



Planning Committee

Date:	Thursday, 13 March 2025
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. 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.

- 4. MINUTES (Pages 1 - 4)**

To approve the accuracy of the minutes of the meeting held on 16 January 2025.

- 5. APP/23/00233 - 22 FARR HALL DRIVE, HESWALL, WIRRAL, CH60 4SH - DEMOLITION OF THE EXISTING DWELLING AND**

**REPLACEMENT WITH 6 APARTMENTS TOGETHER WITH
ASSOCIATED BIN STORE, ACCESS, LANDSCAPING, PARKING
AND ALL OTHER ASSOCIATED WORKS (Pages 5 - 32)**

- 6. CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS FOR
THE DETERMINATION OF PLANNING RELATED MATTERS
(Pages 33 - 44)**

Planning Committee Terms of Reference

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

PLANNING COMMITTEE

Thursday, 16 January 2025

<u>Present:</u>	Councillor	S Kelly (Chair)	
	Councillors	S Foulkes H Gorman A Gardner K Hodson B Kenny	S Powell-Wilde G McManus J Walsh M Jordan K Stuart

42 WELCOME AND INTRODUCTION

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

43 APOLOGIES FOR ABSENCE

There were no apologies for absence.

44 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

No interests were declared.

45 MINUTES

Resolved – That the minutes of the meeting held on 12 December 2024 be approved as a correct record.

46 APP/23/01870 - 24 CROFT LANE, BROMBOROUGH, WIRRAL, CH62 2DD. PROPOSAL: DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 NO. NEW DETACHED DWELLINGS.

The Development Management Manager presented for consideration the report in relation to the above application for the demolition of the existing dwelling at 24 Croft Lane and the erection of 3 new detached dwellings.

Members debated the application.

On a motion proposed by the Chair, seconded by Councillor Sue Powell-Wilde, it was:

Resolved (unanimously) – That

A 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 section 8.10 of this report:

Conditions

- 1. The development must be begun not later than the expiration of three years beginning with the date of this permission.**

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1109_000-Location-and-Block-Plan 1109_001G-Proposed-Site-Plan 1109_002D-Plot-1-Floor-Plans 1109_003C-Plot-1-Elevations 1109_004C-Plots-2-and-3-Floor-Plans 1109_005C-Plots-2-and-3-Elevations Reason: For the avoidance of doubt and having regard to the provisions of the planning permission and to comply with UDP Policy HS4, NPPF Chapter 12 and WLP WS7.**

- 3. Prior to commencement of the development above slab level, a materials schedule shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise approved in writing, the materials schedule shall be implemented in full.**

- 4. Prior to commencement of the development beyond demolition, details of proposed site levels and finished floor levels shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise approved in writing, the development shall be carried out in accordance with the approved levels details.**

- 5. Plot 1's ground floor northern elevation window and first floor southern elevation window and first floor rear elevation (serving the room labelled en-suite) and Plots 2 and 3's first floor southern elevation window of the development hereby approved must be; a) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and; b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.**

- 6. The existing trees on site shall be protected during demolition and construction in accordance with the tree protection measures detailed in: Tree Survey 24 Croft Lane 2023M Sections 13-16 Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started, or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.**

- 7. No development beyond demolition shall commence until a scheme of both hard and soft landscaping, which includes the planting of 11 replacement trees**

and 4m of replacement hedgerow, has been submitted to and approved in writing by the Local Planning Authority. The detailed landscaping plans submitted shall include: (i) details of boundary treatments and hard surfaces (ii) the location, size and species of all trees to be retained and those to be planted (iii) how the replacement trees will be planted and protected and the proposed time of planting. (iii) the location, size, species and density of all hedgerows, shrub and ground cover planting to be retained and those to be planted. (iv) a schedule of implementation The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

8. All trees shall be planted in accordance with the details and times stated in the specification required by Condition 7 and in accordance with British Standard [BS 8545: Trees: from nursery to independence in the landscape - Recommendations (or an equivalent British Standard if replaced)][BS 4428: Code of practice for general landscape operations (excluding hard surfaces) (or an equivalent British Standard if replaced)].

9. All planting, seeding or turfing comprised in the details of the landscaping scheme approved under Condition 7 shall be carried out before any part of the development is first occupied and in accordance with the agreed implementation programme; and any trees or plants which within a period of 5 years from the development being brought into use die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size and species. The hard landscaping scheme approved under Condition 7 shall be carried out in full before any part of the development is first occupied.

10. All dwellings shall comply with the higher water efficiency standard of 110 litres/per person/per day under Regulation 36(3) of the Building Regulations or any successor standard.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1, Class F (Hard surfaces incidental to the enjoyment of a dwellinghouse) and Part 2, Class B (Means of access to a highway), or any amendments made to that Order,; · no hard surface, other than those specified on the approved plans, shall be provided within the curtilage of the dwellings · no means of access, other than those specified on the approved plans, shall be constructed to the curtilage of the dwellings unless on application to the Local Planning Authority, planning permission for such development has been granted.

12. No development beyond demolition shall commence until a finalised sustainable drainage system (SuDS) scheme for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The SUDS scheme shall include, but not be limited to, details of run-off flows, impermeable hardstanding and soakaways; as well as an operation and maintenance scheme. The SUDS scheme, shall be implemented prior to first occupation and retained for the lifetime of the development.

Biodiversity Net Gain – Biodiversity Gain Plan Not Required 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).

B 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 of Place in consultation with the Chair and Spokespersons of the Planning Committee.

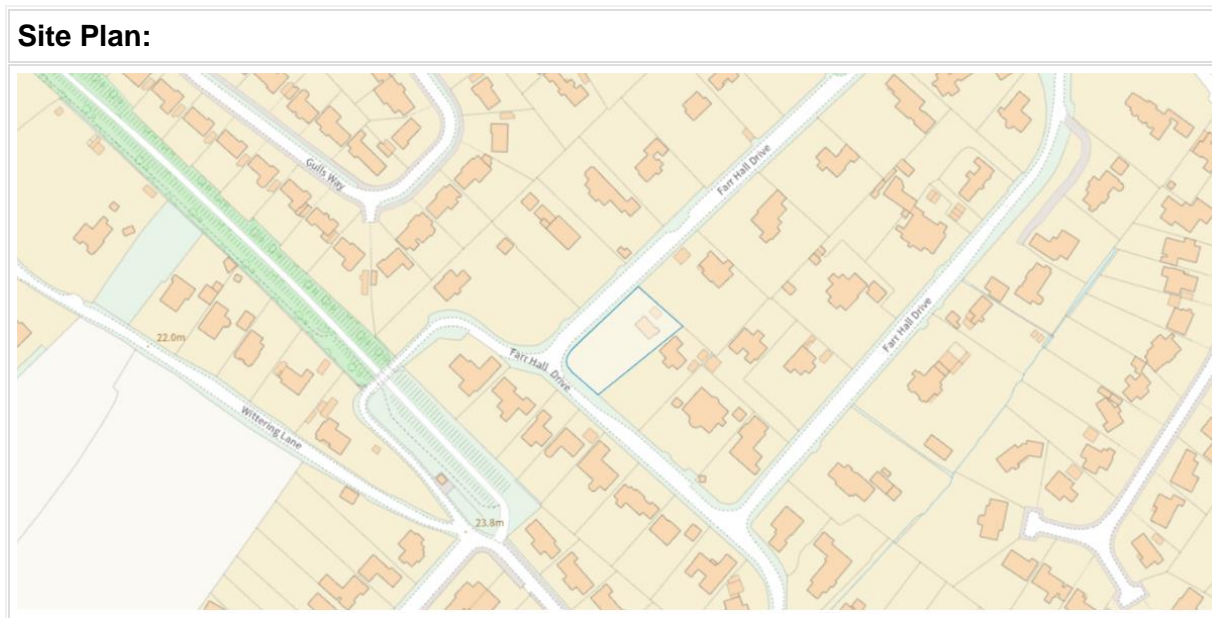
Agenda Item 5

Planning Committee	13 th March 2025
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Reference:	PS Development Code	Case Officer:	Ward:
APP/23/00233	Q13 - Minor Dwellings	Mr P Roberts	Heswall

Location:	22 Farr Hall Drive, Heswall, Wirral, CH60 4SH
Proposal:	Demolition of the existing dwelling and replacement with 6 apartments together with associated bin store, access, landscaping, parking and all other associated works.
Applicant:	Hassett Homes Ltd
Agent:	Darren Muir, Pegasus Group

Reason for referral to Planning Committee	<ol style="list-style-type: none"> 1. Councillor Andrew Hodson requested call-in if Officers were to recommend approval 2. Petition from local residents objecting to the proposal signed by 129 residents 3. Objections numbers have exceeded threshold
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1. Development Plan designation:	Primarily Residential Area
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2. Planning History:	<p>Applications APP/19/00910 Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works REFUSED</p> <p>Applications APP/21/01428 Demolition of the existing dwelling and replacement with up to 6 apartments together with associated landscaping, parking and access works. REFUSED</p>
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3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments	Councillor Andrew Hodson requested that the application be taken out of delegation if Officers were minded to recommend approval on the basis that the previous refusal reasons for development at this site had not been adequately addressed, ie.poor design and substandard accommodation alongside the potential impact on established and significant trees on the site.
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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, 42 notification letters were sent to neighbouring properties on 22nd May 2023. In response, 1no. petition was received on 12th June 2023 objecting to the development signed by 129 individuals.</p> <p>The reasons for objection stated on the petition are summarised below:</p> <ol style="list-style-type: none"> 1. Too many apartments for the size of plot 2. Deficient quality of accommodation for some of the flats with limited ceiling heights at the top level and poor access to light at ground floor 3. Increased surface water flooding 4. Pressures on foul water drainage 5. Negative impact on mature oak trees from the development 6. Increased parking pressures. Limited parking will lead to parking on the bridleway 7. Too dense a development within an area characterised by single dwellings
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54 representations objecting to the application were also received to this first consultation round. In addition to the comments from local residents, objections were received on behalf of residents from 2 planning consultancies; three from residents elsewhere in the Wirral and 1 from Cleethorpes and 1 from Durham. The comments made within submitted representations are summarised below:

- Deficient levels of amenity, light and outlook for future residents;
- Not an appropriate location for dense development; away from local services
- Increased surface water drainage pressures
- Well established Oak trees of particular visual amenity and historic value would be damaged by the development
- Insufficient parking on-site would lead to pressures on the bridleway
- Site is not a brownfield site
- Scheme does not address previous reasons for refusal from Council and Planning Inspector
- Scheme would prevent children playing on Bridleway
- Impact on bridleway limestone surface through added cars
- Loss of Privacy
- Negative impact on wildlife
- Impact on bridleway from additional vehicles will place additional cost pressures on local residents responsible for its upkeep
- Potential damage to bridge over Wirral Way from additional vehicles
- Potential security concerns
- Community is totally against this development
- Property would not be suitable for elderly residents
- Scheme inconsistent with emerging Policy WD6 with no 3bed units
- High density inconsistent with location
- Design is of significant scale and massing out of keeping with locality
- In line with SPD2 one third of site should remain as private landscaped communal area and inadequate communal provision is given
- Blank gable is not at least 14 metres from side of neighbouring property (no. 20) contrary to SPD2
- Accuracy of plans is questioned
- Inconsistencies and inaccuracies in the submitted Arboricultural Impact Assessment (as highlighted by Mulberry in supporting statement)
- Existing building has character and does not warrant demolition
- Applicant does own the whole site (*Officer Comment: Applicant has signed Certificate D on application form*)

- Restrictive covenant attached to the land (*Officer comment: not a planning matter*)
- Three storey building when the prevailing height is two storey
- Reliance on car given the location
- The submission does not demonstrate sustainable building design
- Materials not in keeping with local character

Heswall Society objection:

- Unsustainable location for flats
- Design is out of keeping with locality
- Insufficient amenity for future residents because of overdeveloped nature of development
- Poor quality of accommodation for residents, with limited ceiling heights, poor aspects, access to light
- Potential damage to the Oak trees on the site

An additional 40 representations objecting to the were received following the second consultation. Comments not previously made are summarised below:

- Poor amenity remains for flats on ground floor
- Impact of additional population on local schools, gp surgeries etc.
- Negative impact on biodiversity of the site
- Application fails to meet Welsh Water's "betterment" criterion in relation to surface water entering the sewerage system
- Loss of family sized accommodation
- Reduction in biodiversity on the site

Two further public consultations were undertaken on 19th September and 2nd October 2024 in connection with revised Biodiversity Impact Assessments and Biodiversity Small Sites Metrics. A further 7 letters of objection were received on behalf of two local residents raising the following new comments:

- Scheme would negatively impact a tree of Veteran status
- Inaccuracies with the heights of trees referenced in the Biodiversity Impact Assessment
- Net gain in habitat units of 2.25% is questioned. Some trees were removed in 2019
- No parking is allowed on the Bridleway
- Welsh Water have not reviewed the drainage layout
- Site cannot accommodate number of trees proposed
- Three Oak Trees of TPO status require greater protection

- Incorrect use of Biodiversity metric, using out of date software package

A full re-consultation was undertaken on 7th January 2025 following the submission of a further revised Biodiversity Impact Assessment (Revision L; a Biodiversity Small Sites Metric (Revision L) and an updated Landscape Proposals Plan. At the time of writing this report a total of 13 objections have been made raising the following matters not already covered above:

- The developer has noted that the plot is within 500m of ecological sites classified SSSI, RAMSAR, SAC, and SPA. The application of the small sites metric software is not valid for this and the large sites metric should have been used.
- Bat emergence survey is now out of date, expiring in August 2024

In respect to some of the technical Biodiversity points raised above both MEAS and the Council's Biodiversity Net Gain Coordinator have confirmed that the approach to information contained within the Biodiversity Small Sites Metric is consistent with national guidance. That is, the use of the Beta Version (April 2022) and the approach to calculating tree diameters (projected at 30 years) is acceptable given that the scheme was submitted whilst this version was the appropriate Metric and prior to an updated version (February 2024). This application was validated in May 2023.

CONSULTATIONS

MEAS:

Following the submission of updated reports during the course of the application, MEAS have no objections to the proposal subject to conditions. The metric used in terms of biodiversity, including tree sizes is the relevant metric for proposals made at the time of this submission and the use of it (Beta version 1.1 dated April 2022) is therefore acceptable. An amendment to a condition in relation to the bat survey ensuring a pre-commencement check of the site was recommended in February 2025.

Welsh Water:

No objection subject to condition.

	<p>Woodland Trust: Objection due to impacts on what they consider to be a veteran oak tree</p> <p>Cheshire Wildlife Trust: Objection due to impact on what they consider to be veteran trees on the site. Following the September 2024 consultation a further objection was received citing the failure of the scheme to achieve 10% Biodiversity Net Gain; an out of date survey walk & inaccuracies within the Small Sites Metric (<i>Officer comment: 10% BNG is not required as the application was submitted before the 10% requirements came into force in April 2024; An up to date survey has been incorporated into the latest Biodiversity Assessment & the Small Sites Metric which have been reviewed and considered acceptable by MEAS</i>)</p> <p>Highways and Traffic and Transportation:</p> <p>No objections subject to condition</p> <p>Environmental Health:</p> <p>No objections</p> <p>Tree Officer:</p> <p>No objections subject to conditions</p>
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<p>4. Site and Surroundings</p>	
<p>4.1</p>	<p>The application site consists of a single residential corner plot located on Farr Hall Drive within Lower Heswall. The existing property is a two-storey white rendered house with a thatched roof situated towards the north-eastern corner of the site with an extensive garden sloping down to the front. The surrounding area is residential in character with detached housing predominating. The Wirral Way and the River Dee are within close proximity. Access to the site is secured in the north-west corner of the plot. The site has a number of mature trees around its boundaries, including some subject to Tree Preservation Orders.</p>

5. Proposed Development	
5.1	<p>The amended application proposes the demolition of the existing house and the erection of a part two, part three storey building located across the north-eastern portion of the site comprising a total of 6 flats, with two per floor. The structure would be designed to have its principal facing elevations to both Farr Hall Drive frontages, incorporating gable ended features with glazing included within the third-floor roof. The building will be finished in light coloured brick with the roof thatched reflecting the existing house. The flats, all of which are proposed as two-bedroom units, would have an area of private amenity space in the form of balconies, garden space or terrace and occupants would have access to communal grounds. One ground floor apartment would have its own private access with the rest having a communal entrance, stairwell and lift.</p>
5.2	<p>The application proposes vehicle and pedestrian entrance off Farr Hall Drive via a new access towards the south-western portion of the site with six parking spaces provided along with cycle and bin storage. A total of 7 trees and part of a hedgerow are proposed to be removed with a planting of at least 15 new trees proposed alongside other landscaping.</p>

6. Development Plan	
6.1	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application:</p> <ul style="list-style-type: none"> - HS4 Criteria for New Housing - HS6 Principles for Affordable Housing - GR5 Landscaping and New Development - GR7 Trees and New Development

	<ul style="list-style-type: none"> - NC5 The Protection of Sites of Local Importance for Nature Conservation - NC7 Species Protection - TR9 Requirements for off-street parking - TR12 Requirements for cycle parking
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18th July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> - WM8 Waste Prevention and Resource Management - WM9 Sustainable Waste Management Design and Layout of New Development

7. Other Material Planning Considerations	
7.1	<p><u>The National Planning Policy Framework (2024)</u></p> <p>Sections:</p> <ul style="list-style-type: none"> 2. Achieving sustainable development 4. Decision-making 5. Delivering a sufficient supply of homes 9. Promoting sustainable transport 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural 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</p>

Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam

On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors view thinking and is without prejudice to any findings they may ultimately come to. The Inspector's 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. The modifications required to make the Plan sound were published by the Council for public comment on 25 September 2024. For the purposes of decision making, the post-hearing note and the publication of the modifications does not change the status of the emerging Local Plan. The Plan is however at an advanced stage and weight may be given to relevant policies in the emerging Plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.

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

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

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

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

WS1; WS3; WS5; WS6; WS7; WS8; WS9; WS10; WD1; WD3; WD4; WD6; WD14; WM6.

7.3	<p>Wirral Supplementary Planning Document 2: Designing for Self-Contained Flat Development and Conversions (2006)</p> <p>Wirral Supplementary Planning Document 4: Parking Standards (2007)</p>
7.4	Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)

8.1	Assessment of Main Issues
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; · Amenity; · Ecology; · Highways; · Trees; · Other Matters

8.2 Principle of Development	
8.2.1	<p>The application site lies within a Primarily Residential Area as designated in the Wirral UDP Proposals Map. Within such areas, the Local Planning Authority accepts in principle, the development or redevelopment of land for residential purposes subject principally to compliance with the criteria under saved UDP policy HS4 and in this instance the guidance contained within SPD2.</p>
8.2.2	<p>The Submission Draft Local Plan sets out a net target for the delivery of 13,360 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 as shown in the Submission Draft Local Plan Proposals Map. 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 proposal would optimise the use of land creating an additional 5 households on the same site within a building constructed to modern energy efficiency standards. Two previous submissions for</p>

	<p>comparable proposals involving the demolition of the existing building and the creation of 6 flats, were considered acceptable in principle (Refs: APP/19/00910 & APP/21/01428), being refused for design (haphazard appearance) and future residential amenity considerations respectively. The lack of family sized accommodation in this scheme is acknowledged, however it is noted that in terms of local housing mix, the area predominantly consists of large family sized units and this development would add some smaller units to balance the form of housing on offer locally. In light of previous decisions at this site as well as adopted and emerging planning policy, it is considered that the principle of residential redevelopment is acceptable subject to other policy and material considerations outlined below.</p>
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<p>8.3 Design</p>	
<p>8.3.1</p>	<p>Policy HS4 states that proposals for new housing development within Primarily Residential Areas will be permitted subject to the proposal fulfilling all of a set of criteria including: being of a scale which relates well to surrounding property in particular with regard to scale of existing densities and form of development, and not resulting in a detrimental change to the character of the area. Paragraph 131 of the NPPF states that, the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve." Paragraph 135 sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; establish or maintain a strong sense of place; optimise the site potential and create safe, inclusive and accessible spaces. Paragraph 139 states that development that is not well designed should be refused. The NPPF should be read alongside the National Design Guide (2021). Paragraph 21 of the Design Guide advises that a well-designed place is achieved through making the right choices at all levels, including: the layout; the form and scale of buildings; their appearance; landscape; materials; and their detailing.</p>
<p>8.3.2</p>	<p>Policy WS7.1 of the Submission Draft Local Plan requires that development proposals demonstrate that they have addressed design principles. These principles include (but are not limited to): being visually attractive and positively enhance the character, the appearance and setting of the surrounding area; ensuring that the density, height, scale, massing and siting is appropriate in context; providing for the protection and enhancement of existing healthy trees and hedgerows of visual and wildlife value; and providing or protecting high quality landscaping including unifying features such as gates, piers, walls, boundary treatment between public and private areas.</p>
<p>8.3.3</p>	<p>The application proposes the demolition of a house and the erection of a building with a similar orientation but greater footprint than the existing premises. The house on the site does have character, however, it is not a designated or non-designated</p>

	<p>heritage asset, and its loss is considered acceptable in policy terms in the context of a new residential development. The current building reflects the eclectic streetscene, with its white render and thatched roof finish but it is felt that its loss would not of itself be detrimental to the character of the area subject to the provision of an alternative development of requisite quality.</p>
8.3.4	<p>The area is characterised by detached housing of a mixed age, architectural style and material finish, set within large grounds and primarily set behind soft landscaped boundaries with hedgerows and trees a prominent local feature. The proposed structure would have a footprint commensurate with the two earlier submissions at this address, in terms of floor area and location at the northeastern portion of the site. Additionally, the height of the proposal is reflective and no greater than these previous proposals. It is noted that the building to plot ratio is greater than the current situation, but the house on-site is smaller than many of the properties in the vicinity including two further east along this stretch of the road. Given the established context it is considered that the overall approach to scale and mass of development is thought appropriate in this context.</p>
8.3.5	<p>The design of the building will seek to take advantage of the slope, being up to three storeys at one point towards the boundary with no 26 Farr Hall Drive. The building would be set into the ground at this point by 1.25 metres and have a ridge height lower than that of the neighbouring houses as viewed in the streetscene. The proposal is otherwise two and half storey in appearance with large glazed gables providing the space for flats within the roof space and the form of the building is broken up to off-set the impression of scale through the use of gable ends, substantial glazing, deep reveals and balconies. The choice of materials is considered appropriate with the new thatched roof referencing the building to be demolished. Conditions to ensure quality in materials choice is recommended.</p>
8.3.6	<p>The objections raised by third parties regarding the design, massing and density have been duly considered. The application ref: APP/19/00910 was subject to planning appeal. That scheme of a comparable scale with a more disjointed appearance was considered by the Planning Inspector to “<i>not have a harmful effect on the character and appearance of the surrounding area</i>”. This proposal is considered to represent an improvement on that submitted previously and is likewise considered an appropriate form of development for this location.</p>
8.4 Amenity	
8.4.1	<p>The application site is set within an established residential area and is flanked by housing. The proposed siting of the building reflects that of the existing house plus a projection forward towards the Farr Hall Drive frontage. The scale and positioning of the building is comparable to the existing house and to the previous two submissions, both of which were considered acceptable in terms of their relationship with neighbouring property. Adjoining the</p>

	<p>boundary with the property to the east, the building would be 2 storeys in appearance and set slightly forward of no. 20 but sufficiently away so as to not prejudice outlook from the neighbouring property or impact significantly on residential privacy. The nearest balcony would be over 17 metres off the shared boundary with views over the garden and house of no. 20 screened by the building proposed and the tree line on the boundary. Likewise, the relationship with the property to the north would preserve the amenity of the neighbours, given the scale of this proposal, the nature of the slope (this site is lower) and the distance between residential buildings which would be over 27 metres. There are narrow windows within each of the elevations facing neighbouring property, which would be obscured, except the ground floor north east facing windows where the boundary treatment is sufficient to preserve existing and future residential amenity. A condition in this regard is proposed along with another restricting the use of flat roof spaces for first floor flats (except Apartment no. 03) as balcony or terraces.</p>
8.4.2	<p>The previous application (APP/21/01428) was refused on the basis of the poor quality of accommodation in regard to the compromised outlook and light available to future residents of three of the proposed units. It is considered that the design of this scheme overcomes such concerns, with each unit having its principal aspects south and west towards the street. Whilst two of the units are single aspect only, and another has a limited secondary outlook, all units would benefit from generous glazing with floor to ceiling windows found in the attic space, and the upper units would also benefit from extensive views south and west. Each of the properties would be built in exceedance of the nationally described housing standards and have private gardens, a terrace or integral balconies, in addition to the proposed landscaped grounds. Consequently, the scheme would provide high quality units of accommodation whilst preserving the amenity of neighbouring occupiers.</p>
8.4.3	<p>A number of objections were received in respect to the light and aspect of apartment labelled no.2 on the submission. This flat would be partly set below ground however, the slope would be cut to enable floor to ceiling windows to be constructed for bedrooms thereby affording sufficient internal light and aspect.</p>
8.4.4	<p>Objections were received in respect to the communal amenity space provided. All properties would benefit from private amenity with gardens for the flats at ground floor, plus balconies and one terrace for the flats above. All of these external spaces are considered to be screened sufficiently from neighbouring property so as to preserve the amenity of both future and existing residents. In addition to the private space, residents will be able to use communal space within the site. SPD2 sets out a general rule that a third of the site be given over to communal space. This scheme does fall short of that but the provision of amenity on offer is considered acceptable for the form of development proposed and reflects that previously submitted and is supported in this context.</p>

8.5 Ecology	
8.5.1	The application site lies close to international, national and local conservation sites including the Dee Estuary Site of Special Scientific Interest and the nearby Wirral Way Local Wildlife Site. The site also encompasses a number of trees and other mature planting and was accompanied by a Preliminary Ecological Assessment (PEA) and Daytime Survey, a Bat Roost Assessment and Nocturnal Survey and Biodiversity Impact Assessment. During the course of the application the applicant has submitted further Biodiversity Assessments, a Bat Roost Assessment and Survey plus updated Biodiversity Net Gain Small Sites Metrics.
8.5.2	The PEA stated that the dwelling house has been categorised as having low bat roost potential. As insufficient information was given to support such a statement, a nocturnal bat report was recommended by MEAS. This subsequent report confirmed that no evidence of roosting bat use or presence, was found across the site including in the potentially suitable trees and within the buildings, which are of negligible suitability for roosting bats. MEAS have agreed with the reports and the findings in this regard, and confirmed that the Council does not need to consider the proposals against the three tests (Habitats Regulations). Given that there are potential habits for roosting, foraging & commuting for bats, a condition is requested to be attached in respect of lighting so that the bats are not discouraged at this site in the future. The recommendations as set out within the Bat Assessment and Survey in respect to all works are to be followed in addition to a requirement to undertake a pre-commencement check for bats and subsequent actions should bats be found.
8.5.3	The site also provides opportunities for nesting birds. In order to safeguard birds during and post development conditions are recommended in respect of timing of works so as not to disturb nesting and bird boxes to mitigate against any potential loss of habitat.
8.5.4	The habitats on site are suitable for badger (protected species) and hedgehog which is a Priority Species and UDP NC7 applies. A condition in respect of reasonable avoidance measures using the construction phase is recommended in this regard.
8.5.5	Rhododendron and cotoneaster species are present within the site boundary. These are listed in Schedule 9 of the Wildlife and Countryside Act 1981 and as such are non-native species which pose a conservation threat to native biodiversity and habitats. A condition securing the control of these species is attached
8.5.6	Section 5.3 of the PEA sets out a number of biodiversity enhancements that would be associated with the development. They include two bat boxes, bird boxes and native planting.
8.5.7	During the course of the application, a number of revised Biodiversity Impact Assessment reports were submitted which set out and include habitat and hedgerow creation. This report

	<p>calculates 'biodiversity units' using DEFRA's Biodiversity Metric 3.1 Calculation Tool, July 2021, following the methods set out in <i>The Biodiversity Metric 3.1: auditing and accounting for biodiversity value</i> (User guide 21 April 2022). The submitted metric was the relevant one during the time period of the application and as such remains applicable to this proposal. The 'biodiversity units' are calculated based on the area (or length), condition and distinctiveness of habitats found on the site. Pre-development and post-development biodiversity values are calculated and compared to identify any change in the biodiversity value of the site.</p> <p>Mandatory biodiversity net gain is set out in the Environment Act 2021 and applies in England for applications submitted after 12 February 2024 (and 2 April 2024 for small sites) as a requirement to demonstrate net gain as the result of a new development. Given that the application was submitted before these key dates, biodiversity net gain is not mandatory in this instance.</p>
8.5.8	<p>The original Assessment set out increased habitat and hedgerow units on the site which following further reports, the last including a renewed survey of the site from September 2024 and an updated Landscape Plan to reflect the specific nature of baseline habitat. This document sets out that there would be a 11.36% increase in habitat units and a 65.39% increase in hedgerow units. These results and the information that supports it have been accepted by MEAS. In order to accord with the Wirral Council Tree Strategy a condition requiring the submission of a Planting Plan is attached. A 30-year Landscape Ecological Management Plan (LEMP) is considered by MEAS to be required to ensure these habitat interventions are implemented in full and a condition in this regard is also attached.</p>
8.5.9	<p>Consequently, in accordance with saved UDP policies and the NPPF, and subject to relevant planning conditions, the development is considered to safeguard the integrity of sites of nature conservation and species on and around the site.</p>

8.6 Highways	
8.6.1	<p>The proposals are all contained within a private boundary and do not impact on the adopted highway which terminates at the back of the footway to Farr Hall Road and therefore does not include Farr Hall Drive itself. As such, the new vehicle access and the reinstatement of the existing vehicle accesses do not involve works to the highway. The development provides 6 in-curtilage parking spaces for the 6 two bed apartments. It is acknowledged that the level of proposed parking accords with the SPD4 standards however, it appears slightly low for the number of bedrooms within the total number of apartments. It is therefore likely that some additional or overspill parking, particularly visitor parking could occur within Farr Hall Drive as a consequence, which at the entrance point to this site is approximately 7m wide along this section and therefore allows moving vehicles to freely pass parked cars within the road.</p>
8.6.2	<p>Although Highways officers have no concerns over this from a highway safety point of view, Farr Hall Drive is a public bridleway and</p>

	is an unadopted road. The Road Traffic Act 1988 stipulates that it is an offence to drive a mechanically propelled vehicle onto or upon a road being a public bridleway, without lawful authority, which would also extend to parking there. Following investigation into the issue by officers, we are unable to establish definitively that, if the vehicle is driven there with lawful authority, then the vehicle cannot park there legally, assuming the free passage of the public bridleway is not obstructed, which as stated is unlikely given the width of Farr Hall Drive.
8.6.3	In terms of on-site parking provision, Supplementary Planning Document 4 sets out that a maximum of one space per flat should be provided (maximum of six for this development). In the Emerging Local Plan, appendix 8 Parking Standards sets out that the minimum parking standard is 1 space per 1-2 bedroom flat (Minimum of six for this development). This level of parking (six) is achieved in this proposed development and the Highways Department maintain no objection to the scheme.
8.6.4	The site is to be accessed from a new vehicle access onto Farr Hall Drive which has satisfactory visibility and set back appropriately from the junction. Traffic and Transportation welcome the separate pedestrian entrance provided so that residents and visitors on foot do not have to walk through the car park entrance to get to the building. The proposed level of cycle parking accords with the TR12 cycle parking recommendations and provides as a minimum one storage space per apartment.
8.6.5	The waste bin and recycled goods storage area is within curtilage and also considered appropriate and provides easy access for servicing to be accommodated from Farr Hall Drive without causing any significant obstruction to through travelling traffic. It is acknowledged that Farr Hall Drive is a bridleway and maintenance is shared between residents, however this a matter for the owners responsible and not a material planning consideration.

8.7 Trees	
8.7.1	The site contains a number of mature trees, five of which are subject to Tree Preservation Orders (four Oaks and one Holly tree). The application was accompanied by an Arboricultural Impact Assessment (AIA) setting out that in order to facilitate this development a total of 7 trees would be felled and pruning to others would also take place including to one Oak tree subject to a TPO (ref: T7 in the AIA). The document also proposed a series of measures concerned with the construction of the development to secure the longevity of existing trees in respect of matters such as root protection. The AIA was reviewed by the Council's Tree Officer who raised concerns with the impact the proposal would have the root systems of retained trees notably two of the Oaks subject to TPO's (T7 and T10) and also the impact the building would have on the crown of T11 (another Oak with a TPO). These comments came following receipt of and full sight of an investigation on the impact of the proposal on trees conducted on behalf of a neighbouring

	resident by Mulberry. This raised potential issues on the roots of TPO trees onsite in association with the development.
8.7.2	In January 2024 an updated AIA and rebuttal to the Mulberry assessment was submitted, incorporating additional survey information. These documents were again reviewed by the Council's Tree Officer who maintained the comments previously made, stating that the applicant had failed to demonstrate that the scheme did not have the potential to compromise the root systems of the important trees referenced above.
8.7.3	During the course of the application the Council also received an objection to the proposal from the Woodland Trust in respect of the deterioration of a 'veteran' oak tree registered on the Ancient Tree Inventory and identified as T7 in the Arboricultural Impact Assessment submitted with the application. The Trust also raised concerns relating to potential impact on a 'notable' oak tree registered on the Ancient Tree Inventory (tree T10). Natural England's standing advice on veteran trees states that they " <i>can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are also irreplaceable habitats. A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value.</i> ". The Woodland Trust define 'notable' trees as being usually mature trees which may stand out in their local environment and usually worthy of protection and have the possibility to become 'veteran trees'.
8.7.4	The NPPF paragraph 193, states: "When determining planning applications, local planning authorities should apply the following principles:- <i>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists;</i> "
8.7.5	The Ancient Tree Inventory (ATI) is a tree-recording project led by the Woodland Trust and is the UK's most comprehensive database of ancient, veteran and other notable trees. The database is a publicly available tool and as such, members of the public can record trees on the inventory, which happened in this instance. The registration of a tree on the ATI does not confer a formal or statutory designation, rather it is a tool to demonstrate to a decision-maker that the tree is likely veteran and therefore worthy of planning protections applied to such trees through the National Planning Policy Framework. The Woodland Trust have confirmed that the trees on this site have been verified by them remotely, with no site visit having been undertaken by them, adding that, " <i>If the council's Tree Officer decides that the tree is not yet veteran, and if the planning authority is of the view that it would not be appropriate to require that a potential future veteran tree is afforded a veteran buffer zone, then the Woodland Trust would not be in a position to counter this decision.</i> "

8.7.6	<p>Following queries raised by Officers, the Woodland Trust commented on the specifics of this case stating that: <i>“The oak has been registered as veteran on the assumption that it is identified on the first edition OS map. If this is proved incorrect then its veteran status could be questioned. The tree does not appear to have significant veteran characteristics apart from minor dead branches. This puts the tree on the borderline of being early veteran and therefore we acknowledge that this is not a straightforward assessment”</i>. The Trust went on to say that the basis for their decision in this case, centres on the assumption that the first OS map available at this location (circa 1880) showed a boundary with mature trees, however they noted that there are uncertainties with the accuracy of the mapping detail. If T7 is one of the trees on this historic boundary then it suggests that the tree was mature at the time of the survey and therefore likely to be 200 years old and veteran. The Trust say that If the decision is reached that the tree is veteran, then Natural England and Forestry Commission’s standing advice is clear that construction should not take place within the RPA of veteran trees. If it is concluded that the tree is not yet veteran, they suggest it should be treated as notable and given the necessary protection to ensure longevity of the species.</p>
8.7.7	<p>Following this, the applicant produced a Tree Status Report on the two trees then listed on the ATI. The report contends that neither tree have the physical or physiological characteristics of a veteran or notable tree. The Council’s Tree Officer concurs with this position in respect of the veteran status of T7, stating that there is no significant deadwood or decay (significant cavities) present to indicate the presence of saprophytic organisms/nutrient cycling. There is also no sign of retrenchment or other indicators of great age. There were no epiphytes observed on the stem or in the crown nor were fungal fruiting bodies observed in either tree.</p>
8.7.8	<p>The Tree Status Report goes on to conclude that the mapping data by which the Woodland Trust made their assessment was flawed and that 1880’s mapping shows a tree line which would lie east of this site, between nos. 18 and 20 Farr Hall Drive. Officers do not concur with this conclusion. Through the use of the Council’s own mapping information and overlaying current layout over old maps reveals that the tree line referenced in old maps runs along the boundary between this site and its neighbour (20 Farr Hall Drive). This would rule out T7 the tree identified as having ‘veteran’ status, but could potentially include T10, the ‘notable’ tree.</p>
8.7.9	<p>On 9th September 2024, the Council received comments from the Woodland Trust following further investigation into mapping data from between 1851 and 1909. In accordance with the assessment set out by Officers in paragraph 8.7.8, the Woodland Trust consider that the applicant is incorrect in stating the treeline boundary referenced in the historic plans is to the east of the site but is along it’s eastern boundary. Therefore, it does appear that tree T7 is not on the historic boundary and, although a valuable mature tree, in their view it could be argued on this basis that it has not yet quite reached veteran stage. The Trust goes onto to state that based on the information available to them, T10 is on the historic boundary</p>

	<p>and in view of this, together with the girth measurement detailed in Ascerta’s report “Updated AIA Jan 2024”, this tree has now been upgraded to Veteran status on the Ancient Tree Inventory (previously entered as ‘notable’ on the register). As such the Trust requested the Council’s Tree Officer review his conclusion as to whether the tree has veteran status and whether it should be afforded an un-encroached veteran tree buffer, in line with Natural England and Forestry Commission’s standing advice. Further information was also received on 11th September 2024 (outside the consultation period) from a member of the public concerning this same issue, setting out that they consider T10 and T11 to be veteran trees and therefore the root protection zone should be increased by 25%.</p>
<p>8.7.10</p>	<p>The Council’s Tree Officer who has made a number of visits to the site does not consider that either of the trees in the ATI are ‘notable’ or veteran’. The trees do not stand out in the local environment because they are large in comparison with other trees around them, however, they are important and such adequate protection measures have to be put in place. There is no specific requirement for an increased root protection area for notable trees (as requested by the Woodland Trust) but in any case, the arboricultural supervision and use of the green grid system which raises the parking slightly off the ground allows for the accommodation of the trees and their roots, as well as allowing for future growth and colonisation.</p>
<p>8.7.11</p>	<p>Having reviewed the Trust’s latest comments, and the comments submitted by a member of the public on 11th September 2024, together with the information submitted with this planning application by the applicant, the Council’s Tree Preservation Officer remains of the opinion that none of the trees on site merit ‘veteran’ status given that most of the characteristic features found on veteran trees are not present on T7, T10 or T11 (for example, no epiphytes observed on the stem or in the crown, nor were fungal fruiting bodies seen on the tree, absence of significant deadwood in the canopy, absence of decay holes or major trunk cavities or progressive hollowing, etc). The girth of a tree is not a reliable criterion in isolation when determining veteran status of a tree because different species and individuals of tree have very different life spans and grow at different rates. Trees with large girth are not atypical for this area.</p>
<p>8.7.12</p>	<p>It is however maintained that the trees have some historic value and lend a maturity and stability to the site. This is why all possible measures are being taken to retain the trees successfully. Sufficient mitigation is in place through the use of the green grid system and the arboricultural supervision proposed in the Arboricultural Method Statement, to preserve the health of T7, T10 and T11 (and all other retained trees on site) during the course of construction and their longer-term health following the completion of development. Subject to full compliance with the method statement and a tree protection plan it is considered that the retained trees will be appropriately and sufficiently preserved. Conditions in this regard are attached.</p>

8.7.13	The development will result in the loss of 7 trees and part of a hedgerow. In order to comply with the requirements of the Tree Strategy a total of 15 will be planted on-site. This will be conditioned.
8.7.14	Overall, the proposal is considered by the Council's Tree Officer to retain adequate space for all trees retained on-site to grow without significant pruning or management/maintenance requirements above those already required with the existing building.

8.8 Other Matters	
8.8.1	The NPPF requires new development to incorporate sustainable drainage where possible. The application was accompanied by a Drainage Strategy which has been considered and reviewed by Welsh Water. Following clarification by the applicant Welsh Water confirm that they have no objection to the proposals. The proposed discharge rate offers a betterment on the existing and therefore reducing flood risk in the downstream public sewerage system and a condition in this regard is recommended.
8.8.2	Objections have also been made in respect of the sustainable credentials associated with this proposal. The development will result in the demolition of a single dwelling and its replacement with 6 on the same site thereby demonstrating greater efficiencies in land use and energy per dwelling. The building would be required to be constructed in accordance with up-to-date building regulations which will provide more energy efficiency than the single unit that it replaces.

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 and the emerging Local Plan. In reaching this decision the Local Planning Authority has considered the following: -
9.2	The proposed development would preserve the character and appearance of the surrounding area and safeguard neighbouring residential amenity. It will provide for an additional 5 residential units and not result in any harm in terms of highway, drainage and ecological matters. As such the development accords with the

	objectives of Wirral's Unitary Development Plan the emerging Local Plan and the National Planning Policy Framework.
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10. Recommended Decision:	Conditional Approval
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Recommended Conditions and Reasons:	
<p>1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p> <p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 16th February 2023; 22nd May 2023; 25th July 2023, 29th September 2023; April 2024; 4th June 2024 and 11th November 2024 and listed as follows:</p> <p>Site Location Plan (Ref:2209-000 Rev B); Proposed Site Plan (Ref: 2209-001 Rev H); Block Plan (Ref: 2209-002 Rev A); Ground Floor Plan (Ref: 2209-100 Rev G); First Floor Plan (Ref: 2209-101 Rev F); Attic Plan (Ref: 2209-102 Rev I); Roof Plan (Ref: 2209-104 Rev D); Sub-Floor Plan (Ref: 2209-105); Proposed Elevations (Ref: 2209-200 Rev F); Proposed Elevations (Ref: 2209-201 Rev E); Landscape Proposals Plan (Ref: H22-0053-001E); Section A-A (Ref: 2209-303) Section B-B (Ref: 2209-304); Section C-C (Ref: 2209-305); Proposed Site Section A-A (Ref: 2209-301C); Proposed Site Section B-B (Ref: 2209-302 Rev C).</p> <p>Reason: For the avoidance of doubt and to define the permission.</p> <p>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 and hard standing materials. The development shall be carried out using those approved facing materials and retained as such thereafter.</p> <p>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.</p>	

4. The approved Arboricultural Method Statement (Rev A) and the Tree Protection plan P.1144.19.05 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the report, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with UDP Policy GR7.

5. Prior to the occupation of the development a Planting Plan detailing specifications of the at least 15 new trees to be planted on site; their location; a planting tree schedule and methods, shall be submitted and approved by the local planning authority in writing. The approved Planting Plan should thereafter be adhered to in full prior to first occupation.

Reason: To safeguard the visual appearance and character of the site and to accord with the Council's Tree Strategy.

6. Any trees or plants which within 5 years from them being planted die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

Reason: To ensure that the approved soft landscaping thrives and makes a positive contribution to residential amenity and preserves the character of the site.

7. No plant or materials shall be brought onto site until Root Protection Area fencing and Ground Protection has been installed in accordance with the submitted tree protection plan and specification (Drawing P.1144.19.05) within the submitted Arboricultural Method Statement (Rev A) by Ascerta.

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

The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development,

until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with UDP Policy GR7.

8. Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 5 litres per second

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

9. Full details of the cycle and bin storage facilities (as shown on hereby approved drawing ref 2209-001 Proposed Site Plan, Rev H 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.

10. The approved driveway and parking layout (as shown on hereby approved site plan ref: 2209-001 Rev H) shall be installed and laid out prior to the occupation of the development and maintained for the life of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and highway safety.

11. Prior to the occupation of the development a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the local planning

authority. The Plan should set out management of the site for a period of at least 30-years and should include the following:

- Description and evaluation of the features to be managed.
- Ecological trends and constraints on site which may influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually).
- Personnel responsible for implementation of the plan.
- Confirmation of funding and ownership.
- Details of a programme of monitoring and remedial measures triggered by monitoring.

The Plan shall be adhered to in full unless with the prior written approval of the local planning authority.

Reason: In the interest of visual appearance and biodiversity.

12. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/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, hedgerows, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: In the interests of biodiversity.

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

Reason: To encourage enhanced biodiversity on the site post development.

14. Prior to the installation of any external lighting associated with the development hereby approved, details of the lighting, including appearance and luminance, shall be submitted to and approved in writing by the Local Planning Authority and thereafter constructed and retained in accordance with the said details unless otherwise agreed.

Reason: To safeguard the amenities of neighbouring and future residents and biodiversity.

15. Prior to the commencement of development, the applicant shall submit a method statement on the control of Rhododendron and Cotoneaster, both invasive species, which includes the following information:

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

Reason: To remove an invasive species as listed under Schedule 9 of the Wildlife and Countryside Act (1981) and ensure the protection of the native natural environment in accordance with Policy NC01 of the Wirral UDP.

16. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on terrestrial mammals from the construction of this development. These measures shall include:

- A pre-commencement check for badger and hedgehog.
- All trenches and excavations should have a means of escape (e.g., a ramp.)
- Any exposed open pipe systems should be capped to prevent mammals gaining access.
- Appropriate storage of materials to ensure that mammals do not use them.

Reason: To protect terrestrial mammals.

17. Prior to the commencement of any works to the building or trees on site, an updated bat survey shall take place. Evidence that the survey has been undertaken together with any necessary measures and mitigation for any bats found, shall be submitted to and approved in writing by the local planning authority prior to the commencement of demolition and/or tree works. Any recommendations set out from this survey shall be undertaken in full alongside the points 2 to 6 (inclusive) of Section 6 of the Bat Roost Assessment and Nocturnal Surveys report (July 2023) unless with the prior written approval of the local planning authority.

Reason: To safeguard and encourage on-site biodiversity.

18. The proposed drainage shall be constructed in accordance with the drainage arrangement as per drawing ref: ELL-19017-HH-B-1000 (rev B) unless otherwise agreed in writing with the local planning authority in consultation with Welsh Water.

Reason: To safeguard against flooding.

19. The first and attic floor windows within the north-eastern and south-eastern elevations shall be obscurely glazed on installation and in perpetuity.

Reason: To safeguard the amenity of existing and future residents.

20. Except for the terrace area associated with Apartment 03 as shown on approved drawing ref: 2209-101 Rev. F, no part of the flat roofs of the ground floor structure shall be used as a balcony or terrace.

Reason: To safeguard the amenity of neighbouring occupiers.

Biodiversity Net Gain – Biodiversity Gain Plan Not Required

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).

NOTES TO APPLICANT

Dwr Cymru/Welsh Water

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Last Comments By:	13-10-2023
Expiry Date:	16 th September 2024

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PLANNING COMMITTEE

DATE 13 MARCH 2025

REPORT TITLE:	CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS FOR THE DETERMINATION OF PLANNING RELATED MATTERS
REPORT OF:	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

The purpose of this report is to seek Committee's views on a revised scheme of delegation relating to the determination of planning applications and planning related matters. The proposed revisions follow comments from Committee members in previous meetings when dealing with applications submitted under s192 of the Town and Country Planning Act 1990 (as amended) that this type of application would be more appropriately dealt with under delegated powers.

The Director of Corporate Services as Monitoring Officer has power to make minor and consequential changes, such as factual references, changes in the law, changes in process and protocols of Committee and revised arrangements for the distribution of responsibilities and the delegation of powers to officers. This Committee's views are sought on such changes so as to inform the exercise of this power by the Director of Law and Corporate Services.

This matter affects all wards within the Borough.

RECOMMENDATION/S

Planning Committee is recommended to note and comment on the proposed amended Scheme of Delegation for Determination of Planning Applications and Planning Related Matters as referred to at Appendix 1 of this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Planning decisions are made in accordance with the Constitution and the Scheme of Delegation to officers for the determination of planning applications and planning related matters. Following the last review of the scheme in September 2024, there have been a number of applications determined by the Planning Committee made under s192 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”) and Planning Committee members have expressed a view that consideration be given to whether these type of applications would be more appropriately dealt with by Officers under delegated powers.
- 1.2 Applications made under s191 of the 1990 Act are similar types of applications, one dealing with existing uses and the other proposed uses, therefore a consistent approach to the determination of both types of applications is sensible.
- 1.3 Applications made under sections 191 and 192 of the 1990 Act are based purely on an assessment of whether planning permission is required for a proposed development or use. As such, no planning judgement can be made in relation to such applications.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The current form of the Scheme of Delegation to officers for the determination of planning applications and planning related matters could remain in its current format which would continue to see applications made under s191 and s192 of the 1990 Act capable of being referred to Planning Committee for determination by either elected members or qualifying objections.
- 2.2 Members could seek other changes to the Scheme of Delegation which would then be considered having regard to the principles summarised at paragraphs 5.2 and 5.3 of this report.

3.0 BACKGROUND INFORMATION

- 3.1 Section 191(1) of the 1990 Act provides that any person who wishes to ascertain whether any existing use of buildings or other land is lawful, or any operations which have been carried out in, on, over or under land are lawful or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, may make an application for the purpose to the local planning authority, specifying the land and describing the use in question.
- 3.2 Section 192(1) of the 1990 Act provides that any person who wishes to ascertain whether any proposed use of a building would be lawful, may make an application for the purpose to the local planning authority, specifying the land and describing the use in question.
- 3.3 In relation to such applications “Material planning considerations” which are as a matter of course considered in planning applications are not relevant. The decision is

to be based strictly on factual evidence, the planning status/history of the site and the relevant law applicable to the circumstances of the case. The planning merits of the existing use or proposed use applied for do not fall to be considered.

- 3.4 Section 191(4) of the 1990 Act provides that if, on an application under that section, the Council is provided with information satisfying it of the lawfulness of the use, operations or other matter described in the application or a description modified or substituted by the Council they should issue a certificate to that effect. In any other case the application should be refused. The onus is firmly on the applicant to demonstrate on the balance of probabilities that the use, operations or other matter are lawful.
- 3.5 Section 192(2) of the 1990 Act provides that if, on an application under that section, the Council is provided with information satisfying it that the new use described in the application would be lawful they should issue a certificate to that effect. In any other case the application should be refused. The onus is firmly on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.
- 3.6 National Planning Practice Guidance sets out that on an application for a Certificate the local planning authority needs to consider whether, on the facts of the case and relevant planning law, the use would be or is lawful. Planning merits are not relevant to the consideration of these applications.
- 3.7 If the recommendations are approved the Director of Law and Corporate Services would then consider using their delegated powers to make the changes to the scheme of delegation outlined within this report or alternatively referring the matter to the Standards and Constitution Committee in accordance with the principles set out in sections 5.2 and 5.3 of this report.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

- 5.1 The legal basis for delegation is Section 101 of the Local Government Act 1972. The scheme of delegation sets out the basis on which a delegated function operates, the level of Member involvement and the circumstances in which an officer's delegated powers to make a decision may not be exercised.
- 5.2 Article 15 of the constitution provides as follows:
"15.3 Changes to the Constitution
(a) Approval. Changes to this Constitution will only be approved by the Full Council after consideration of the proposal by the Standards and Constitution Committee following receipt of a written report of the Monitoring Officer, except that:
(i) changes to the Articles of this Constitution will only take effect from the meeting of Council following the meeting that determines the approval (unless legal advice is received from the Monitoring Officer requiring earlier implementation); and
(ii) minor and consequential changes, such as those:

- (1) to factual references;
- (2) as are required by legislative or legal changes and developments;
- (3) to reflect changes in procedures and protocols adopted by Committees; and
- (4) to reflect revised arrangements for the distribution of responsibilities and the delegation of powers to officers in accordance with decisions taken by the appropriate committee or chief officer authorised to take such action,

may be made by the Monitoring Officer.”

- 5.3 Any proposed change to the Scheme of Delegation which the Monitoring Officer does not consider to be minor will need to be considered by the Standards and Constitution Committee with any onward approval of any changes to be approved by a full Council meeting.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no implications for staffing ICT or assets arising directly from this report.

7.0 RELEVANT RISKS

- 7.1 It is important that a balance is struck between the need to achieve timely decisions and the need to ensure an effective process. The proposals within this report are designed to achieve the most economical use of both members’ and officer time and to allow the focus to be on the more complex and/or contentions planning applications. The proposals within this report aid in striking that balance and will enable the Council to comply with its duty to follow good governance processes

8.0 ENGAGEMENT/CONSULTATION

- 8.1 This report and the amendments proposed result from comments by members of the Planning Committee at previous meetings requesting that consideration be given to the delegation of the determination of applications made under s191 and s192 of the 1990 Act to Officers as opposed to being determined by Committee.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

10.0 ENVIRONMENT, BIODIVERSITY AND CLIMATE IMPLICATIONS

- 10.1 There are no significant environment, biodiversity or climate change implications arising from the proposals within this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 There are no implications for community wealth building arising directly from this

report.

REPORT AUTHOR: Nicky Folan
Senior Planning Lawyer

APPENDICES

Appendix 1 – Amended form of Scheme of Delegation to officers for the determination of planning applications and planning related matters

BACKGROUND PAPERS

2024 Scheme of Delegation for the Determination of Planning Applications and Planning Related Matters.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee	12 September 2024

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Appendix 1- Tracked version Scheme of Delegation to officers for the determination of planning applications and planning related matters

1. The Director of Regeneration and Place has authority to determine all major, minor and other applications submitted to, by or on behalf of the Wirral Borough Council (“the Council”) and determine such other related matters, including enforcement matters, other than those listed under 1a and 1b below:

a. subject to the following categories which shall be determined in consultation with the Chair and Party spokespersons;

i. Any personal or private application made by any Member of the Council, or any member of staff employed in the Council’s Planning Service;

ii. Any application where an Elected Member is involved in any capacity as an agent or consultant where at least one objection has been received;

iii. Applications other than householder applications where it is proposed to make a decision that is contrary to the development plan;

iv. Decisions that would need to be referred to the Secretary of State with the exception of applications for Planning Permission or Listed Building Consent to Grade I listed buildings, where there are statutory objections;

v. Recommendations to not take enforcement action relating to Priorities 1, 2 and 3 of the adopted Planning Enforcement Policy on the grounds of non-expediency.

vi. Any decision to revoke a Tree Preservation Order and not replace it.

vii. Any application made under section 73 of the Town and Country Planning Act 1990 that seeks to vary a planning permission that was determined by Planning Committee, unless the section 73 application is recommended for refusal.

viii. Any decision to inform the appellant and Planning Inspectorate that the Council will not seek to defend reason(s) for refusal at an appeal against a planning decision, in cases in which the advice of the Director of Law and Corporate Services is that that the specific reasons are unreasonable and/or likely to undermine or weaken the Council’s case, provided that any such action does not overturn the substantive decision of the Committee.

b. Applications and matters to be determined by Committee:

i. the following categories of applications for planning permission:

- large-scale major developments recommended for approval. Large scale development is defined by the Department for Levelling Up and Local Communities as residential developments of 200 houses or more, or where the number of dwellings is not specified a site area of 4 hectares or more, and non-residential developments of 10,000 square metres or more or where the site area is 2 hectares or more.
 - 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 where the application is recommended for approval;
 - 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);
 - any application where the Director of Regeneration and Place considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses;
 - Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.
- ii. Applications (save for applications made pursuant to sections 191 and 192 of the Town and Country Planning Act 1990) where any Elected Member has, prior to the last date for comment as published on an application for either their Ward or a Ward which would be substantially affected by the proposals within the application, made a written request to the Director of Regeneration and Place that the application be referred to the Planning Committee and has given sound and reasonable planning grounds for that request. In the event that the Elected Member does not register their intention to speak to the item at Committee consent may be sought from the Committee to withdraw the agenda item to enable it to be determined under officer delegation.
- iii. Applications (save for applications made pursuant to sections 191 and 192 of the Town and Country Planning Act 1990) that, within the specified consultation period attract a qualifying objection of either:-
- one or more petitions of objection totalling 25 or more individual signatories; or
 - 15 individual objections in writing, unless the application is being recommended for refusal, in which case, the application shall remain under officer delegated powers. The lead petitioner will be informed of the recommendation to refuse under delegated power.

c. to take enforcement action on all matters relating to the issue, modification, service and withdrawal of Enforcement Notices, Planning Contravention Notices, Breach of Condition Notices, Discontinuance Orders, Stop Notices and Temporary Stop Notices, and to take direct action in respect of any breach of planning control.

d. to refuse applications in relation to telecommunications development;

e. where it is proposed to recommend any proposals requiring prior notification approval, after consultation with the Chair and Party Spokespersons of the Planning Committee, to determine applications in relation to such developments which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory period,;

f. to determine all planning and related applications where decisions would require a planning or legal agreement (eg Section 106 obligation, unilateral undertaking, or agreement under section 111 of the Local Government Act 1972) unless those applications are caught by section 1b above.

2. The Director of Regeneration and Place is authorised to undertake the following functions and powers:

a. To exercise all the powers and duties of the Council in respect of the Town and Country Planning Act 1990 (as amended) (“the Act”) as follows:

i. To reject an outline application because of insufficient details;

ii. To require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act;

iii. To serve planning contravention notices and to hold discussions as a result of the “time and place” procedure under Section 171(C) of the Act;

iv. To make Tree Preservation Orders under section 198 and section 201 of the Act and to subsequently confirm Tree Preservation Orders, except where five or more objections have been received, in which case the matter shall be determined by Planning Committee;

v. To determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary;

vi. To issue screening opinions and scoping opinions (under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017;

- vii. To authorise entry on to land under Sections 196 214(b) and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - viii. To consider Conservation area protection notifications under Section 211 of the Act;
 - ix. To present and defend the Council's case in any appeal made against a planning decision including appeals against non-determination and enforcement appeals;
 - x. To enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act 1990);
 - xi. To make changes to conditions approved at Committee (in the light of changing circumstances between the meeting and the issue of the decision) provided this is in line with the principles of the Committee's decision; and
 - xii. To issue Enforcement Warning Notices pursuant to Section 172ZA of the Town and Country Planning Act 1990,
- b. To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.
 - c. To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.
 - d. To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 2007 or any amendments to those regulations.
 - e. To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.
 - f. To respond to consultations from neighbouring local planning authorities on planning applications.
 - g. To respond to all consultations on proposed changes to relevant legislation or national guidance.
 - h. To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges, to issue any remedial notices and to defend the Council's decision in any appeal made.
 - i. To determine the requirements for, and amend when necessary the local validation list for planning applications.

j. To exercise all the functions of the Council in respect of applications for development consent for Nationally Significant Infrastructure Projects made to the Examining Authority arising under the provisions of the Planning Act 2008

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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.