



Planning Committee

Date:	Thursday, 18 July 2024
Time:	6.00 p.m.
Venue:	Committee Room 1 - Wallasey 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/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 15 - 24)**
7. **APP/23/01821 POULTON VICTORIA FOOTBALL GROUND, CLAYTON LANE, POULTON, WALLASEY, WIRRAL, CH44 5TB ERECTION OF A NEW FUNCTION ROOM AT SOUTH-EASTERN EDGE OF SITE (RETROSPECTIVE) (Pages 25 - 34)**
8. **APP/24/00444 JACKSONS FURNITURE, 106-116 ST PAULS ROAD, SEACOMBE, WALLASEY, WIRRAL, CH44 7AW DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 6 HOUSES (USE CLASS C3) AND ASSOCIATED WORKS (Pages 35 - 48)**

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, 18 July 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	18th July 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:
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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.
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	<p><u>CONSULTATIONS</u></p> <p>Environmental Health - No objection</p> <p>Traffic and Transportation - No objection</p>
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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</p>

	Class E(a)). There are no external alterations proposed.
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.

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)</p>

	<p>(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</p>

	<p>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</p>

	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	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
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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.

Infomative(s):

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which **will not** require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where:

- i) the application for planning permission was made before 2 April 2024; or
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

Last Comments By:	22-03-2024
Expiry Date:	19-07-2024

Agenda Item 7

Planning Committee	18th July 2024
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Reference:	PS Development Code	Case Officer:	Ward:
APP/23/01821	Q18 - Other minor development	Mr P Roberts	Seacombe

Location:	Poulton Victoria Football Ground Clayton Lane, Poulton, Wallasey, Wirral, CH44 5TB
Proposal:	Erection of a new function room at south-eastern edge of site (retrospective)
Applicant:	Mr Sean Corser
Agent:	Mr Sean Corser, SC Design & Construction LTD

Reason for referral to Planning Committee	Councillor Stuart requested that the application be taken out of delegation over concerns that have been expressed by local residents.
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Site Plan:



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1. Development Plan designation:	Sports Ground
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2. Planning History:	<p>Applications APP/23/00959 Erection of a new function room toward the east end of the site. REFUSED</p> <p>APP/22/01054 To convert shipping containers to provide accommodation as a sports pavilion including bar facilities and match viewing areas. APPROVED</p>
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3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments

Councillor Stuart noted the concerns raised by local residents and the fact that despite planning permission being refused the applicant has progressed the works in any case.

3.2 Summary of Representations

REPRESENTATIONS

Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 30 notification letters were sent to neighbouring properties on 11th December 2023 and a site notice was also posted close to the site. In response, 2 representations objecting to the application were also received. Comments made within submitted representations are summarised below:

- Negative impact on parking in local streets
- Noise and disturbance
- Loss of privacy from platform level
- Light disturbance from cars
- Unsocial behaviour from visitors to the site
- Heightened risk of criminal behaviour, including drink/drug driving
- Litter pollution

CONSULTATIONS

Traffic and Transportation – Following the submission of further parking details no objections raised.

United Utilities – No comments

Environmental Health – No objections

Mersey Fire – Recommendations made in respect to fire safety

4. Site and Surroundings

4.1

The application site comprises a football pitch and associated grounds located to the south of the A59 (Wallasey Tunnel Approach) and accessed off Clayton Lane. The pitch is enclosed by fencing and lighting columns and is sited in a mixed area with residential housing to the north and east (beyond the A59) with commercial activities to the south. The land to the immediate south/south-east is wooded.

5. Proposed Development

5.1

The application seeks retrospective planning permission for the installation of three attached shipping containers across the south-eastern edge of the site to create a function room which will be available for hire. The space incorporates a bar, storage and toilets and has railings at roof level with areas of seating which can be accessed via an external staircase. As part of the submission a total of 29 parking

	bays are proposed along the northern boundary of this site in addition to the existing.
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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>URN1 - Development and Urban Regeneration GR5 - Landscaping and New Development GR7 - Trees and New Development REC1 - Principles for Sport and Recreation RE6 - Sports Grounds for Protection from Development RE10 - Criteria for Community Centres and Facilities TR9 - Requirements for off-street parking TR12 - Requirements for cycle parking PO3 – Noise</p>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18th July 2013) is also applicable. Relevant policies are:</p> <p>WM9 - Sustainable Waste Management Design and Layout of New Development</p>

7. Other Material Planning Considerations	
7.1	<p><u>The National Planning Policy Framework (2023)</u> Section 4 – Decision-making Section 9 - Promoting Sustainable Transport Section 11 - Making Effective Use of Land Section 12 - Achieving well-designed and beautiful places Section 14 - Meeting the Challenge of Climate Change, Flooding, and Coastal Change</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</p>

	<p>the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors' view on certain matters and what should now be done. It should be read as the Inspectors' initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors' view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. For the purposes of decision making, the post-hearing note does not change the status of the emerging Local Plan. The Plan is at an advanced stage and weight may be given to relevant policies in the emerging plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.</p> <p>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: WS1, WS2, WS3, WS4, WS5, WS6, WS7, WS8, WS9, WS10, WS11, WP6, RES DZ2, WD1, WD2, WD3, WD4, WD6, WD14.</p>
7.3	Wirral SPD 4 Parking Standards (2007)
7.4	Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)

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; • Highways; • Residential Amenity

8.2 Principle of Development	
8.2.1	<p>Policy RE1 supports new facilities within the urban area subject to visual, highway and amenity issues. Policy RE6 states that this site, as a sports ground, is protected from development. Policy WS 10.6 from the emerging Local Plan sets out that development that would be incompatible with the continued use and</p>

	<p>benefits of sport and recreation sites will not be permitted unless in specified limited circumstances. The proposed development will not impact directly on the existing playing field.</p>
<p>8.2.2</p>	<p>The football club is an established presence locally. Planning permission was granted in May 2023 for the erection of a pavilion to the north of the site to provide covered and external viewing plus bar area to be used in connection with and directly related to football matches (ref: APP/22/01054).</p> <p>This current planning application reflects that of a similar application (APP/23/00959) which was refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development by reason of its scale, appearance and deficient design quality, is considered to be out of keeping with the open and green nature of this site, prejudicial to the visual amenity of the area, contrary to saved UDP Policy RE1. 2. The applicant has failed to provide sufficient information to demonstrate that the facility will provide adequate levels of accessible and vehicle parking, cycle parking and servicing arrangements without being prejudicial to the adjoining residential network, parking provision and highway safety, contrary to saved Policies RE1, TR9 and TR12 of the Wirral UDP. 3. With no detailed information provided on the level, frequency of use and management of the proposed function room, the applicant has failed to demonstrate that the proposal will not result in unacceptable levels of noise and disturbance to neighbouring residential occupiers during daytime, evening and night -time hours, contrary to the requirements of saved UDP Policy RE1. <p>This current application has been submitted with further details about the proposed use of the facility together with a premises licence granted by the Council in September 2023 which sets out that it is a facility that would be available for hire for functions as well as in connection with football matches. The application also now includes a parking layout.</p>
<p>8.2.3</p>	<p>The submitted application form proposes that the premises would be used for the hours granted via the September 2023 Premises Licence, that is 0900 – 0000 Monday to Thursday and 0900 – 0100 Friday to Sunday. The function room would be available to hire out for birthday parties, funerals, christenings etc. The applicant has advised that it will not be used for such purposes during football matches.</p>
<p>8.2.4</p>	<p>Policy RE1 states that development for sports and recreation facilities will be permitted subject to criteria in respect of siting, scale and visual amenity; noise and disturbance impacts from the proposal; and adequate provision for off-site parking and safe highway access. The applicant has stated that the function room will be used both alongside the main football use of the site and at other times. The nature of the facility is one (notwithstanding design and other implications referred to below) that is not uncommon to sporting venues where many utilise function rooms as part of their offer and as a way of helping the running costs of local sports clubs. In that sense the principle of such a facility is thought acceptable as there is a link between it and the sporting activity. Consequently, subject to a consideration of the wider impacts as set out below, the principle of the function room is regarded as acceptable.</p>

8.3 Design	
8.3.1	<p>The shipping containers have already been installed on the site and the application is therefore retrospective. They are conjoined and are functional in appearance and reflect the smaller pavilion which has also been installed on the north of the site, in accordance with the previously granted planning permission (APP/22/01054). This facility was considered to represent a functional and practical form of design given the site location and nature of use, in the support of this local football club. This function room facility proposed under this current application continues this design approach, with shipping containers painted blue (the club colours) with the name of the club and other detail painted on. It is located on a piece of land free of vegetation in a position with limited visibility, except from the adjoining open space, commercial sites to the south and from the rear windows of neighbouring housing to the north. The scale of the structures is limited being less than 3 metres in height (plus metal railing), sitting below the adjoining treeline.</p>
8.3.2	<p>Policy RE1 states that development for new sporting and recreational facilities will be permitted in the urban area where <i>"the siting, scale and visual impact of any related buildings or structures is appropriate within the surrounding area and well related to associated outdoor facilities"</i>. The application was previously refused on the basis of the potential negative impact on visual amenity of 36-metre-wide connected shipping containers and the lack of any attempt to mitigate concerns about the long-term impact of such an intervention in this context.</p>
8.3.3	<p>Despite the previous application being refused, the containers have subsequently been installed on site. Whilst the Local Planning Authority would always discourage such practice and this is done at the applicant's risk, the installed containers have allowed for a fuller assessment of the design and visual amenity implications of them. The good quality of the painting and mural on the containers is acknowledged and the finished piece has design merit, adding some interest to the established football ground. Accordingly, with continued maintenance, it is considered that the structure would represent an appropriate and cost-effective addition to this sports facility. In that regard, a condition is recommended securing the maintenance of the structure into the future so that it retains the level of design quality finish required by Policy RE1 and on that basis the previous refusal reason is considered to be overcome.</p>
8.4 Highways	
8.4.1	<p>The requirements for off-street vehicle and cycle parking are set out as maximums under the Supplementary Planning Document on Parking Standards. Policy RE1 sets out that a sports and recreation development should make adequate provision for access and off-street parking.</p>
8.4.2	<p>The proposed new function room is to be located within a private boundary to the Poulton Victoria Football Ground and will cater for up to 150 persons at any one time. The revised parking arrangement set out within this current application provides for 45 parking spaces within the site curtilage, substantially more than are currently present at the site, including 3 accessible spaces. This provision is considered appropriate for the scale of the new development and the extra staff (approximately 10) including cleaners, bar staff and ground maintenance workers. It is assumed that the function room will be serving drinks/alcoholic beverages and as such, it is not unrealistic to assume that a large proportion of customers visiting an event would travel by sustainable means through nearby public transport and/or as part of linked trips by private car or taxi, and that high levels of additional parking to cover the 150-person capacity would therefore not be required. Moreover, the</p>

	function room is located over 150 metres from the entrance to the site with the distance likely limiting customers choosing to park on adjacent residential streets.
8.4.3	The existing vehicle access to the venue and the servicing circulation routes will remain unaffected by the proposals and are considered satisfactory. A servicing vehicle is therefore able to enter and leave the site in a forward gear.
8.4.4	As there is only a single pitch at the Poulton Victoria Football Ground this would limit any associated additional traffic to manageable levels and would therefore not lead to large numbers of parked cars overspilling onto Clayton Lane and the surrounding roads. The increased parking arrangement is noted as both a highway improvement and a benefit to residential amenity by reducing overspill parking on the public highway during football matches.
8.4.5	The Council's Traffic and Transportation team raised no objection to the application and subject to conditions, including the provision of cycle parking storage, the application is considered acceptable in highway terms.

8.5 Residential Amenity	
8.5.1	The structures are placed at the south-east of the site, away from adjoining housing. It is considered that the amenity of neighbouring residents with regard to daylight/sunlight, overshadowing or by reason of overbearing will not be prejudiced by this development due to the substantial distance between houses and the development. Neighbouring occupiers have raised concern regarding the nature of the use, the hours of operation and how that could affect their living conditions. In the previous submission, the applicant failed to provide sufficient information on the nature, scale and management of the proposed uses, with one of the reasons for refusal based on this inability to measure residential amenity impact.
8.5.2	The applicant has now provided additional detail within this current planning application, setting out that the function room can cater for up to 150 customers and that it will be available to hire for functions. All booking forms related to the venue discourage people from coming by car so as to prevent overspill onto local streets. Moreover, security systems have been updated with 14 more cameras (now 21 in total) installed around the grounds, to aid safety and security of the site and visitors. It is also stated that the new access road within the site will be subject to a 5mph limit which will be well signed upon entry. Additionally, the applicant has provided detail of a Premises Licence granted by Wirral Council for the function room for the hours proposed in this submission. The licence is subject to a number of conditions including prominent signage requesting customers respect the needs of residents, that lighting does not prejudice neighbouring amenity and to maintain an incident log of any unsociable behaviour to made available on request to the licensing authority. As with any premises licence, it can be reviewed or revoked.
8.5.3	The function room is over 150 metres away from the nearest residential property and lies adjacent to the Mersey Tunnel approach which will provide some background noise most times of the day. Its location and distances to housing will limit any direct impact to neighbours from the premises itself. However, the hours of use proposed are significant, with closing times of midnight or later seven days a week, 365 days a year. Whilst this could be said to be appropriate in terms of the actual use of the function room itself (given its distance from residents), there remains some concern that such unfettered hours could have the potential to disturb those residents adjacent to the entrance of the site through the movement

	<p>of vehicles and people late into the night. The premises licence was unopposed and therefore was granted with the hours requested. However, the impact of noise and disturbance is still a material consideration in the planning decision-making process, and the nature of the single and confined site entrance immediately adjacent to houses does raise concern about movements in and around what is generally a quiet residential setting. Consequently, it is recommended that more restrictive late-night hours are imposed to safeguard residential amenity, in addition to one regarding external amplified music at times when background noise is less intense. Subject to these conditions and having regards to those associated with the Premises Licence and other legislation, it is considered that this development will not have an unacceptable detrimental impact on the amenity of local residents.</p>
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<p>9. Summary of Decision (planning Balance)</p>	
<p>9.1</p>	<p>Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: -</p>
<p>9.2</p>	<p>The proposed development will serve to support the continued operation of Poulton Victoria Football Club in keeping with the aspirations of both the adopted Wirral Unitary Development Plan, the emerging Local Plan and the National Planning Policy Framework. Subject to planning conditions it is considered that the proposed development will preserve visual and neighbouring amenity and the proposal is therefore recommended for approval.</p>

<p>10. Recommended Decision:</p>	<p>Conditional Approval</p>
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<p>Recommended Conditions and Reasons:</p>
<p>1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 29th November 2023 and listed as follows:</p> <p>PV01-SDC-XX-XX-DR-B-0001 Rev C01 PV01-SDC-XX-XX-DR-B-0003 Rev C01 PV01-E3C-B1-00-DR-B-2001 Rev C01 PV01-E3C-B1-00-DR-B-2001 Rev C01 PV01-E3C-B1-00-DR-B-2001 Rev C01</p> <p>Reason: For the avoidance of doubt and to define the permission.</p> <p>2. Within 3 months of the date of this decision an Operational and Management Plan for the shipping containers shall be submitted to, and approved in writing by, the local planning authority. The Plan shall set out full details of the maintenance schedule of the containers, including their appearance, and shall be adhered to in full thereafter.</p>

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 RE1.

3. Within 3 months of this decision, those areas indicated on the submitted plan (PV01-SDC-XX-XX-DR-B-0003 Rev C01) to be set aside for parking and servicing shall be surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. The parking and servicing areas shall be retained as such thereafter.

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

4. The function room hereby permitted shall only be used between the hours of 0900 and 2230 Sunday to Thursday and 0900 and 0000 on Fridays, Saturdays and Bank Holidays and shall be cleared, with all ancillary activity completed, within 30 minutes of closing time.

Reason: To protect the amenities of nearby residential occupiers having regards to Wirral Unitary Development Plan Policy RE1.

5. There shall be no amplified music to the external areas after 2000 on any day. Any music shall only be played within the function room after 2000 provided the external doors are closed to prevent music being emitted from the function room.

Reason: To protect the amenities of nearby residential occupiers having regards to Wirral Unitary Development Plan Policy RE1.

6. Within 3 months of this decision, full details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided/installed no later than 3 months following their approval and retained as such for use thereafter.

Reason: To ensure that adequate provision is made for cycle parking having regards to Wirral Unitary Development Plan Policy TR12

Infomative(s):

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which **will not** require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where:

- i) the application for planning permission was made before 2 April 2024; or

- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

Last Comments By:	03-01-2024
Expiry Date:	19-07-2024

Agenda Item 8

Planning Committee	18th July 2024
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Reference:	PS Development Code	Case Officer:	Ward:
APP/24/00444	Q13 - Minor Dwellings	Mr P Roberts	Seacombe

Location:	Jacksons Furniture, 106 - 116 St Pauls Road, Seacombe, Wallasey, Wirral, CH44 7AW
Proposal:	Demolition of existing buildings and erection of 6 houses (Use Class C3) and associated works.
Applicant:	Mr Suken Shah
Agent:	Mr Mark Aylward, AYLWARD TOWN PLANNING LTD

Reason for referral to Planning Committee	<p>Councillor Stuart requested the application be taken out of delegation over:</p> <ol style="list-style-type: none"> 1. Concerns about the density of the proposed development of this site and potential living conditions for existing and future residents 2. New proposal has not addressed reasons for previous refusal 3. Concerns about overlooking to neighbouring residential property 4. Building not in keeping with the character of the area
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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/23/00227 Demolition of the existing, fire damaged, commercial unit and the consequent erection in its place of a House in Multiple Occupation (HMO) development with a combined total of 36 bedrooms with a maximum occupancy of 36 persons REFUSED</p> <p>APP/21/01848 Change of use from commercial to 2 HMOs (Unit 1 7 bed Unit 2 8 bed) and Unit 3 into 6 self-contained studios APPROVED</p>
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3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments	Councillor Stuart provided comments as reported above.
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, 32 notification letters were sent to neighbouring properties on 24th April 2024. In response, 4 objections were received. The reasons for objection stated are summarised below:</p> <ul style="list-style-type: none"> • Appearance out of character with the area • Roof profile not in keeping with local buildings • Disruption that would be caused by demolition and works • Impact of the proposal on the proposed cycle lane • Application is for HMO's not family homes and HMO's will have negative impact on the area • No off-road parking proposed with consequent negative impacts on on-street parking

<u>CONSULTATIONS</u>	<p>Traffic and Transportation – No objections subject to conditions and legal agreement in respect of contribution towards cycle lane.</p> <p>United Utilities – No objection subject to condition</p>
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4. Site and Surroundings	
4.1	<p>The application site comprises a vacant and fire damaged building in a state of disrepair on the northern side of St. Pauls Road, between the junctions with Wheatland Lane and Parry Street. The property was previously used for the sale of furniture items with 2 flats at first floor level.</p> <p>The area to the east is predominantly two-storey residential although there is a small parade of retail units at ground floor level on the opposite side of St. Pauls Road. The site sits close to Wheatland Lane where there are a number of commercial buildings of varying ages, scales and styles.</p> <p>There are double yellow line parking restrictions to the highway in front of the</p>

	building and a bus stops located close by on Wheatland Lane. The rear of the site backs on to a group of trees that run along the south side of the Kingsway Tunnel cutting.
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5. Proposed Development	
5.1	The application proposes the demolition of the existing building and the erection of 6 houses (3 x 4-bed and 3 x 6-bed) within a single terrace. The units would be accessed off St. Pauls Road and would benefit from amenity space to the rear with bin stores and cycle stands.
5.2	The building is two-storey along the St. Pauls Road frontage, topped with a semi-circular corrugated metal roof encompassing a window to the front of each unit within the roof space. It is formed of red brick with two-storey high windows to the front with access directly off the street. To the side streets, the building would present a brick facing gable end appearance with a single door and window in each elevation. To the rear a flat roofed three storey addition clad in timber with repeating windows is proposed.
5.3	During the course of the application the internal floor plans were amended with the number of en-suites reduced from all 6 bedrooms to 3 in the larger units. In addition, the provision of cycle storage units was amended from a communal facility to storage being provided within the garden of each property.

6. Development Plan	
6.1	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. 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).
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"> • URN1 (Development and Urban Regeneration) • TRT1 (Provision for Public Transport) • TRT3 (Transport and the Environment) • NCO1 (Principles for Nature Conservation) • LAN1 (Principles for Landscape) • GR5 (Landscaping and New Development) • GR7 (Trees and New Development) • HS4 (Criteria for New Housing Development) • PO3 (Noise) • TR9 (Requirements for off street parking) • TR11 (Provision for cyclists in highway and development schemes) • TR12 (Requirements for Cycle Parking) • TR13 (Requirements for disabled access)

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 for New Development
<p>7. Other Material Planning Considerations</p>	
7.1	<p><u>The National Planning Policy Framework</u></p> <ul style="list-style-type: none"> • Introduction • Achieving sustainable development • Decision-making • Delivering a sufficient supply of homes • Promoting healthy and safe communities • Promoting sustainable transport • Making effective use of land • Achieving well-designed and beautiful places • Meeting the challenge of climate change, flooding and coastal change • Conserving and enhancing the natural environment • Conserving and enhancing the historic environment
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 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors view on certain matters and what should now be done. It should be read as the Inspectors initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors' view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. For the purposes of decision making, the post-hearing note does not change the status of the emerging Local Plan. The Plan is at an advanced stage and weight may be given to relevant policies in the emerging plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.</p> <p>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: WS1, WS2, WS3, WS5, WS6, WS7, WS8, WS9, WS10, WS12, WP2, WD1, WD2, WD3, WD4, WD7, WD14, WM6</p>
7.3	Wirral Supplementary Planning Document 4: Parking Standards (2007)

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; • Highways; • Residential and Neighbouring Amenity; and • Biodiversity Net Gain

8.2 Principle of Development	
8.2.1	<p>The application site falls within a Primarily Residential Area as defined within the Wirral Unitary Development Plan. Within such areas, the principle of development or redevelopment of land for residential purposes is acceptable subject principally to compliance with the criteria under saved UDP policy HS4. In that regard, and given the residential context, the loss of the discontinued furniture store and the principle of residential development is accepted.</p>
8.2.2	<p>The emerging Wirral Local Plan sets out a net target for the delivery of new dwellings over the Plan period (2021-2037) to meet growing housing need. Draft Policy WS1 states that the dwellings would be delivered through the creation of new neighbourhoods, through land previously used or allocated as employment plus suitable sites within Settlement Areas. New housing will be required to comply with all other relevant policies and make the best use of land. The proposal site continues to lie within a Primarily Residential Area under the emerging Local Plan. Draft Policy WD10 seeks to protect the character of these locations to ensure that they remain appropriate for continued residential use.</p>
8.2.3	<p>The application site was subject to a planning permission (ref: APP/21/01848) in January 2022 for the conversion of the existing building into 2 HMO units and 6 self-contained studio flats. The HMOs provided a total 15 beds in total. That permission remains extant.</p>

8.2.4	The proposal provides for a total of 6 houses, comprising 3 x 4-bedroom and 3 x 6-bedroom. Policy WS 3.4 of the emerging Local Plan sets out that 70% of market dwellings should be developed as larger dwellings of three bedrooms or more. The scheme will therefore comply with this policy and will address an identified housing need, albeit providing above-average bedroom numbers. Given the scale of the development and the context of the site, the housing mix is not considered to prejudice the character of the area.
8.2.5	<p>It is noted that a planning application (ref: APP/23/00227) was refused in 2023 for a scheme which, in terms of layout, scale and design, was very similar to this current proposal. This application proposed a large House in Multiple Occupation with a combined total of 36 bedrooms. This was refused at Planning Committee in October 2023 for the following reason:</p> <ul style="list-style-type: none"> • The proposed development will result in more than 20% of the street frontage within the street block being occupied by HMOs which would be detrimental to the area and would fail to comply with policy HS14 of the Wirral Unitary Development Plan and policy WD7 of the draft Wirral Local Plan
8.2.6	Although this current application now proposes family dwellings (C3 Use Class), objections have raised concerns about this similarity. Currently, under the Town and Country Planning (General Permitted Development) Order 2015, there exists the opportunity to change the use of a C3 dwellinghouse to a House of Multiple Occupation (C4 use class) occupied by between 3 and 6 unrelated individuals. Given the similarities of the two schemes, the potential for each of the proposed dwellings to be converted into a HMO, and the clear decision made by the Local Planning Authority to refuse such a development recently, it is considered reasonable to remove the permitted development rights which would allow such a change. This should ensure that the proposed dwellings are retained as family houses unless otherwise consented by a planning permission. The applicant has agreed to such an approach and a condition is therefore attached in this regard.
8.3 Design	
8.3.1	The design of the proposed scheme is, aside from some internal floorspace arrangements and amended rear garden layout, practically identical to the HMO scheme refused under APP/23/00227. As noted, however, this was refused for the reason that over 20% of the street frontage would be a HMO, which would be contrary to policy HS14 of the UDP. It was not refused on design grounds.
8.3.2	Policy HS4 of the UDP establishes a set of criteria by which proposals for new housing development within Primarily Residential Areas will be permitted. Emerging Local Plan Policy WS6 sets out a number of placemaking principles to which proposals should adhere to.
8.3.3	The application proposes to demolish the existing building and construct a two/three storey building fronting St. Pauls Road, formed primarily of brick with a third floor within a semi-circular roof feature finished in aluminium. Constructed as a singular block, each residential unit would be presented at a slight oblique angle to the footway to give variance to the elevation and break up its overall mass. Double-storey feature windows are proposed to the front of each property, further lightening the appearance of the structure and adding additional interest.

	The scale of the proposed building is considered to be appropriate in this location.
8.3.4	Projecting windows are proposed within the roof to provide outlook and serve to provide a vertical marker to each unit. At each end of the terrace, the gable ends will be predominantly brick facing, whilst the rear elevation will be formed of 3 storey elements with timber cladding. This rear elevation will add further interest in the materiality, albeit with limited visibility given the Kingsway Tunnel entrance facing location. Materials used throughout the building would be subject to conditions to ensure they are of the requisite standard.
8.3.5	In accordance with the consideration of the previous refusal, the scale and appearance of the proposed building is considered appropriate for this location. The design approach is considered to reflect the site's location at a transition between the residential and commercial areas and utilises materials that are prevalent locally. Subject to conditions on materials, the proposal would be a positive addition to the surrounding street scene and would have a significant beneficial impact on the area by regenerating this derelict site.

8.4 Highways	
8.4.1	The site is well located with a number of local shops and amenities within walking distance, both on St. Pauls Road and to the north of the site on Poulton Road.
8.4.2	The development consists of six dwellings, with a combined total of 30 bedrooms. As with the previous scheme there is no off-street parking provided. The previous scheme was for HMO living, which generally has a lower parking demand than more traditional houses, with residents more likely to make use of walking and cycling for short trips or use public transport and taxis. On that basis, the lack of any off-street parking was accepted, although it was acknowledged that there was still the potential for some parking demand generated at the development.
8.4.3	It is likely that the demand for parking will be similar for this current scheme, although it is accepted that due to the scale of the proposed dwellings they will likely attract larger families for whom a dependence on private vehicles for their primary mode of travel is likely to be greater.
8.4.4	There are double yellow lines fronting the site on St Pauls Road which would prevent on-street parking. These have been placed to protect the pedestrian refuge island at the Wheatland Lane / St Pauls Road junction and also to help bus services which turn in and out of St Pauls Road at this location. There is a short section of carriageway to Parry Street, adjacent to the development proposal, which would provide for some parking, but it would not accommodate all the likely demands from the units and there is already some parking occurring here by existing residents.
8.4.5	In such circumstances, it would normally be appropriate to require a parking bay to be installed on St Pauls Road to accommodate the likely increased demand for parking – however, this bay cannot be installed because of a cycle improvement scheme scheduled to be installed along St Pauls Road in connection with the Liverpool City Region Combined Authority, Birkenhead to New Brighton Local Cycling Walking Infrastructure Plan (LCWIP) project. The project aims to deliver high quality active travel infrastructure and support the Council to address climate change and work towards Net Zero. The proposed 6-mile route will increase the

	use of active sustainable travel modes, therefore reducing the reliance on the private car.
8.4.6	It is considered appropriate and justifiable for the development to contribute to the cycle improvement scheme, which will run directly past the development along St Pauls Road, seeing that there is zero parking being provided within the site.
8.4.7	A commuted sum of £19,800.00 would contribute to the cycle proposals and is equivalent of each of the 6 dwellings contributing £3,300 towards the improvement scheme. This is as an alternative to parking bays that would have otherwise been required to be installed outside the development on St Pauls Road but cannot be placed due to the cycle proposals and the highway constraints.
8.4.8	Pressures on car parking and associated impacts on highways safety have been raised in objection and it is likely that some displaced parking pressure would occur, however, this is not considered by the Council's Traffic and Transportation team to be significant and is in the context of a building that had a previous retail function and has an extant consent for a comparable number of residential occupants (ref: APP/21/01848), without any car parking provided in both instances.
8.4.9	The site is served directly by the adjacent Bus Stops on St Pauls Road and Wheatland Lane which offer a half-hourly service between Birkenhead/Woodside and Wallasey. The site also lies within 400 metres from the Keegan Drive Bus Stop which offers frequent, regular services along the 400, 411, 413, 423, 606 and 616 routes less than every 20 minutes. It is also situated approximately 340 metres from a defined Traditional Suburban Centre to the north on Poulton Road, which has a range of amenities and services.
8.4.10	Consequently, the site is considered to be in a highly sustainable location and would not require sole reliance on a private motor car as it is served by a range of services accessible on foot or bike. As stated, this proposal would benefit by having a new dedicated cycle lane directly outside the site which should encourage more sustainable methods of transport, both by new and existing residents locally. The development does also provide the requisite amount of cycle storage parking for the proposed dwellings.
8.4.11	Servicing to the development can be conducted from the adopted highway of Wheatland Lane or via the private alleyway accessed from Parry Street and this is a satisfactory arrangement. As per a request from Traffic and Transportation, it is recommended that a Construction Management Plan is also attached as a condition to any permission which is subsequently granted due to the scale of development and the need to co-ordinate development with the wider highway improvement works earmarked for the area.
8.4.12	Subject to the s106 legal agreement and the provision of conditions relating to a Construction Management Plan and requiring the developer to install a new footway to the development boundary/ frontage surrounding the site, it is considered that the proposal would not impact significantly on highway safety.
8.5 Residential and Neighbouring Amenity	

8.5.1	The application site is currently partially derelict and vacant and hence any redevelopment would lead to an increase in activity.
8.5.2	The historic retail use would have had the potential for noise and disturbance throughout the week including deliveries of furniture and pick-ups, plus general activities associated with movements of staff and retail visitors. This proposal is residential and accordingly will have a different nature, more in keeping with the prevailing residential nature of St Pauls Road.
8.5.3	The development will not result in amenity concerns in respect of overlooking or loss of light and outlook. An opening within the Parry Street elevation will be obscurely glazed so as to preserve existing and future residential amenity.
8.5.4	In terms of the amenities of future occupiers, each of the units would exceed the Nationally Described Space Standards and offer good levels light and outlook for future residents. The units will have their own refuse and cycle storage to the rear within enclosed gardens. The gardens are limited in depth because of the site context, reflecting existing housing along St. Paul's Road. However, it is considered that gardens measuring in excess of 30 square metres will offer sufficient amenity for future residents, although in order to ensure that the units offer quality accommodation into the future a condition restricting permitted development rights is recommended in order to ensure private gardens are retained and are not reduced in size.

8.6 Biodiversity Net Gain	
8.6.1	The application site is currently without trees or other vegetation. The proposal is accompanied by a Biodiversity Exemption Statement setting out that the development does not impact a priority habitat and impacts less than 25 square metres of on-site habitat, or 5 metres of linear habitats such as hedgerows. As such, in accordance with the Biodiversity Gain Requirements (exemptions) Regulations 2024, the biodiversity gain condition does not apply to this site.

8.7 Section 106 agreement	
8.7.1	<p>When considering the potential content of a s106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a s106 Agreement can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.</p> <p>Contributions/Provisions for the following are to be secured to ensure the proposal is policy compliant:</p> <ul style="list-style-type: none"> • Commuted sum of £19,800 towards a cycle lane as part of the Birkenhead to New Brighton Local Cycling Walking Infrastructure Plan (LCWIP)

8.8 Conclusion	
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8.8.1	The proposed development will result in the regeneration of a site which has fallen into a state of disrepair and which has a detrimental impact upon the character of the area. The proposed development will result in the construction of new dwellings which are of a high-quality design and which will have a positive impact upon the surrounding area. The site is considered to be in a highly sustainable location and the lack of parking is off-set by the provision of cycle parking and a contribution towards cycle lane improvements outside the front of the site. The proposal is therefore considered to be acceptable and complies with Wirral's UDP Policy HS4, the Joint Waste Local Plan, emerging Local Plan and the National Planning Policy Framework.
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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	Having regard to the existing building, its location, the established uses and consents, the high-quality design of the proposed development, and the relationships to neighbouring properties, the proposed redevelopment of the site is on balance considered acceptable in accordance with Wirral's UDP Policy HS4, the Joint Waste Local Plan, emerging Local Plan and the National Planning Policy Framework.

Recommendation:	<ul style="list-style-type: none"> • That the Director of Regeneration and Place be authorised to approve the application subject to the following conditions and subject to the completion of an agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with the heads of terms set out in section 8.7 of this report. • That the Director of Regeneration and Place be authorised to refuse the application in the event that a satisfactory section 106 agreement is not received within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration and Place in consultation with the Chair and Spokespersons of the Planning Committee.
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Recommended Conditions and Reasons:	
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.	
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).	

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th April 2024, 19th April 2024 and 4th June 2024 and listed as follows: 2208-000A REV A; 2208-002 REV E; 2208-007 REV E; 2208-100 Rev G; 2208- 101 REV F; 2208-102 REV I; 2208-200 REV E; 2208-201 REV E; 2208-202 REV E; 2208-203 REV E

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

3. Prior to the commencement of any works (other than demolition), the applicant will submit to the LPA and have approved in writing, details of all external facing materials. The development shall be carried out using those approved facing materials and retained as such thereafter.

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

4. Full details of the cycle and bin storage facilities (as shown on hereby approved Proposed Site Plan, ref. 2208-002 REV E) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The bin and cycle storage shall be built-out in accordance with the approved details, made available for use prior to first occupation and maintained for the life of the development unless otherwise agreed in writing by the local planning authority.

Reason: To provide on-site cycle parking for the benefit of future occupiers and to encourage the use of more sustainable forms of transport than the private car in accordance with UDP Policy TR12 and in the interests of residential amenity.

5. Prior to the occupation of the development the windows hereby approved at second floor to the east (Parry Street elevation) shall be fitted with fixed and obscure glazing up to a height of 1.7m from the finished first floor internal floor level and shall be permanently retained in that condition thereafter.

Reason: Having regard to residential amenity and privacy.

6. Prior to the occupation of the development full details of hard and soft landscaping and boundary treatment shall be submitted to and approved in writing by the local planning authority and thereafter built out prior to first occupation of the any approved dwelling.

Reason: In the interests of residential amenity.

7. Notwithstanding the provisions of Schedule 2, Part 1, Class A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no enlargement or extension of the dwelling(s) hereby permitted, including additions or alterations to the roof and new outbuildings, shall be constructed without the prior written approval of the local planning authority.

Reason: To safeguard the quality of residential accommodation and the appearance of the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the buildings shall be used as residential dwellinghouses (Planning Use Class C3) only and no development permitted by virtue of Schedule 2, Part 3, Class L of the Order affording permitted development to a HMO shall be carried out to the buildings hereby approved.

Reason: To safeguard the form of residential accommodation and the character of the area having regards to the Wirral Unitary Development Plan and National Planning Policy Framework.

9. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must include:

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

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

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

10 Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

11. Prior to any construction works being carried out, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to at all times during the construction of the development unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interest of highway safety

12.. Prior to any construction works being carried out, full details of the re-instatement of the existing footway surrounding the site to adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out prior to first occupation.

Reason: In the interests of highway safety.

Informative(s):

1. Consent is required for the formal closure of an existing highway. All costs will be recharged to the applicant, who should contact the Council's Highway Management team via www.wirral.gov.uk for further information."

2. 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

3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which **will not** require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Last Comments By:	18-05-2024
Expiry Date:	26-July-2024

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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.