



Planning Committee

Date:	Thursday, 9 June 2022
Time:	6.00 p.m.
Venue:	Committee Room 1 - Wallasey Town Hall

Contact Officer: Bryn Griffiths
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AGENDA

1. MINUTES (Pages 1 - 6)

To approve the accuracy of the minutes of the Planning Committee meeting held on 21 April 2022.

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. TREE PRESERVATION ORDER NO WR0421 WESTCLIFFE HOUSE, 5 CROFT DRIVE WEST, CALDY, CH48 2JQ (Pages 7 - 14)

4. **APP/21/01962: HILSTONE GRANGE, 17 STANLEY ROAD, HOYLAKE, CH47 1HN CONVERSION AND EXTENSION OF EXISTING BUILDING TO CREATE 7 APARTMENTS, INCLUDING DEMOLITION OF EXISTING GARAGE (Pages 15 - 38)**
5. **ADV/21/02183: CAR PARK SW OF CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU. RETROSPECTIVE ADVERT CONSENT SOUGHT FOR 6 NO. NON-ILLUMINATED POLE MOUNTED AND 2 NO. NON ILLUMINATED WALL MOUNTED FASCIA SIGNS (Pages 39 - 52)**
6. **APP/21/02188: CAR PARK SW OF CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU. RETROSPECTIVE PERMISSION SOUGHT FOR ERECTION OF 2 NO. POLE MOUNTED ANPR AND 1 NP. WALL/POLE MOUNTED ANPR CAMERAS TO THE CAR PARKS. REPLACEMENT OF EXISTING 4 NO. PAY AND DISPLAY MACHINES (Pages 53 - 64)**
7. **APPOINTMENT OF MEMBERS TO STRATEGIC APPLICATIONS SUB-COMMITTEE (Pages 65 - 68)**

Planning Committee Terms of Reference

The principal role of the Planning Committee is to act as the administrative committee responsible for making decisions as local planning authority on planning applications, development control and similar regulatory matters, which are more particularly described as *Functions relating to town and country planning and development control* and related matters as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Committee is charged by full Council to fulfil those functions:

- (a) to consider and determine applications submitted under the Planning Acts for planning permission, listed building consent, and reserved matters pursuant to major planning applications;
- (b) to consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations;
- (c) to determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused;
- (d) related matters including but not limited to:
 - (i) applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
 - (ii) applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
 - (iii) applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003, as amended);
 - (iv) applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);
 - (v) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (vi) powers related to Commons Registration;
 - (vii) functions relating to public rights of way;
 - (viii) the licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980; and
 - (ix) functions relating to Town and Village Greens;
- (e) to exercise any other function of the Council under the Planning Acts and related legislation, whether as a local planning authority or otherwise, which may be referred to it by the Director for Economic and Housing Growth or other officer authorised by him/her.

PLANNING COMMITTEE

Thursday, 21 April 2022

<u>Present:</u>	Councillor	S Kelly (Chair)	
	Councillors	S Foulkes	P Stuart
		K Hodson	M Jordan
		S Frost	A Gardner
		AER Jones	B Berry
		B Kenny	H Gorman

54 MINUTES

The Director of Law and Governance submitted the minutes of the meeting held on 17 March 2022 for approval.

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

Resolved – That the minutes of the meeting held on 17 March 2022 be approved.

55 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 by members.

Planning Officer Joanne Storey declared that she had a prejudicial interest in item 3, by virtue of her residing close to the application site. She indicated that she would leave the chamber during consideration of that item.

56 APP/21/00070: HOLLINS HEY HOTEL, 191 VICTORIA ROAD, NEW BRIGHTON, CH45 0JY PROPOSAL: PROPOSED DEMOLITION OF THE EXISTING HOLLINS HEY HOTEL AND ERECTION OF 14 NEW BUILD APARTMENTS

Planning Officer Joanne Storey left the chamber during the consideration of this matter, having declared a prejudicial interest.

The Senior Planner presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

The Lead Principal Lawyer (Regeneration, Planning and Property), read out a statement submitted by the Ward Councillors T Jones and P Martin in support of the application.

The applicant, Mr D Bowden addressed the committee.

On a motion by Councillor S Foulkes and seconded by Cllr K Hodson it was –

Resolved (10:0:1 abstention) - that

(1) The Director of Regeneration and Place be authorised to issue the planning consent subject to the recommended conditions, and any other conditions that the Director may wish to impose, following:

a) The carrying out of a satisfactory bat emergence survey during the appropriate season which has been subject to consideration by MEAS and either confirms that no bats are present on the site, or that any adverse impacts can be overcome through the use of conditions which do not require substantive changes to the development, and

b) The completion of a Section 106 legal agreement to make provision for a financial contribution of £23,200 to assist the delivery of off-site affordable housing within the locality.

57 **APP/21/01428: 22 FARR HALL DRIVE, HESWALL, CH60 4SH PROPOSAL: DEMOLITION OF THE EXISTING DWELLING AND REPLACEMENT WITH UP TO 6 APARTMENTS TOGETHER WITH ASSOCIATED LANDSCAPING, PARKING AND ACCESS WORKS.**

The Principal Planner presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

The Ward Councillor, Councillor Andrew Hodson addressed the Committee.

An Objector to the application, Stephen Sage, addressed the Committee.

The agent for the applicant, Scott Bracken, addressed the Committee.

On a motion by Councillor K Hodson and seconded by Councillor B Berry it was –

Resolved (8:3) – that the application be refused on the following grounds.

The proposed development due to its close proximity to the embankment and shrubbery along the rear of the site is considered to have a detrimental impact on the residential amenities of the future

occupiers' apartments 2,4 & 5 through overshadowing and poor outlook and is therefore contrary to UDP Policy HS4, the Supplementary Planning Document for Flat Development and the National Planning Policy Framework.

58 **APP/21/01733: 14 PRIORY ROAD, WEST KIRBY, CH48 7EU PROPOSAL: DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF A REPLACEMENT DWELLING.**

The Principal Planner presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Mr Pearson, an objector to the application addressed the Committee.

The Ward Councillor, Councillor S Mountney, addressed the Committee.

The Applicant, Julia Moore, addressed the Committee.

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

Resolved unanimously - that the application be approved subject to 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 1 February 2022 and listed as follows: B102 Rev A and in accordance with the approved plans received by the local planning authority on 2 February 2022 and listed as follows: B101 Rev A.

The rear facing second floor en-suite bathroom windows shall not be glazed otherwise than with obscured glass and fixed shut (with the exception of an opening light above 1.7 metres should this be required) and thereafter be permanently retained as such.

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 rear elevation of the property at second floor level unless expressly authorised.

The development hereby approved shall be carried out only in accordance with the Method Statement contained within the

Arboricultural Report received by the Local Planning Authority on 1 February 2022.

The balcony screens hereby permitted shall be installed before the balconies are first brought into use. The screens shall thereafter be retained for as long as the balconies are in active use.

Prior to the first occupation of the dwelling hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

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

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

The following measures to protect common lizard will be employed during the implementation of this permission:

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any reptiles present to move away from the affected areas;**
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent reptiles from seeking shelter or protection within them;**
- and**
- Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to reptiles.**

Before any construction commences, details of 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.

59 **APP/21/01952: 22 EDGEHILL ROAD, MORETON, CH46 6AN PROPOSAL:
ERECTION OF ATTACHED DWELLING HOUSE.**

The Principal Planner presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

The Applicant, Ms Julie Grimes addressed the Committee.

On a motion by the Chair and seconded by Councillor K Hodson it was

Resolved unanimously - that the application be approved subject to 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 1 April 2022.

Before any above ground construction commences, samples or details of the external facing 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.

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PLANNING COMMITTEE

9 JUNE 2022

REPORT TITLE	TREE PRESERVATION ORDER NO WR0421 WESTCLIFFE HOUSE, 5 CROFT DRIVE WEST, CALDY, CH48 2JQ
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to inform the Committee of an objection to Wirral Borough Council Tree Preservation Order No WR0421 Westcliffe House, 5 Croft Drive West, Caldly CH48 2JQ and to recommend that the order shall be confirmed.

RECOMMENDATIONS

Planning Committee is recommended to confirm Tree Preservation Order Number WR0421 Westcliffe House, 5 Croft Drive West, Caldly CH48 2JQ

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 On 19th November 2022 the Council became aware of the neighbour's intention to root prune a group of trees standing within the Caldry Conservation area. The works would cause significant damage to the trees and lead to the likely loss of the trees and the amenity and ecosystem services that they provide.
- 1.2 The trees are significant and contribute to the visual amenity and landscape character of the Conservation area due to their size and prominence in the landscape. In terms of visibility, they are clearly visible from Croft Drive West and the surrounding area. The amenity value and benefits that the trees provide are not outweighed by the lifting of the flagstones of a path which is located in a neighbouring property. Therefore the trees meet the criteria for a Tree Preservation Order in terms amenity value.
- 1.3 The Council has a duty to make provision for the preservation of trees and woodlands in the interests of amenity. It does this by making Tree Preservation Orders (TPOs). The purpose of a Tree Preservation Order is to protect trees which make a significant impact on their local surroundings. This is particularly important where trees are in immediate danger.
- 1.4 Urban trees are a valuable source of ecosystem services in towns and cities. They help to alleviate problems associated with densely packed populations by improving local air quality, capturing carbon, and reducing flooding.
- 1.5 Urban trees provide a number of health benefits including improving local air and water quality by absorbing and filtering pollutants and by reducing the urban heat island effect (decreasing illnesses associated with poor air quality and heat). There is also evidence that urban greenery can help reduce stress levels and improve recovery time from illness.
- 1.6 Trees also provide a valuable habitat for much of the UK's urban wildlife, including bats (and bees
- 1.7 On 21st December 2021 the Council made Tree Preservation Order Number WR0421 Westcliffe House, 5 Croft Drive West, Caldry CH48 2JQ having regard to the considerations set out in paragraphs 1.1 to 1.6 of this report. Confirmation of the Tree Preservation Order made in respect of these trees would provide an appropriate level of protection for the trees. The location of the trees to which the Order refers is set out in Appendix 1 to this report.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Committee has the choice of either confirming the order or deciding not to confirm it. In the latter case the Tree Preservation Order would lapse and there would be no legal protection for the tree.

3.0 BACKGROUND INFORMATION

3.1 In response to the making of the Tree Preservation Order An objection was received on the following grounds:

- (i) The 3 Lombardy Poplar trees are causing damage resulting in a dangerous path in the rear garden of the adjacent property and adjacent to the boundary. The lifting action from buttress growth and root damage has pushed up the 3' x 2' flag stones of the path creating an uneven and dangerous path;
- (ii) The trees which are the subject of the TPO are causing extensive damage to the property and it is therefore not appropriate for the trees to be protected by means of the Tree Preservation Order as the roots of these trees need to be removed and the path re-laid. Any order will prohibit the trimming or removing of roots of the trees without prior consent subject to exceptions;
- (iii) If nothing is done in respect of the roots, then the problem will persist and worsen. The trees need to be removed and due to the TPO the Council's consent would be required;
- (iv) On balance the impact on the removal of the 3 Poplar trees is minimal and is outweighed by the significant property damage;
- (v) The roots of the trees and the damaged path are a safety concern;
- (vi) A conservation area notice was submitted to the council on 22nd September 2020 to remove the 3 poplar trees. If the council have not responded within the six weeks of the date of the notice, then there is deemed approval for the works.

3.2 The path that is referred to in the above objection is in the rear garden of 7 Croft Drive West and is situated adjacent to the boundary between 5 and 7 Croft Drive West. The path is clearly visible from number 5 Croft Drive West. It consists of large paving slabs which have been pushed up in places and have subsided in others. The lifting of the flags has happened over a number of years and the path has clearly been in situ for a long time.

3.3 Removal of the buttresses and roots this close to the main stems of the trees would cause significant damage to the trees and would highly likely result in the trees being rendered unstable and cause them to fall across the owner's property. The path could be re-laid on a new raised subgrade or the flags removed and a gravel path installed. It is considered that removal of the trees would be disproportionate to the actual 'damage' and nuisance caused by the roots where an alternative design solution for the path is possible. The damage is restricted to the path which leads a composting area and is not significant in the wider sense of the property. The owners of 5 Croft Drive West have made an offer to pay towards the relaying of the path.

3.4 Paragraph 82 of the Government's Guidance for Tree Preservation Orders and Trees in Conservation Areas states that,

'When deciding what is necessary to prevent or abate a nuisance, tree owners and, where applicable, their neighbours and local authorities, should consider whether steps other than tree work might be taken. For example, there may

be engineering solutions for structural damage to buildings.'

- 3.5 The trees make a contribution to the character of the Caldys Conservation Area and are visible from Croft Drive West and from parts of the Wirral Way linear Country Park. The amenity value and benefits that the trees provide are not outweighed by the lifting of the flagstones of the path.
- 3.6 A notice was received by the Council to remove the trees in September 2020. The notice expired largely due to Covid restrictions and workload than any agreement to the proposed works. The work was not carried out. The owners of 5 Croft Drive West subsequently obtained arboricultural advice after concerns that removal may cause heave to nearby properties. The owners decided not to remove the trees and asked for a Tree Preservation Order to be served on the trees, whilst negotiations continued with the neighbours. An arboricultural report was commissioned and carried out on 28th January 2022 and submitted in support of the TPO.
- 3.7 The arboricultural report dealt with the following issues:
- Concerns of the landowner with regard to interaction with the trees;
 - The value of the trees in terms of amenity and as an asset;
 - The safe useful life expectancy of the trees; and
 - A cost-effective solution.
- 3.8 The arboricultural report suggested that future risk of indirect property damage to nearby buildings including subsidence by soil shrinkage is very low, based on geology and soils, however this should not be construed as a subsidence risk report.
- 3.9 The report included an amenity valuation for the 4 Poplar trees using the *“Visual Amenity Valuation of Trees and Woodlands, The Helliwell System 2008”*. This system assigns a monetary amenity value to trees using a Monetary conversion factor sourced from the Arboricultural Association. The valuation concluded that the Amenity of this linear group of trees, scored £14,760 and that the trees form an appropriate and important screen between the two sizeable residential properties.
- 3.10 The arboricultural report identified the 5 trees as normal in terms of vigour and vitality with no major safety concerns noted at the time of inspection and recommended that the trees be pruned to remove any dead or defective growth and to prune out any epicormic growth that would assist in future ground inspections. The report also suggested that the trees may cause a degree of shade onto the neighbour’s property. The arboricultural report contradicts the assertion that the Poplar trees are the sole cause of the displacement of the path and suggested that the row of conifers on the other side of the path have also contributed to the displacement of the flagstones which were poorly laid in the first instance.
- 3.11 The report recommended that both landowners discuss a more appropriate solution to the issue of the path and suggested a path constructed of materials more suited to the location close to trees, such as Compacted gravel or sand

which would allow future growth and movement of buttress roots and be inexpensive to maintain.

- 3.12 It is considered that there is no clear evidence has been submitted demonstrating the likelihood of any indirect damage to buildings. The trees do have a significant amenity value due to their stature and prominence in the landscape, regardless of any ascribed monetary value. The trees are in good health with no obvious tree risk features. The path within the neighbouring property has been in place for a long time and the damage has happened over more than a few years. The path needs to be repaired regardless of the presence of the trees. More cost effective and environmentally friendly methods of replacing the path are undoubtedly available and it is suggested that these should be pursued associated with the confirmation of the Tree Preservation Order.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There will be minimal costs arising from the proposals set out in this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The principal effect of a TPO is to prohibit the, cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of trees without the LPA's consent.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are no substantive ICT Staffing and Assets implications arising out of the proposals set out within this report.

7.0 RELEVANT RISKS

- 7.1 If the Order is not confirmed the trees are at risk of significant damage that would lead to the need to remove the trees.
- 7.2 If the order is not confirmed the path will still need to be repaired.
- 7.3 On application to remove the tree under the TPO, an appellant has the right of appeal against decisions on applications for consent under a Tree Preservation Order. The appellant can apply for their appeal costs and may apply for compensation for loss or damage. An authority may be liable to pay compensation for loss or damage caused or incurred in consequence of it:
- refusing any consent under an Order;
 - granting a consent subject to conditions; or
 - refusing any consent, agreement or approval required under a condition.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Tree Preservation Order was served upon the owner/occupiers of No 3, 5 and 7 Croft Drive west with one objection received.

9.0 EQUALITY IMPLICATIONS

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

9.2. There are no equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Trees store carbon within their tissues and continually absorb carbon, helping to offset carbon emissions produced by other urban activities.

11.0 COMMUNITY WEALTH BUILDING

11.1 There are no Community Wealth Building implications arising from the proposals set out within this report.

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APPENDICES

Appendix 1 Order Map for Wirral Borough Council TPO No.WR0421

BACKGROUND PAPERS

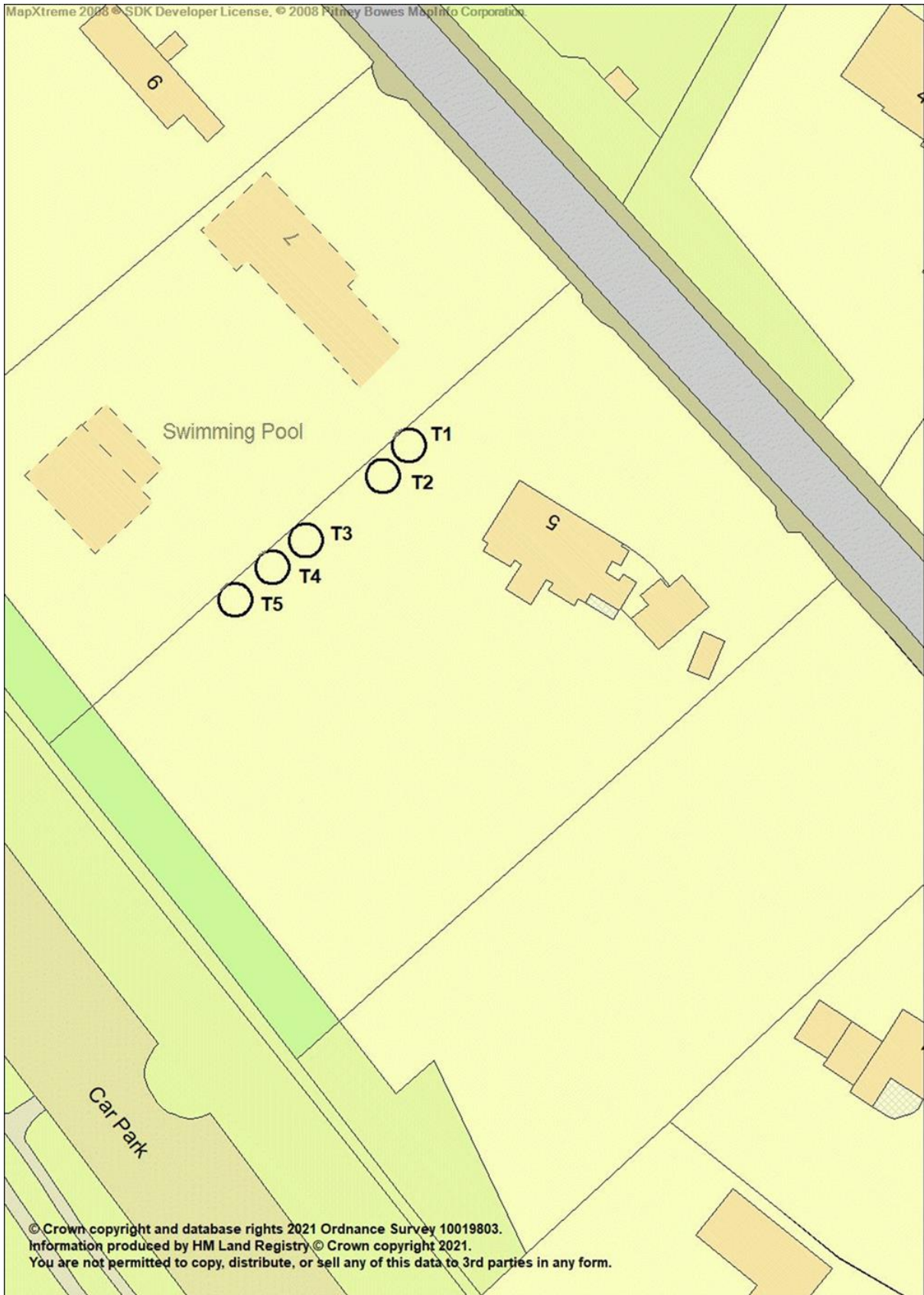
Visual Amenity Valuation of Trees and Woodlands, The Helliwell System 2008

Guidance for Tree Preservation Orders and Trees in Conservation Areas

SUBJECT HISTORY (last 3 years)

Not applicable.

**APPENDIX 1 - Appendix 1 Order Map for Wirral Borough Council TPO
No.WR0421**



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Agenda Item 4

Planning Committee

9th June 2022

Reference:
APP/21/01962

Area Team:
Development
Management Team

Case Officer:
Mr G Roberts

Ward:
Hoylake and Meols

Location: Hilstone Grange, 17 STANLEY ROAD, HOYLAKE, CH47 1HN

Proposal: Conversion and extension of existing building to create 7 apartments, including demolition of existing garage.

Applicant: Lagom Lifestyle Ltd
Agent : SHACK Architecture Ltd

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area
Density and Design Guidelines Area

Planning History:

Location: Hilstone Grange, 17 STANLEY ROAD, HOYLAKE, CH47 1HN
Application Type: Full Planning Permission
Proposal: Proposed extension and conversion of existing property to create 7No. apartments.

Application No: APP/17/01535
Decision Date: 16/02/2018
Decision Type: Approve

Location: Hilstone Grange, 17 STANLEY ROAD, HOYLAKE, CH47 1HN
Application Type: Full Planning Permission
Proposal: Proposed erection of two storey detached dwelling with integral garage and access
Application No: APP/13/00008
Decision Date: 08/03/2013
Decision Type: Approve

Location: Hilstone Grange, 17 STANLEY ROAD, HOYLAKE, CH47 1HN
Application Type: Conservation Area Consent
Proposal: Proposed erection of two storey detached dwelling with integral garage and access.
Application No: CON/13/00009
Decision Date: 11/01/2013
Decision Type: Not an application

Location: Hilstone Grange, 17 STANLEY ROAD, HOYLAKE, CH47 1HN
Application Type: Full Planning Permission
Proposal: Erection of a dwelling and adjoining garage, new access and associated landscaping
Application No: APP/10/00274
Decision Date: 04/05/2010
Decision Type: Withdrawn

Location: Land to west of (adjacent) Hilstone Grange, 17, Stanley Road, Hoylake. L47 1HN
Application Type: Outline Planning Permission
Proposal: Erection of a detached house and garage, (outline).
Application No: OUT/89/07517
Decision Date: 18/12/1989
Decision Type: Approve

Summary Of Representations and Consultations Received:

1.0	WARD MEMBER COMMENTS
1.1	Councillor Alison Wright expressed support for the scheme as amended.

2.0	SUMMARY OF REPRESENTATIONS
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	REPRESENTATIONS
	Having regard to the Council Guidance on Publicity for Applications 6 notifications were sent to adjoining properties in relation to the scheme as submitted. A site notice was also displayed adjacent to the application site. In total, 30 objections were received. Following amendments to the scheme to address the concerns identified by

	<p>residents and other interested parties, a further 36 notifications were sent to the adjoining properties and objectors. In total, 9 objectors changed their representation to a statement of support which reduced the number of objections to 21. However, 2 new objections were also received, thereby increasing the overall number of objections to 23. Additionally, 6 new statements of support were received in response to the second notification which meant that there were 15 statements of support overall. The planning issues raised in the objections were as follows:</p> <ol style="list-style-type: none"> 1. Layout and density of buildings/over development; 2. Impact on the character and appearance of the area; 3. Traffic and parking issues; 4. Scale and dominance; 5. Appearance and design of development; 6. Effect on the Conservation Area; 7. Effect on trees and wildlife / Nature conservation; 8. Overlooking / Loss of privacy; 9. Drainage and flood risk; 10. Economic impact and sustainability; 11. Highway Safety; 12. Impact on the community and other services; 13. Emerging Local Plan; 14. Government Policy (NPPF paragraph 48); and 15. Previous Planning decision (ref: APP/17/01535).
CONSULTATIONS	
	<ol style="list-style-type: none"> 1. Environmental Health - No objection; 2. Highways - No objection, subject to 1no. condition. 2no. informatives provided; 3. Merseyside Environmental Advisory Service - No objection, subject to 7 conditions. 4no. informatives provided; 4. Natural England - No objection, subject to 3no. conditions; 5. Trees and Landscaping - No objection, subject to 1no. condition. 1no. informative provided; 6. Wirral Wildlife - No objection, subject to 3no. condition. 2no. informatives provided; 7. Conservation - No objections, subject to 2no. conditions; 8. Hoylake Community Planning Forum (Hoylake Vision) - No response; 9. Meols Drive Conservation Area - No response; 10. Wirral Society - No response; and 11. Green Belt - No response.

3.1 Reason for referral to Planning Committee

3.1.1 Following a renotification after amendments to the scheme as submitted, a total of 23 objections were maintained in relation to the amended scheme. This surpasses the threshold of 15 objections required for a case to be taken out of delegation to be determined at Planning Committee.

3.2 Site and Surroundings

3.2.1 The application site comprises a two/three storey detached inter-war

property built between 1909 and 1926. The property fronts Stanley Road, there is a set back and an 'in' and 'out' driveway arrangement. There is also a large rear garden 20 metres deep and 34 metres wide. The site is bounded by a 1.8m brick wall to the east, south and west sides. To the front there is combination of brick posts and timber infill with a row of Cedar trees behind to provide a level of screening.

- 3.2.2 The application site backs onto Royal Liverpool Golf Course and is located within the Meols Drive Conservation Area. The site is also located within a Primarily Residential Area, a Density and Design Guidelines Area and Flood Zone 2 and 3.

3.3 Proposed Development

- 3.3.1 The original scheme as submitted was for the conversion and extension of the existing building to create 8 apartments, including demolition of the existing garage, the erection of a replacement part-single storey and part-1.5 storey side/rear extension, and some minor alterations to existing elevations, including:

1. Enlarged front dormer;
2. New two storey rear bay to match existing 2no. two storey rear bays;
3. All existing windows to be replaced with new PPC heritage aluminium range;
4. Addition of Conservation roof lights;
5. New first floor balconies at rear with heritage style metal railings;
6. Existing door opening to existing rear balcony closed up and new door opening created;
7. Existing rear dormers refurbished and repaired with new aluminium heritage windows; and
8. Existing ground floor window sill on south west side elevation raised to accommodate new kitchen units behind.

A landscape plan was also submitted which proposed a number of interventions, including:

1. the removal of 18 trees, mostly along the front boundary;
2. the provision of 16 parking spaces including 8 for electric cars (with charging points);
3. Compensatory tree planting;
4. Resident cycle storage and visitor cycle parking provisions;
5. New lawns at rear;
6. New planting beds to building, pedestrian walkways, cycle parking and car park edge;
7. Cleaning and repointing of existing boundary wall;
8. Resurfacing of driveway and parking area;
9. Provision of refuse store;
10. Creation of 5no. rear patio/terrace, 2no. of which with private garden spaces;
11. New electric vehicular sliding gate;
12. Metal railings to replace existing timber infill panels along front boundary; and
13. Right side vehicular access closed off and a refuse store gate provided.

- 3.3.2 The proposal was amended on 16 December 2021 following a meeting between the Applicant team, a number of objectors and the Chair of the combined Conservation Societies. To address the concerns raised at that meeting, the proposal has been subject of the following amendments:
1. the ground floor duplex apartment in the new single storey extension closest to the boundary with the golf club has been removed, thereby significantly reducing the scale of the extension, altering its massing and creating visually smaller elevations from the perspective of the golf course and the rear gardens of neighbouring properties;
 2. one parking space was lost (16 to 15) as a result of the reduction in the number of apartments from 8 to 7;
 3. the refuse store has been repositioned where the removed parking space had been located; and
 4. a dedicated pedestrian access and a new parcel drop off store have been created.
- 3.3.3 Further final minor amendments were undertaken on 11 May 2022 following Officer comments concerning the need to:
1. remove 2 no. rooflights on the forward facing roof plane of the main roof on Conservation grounds. One rooflight over the main staircase had to be provided to act as an automatic opening smoke vent linked to the fire alarm system. This is a building control requirement due to the stair being the only one serving the upper flats; and
 2. remove a further parking space (15 to 14) to allow for more compensatory tree planting to the front of the property to assist in avoiding a sparse appearance to the front parking area.

3.4 Development Plan

3.4.1 Wirral Unitary Development Plan

The Application site is located within a Primarily Residential Area which backs onto Green Belt. The site also lies within Meols Drive Conservation Area and the Stanley Road, Hoylake Density and Design Guidelines Area. The following Wirral UP Policies and Guidance have therefore been considered in the determination of this planning application:

1. **Policy HS4: Criteria for New Housing Development** states; Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:
 - (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
 - (ii) the proposal not resulting in a detrimental change in the character of the area;
 - (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
 - (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular

attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;

- (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;
- (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and
- (vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

2. Policy HS5: Density and Design Guidelines states;
In the following existing residential areas as outlined on the Proposals Map, in addition to the criteria in Policy HS4, proposals for new residential development will be subject to controls over density and layout as follows:

4. Stanley Road, Hoylake
Zone 5

New purpose-built flat development will not be permitted.

3. Policy HS13: Self-Contained Flat Conversions states;
Proposals for the conversion of existing buildings into self-contained flats will be permitted subject to:

- (i) the conversion ensuring the privacy of neighbours and occupants including the layout of car parking areas to prevent overlooking of habitable room windows;
- (ii) access normally being provided to individual flats within the main structure of the building. If external staircases have to be provided, they must not result in significant overlooking of neighbours' windows or private amenity space;
- (iii) any extensions required complying with Policy HS11;
- (iv) any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree;
- (v) any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;
- (vi) adequate sound proofing between flats;
- (vii) any basement flat having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle access ways;
- (viii) main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls;
- (ix) access to rear yards/ gardens being provided from each flat;
- (x) adequate visibility at entrance and exit points and turning space for vehicles; and

(xi) the proposal otherwise complying with Policy HS4 and Policy HS5.

4. Policy CH2: Development Affecting Conservation Areas states; Development located within, adjacent to, or otherwise affecting the setting or special character of a Conservation Area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance:

- (i) the distinctive characteristics of the Area, including important views into and out of the designated Area;
- (ii) the general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces; and
- (iii) the character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the Area.

When granting consent, special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials proposed to be used.

5. Policy CH3: Demolition Control within Conservation Areas states; The demolition of buildings or structures within a designated Conservation Area, other than Listed Buildings or structures, will only be permitted where:

- (i) the building or structure to be removed has little historic importance, visual merit or group value, or otherwise detracts from the special character of the Area; and
- (ii) detailed plans for redevelopment have been approved by the Local Planning Authority and would serve to enhance the character of the Area.

6. Policy LA7: Criteria for Development at the Urban Fringe states; When considering new development at the edge of the urban area or in other locations which would be clearly visible from the open countryside, the Local Planning Authority will pay special regard to the visual impact of the proposals and will require that:

- (i) new buildings are sited, designed and landscaped, in order to minimise visual intrusion;
- (ii) proposals for boundary treatment are appropriate, in terms of the character of the surrounding landscape; and
- (iii) prominent features within the landscape framework of the area are retained and enhanced.

The following Wirral UP Policies and Guidance are also of relevance:

Policy HS11: House Extensions;
Policy GR5: Landscaping and New Development;
Policy GR7: Trees and New Development;
Policy NC1: The Protection of Sites of International Importance for Nature Conservation;

Policy NC3: The Protection of Sites of National Importance for Nature Conservation;
Policy NC5: The Protection of Sites of Local Importance for Nature Conservation
Policy NC6: Sites of Biological Importance;
Policy NC7: Species Protection;
Policy TR9: Requirements for Off-Street Parking;
Policy TR12: Requirements for Cycle Parking;
Policy WA1: Development and Flood Risk;
Policy WA2: Development and Land Drainage; and
Supplementary Planning Document 4: Parking Standards.

3.4.2 The Joint Merseyside and Halton Waste Local Plan

The following Policies have been considered in the determination of this planning application:

1. **Policy WM8: Waste Prevention and Resource Management** states:
Any development involving demolition and/or construction must implement measures to achieve the efficient use of resources, taking particular account of:

- Construction and demolition methods that minimise waste production and encourage re-use and recycling materials, as far as practicable on-site;
- Designing out waste by using design principles and construction methods that prevent and minimise the use of resources and make provision for the use of high-quality building materials made from recycled and secondary sources;
- Use of waste audits or site waste management plans (SWMP)G, where applicable, to monitor waste minimisation, recycling, management and disposal.

Evidence demonstrating how this will be achieved must be submitted with development proposals of this type; and

2. **Policy WM9: Sustainable Waste Management Design and Layout for New Development** states:

The design and layout of new built developments and uses must, where relevant, provide measures as part of their design strategy to address the following:

1. Facilitation of collection and storage of waste, including separated recyclable materials;
2. Provide sufficient access to enable waste and recyclable materials to be easily collected and transported for treatment;
3. Accommodation of home composting in dwellings with individual gardens;
4. Facilitate small scale, low carbon combined heat and power in major new employment and residential schemes, where appropriate.

3.4.3 The Hoylake Neighbourhood Development Plan

The following Policies have been considered in the determination of this planning application:

1. Policy DI2: Scale and Design of New Development states:

All proposals for new buildings and for the extension or alteration of existing buildings, whether inside or outside the Conservation Areas, must respond to the distinctive character and reflect the identity of the area in terms of their size, design and materials of construction; and

2. Policy DI3: Designated Heritage Assets states:

Where development is likely to affect the significance of any designated heritage asset, the proposal must specify how it would conserve and enhance that significance.

3.5 **Other Material Planning Considerations**

3.5.1 The revised National Planning Policy Framework is a material planning consideration in the determination of this planning application.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 189 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 197 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.5.2 Emerging Wirral Local Plan

Wirral Borough Council is in the process of submitting a new local plan for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan has been published and representations can be submitted until 24th June 2022.

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

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

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

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision making process.

3.5.3 **Supplementary Planning Document 2: Designing for Self-Contained Flat Development and Conversions** states (inter alia):

- In cases where it is agreed that the retention of some (landscaping) features is not possible, provision should be made for the relocation or replacement of any important features, including additional compensatory landscaping, making use of native plants and trees where suitable to promote biodiversity in the area;

- secure, covered and appropriately designed cycle storage should be provided and sited with convenient access for residents; and secure and appropriately designed bin storage segregated from cycle storage should be provided and sited with convenient access for residents and refuse collection services.
- 3.5.4 Previous planning permission ref: APP/17/01535 for a comparable conversion and extension of Hilstone Grange to create 7no. apartments, is a material planning consideration in the determination of this planning application.
- 3.5.5 The Meols Drive Conservation Area Character Appraisal is also of relevance in terms of informing the comments of the Conservation Officer.
- 3.5.6 The Environment Agency's standing advice for minor extensions is also a material planning consideration.

3.6 Assessment

- 3.6.1 The main issues pertinent in the assessment of the proposal are;
- Principle of development;
 - Scale and design;
 - Heritage;
 - Landscaping;
 - Highways;
 - Environmental/Sustainability; and
 - Amenity.
- 3.7 Principle of Development:
- 3.7.1 UP Policy HS4 permits new housing development within Primarily Residential Areas subject to proposals fulfilling a number of criteria. The application is therefore acceptable in principle subject to all other material planning considerations.
- 3.8 Scale and design:
- 3.8.1 The proposal as amended on 16 December 2021 involves the conversion of the existing property, including a single storey rear extension, into 7 self-contained apartments. The proposed extension will be occupied by 1 apartment (Apartment 4), and part of Apartment 3. The rest of Apartment 3 and the remaining 5 apartments will be contained within the existing building (3 at ground floor level, 2 at first floor level and 1 at first and second floor level).
- 3.8.2 The proposed single storey side/rear extension will replace the existing garage positioned near to the east boundary shared with 15 Stanley Road. The Heritage, Design and Access Statement submitted with the applications justifies the loss of the garage as follows:

The decision was taken to demolish this part of the house for a number of reasons. The difficulties inherent in converting a small building were one of the reasons but the primary reason was to allow the existing bricks and roof

tiles to be used as architectural salvage for the repair of the fabric of the main house.

An initial condition survey has flagged up significant areas of damaged brick work and some areas of damaged roof tiles. Using the bricks and roof tiles from the garage will ensure that the historic integrity of the main house is maintained. The brickwork damage is mainly spalled bricks due to wind and frost action, and it is estimated that the bricks from the garage [which have been largely sheltered from the weather] will be enough to facilitate repairs.

- 3.8.3 The extension itself has been traditionally designed to harmonise with the character of Hilstone, but it also reads as an addition. The extension will measure:
- a depth of 10.9m off the rear elevation (20.28m from front elevation to rear elevation);
 - a width of 9.06m (at its widest point); and
 - a maximum height of height 6.66m to the ridge (approx. maximum height to the top of the eaves is 3.25m).

These dimensions are comparable to the extension that was previously approved, but never implemented, under APP/17/01535 (albeit the garage was proposed to be retained in that scheme). That extension measured:

- a depth of 10.5 metres off the rear elevation;
- a width of 8 metres; and
- a height of 5.8 metres to the ridge.

- 3.8.4 In terms of materials and architectural details, the proposed extension is designed to be a seamless addition to the original building. The windows will be identical to the existing house with brick detailing at jambs, heads and cills. Smooth sandstone detailing reminiscent of the main entrance to the existing house will be applied to new external doors. Roof finishes are to be natural slate to match the existing, and the design incorporates exposed rafter feet and rise and fall gutters, again to reflect the existing house.

Where roof lights are proposed these will be a flat conservation type, whilst the hipped roof of the extension is designed to match the pitch of the main roof. This use of matching materials will ensure that the proposed extension will be sympathetic to the existing building and neighbouring properties in the surrounding area.

- 3.8.5 It is considered that each of the proposed flats is of a sufficient scale, and all habitable rooms have sufficient outlook. The proposed subdivision of the house has been designed to minimise the impact on the external appearance of the building. There will be a number of minor alterations, which, overall, will have little impact upon the appearance of the building. Of the alterations to the main building, the erection of a two storey rear bay to match the existing two rear bays, the replacement of one rear balcony and installation of another, are the most substantial alterations. All are considered to be acceptable in terms of their scale and design, matching the existing, and providing symmetry to the rear of the property.

- 3.8.6 Overall, the proposed materials and design features are considered to match the existing. The scale and design of the proposed development is not considered to be detrimental to the character and appearance of the host dwelling, street scene or the surrounding area, and it is in compliance with Policy HS4, HS11, HS13 and LA7 and the provisions of the revised NPPF.
- 3.9 Heritage:
- 3.9.1 The site lies within the Meols Drive Conservation Area, which was designated in 2004 and seeks to protect the setting of the buildings and open spaces which surround the historic Royal Liverpool Golf Club. The house is designated as a Category A building within the 2004 conservation area appraisal.
- 3.9.2 The Conservation Officer was consulted and advised that they had no concerns raised to the principal of the proposal. They did question the need for the two roof lights on the front elevation of the building, as having reviewed the floor plans these appear to serve a part of the building that already has the provision of natural light.
- 3.9.3 The two roof lights have subsequently been removed, albeit one has had to be reinstated in a different position on Building Control grounds (see section 3.3.3 above). On balance, this is considered to be acceptable given the legitimate need for a rooflight, which it should be noted, will be a Conservation rooflight.
- 3.9.4 Full details of the proposed windows and doors were provided upfront by the Applicant's agent on 13 May 2022. These details were considered acceptable by the Conservation Officer. The requirement for samples of roofing and facing materials to be submitted prior to the commencement of works has been attached as a condition, to ensure the proposed extension suitably complements the existing building.
- 3.9.5 Overall, subject to compliance with the materials samples and details conditions, it is considered that the proposal as amended will not have an adverse impact on the distinctive characteristics or significance of the existing building or the Conservation Area, and so it is compliant with Wirral UP Policies CH2 and CH3, Hoylake NDP Policy DI3 and the provisions of the revised NPPF.
- 3.10 Landscaping:
- 3.10.1 Of the landscaping proposals shown on the updated proposed site plan and detailed in section 3.3.1 above, the most significant interventions are:
1. the removal of 18 trees, mostly along the front boundary;
 2. Compensatory tree planting;
 3. the provision of 14 parking spaces including 7 for electric cars (with charging points);
 4. Resurfacing of driveway and parking area;
 5. Metal railings to replace existing timber infill panels along front boundary,

new electric vehicular sliding gate, right side vehicular access closed off and a pedestrian access provided; and

6. Creation of 4no. rear patio/terrace (reduced from 5) , 2no. of which with private garden spaces.
-
- 3.10.2 The Tree Officer confirmed that the trees on site, both along the front boundary, and a small number to the rear of the property, do not make a significant contribution to the character of the Conservation Area. Cedar of Lebanon, the tree species found along the front boundary, have the potential to reach 20m at maturity, however in this context, the Tree Officer confirmed, it is doubtful that they will realise that potential due to location and the environment. He stated that the trees are a poor form of cedars appearing to have been wind pruned due to prevailing winds off the sea. They are not a typical planting along the road with most properties having no hedging or more typical hedging such as privet. Furthermore, they grow quickly in girth which will eventually impact the boundary wall. As advised by the Tree Officer, mitigation tree planting shall be provided in pockets to the front and rear of the property to ensure that there will not be a completely sparse appearance to the front parking area in particular, once the existing trees are removed. The applicant proposes 18 replacement trees to the front and 6 replacement trees to the rear, which will result in a net gain in the number of trees on the site and utilises trees that are considered more appropriate for this location.
 - 3.10.3 As confirmed by highways in section 3.11 below, the provision of 2 parking spaces per apartment is acceptable and in compliance with SPD4 - Parking Standards. Compensatory trees go some way to breaking up the hard landscaped areas as required by SPD2 - Designing for Self-Contained Flat Development and Conversion. The proposed materials for the hard landscaping (to be more permeable hydropave tegula paving in 'cedar' colour) give an aged, antique appearance and are considered to be acceptable additions to the Landscaping scheme.
 - 3.10.4 The utilisation of wall mounted metal railings in place of the existing timber infill panels is considered to be appropriate and in keeping with the front boundary treatments of a number of other properties along this part of Stanley Road, and will allow for greater views of this character building than at present.
 - 3.10.5 The private amenity space provision at the rear in the form of 4 patio/terraces, 2 of which also consist of small private garden spaces, is considered to be appropriate landscaping for the 4no. ground floor apartments. Of the 3no. first floor apartments, two will have rear balconies, and all three will benefit from the remaining communal amenity space which is also considered to be appropriately landscaped for the enjoyment of all residents. Additionally, it should be noted that Stanley Road leads onto the nearby Red Rocks and Hoylake beach.
 - 3.10.6 Overall, it is considered that the amended scheme will be appropriately landscaped with appropriate boundary treatments which will not be

detrimental to the character of the application site and surrounding area. The proposal is therefore compliant with Wirral UP Policies HS4, LA7, GR5 and GR7 and the provisions of the revised NPPF.

3.11 Highways:

3.11.1 Highways Assets were consulted but raised no objections subject to 1 no. condition pertaining to the need to submit for approval, prior to the commencement of works, a full scheme of works for the construction of the new vehicle access from the highway, and any amendments to the existing highway made necessary by the development. A full scheme of works was submitted upfront by the Applicant's agent and approved by Highways Assets on 17 May 2022, thereby negating the need for this requirement to be satisfied via a discharge of condition application prior to the commencement of works.

3.11.2 Traffic and Transportation initially advised that the existing access into the site was insufficient to use as a two-way entrance and exit. The applicant subsequently widened the opening to 4.5m as requested, so that two vehicles may pass one another. Whilst not requested by the Highways Engineer, the applicant also provided a separate pedestrian access on the updated site plan so that pedestrians would not have to access the site via the vehicular access. The applicant also addressed the Engineer's concerns surrounding there being insufficient spaces for bicycles in the proposed secure cycle parking/storage. This was increased from 6 to 8 to accord with TR12's cycle parking recommendations, which has a standard of one cycle parking space per apartment. Concerning the vehicular parking provision and servicing the Engineer commented as follows:

The development provides satisfactory in-curtilage parking and each apartment has two car parking spaces, this is in line with the SDP4 parking standards and is accepted. There is also some scope for vehicles to park (on occasion) externally to the building on the opposite side of Stanley Road without blocking access to the cul-de-sac turning head or impacting on neighbouring parking requirements.

The proposed servicing arrangements are considered satisfactory and can be undertaken from the adopted highway of Stanley Road without causing any significant obstruction.

Subject to satisfactory cycle parking and the vehicle access being widened to a minimum of 4.5m Traffic and Transportation would have no objection to the proposals.

3.11.3 Full details of secure covered bicycle storage/parking facilities were submitted for approval on 13 May 2022 in order to negate the need for them to be discharged prior to commencement of works. Located in the rear corner of the plot, the siting, scale and design of the secure covered bicycle storage/parking facility was considered to be acceptable in planning terms, with appropriate dimensions and sympathetic materials and design features applied.

- 3.11.4 Informatives regarding the necessary works to the Stanley Road footway to widen the existing access, and the need for a pre-commencement site inspection from the Local Authority have also been added to the decision notice at the request of Highways.
- 3.11.5 Subject to the above, the amended scheme is considered to be acceptable in terms of highway safety and is therefore considered to accord with Policy TR9 in the in the Wirral Unitary Development Plan. In terms of traffic and parking, the amended scheme is considered to comply SPD4 and Policy TR12 of the Wirral Unitary Development Plan. Overall, there are no highway implications which would warrant refusal of the application.

3.12 Environmental/Sustainability:

3.12.1 The Environmental constraints associated with the application site or the surrounding area, are as follows:

1. The application site is located in close proximity to the following European sites:
 - Mersey Narrows and North Wirral Foreshore SPA (90m north);
 - Mersey Narrows and North Wirral Foreshore Ramsar site (90m north);
 - Dee Estuary SAC (90m north);
 - Dee Estuary SPA (360m west); and
 - Dee Estuary Ramsar site (290m west).
2. The application site is also located adjacent/close to the following Nationally and Locally designated sites:
 - Royal Liverpool Golf Course LWS (adjacent to the southern site boundary)
 - Red Rocks SSSI (220m south-west)
3. There are 18 trees on site which are proposed to be felled; and
4. The site is located in Flood Zone 2 and 3.

The following consultees were therefore consulted:

1. Merseyside Environmental Advisory Service (MEAS);
2. Natural England;
3. Wirral Wildlife;
4. Trees and Landscaping; and
5. Environment Agency (Standing Advice).

3.12.2 MEAS had no objection to the proposed scheme, subject to 7no. conditions pertaining to:

1. the requirement for a Construction Environmental Management Plan to be submitted for LPA approval prior to the commencement of works;
2. the requirement for Reasonable Avoidance Measures to be implemented in respect to Natterjack Toads;
3. the requirement for residents to be provided with an information leaflet;
4. the requirement for all exterior lighting to be designed and used to minimise impacts on bats and their insect food;
5. the requirement to restrict vegetation management and building work to take place outside the bird breeding season unless checked first by an

- appropriately experienced ecologist;
6. the requirement for details of bird boxes as well as timing of installation to be provided for approval and implementation prior to occupation; and
 7. the requirement for a Site Waste Management Plan to be submitted for LPA approval prior to the commencement of works.

MEAS also provided 2no. informatives relating to:

1. the need for the applicant to follow the guidance of the Bat Conservation Trust in respect of external lighting; and
2. the need for the applicant, their advisers and contractors to be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

3.12.3 Natural England had no objection subject to the provision of an advisory leaflet for residents, the production and implementation of a Construction Environmental Management Plan (CEMP), and the implementation of Reasonable Avoidance Measures (RAMs) for Natterjack toads, all of which have been conditioned.

3.12.3 Wirral Wildlife had no objection subject to 3no. conditions pertaining to:

1. the requirement for Reasonable Avoidance Measures to be implemented in respect to Natterjack Toads;
2. the requirement for all exterior lighting to be designed and used to minimise impacts on bats and their insect food; and
3. the requirement to restrict vegetation management and building work to take place outside the bird breeding season unless checked first by an appropriately experienced ecologist.

Wirral Wildlife also provided 2no. informatives relating to:

1. the need for the applicant to follow the guidance of the Bat Conservation Trust in respect of external lighting; and
2. the need for the sowing of a new lawn with various species to aid biodiversity. Management should be such as to allow flowering - perhaps 6-8 cuts per year.

3.12.4 The Tree Officer had no objection to the felling of 18 trees, given the fact that the majority are a poor form of cedars which appear to have been wind pruned due to prevailing winds off the sea. This position is subject to the requirement for mitigation planting to include native species more suitable for a coastal environment, supported by suitable maintenance in the first years after planting. This requirement is secured by a pre-completion / first occupation compliance condition.

3.12.5 Environment Agency standing advice pertaining to minor extensions applies given that the property is located within flood zone 2 and 3. This requires that floor levels are either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. The floor levels at FFL +9.00 are no lower than existing floor levels, and so are acceptable.

- 3.12.6 Full details of refuse and recycling provision were submitted for approval on 13 May 2022. Located to the left of the vehicular access behind the front boundary, the siting, scale and design of the external bin storage was considered to be acceptable in planning terms, with appropriate dimensions and sympathetic materials applied.
- 3.12.7 In the absence of any objections from the above bodies, it is considered that there are not any environmental issues weighing against the proposal. The development is considered to comply with Wirral UP Policies GR7, NC1, NC3, NC5, NC6, NC7, WA1 and WA2, the Joint Merseyside and Halton Waste Management Plan Policies WM8 and WM9 and provisions of the revised NPPF.
- 3.13 Amenity:
- 3.13.1 In terms of amenity, it is considered that the proposed development as amended on 16 December 2021 and 11 May 2022 would not be so extensive as to be overbearing or to result in overshadowing or overlooking in relation to neighbouring properties.
- 3.13.2 No new first or second floor windows are introduced which would permit overlooking, whilst the proposed single storey rear extension and two storey rear bay would not be so extensive as to be overbearing or to result in overshadowing. Neighbouring outlook would not be affected by these proposed structures.
- 3.13.3 Separation distances do not strictly apply in this instance as no new first floor habitable room windows on main elevations are proposed. In any case, the proposed extension will be set off the north-eastern boundary of the site with 15 Stanley Road. The main property at 15 Stanley Road is set a substantial distance off this boundary, and the proposal will therefore not have an unacceptable adverse impact upon this neighbouring property, or any other surrounding properties.
- 3.13.4 The private amenity space provision at the rear in the form of 4 patio/terraces, 2 of which also consist of small private garden spaces, is considered to be appropriate landscaping for the 4no. ground floor apartments. Of the 3no. first floor apartments, two will have rear balconies, and all three will benefit from the remaining communal amenity space which is also considered to be appropriately landscaped for the enjoyment of all residents. Additionally, it should be noted that Stanley Road leads onto the nearby Red Rocks and Hoylake beach.
- 3.13.5 In total 23 objections have been received to the proposed scheme. The planning issues raised relate to:
1. Layout and density of buildings/overdevelopment - addressed in section 3.8;
 2. Impact on the character and appearance of the area - addressed in section 3.8;
 3. Traffic and parking issues - addressed in section 3.11;

4. Scale and dominance addressed in sections 3.8 and 3.13;
5. Appearance and design of development - addressed in section 3.8;
6. Effect on the Conservation Area - addressed in section 3.9;
7. Effect on trees and wildlife / Nature conservation - addressed in section 3.12;
8. Overlooking / Loss of privacy - addressed in section 3.13;
9. Drainage and flood risk - addressed in section 3.12;
10. Economic impact and sustainability - it is not considered that the amended scheme, which is significantly reduced in scale, will have a detrimental impact on the sustainability of the local economy;
11. Highway Safety - addressed in section 3.11;
12. Impact on the community and other services - it is not considered that the amended scheme, which is significantly reduced in scale, will have a detrimental impact on the community and other services;
13. Emerging Local Plan - addressed in section 3.5;
14. Government Policy (NPPF paragraph 48) - addressed in section 3.5; and
15. Previous Planning decision (ref: APP/17/01535) - this application was approved, and the current scheme is comparable to that scheme. It has been demonstrated that there are no material planning issues which would merit the refusal of the current proposal.

3.13.6 In view of the above, it is considered that the proposal as amended will not have an adverse impact on the amenities of neighbouring properties in terms of loss of privacy, light and outlook, and so it is compliant with Wirral UP Policies HS4 and HS13 and provisions of the revised NPPF.

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 proposal as amended is considered to be acceptable having regard to scale, appearance, amenity and Wirral's UP Policies HS4, HS5, HS13, CH2, CH3 and LA7, Joint Merseyside and Halton Waste Local Plan Policies WM8 and WM9, Hoylake NDP Policies DI2 and DI3 and the revised National Planning Policy Framework.

Recommended Approve
Decision:

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 16 December, 2021, 13 May, 2022 and 17 May, 2022 and listed as follows:

B103 Rev.B (Proposed Ground Floor Plan), dated: 10 December, 2021;
B104 Rev.B (Proposed First Floor Plan), dated: 10 December, 2021;
B105 Rev.B (Proposed Second Floor Plan), dated: 10 December, 2021;
B106 Rev.C (Proposed Front and Street Scene Elevations), dated: 11 May, 2022;
B107 Rev.B (Proposed Right Side and Rear Elevations), dated: 10 December, 2021;
B108 REV.B (Propose Left Side and Rear (Golf Course Aspect) Elevations), dated: 10 December, 2021;
B109 Rev.F (Proposed Site Plan), dated: 17 May, 2022;
C140 Rev.A (Proposed Outbuildings); dated: 13 May, 2022;
C150 Rev.C (Proposed Footpath Crossing), dated: 17 May, 2022; and
C601 Rev.A (Proposed Window Details), dated: 11 May, 2022.

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

3. Before any construction commences, samples of the facing 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.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy CH2 of the Wirral Unitary Development Plan.

4. The new windows and doors throughout the development shall be implemented in accordance with the approved full details received by the LPA on 13 May, 2022 and illustrated in drawing C601 Rev.A (Proposed Window Details), dated: 11 May, 2022, and shall remain thereafter.

Reason: To protect character and appearance of the Meols Drive Conservation Area to comply with Policy CH2 of the Wirral's UP

5. The construction of the new vehicle access from the highway and any amendments to the existing highway made necessary by this development, shall be completed in accordance with the approved full scheme of works received by the LPA on 17 May, 2022 and illustrated in drawing C150 Rev.C (Proposed Footpath Crossing), dated: 17 May, 2022, prior to occupation of the development.

Reason: In the interests of highway safety and to accord with Policy TR9 in the in the Wirral Unitary Development Plan.

6. Prior to the commencement of works a Construction Environmental

Management Plan detailing pollution control measures to be implemented during works on site to prevent any runoff into the adjacent designated area shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Environmental 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.

Reason: In the interests of protecting designated sites and to accord with Policies NC1, NC3, NC5 and NC6 of the Wirral Unitary Development Plan.

7. The following Reasonable Avoidance Measures (RAMs) shall be undertaken during the construction phase:
1. Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians to move away from the affected areas;
 2. The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
 3. Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians .

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

8. A residents information leaflet shall be provided to all new residents of the development advising them of the importance of the European sites and a responsible user code.

Reason: In the interests of protecting designated sites and to accord with Policies NC1 of the Wirral Unitary Development Plan.

9. All exterior lighting shall be designed and used in accordance with the guidance of the Bat Conservation Trust.

Reason: To minimise the impacts on bats and their insect food from excessive light spill onto important habitats (eg. linear bands of vegetation) in line with NPPF paragraph 180.

10. No tree felling, scrub clearance, hedgerow removal, vegetation management or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation

are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

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

Reason: To mitigate the loss of bird breeding habitat and to comply with Policy NC7 in the Wirral Unitary Development Plan.

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

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policy WM8 of the Waste Local Plan.

13. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Wirral UP Policies GR5, GR7, CH2 and LA7.

14. The new secure covered cycle parking/storage facilities, shall be provided in accordance with the approved details received by the LPA on 13 May, 2022 and illustrated in drawing C140 Rev.A (Proposed Outbuildings), dated: 13 May, 2022, and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times

thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

15. The new external bin store shall be provided in accordance with the approved details received by the LPA on 13 May, 2022 and illustrated in drawing C140 Rev.A (Proposed Outbuildings), dated: 13 May, 2022, and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene.

16. The off-street parking spaces, as shown on the proposed site plan (ref: B109 Rev.E) shall be provided for occupiers as shown prior to first occupation and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority

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

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details.
2. A pre-site inspection is required prior to the development works commencing with the LA - any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developers expense, to the LA specifications and written approval. For further details contact Highway Management, area manager via www.wirral.gov.uk.
3. The applicant should refer to the Bat Conservation Trust website (<https://www.bats.org.uk/news/2018/09/newguidance-on-bats-and-lighting>) concerning an appropriate lighting scheme design.
4. The applicant, their advisers and contractors should be aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

5. The CEMP could be expended to include avoidance measures for protected/Priority species including:
 - Natterjack toad;
 - Hedgehog; and
 - Precautions in respect of nesting birds.

6. The residents information leaflet which is to be provided to all new residents of the development advising them of the importance of the European sites and a responsible user code, should follow the format as shown on the MEAS website: http://www.meas.org.uk/media/11050/lcr_leaflet_wirral.pdf.

7. The following British Standards should be referred to:
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3998:2010 Tree work - Recommendations
 - c) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use

8. The sowing of a new lawn with species such as self heal, birds foot trefoil, daisy, cat's ear and white clover and fine grasses such as red fescue and common bent would aid biodiversity. Management should be such as to allow flowering - perhaps 6-8 cuts per year. (Naturescape do a 'flowering lawn mix' that would be fairly suitable).

Last Comments By: 08/02/2022 10:41:06

Expiry Date: 26/11/2021

Agenda Item 5

Planning Committee

9th June 2022

Reference:
ADV/21/02183

Area Team:
**Development
Management Team**

Case Officer:
Mr B Bechka

Ward:
Liscard

Location: Car park SW of CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU

Proposal: Retrospective advert consent sought for 6 no. non-illuminated pole mounted and 2 no. non-illuminated wall mounted fascia signs.

Applicant: Smart Parking Ltd
Agent : JMW

Qualifying Yes

Petition:

Petition Number: **Number of signatures:**

1 908

2 30

Site Plan:



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Development Plan designation:

Primarily Residential Area
Key Town Centre

Planning History:

Location: Car park SW of CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU

Application Type: Full Planning Permission

Proposal: Retrospective permission sought for erection of 2 no. pole mounted ANPR and 1 no. wall/pole mounted ANPR cameras to the Car Parks. Replacement of existing 4 no. Pay and Display Machines

Application No: APP/21/02188

Decision Date:

Decision Type: Awaiting determination

Location: Car Park, St Albans Road, Liscard, Wirral, CH44 5XY

Application Type: Full Planning Permission

Proposal: Retention of lighting column in car park Mill Lane/St Albans Road.

Application No: APP/07/05649

Decision Date: 29/06/2007

Decision Type: Approve

Location: Car Park Mill Lane and 15 & 17 Greenfield Way, Liscard, Wirral, CH44 5XN

Application Type: Full Planning Permission

Proposal: Refurbishment and extension of existing shopping centre and erection of a 2 storey car park (amended proposal)

Application No: APP/05/07098

Decision Date: 28/10/2005

Decision Type: Approve

Location: Liscard Town Shopping Centre, bounded by Wallasey Road Liscard Crescent, Mill La

Application Type: Work for Council by Council

Proposal: New pavings and street furniture to Liscard Way, including archways, new pavings and walls to Mill Lane and St. Albans Road, and new tree planting.

Application No: APP/95/05558

Decision Date: 26/05/1995

Decision Type: Approve

Location: Liscard Way bounded by Wallasey Road, Liscard Crescent, Mill Lane and St. Albans

Application Type: Work for Council by Council

Proposal: Erection of entrance archways at either end of Liscard Way, (amendment to previous application).

Application No: APP/95/06203

Decision Date: 15/11/1995

Decision Type: Approve

Location: Cherry Tree Shopping Centre, Liscard, Wirral, CH44 5XU

Application Type: Advertisement Consent
 Proposal: Erection of a nine non illuminated vertical banner signs
 Application No: ADV/02/05360
 Decision Date: 15/04/2002
 Decision Type: Approve

Location: Car Park Mill Lane and 15 & 17 Greenfield Way Liscard, Wirral, CH44 5XN

Application Type: Outline Planning Permission
 Proposal: Demolition of existing market unit, extension of existing shopping centre and new 2 storey car park ,outline. (Amended Plans)
 Application No: OUT/03/05358
 Decision Date: 23/04/2004
 Decision Type: Approve

Location: Cherry Tree Shopping Centre, Liscard, Wirral, CH44 5XU
 Application Type: Full Planning Permission
 Proposal: Erection of 6 no. kiosk shop units.
 Application No: APP/05/06211
 Decision Date: 17/08/2005
 Decision Type: Approve

Location: Cherry Tree Shopping Centre, Liscard, Wirral, CH44 5XU
 Application Type: Advertisement Consent
 Proposal: Erection of illuminated and non-iluminated signs.
 Application No: ADV/05/06508
 Decision Date: 16/09/2005
 Decision Type: Approve

Location: Car Park Mill Lane and 15 & 17 Greenfield Way Liscard, Wirral, CH44 5XN

Application Type: Full Planning Permission
 Proposal: Refurbishment and extension of existing shopping centre and erection of a 2 storey car park.
 Application No: APP/04/07863
 Decision Date: 10/03/2005
 Decision Type: Approve

Location: Car Park, Mill Lane, (Principal Road A551), Liscard, CH44 5UG
 Application Type: Deemed
 Proposal: Construction of access to Wirral Borough Council car park.
 Application No: DPP/78/10941
 Decision Date: 11/12/1978
 Decision Type: Approve

Location: Liscard Shopping Centre, Greenfield Way, Townfield Way, Cherry Square, Liscard.
 Application Type: Full Planning Permission
 Proposal: Create covered, glazed, shopping malls and atrium, and

erection of first floor manager's office and sales kiosks.
Application No: APP/89/07624
Decision Date: 16/01/1990
Decision Type: Approve

Location: Part of car park south of Market Hall west of Liscard House, Mill Lane, Liscard.
Application Type: Full Planning Permission
Proposal: Erection of a portakabin for temporary office accommodation.
Application No: APP/90/05295
Decision Date: 12/03/1990
Decision Type: Approve

Location: Liscard Shopping Centre, Greenfield Way/Townfield Way, Cherry Square, Liscard.
Application Type: Full Planning Permission
Proposal: Erection of covered, glazed shopping malls and atrium including manager's office and caretaker's flat.
Application No: APP/90/06196
Decision Date: 09/07/1990
Decision Type: Approve

Location: Outside Liscard House Car Park, Mill Lane, Liscard, Wirral, CH44 5XN
Application Type: Prior Approval of Telecommunications PD
Proposal: Erection of replacement BT payphone kiosk
Application No: ANT/08/06589
Decision Date: 29/10/2008
Decision Type: Refuse

Location: Cherry Tree Shopping Centre, Liscard, Wirral, CH44 5XU
Application Type: Advertisement Consent
Proposal: Erection of illuminated signs B, D and E
Application No: ADV/05/05015
Decision Date: 08/04/2005
Decision Type: Refuse (mixed)

Location: Liscard Shopping Precinct, Wallasey
Application Type: Advertisement Consent
Proposal: 5 Single tier trilateral display units.
Application No: ADV/76/05788
Decision Date: 12/04/1977
Decision Type: Withdrawn

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

- 1.1** Councillor Kenny requested that this application be rejected on the grounds that it :
- results in a negative impact to local businesses;
 - undermines the Liscard Action plan and Regeneration of Liscard; and
 - fails to comply Wirral Council Blue Badge Policy, therefore breaching the Equality Act 2010

2.0 SUMMARY OF REPRESENTATIONS

A total of 24 consultation letters were sent out to neighbouring properties.

REPRESENTATIONS

16 no. representations were received from neighbouring properties. A summary of these representations are listed as follows:

- signage too confusing
- signage erected without consent
- negatively impacting on small businesses/viability of town centre/ community
- signage is inadequate and unclear in it explaining parking regulations
- due to some signs being sited high up and with small type face, are hard to read

An online petition from residents has been received, which at the time of writing this report had 900 signatures against it. The online petition asked that this application be refused on the grounds that:

- Smart Parking's cameras and signs are damaging the reputation of Liscard Town Centre;
- Smart Parking are causing a negative impact on the local economy;
- Smart Parking has an inadequate process for disabled badge holders, leading to the harassment of people with disabilities;
- The mismanagement of this car park by Smart Parking has led to an increase in people parking in nearby residential areas;
- There is a very poor customer experience including unclear signage, difficult to use machines and penalty charge letters being sent in a very small font; and
- Smart Parking's operations go against Wirral Council's plans for the regeneration of Liscard Town Centre.

A paper petition from local businesses, comprising of 30 signatures, was also received which asked that this application be refused on the grounds that:

- Smart Parking's automated camera system, signage and inadequate processes are not fit for purpose;
- the damage the operation of the car park is doing to their businesses, as well as Liscard Town Centre; and
- would result in them having to either cease trading or move location out of

Liscard.

CONSULTATIONS

Highways (Traffic & Transportation): No objection. The signs are all located within a private boundary and as such, a highway license is not required. The signs are not illuminated and do not impact on vehicle visibility or obstruct pedestrians, on that basis there would be no objection to the proposals.

Environmental Protection: No objection

Highways (Asset): No comment

Forward Planning: No objection

Regeneration: None received

3.1 Reason for referral to Planning Committee

3.1.1 Whilst the scheme of delegation does not cover advert consent applications, it is considered prudent to accompany it alongside the accompanying planning application for the ANPR cameras, APP/21/02188, which has been called in by Councillor Kenny on the grounds that it results in a negative impact to local businesses; undermines the Liscard Action plan and Regeneration of Liscard; and it fails to comply Wirral Council Blue Badge Policy, therefore breaching the Equality Act 2010. Furthermore, two qualifying petitions of over 25 signatures, one online and one paper, have been received from local residents and businesses.

3.2 Site and Surroundings

3.2.1 The application site relates to a large car park sited to the front of and serving the Cherry Tree Shopping Centre within Liscard Key Town Centre. The car park is divided into two by a large vehicular ramp. It can be accessed via Mill Lane to its south eastern boundary and from St Alban's Road to south western boundary.

3.2.2 Sited to the south-west and to the opposite side is St Alban's church, St Alban's Primary School. The backs of the properties to Ashburton Road also face onto the car park. To south-east and to the opposite side of Mill Lane are residential properties, which front directly on to the car park. To its north east and north west the car park is bound by office buildings.

3.3 Proposed Development

3.3.1 This application for advertisement consent seeks approval for the retention of signage associated with the operations of the Smart Parking car park.

3.3.2 Consent is sought for the retention of the following signage:

- 6 no. pole mounted non-illuminated signs (numbered S1, S2, S29, S30, S31 & S33). Their dimensions vary between 0.6m wide by 0.8m high and 1m wide by 1m high. They are located between 0.95m and 2.15m above ground level. The signage is constructed using diabond and has black

lettering on a white background. They are all mounted to existing poles.

- 2 no. wall mounted non-illuminated signs (numbered S8 & S17). Their dimensions vary between 0.6m wide by 0.8m high and 1m wide by 1m high. They are located between 1.4m and 1.65m above ground level. The signage is constructed using diabond and has black lettering on a white background.

3.3.3 The remaining non-illuminated 25 signs which Smart Parking have erected within the car park are considered deemed consent. The car park as defined by the red edge showing on the submitted Location Plan is deemed to form a separate planning unit to that of the Cherry Tree Shopping Centre and as such would fall under Schedule 3 Part 1 Class 2 A of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. When measured, the advertisements individual areas do not exceed the maximum allowed 0.3 sqm; they are not illuminated, and no part of the signage is positioned 4.6m above ground level, thus meeting all relevant conditions of this Class. In contrast the dimensions of the signage (detailed above) result in the individual signs exceeding the allowed 0.3 sqm area and as such require consent.

3.3.4 All signage relating to Smart Parking has been measured on site and verified against measurements provided the applicant as part of their submission.

3.3.5 There is an associated application (APP/21/0188) which is also currently under consideration.

3.4 Development Plan

3.4.1 The Development Plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) and policies of the Merseyside and Halton Joint Waste Local Plan (2013). The full text of relevant policies and their supporting justification can be found on the Council's website. With regard to this application, there is no local development plan policy relating explicitly to the control of advertisements, although the site is situated within Liscard Key Town Centre and therefore subject to Wirral Unitary Development Plan Policy SH1: Criteria for Development in Key Town Centres.

3.5 Other Material Planning Considerations

3.5.1 Paragraph 136 of the NPPF (July 2021) advises that the quality and character of places can suffer when advertisements are poorly sited and designed. The advertisement consent process should be operated in a way which is simple, efficient, and effective and advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

3.5.2 Emerging Wirral Local Plan and its status:

Wirral Borough Council is in the process of submitting a new local plan for examination. On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan has been published and representations can be submitted until 24th June 2022

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

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

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

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision-making process.

3.5.3 Legal Principles

The display of advertisements is subject to a separate consent process within the planning system as set out under The Town and Country Planning (Control of Advertisements) England Regulations 2007. As such they are only controlled and assessed against consideration of amenity and public safety. All advertisements are subject to five standard conditions plus any additional conditions considered necessary.

- 3.5.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

3.6 **Assessment**

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

- Principle of development;
- Amenity (both visual and residential); and
- Public and Highway safety

3.7 Principle of Development:

- 3.7.1 The display of advertisements is acceptable subject to no adverse effect being caused to amenity or public safety.

Powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. The Council's local plan policies have not therefore been considered determinative in this matter. Moreover, the information displayed on the proposed advertisements, including whether that information is compliant with other regulatory regimes or statutory undertakings is, of itself, not an issue to be determined by the Council as part of the decision-making process.

Accordingly, the main issues are the effect of the proposed advertisements on the visual interest of the area, and 2 on public safety as it relates to road users.

3.8 Appearance and Amenity:

- 3.8.1 The existing signage for which this application seeks to retain should be seen within the context of its town centre location. There are a number of post mounted signs sited to the perimeter of St Albans Road and Mill Lane, whilst the remainder are either fixed to the elevations of the shopping centre or to existing posts sited comfortably within the curtilage of the car park site. Given its modest scale, siting and design to a large commercial car park within a town centre, it is considered that the signage is appropriate in its appearance and scale and does not appear visually cluttered or unduly obtrusive within the street scene.

- 3.8.2 With regard to the residential properties sited to Mill Lane, the closest sign (S29) to be retained is mounted to an existing post sited to the Mill Lane entrance of the car park. By virtue of its modest scale (0.6m x 0.8m) and it being sited approximately 18.5m away from those properties, it is unlikely that this sign or the remaining signage to be retained would appear unduly prominent when viewed from the neighbouring residential properties. Furthermore, all signage to be retained is non-illuminated.

3.9 Public and Highway Safety:

The PPG states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care are more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated, which could be mistaken for, or confused with, traffic lights and those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.

The types of adverts as the ones proposed are common in the UK and features one would reasonably expect to see in a car park. Given their, size, type and method of display, the inclusion of the advertisements presents little potential to distract motorists or create visual confusion against the existing backdrop, posing little risk to pedestrians and road users alike.

The visual interaction and lack of prominence of the advertisements such that their presence does not serve to draw the eye of drivers in a situation where due highway observation and care is necessary.

For the above reasons, the proposal would not be harmful to public safety as it relates to highway safety and pedestrians.

In accordance with the Regulations, account has been taken of the provisions of the development plan in so far as they are relevant. As there are no adopted Local Plan policies directly related to the display of advertisements nor their potential effect on highway safety matters, the proposal does not conflict with policies contained therein.

3.9.1 The existing signage is not of a size or in a location where it would affect public safety; or obstruct visibility or create a distraction for highway users. The online petition voices concern as to the mismanagement of the car park having led to an increase in the number of people parking in nearby residential areas, however, no evidence has been provided to substantiate this claim or as to what impact it is having on the nearby residential areas. Furthermore, in their comments Highways have not raised any concerns about the displacement of parking on the local highway network as a result of the development. Matters about the management regime for the car park are not relevant consideration for the purpose of determining this application.

3.10 Other:

3.10.1 None of the adopted UDP Policies directly relate to the operation of parking equipment.

3.10.3 However, Policy SH1 refers to use classes aimed at retail, not parking. Cherry Tree car park is classed as a sui-generis use. Furthermore, Policy SH1 does not specifically apply to parking or its operation, but to buildings and the change of use of those buildings within the context of a Key Town Centre.

3.10.4 With regard to Policy SH6, this is not considered to be a relevant policy for the purposes of assessing this application against, given that it refers to Primarily Commercial Areas. The application site is instead located within a designated Key Town Centre location (as per the Proposals Map).

3.10.5 As such there is no policy basis for refusing the parking equipment. The site is an established commercial car park and the operational matters of the car park and its equipment sit outside the remit of planning.

3.10.6 Concerns have been raised as to the operation of the car park and the existing processes that Smart Parking have in place, stating that this has resulted in users, and in particular disabled users being unfairly penalised.

- 3.10.7 In responding to the above concerns, it is, however, noted that Cherry Tree car park is privately owned and maintained, and the Council therefore does not have the powers to intervene in terms of the parking facilities or the regulation of them. Blue badge rights/exemptions do not apply to private roads and/or car parks in the same way as they do to public roads/car parks.
- 3.10.8 Smart Parking is a service provider for the purposes of the Equality Act 2010, and that they have a duty to make reasonable adjustments to avoid disabled people being placed at a 'substantial disadvantage' compared to non-disabled people when accessing the car park service. However, by providing disabled parking bays it would appear that Smart Parking have made the requisite reasonable adjustments to the car park and may even be considered to have gone beyond 'reasonable adjustment' by allowing blue badge holders to park for free for up to three hours.
- 3.10.9 Disabled users of the car park have the right to contest tickets wrongly issued and to take action if the incorrect enforcement of the car parking regulation is carried out in a way that breaches the Equality Act 2010. However, this is separate to the statutory provisions relating to determination of applications for advertisement consent, which require decisions to be made on the basis of the development plan unless material considerations indicate otherwise
- 3.10.1 There is a government 'Private Parking Code of Practice', published by 0 DLUCH, which operators such as Smart Parking will need to adhere to. The concerns raised by residents and local business as to the operation of this car park, need to be addressed through this code of practice rather than through this application.
- 3.10.1 Furthermore, planning should not duplicate controls through other legislation. 1 It would not be appropriate in recommending this application for approval to attach any conditions relating to the operation of the car park, which would in effect be requiring compliance with other regulatory requirements.
- 3.10.1 Concern is raised as to the impact of the proposal and its operation upon 3 Liscard Action Plan and the planned regeneration of Liscard. Liscard Action Plan is a non-statutory document, which has been superseded by the 'Liscard Neighbourhood Framework for Liscard: An Integrated Masterplan', published in November 2021. The masterplan is intended to inform the emerging Local Plan and is not intended as a blueprint. Whilst mention is made to car parking in this document and in particular parking within the Cherry Tree Centre, it puts forward options for the site, which may see the release of some of the land currently being used for parking for new development, which may or may not result in the arrangement and size of the parking provision to better serve the town centre and the visions for the town centre moving forward. It does not make mention to the operation of the parking to the Cherry Tree Centre or for the need for free parking.

Summary of Decision:

Having regards to the individual merits of this application the decision to

grant Advertisement Consent 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 retained advertisements have no adverse effect on visual or residential amenity, and highway or public safety. As a result the application is considered to be in accordance with Policy SH1 of Wirral's Unitary Development Plan and to meet the objectives of the National Planning Policy Framework (2021) and the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be retained in accordance with the approved plans received by the local planning authority on 15th November 2021 and listed as follows:

2460//22/01/A, received 30th March 2022;
2460//22/06, received 30th March 2022;
2460//22/07/A, received 30th March 2022;
2460//22/08/A, received 30th March 2022;
2460//22/09/A, received 30th March 2022;
Smart CherryTCP ENT 01, received 30th March 2022;
Smart CherryTCP DIS 01, received 30th March 2022;
Smart CherryTCP REG 01, received 30th March 2022;
Smart MASTER APP 02, received 30th March 2022;
Smart CherryTCP RIN 01, received 30th March 2022;
Smart CherryTCP TAR 01, received 30th March 2022;
Smart CherryTCP TAR 02, received 30th March 2022;
Smart CherryTCP GDPR 02, received 30th March 2022; and

Master Signage Sign Off excel spreadsheet received 31st March 2022

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

2. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: To comply with Regulation 2 (1) of Schedule 1 of the Town and

Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. This consent shall expire after a period of 5 years from the date of this permission.

Reason: To comply with Regulation 2 (1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Further Notes for Committee:

Last Comments By: 26/04/2022 12:26:11

Expiry Date: 25/05/2022

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Agenda Item 6

Planning Committee

9th June 2022

Reference:
APP/21/02188

Area Team:
Development
Management Team

Case Officer:
Mr B Bechka

Ward:
Liscard

Location: Car park SW of CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU

Proposal: Retrospective permission sought for erection of 2 no. pole mounted ANPR and 1 no. wall/pole mounted ANPR cameras to the Car Parks. Replacement of existing 4 no. Pay and Display Machines.

Applicant: Mr P Coakley
Agent : JMW

Qualifying Petition: Yes

Petition Number:	Number of signatures:
1	908
2	30

Site Plan:



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Development Plan designation:

Primarily Residential Area
Key Town Centre

Planning History:

Location: Car park SW of CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU
Application Type: Advertisement Consent
Proposal: Retrospective advert consent sought for 6 no. non-illuminated pole mounted and 2 no. non-illuminated wall mounted fascia signs.

Application No: ADV/21/02183
Decision Date:
Decision Type: Awaiting determination

Location: Car Park, St Albans Road, Liscard, Wirral, CH44 5XY
Application Type: Full Planning Permission
Proposal: Retention of lighting column in car park Mill Lane/St Albans Road.

Application No: APP/07/05649
Decision Date: 29/06/2007
Decision Type: Approve

Location: Car Park Mill Lane and 15 & 17 Greenfield Way, Liscard, Wirral, CH44 5XN

Application Type: Full Planning Permission
Proposal: Refurbishment and extension of existing shopping centre and erection of a 2 storey car park (amended proposal)

Application No: APP/05/07098
Decision Date: 28/10/2005
Decision Type: Approve

Location: Liscard Town Shopping Centre, bounded by Wallasey Road
Liscard Crescent, Mill La

Application Type: Work for Council by Council
Proposal: New pavings and street furniture to Liscard Way, including archways, new pavings and walls to Mill Lane and St. Albans Road, and new tree planting.

Application No: APP/95/05558
Decision Date: 26/05/1995
Decision Type: Approve

Location: Liscard Way bounded by Wallasey Road, Liscard Crescent, Mill Lane and St. Albans

Application Type: Work for Council by Council
Proposal: Erection of entrance archways at either end of Liscard Way, (amendment to previous application).

Application No: APP/95/06203

Decision Date: 15/11/1995
Decision Type: Approve

Location: Cherry Tree Shopping Centre, Liscard, Wirral, CH44 5XU
Application Type: Advertisement Consent
Proposal: Erection of a nine non illuminated vertical banner signs
Application No: ADV/02/05360
Decision Date: 15/04/2002
Decision Type: Approve

Location: Car Park Mill Lane and 15 & 17 Greenfield Way Liscard, Wirral, CH44 5XN
Application Type: Outline Planning Permission
Proposal: Demolition of existing market unit, extension of existing shopping centre and new 2 storey car park ,outline. (Amended Plans)
Application No: OUT/03/05358
Decision Date: 23/04/2004
Decision Type: Approve

Location: Cherry Tree Shopping Centre, Liscard, Wirral, CH44 5XU
Application Type: Full Planning Permission
Proposal: Erection of 6 no. kiosk shop units.
Application No: APP/05/06211
Decision Date: 17/08/2005
Decision Type: Approve

Location: Cherry Tree Shopping Centre, Liscard, Wirral, CH44 5XU
Application Type: Advertisement Consent
Proposal: Erection of illuminated and non-illuminated signs.
Application No: ADV/05/06508
Decision Date: 16/09/2005
Decision Type: Approve

Location: Car Park Mill Lane and 15 & 17 Greenfield Way Liscard, Wirral, CH44 5XN
Application Type: Full Planning Permission
Proposal: Refurbishment and extension of existing shopping centre and erection of a 2 storey car park.
Application No: APP/04/07863
Decision Date: 10/03/2005
Decision Type: Approve

Location: Car Park, Mill Lane,(Principal Road A551),Liscard,CH44 5UG
Application Type: Deemed
Proposal: Construction of access to Wirral Borough Council car park.
Application No: DPP/78/10941
Decision Date: 11/12/1978
Decision Type: Approve

Location: Liscard Shopping Centre, Greenfield Way, Townfield Way, Cherry Square, Liscard.
Application Type: Full Planning Permission
Proposal: Create covered, glazed, shopping malls and atrium, and erection of first floor manager's office and sales kiosks.
Application No: APP/89/07624
Decision Date: 16/01/1990
Decision Type: Approve

Location: Part of car park south of Market Hall west of Liscard House, Mill Lane, Liscard.
Application Type: Full Planning Permission
Proposal: Erection of a portakabin for temporary office accommodation.
Application No: APP/90/05295
Decision Date: 12/03/1990
Decision Type: Approve

Location: Liscard Shopping Centre, Greenfield Way/Townfield Way, Cherry Square, Liscard.
Application Type: Full Planning Permission
Proposal: Erection of covered, glazed shopping malls and atrium including manager's office and caretaker's flat.
Application No: APP/90/06196
Decision Date: 09/07/1990
Decision Type: Approve

Location: Outside Liscard House Car Park, Mill Lane, Liscard, Wirral, CH44 5XN
Application Type: Prior Approval of Telecommunications PD
Proposal: Erection of replacement BT payphone kiosk
Application No: ANT/08/06589
Decision Date: 29/10/2008
Decision Type: Refuse

Location: Cherry Tree Shopping Centre, Liscard, Wirral, CH44 5XU
Application Type: Advertisement Consent
Proposal: Erection of illuminated signs B, D and E
Application No: ADV/05/05015
Decision Date: 08/04/2005
Decision Type: Refuse (mixed)

Location: Liscard Shopping Precinct, Wallasey
Application Type: Advertisement Consent
Proposal: 5 Single tier trilateral display units.
Application No: ADV/76/05788
Decision Date: 12/04/1977
Decision Type: Withdrawn

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 Councillor Kenny requested that this application be rejected on the grounds that it:

- results in a negative impact on local businesses;
- undermines the Liscard Action plan and Regeneration of Liscard; and
- fails to comply Wirral Council Blue Badge Policy, therefore breaching the Equality Act 2010

2.0 SUMMARY OF REPRESENTATIONS

A total of 24 consultation letters were sent out to neighbouring properties.

REPRESENTATIONS

13 no. representations were received from neighbouring properties. A summary of these representations are listed as follows:

- negatively impacting on small businesses/viability of town centre/ community
- stressful and costly
- parking machinery, system, and appeals process difficult to use (accessibility)
- concern as to cameras impact on privacy/GDPR
- cameras overlook neighbouring school
- cameras installed and operated without prior permission
- unjust issuing of fines and penalties
- impact on the ability of parishioners to park locally whilst attending mass at St Alban's Church

An online petition from residents has been received, which at the time of writing this report had 900 signatures against it. The online petition asked that this application be refused on the grounds that:

- Smart Parking's cameras and signs are damaging the reputation of Liscard Town Centre;
- Smart Parking are causing a negative impact on the local economy;
- Smart Parking has an inadequate process for disabled badge holders, leading to the harassment of people with disabilities;
- The mismanagement of this car park by Smart Parking has led to an increase in people parking in nearby residential areas;
- There is a very poor customer experience including unclear signage, difficult to use machines and penalty charge letters being sent in a very small font; and
- Smart Parking's operations go against Wirral Council's plans for the regeneration of Liscard Town Centre.

A paper petition from local businesses, comprising of 30 signatures, was also received which asked that this application be refused on the grounds that :

- Smart Parking's automated camera system, signage and inadequate processes are not fit for purpose;
- the damage the operation of the car park is doing to their businesses, as well as Liscard Town Centre; and
- would result in them having to either cease trading or relocate out of Liscard.

CONSULTATIONS

Highways (Traffic & Transportation): No objection

The development proposals are all located within the private boundary to the car park and do not impact on the adopted highway.

The positioning of the 3no. pole mounted ANPR units and 3 no. wall mounted ANPR cameras within the car park, and the replacement of the existing 4 no. Pay and Display Machines do not impact on the circulation routes through the car park nor do they obstruct pedestrians or impact on driver visibility. On that basis there would be no Traffic and Transportation objection to the proposals.

Highways (Asset): No objection

Forward Planning: No objection

Regeneration: None received

3.1 Reason for referral to Planning Committee

- 3.1.1 The application has been called in by Councillor Kenny on the grounds that it results in a negative impact to local businesses; undermines the Liscard Action plan and Regeneration of Liscard; and it fails to comply Wirral Council Blue Badge Policy, therefore breaching the Equality Act 2010. Furthermore, two qualifying petitions of over 25 signatures, one online and one paper, have been received from local residents and businesses.

3.2 Site and Surroundings

- 3.2.1 The application site relates to a large car park sited to the front of and serving the Cherry Tree Shopping Centre within Liscard Key Town Centre. The car park is divided into two by a large vehicular ramp. It can be accessed via Mill Lane to its south eastern boundary and from St Alban's Road to south western boundary.
- 3.2.2 Sited to the south-west and to the opposite side is St Alban's church, St Alban's Primary School. The backs of the properties to Ashburton Road also face onto the car park. To south-east and to the opposite side of Mill Lane are residential properties, which front directly on to the car park. To its north east and north west the car park is bound by office buildings.

3.3 Proposed Development

- 3.3.1 Planning permission is sought for the retention of:

- 2 no. ANPR cameras (ANPR 4 & ANPR 5) are fixed to an existing pole approximately 7.8m high lighting column, at heights of 3.88m and 4.05m, respectively, above the ground;
 - 1 no. ANPR camera (ANPR 3) is mounted to an existing pole. Sited to south-east facing elevation of shopping centre, the ANPR camera is sited 4.25m above the ground;
 - 4 no. 1.7m high Pay and Display machines.
- 3.3.2 2 no. wall mounted ANPR cameras are sited to the south-west elevation of the shopping centre, however, given their siting to the building, their distance apart (i.e. greater than 10m), and limited number (i.e. less than 16), are considered to meet the relevant criteria of Class F of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), thus fall under permitted development rights. It should be noted that the car park forming a separate planning unit to that of the Cherry Tree Shopping Centre, any cameras sitting outside the red edge of the development cannot be included for the purposes of criterion F.1(h). Cameras ANPR 4 & ANPR 5 not being sited to building they cannot benefit from permitted development rights under Class F and as such require planning permission. Camera ANPR 3 although technically attached to a building, is attached to a pole with an existing CCTV camera to its top and would as a result sit within 10m of another camera, thus failing to meet criterion F.1(f) of the Class.
- 3.3.3 There is an associated signage application (ADV/21/0183) relating to this application which is also currently under consideration.

3.4 Development Plan

- 3.4.1 The Development Plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) and policies of the Merseyside and Halton Joint Waste Local Plan (2013). The full text of relevant policies and their supporting justification can be found on the Council's website. With regard to this application, with the following applicable to this application:

Wirral Unitary Development Plan Policy

Policy SH1: Criteria for Development in Key Town Centres

3.5 Other Material Planning Considerations

- 3.5.1 The National Planning Policy Framework (NPPF) was revised in July 2021. The NPPF will be referred to as appropriate within this report.
- 3.5.2 Wirral Borough Council is in the process of submitting a new local plan for examination. On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan has been published and representations can be submitted until 24th June 2022

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

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

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

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision-making process.

3.6 Assessment

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

- Principle of development
- Design;
- Highways; and
- Amenity

3.7 Principle of Development:

3.7.1 The principle proposed development is deemed acceptable subject to its impact on visual and residential amenity and to the local highway network.

3.8 Design:

3.8.1 The assortment of street furniture which this application seeks to retain is considered of an appropriate scale within the context of a town centre location and an established, commercial car park of this type and size. The largest of the street furniture, the approximately 7.8 lighting column was in-situ prior to the ANPR cameras being installed. The mounted cameras sit around half way up this column, 3.88m and 4.05m, respectively, above the ground. They do not appear out of place against the column. The works to be retained, given the significant size of the application site, do not lead to any visual clutter or appear visually obtrusive within the street scene and therefore their retention would not result in a detrimental change in the character of the area. The other features are all small scale and will have little visual impact within the car park.

3.9 Highways:

3.9.1 The locations of the ANPR cameras and Pay and Display machines are all contained within a private boundary and do not impact on the circulation

routes through the car park nor do they obstruct pedestrians or impact on driver visibility. On that basis there would be no Traffic and Transportation objection to the proposals. The online petition voices concern as to the mismanagement of the car park having led to an increase in the number of people parking in nearby residential area, however, no evidence has been provided to substantiate this claim or as to what impact it is having on the nearby residential areas. Furthermore, in their comments Highways have not raised any concerns about the displacement of parking on the local highway network as a result of the development.

3.10 Ecology:

3.10.1 There are no Environmental/Sustainability issues relating to these proposals.

3.11 Amenity:

3.11.1 The ANPR cameras sited well within the application site, with 2 no. cameras being mounted to an existing lighting column, and 1 no. camera to an existing pole which is fixed to the south-east elevation of the shopping centre. The closest of the cameras would retain a minimum separation distance of approximately 63m to the residential properties sited to the opposite side of Mill Lane. Given their siting and scale, it is considered that the retention of these cameras would not result in any visually intrusive impact or result in any adverse overlooking or loss of privacy to nearby residential properties. Furthermore, given the siting and modest scale of the Pay and Display machines and that they have replaced similar Pay and Display machines, their retention is unlikely to have any harmful visual impact upon nearby residential properties.

3.12 Other:

3.12.1 None of the adopted UDP Policies directly relate to the operation of parking equipment.

3.12.2 Policy SH1 refers to use classes aimed at retail, not parking. Cherry Tree car park is classed as a sui-generis use. Furthermore, Policy SH1 does not specifically apply to parking or its operation, but to buildings and the change of use of those buildings within the context of a Key Town Centre.

3.12.3 With regard to Policy SH6, this is not considered to be a relevant policy for the purposes of assessing this application against, given that it refers to Primarily Commercial Areas. The application site is instead located within a designated Key Town Centre location (as per the Proposals Map).

3.12.4 There is no policy basis for refusing the parking equipment. The site is an established commercial car park and the operational matters of the car park and its equipment sit outside the remit of planning.

3.12.5 Cherry Tree car park is privately owned and maintained, and the Council therefore does not have the powers to intervene in terms of the parking facilities or the regulation of them. Blue badge rights/exemptions do not

apply to private roads and/or car parks in the same way as they do to public roads/car parks.

- 3.12.6 Smart Parking is a service provider for the purposes of the Equality Act 2010, and that they have a duty to make reasonable adjustments to avoid disabled people being placed at a 'substantial disadvantage' compared to non-disabled people when accessing the car park service. However, by providing disabled parking bays it would appear that Smart Parking have made the requisite reasonable adjustments to the car park and may even be considered to have gone beyond 'reasonable adjustment' by allowing blue badge holders to park for free for up to three hours.
- 3.12.7 Disabled users of the car park have the right to contest tickets wrongly issued and to take action if the incorrect enforcement of the car parking regulation is carried out in a way that breaches the Equality Act 2010. However, this is separate to the statutory provisions relating to determination of planning applications, which require decisions to be made on the basis of the development plan unless material considerations indicate otherwise.
- 3.12.8 There is a government 'Private Parking Code of Practice', published by DLUCH, which operators such as Smart Parking will need to adhere to. The concerns raised by residents and local business as to the operation of this car park, need to be addressed through this code of practice rather than through this application
- 3.12.9 Furthermore, planning should not duplicate controls through other legislation. It would not be appropriate in recommending this application for approval to attach any conditions relating to the operation of the car park, which would in effect be requiring compliance with other regulatory requirements.
- 3.12.1 Concern is raised as to the impact of the development and its operation upon Liscard Action Plan and the planned regeneration of Liscard. Liscard Action Plan is a non-statutory document, which has been superseded by the 'Liscard Neighbourhood Framework for Liscard: An Integrated Masterplan', published in November 2021. The masterplan is intended to inform the emerging Local Plan and is not intended as a blueprint. Whilst mention is made to car parking in this document and in particular parking within the Cherry Tree Centre, it puts forward options for the site, which may see the release of some of the land currently being used for parking for new development, which may or may not result in the arrangement and size of the parking provision to better serve the town centre and the visions for the town centre moving forward. It does not refer to the operation of parking at the Cherry Tree Centre or for the need for free 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 proposed retention of the various street furniture relating to the car park management and also including the 3 no. pole mounted and 2 no. wall mounted ANPR cameras would result in no adverse effect on visual or residential amenity, and highway or public safety. The application is therefore considered to be in accordance with Policy SH1 of Wirral's Unitary Development Plan.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 15th November 2021 and listed as follows:

2460//22/01/A, received 31st March 2022;
2460//22/06, received 30th March 2022;
Pay and Display Machine elevation, received 23rd March 2022;
'R50 lampost mount', received 23rd March 2022;
'R50IQ pole mount Dims', received 23rd March 2022;
2460//22/04, received 23rd March 2022;
2460//22/05, received 23rd March 2022; and
Master ANPR Cameras -Cherry Tree excel spreadsheet received 9th May 2022.

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

Further Notes for Committee:

Last Comments By: 25/04/2022 16:07:15
Expiry Date: 18/05/2022

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PLANNING COMMITTEE

09 JUNE 2022

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

REPORT SUMMARY

The purpose of this report is to enable the Planning Committee to establish a Strategic Applications Sub Committee, the Terms of Reference of which have been set by Council.

This matter affects all Wards within the Borough

RECOMMENDATIONS

Planning Committee is recommended to approve that:

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

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

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

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Various options are set out within the second recommendation to this report.
- 2.2 Planning Committee could resolve to make alterations to the terms of reference of the Strategic Applications Sub-Committee.

3.0 BACKGROUND INFORMATION

- 3.1 The Committee is requested to note that the terms of reference of the Strategic Applications Sub-Committee as approved by Council on 25 May 2022 is as follows:

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

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

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

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

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

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

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

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

And

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

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

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

- 5.1 The establishment of the Strategic Applications Sub Committee is in compliance with the Council's Constitution and the proposed options for membership as set out in the recommendation are politically balanced as required in the Sub-Committee's Terms of Reference.
- 5.2 The Council must comply with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989, and the relevant regulations concerning political balance on committees and sub-committees.
- 5.3 The proportionality arrangements in terms of allocations of seats to political groups for 6 to 9 members are as follows:
- (i) 6 members - 2 Labour Members, 2 Conservative Members and 1 Liberal Democrat member and 1 Green Member;
 - (ii) 7 members- 3 Labour Members , 2 Conservative Members, 1 Liberal Democrat member and 1 Green Member;
 - (iii) 8 members- 3 Labour Members, 3 Conservative Members, 1 Liberal Democrat member and 1 Green member; and
 - (iv) 9 members 4 Labour Members, 3 Conservative Members, 1 Liberal Democrat member and 1 Green Member.
- 5.4 Planning Committee established a Sub- Committee for the 2021/22 municipal year with 7 members.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no implications.

7.0 RELEVANT RISKS

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

8.0 ENGAGEMENT/CONSULTATION

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

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

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

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APPENDICES

Not applicable

BACKGROUND PAPERS

The constitution

SUBJECT HISTORY (last 3 years)

Meeting	Date
Council meeting – Constitution	29 September 2020
Planning Committee meeting Appointment of Members to Strategic Applications Sub-Committee	15 October 2020
Planning Committee meeting Appointment of Members to Strategic Applications Sub-Committee	10 June 2021
Council Meeting- Constitution	25 May 2022