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PLANNING COMMITTEE

Thursday, 15 October 2020

Present:

Councillor

S Kelly (Chair)

Councillors

S Foulkes

K Hodson

G Davies

S Frost

B Kenny

P Stuart

M Jordan

A Wright

A Gardner

1 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 22 September 2020 for approval.

Resolved – That the minutes of the meeting held on 22 September 2020 be approved.

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

No such declarations were made.

3 ORDER OF BUSINESS

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

4 APP/20/00741: 25 WARWICK DRIVE, EGREMONT. TO CREATE A SMALL MEWS STYLE 3-BED HOUSE WITHIN THE GROUNDS OF THE EXISTING PROPERTY AT 25 WARWICK DRIVE, WALLASEY.

The Director of Regeneration and Place submitted the above application for consideration.

The Lead Petitioner addressed the Committee.

The applicant's agent addressed the Committee.

A Ward Councillor addressed the Committee.

It was moved by the Councillor P Stuart and seconded by Councillor G Davies that the application be refused.

The motion was put and carried (10:0).

Resolved (10:0) – That the application be refused for the following reason:

1. It is considered that the development proposed would introduce a form of development that would appear at odds with the local character of the area appearing incongruous when set against the prevailing pattern of frontage development, with private, interlocking rear gardens. Therefore, it is considered that the development does not comply with Policy HS4 of the Wirral Unitary Development Plan or the principles of the National Planning Policy Framework.

- 5 **APP/19/01342: 5 JOHNSONS ESTATE, TARRAN WAY SOUTH, MORETON, CH46 4TP. ADDITION OF 4 NEW SMALL BUILDINGS: 1. TO HOUSE A DUST EXTRACTOR ON THE EXTERNAL OF THE FACTORY BUILDING, 2. A PORTA-CABIN TO ACT AS THE SITE WORKERS CANTEEN, 3. A PORTA-CABIN TO ACT AS THE SITE WORKERS CHANGING AND DRYING ROOM & 4. A SMALL WOODEN SHED TO HOUSE A TABLE SAW THAT IN TURN HAS ITS OWN DUST EXTRACTION. CHANGE OF OPERATING HOURS TO RUN 24 HOURS A DAY 7 DAYS A WEEK.**

The Director of Regeneration and Place submitted the above application for consideration.

The Lead Petitioner addressed the Committee.

A Ward Councillor addressed the Committee.

It was moved by the Councillor K Hodson and seconded by Councillor P Stuart that the application be approved subject to the following condition being added:

“6. The machine saw timber shed shall not be in use before 0700 hours and after 1800 hours Monday to Friday and before 0800 hours and 1800 hours on weekends and Bank Holidays. Reason: In the interests of amenity.”

The motion was put and carried (10:0).

Resolved (10:0) – That the application be approved with the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19 December 2019 and listed as follows: Site Plan, 19148-100, 19148-101, 19148-102, 19148-103**
- 3. Deliveries shall be taken at or despatched from the site only between hours of 0800 and 1800 Monday to Friday 0900 and 1700 Saturdays and not at any time on Sundays or on Bank or Public Holidays.**

4. There shall be no use of vehicles requiring the operation of audible reverse alarms within the site before 0800 and after 1900 hours Monday to Friday, before 0900 and after 1800 Saturdays and before 1000 and after 1600 Sundays and Public Holidays

5. All doors, roller shutters and windows shall be in the closed position up to 0700 hours and after 1800 hours Monday to Friday and up to 0800 and 1800 hours weekends and bank holidays other than when opened to allow staff to enter and leave the building.

6. The machine saw timber shed shall not be in use before 0700 hours and after 1800 hours Monday to Friday and before 0800 hours and 1800 hours on weekends and Bank Holidays.

6 **APP/20/00437: ALDI PRENTON, 374 WOODCHURCH ROAD, PRENTON, CH42 8PG. DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND ERECTION OF A FOOD STORE (USE CLASS A1), CAR PARK, ACCESS AND LANDSCAPING.**

The Director of Regeneration and Place submitted the above application for consideration.

The Applicant addressed the Committee.

Two Ward Councillors addressed the Committee

A Ward Councillor from Oxton Ward addressed the Committee.

It was moved by the Councillor B Kenny and seconded by Councillor P Stuart that the application be approved subject to the following conditions.

The motion was put and carried (8:2).

Resolved (8:2) – That the application be approved with the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the Local Planning Authority (unless otherwise stated) on 19 March 2020:

1944NES-110 Location Plan

1944NES-114 Demolition Plan

1944NES-116 Proposed GA Plan

1944NES-117 Proposed Elevations

1944NES-118 Proposed Roof Plan

1944NES-119 Proposed Roller Shutter Details

1944NES-120B Proposed Boundary Treatment

Received 16 September 2020:

200915-GA-02 Woodchurch Road Access and Egress (prepared by Cameron Rose)

Aldi, Prenton Management Plan (prepared by JLL)

Received 13 September 2020:

1944NES-115F Proposed Site Plan

3. Before any above ground construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

4. Prior to occupation of the food store a full scheme of works and timetable for the construction of the following shall be submitted to and agreed in writing with the Local Planning Authority:

- i. The formation of the new vehicular accesses to the development from Duck Pond Lane and Woodchurch Road and the provision of a turning facility to the existing alleyway parallel to Woodchurch Road.**
- ii. The provision of dropped kerbs and tactile paving at all new access points**
- iii. The provision of a minimum 2m wide footway along the development boundary to Duck Pond Lane**
- iv. Any necessary amendments to the existing traffic regulation orders on Woodchurch Road and Duck Pond Lane to facilitate the highway works.**
- v. Any new or repositioned street lighting columns or highway drainage works necessary to facilitate the above highway works.**

5. No development shall commence until the 'Confirmed/ Final' Sustainable Drainage Strategy¹ and method of implementation satisfying the Terms of Condition below and in accordance with the submitted surface water drainage assessment (29 September 2020/ Aldi Prenton/ Drainage Assessment / Final Report V1.3/ Weetwood) is submitted and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The surface water discharge rate for the development is limited to 15 l/s.

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

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

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

7. No above ground construction works shall take place until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

8. All boundary treatment to be erected, including the positions, design and materials, shall be carried out in accordance with the details shown on the approved plan. The boundary treatment as approved shall be completed before the building hereby approved is first brought into use.

9. The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

10. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

11. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

12. The supermarket shall be closed for trade between 22.00 and 08.00 hours Monday to Saturday and between 18.00 and 10.00 hours on Sundays and Bank Holidays.

13. Servicing and deliveries shall not take place between the hours of 22.00 hours and 06.00 hours Monday to Saturday and 18.00 hours and 10.00 hours on Sundays and Bank Holidays. No vehicle shall arrive before the start time or leave after the finish time.

14. Foul and surface water drainage shall be drained on separate systems.

15. No above ground construction until details of the level and intensity of

lighting within the development, including inside the store hereby approved, has been submitted to and approved in writing by the Local Planning Authority.

16. No removal of any trees, shrubs or hedges or any ground clearance or building work shall be carried out on site between 1 March and 31 August inclusive in any year unless otherwise approved in writing by the Local Planning Authority. If it is necessary to undertake works during the bird breeding season then all trees, shrubs and hedges shall first be checked by an appropriately qualified/experienced ecologist, as agreed with the Local Planning Authority, to ensure no breeding birds are present. In the event of breeding birds being present, full details of mitigation and protection measures shall be submitted to and approved in writing by the Local Planning Authority before any such works commence.

17. Prior to occupation of the foodstore the following is to be submitted to and agreed in writing with the Local Planning Authority;

A servicing management plan– controlling the west arrival, and east departure of service vehicles on Woodchurch Road.

i). The formation of the new vehicular accesses to the development from Duck Pond Lane and Woodchurch Road and the provision of a turning facility to the existing alleyway parallel to Woodchurch Road.

ii). The provision of dropped kerbs and tactile paving at all new access points

iii). The provision of a minimum 2m wide footway along the development boundary to Duck Pond Lane

iv). Any necessary amendments to the existing traffic regulation orders on Woodchurch Road and Duck Pond Lane to facilitate the highway works.

v). Any new or repositioned street lighting columns or highway drainage works necessary to facilitate the above highway works.

18. Following completion of the off-site highway works and prior to the first opening of the amended store access off Woodchurch Road a Stage 3 Road Safety Audit shall be provided for assessment by the Local Highway Authority.

7 APP/20/00552: THORS HILL, 8 WETSTONE LANE, WEST KIRBY, CH48 7HQ. ERECTION OF A 5-BED DWELLING WITH ASSOCIATED HARD AND SOFT LANDSCAPED EXTERNAL WORKS. (AMENDED PLANS AND RED EDGE)

The Director of Regeneration and Place submitted the above application for consideration.

The Agent addressed the Committee.

A Ward Councillor addressed the Committee.

It was moved by the Chair and seconded by Councillor K Hodson that the application be approved.

The motion was put and carried (10:0).

Resolved (10:0) – That the application be approved with the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 24th April 2020 and listed as follows:

18-242-P2-01B, received 3rd July 2020;
18-242-P2-110B, received 3rd July 2020;
18-242-P2-112B, received 3rd July 2020;
18-242-P2-101C, received 17th July 2020;
18-242-P2-111C, received 18th September 2020;
18-242-P2-100E, received 24th September 2020; and
18-242-P2-102C, received 24th September 2020.

As well as:

Ecology Survey and Assessment (We Know Services, May 2020);
Arboricultural Method Statement We Know Services April 2020) Revision B and plan (19/00053/MS/B);
Arboricultural Implications Assessment Revision B (We Know Services April 2020).

3. No above ground works shall take place prior to details of all materials to be used in the external construction (facing, roof, openings etc) of this development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details.

4. Notwithstanding the details indicated on the plans hereby approved, details and elevations of the sandstone walls flanking the newly formed driveway to either side shall be submitted to and approved by the Local Planning Authority and constructed prior to the occupation of the premises. Such details to show:-

(a) To match existing sandstone boundary walls fronting Wetstone Lane in terms of material and in height

5. Prior to first occupation of the hereby approved property, the existing

foliage to the existing boundary wall flanking the newly formed vehicular access to either side and to the grassed area immediately to the front of this boundary wall, shall be removed and maintained as such thereafter .

6. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season then trees 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.

7. Prior to first occupation of the hereby approved development, details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation shall be submitted to and approved in writing by the Local Authority. Thereafter, their implementation shall be carried out in accordance with the approved details.

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

Please refer to the Bat Conservation Trust website

<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

9. If works don't commence within 1 year of the production of the Ecology Survey and Assessment (We Know Services, May 2020,) no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works shall take place until a pre-commencement check for terrestrial mammals has been carried out by a qualified ecologist and if discovered, any relevant species have been removed to a place of safety. Thereafter, during the construction phase:

- i) any holes or trenches left open overnight should either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps);**
- ii) any exposed open pipe systems should be capped at the end of each working day to prevent mammals gaining access;**
- iii) construction work is limited to daylight hours and should only take place between 8am and 6pm;**
- iv) appropriate storage of materials to ensure that mammals cannot access them; and**
- v) that the property/site boundary walls and fences continue to allow for the free movement of mammals both during and after construction.**

10. No development shall take place until a Site Waste Management Plan (or similar waste audit), confirming measures to achieve efficient use of resources and including designing out waste and minimisation of off-site disposal, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

11. Prior to any above ground works taking place a full specification of all proposed tree planting shall be provided and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting. The tree species to be used shall accord with the recommendations as set out in Section 5.12 of the Ecology Survey and Assessment (We Know Services, May 2020).

All trees shall be planted in accordance with the details and times stated in the specification and in accordance with British Standard [BS4043 - Transplanting Root-balled Trees][BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces)].

12. Prior to first occupation of the hereby approved dwelling, a schedule of maintenance of the trees until successfully established shall be submitted and agreed in writing with the Local Planning Authority. The measures set out in the schedule shall be implemented in full thereafter

The schedule shall include provision for replacement planting should establishment fail.

If within a period of five years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

13. Tree Protection Barriers:

Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. 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.

The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

Prohibited Activities:

The following activities must not be carried out under any circumstances:

- a, No fires to be lit within 20 metres of existing trees and shrubs to be retained.
- b, Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
- c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- d, No builders debris or other materials to be stored within the Root Protection Areas.
- e, No mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be used and located not within 10 metres of any Root Protection
- f, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
- g, no excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

Arboricultural Site supervision:

The Arboricultural Method Statement Revision B (Ref.19/00053) and plan (19/00053/MS/B), produced by 'We Know Services' and submitted in support of the application shall be adhered to in full.

14. The dwelling hereby permitted shall not be occupied until a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a plan and specification and demonstrate:

- i. The materials to be used for hard and soft surfacing;
- ii. A planting scheme which accords with the recommendations set out within Section 5 of the Ecology Survey and Assessment (We Know Services, May 2020);

- iii. **Compensatory tree planting to replace those specimens removed as part of the development to include the location, number, species and size of trees to be planted;**
- iv. **Any earthworks required;**
- v. **The location and design of fences, gates, walls, railings or other means of enclosure; and**
- vi. **The timing of implementation of the scheme.**

Thereafter landscaping scheme shall be carried out as approved.

15. Notwithstanding the details of the acoustic fencing as shown on submitted plans 18-242-P2-100/E and 18-242-P2-102/C, details and specifications of the acoustic fencing shall be submitted to the Local Authority for approval. The acoustic fence shall be implemented in accordance with those approved details and specifications prior to first occupation of the dwelling hereby approved and thereafter retained in place.

16. The proposed trees to be sited along the northern and western boundaries and as showing on submitted drawing no.18-242-P2-100/E, shall at the time of planting have minimum girths corresponding to those detailed within Section 4.12 of the submitted the Arboricultural Implications Assessment Revision B (We Know Services April 2020). In the event that the identified tree species cannot be sourced at the recommended size, then a suitable replacement should be sourced and which accords with the recommendations as set out in Section 5.12 of the Ecology Survey and Assessment (We Know Services, May 2020).

17. The north facing first floor habitable opening within the approved new dwelling shall not be glazed otherwise than with obscured glass which obscuration level is no less than Level 3 of Pilkington Glass scale (or equivalent) and fixed shut and thereafter be permanently retained as such.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) no garages, outbuildings or enclosure shall be constructed within the applications site without the prior written approval of the Local Planning Authority.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) there shall be no enlargement or extension of the dwelling hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

20. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;**
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and**
- (iii) A timetable for its implementation.**

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

21. Foul and surface water shall be drained on separate systems.

8 APPOINTMENT OF STRATEGIC APPLICATIONS SUB-COMMITTEE

The Director of Law and Governance submitted a report to enable the Planning Committee to establish a Strategic Applications Sub Committee, the Terms of Reference of which were approved by Council on 28 September 2020.

It was reported that the Constitution as approved by Council required the establishment of the Strategic Applications Sub-Committee. The membership of the Sub-Committee may comprise between 6 and 9 members. The proposals within the report enabled the Committee to decide upon the size of the Sub-Committee and to agree the allocation of seats to different political groups. It was also reported that the Planning Committee had power to reserve to itself functions that the Constitution prescribed as matters for the Strategic Applications Sub-Committee.

On a motion by the Chair and seconded by Councillor S Foulkes it was agreed that the Sub-Committee be comprised of 6 Members with the political proportionality of 3 Labour Members and 2 substitutes; 2 Conservative Members and 1 substitute; and 1 Liberal Democrat Member and 1 substitute.

The motion was put and carried.

Resolved (10:0) –

(1) That the Terms of Reference of the Strategic Applications Sub-Committee, as referred to in paragraph 3.1 of the report, be noted and those matters delegated to it be reserved to Planning Committee except as set out in paragraph 6 of this resolution.

(2) That the Strategic Applications Sub Committee be delegated the consideration of the protocols and procedures to be adopted with regard to pre application discussion arrangements.

(3) That the size of the Strategic Applications Sub-Committee, having regard to the options referred to at paragraph 5.5 of the report be set at 6 members of the Planning Committee in the political ratio of 3 Labour Seats (with 2 substitutes), 2 Conservative seats (with one substitute) and 1 Liberal Democrat seat (with 1 substitute).

(4) That the Chair of Planning Committee to be appointed as Chair of the Strategic Applications Sub Committee.

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

(6) That the following matters shall be determined at the Strategic Applications Sub Committee:

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

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

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

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

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

9 PROTOCOLS RELATING TO DETERMINATION OF PLANNING APPLICATIONS

The Director of Regeneration and Place submitted a report seeking approval for Protocols relating to the determination of Planning Applications.

It was reported that the first Protocol related to the criteria to be applied as to when the Director of Regeneration and Place shall arrange for an application to be taken

out of officer delegation and be considered by the Planning Committee or Strategic Applications Sub-Committee for determination due to it being inappropriate to exercise delegated powers having regard to the public representations received and/or consultee responses.

The second Protocol related to the right for persons who are not members of the Planning Committee to speak at meetings of the Planning Committee or the Strategic Applications Sub-Committee. Approval was also sought for a third protocol being Guidance on the right to speak at Planning Committee and Strategic Applications Sub-Committee.

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

Resolved (10:0) –

(1) That the “Criteria to be applied by the Director for removing an application from officer delegation and referring the matter to Planning Committee or the Strategic Applications Sub-Committee” be as set out in Appendix 1 attached to these minutes.

(2) That the “Protocol on the Right to Speak at Wirral Council Planning Committee and Strategic Applications Sub-Committee” be as set out in Appendix 2 attached to these minutes.

(3) That the “Guidance on the right to speak at Planning Committee and Strategic Applications Sub-Committee” be as set out in Appendix 3 attached to these minutes.

(4) That during the Covid 19 Pandemic the scheme of delegation be temporarily amended to give delegation to the Director, in consultation with party spokespersons, the following categories of application:

- I. Any personal/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 where it was proposed to make a decision that is contrary to the development plan with the exception of domestic extensions.**
- IV. Decisions that would need to be referred to the Secretary of State with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.**
- V. Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.**
- VI. Recommendations to not take appropriate enforcement action relating to Priorities 1, 2 and 3 of the adopted Planning Enforcement Policy on the grounds of non-expediency.**

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Appendix 1 – Director’s Criteria for Applications to be determined by Planning Committee and the Strategic Applications Sub-Committee.

(i) Applications where any Elected Member has, prior to the last date for comment as published on an application, made a written request to the Director that the application be referred to the Planning Committee and has given sound and reasonable planning grounds for that request .

(ii) Applications that, within the specified consultation period attract a qualifying objection of either :-

- a) one or more petitions of objection totalling 25 or more individual signatories or
- b) 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.

In order to promote effective decision making and to ensure that meetings of the Committees are managed efficiently, in the event that a lead petitioner or ward councillor do not register their intention to speak to the item at Committee the matter will be taken out of the Committee agenda and revert back to Officer Delegation.

(iii) Any personal/private application made by any Member of the Council, or any member of staff employed in the Council’s Planning Service.

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

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Appendix 2- Protocol for the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings

In this protocol reference to Committee shall be construed (as appropriate) to either the Planning Committee or the Strategic Applications Sub-Committee.

In this protocol references to the Chair shall be construed (as appropriate) to either the Planning Committee or the Strategic Applications Sub-Committee.

In this protocol references to a qualifying objection shall be construed (as appropriate) to mean either:

- a) one or more petitions of objection totalling 25 or more individual signatories; or
- b) 15 or more individual objections in writing.

1. When an application before the Committee for decision has a related qualifying objection,
 - (i) a spokesperson for the objectors is given the right to address the Committee. The spokesperson may be the lead petitioner, a representative of the written objectors, their agent, or their ward councillor.
 - (ii) the applicant or their agent will be given the right to speak in respect of their application whether or not the petitioner or objectors' spokesperson has exercised their own rights to speak.

When given the opportunity to speak the spokesperson, agent or applicant shall have a maximum of 5 minutes to make their representations to the Committee.

2. It will be a matter for the Chair (where appropriate with prior consultation with ward councillors) to determine who should speak for objectors if more than one objector has requested to speak. The Guidance on Speaking at Committee contains more details on this process.
3. Where there is a second petition the Chair will generally exercise a discretion to allow one spokesperson for the additional petition to speak to provide the Committee with further information other than what has already been said. A further two minutes is allowed for secondary petitioners to make representations to the Committee.
4. A Ward Councillor may address the Committee on any application they have asked to be removed from delegation. There shall be no time limit on Ward Councillors when they address the Committee.
5. If a statutory consultee wishes to make representations on any application before the Committee, they shall be able to do so. They will be given a maximum of 3 minutes to address the Committee.
6. All time allocations referred to in this protocol do not include the time spent in answering any questions the Committee may raise with the speaker.

7. Where, due to Covid 19 restrictions on social distancing, a member of the public informs the Council that they have experienced difficulties in drawing up a petition they shall be referred by Planning Officers or Committee Services officers to their Ward Councillor. In such circumstances the Ward Councillor may choose to seek to take the matter out of delegation and speak to the matter at Committee.

If the matter is referred to Committee the applicant or agent shall then have the right to speak for a maximum for 5 minutes. Alternatively, the Ward Councillor may, prior to the relevant meeting of the Planning Committee, ask the Chair to exercise their discretion to enable the “potential lead petitioner” to speak at Committee. Any member of the public, applicant or agent addressing the Committee in such circumstances shall be given a maximum of 5 minutes to do so.

8. For clarification, Members of the Committee have the right to speak at Committee meetings as set out in the Councils Standing Orders

Appendix 3- Guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings

If you are thinking of speaking at the committee meeting, please read the following guidance:

1. Who can speak at the Planning Committee meeting?

When an application before the Committee for decision has a related petition of objection of 25 or more signatories or 15 or more individual letters of objection,

(i) a spokesperson for the objectors is given the right to address the Committee. The spokesperson may be the lead petitioner, a representative of the written objectors, their agent or their ward councillor.

(ii) the applicant or their agent will be given the right to speak in respect of their application whether or not the objectors or petitioners have exercised their own rights to speak.

2. If I am an objector and an item goes to Committee how do I indicate that I wish to have a right to speak

In addition to applications where there is a valid petition of 25 or more signatories, applications will also go before Committee where there are 15 or more written objections from different households. If you want to be considered for speaking at Committee please therefore leave an email address with any objection so that you can be contacted if this trigger figure is reached.

Once written objections reach the trigger point (15 objections) you will be contacted by a Committee Services officer and asked to confirm if you want to speak

It will then be a matter for the Chair (where appropriate with prior consultation with ward councillors) to determine who should speak for objectors if more than one objector has requested to speak.

3. What if I find it difficult, due to Covid 19 social distancing restrictions, to get 50 signatories for a petition.

In these circumstances you should approach your Ward Councillor and request that they consider requesting that the matter be taken out of delegation and be considered by the Planning Committee. If the Ward Councillor does so and the matter is referred to Committee, they can either speak on your behalf at Committee or request the Chair of the Committee to exercise their discretion and enable you to speak. Please note that if the ward councillor speaks on your behalf, or if the Chair allows you to speak, the applicant or their agent will be given the right to speak in response.

4. How many people are allowed to speak?

In circumstances where more than one petitioner / objector wishes to speak the chair will invite you to nominate one spokesperson. If there is a second petition for or against, then the Chair will generally exercise a discretion to allow one spokesperson for the additional petition to speak to add to what has already been said. See below on the time allocated to speakers

5. How much time is allowed?

A total of five minutes is allowed for the lead petitioner. A further two minutes is allowed for secondary petitioners. The applicant or their agent will have five minutes to respond.

Consultees will have three minutes to address the Committee

This time allocation does not include time spent answering the committee's questions.

6. Will I be asked questions by the committee?

Yes, but only questions of clarification on what has been said. You may decline to answer questions

7. What time should I arrive if I wish to speak?

You should arrive no later 5.45pm and report to the democratic services officer giving your name and the item you wish to speak on.

During the Covid 19 restrictions meetings now take place online using Microsoft Teams software. To gain access you should contact committee services who will supply online access details.

8. What is the order of the committee procedure?

The chair will take items dependent upon the number of people in attendance.

1. The application is introduced by the Chair.
2. Presentation of report by planning officer.
3. The Chair will call upon the spokesperson for a petition objecting to the proposal to speak. Committee members may ask questions of clarification.
4. The Chair will call upon the spokesperson for the objectors to the proposal to speak. Committee members may ask questions of clarification.
5. If there is a petition in support of the application the Chair will call on them to speak. The Committee members may ask questions of clarification.
6. The Chair will call upon the applicant or their agent to speak. The Committee members may ask questions of clarification.
7. The Chair may ask a ward councillor to speak and Committee members may ask questions of clarification.
8. The Chair will ask if any consultees wish to address the Committee. Committee may ask questions of clarification.
9. The planning officer will comment on any factual matters raised by the speakers.
10. The Committee will debate the applications and ask questions to officers.
11. The Committee will vote on the application and reach a decision.
12. After each decision the Chairman will inform the meeting of the decision.