



Planning Committee

Date:	Thursday, 11 November 2021
Time:	6.00 p.m.
Venue:	Palace Suite - Floral Pavilion

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

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

1. MINUTES (Pages 1 - 8)

To approve the accuracy of the minutes of the meeting held on 14 October 2021.

2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the committee 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.

3. APP/21/00233 - CRANFORD COTTAGE, 3 BUFFS LANE, BARNSTON, CH60 2SQ REMODELLING OF EXISTING DWELLING TO INCLUDE A REAR HIP TO GABLE CONVERSION TO ALLOW FIRST FLOOR ACCOMMODATION WITH SINGLE STOREY SIDE AND REAR EXTENSIONS. (CONSULTATION ON AMENDED PLANS AND DESCRIPTION OF DEVELOPMENT, REDUCING THE SCOPE OF THE WORKS) (Pages 9 - 16)

4. COMX/21/01509 - 215 SEAVIEW ROAD, LISCARD, CH45 4PD CONVERSION OF GROUND FLOOR SHOP UNIT TO PROVIDE ONE GROUND FLOOR FLAT UNDER GENERAL PERMITTED DEVELOPMENT ORDER SCHEDULE 2, PART 3, CLASS M (AMENDED SCHEME) (Pages 17 - 22)

5. COMMITTEE DECISION REPORT - PLANNING SCHEME OF DELEGATION FINAL DRAFT (Pages 23 - 36)

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,

Audio/Visual Recording of Meetings

Everyone is welcome to record meetings of the Council and its Committees using non-disruptive methods. For particular meetings we may identify a 'designated area' for you to record from. If you have any questions about this please contact Committee and Civic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

This page is intentionally left blank

PLANNING COMMITTEE

Thursday, 14 October 2021

Present: Councillor S Kelly (Chair)

Councillors S Foulkes M Jordan
S Frost A Gardner
AER Jones B Berry
B Kenny H Gorman
P Stuart

Deputy: Councillor J Johnson (In place of K Hodson)

26 MINUTE'S SILENCE

The Chair announced the sad passing of Councillor Andy Corkhill and Honorary Alderman Gerry Ellis. Members stood in tribute for a minute's silence.

27 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 16 September 2021 for approval.

Resolved – That the minutes of the meeting held on 16 September 2021 be approved.

28 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.

29 APP/20/01257: PURLEY, KINGS DRIVE, CALDY, CH48 2JH - NEW BUILDING WITHIN THE GROUNDS OF PURLEY, TO BE ANCILLARY TO THE MAIN PROPERTY. AMENDMENT FROM APPLICATION AS ORIGINALLY SUBMITTED, WHICH WAS FOR A SELF-CONTAINED DWELLING. JULY 2021 - FURTHER AMENDMENTS REDUCING HEIGHT OF PROPOSED BUILDING AND OMITTING NEW ACCESS.

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

An objector on behalf of The Caldý Society addressed the Committee.

The Applicant's Agent was unable to attend the meeting having regard to limiting numbers due to Coronavirus. Mr M Neal, Legal Advisor to the Committee, therefore read out to the Committee the Agent's written representation.

It was moved by the Chair and seconded by Councillor S Foulkes that the application be approved subject to the following conditions with the inclusion of conditions relating to a Construction Management Plan and that no walls, fences or other means of enclosure shall be removed on any part of the land lying between any main wall of the building fronting a highway and the highway boundary.

The motion was put and carried (11:0).

Resolved (11:0) – That the application be approved with the following conditions:

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

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 5 July 2021 and listed as follows: 2024/010 Rev C, 2024/102 Rev B, 2024/100 Rev C, 2024/101 Rev C, 2024/200 Rev E.

No works shall proceed on site until details of pollution control and protection measures for the adjacent woodland areas have been submitted to the local planning authority for approval. All site works shall then proceed only in accordance with the approved measures.

Prior to the first occupation of the development details of the proposed lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The information submitted shall include details of the type of lights and an estimate of the light levels at the site boundaries of the site. The lighting shall thereafter be installed and operated in accordance with the approved details.

No tree felling, hedgerow or shrub removal is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, 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.

The development hereby permitted shall not be first brought into use until details of bird and bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval to the local planning authority and implemented in accordance with those details. The approved details shall thereafter be implemented before first occupation of the building.

The following measures/precautions should be taken during building works to

protect wild animals:

- **A pre-commencement check for the presence of wild animals.**
- **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) in case any animal should fall in.**
- **Any open pipes should be temporarily capped at the end of each working day to prevent any animals gaining access.**
- **Construction work is limited to daylight hours and should only take place between 8am and 6pm.**
- **All building materials to be stored so that animals cannot access them.**
- **The use of chemicals (such as herbicides & fertilisers) should be avoided wherever possible.**
- **Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals.**
- **Any obvious animal paths to be left clear of obstruction.**
- **The property boundaries allow for the free movement of wildlife after construction.**
- **Fencing shall be erected surrounding the construction site during the building work to prevent animals from entering the site.**

Before any construction commences, details of the facing (colour, texture and specification) and roofing 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.

Development of the relevant parts of the building shall not commence until full details of the windows and external doors including sliding doors throughout the development have been submitted for written approval by the local planning authority prior to the commencement of works. These shall include cross sectional drawings at 1:1 and elevation details at 1:5 scale (or similar) and should incorporate sill, lintel, jamb and reveal details or similar. The development shall be implemented in accordance with the approved details

All rainwater goods shall be of the material aluminium or of a similar quality; profile details and colours are to be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the agreed detail and retained thereafter.

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

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.

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.

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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that

Order) no walls, fences or other means of enclosure shall be removed on any part of the land lying between any main wall of the building fronting a highway and the highway boundary.

30 APP/21/01252: WINDWHISTLE, 5 RECTORY LANE, HESWALL, CH60 4RZ - CREATION OF 1 NO PROPOSED DWELLING (RETROSPECTIVE).

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

It was moved by the Chair and seconded by Councillor S Foulkes that the application be approved subject to the following conditions.

The motion was put and carried (11:0).

Resolved (11:0) – That the application be approved with the following conditions:

The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on September 30th 2021 and listed as follows: B101 Rev A and B104 Rev A and plans received by the local planning authority on 21 June 2021 and listed as follows: B102 Rev A and B103 Rev A.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

Prior to first occupation, details of privacy screens to the rear terrace shall be submitted to and approved in writing, the details shall include location, materials and height of the screens. The screens shall be installed as approved within an agreed time frame by the Local Planning Authority and maintained as such thereafter.

A scheme of planting to provide a screen along the south west rear boundary of the site consisting predominantly of evergreens or other suitable plants capable of growth to a height of 2 metres shall be submitted to and agreed in writing within 4 weeks of the date of this permission. The approved scheme shall be fully implemented in the first planting season following approval of details in writing by the Local Planning Authority. Any trees or plants, that within a period of 5 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.

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

The Director for Regeneration and Place submitted a report updating Members on the performance of the Development Management Service with regard to determining planning applications.

The report outlined performance against government targets in terms of the speed of processing all applications.

The Assistant Director, Chief Planner reported that in 2021/22, despite the continuing difficulties caused by the Covid-19 pandemic, an increase in planning application numbers and staffing resources, the Service had again comfortably surpassed the requirements for all targets in Major, Minor and Other categories of applications for Quarter 2 which was the period 1 July to 20 September 2021 and that 100% of Major applications and 78% of Minor applications had been determined within 13 weeks (Major) and 8 weeks (Minor) or within the extended period agreed between the Council and the applicant.

It was further reported that 86% of other applications had been determined within 8 weeks or within the extended period agreed between the Council and the applicant for the second quarter of 2021/22.

Members were informed that there was still a backlog due to increased work and staffing resources however two new appointments had been made and a further appointment for a planning assistant was in the process of being appointed.

Councillor S Foulkes commented upon the fact that Matthew Parry-Davies had left the organisation and the Chair requested that the best wishes of the Committee be placed on record.

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

Resolved – That the report be noted.

32 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPEALS**

The Director for Regeneration and Place submitted a report to update Members on the performance of the Development Management Service regarding planning appeals, including the percentage of the Council's decisions overturned (on appeal) by the Planning Inspectorate.

The Assistant Director, Chief Planner reported that the national average for the number of appeals allowed is around 33% per year. During the first quarter of 2021/22 0 appeals had been allowed out of 11 appeals and during the second quarter 3 appeals had been allowed out of 12 appeals from a total of 23 appeal decisions, therefore this was comfortably under 33%. Details of the 3 appeals allowed were outlined in paragraph 3.5 of the report.

Members were advised that the next report to be brought to this Committee would include those decisions that had been particularly successful.

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

Resolved – That the report be noted.

33 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - ENFORCEMENT ACTIVITY BETWEEN 1 JULY 2021 AND 30 SEPTEMBER 2021**

The Director for Regeneration and Place submitted a report to update Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period 1 July to 30 September 2021.

Members were advised that the performance of the enforcement service would be reported to the Planning Committee on a quarterly basis in future.

The Assistant Director, Chief Planner reported that 128 new cases had been opened between 1 July and 30 September 2021 and that during this period 67 cases had reached a key milestone, 85% of these had been reached within 13 weeks. During this period 58 cases had been closed.

The report outlined some examples of key successes achieved during this quarter which included Land at the corner of Price Street and Pattern Street, Birkenhead, 37 The Wiend, Tranmere, Old Anselmians Rugby Club, Eastham and Wallasey Cricket Club, The Oval Cricket Ground, Liscard and Members were advised that no formal notices had been issued during this period.

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

Resolved – That the report be noted.

This page is intentionally left blank

Agenda Item 3

Planning Committee

11 November 2021

Reference:
APP/21/00233

Area Team:
Development
Management Team

Case Officer:
Mr A Siddall

Ward:
Heswall

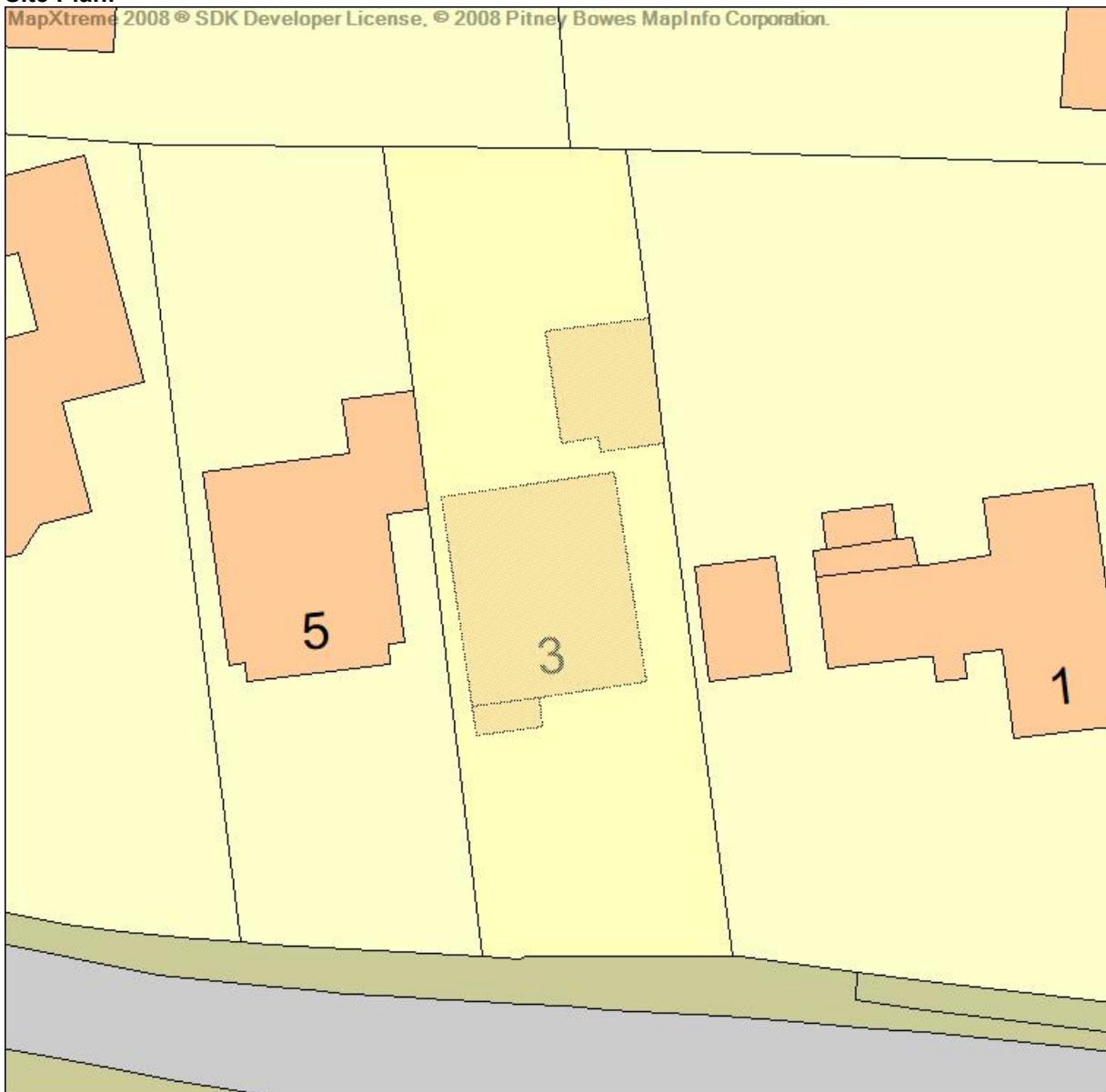
Location:
Proposal:

Cranford Cottage, 3 BUFFS LANE, BARNSTON, CH60 2SQ
Remodelling of existing dwelling to include a rear hip to gable conversion to allow first floor accommodation with single storey side and rear extensions. (consultation on amended plans and description of development, reducing the scope of the works)

Applicant: Mr C ROONEY
Agent : Bryson Architecture

Qualifying Petition: No

Site Plan:



© Crown copyright and database rights 2021 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Development Plan designation:

Primarily Residential Area

Planning History:

There is no previous planning history for this dwelling.

Summary Of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

2.1 Following receipt of the valid application and having regard to the Council's guidance on publicity for planning applications, notification letters were sent to seven neighbouring addresses on 12 February 2021. As submitted, the application proposed a front dormer window as part of the works, a departure from saved policy HS11 of the Unitary Development Plan and therefore a site notice and press notice was published. The deadline for receipt of representations passed on 12 March 2021.

2.2 Following negotiation and receipt of amended plans, a second period of neighbour notification was initiated on 7th October 2021 involving letters sent to all original neighbours and also those additional contributors who commented on the scheme. At the time of writing this second consultation period is running and the deadline for receipt of responses is the 25 October 2021.

REPRESENTATIONS

2.3 To the initial consultation a total of 52 representations were received in support of the scheme and 26 representations received in objection. This is an unusually large number for a scheme comprising the remodelling of a single dwelling and with responses received from across Wirral and further afield, it is indicative of an element of campaigning by those both in favour and opposed to the application.

2.4 Representations in support - The 52 representations received in support make general comments supportive of the development, its design and the standard of amenity it would afford future occupiers. Support was also offered on the basis of the enlargement and modernisation of the property making it more suitable for use as a contemporary family home.

2.5 Representations in objection - The 26 representations in opposition raise the following material planning considerations:

i) That the proposed first floor front balcony and windows would cause harmful overlooking to the garden at 2 Pinewood Drive, harming the privacy and living conditions at this dwelling,

ii) That the design is unduly prominent and out of character with the area,

iii) That the scheme represents the over-development of the site, and

iv) That construction traffic and contractor vehicle parking, in combination with other property redevelopments happening in the area would cause highway safety problems.

2.6 The October 2021 public consultation on the amended plans has, at the time of writing, not yielded any representations. Members will be updated at the meeting.

CONSULTATIONS

2.7 **Highways** - No objection.

3.1 Site and Surroundings

3.1.1 Cranford Cottage, 3 Buffs Lane is a detached bungalow finished externally in white render with a hipped plain clay tiled roof. The dwelling was constructed in the early 20th century and sits alongside a similar property within a wider primarily residential area of suburban character. Vehicular access is taken from Buffs Lane with in-curtilage parking sufficient to

accommodate at least two cars. The property is set back, and slightly elevated from the road behind a low brick wall and landscaped front garden. To the rear is a detached garage and outbuilding within an enclosed rear garden. The side and rear boundaries of the garden are screened by hedging and are plotted against the rear gardens of surrounding dwellings. To the opposite side of Buffs Lane, to the south of the dwelling is the side boundary of 2 Pinewood Drive, formed of a 2m high brick wall behind which is the private rear garden of the dwelling. Ground levels rise gently from east to west.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the extension and alteration of the existing dwelling comprising primarily single storey side and rear extensions finished externally in render with flat roofs featuring lantern rooflights. To create first floor accommodation a hip to gable conversion of the rear roofslope is proposed with gable window to the rear and rooflight to the front, within the existing hipped roof. Alterations are also proposed to ground floor windows as part of the reconfiguration of the property, however such alterations benefit from permitted development rights. The aim of the development is to remodel the existing dwelling to increase the amount of living accommodation and turn the property from a two-bedroomed dwelling, to a four-bedroomed dwelling.

3.2.2 The scheme presented to the committee has been substantially reduced from that originally submitted to the Local Planning Authority earlier in 2021. As submitted, the scheme proposed a much more substantial remodelling of the property comprising a change in roof from hipped to dual pitched with side gables, a two storey front extension with first floor balcony finished externally in slate cladding, a front dormer window, rear box dormer window and side extension to form an attached garage, along with alterations to existing windows and doors.

3.2.3 This original submission garnered 26 objections (with 52 representations in support) and was not supported by Officers. The original scheme departed substantially from the prevailing character of the area and re-modelled the existing bungalow in a heavy contemporary style which did not respond appropriately to the reasonably consistent character of its surroundings. The massing of the dwelling would have been much bulkier than the existing with a dual pitched form with excessively deep side gable elevations. The two storey front extension with slate cladding and first floor balcony would have been uncharacteristic and dominant within the street scene, whilst the rear flat roofed box dormer extended the full width of the roof and contributed to the overall bulk. Taken together, the scheme was considered over-dominant, having a significantly adverse effect on the character and appearance of the existing dwelling and, due to its discordant appearance and prominence, having a detrimental effect on the character of the area, in conflicts with criteria (i) to (iv) of UDP policy HS11.

3.3 Development Plan

3.3.1 The development plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000). Proposals for the extension and alteration of existing dwellings are governed by saved policy HS11 (House Extensions). Amongst other matters, the policy seeks to ensure that the scale of extension is appropriate to the size of the plot, not dominating the existing building or appearing unneighbourly, particularly in respect of overlooking, or the light reaching, and outlook from, habitable rooms in neighbouring property. The materials used in, and design features of, any extension should match or complement those of the original dwelling.

3.3.2 In assessing requirements for off-street car parking, saved UDP policy TR9 advises that decisions will be guided by the operational minimum and maximum level of car parking associated with the proposed development, road safety issues in the locality of the proposal and the likelihood of cars being parked on residential roads, amongst other considerations.

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework (2021) is a material consideration in planning

decisions. Section 12 seeks to secure well-designed places and amongst other matters seeks to ensure that developments are visually attractive as a result of good architecture, sympathetic to local character and history, including the surrounding built environment and landscape setting, and achieve a high standard of amenity for existing and future users.

- 3.4.2 The Council's 2004 Supplementary Planning Guidance on House Extensions amplifies and expands upon the requirements of saved policy HS11. Extensions should reflect the existing dwelling and retain the character, scale, design and materials of the original property, and the size and scale of the resulting extension should not overdominate the existing dwelling. Balconies will not be acceptable where they would increase overlooking into neighbouring properties to an unacceptable degree and create a feeling of being overlooked from a higher level.
- 3.4.3 The Council's 2007 Supplementary Planning Document on Parking Standards sets a maximum parking standard of 2 spaces for houses with three or more bedrooms.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- ∴ ∅β7 Principle of development
- ∴ ∅β7 Design, Visual Amenity and the Character of the Area
- ∴ ∅β7 Residential Amenity
- ∴ ∅β7 Access, Parking and Servicing.

3.6 Principle of Development:

3.6.1 The extension and alteration of existing dwellings within primarily residential areas is acceptable in principle, subject to assessment against the criteria under saved UDP policy HS11 and any other material planning consideration.

3.7 Design, Visual Amenity and the Character of the Area

3.7.1 The amended scheme now under consideration overcomes the objections from Officers to the original submission. The extent of extension has been significantly reduced with the two storey front extension, balcony and dormer window removed and the existing hipped roof form with singles storey front gable retained. The scheme no longer materially changes the character and appearance of the dwelling in the street scene and the harm identified to visual amenity has been overcome. The alterations to windows on the front elevation and the insertion of a first floor rooflight are permitted development.

3.7.2 The single storey side and rear extensions are small scale, subservient additions to the dwelling which will complement the existing building in terms of their external appearance. Flat roof extensions at single storey scale are permitted under the terms of saved UDP policy HS11. The rear hip to gable conversion is a common method of altering bungalows to allow first floor accommodation and its position on the rear does not materially change the character and appearance of the dwelling in the street scene. The neighbouring bungalow to the east has had a similar alteration for form upper floor accommodation. As such, the scheme now before Members complies with the requirements of saved UDP policy HS11 and does not harm the character and appearance of the area.

3.8 Residential Amenity:

3.8.1 The siting, scale and appearance of the proposed single storey side and rear extensions will not adversely affect living conditions at neighbouring properties, Their position will not intrude into the outlook from any main habitable room window of the properties to either side whilst their low height ensures no harmful overshadowing will occur. Overlooking is prevented by the position of the windows and existing boundary screening. The upper floor bedroom window formed as part of the rear hip to gable conversion will not result in harmful overlooking of the neighbouring garden beyond the rear boundary as a distance of more than 10 metres is retained to the boundary.

3.8.2 The removal of the first floor front extension, balcony and dormer window is considered by

officers to alleviate any perception of overlooking towards the garden of 2 Pinewood Drive. The insertion of the rooflight into the front roof slope is permitted development and would not be expected to allow significant visibility down towards the garden of the dwelling opposite. The distance to the boundary of the garden to 2 Pinewood Drive is approximately 22 metres, substantially in excess of the sub-10 metre threshold where the Local Planning Authority would normally consider overlooking of gardens to be harmful. As such, the scheme as amended avoids an unneighbourly effect on surrounding occupiers and meets the objectives of saved UDP policy HS11.

3.8.3 This is a small scale redevelopment project and, whilst some short term disruption to neighbouring residents arising from noise, deliveries and the presence of contractor vehicles is to be expected, this is not likely to be of such intensity and duration where specific controls and traffic management measures would be necessary to make the development acceptable in planning terms.

3.9 Access, Parking and Servicing:

3.9.1 The scheme results in the removal of the detached garage and the construction of a single storey side extension on part of the driveway. Nevertheless, sufficient space would remain to the front of the dwelling to allow the parking of at least two cars clear of the public highway in accordance with the Council's parking standards for dwellings of the proposed size. No alterations to access and servicing arrangements are proposed and the scheme meets the objectives of saved UDP policy TR9 in respect of off-street parking.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The scheme as amended is considered to overcome the objections raised to the proposal as originally submitted and represents a much smaller scale redevelopment of this existing dwelling. The amended proposal does not harm the character and appearance of the existing dwelling, wider visual amenity, or the living conditions at neighbouring dwellings, and therefore complies with the relevant requirements of the development plan.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 28th June 2021 and listed as follows:

2020 153 002 Revision 05 (Proposed Plans and Elevations) dated 28-06-2021.

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

Further Notes for Committee: None.

Last Comments By: 25/10/2021 12:27:50

Expiry Date: 05/04/2021

This page is intentionally left blank

11 November 2021

Planning Committee

Reference:
COMX/21/01509

Area Team:
**Development
Management Team**

Case Officer:
Mr N Williams

Ward:
Wallasey

Location: 215 SEAVIEW ROAD, LISCARD, CH45 4PD
Proposal: Conversion of ground floor shop unit to provide one ground floor flat under General Permitted Development Order Schedule 2, Part 3, Class M (Amended Scheme)

Applicant: Mr S Hand
Agent : BDS Consultants

Site Plan:



Planning History:

There is no relevant planning history

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

- 1.1 Councillor Ian Lewis requested that the application should be presented to Planning Committee given the level of objection received.

2.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 35 notifications were sent to adjoining properties, including a second notification letter being sent out following receipt of amended plans. At the time of writing, there had been 25 objections received. These objections can be summarised as follows:

- Loss of shop and subsequent impact on the community;
- Impact on parking;
- Concerns that use may be similar to a HMO;
- Impact of building works on residential amenity;
- Increase in bins required.

CONSULTATIONS

Highways - No objection subject to cycle parking being provided

Environmental Health - No objection

3.1 Site & Surroundings

- 3.1.1 The property is currently a vacant retail unit, most recently used for charity clothing. The applicant advises that the upper floors are currently in residential use. The building is set within a small commercial area, which contains three separate blocks of properties. The application property is within the middle block, which is the only one that does contain other residential properties (209 and 211 Seaview Road have previously been converted from shops to residential following planning permission being granted). All other units, stretching from 203 - 241 Seaview Road remain in commercial use. Despite this, the area is designated as a Primarily Residential Area in the Wirral Unitary Development Plan.

3.2 Proposed Development

- 3.2.1 It is proposed to convert a vacant retail premises into residential use, under the General Permitted Development Order Schedule 2, Part 3, Class M. Additional works required for this are the removal of a shop front (the front to be built up with residential-style windows) and a minor change to the rear to install French doors in place of a window.

- 3.2.2 The plans as originally submitted proposed two new residential units at ground floor level, with one new window to the front. One of these units failed to meet the required space standards and an amended plan was subsequently submitted. The amended plan changed the proposed ground floor from being potentially two 'bedsit'-type units, to one 2-bedroom unit. Additionally, the front elevation was changed to incorporate three small windows and a mock shop front fascia board. Further consultation letters were sent to surrounding properties on 13th October.

3.3 Development Plan

- 3.3.1 As a Prior Notification under the General Permitted Development Order, the provisions of the development plan do not strictly apply in this instance.

3.4 Other Material Planning Considerations

- 3.4.1 Class M of Schedule 2, Part 3 of the Planning (General Permitted Development)(England) Order 2015 permits development consisting of a change of use of a building within Class A1 (shops) to a use falling within Class C3 (dwellinghouses), together with 'building operations reasonably necessary to convert the building'. Paragraph M.1 details the circumstances in which development is not permitted, none of which apply to this site. As

such the development can comprise permitted development subject to the conditions specified at paragraph M.2

3.4.2 Paragraph M.2 states that development under Class M is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) contamination risks in relation to the building,
- (c) flooding risks in relation to the building,
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) because of the impact of the change of use...on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), but only where there is a reasonable prospect of the building being used to provide such services.
- (e) the design or external appearance of the building,
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

The General Permitted Development Order (GPDO) also now stipulates that permission is not granted for residential units which fall below the Nationally Described Space Standards. The provisions of paragraph W (prior approval) apply in relation to this application.

Paragraph W of the Order notes amongst other matters that a Local Planning Authority must take into account any representations made to them under the public or stakeholder consultation, and that they must have regard to the National Planning Policy Framework in so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Transport and Highways Impacts of Development;
- Contamination Risks;
- Flooding risks;
- Whether it is undesirable for the A1 use to be lost to residential use;
- The design or external appearance; and
- The provision of adequate natural light in all habitable rooms of the dwellinghouses
- National Space Standards

3.6 Transport and Highways Impacts:

3.6.1 The change of use to the building does not raise any highway safety or network capacity concerns. The site is located close to Liscard Town Centre and is considered accessible by public transport, with bus stops and frequent services in operation along Seaview Road. The bus stops are also served by dedicated pedestrian crossing facilities. The change of use is also considered to produce a less intensive use at the site compared to the current use as a shop (A1 retail).

3.6.2 The lack of any in-curtilage parking is also accepted due to the accessible location and the nature of the ground floor apartment, which is less likely to attract families who may rely more on private vehicles as their primary mode of travel.

3.6.3 The submitted plans indicate that secure cycle parking will be provided within the rear yard area of the site. This is acceptable, with a condition attached to secure this.

3.6.4 In conclusion, the proposal does not result in unacceptable transport and highway impacts which would warrant refusal of the application.

3.7 Contamination Risks:

3.7.1 It is not expected that the development would involve any significant works to disturb the

ground and there are no known contamination risks at the site. It is therefore not expected that the scheme would be at particular risk of land contamination.

3.8 Flooding Risks:

3.8.1 The site is not within flood zones 2 or 3 as defined by the Environment Agency, nor is it within an area which has critical drainage problems. As such, it is not anticipated that the development would be at particular risk from flooding. The submitted proposals do not increase impermeable areas within the site, and it is therefore accepted.

3.9 Whether it is undesirable for the A1 use to be lost to residential use:

3.9.1 The premises is a vacant retail store (a private charity shop named Cash 4 Clothes). It is unclear how long it has been vacant for. It is acknowledged that the units either side are in use - however, on balance, given that planning permission has already been granted to convert two units within the same row of shops, it is considered that there is insufficient reason to sustain a refusal on these grounds. A significant number of commercial premises will remain and these will provide opportunity for sufficient local services to be maintained within this location. The whole parade of three blocks is relatively healthy and provides a wide range of services. Additionally, the site is within close proximity to Liscard Town Centre, so the loss of this one unit is unlikely to have a damaging impact upon the services being provided. An added consideration is that the previous use as a private charity store is unlikely to be considered as offering a particular local service that is essential to be retained.

3.10 The Design or External Appearance:

3.10.1 The proposed front elevation has been amended so that it now incorporates three smaller windows (as opposed to one larger window). This arrangement matches the other nearest conversion which has taken place along this row of properties (No. 211). The amended elevation also introduces a mock shop front fascia board, similar to both of the conversions that have taken place. These amendments help to break up the front elevation, brings a level of consistency with the other conversions, and provides sufficient design interest.

3.11 Provision of adequate natural light

3.11.1 The proposal will result in three separate 'habitable' rooms (a living room and two bedrooms). The living room will be served by the three windows to the front, whilst both bedrooms will be served by french doors. There is therefore sufficient adequate natural light provided for the apartment.

3.12 Nationally Described Space Standards:

3.12.1 Since April 2021, the GPDO states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—
(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015

3.12.2 The submitted plans originally proposed a unit that fell below these standards and therefore could not be permitted. However, the plans have subsequently been amended to provide just one residential unit at ground floor, with a floor space of approximately 73 square metres. This aspect of the proposal is therefore acceptable.

Summary of Decision:

Having regards to the individual merits of this application the decision to <>has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development meets the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and it would not have an adverse effect on matters relating to highways and transport, contamination, flooding, noise, provision of local services and would provide adequate natural light and space standards. As such it is recommended that prior approval for the scheme be

granted.

Recommended Decision: **Prior Approval Given**

Recommended Conditions and Reasons:

1. The development hereby approved shall be completed within a period of 3 years starting with the date of this decision.

Reason: As required by paragraph O.2.(2) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th October and listed as follows: 02 Proposed Plans 215SR Rev B; 03 Elevations 215SR Rev A

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

3. Prior to first occupation of the ground floor residential unit the secure bike storage, as shown on Drawing 04 Site and Location Plan-216SR Rev A, shall be provided and made available for use, and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regards to the National Planning Policy Framework

Last Comments By: 03/11/2021 14:23:53
Expiry Date: 12/11/2021

This page is intentionally left blank



PLANNING COMMITTEE

11 November 2021

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

REPORT SUMMARY

The purpose of this report is to recommend a revised scheme of delegation relating to the determination of planning applications and planning related matters and an updated speaking protocol along with related guidance on the right of the public to speak.

This matter affects all wards within the Borough.

This is not a Key Decision.

RECOMMENDATION

Planning Committee is recommended to approve:

1. The amended Scheme of Delegation for Determination of Planning Applications and Planning Related Matters as referred to at Appendix 1 of this report;
2. The amended Speaking Protocol for Planning Committee as referred to at Appendix 2 of this report; and
3. Updated The guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The planning scheme of delegation was last updated in 2014 and is in need of review and revision.
- 1.2 On 15 October this Committee resolved to temporarily authorise the Director of Regeneration and Place to exercise delegated functions further to the existing 2014 scheme of delegation. This was to enable the efficient running of the service during the Covid 19 pandemic. The revision of the scheme set out in Appendix 1 is recommended to consolidate and update the current scheme and to enable the continued operation of the delegated powers agreed in 2020 which have worked well for the last year.
- 1.3 The Speaking Protocol is proposed to be revised to reflect the amended Scheme of Delegation and to reflect the relaxation of Covid restrictions.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not updating the Scheme of Delegation or Speaking Protocol. This is not recommended as the current scheme was approved in 2014 and is overdue for an update to reflect best practice. The lessons learnt from the currently adopted Speaking Protocol should be applied

3.0 BACKGROUND INFORMATION

- 3.1 It is for this Committee to determine the basis on which delegated powers may be given to the Director. The amendments proposed within this report seek to delegate authority for determining planning applications and planning related matters to the Director of Regeneration and Place, assisted by the Assistant Director (Planning and Building Control), the Development Management Manager and Area Team Leaders/Principal Officers.
- 3.2 Central Government and the Local Government Association consider that a level of delegation above 90% should be achieved by local planning authorities. This Council's level of delegation for determining planning applications is currently at 97%. This is the average for Unitary authorities but has been achieved during the period with the delegated powers agreed in 2020 in place. In the years January 2018 to December 2018 and January 2019 to December 2019 Wirral had 95% of decisions delegated to officers below the average for other unitary authorities at 96%.
- 3.3 The Scheme of Delegation for Determining Planning Applications was last fully reviewed in March 2014. Central Government advises that such schemes should be regularly reviewed and updated to take account of any changes to national and/or local planning policies and to allow for the delivery of decisions as efficiently as possible, particularly having regard to performance improvement and best value.

- 3.4 In June 2019 a planning improvement peer challenge was carried out by the Local Government Association (LGA) in co-operation with the Planning Advisory Service. A report was then published by the LGA which made findings, amongst other matters, that the Planning Scheme of Delegation needed to be reviewed to support efficient and effective decision making and the growth ambitions of Wirral. The work of reviewing the scheme of delegation became subsumed by the revision of the Constitution with a view to moving to a Committee system and then the Covid 19 pandemic
- 3.5 The proposed Scheme of Delegation for the Determination of Planning Applications and Planning Related Matters is set out as Appendix 1 to this report and the key amendments are:
- The addition of the substance of the motion from October 2020 Planning committee to allow the director in consultation with chair and party spokes to approve the listed categories of development without needing to refer to full committee;
 - The categories of applications that have to be determined by committee reflect the categories set out in the previous 2014 planning scheme of delegation but are updated to reflect current guidance and in the interests of clarity.
 - The powers that the director has to taking enforcement action are set out including limitations that require consultation with Chair and Party Spokespersons.
 - Part 1 (d)-(f) these replicate the provisions in the previous Scheme of Delegation.
 - Section 2 is has provisions that were in the previous Scheme of Delegation,
 - there are other powers of the Director set out in relation to legislation, some have been removed as they no longer fall under the regeneration directorate.
- 3.6 The current Speaking Protocol was introduced in October 2020. Suggested changes that have been made to improve clarity and the operation of the protocol including removing the previous different treatment of written objectors and petitioners,
- 3.7 Currently applicants cannot make representations if an objector or petitioner chooses not to exercise their right to speak. This has been amended to allow applicants to make representations to the committee.
- 3.8 The speaking protocol had Covid-19 allowance to due to restrictions introduced during the pandemic these are restrictions have now been lifted and as such the allowances can now be removed.
- 3.9 Appendix 3 to this report sets out suggested revised Guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings. The main adjustments are removal of provisions relating to virtual meetings and providing for applicants/agents to speak after consultees and ward members.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no 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, as amended. Elected Members determine 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.

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 decision 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 contentious 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 Consultation has taken place with the Chair and Spokespersons of this Committee in terms of the contents of this report.

9.0 EQUALITY IMPLICATIONS

9.1 There are no significant equality and diversity implications arising from the proposals set out within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

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

11.0 COMMUNITY WEALTH BUILDING

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

REPORT AUTHOR: Matthew Neal
Lead Principal Lawyer
e-mail: matthewneal@wirral.gov.uk

APPENDICES

Appendix 1 – Scheme of Delegation for the Determination of Planning Applications and Planning Related Matters

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

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

BACKGROUND PAPERS

Historical planning data sets

<https://www.gov.uk/government/statistical-data-sets/historical-and-discontinued-planning-live-tables>

2014 Scheme of Delegation for the Determination of Planning Applications and Planning Related Matters.

<https://www.wirral.gov.uk/sites/default/files/all/planning%20and%20building/planning/planning%20decision%20process/SCHEME%20OF%20DELEGATION%20FOR%20THE%20DETERMINATION%20OF%20PLANNING%20APPLICATIONS%20AND%20PLANNING%20RELATED%20MATTERS%20%28MARCH%202014%29.pdf>

Planning Improvement Peer Challenge

<https://www.wirral.gov.uk/sites/default/files/all/planning%20and%20building/Wirral%20Council%20Planning%20Peer%20Review%20Final%20Report%20to%20Council%20July%202019.pdf>

SUBJECT HISTORY (last 3 years)

Member Decision	Date
Planning Committee	15 October 2020
Planning Committee	19 March 2020



DRAFT SCHEME OF DELEGATION TO
OFFICERS FOR THE DETERMINATION OF
PLANNING
APPLICATIONS AND PLANNING RELATED
MATTERS

The Director of Regeneration & Place

1. The Director of Regeneration & Place has authority to determine all major, minor and other applications submitted to, by or on behalf of the Borough Council other than those listed under 1a and 1b below and take enforcement action as detailed in 1c below;
 - a. subject to the following categories in consultation with Chair and Party spokespersons;
 - 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;
 - 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 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. Decision to revoke a TPO and not replace it.
 - b. Applications to be determined by Committee:
 - i. the following categories of applications for planning permission:
 - 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;
 - 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;
 - 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 responsible for the planning service 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 where any Elected Member has, prior to the last date for comment as published on an application for their Ward, 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. In the event that a ward councillor 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 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 and Discontinuance Orders, including the following:
 - i. In cases of urgency, in consultation with the Chair and Party Spokespersons of the Planning Committee, to issue and serve Stop Notices.
 - ii. In consultation with the Chair and Party Spokespersons of the Planning Committee to serve Temporary Stop Notices.
 - iii. To take enforcement action relating to Priorities 4 and 5 of the adopted Planning Enforcement Policy.
 - 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 56-day period, subject to the reporting of the use of such delegated authority to the next available meeting of that Committee, for information;
 - f. to determine all planning and related applications where decisions would require a Section 106 obligation.

2. The Director of Regeneration & 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. Reject an outline application because of insufficient details.
 - ii. 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. 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. Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act.
 - v. Determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.
 - vi. Issue screening opinions and scoping opinions (under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.
 - vii. 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. Conservation area protection notification under Section 2(11) of the Act
 - 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 take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990.

- 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.

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.

1. When an application before the Committee for decision has a related petition of objection of 25 signatories (or more) or 15 (or more) individual letters of objection, 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. A person seeking to exercise the above right to speak must lodge a written request with the Council's Committee Services by 12 noon, 3 working days prior to the Committee date.
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 made in relation to their Ward or made in relation to a matter which will have implications for their ward.
5. If a statutory consultee or local 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. The applicant or their agent will be given the right to speak in respect of their application whether or not the petitioners' or objectors' spokesperson has exercised their own rights to speak.
7. Time limits for speakers – Speakers will be expected to conclude their presentations to the committee within 5 minutes. 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. saying no material to be circulated at the meeting unless by prior agreement
8. Members of the Committee have the right to speak at Committee meetings as set out in the Council's 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.

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.

Statutory or local consultees will have three minutes to address the Committee.

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

6. Might 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.

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 ask if any consultees wish to address the Committee. Committee 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 call upon the applicant or their agent to speak. The Committee members may ask questions of clarification.
9. The planning officer will comment on any factual matters raised by the speakers.
10. The Committee ask questions to officers and will debate the applications.
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.

This page is intentionally left blank