Resolved – that the report be noted.

77 **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**

The Development Management Manager presented the report of the Director of Regeneration and Place to the committee.

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

Resolved – that the report be noted.



PLANNING COMMITTEE

Thursday, 6 June 2024

REPORT TITLE:	APPOINTMENT OF MEMBERS TO STRATEGIC APPLICATIONS SUB-COMMITTEE
REPORT OF:	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

The purpose of this report is to enable the Planning Committee to establish a Strategic Applications Sub Committee with the Terms of Reference which are set out within this report.

This matter affects all Wards within the Borough

RECOMMENDATIONS

Planning Committee is recommended to approve that:

- (1) The Terms of Reference of the Strategic Applications Sub-Committee, as referred to in paragraphs 3.1 and 3.2 of this report, be noted;
- (2) The size of the Strategic Applications Sub-Committee, having regard to the options referred to at paragraph 5.3 of this report be between 6 and 9 Members, politically balanced; and
- (3) The Monitoring Officer be authorised as proper officer to carry out the wishes of the Group Leaders in allocating Members to membership and substitute membership of the Strategic Applications Sub-Committee and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 The Constitution, as approved by Council, requires the establishment of the Strategic Applications Sub-Committee. The membership of the Sub-Committee may comprise between 6 and 9 members of the Planning Committee, politically balanced. The proposals within this report enable the Committee to decide upon the size of the Sub-Committee and to agree the allocation of seats to different political groups.

2.0 OTHER OPTIONS CONSIDERED

2.1 Various options are set out within the second recommendation to this report.

3.0 BACKGROUND INFORMATION

3.1 The Committee is requested to note that the terms of reference of the Strategic Applications Sub-Committee as approved by Council on 22 May 2024 is described follows:

A Sub-Committee of between six (6) and nine (9) members of the Planning Committee, politically balanced, with responsibility for making decisions regarding:

(a) the implications of major developments outside of the Borough that could have an impact on local residents; and

(b) the following categories of applications for planning permission:

(i) large-scale major developments (defined by the Ministry for Housing, Communities and Local Government (MHCLG) as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature, (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance;

(ii) planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;

(iii) significant applications by Wirral Borough Council to develop any land owned by the Council, or for development of any land by the Council or by the Council jointly with any other person (Regulation 3 application);

(iv) applications which, if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;

(v) any application where the Director responsible for the planning service considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses;

And

(c) consideration of documents relating to the Local Development Framework and advise the Economy, Regeneration [and Housing] Committee where appropriate.

3.2 Planning Committee in June 2022 resolved to amend the respective responsibilities of Planning Committee and Strategic Applications Sub Committee so that the latter has responsibility for the following matters.

(i) Large-scale major developments (defined by the Ministry for Housing, Communities and Local Government (MHCLG) as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature, (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance.

(ii) significant applications by Wirral Borough Council to develop any land owned by the Council, or for development of any land by the Council or by the Council jointly with any other person (Regulation 3 applications).

(iii) Applications where it was proposed to make a decision that is a significant departure from the policies of the development plan, with the exception of domestic extensions.

(iv) Decisions that would need to be referred to the Secretary of State with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.

(v) informal pre-application discussions with developers in relation to any matter which potentially may come before the Sub-Committee for later decision.”

3.3 Committee is requested to agree the size of the Sub-Committee having regard to the options with the consequential proportions of seats to the relevant political groups set out at paragraph 5.3 of this report. Under the proposals within this report leaders of Political Groups will notify the Monitoring Officer of nominations to membership and substitute membership of the Sub-Committee.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

5.1 The establishment of the Strategic Applications Sub Committee is in compliance with the Council’s Constitution and the proposed options for membership as set out in the recommendation are politically balanced as required in the Sub-Committee’s Terms of Reference.

5.2 The Council must comply with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989, and the relevant regulations concerning political balance on committees and sub-committees.

- 5.3 The proportionality arrangements in terms of allocations of seats to political groups for 6 to 9 members are as follows:
- (i) 6 members – 2 Labour Members, 2 Conservative Members, 1 Green Member and 1 Liberal Democrat member;
 - (ii) 7 members – 3 Labour Members, 2 Conservative Members, 1 Green Member and 1 Liberal Democrat Member;
 - (iii) 8 members – 3 Labour Members, 2 Conservative Members, 2 Green Member and 1 Liberal Democrat Member; and
 - (iv) 9 members 4 Labour Members, 2 Conservative Members, 2 Green Members and 1 Liberal Democrat member.

5.4 Planning Committee established a Sub- Committee for the 2023/24 municipal year with 7 members.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no implications.

7.0 RELEVANT RISKS

7.1 Failure to establish the Sub-Committee would not accord with the Councils Constitution and would have a detrimental impact on effective decision making and sound governance with regards to planning matters.

8.0 ENGAGEMENT/CONSULTATION

8.1 There are no engagement/consultation implications arising from this report.

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 recommendations contained within this report are expected to have no impact on Community Wealth.

REPORT AUTHOR: Matthew Neal, Lead Principal Lawyer

e mail:matthewneal@wirral.gov.uk

APPENDICES

Not applicable

BACKGROUND PAPERS

The Constitution

SUBJECT HISTORY (last 3 years)

Meeting	Date
Planning Committee meeting Appointment of Members to Strategic Applications Sub-Committee	10 June 2021
Planning Committee meeting Appointment of Members to Strategic Applications Sub-Committee	9 June 2022
Council Meeting- Constitution	24 May 2023
Planning Committee meeting Appointment of Members to Strategic Applications Sub-Committee	8 June 2023

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Agenda Item 6

Planning Committee	6th June 2024
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Reference:	PS Development Code	Case Officer:	Ward:
APP/23/01915	Q13 - Minor Dwellings	Miss C Robinson	West Kirby and Thurstaston

Location:	52 Caldly Road, Caldly, Wirral, CH48 2HN
Proposal:	Change of use of dwelling to three self-contained flats (3 x 3 bed); construction of three storey extension to front, side and rear with terrace to ground floor rear and balconies to first and second floor rear; construction of chimney to side; installation of hard landscaping, cycle parking store and alterations
Applicant:	Mr Matthew Anderson
Agent:	Miss Natalie Male, Ainsley Gommon Architects

Reason for referral to Planning Committee	Councillor Jeff Green requested that the application be taken out of delegation
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Site Plan:



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1. Development Plan designation:	Primarily Residential Area
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2. Planning History:	APP/23/00543
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	<p>Change of use of dwelling to three self-contained flats (3 x 3 bed); construction of three storey extension to front, side and rear with terrace to ground floor rear and balconies to first and second floor rear; demolition of roof and construction of second floor extension with lift shaft; excavation to form lift shaft and altered basement access; construction of chimney to side; installation of hard landscaping, cycle parking store and alterations.</p> <p>Refuse 27-10-2023</p>
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3. Summary of Representations and Consultations Received:

<p>3.1 Ward Member Comments</p>	<p>Councillor Green considers that the proposal seems to be rather overbearing and to have a significant impact on the various neighbours' amenity which they currently enjoy. In its current form the application should be taken out of delegation and considered by the Planning Committee if the officer recommends approval.</p>
<p>3.2 Summary of Representations</p>	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 20 notification letters were sent to neighbouring properties on 18.01.2024. In response, 7 representations objecting to the application were received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> • Addition of balconies at the southern end of the building in an elevated position would result in substantial loss of privacy, direct overlooking, unacceptable noise and disturbance to the houses and rear gardens of the properties to the rear • The original proposal for the design submitted by the developer (APP/23/00543) was refused due to the position and type of three balconies sited at the Northern end of the building • Proposed site section A-A of the application incorporates a disingenuous photograph taken from an extreme distant aerial view at the Northern side front aspect of 52 Caldly Road • Detrimental impact of traffic • Aesthetic appearance is not in keeping with the area • The proposed building is in contravention of a number of planning regulations • T6 is impacted by the proposals, and its wellbeing should be addressed • The separation distances on site are contrary to SPD2 (Designing for Self-Contained Flat Development and Conversions) • The hedging cited as screening could be reduced from 5m to 2m by any future residents thus opening up issues of loss of amenity and privacy

<p>3.3</p>	<p><u>CONSULTATIONS</u></p>
<p>3.3.1</p>	<p><u>Environmental Health</u></p> <p>No objections.</p>

3.3.2	<p><u>Wirral and Cheshire Badger Group</u></p> <p>No objection; reasonable avoidance measures should be employed during the construction period to ward against harm to badgers.</p>
3.3.3	<p><u>Merseyside Environmental Advisory Service (MEAS)</u></p> <p>No objection; conditions are recommended to reinforce the critical aspects.</p>
3.3.4	<p><u>Highway Asset</u></p> <p>No objection; informatives recommended.</p>
3.3.5	<p><u>Traffic and Transportation</u></p> <p>No objection.</p> <ul style="list-style-type: none"> • The proposals are all contained within a private boundary and do not impact on the adopted highway. • The level of on-site car parking for the three apartments is considered appropriate and is in accordance with the SPD4 maximum standards and each unit has 2 off-street spaces. • The existing vehicle access from Caldly Road is unaffected by the proposals and is considered satisfactory to be used as a shared access and egress for vehicles between the three apartments. • A garden shed is provided for cycle storage and this is also considered satisfactory. • It's unlikely that the proposals for the apartments will generate a significant level of traffic on the network and are therefore considered to have no material impact on the highway, as such there are no objections to the proposals.
3.3.6	<p><u>Trees</u></p> <p>The revised proposal has moved the balconies from the Gable 2 elevation thus reducing future nuisance issues and conflict. The method statement details a specific reduction for T6. The ground protection is key and there should be Arboricultural supervision to ensure that it is implemented correctly.</p> <p>With regards the amenity provided by trees, there is no objection to this proposal. A suitably worded condition should be included to ensure The Arboricultural Method Statement submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, by a suitably qualified tree specialist.</p>
<p>4. Site and Surroundings</p>	
4.1	<p>The application relates to a two-storey house with converted loft space, located within a Primarily Residential Area. The house is Victorian having been originally built between 1871 and 1899 according to historic mapping images, with an original single storey outrigger to the northern side. There has been a single storey flat roofed garage extension to the northern side of the house since at least 2005. The original coach house at 54 Caldly Road and the original dwelling which now forms 56 and 58 Caldly Road to the southern side of the application site were built at a similar time and have also been subsequently extended.</p>

4.2	The houses to the north were built at some point between 1935 and 1991. The houses to the rear/west which used to form part of the rear garden of the original house were built by 1997. The B classified Caldly Road is located to the eastern/front of the site. The Caldly Hills site of local biological importance, area of special landscape value is located opposite the site to the east thereafter.
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5. Proposed Development	
5.1	This application seeks permission for change of use of the existing dwelling to three self-contained flats (3 x 3 bed). To facilitate this change of use, proposed also is the construction of three storey extension to front, side and rear; terrace to ground floor rear and balconies to first and second floor rear; construction of chimney to side; installation of hard landscaping, cycle parking store and alterations.
5.2	<p>The application is an amended scheme to APP/23/00543, which was refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposal by reason of the incongruous building design, the starkness of the northern side elevation, the three-storey side extension's close proximity to the trees to the north of the site and the creation of a hard surface heavy environment to the front of the house would harm the character and appearance of the surrounding area contrary to policies HS4, HS11, HS14 of Wirral's Unitary Development Plan, Supplementary Planning Document 2, Supplementary Planning Guidance 11 and National Planning Policy Framework (2021) paragraphs 130 and 134. 2. The proposal by reason of the significant reduction in the crown of tree T6, the reduction in the crown of the other unidentified tree in close proximity to tree T6 and the proximity of the proposed three-storey side/rear extension to the reduced crown of tree T6 and the other unidentified tree in close proximity to tree T6 would not preserve the semi-wooded character of the site and surrounding area, not provide for the protection of a tree of high amenity value, not ensure that the tree would have adequate space to prevent damage to its canopy and root structures during construction, not allow for the future growth of the canopy and tree to normal mature size, would lead to future pressure to remove the tree by occupiers of the development, would not protect trees on adjacent land and would be detrimental to the visual amenity of the surrounding area contrary to policies GR5, GR7, HS4, HS13 of Wirral's Unitary Development Plan, Policy WD1.2 of Wirral's emerging local plan and National Planning Policy Framework (2021) paragraphs 130, 131 and 134. 3. The proposal by reason of the siting of the balconies, terrace and rear windows and the size of the balconies and terrace would result in substantial loss of privacy and noise and disturbance to 50 Caldly Road, 11 Carisbrook Close and 15 Carisbrook Close and the proposal's design, siting and size would have a visually overbearing and dominant impact on 50 Caldly Road, 11 Carisbrook Close and 15 Carisbrook Close to the significant detriment of the amenity of these neighbouring occupiers contrary to Policies HS4, HS11 and HS13 of Wirral's Unitary Development Plan, Supplementary Planning Document 2 and National Planning Policy Framework (2021) paragraph 130.

	4. The proposed living conditions, by reason of the lack of satisfactory outlook to bedroom 3 of the proposed second floor as a result of a lack of a window (not a roof light) and by reason of the close proximity of vehicle parking spaces and the communal entrance to the windows of bedroom 3 of the ground floor flat resulting in noise, exhaust fumes and overlooking, would be unsatisfactory contrary to Policy HS13 of Wirral's Unitary Development Plan, Supplementary Planning Document 2 Designing for self-contained flat development and conversions and paragraph 130 of Wirral's Unitary Development Plan.
5.3	The changes contained within this application propose to address the above reasons for refusal and are set out in greater detail below.

6. Development Plan	
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> <ul style="list-style-type: none"> • HS4 Criteria for New Housing Development • HS11 House Extensions • HS13 Self Contained Flat Conversions • NC7 Species Protection • TR9 Requirements for Off-Street Parking • TR12 Requirements for Cycle Parking • GR5 Landscaping and New Development • GR7 Trees and New Development
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18th July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> • WM8 - Waste Prevention and Resource Management • WM9 - Sustainable Waste Management Design and Layout of New Development

7. Other Material Planning Considerations	
7.1	<p><u>The National Planning Policy Framework</u></p> <p>Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.</p>

The Emerging Local Plan

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam

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:

Main policy:

Policy WD 6 Self Contained Flats

Other supporting policies:

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 8 Strategy for Sustainable Construction
7.3	<p><u>Supplementary Planning Document 2 Designing for Self-Contained Flat Development and Conversions</u></p> <p><u>Supplementary Planning Document 4 Parking Standards</u></p> <p><u>Supplementary Planning Guidance 11 House Extensions</u></p>
7.4	<u>Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)</u>

8. Assessment	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of Development; • Design and Visual Amenity; • Neighbouring Amenity; • Residential Quality; • Ecology; • Highways; • Trees

8.2 Principle of Development	
8.2.1	The principle of residential development within a Primarily Residential Area is considered acceptable, subject to policies listed above.

8.3 Design and Visual Amenity	
8.3.1	The earlier refusal (APP/23/00543) cited reasons of design; specifically the incongruous building design, the starkness of the northern side elevation, the three-storey side extension's close proximity to the trees to the north of the site and the creation of a hard surface heavy environment to the front of the house, all of which were considered to harm the character and appearance of the surrounding area.
8.3.2	In response to these design-based concerns, the overall scale and massing of the proposed extensions have been reduced. The flat roof design has been substituted for a 45-degree mansard roof structure which notably reduces the levels of bulk and mass at second floor level. The re-introduction of roof slope, particularly to the north elevation, is a design which better reflects the vernacular and character of the host dwelling and results in a design more in keeping with the surrounding area. The complex roof design ensures that an element of roof slope, or facing gable end associated with a slope, is always visible on each elevation and this results in a building which has sufficient design interest.
8.3.3	With particular regards to the starkness of the northern elevation of the previously refused proposals, there is a public footpath running along the northern boundary of the site from which this side elevation would be

	<p>prominently viewed from. The set-back siting of dwellings to the north of the site means this side elevation is revealed when travelling south on Caldly Road (though it is partly screened by trees). The addition of the roofslope helps to break up this elevation and reduces the scale of this elevation and effectively reduces the starkness of the elevation. In addition, this building will now be finished in brickwork with some window detailing and a contrasting render panel, which further breaks up the starkness and provides greater interest.</p>
8.3.4	<p>There would also be partial visibility of the site from Carisbrooke Close, which is set at a lower land level to the west of the site, more so in the darker months when the three deciduous trees to the rear boundary lose their leaves. Windows and gardens from surrounding two-storey houses in Carisbrooke Close would also have visibility of the rear elevation of the proposal. However, in comparison to the previous refusal, the rear elevation has been reconfigured. A more mixed material palette has been introduced which works to reduce the perceived bulk and massing of the structure and the re-designed roof profile also adds interest to this elevation. Combined with the overall reduction in bulk and massing, these design alterations are considered to resolve the previous concerns.</p>
8.3.5	<p>Concerns were also raised regarding an overall incongruous building design. A slight reduction in height has aided this and the scale is considered more proportionate to the existing host dwelling and wider streetscene. Architectural detailing and interest is retained, in terms of window surrounds and contrasting materials, and a focal central gable.</p>
8.3.6	<p>The street scene on the west side of Caldly Road to which the application relates consists of traditionally-designed houses. The original coach house at 54 Caldly Road and the original dwelling which now forms 56 and 58 Caldly Road to the southern side of the application site were built at a similar time to the application site, in the late 19th century, and have been subsequently extended with extensions that are in-keeping with the character of the original property. Although the proposed development of the application property results in a more contemporary appearance, the design approach is traditional in nature and respects the existing dwelling, with a large feature gable to the front retained, traditional materials of brick and render, and the introduction of stone window surrounds ensuring it will not appear as an overly-modern addition to the street scene.</p>
8.3.7	<p>SPD2 requires that hard surfacing for parking and servicing should cover no more than one third of the frontage where front gardens are a unifying feature of the street scene, unless it can be demonstrated that a landscaping scheme would satisfactorily mitigate any impact upon the character and appearance of the street scene. Its noted that much of the existing frontage is already made up of hard surfacing, and that several houses along the street scene also have large sections of hard surfacing to the front. Regardless, the extended hard surfacing created to the front of the building was raised as a concern with the previous refusal. In response to this, the revised scheme has introduced areas of soft landscaping directly in front of the building and retained a larger area of the existing grass in the south-eastern corner of the site. Considering the trees retained at the roadside frontage, the additional soft landscaping, plus the extent of hard surfacing within the wider streetscene this element of the proposal is now viewed acceptably.</p>
8.4 Neighbouring Amenity	
8.4.1	<p>Two detached dwellings are located to the western/rear of the site at 11 and 15 Carisbrook Close. The land rises from west to east such that the proposed</p>

	<p>building for the flats is located at a higher land level relative to these neighbouring houses. SPD2 advises that habitable room windows directly facing each other should be at least 21 metres apart and habitable room windows should be at least 14 metres from any blank gable. The SPD further notes that for every 1m of difference in ridge height (or part thereof) the specified separation distances should be increased by 2 metres. The earlier application did not achieve the necessary separation distances required when accounting for the differing levels between the site, and especially given that large terrace/balcony areas were proposed along the north-western corner of the building, which is the closest part of the building to the properties to the rear.</p>
8.4.2	<p>The proposals have been redesigned in order to remove these original rear-facing balconies. New, smaller balconies are now being proposed - however, these are recessed within the existing building envelope and located on the south-eastern part of the rear elevation; these balconies will project no closer to the neighbour than the existing rear elevation and will be screened to the side by the side wall of the building. The first floor balcony for example, serving the Master Suite of Apartment 2, will - in terms of overlooking - have a similar impact to the existing window in the existing property. The smaller size of this balcony should also limit issues of noise pollution and disturbance due to the small scale of the balcony generally only supporting a handful of chairs/congregating persons, as opposed to offering potential for larger scale outdoor recreation which the original balcony/terrace areas did.</p>
8.4.3	<p>The submitted site sections sets out an approximate 4.4m difference in height between the ridges of the host dwelling and no's 11 and 15 Carisbrook Close. In line with the aforementioned separation distances, an additional 8.8m is required; where the rear elevations of all these properties contain habitable fenestrations facing each other, a total separation of 29.8m is therefore required for any fenestrations directly facing each other. There is a slightly angled relationship between the neighbouring properties and the host dwelling; this lack of opportunity for direct overlooking can therefore be accounted for where distances are concerned. The most sensitive points i.e. where the host and neighbouring properties share the most "direct" relationship, would be the Master Suites and Lounge/Dining areas where these fenestrations are almost parallel to the properties on Carisbrooke Close. Here, a 29.8m separation distance is adequately achieved. The central portion of the host dwelling - containing the Bathrooms and Bedroom 2 for all apartments - does fall slightly short of the separation distance, measuring approximately 28.6m; however the direct line of sight of this bedroom window would be the gap in between the two neighbouring properties (11 and 15 Carisbrooke Close) as opposed to directly into any accommodation. Further - at ground and first floor level - these are existing windows which already offer a similar amenity relationship. In regard to the second-floor windows - which are proposed rather than existing - considering the angle of overlooking plus the extent of separation which is achieved, this proposed relationship is viewed acceptably. Additional planting has been added to the proposed site layout to further safeguard the relationship between the site and no.15 Carisbrooke Close, although it should still be noted that the separation distances regardless of this vegetation are considered adequate. There is no provision to secure via planning condition that this additional vegetation be retained in perpetuity, however the planting is viewed as a further betterment to the site conditions rather than a fundamental element of screening required to make the proposals acceptable.</p>
8.4.4	<p>The proposed ground floor terrace shall also sit marginally short of this separation distance (at its shortest, some 28.2m from 11 Carisbrooke Close). The proposed terrace shall be raised, sitting at the internal ground floor level which is approximately 1.3m above natural ground level at the rear of the</p>

	<p>building. Again, any lines of site into the neighbouring property will generally be angled, and also existing boundary treatments will also add additional protection. Though the retention of this vegetation in perpetuity cannot be secured via planning condition, the vegetation is marked as being retained within the proposed site plan. Measuring some 1.5m in depth, this terrace is relatively minor in scale thus not capable of supporting extensive levels of outdoor recreation which would pose harmful to the amenity of neighbouring residents. With all these factors in mind, the proposed rear terrace is not considered to give rise to detrimental impacts to the amenity of neighbouring residents.</p>
8.4.5	<p>In relation to no.54 Caldly Road, it is considered that the proposed development will not give rise to harmful overlooking or loss of privacy to this property. In terms of built form, the bulk of proposed extensions lie to the north of the site. The proposals on the south-eastern boundary are now essentially unchanged from the existing, other than a larger chimney breast. The potential impact of the small balcony areas are addressed above and whilst some additional parking spaces shall be located along the boundary with this property, this is to the front of the site, where the front gardens of the two properties adjoin, and this should therefore pose no significant harm.</p>
8.4.6	<p>The previous proposals raised concerns for the amenity of no.50 Caldly Road to the north due to the starkness of the Northern elevation and loss of privacy due to the proposed balconies. As noted, these balconies have been omitted from the proposal, and the balconies currently proposed are located towards the south of the building thus posing no amenity harm to no.50. Chamfered windows contained within the previous design, which posed risk of loss of privacy, have further been removed from the current proposals. The northerly side facing windows proposed (serving Kitchens and Dining Areas) face the front curtilage of neighbouring no.50; this is not considered particularly sensitive amenity space for this property, where all but the entire frontage is laid out to hard standing for parking purposes. Accordingly, the proposals are considered to acceptably safeguard the amenity of neighbouring no.50 Caldly Road.</p>

8.5 Residential Quality	
8.5.1	<p>SPD2 states that vehicle parking spaces should be at least 3 metres from any ground floor window for a habitable room. Under previous application APP/23/00543 this distance was not achieved, with this sub-optimal site layout contributing to a refusal reason of poor overall amenity for occupiers. Concerns regarding noise, disturbance and overlooking of this bedroom were considered further exacerbated by the entrance to both flats 2 and 3 being located in close proximity. The current proposals have increased the distance from the ground floor bedroom window (bedroom 3) to the nearest parking bay to 3.058m, plus added a vegetative buffer immediately in front of this window; the soft landscaping measures some 2.1m in depth, thus providing an acceptable buffer space to discourage close range disturbance from neighbouring occupants. Further, in relation to the access arrangements, the central stairwell column has been re-arranged so that the entrances to apartments 2 and 3 are now located to the south-east, away from this bedroom. This combination of factors is considered to adequately safeguard the future amenity of bedroom 3.</p>
8.5.2	<p>A further contributing factor for reason 4 was that Bedroom 3 of the second floor flat would only be lit by roof lights. This was considered insufficient outlook for a habitable room and contrary to SPD2 which states that all main habitable room windows should have reasonable outlook and not be lit solely by roof lights. The current proposals have incorporated a dormer window to the front elevation which will provide a standard window for this room, as well</p>

	<p>as retaining a rooflight. The combination of both fenestrations is considered sufficient to adequately serve this bedroom with light and outlook. The remainder of the unit layouts are broadly similar to the previous proposals, with all other habitable rooms considered to be acceptably served by natural light and outlook plus accommodation size/layout to allow acceptable overall living conditions with each of the three units complying with Nationally Described Space Standards.</p>
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8.6 Ecology	
8.6.1	<p>The dusk survey concluded that the emergence of bats was absent at 52 Caldy Road and bat activity was limited to a single instance of foraging by one bat. The proposal would not result in a significant loss of vegetation on site and subject to the installation of bat boxes into the development, the ecological impacts of the proposal are considered acceptable.</p>

8.7 Highways	
8.7.1	<p>A bus stop is located immediately outside of the site and a bus stop in close proximity on the opposite side of the road which provides bus links to West Kirby. The site is located within the suburban area density zone within the emerging local plan which includes sites within 1200m (20 min walk) of a railway station which are also within 400m (5-minute walk) of multiple community services and facilities, including district centres, schools and open spaces. The proposal is not a major development and would not exceed 50 dwellings per hectare in density and therefore is not required to be located within 400 metres of safe walking distance of a Key Town Centre or Traditional Suburban Centre in accordance with SPD2.</p>
8.7.2	<p>The proposed works are all contained within a private boundary and do not impact on the adopted highway. SPD4 maximum vehicle parking standards is one space per flat and two spaces for houses with three or more bedrooms. The number of vehicle parking spaces proposed is six, more than the maximum vehicle parking standard of three vehicle parking spaces for the three flats proposed. However, with consideration of the fact that the flats proposed will have three bedrooms each, it is considered that six vehicle parking spaces is acceptable given the maximum vehicle parking standard of two vehicle parking spaces for three-bedroom houses and that the emerging local plan has a minimum parking standard of two vehicle parking spaces for a three-bedroom flat. Appropriate cycle parking and secure storage has been provided within the curtilage which would meet with the cycle parking standard of policy TR12. If approval were to be granted, then a condition would be recommended for the provision of cycle parking prior to occupation and its retention thereafter.</p>
8.7.3	<p>The existing vehicle access arrangements on to Caldy Road are acceptable for the low level of traffic that the three apartments would generate, and satisfactory visibility splays are also achieved onto Caldy Road. It's unlikely the proposal for the three apartments will generate a significant level of traffic and it is therefore considered to have no material impact on the highway. As such, the proposal is acceptable with regards to highways.</p>

8.8 Trees	
8.8.1	<p>During the course of the previous application, T6 required significant crown reduction to allow for the proposed construction works. This tree is considered of high amenity value, contributing to the character and appearance of the surrounding area. The proposed reduction in this specimen would have resulted in future conflict between tree and the development, by not</p>

	retaining adequate space to allow for the future growth of the crown of the tree to normal mature size contrary to policy GR7. This ultimately constituted a refusal reason for application APP/23/00543.
8.8.2	In response to these concerns, the side extension has been reduced back to the line of the existing side extension and the building height reduced. The roof is also now proposed to be pitched away from the crown of the tree meaning that only approximately 15% of the tree branches are to be pruned. The Local Authority's Tree Officer is now satisfied that the revised proposals reduce any future issues of conflict with these trees. Subject to ground protection the works are considered to appropriately safeguard the trees on site.

8.9 Conclusion	
8.9.1	In conclusion, it is considered that the revised plans have adequately addressed the four reasons for refusal attached to the previous planning application APP/23/00543. The re-design of the building, including the reconfiguration of the northern elevation and introduction of pitched roof slopes, results in a building which is a contemporary take of a traditional building and which will not harm the character of the established street scene. The alterations to the northern elevation has also ensured that the impact on trees adjacent to the building have been removed. The removal of large balconies on the north-western corner of the building has removed the harmful impacts to 50 Caldys Road and 11 and 15 Carisbrooke Close, whilst increased provision for soft landscaping to the front of the site softens the overall appearance of the building and improves the quality of accommodation for future occupiers, as does the addition of a dormer window for a bedroom which was previously only served by rooflights. On balance, the proposed development is therefore considered to be acceptable and adequately complies with relevant planning policy.

9. Summary of Decision (Planning Balance)	
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 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: -
9.2	The proposals are considered acceptable in design, would provide an acceptable living environment for future occupiers and would not have a significant detrimental impact on neighbouring occupiers. The proposal does comply with Policy HS4, HS11, GR5, GR7 and HS13 of the adopted Wirral Unitary Development Plan, Supplementary Planning Document 2, Supplementary Planning Guidance 11 and the National Planning Policy Framework and the draft Wirral Local Plan

10. Recommended Decision:	Conditional Approval
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Recommended Conditions and Reasons:
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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 and listed as follows:

- Proposed Elevations drawing no. 200 Revision D dated 06.03.24
- Proposed Floor Plans drawings no. 110 Revision D dated 06.03.24
- Proposed Roof Plan drawing no. 014 Revision A dated 20.05.24
- Proposed Street Elevation drawing no. 013 Revision B dated 10.01.24
- Proposed Site Sections drawing no. 011 Revision D dated 06.03.24
- Proposed Site Layout drawing no. 010 Revision C dated 08.05.24

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

3 The Arboricultural Method Statement TRE/52CRC/Rev B, by Mulberrytmc and the Tree Protection plan 52CRC/MS/01 Rev A submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, by a suitably qualified tree specialist. The development should thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990

4. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development should thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990

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

Reason: To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan

6 Notwithstanding the details submitted with the application, prior to the occupation of the dwellings hereby approved, full details of secure, lockable and covered cycle parking and/or storage facilities bicycles, including the specific location on site, shall be submitted to and approved in writing by the Local Planning Authority. These facilities 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.

7. No tree, shrub or hedgerow felling is to be carried out on the site between 1 March and 31 August in any year. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval

Reason: To protect birds during their breeding season

8. The following Reasonable Avoidance Measures (RAMs) shall be undertaken during the construction phase of the development hereby permitted:

- Construction work is limited to daylight hours and should only take place between 8am and 6pm to avoid disturbing mammal commuting in the vicinity of the development site.
- Any holes or trenches left open overnight should either be covered at the end of each working day and/or fitted with a means of escape (sloped banks or ramps) in case any animal should fall in & become trapped.
- Any open pipes should be temporarily capped at the end of each working day to prevent any animals gaining access.
- Any obvious mammal paths to be left clear of obstruction.
- All building materials must be stored so that mammals cannot access them.
- Any materials such as barbed/plastic wire/mesh to be stored so that animals cannot become entangled in them.
- The use of chemicals (such as herbicides & fertilisers) should be avoided.
- Should any chemicals or harmful materials be used and stored on site these should be kept in secure compounds away from access by animals.
- Protective fencing should be erected surrounding the construction site during the building work to prevent mammals from entering the site.
- It is imperative that the boundaries of the application site continue to allow for the free movement of wildlife both during and after construction.

Reason: To protect amphibians/mammals during construction and to comply with Policy NC7 (Species Protection) in the Wirral Unitary Development Plan

9. No development involving the use of any facing materials shall take place until samples or details of those materials 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 HS13

Informative(s):

A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement, at the

developer's expense, to the LA specifications and written approval. For further details contact Highways & Infrastructure, area manager via www.wirral.gov.uk

Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S184 Highway Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details

Last Comments By:	08-03-2024
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Expiry Date:	10-06-2024
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Agenda Item 7

Planning Committee	6th June 2024
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Reference:	PS Development Code	Case Officer:	Ward:
APP/24/00200	Q20 - Change of use	Mrs S Williams	Bidston and St James

Location:	231 - 231a Beckwith Street, Birkenhead, Wirral, CH41 4HW
Proposal:	Change of use from indoor children's play space (Use Class E(f)) to a convenience retail store (Use Class E(a))
Applicant:	Mr VENKADESH ARULAMPALAM
Agent:	Mr Mike Carr, MAT DESIGN LIMITED

Reason for referral to Planning Committee	Two separate qualifying petitions of objection have been received, one containing approximately 325 signatures and one containing approximately 68 signatures
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Site Plan:



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1. Development Plan designation:	Primarily Residential Area
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2. Relevant Planning History:	<p>APP/76/06304 Continuation of use as a vehicle repair and service business Approved 02/05/1977</p> <p>APP/17/00647 Change of use from car repair garage to a convenience grocery store and off licence Refused 17/08/2017 Dismissed at Appeal 20/12/2017</p> <p>APP/18/00434 Change of use from car repair garage to a convenience grocery store and off licence - Re-submission of planning application APP/17/00647 Refused 20/07/2018</p> <p>APP/19/00188 Change of use from vehicle maintenance workshop (Use Class B2) to indoor children's play space (Use Class D2) with external alterations. Approved 14/05/2019</p>
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3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments	No comments received.
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3.2 Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 6 notification letters were sent to neighbouring properties on 28th February 2024. In response, 2no. petitions of objections have been received containing approximately 68 and 325 signatures, in addition to 7 individual objections. The reasons for objection can be summarised as:</p> <ul style="list-style-type: none"> • Impact on privacy; • Impact on safety; • Not appropriate site for convenience store; • Encourage loitering around; • Sale of alcohol attracts trouble to area; • Noise and disturbance; • Party wall between shops sales and counter to residential property; • Increase in traffic (early morning and late evening); • Already enough shops within area; • Negative impact on other businesses; • Vaping products attract younger crowds; • Kids on bikes not mindful of pedestrians; • Not bringing anything new to the area; • Highly residential area; • Older residents distressed; • People with younger kids feel distressed; and
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	<ul style="list-style-type: none"> School nearby.
	<p><u>CONSULTATIONS</u></p> <p>Environmental Health - No objection</p> <p>Traffic and Transportation - No objection</p>
4. Site and Surroundings and Planning History	
4.1	<p>231 Beckwith Street is a commercial building most recently in use as a children's play centre. Prior to this, it had been in use as a vehicle maintenance (motor repairs) workshop. It is situated in a Primarily Residential Area of mainly high-density terraced housing, on the corner of Aspinall Street. The building is finished externally in a mix of render and red brick with a mix of concrete tile and metal sheet roofing. To its front elevation with Beckwith Street, two glazed entrances have been installed for the children's play centre use, which replaced the previous openings for the motor repairs workshop. Its side elevations are blank and abut the pavement to Aspinall Street to the west and a gated pedestrian alley to the east, which is shared with properties on Newling Street. Its rear elevation directly abuts the residential dwelling of 43 Aspinall Street.</p>
4.2	<p>As noted, the building had been previously used as a vehicle maintenance workshop, although it is unclear when that use ceased. The most recent use was as a children's play centre, which was granted planning permission in 2019 (ref: APP/19/00188). This permission restricted the hours of use to between 9am to 6pm (Monday to Saturday), and 10am to 4pm (Sundays).</p>
4.3	<p>Prior to this planning permission being granted, two applications had been submitted to change the use of the building to a convenience store - APP/17/00647 and APP/18/00434. These applications were both refused. APP/17/00647 was dismissed at Appeal, and APP/18/00434 attempted to overcome the Planning Inspectors concerns but was refused by Planning Committee (but not appealed) for the following reason: "The proposed use is considered inappropriate having regard to Policy HS15 of Wirral's Unitary Development Plan in this predominantly residential area and therefore would be detrimental to the amenities of adjoining occupiers which would result in unacceptable levels of nuisance and disturbance'.</p>
4.4	<p>Following these two refusals, and as noted, planning permission was granted to change the use of the premises from a motor repairs centre to an indoor children's play space (ref: APP/19/00188). Whilst the primary use of this business was an indoor soft play for children, it also provided small elements of food and beverages, mostly for customers using the facility but it also appears that this was also available on a takeaway basis. The premises has now closed due to a decline in visitors and the building is therefore currently vacant.</p>
5. Proposed Development	
5.1	<p>This application now proposes to change the use of the premises from an indoor children's play space (Use Class E(f)) to a convenience retail store (Use Class E(a)). There are no external alterations proposed.</p>

5.2	This change of use would not normally require planning permission due to changes in the Use Class Order implemented in 2020, which amalgamated business and commercial uses into one Use Class E (within which uses can change without planning permission). However, condition 5 attached to the planning permission (APP/19/00188) granted to change the use to a children's play space removed permitted development rights for any change of use, including any change to other uses falling within the same use class. Planning permission is therefore required for the change of use from Class E (f) to Class E (a) in this instance.
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6. Development Plan	
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><u>Policy HS15: Non-Residential Uses in Primarily Residential Areas</u> Policy HS15 aims to support small scale built development and changes of use for non-residential uses provided that the scale is appropriate to the surrounding development, the proposal does not result in a detrimental change to the character of the area or cause nuisance to neighbouring uses, particularly in respect to noise and disturbance, on street parking and deliveries by vehicle</p>

7. Other Material Planning Considerations	
7.1	<p><u>The National Planning Policy Framework</u></p> <p>Paragraph 97 sets out that planning policies and decisions should plan positively for the provision of the services the community needs including community facilities such as shops.</p>
7.2	<p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p>

	<p>On 4 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>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"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and 3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)." <p>The following emerging plan policies are relevant to the determination of this planning application:</p> <p>Policy WD10 – Non-Residential Uses in Primarily Residential Areas</p>
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8. Assessment	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of Development; • Impact on Residential Amenity; • Design; • Highways

8.2 Principle of Development	
8.2.1	<p>The principle of a commercial development within a Primarily Residential Area is acceptable, subject to relevant policies and material considerations. Whilst the proposed convenience store would be a 'main town centre use', it is accepted that the scale of the floorspace proposed would not detract from the</p>

	vitality and viability of nearby centres, as concluded by the Planning Inspector for the previous appeal.
8.3 Impact on Residential Amenity	
8.3.1	As set out above, relevant planning history for the site includes two previous refused applications to convert the building into a convenience store.
8.3.2	The first of the refused applications (APP/17/00647) was dismissed at Appeal due to the potential impact on residential amenity. The Inspector noted that "the proposed opening hours would extend from 0700 or 0800 in the morning to 2300 at night, 7 days a week. Given the extensive time periods that the proposal would be open and the proximity to neighbouring residential properties, this would result in the potential for a prolonged period of associated noise and disturbance."
8.3.3	The applicant for this current application has agreed with proposed opening hours of between 08:00 and 20:00. This hours restriction will limit the impact on residential amenity - by reducing the amount of time the shop will operate for, as well as ensuring that the use is only operating during daytime hours and does not extend into anti-social, late night hours.
8.3.4	As with the previous applications, the previous uses of the premises is considered a significant material consideration. The previous motor repairs use was likely to have associated noise nuisance - however, given that it had been vacant for some time at the time of the previous applications, it may have been difficult to fully appreciate the potential noise impacts from the established use, where there would likely be plant and machinery used in association with vehicle repairs, along with vehicle noise itself, both inside and outside of the unit. The Planning Inspector noted that these types of uses usually only operate during daytime hours and not at weekends and therefore the period of associated noise, disturbance and nuisance would be considerably less. However, it is still necessary to note that there were no opening hours restrictions on such a use - a use which would have been considerably more out of keeping with the residential nature of the area than a small, convenience store.
8.3.5	The change of use of the premises to an indoor children's play centre has removed the potential fallback of the motor repairs use but this new use is not without potential noise implications. This use was allowed because it was identified as more of a daytime use, and therefore the fallback position was considered of greater relevance. A condition attached to that permission allowed opening hours of 9am - 6pm Mondays to Saturdays, and 10am - 4pm on Sundays. This therefore introduced an element of weekend operations which the Inspector had specifically used as a reason to dismiss the previous appeal. Therefore, the opening hours proposed under this application (8am - 8pm) are not significantly different than the extant use and will remain as daytime operating hours which do not extend into more anti-social hours.
8.3.6	In addition to this, it is also difficult to conclude that the change of use of the premises to a small convenience store would have a significantly greater impact on the amenities of surrounding properties than the extant use as an indoor children's play centre. The extant use would involve fairly regular comings and goings and whilst this would likely be less than a convenience

	<p>store, it would be more likely to attract more customers who travel by car (with associated disturbance of car engines and car doors shutting), as opposed to a convenience store which, by nature, is more suited to attract customers within walking distance. Indoor children's play centres are also likely to involve higher levels of noise due to the presence of young children playing in a safe environment with reasonably high levels of uncontrolled screaming, shouting, laughing etc. It's acknowledged that the children's play centre was only small in comparison to many other similar centres and this will have limited the noise - but this same assessment should therefore be taken against the proposed convenience store use, which will only have a sales floor area of approximately 80 square metres. This will limit the number of customers at any one time, and ensures that the store will have a similar impact to a traditional corner shop, the likes of which are found throughout the country within high-density residential areas such as this.</p>
8.3.7	<p>It should also be noted that the main entrance into the building is on Beckwith Street, which would lessen the noise and disturbance to the adjoining property from comings-and-goings, and would generally lessen the disturbance to other properties on Aspinall Street and Newling Street. It is also noted that, given the apparent internal layout of the adjoining property, much of the wall between the two properties will adjoin the hallway of the adjoining property (as opposed to it adjoining a habitable room) and this will further lessen direct noise and disturbance issues. A condition attached to secure noise insulation along this wall will further lessen any direct noise or disturbance.</p>
8.3.8	<p>In addition to this, and as set out briefly above, it is also important to note that the Use Class Order was changed in 2020, through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This was the most significant change to the Use Classes since 1987 and had the effect of amalgamating the majority of commercial uses into a new Use Class E (Commercial, Business and Service). This included the proposed convenience store use of the application property (A1), as well as the most recent use as a children's play centre (D2). This in effect means that planning permission would not normally be required to change between the uses within Use Class E.</p>
8.3.9	<p>In this instance, a condition attached to the permission to change the use to a children's play centre (restricting the use only to a children's play centre) means that planning permission is required to now change the property into a convenience store. However, the change to the Use Class Order is still considered to be a material consideration. The amalgamation of commercial and business uses into one use class (E) with the ability to change use within that broad use class represents a relaxing of the use classes and indicates that there should be a broader approach to allowing greater flexibility between different uses, provided they are generally within a similar, broad use.</p>
8.3.10	<p>It is also necessary to highlight the small-scale nature of the premises and reflect that this is unlikely to have a significant impact on the character of the residential area or the amenities of surrounding properties. The customer floorspace will amount to approximately 80 square metres, giving the proposal the scale of a traditional small corner shop, the type often found within areas of high-density, terraced housing - such as this location. It is acknowledged that the opening hours of the convenience store would be slightly greater than the extant use, but the opening hours proposed would still ensure that it is a daytime use.</p>

8.3.11	<p>The NPPF states that in order to provide the services the community needs that local planning authorities, in making planning decisions, should plan positively for the provision of community facilities such as shops. It is acknowledged that there are other convenience stores located within reasonably close proximity to the site, most notably on Duke Street to the west of the application site. However, the proposed store would provide an additional service in much closer proximity than any other stores, particularly for those properties to the north and east of the application site where there are less convenience store options. This would mean that this new store would be much closer and would provide a valuable service for residents in close proximity to the site, thus complying with this broad principle of the NPPF.</p>
8.3.12	<p>On balance therefore, it is considered that the established use of the premises as a commercial building, the proposed restriction to opening hours, inclusion of suitable sound insulation, the small-scale nature of the premises, and the residential location of the site (similar to traditional convenience stores serving the local community) are considered sufficient justification to outweigh the potential nuisance and disturbance to neighbouring properties. As such, the proposal is considered to adequately comply with Wirral Unitary Development Plan Policy HS15, the National Planning Policy Framework and Policy WD10 of the emerging Local Plan.</p>

8.4 Design	
8.4.1	<p>There are no external alterations proposed to the building as part of this application, with existing openings onto Beckwith Street utilised ensuring the 'shop front' will continue to face onto Beckwith Street. The building has had a commercial appearance for a number of years and it is considered that the visual impact of the development is acceptable.</p>

8.5 Highways	
8.5.1	<p>The proposed change of use from an indoor children's play space to a retail unit is unlikely to result in a significant rise in vehicle numbers visiting the location given the small-scale nature of the proposed convenience store. The site is fully accessible by public transport being located within 300m of Birkenhead Park Merseyrail train station on Duke Street and the frequent bus services along this route, together with Duke's Street associated shops and other businesses.</p>
8.5.2	<p>For those customers or staff who do travel by private vehicle there is adequate parking available in dedicated bays within Beckwith Street close to the building.</p>
8.5.3	<p>Servicing to the building can be carried out from the adopted highway of Beckwith Street via the alleyway which is an appropriate arrangement. The development will not require a highway license as it is all contained within the private curtilage and does not oversail the adopted highway. On that basis Traffic and Transportation would have no objection to the proposed change of use.</p>

9. Summary of Decision (planning Balance)	
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</p>

	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: -
9.2	On balance, it is considered that the established use of the premises as a commercial building, the proposed restriction to opening hours, inclusion of sound insulation (where the premises adjoins the neighbouring property), the small-scale nature of the premises, and the residential location of the site (similar to traditional convenience stores serving the local community) are considered sufficient justification to outweigh the potential nuisance and disturbance to neighbouring properties. As such, the proposal is considered to adequately comply with Wirral Unitary Development Plan Policy HS15 and the National Planning Policy Framework and draft Wirral Local Plan

10. Recommended Decision: Conditional Approval

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 14th March 2024 and listed as follows: Drawing Number 2.

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

3. Trading at the premises shall only take place between 08:00 hours and 20:00 hours.

Reason: In the interests of residential amenity

4. A scheme of sound insulation to protect the existing residential dwellings at 43 Aspinall Street from the proposed use shall be submitted to and approved in writing by the Local Planning Authority prior to the proposed change of use taking place/ development commencing. The soundproofing shall be carried out in accordance with the approved scheme before the proposed use is brought into use and retained as such thereafter.

Reason: To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity and to comply with Policy HS15 in the Wirral Unitary Development Plan.

5. Notwithstanding the provisions of Town and Country Planning (Use Classes Order) 1987, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any subsequent re-enactment) and the Town and Country Planning General Permitted Development Order (2015) (or any subsequent re-enactment), the premises shall only be used for a use within Use Class E(a) and for no other purpose.

Reason: For the avoidance of doubt and to allow for an alternative use to be assessed in terms of potential impact on residential amenity having regards to Wirral Unitary Development Plan Policy HS15 and the National Planning Policy Framework.

6. Arrangements for the storage and disposal of refuse including recycling facilities and vehicle access thereto shall be installed before the premises are brought into use for the purposes hereby approved, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such thereafter.

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

7. Deliveries and servicing of the premises shall only take place between 08:00 hours and 20:00 hours.

Reason: In the interests of residential amenity having regard to Wirral UDP policy HS15.

Last Comments By:	22-03-2024
Expiry Date:	07-06-2024

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.