



Planning Committee

Date:	Thursday, 13 October 2022
Time:	6.00 p.m.
Venue:	Wallasey Town Hall

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

AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES (Pages 1 - 6)**

To approve the accuracy of the minutes of the meeting held on 8 September 2022.

- 4. 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.

5. **APP/21/01924 9 PIPERS END, HESWALL (Pages 7 - 20)**
6. **APP/21/02188 CAR PARK SW OF CHERRY TREE SHOPPING CENTRE (Pages 21 - 36)**
7. **APP/21/02378 114 RAKE LANE, LISCARD (Pages 37 - 50)**
8. **APP/22/01037 ALLANDALE, FARR HALL ROAD (Pages 51 - 64)**
9. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPLICATIONS (Pages 65 - 70)**
10. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPEALS (Pages 71 - 74)**
11. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE ENFORCEMENT ACTIVITY BETWEEN 01.01.2022 TO 31.03.2022 AND 01.04.2022 TO 30.06.2022 (Pages 75 - 80)**

Planning Committee Terms of Reference

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

PLANNING COMMITTEE

Thursday, 8 September 2022

Present:

Councillor S Kelly (Chair)

Councillors

S Foulkes

G Davies

T Elzeiny

H Gorman

K Hodson

M Jordan

B Kenny

P Martin

J McManus

Deputy:

Councillor

S Powell-Wilde (for Councillor P Stuart)

Apologies:

Councillor

A Wright

80 **WELCOME AND INTRODUCTION**

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

81 **MINUTES**

The Director of Law and Governance submitted the minutes of the meeting held on 4 August 2022 for approval.

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

Resolved – That the minutes of the meeting held on 4 August 2022 be approved.

82 **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.

83 **APP/21/02227 6 DEE LANE, WEST KIRBY CH48 0QA**

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

Lead Petitioner Kerry Northfield addressed the Committee.

The Applicant's Agent, Nicole Roe 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 a planning obligation to secure a commuted sum of £4,135.05 for the planting of nine replacement trees within the surrounding area and the following conditions:

1. The development hereby permitted shall begin not later than [3] years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 23 November 2021 and listed as follows: PL.001, PL.002, PL.003, PL.004, PL.006

Transport Statement

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

3. No development involving the use of any facing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area.

4. Notwithstanding the indicative detail shown on the approved drawings, no development above ground floor slab level shall take place until full details of all new windows and doors, including all sill, lintel, and jamb/reveal detail drawings, at 1:20 scale with cross sections at 1:2 (or similar) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

5. No structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be placed on the balconies at any time.

Reason: In the interests of preserving the character of the proposed building having regards to the National Planning Policy Framework

6. PRIOR TO FIRST OCCUPATION of the dwellings hereby approved, full details of secure, lockable and covered cycle parking and/or storage facilities for at least eight bicycles shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for

use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

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.

7. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS OR COMMERCIAL UNITS arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan

8. No above ground construction shall begin until the LPA has approved in writing a full scheme of works for the construction of the new vehicle accesses from the highway and any amendments to the existing highway made necessary by this development, including details of the temporary vehicle crossing access, the new permanent vehicle access in accordance with LPA concrete crossing specifications and amendments to the footway at Dee Lane for pedestrian safety. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

Reason: In the interest of highway safety and to comply with UDP Policy

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

Reason: In the interest of highway safety

10. Prior to first occupation, a “lighting design strategy for biodiversity” for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall: a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan

11. No vegetation management or demolition 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 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

12. Prior to implementation including any demolition, groundworks, scrub clearance and tree removal, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP should address and propose measures to minimise the main construction effects of the development and include details of ecological mitigation and pollution prevention.

The CEMP should include (but not be limited to) the following; details of any tree or scrub removal (for the avoidance of doubt this should not be between 1 March and 31 August inclusive unless informed by a suitably qualified ecologist); details of construction lighting (for the avoidance of doubt this should be directed away from sensitive ecological receptors, in this instance the adjacent gardens); details of pollution control measures, particularly in relation to airborne pollutants during demolition and a full specification of site hoarding with a minimum height of 2.4 m. The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development. The CEMP should be accessible to site managers, all contractors and sub-contractors working on site

Reason: These details are required prior to commencement of works to ensure the environmental impacts of construction are prevented or minimised in accordance with Policy EN5

13. A homeowner sales/information pack which highlights the location of, and promotes the use of, alternative recreational spaces within the area (such as Ashton Park or the raised promenade) and explains the importance, sensitivities and vulnerabilities of protected European Sites to recreational impacts, shall be provided to every new home buyer for the development hereby permitted.

Reason: To protect European Sites from excessive recreational pressure

14. 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 Wirral Unitary Development Plan

15. The ground floor commercial units shall only be open for customers between the following hours:

0700 – 2200 Mondays - Fridays

0800 - 2300 Saturdays

0800 – 2200 Sundays

Reason: In the interests of neighbouring amenity

16. The building hereby permitted shall not be occupied until the windows on the rear elevation shown on drawing No. PL.004 have been fitted with obscured glazing, and no part of that/those window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Reason: In the interests of neighbouring amenity.

84 SILENT TRIBUTE TO HER MAJESTY THE QUEEN

Following the sad announcement of the death of Her Majesty the Queen Members stood in silent tribute for 2 minutes.

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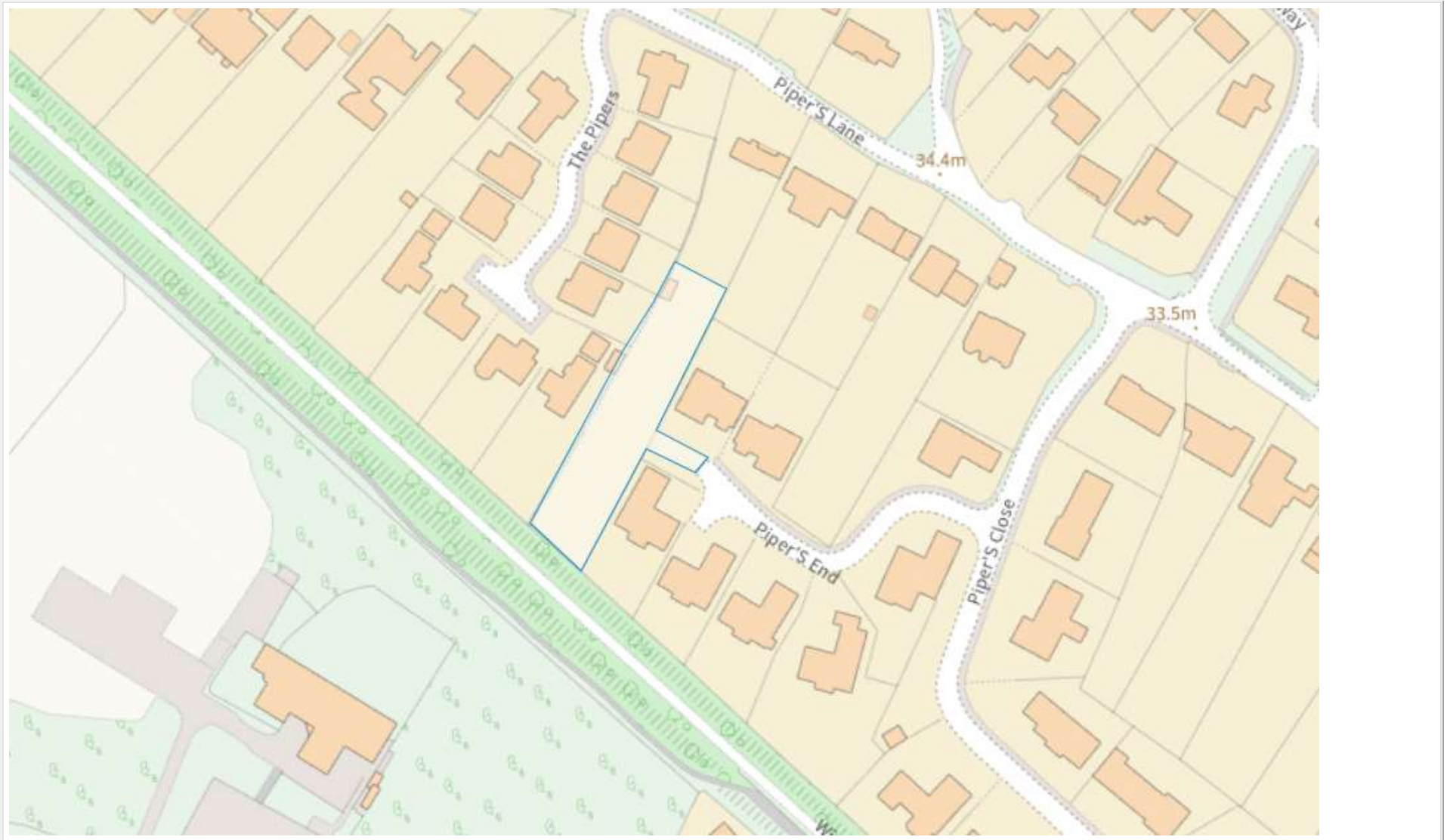
Planning Committee	13th October 2022
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Reference:	Area Team:	Case Officer:	Ward:
APP/21/01924	DM	Mr M Klabou	Heswall

Location:	9 PIPERS END, HESWALL, CH60 9LW
Proposal:	ERECTION OF 1 NO. DETACHED DWELLING AND FORMATION OF NEW VEHICULAR ACCESS (Amended Scheme)
Applicant:	Mr Forsey
Agent:	Mr Roberts, Planscape, Architectural Design Consultant

Qualifying Petition	<p>Yes – Number of signatures: 34.</p> <p>The petition’s objections included the following material planning considerations:</p> <ul style="list-style-type: none"> • Separation distances • Overshadowing • Overdevelopment of site <p>This petition was based on the original proposal for two new detached dwellings. Although the proposal has been reduced to one new detached dwelling, the petition holds as the amendments have been accepted within this application.</p>
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Site Plan:



Development Plan designation:	<p>Primarily Residential Area</p> <p>Wirral Way Local Wildlife Site (adjoining southern border)</p> <p>Heswall Dales SSSI (to north of site)</p>
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Planning History:	OUT/13/00797 – Outline application for two detached dwellings to the rear of 39 Pipers Lane, Heswall REFUSED 19/09/2013
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	Councillor Andrew Hodson has expressed concern about the application, primarily due to its impact on neighbouring properties.
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>A petition of objection, containing 34 signatures, was received in response to the original proposal. Having regard to the Council's Guidance for Publicity on Planning Applications, 16 re-notifications relating to the amended scheme were sent to adjoining properties. At the time of writing, 6 comments had been received, all objecting to the proposal. The relevant material planning matters contained within these comments on the amended submission are summarised as follows:</p> <ul style="list-style-type: none"> • Visual Appearance and Design — including overdevelopment; • Residential Amenity; • Highway Safety – including egress from the site; • Ecology; • Trees – including removal of trees prior to application; and • Application Details <p>Comments on the application have also been received from Wirral and Cheshire Badger Group.</p>

	<u>CONSULTATIONS</u>
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	<p>Highways 17.08.2022 – No Objection subject to satisfactory completion of highway works</p> <p>Dwr Cymru Welsh Water 10.12.2021 – Commented with advisory conditions and notes</p> <p>Ecology (Merseyside Environmental Advisory Service) 17.12.2021 and 30.06.2022 – No objection to revised proposal with comments submitted for consideration.</p>
<p>3.1 Site and Surroundings</p>	<p>The proposal relates to land that has been cleared at the end of the residential plot of 39 Pipers Lane to the north, No. 9 Pipers End to the east and 6 The Pipers to the west. It will be accessed from a dedicated access track to the east, from Pipers End. There is a relatively gentle fall of land from 39 Pipers Lane to the Wirral Way at the south of the site.</p>
<p>3.2 Proposed Development</p>	<p>The application originally proposed the erection of two dwellings. This has been amended down to one new dwelling following positive and pro-active discussions between the Council and the agent. The amendments have also amended the design and reduced the scale of the remaining dwelling. The amended proposal is for a proposed split level detached property with an external garage and associated landscaping. The property is single-storey to the front and utilise the fall of the land to become two-storey towards the rear.</p>
<p>3.3 Development Plan</p>	<p>The Wirral Unitary Development Plan (UDP) designates the site as a Primarily Residential Area.</p> <p>Relevant Constraints are:</p> <ul style="list-style-type: none"> • Local Wildlife Site (LWS) Wirral Way; and • Heswall Dales (SSSI) <p>Relevant policies are:</p> <ul style="list-style-type: none"> • HS11 (New Housing Development); • TR9 (Requirements for Off-Street Parking); • GR5 (Landscaping and New Development); • GR6 (Greenspace within New Family Housing Development); • GR7 (Trees and New Development); and • NC7 (Species Protection)

	<p>The Joint Waste Local Plan for Merseyside and Halton has the following relevant policies:</p> <ul style="list-style-type: none"> • WM8 Waste Prevention and Resource Management; and • WM9 Sustainable Waste Management Design and Layout for New Development
<p>3.4 Other Material Planning Considerations</p>	<p>The revised National Planning Policy Framework (NPPF) is a material consideration in the determination of this planning application. It supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area. Planning policies and decisions should optimise the potential of sites to accommodate development as long as the resulting scheme would provide acceptable living standards. The NPPF also states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)</p> <p>In particular, the NPPF (March 2021) relevant sections are:</p> <ul style="list-style-type: none"> • Chapter 12 (Achieving well-designed places) • Chapter 15 (Conserving and enhancing the natural environment) <p>Wirral's Supplementary Planning Document 4: Parking Standards sets (among other matters) maximum limits for vehicle parking spaces.</p> <p><u>Wirral Borough Council – Tree, Hedgerow and Woodland Strategy</u> This Strategy is a material consideration. It provides amongst other matters that planning applications will need to demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. The selection of new species to be planted will use the “right tree for right place” approach.</p> <p><u>Status of the Emerging Wirral Local Plan:</u></p> <p>Wirral Borough Council is in the process of submitting a new local plan for examination.</p>

On 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 duly published and representations were available to be submitted until 25th July 2022.

In attaching weight to emerging plans such as Wirral's paragraph 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 Assessment

This assessment is based on the amended proposal. The original proposal is not included in this assessment as it is no longer the scheme which is being submitted for planning permission.

Due to the location of the site and the proposed access from Pipers End, it is not considered to constitute backland development. A previous outline application for two dwellings on this site was refused due to the impact on residential amenity. Notably, the access was to be created off Pipers Lane, running down the side of 39 Pipers Lane. The access for the new dwelling subject to this application is directly into the site from the adopted Pipers End.

The main planning issues relevant to this application are:

- Principle of Development;
- Visual Appearance and Design;
- Residential Amenity;
- Highway Safety;
- Ecology ;
- Trees and Landscaping;

	<ul style="list-style-type: none"> • Drainage; and • Bin Provision
3.6 Principle of Development	<p>UDP Policy HS4 (New Housing Development) considers proposals for new housing development on allocated sites and within the Primarily Residential Areas acceptable in principle.</p> <p>The proposal is located within a Primary Residential Area and is therefore acceptable in principle.</p>
3.7 Design	<p>UDP Policy HS4 (New Housing Development) considers development acceptable if the visual appearance and design aspects of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. The proposal should be of a scale that relates well to surrounding properties particularly in terms of existing densities and forms.</p> <p>The plot occupies a strip of land that creates a gap between the relatively recent developments of The Pipers and Pipers End. An area of land to the rear of 39 Pipers Lane separates the two developments with a long linear vegetated area that runs north to south. Although it was previously heavily vegetated, it does now have the appearance of a reasonable development plot and would be viewed as a continuation of the Pipers End development. This is partially due to the fact that it is not a natural long rectangular break in the landscape caused by a stream, for example, but rather a site that was left undeveloped when the Pipers End and The Pipers developments took place. The size of the proposed plot is consistent with those within the surrounding area and the proposal therefore will visually fit in with the pattern of Pipers End because it continues the existing dead-end of Pipers End in a simple and straightforward way and follows the fall of the land to access the property.</p> <p>Within the site itself, as viewed from Pipers End, it will not be visually intrusive, over dominant or jarring on the street-scene and although of a slightly different character to surrounding properties, this is not negatively so and not to a degree that causes a significant impact on the character of the street-scene. The front elevation on Pipers End is single-storey and this will help the dwelling fit into the character of Pipers End, which contains bungalows on the eastern side of the highway. As viewed from the popular bridleway of the Wirral Way, the proposal will not be over dominant, as it maintains the ridge line and uses the fall of land and hipped roof lines to soften the bulk of its appearance. It also follows similar design trends in the nearby area, which often use large areas of glazing and balconies to take advantage of the considerable high-quality views in this area. Similar to the front elevation, the rear does not strictly match the character of the modest Pipers End or the larger The Pipers properties, but it has an individual form that is between the two and (as mentioned above), a style similar to those in the nearby area.</p> <p>Given the above, as the proposal causes no significant impacts on the character of the property and the immediate street-scene, it is considered to comply with UDP Policy HS4</p>

3.8 Highways

UDP HS4 (New Housing Development) considers development acceptable if there is safe and suitable access for vehicles and services as well as provision for sufficient off-street parking.

UDP Policy TR9 (Requirements of Off-Street Parking) considers development acceptable if a safe and suitable means of access can be provided and parking is in accordance with Highways Authority advice and considering local highway safety and traffic management issues. Dwellings with 2-3 bedrooms require 2 parking spaces and dwellings with 4 bedrooms require 3 parking spaces.

The proposal has 4 bedrooms and there is sufficient space for 3 parking spaces, including the use of the garage. The Council's Highways teams has reviewed the proposed plans for crossing the public highway and has no objections, subject to conditions being imposed to reinstate the highway's access. The new road extension would remain private and requires demarcation from the adopted highway.

Therefore, as there is provision for suitable parking as well as safe and suitable access, the proposal is considered to comply with UDP Policy TR9.

3.9 Ecology

UDP Policy NC7 (Species Protection) considers a proposal unacceptable if it has a significant adverse effect on wildlife species protected by law and it will not be permitted unless the protection of species can be secured through planning conditions or obligations.

Concerns have been raised that the site had been cleared prior to application submission and ecology survey completion, however, there is insufficient evidence to demonstrate this, and the ecology report as submitted is therefore considered sufficient.

The site lies with Heswall Dales SSSI to the north and the Wirral Way Local Wildlife Site adjoining its southern boundary. This gives rise to the potential for a wildlife corridor and there is evidence of badger pathways on site. As such, nature conservation measures including badger pathways and gates are secured through conditioning of plans and a specific planning condition.

With immediate proximity to the Wirral Way on the south, inappropriate external lighting has the potential to cause significant impacts on the adjacent habitats, particularly with regards to the foraging and commuting habitats of bats (which are present in the area). As such, it is considered that conditions prohibiting external lighting, unless otherwise agreed with the Council, can satisfactorily resolve the adverse impacts.

In addition to this, bat boxes have also been included, as good practice ecological enhancement measures, in the eastern side elevation of the dwelling and the front elevation of the garage. Further ecological enhancement measures of bird boxes, as well as a Construction Environmental Management Plan to mitigate the environmental impacts of construction, can be secured through planning condition.

Given the above, the proposal is considered to comply with UDP Policy NC7 as there are no significant impacts on protected species.

3.10 Amenity

UDP Policy HS4 (New Housing Development) considers development acceptable if it does not lead to significant overbearing, overshadowing or overlooking impacts.

The key residential amenity issues arise from the potential impact on the two side facing windows of No.9 Pipers End, which serve two habitable rooms (bedrooms), and the side facing windows of approved extension APP/21/00844, at No.6 The Pipers, which is a two-storey rear/side extension including balconies.

With regards to No.6 The Pipers, the ground floor of the proposed dwelling will be set approximately 1 metre higher than the existing property. With only a short separation distance of approximately 5 metres between these side facing windows, some overbearing and overshadowing impacts would occur on the windows to the side of the proposed extension at 6 The Pipers. However, these are not the primary windows of the habitable room it serves, with the main outlook being large windows facing south, ensuring that the proposal will have limited direct impact on the amenities of this property. In addition, the proposal has a hipped roof to the side, which will further lessen the impact. As such, the impact the proposal will have on 6 The Pipers is considered acceptable and insufficient to warrant refusal of the application.

With regards to No.9 Pipers End, two side windows are impacted by the proposal in terms of overshadowing and overbearing. These windows will be approximately 3.5 metres from the new dwelling. However, the main glazing in these windows is obscured, with clear glazing in the side (bay) parts of these windows. The short separation distances mean that the development is not strictly policy compliant. However, in this instance, it is noted that these windows are on the side (non-principal) elevation of the existing dwelling and there have been no objections received from the property it affects. The existing obscured nature of these windows is also relevant, meaning that the proposed development will not have a significant impact on actual outlook from these rooms. The proposal has also been amended to incorporate a hipped roof on this elevation, lessening the impact on these windows. Windows on side elevations of bungalows being impacted by properties to the side is not uncommon and it appears that there may even be examples of this within Pipers End itself. The application site does now read as a development plot that was simply never developed and the benefit of a new dwelling on a suitable plot within a Primarily Residential Area is considered to have significant weight, especially given the pressures meeting housing supply numbers is potentially having on other parts of the Borough. Therefore, on balance, the potential impact on the residential amenity of future occupiers of this property is considered acceptable in this instance given the reasons set out.

The windows on both side elevations of the proposed dwelling that would appear above a 1.8m high fence (considering the fall of land) will be obscured and this can be secured through a specific planning condition.

Sufficient residential amenity space is created in the rear garden.

Given the above the impact on surrounding properties is considered acceptable and, as such, the proposal is considered to comply with UDP Policy HS4.

3.11 Trees and Landscaping	<p>UDP Policy HS4 and GR5 consider development acceptable if the proposed landscaping and boundary treatments are appropriate to the surroundings and maintain, replace or enhance existing natural features, vegetation and wildlife. UDP Policy GR7 (Trees and New Development) considers development acceptable if there are no significant negative impacts on important trees, or if there are, these are mitigated. If an important tree needs to be removed, it should be replaced following the principal of 'right tree in the right place.'</p> <p>There are no protected trees on the site. The proposed planting of new native trees will improve the landscaping (and partially the biodiversity of the site), as it was presented at the time of application. This landscaping will be secured through condition.</p> <p>Given the above, the proposal is considered to comply with UDP Policy GR5 and GR7 as tree protection measures can be secured through planning condition and a suitable landscaping scheme has been incorporated into the proposal.</p>
3.12 Drainage	<p>UDP Policy HS4 considers development acceptable if sufficient drainage can be provided for foul and surface water. Surface water will be drained to soakaways and a new foul water drain.</p>
3.13 Bin Provision	<p>UDP Policy HS4 considers development acceptable if adequate provision can be made for bins services. The proposal includes a dedicated bin storage area.</p>

Summary of Decision	<p>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:-</p>
	<p>By virtue of its design, siting and location, the proposal is considered to comply with Wirral Unitary Development Plan Policy HS4 (New Housing Development), TR9 (Requirements for Off-Street Parking), SPD 4 (Parking Standards), GR5 (Landscaping and New Development), GR7 (Trees and New Development) and NC7 (Species Protection), and the National Planning Policy Framework.</p>

Recommended Decision:	Conditional Approval
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Recommended Conditions and Reasons:	
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.	
Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.	

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Layout Ref F1528-3C rec 08.09.2022

Proposed Floor Plans Ref F1528-1 rec 06.07.2022

Proposed Elevations Ref F1528-2A rec 31.08.2022

Proposed Double garage Ref F1528-4 rec 06.07.2022

Badger Pathways V2 rec 16.08.2022

Reason: For the avoidance of doubt having regard to WMBC UDP Policy HS4 (New Housing Development) and TR9 (Requirements for Off-Street Parking)

3. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents, unless otherwise agreed in writing by the Local Planning Authority:

Proposed Elevations Ref F1528-2A rec 31.08.2022

Reason: To ensure the appearance of the development is satisfactory having regard to WMBC UDP Policy HS4 (New Housing Development)

4. The two en-suite windows on the western side elevation and the en-suite and kitchen window on the eastern elevation will be of the development hereby permitted must be;

- a) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;
- b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.

Reason: To preserve the amenities of neighbouring properties, having regard to WMBC UDP Policy HS4 (New Housing Development)

5. The Badger protection measures described in Badger Pathways V2 rec 16.08.2022 shall be implemented prior to first occupation of the development hereby permitted and maintained in perpetuity for the lifetime of the development. This shall include two-way opening badger gates in the location shown, a minimum of 500mm wide badger pathway in the location shown and a clearance of the garage from the side fence, in the location shown, to allow these pathways of between 0.81m and 0.98m in width

Reason: To preserve the foraging and dispersal habits of badgers, a protected species, and having regard to WMBC UDP Policy NC7 (Species Protection).

6. No external lighting shall be used until a scheme for external lighting has been submitted in writing and approved by the Local Planning Authority.

Reason: To mitigate potential impacts to the foraging and commuting habitats of bats and having regard to WMBC UDP Policy NC7 (Species Protection).

7. The submitted landscaping plan and details described in:

Proposed Site Layout Ref F1528-3C rec 08.09.2022

Shall be implemented prior to first occupation of the development hereby approved and shall be maintained for at least a period of 7 years after first occupation of the development.

Reason: In the interests of visual amenity and having regard to WMBC UDP Policy HS4 (New Housing Development).

8. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the CEMP 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.

The CEMP should be accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures, and should include Pollution control measures to protect the adjacent Wirral Way Local Wildlife Site and adjacent habitats, particularly trees. This should include precautionary measures in respect of breeding birds and avoidance measures for badgers, hedgehogs, amphibians and reptiles. These should incorporate any appropriate mitigation measures suggested in the submitted ecological reports in addition to those suggested below.

Specific mitigation measures raised by WMBC MEAS consultation response that should be included in the CEMP include:

For the protection of Badgers and Hedgehogs:

A pre-commencement check for badger and hedgehog;

The Installation of protective fencing to prevent badgers entering the construction area;

Construction work should be limited to daylight hours to avoid disturbing badger commuting in the vicinity of the development site;

All trenches and excavations should be covered or have a means of escape (e.g. a ramp);

Any exposed open pipe systems should be capped to prevent mammals gaining access;

Appropriate storage of materials to ensure that mammals do not use them;

Chemicals or harmful materials stored on site should be kept in secure compounds away from access by animals.

For the protection of Amphibians and Reptiles:

Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians / 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 amphibians / 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 amphibians / reptiles from seeking shelter beneath them. Any excavation must be infilled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians / reptiles.

For the protection of breeding birds:

No tree felling, scrub clearance or vegetation management should take place during the period 1 March to 31 August inclusive.

If it is necessary to undertake works during the bird breeding season then all trees, scrub 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 should be submitted for approval.

Reason: To mitigate the risk of accidental damage or pollution to the Wirral Way Local Wildlife Site that adjoins the southern boundary and to protect badgers, hedgehogs, amphibians, reptiles and breeding birds and to and comply with WMBC UDP Policy NC7 (Species Protection).

9. An ecological enhancement of 2 bird nesting boxes (including sparrow and/or swift boxes on new buildings) shall be installed prior to first occupation and retained as such thereafter

Reason: To improve bird breeding habitat and comply with UDP Policy NC7 (Species Protection).

10. PRIOR TO COMMENCEMENT OF DEVELOPMENT, detailed drawings indicating the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent properties having regard to Wirral Unitary Development Plan Policy HS4

Last Comments By:	03-August-2022
Expiry Date:	24-November-2021

Planning Committee	13th October 2022
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Reference:	Area Team:	Case Officer:	Ward:
APP/21/02188	DM	Mr B Bechka	Liscard

Location:	CAR PARK, 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 :	Ms Emily Hughes JMW

Qualifying Petition	2
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Site Plan:



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Development Plan designation:	Key Town Centre
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Planning History:

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: 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: 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

	<p>Location: Car Park, Mill Lane, (Principal Road A551), Liscard, CH44 5UG</p> <p>Application Type: Deemed</p> <p>Proposal: Construction of access to Wirral Borough Council car park.</p> <p>Application No: DPP/78/10941</p> <p>Decision Date: 11/12/1978</p> <p>Decision Type: Approve</p>
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Summary Of Representations and Consultations Received: A total of 24 consultation letters were sent out to neighbouring properties

1. Ward Member Comments	<p>Councillor Kenny requested that this application be rejected on the grounds that it:</p> <ul style="list-style-type: none"> • 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. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>13 no. representations were received from neighbouring properties. A summary of these representations are listed as follows:</p> <ul style="list-style-type: none"> • 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; and
- 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.

Following the application being deferred from Planning Committee on 9th June 2022, and the receipt of a Viability Impact Assessment and Operational Management Plan, a re-consultation of 38 properties was carried out. No additional concerns were raised over and above those already set out.

CONSULTATIONS

Received: 4

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.

	<p>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.</p> <p>Highways (Asset): No objection</p> <p>Forward Planning: No objection</p> <p>Regeneration: None received</p> <p><u>UPDATED CONSULTATIONS:</u></p> <p>Regeneration and Place: No objection</p> <p>In the public consultation that took place in October/November 2020 as part of the development of the Liscard Neighbourhood Framework, respondents expressed concern over the reduction in parking provision across the Town Centre and there were multiple calls for free parking. However, charging for car parking in town centres is the norm across most of the UK, so the principle of a privately owned town centre car park charging for use is not unusual, and increasingly ANPR cameras are used to manage these car parking operations. As such the Regeneration and Place team does not have grounds to object to the planning application to install such cameras and associated signage</p>
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3.1 Planning Committee Deferral	
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.
3.1.2	Both this planning application and that of the accompanying advert consent, ADV/21/02183, were deferred at the previous Planning Committee on 9th June 2022 and following more time to liaise with the applicant and Council's Economic Development team in relation to the impact of the scheme on the vitality of Liscard Town Centre, is to be presented to Planning Committee again.

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 and 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	<p>Planning permission is sought for the retention of:</p> <ul style="list-style-type: none"> • 2 no. ANPR cameras (ANPR 4 & ANPR 5) which 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) 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. The car park forms a separate planning unit to that of the Cherry Tree Shopping Centre. Cameras ANPR 4 & ANPR 5 not being sited on a building 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 requires planning permission.
3.3.3	An application for consent of adverts in relation to the use of the car park was granted in September 2022.
3.4 Development Plan	

3.4.1	<p>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:</p> <p><u>Wirral Unitary Development Plan Policy</u></p> <p>Policy SH1: Criteria for Development in Key Town Centres</p>
3.5 Other Material Planning Considerations	
3.5.1	<p>The National Planning Policy Framework (NPPF) was revised in July 2021. The NPPF will be referred to as appropriate within this report.</p>
3.5.2	<p><u>Emerging Wirral Local Plan and its status:</u></p> <p>Wirral Borough Council is in the process of submitting a new local plan for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan has been published and representations were available to be submitted until 25th July 2022</p> <p>In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> 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	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • Principle of development • Design; • Highways; and • Amenity
3.7 Principle of Development	
3.7.1	The principle of the 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	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.
3.12.3	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.
3.11.4	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.
3.12.5	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.
3.12.6	In responding to the above concern, 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.

3.12.7	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.
3.12.8	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.
3.12.9	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.
3.12.10	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.
3.12.11	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.
3.13	<u>Update following the referral from 9th June 2022 Planning Committee:</u>
3.13.1	Whilst not objecting to this planning application, the Council's Regeneration and Place team recognise the issues the introduction of these new technologies can cause some individuals who are unfamiliar or uncomfortable with these new approaches, especially when they are enforced in an overly draconian manner. They acknowledge that it may deter individuals from visiting the town centre at a time when retail generally is suffering, and footfall is vital to the ongoing health and vibrancy of the town centre, and as such, they will look to arrange a meeting with the Cherry Tree Centre's Management Company to encourage them to apply a level of leniency in the enforcement of parking infringements in their car park and explore what additional support they can provide for individuals who are struggling to understand the new car park charging system. Regeneration and Place also ensure that the developer who is currently considering an option to acquire and refurbish the Cherry Tree Centre is aware of the concerns around the current car park management

	arrangements and, if they take up the option and acquire the centre, encourage them to implement car park management arrangements which are easy to understand and straightforward to use.
13.13.2	In answer to concerns raised by received representations and by members at the 9th June 2022 Planning Committee, the applicant has submitted an impact assessment of their operations on the vitality of Liscard Town Centre. The evidence presented is inconclusive, however, the applicant argues that in the time Smart Parking has been in operation and enforcing at the application site, there has been no significant dip in attendance figures within this timeframe and that figures show that general attendance of the Cherry Tree Shopping Centre have increased. They acknowledge that the previous year's figures for the Centre are not truly representative, given that the nation was in the midst of Covid restrictions. In the assessment, if looking on a month-by-month basis, the applicant also recognises that attendance figures are down from the average expected for that time of year. However, they counter these figures by arguing that the decrease is due to the negative impact Covid and latterly the cost-of-living crisis is having on the economy. Furthermore, using figures shown within the assessment for the 7-day rolling average for all retail sites Smart Parking manages, that this is a national occurrence and not specific to the Cherry Tree Shopping Centre site.
13.3.3	<p>The applicant has also provided an Operational Management Plan which aims to set out a clear strategy as to how Smart Parking will manage and maintain the site. It sets out four aims and objectives which seek to:</p> <ul style="list-style-type: none"> • achieve effective enforcement to discourage non-compliant motorists from abusing the site, whilst ensuring parking remains available for those they are intended for; • make the experience for the compliant motorist as seamless as possible with regards to payment; • clearly communicate Smart Parking's terms of operation through effective signage; and • facilitate clear and accessible appeals process for any motorist to access who believe a PCN has been unfairly issued or where there is appropriate mitigation.
13.3.4	Smart Parking have employed 2 no. parking attendants whose duty is to assist motorists with any parking queries or paying for a parking session on site. The staff are trained in line with Smart Parking's requirements and to British Parking Associations Code of Practice standards. The parking attendants serve both to ensure that compliant motorists are assisted to pay for their parking session and to carry out enforcement action on any non-compliant motorist (i.e. those seeking to abuse blue badge bays). In addition, the plan sets out that in the maintenance of the site, Smart Parking is also contractually obliged to carry out significant maintenance works (i.e. resurfacing of the car park). Photographs submitted alongside the plan show such works that have recently been carried out. In further achieving the aims set out within the plan and in addition to site management carried out by the parking attendants, Smart Parking maintains a system of appeals allowing motorists to challenge PCNs they believe are unfair. Finally, through the use of technology Smart Parking gives every motorist several ways to pay for their parking. In addition to paying the parking attendants, motorists can pay using their smart phones through the Ringo app, with the help of signage posted throughout the site. For those who do not have access to smart phones or struggle with the app, payment can be made using the 'Flowbird' pay and display machines which are designed to facilitate easier payment.

13.3.5	The submitted Operational Management Plan would appear to touch on some of the issues raised within the Council's Regeneration and Place team's comments. It should also be noted that in addition to the Regeneration and Place offer to engage with the applicant to address the issues raised, Smart Parking have in their management plan voiced their willingness to work with Wirral Council to maximise effective parking management at the Cherry Tree Shopping Centre.
13.3.6	<p><u>Conclusion</u></p> <p>Although concerns have been raised about the impact that the operation is having on the vitality of the Liscard Key Town Centre, charging for car parking in town centres is a widely accepted practice across the UK, as are the use of ANPR cameras and associated signage to manage their operation. Despite the submitted impact assessment of Smart Parking's operations on the vitality of Liscard Town Centre being inconclusive in its findings, no evidence has been provided by those making representations against the development in order to substantiate their claims as to the operation of the car park and its negative impact upon the vitality of the Liscard Town Centre. Furthermore, as set out above, there exists no planning policy basis for refusing the parking equipment. Additionally, with respect to the concerns raised within submitted representations about the processes and operation of the car park leading to its users, and in particular disabled users being unfairly penalised, as a privately owned and maintained car park the operational matters of the car park and its equipment sit outside the remit of the planning process and the Council does not possess the powers to intervene in such matters. Instead, there exists separate legislation and regulations for the operation and maintenance of car parks, which the operator must comply with. It is not the place of the planning process to duplicate such controls through other legislation, nor would it 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.</p>
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:	Conditional Approval
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.

Last Comments By:	02-September-2022
Expiry Date:	18-May-2022

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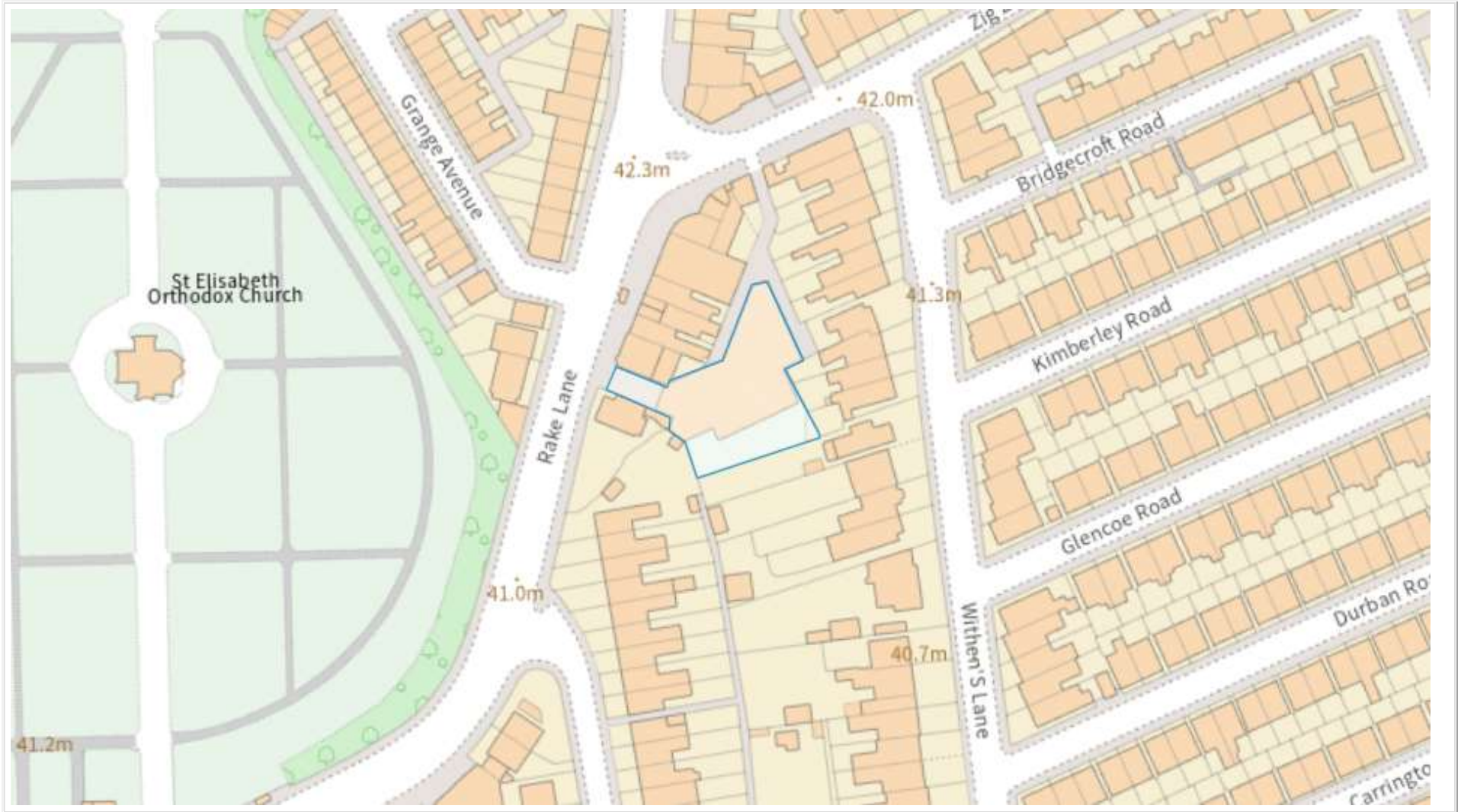
Planning Committee	13th October 2022
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Reference:	Area Team:	Case Officer:	Ward:
APP/21/02378	DM	Mr P Howson	New Brighton

Location:	114 RAKE LANE, LISCARD, CH45 5DL
Proposal:	Demolish derelict warehouse and offices and construct 3 houses
Applicant:	Mr Traynor
Agent :	Mr Dunn MDA

Qualifying Petition	
Name of Petitioner: Ms Carol Wadeson	
Summary of objections: <ul style="list-style-type: none"> • Inadequate access • Potential damage to No. 112 Rake Lane • The three storey dwellings are too high (plans since amended) 	No. of Signatures 34

Site Plan:



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Development Plan designation:	Primarily Residential Area
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Planning History:	<p>Location: Vacant Building, 114 Rake Lane, Liscard, Wirral, CH45 5DL Application Type: Outline Planning Permission Proposal: Demolition of workshop/office premises and erection of 4no. semi-detached dwellings with parking Application No:OUT/06/07059 Decision Date: 10/01/2007 Decision Type: Refuse</p> <p>Location: Vacant Building, 114 Rake Lane, Liscard, Wirral, CH45 5DL Application Type: Outline Planning Permission Proposal: Demolition of workshop/office premises and erection of 4no. semi-detached dwellings with parking (resubmission of OUT/2006/7059) Application No: OUT/07/06447 Decision Date: 27/09/2007 Decision Type: Refuse - ALLOWED ON APPEAL 20/06/2008</p>
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	No comments received.
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council's Guidance for Publicity on Planning Applications 30 notifications were sent to neighbouring properties and 12 letters of representation were received in relation to the proposal comprising of 2 letters of support and 9 letters of objection and a single comment. A petition of objection containing 34 signatures was also submitted. The summary of all objections received is:</p> <ol style="list-style-type: none"> a. Loss of light b. Loss of privacy c. Development is of a poor design d. Development is too tall e. There is bat activity within the building proposed for demolition f. Impact on biodiversity g. Negative impact on drainage

	<ul style="list-style-type: none"> h. Inadequate vehicular access i. Potential damage to No. 112 Rake Lane <p>The letter of support states that the site is currently an eyesore and given the state of the site, the sooner it is developed the better.</p> <p>Amended plans were received by the Local Planning Authority and a re-consultation was conducted. At the time of writing no representations have been received in relation to the amended plans</p>
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	<p><u>CONSULTATIONS</u></p> <p>Highways Engineer – no objection</p> <p>Environmental Health – no objection</p> <p>Wirral Wildlife – no objection</p> <p>MEAS – no comments</p>
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<p>3.1 Site and Surroundings</p>	
<p>3.1.1</p>	<p>The development site forms a backland plot which sits behind the primary frontages of Rake Lane and Withens Lane. The development site and the surrounding land all lies within a Primarily Residential Area. According to the Cheshire Tithe Map, a building has existed within this site since 1898 and was likely constructed around the same time as the frontage development. The building on the site is of brick construction with a pitched slate roof and features later extensions and alterations.</p>
<p>3.1.2</p>	<p>Rake Lane forms part of the Borough’s strategic road network and the frontage forward of the development site features a street level parade of shops with two storeys above. Withens Lane is characterised by late 19th Century residential dwellings.</p>

<p>3.2 Proposed Development</p>	
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3.2.1	The development proposal involves the demolition of a large (700 sqm) warehouse and the erection of three dwellings.
3.2.2	The application initially proposed to erect one detached and two semi-detached dwellings which would have been two and a half storeys. Due to concerns over this and following discussions, the applicant has submitted revised drawings which propose a mews style development one and a half storeys in height. It should be noted there was a previous planning application for four dwellings within this site allowed on appeal under (ref: OUT/07/06447), and this is therefore a significant material consideration.
3.3 Development Plan	
3.3.1	<p>The Wirral Unitary Development Plan designates the site as a Primarily Residential Area. The following are the relevant UDP policies:</p> <ul style="list-style-type: none"> • HS4 Criteria for New Housing Development • HS10 Backland Development • GR5 Landscaping and New Development • Requirements for off Street Parking
3.3.2	<p>The Joint Waste Local Plan for Merseyside and Halton</p> <ul style="list-style-type: none"> • WM8 Waste Prevention and Resource Management • WM9 Sustainable Waste Management Design and Layout for New Development
3.4 Other Material Planning Considerations	
3.4.1	Wirral's Supplementary Planning Document 4: Parking Standards sets (among other matters) maximum limits for vehicle parking spaces.
3.4.2	The revised National Planning Policy Framework (NPPF) is a material consideration in the determination of this planning application. It supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area. Planning policies and decisions should optimise the potential of sites to accommodate development as long as the resulting scheme would provide acceptable living standards. The NPPF also states that planning decisions should contribute to and enhance the natural

	and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
3.4.3	Paragraph 130 of the revised National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments 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, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and 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. Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
3.4.4	<p>Paragraph 21 of the National Design Guide (2021) advises that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:</p> <ul style="list-style-type: none"> • the layout (or masterplan); • the form and scale of buildings; • their appearance; • landscape; • materials; and • their detailing
3.4.5	<p>Part 2 of the Design Guide sets out the ten characteristics of well-designed places. This includes (but is not limited to) the following;</p> <ul style="list-style-type: none"> • Contextual design which responds positively to the features of the site and the surrounding area beyond its boundary. Paragraph 43 advises well-designed development is integrated into its surroundings and designed around an understanding of the landscape character and existing patterns of built form and architectural styles which should inform the layout, grain, form and scale of development. • Design which responds to local identity and elements of a place that make it distinctive. This includes the height, scale, massing and relationships between buildings, façade design and landscape setting. • Built form which relates well to the site and its context.
3.4.6	<p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council is in the process of submitting a new local plan for examination.</p>

	<p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan has been published and representations were available to be submitted until 25th July 2022.</p> <p>In attaching weight to emerging plans such as Wirral's paragraph 48 of the NPPF is relevant as it states:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); • 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 • the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)." <p>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.</p>
<p>3.5 Assessment</p>	<p>The main planning issues relevant to this application are:</p> <ul style="list-style-type: none"> • Principle of Development; • Design; • Highways; • Ecology • Residential Amenity
<p>3.6 Principle of Development</p>	
<p>3.6.1</p>	<p>The development proposal involves the demolition of a large (700 sqm) warehouse and the erection of three dwellings. The development site and the surrounding land all lies within a Primarily Residential Area under the current Wirral Unitary Development Plan (UDP). UDP Policy HS4 allows for new residential development within the Primarily Residential Areas subject to proposals fulfilling a number of criteria, and the principle of the development is therefore acceptable.</p>

3.7 Design	
3.7.1	The standards for new housing development are set out under UDP Policy HS4 which includes visual implications. Development proposals should be of a scale that relates well to surrounding property with regard to existing densities and form of development. Proposals should not result in detrimental change in the character of the area.
3.7.2	Policy HS4 requires development proposals to consider other, practical matters such as servicing, access and parking. These matters cannot be considered in isolation as excessive areas of hardstanding and/or poorly located cycle and bin stores can detract from the quality of development and character of the area. Landscaping and boundary treatments should relate proposals to their surrounds. UDP Policy GR5 requires development proposals to be supported by landscaping proposals.
3.7.3	As the development site forms a backland plot Policy HS10 applies. Policy HS10 requires proposals for backland development to not result in detrimental change to the character of the area.
3.7.4	The application seeks approval for the demolition of an existing warehouse building and the erection of three dwellings. The development site forms a backland plot which sits behind the primary frontages of Rake Lane and Withens Lane. Backland plots are sites behind existing buildings and are typically used as garden or outdoor amenity spaces containing little more than ancillary buildings such as sheds or other small buildings. Occasionally, backland plots accommodate low-rise industrial or other buildings not associated with residential use, such is the case in this instance.
3.7.5	According to the Cheshire Tithe Maps, the existing warehouse was erected towards the end of the 19 th Century and was possibly used as a laundry. The original building is of brick construction and extends across virtually the entire width of the site. The building appears to have been extended across the rear at some point whilst the area of land beyond this, along the boundary with 171 Withens Lane, is overgrown and unkempt.
3.7.6	The proposed dwellings would form a terraced block of three and would be constructed roughly over where the rear segment of the warehouse currently sits. The dwellings are proposed to be one and a half storeys and approximately 7.1 metres to the ridge. According to the submitted drawings, the existing warehouse is 6.8 metres to the ridge. The submitted elevational drawings illustrate how the development would sit in relation to the primary frontages of Rake Lane and Withens Lane. Whilst the proposed dwellings would sit slightly above the ridge of No. 112 Rake Lane, they would clearly be subordinate to Nos. 128 – 118 Rake Lane and Nos. 171 – 191 Withens Lane. Given that the proposed dwellings would be only 0.3 metres greater in height than the existing warehouse and would maintain a subservient relationship to the primary frontage the scale of the proposed dwellings are considered acceptable.
3.7.7	In terms of the design, the proposed dwellings would have a modern mews signature and would be finished in facing brick. This is an acceptable approach to this backland site and the proposed design is considered to be acceptable. The proposal therefore complies with Wirral UDP Policy HS4 and HS10.

3.8 Highways	
3.8.1	As noted, there is a previous planning refusal for four dwellings within the site which was allowed on appeal under OUT/07/06447. The appeal was submitted in outline with matters of layout and access determined. The Inspector concluded that the vehicular access into the site had been in commercial use for many years and that the impacts of four dwellings would not be more materially harmful than the existing use. Whilst this consent has lapsed it was determined under the current Wirral UDP and is thus afforded weight.
3.8.2	Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should give priority first to pedestrian and cycle movement, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places whilst minimising the scope for conflict between different users and allowing for the efficient delivery of goods and emergency access.
3.8.3	The Highways Engineer has considered the submitted details and advised that the existing access off Rake Lane is adequate and wide enough to allow for two vehicles to pass one another. The proposed use is considered to be less intensive than the established use and there is adequate in-curtilage parking, whilst the proposal is also close to sustainable modes of transport. There are therefore no objections on this basis.
3.8.4	An external cycle store is provided for each of the properties, and a condition has been attached for full details of storage and disposal of waste to be provided prior to first occupation of the dwellings.
3.9 Ecology	
3.9.1	The application was supported by a Daytime Bat Survey & Walkover which concluded that there was no evidence of bat activity or occupancy and that the building is not suitable for foraging habitat as it is surrounded by development. No evidence of protected species was found during the walkover. The conclusions of the Survey are accepted. Any vegetation removal should be undertaken outside the bird breeding season and the biodiversity of the site is enhanced. The area to the south of the existing building is overgrown with vegetation. It is proposed that this is replaced by a formal landscaping scheme, secured through a condition.
3.10 Amenity	
3.10.1	UDP Policy HS4 requires new residential development to provide adequate individual private or communal garden space to each dwelling. Adequate distances should also be made between habitable rooms in separate dwellings. Policy HS10 also requires backland developments to provide adequate private garden space.

3.10.2	The garden area of each dwelling would be approximately 6 metres in depth and 9 metres in width which, in this instance, is considered adequate for children's play and other practical activities such as clothes drying.
3.10.3	The rear boundary of the proposed dwellings would extend virtually across the entire boundary shared with No. 171 Withens Lane and would be set off this boundary by approximately 6.2 metres. Policy HS4 requires an adequate interface to be maintained between facing habitable rooms in separate dwellings and Policy HS10 merely requires backland developments to not prejudice the privacy of adjoining residents. There is no provision within current adopted policy which addresses the above scenario (window to amenity space) and thus a planning judgement must be made whether the distance of 6.2 metres from habitable first-floor windows on the rear elevation of the proposed dwellings to the boundary with this amenity area is acceptable.
3.10.4	The existing warehouse features a rear extension which features office space and a number of windows which are orientated towards the private amenity area of No. 171. Whilst the proposed dwellings would each feature three upper floor windows across the rear elevation (orientated towards No. 171) two of these would serve bathrooms and can be obscurely glazed. Therefore, only three bedroom windows would be orientated towards No. 171. The residential use is arguably of a lower intensity than the established office use, and this distance is therefore considered acceptable in this instance.
3.10.5	Additionally, significant weight has also been given in the consideration of whether this is a sufficient distance to the clear benefits to the residential amenity of surrounding properties through the removal of an existing non-conforming use within a residential area. Whilst the premises is currently vacant, it does nevertheless retain an established industrial use, which is not restricted by planning conditions and could potentially be brought back into use without requiring any form of planning permission. The removal of this use is therefore a significant amenity benefit which weighs in favour of the proposed development.

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 development is acceptable in principle and would not adversely affect the character and appearance of the area or the amenity of surrounding occupiers. There would be no adverse impact upon the adopted highway and the Engineer has raised no objection to the proposal. Whilst the proposal would result in the loss of trees there would be a net gain through compensatory tree planting at the expense of the applicant. The proposal would comply with UDP Policies HS4, HS10, GR5, GR7, TR9 and the National Planning Policy Framework and is recommended for approval.

Recommended Decision:	Conditional Approval
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Recommended Conditions and Reasons:

1. The development hereby permitted shall begin not later than [3] years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 16 December 2021 & 16 August 2022 and listed as follows: 612/01, 612/03, 612/04, 612/101, 612/102, 612/103, 612/104, 612/105 and Location Plan

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

3. No development involving the use of any facing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area

4. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan

5. A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment

6. No vegetation management 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 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

7. 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 Wirral Unitary Development Plan

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or additions to the roof of the dwellings hereby approved [other than those expressly authorised by this permission] shall be formed or constructed.

Reason: To protect the appearance of the property and to protect the environment of people in neighbouring properties

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages or other buildings incidental to the enjoyment of the dwellings hereby approved shall be erected other than those expressly authorised by this permission.

Reason: To protect the appearance of the property and to protect the amenity of prospective occupiers by ensuring an adequate amenity area is retained

10. The dwellings hereby permitted shall not be occupied until the bathroom windows at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter

Reason: To protect the appearance of the property and to protect the environment of people in neighbouring properties

Last Comments By:	20-September-2022 (Re-consultation)
Expiry Date:	07-February-2022

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Planning Committee**13th October 2022****Reference:**

APP/22/01037

Area Team:

DM

Case Officer:

Mr B Pratley

Ward:

Heswall

Location:

Allandale Farr Hall Road

Proposal:

Demolition of an existing building and development of 4no. detached dwellings, with associated hard and soft landscaping.

Applicant:

Mr Mountfield

Agent :

Mrs L Burrow, Condy Lofthouse Architects

Qualifying Petition:

Yes - 128 name petition submitted in opposition to this proposal.

Site Plan:



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Development Plan designation:

Primarily Residential Area, Tree Preservation Area, Definitive footpath (public right of way).

Planning History:	<p>APP/19/00592 Change of use from vacant former care home (Use Class C2) to residential dwelling (Use Class C3). Decision: Approved.</p> <p>APP/21/02147 Demolition of an existing building and development of 4no. detached dwellings, with associated hard and soft landscaping. Amended plans received omitting balcony/terrace to Plot 4 and including privacy screens to balconies/terraces to Plots 1-3. Revised information in relation to trees. Decision: Refused</p>
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	Councillor Hodson has made representations on behalf of objectors requesting additional time for comments to be submitted on amended/additional information submitted by the applicant.
2.1 Summary of Representations	<p>Having regard to the Council Guidance on Publicity for Applications 7 notifications were sent to adjoining properties. At the time of writing this report 10 objections have been received (including one from the Heswall Society) and a petition of objection containing 128 signatures. The objections, including those within the petition, can be summarised as:</p> <ul style="list-style-type: none"> • The proposal is not significantly different to the previous application. • Detrimental impact on the character of the area. • Loss of privacy to neighbours. • Loss of trees unacceptable • Surface water flooding issues. • Increased stress placed on water and sewage facilities. • Increase in traffic generated. • Potential for damage to Farr Hall Drive. • Proposal should be reduced to 3 houses. • Submitted plans are misleading.

	1 item of correspondence in support of the application has also been received.
2.2 Summary of Consultations	<p>Tree Officer - No objection subject to the conditions that were also recommended as part of the previous application (attached to the recommendation)</p> <p>Wirral Wildlife - Initially objected to the application on the basis of the removal of an existing black poplar tree. However, this was a result of an error in the documents submitted with the application. An amended Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted by the applicant and forwarded to Wirral Wildlife. Wirral Wildlife maintain an objection based on the loss of other trees as part of this development and the failure to address bio-diversity net gain.</p> <p>The Council's Highways team, MEAS and Welsh Water were consulted on the previous application and had no objection. Given the modest change to the proposal these consultees have not been consulted on this application.</p>
3.1 Site and Surroundings	<p>The application site comprises a large, detached building positioned on a large plot. It is two storeys and is of a traditional design with deep overhanging eaves and sash windows. The sites most recent use was as a care home. The site is occupied by a number of trees which have the protection of a Tree Preservation Order.</p> <p>The site and surrounding area are located within a Primarily Residential Area. The area is characterised by a relatively mixed built form, including flats and houses. Most of the dwelling houses are, however, detached.</p>
3.2 Proposed Development	The proposal is for the demolition of an existing building and development of 4no. detached dwellings, with associated hard and soft landscaping. It follows the refusal of a recent planning application on the site (set out in greater detail below). This was refused at Planning Committee on 29 th June 2022. The main change from this refused application is that Plot 1 has been moved a further 3.6 metres to the south east in order to position the dwelling further from protected trees, and the application has been supplemented by a shading study in relation to the level of shading within the garden of Plot 1 from retained trees.
3.3 Development Plan	<p>The following Wirral Unitary Development (UDP) policies are relevant:</p> <p><u>Policy GR5 - Landscaping and New Development</u></p> <p>In order to secure the protection and enhancement of visual amenity the Local Planning Authority will require applicants to submit full landscaping proposals before full planning permission is granted. Proposals should:</p> <p>(i) include a clear specification of landscaping proposals indicating the species mix, the location, height and density of new planting, as well as areas of new ground modelling or other land features proposed;</p>

(ii) be appropriate in terms of the nature and location of the development proposed, the visual prominence of the site, the potential visual impact of the development and the character of the surrounding area;

(iii) provide for new planting and for the protection, replacement or enhancement of existing features such as ponds, trees, bushes, shrubs or hedges including, where relevant, appropriate boundary treatment and provision for the protection of wildlife; and

(iv) take full account of the effect of proposals on visibility at access points, the effect of local climatic influences and the potential for misuse or erosion which may affect the appropriateness of landscaping proposals.

Layouts that would leave landscaped areas which are not easily supervised or which would prejudice the supervision of other sensitive areas of the site will be resisted. Planning permission will be subject to conditions relating to the protection of existing features specified for retention, the timing and aftercare of new planting including provision for the replacement of stolen, damaged, diseased or dead plants or trees throughout the period until newly planted stock is established and capable of normal unaided growth.

Policy GR7 – Trees and New Development

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value in the locality and their value for nature conservation.

Policy HS4 - Criteria for New Housing Development

This policy requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

Policy NC7 – Species Protection

Development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/or planning obligations.

Policy TR9 – Requirements for Off Street Parking

This policy requires the assessment of off-street parking provision to be guided by a number of considerations, including the availability of alternative modes of transport, road safety and traffic management issues.

Policy WA1 - Development and Flood Risk

(i) Within Washland, development will not be permitted unless the developer is willing to provide compensatory storage and/ or flood protection to an appropriate standard as part of the development.

(ii) Where land is (a) in an area protected from tidal flooding by embankments or (b) within a floodplain but at a lower risk of fluvial flooding and the land is protected by flood embankments, which are properly maintained and provide an acceptable standard of safety,

	<p>development may be permitted, subject to consultation with the Environment Agency and where necessary the imposition of appropriate conditions, for example, with respect to minimum floor level.</p> <p>(iii) Development which would itself increase the risk of flooding to other properties or which would reduce the effectiveness or impede the maintenance of flood control structures or works will not be permitted.</p> <p>(iv) Development which would adversely affect the integrity and continuity of tidal and fluvial defences or which would compromise the access requirements for maintenance or emergency purposes will not be permitted.</p> <p>The Joint Waste Local Plan for Merseyside and Halton has the following relevant policies:</p> <ul style="list-style-type: none"> • WM8 Waste Prevention and Resource Management; and • WM9 Sustainable Waste Management Design and Layout for New Development
<p>3.4 Other Material Planning Considerations</p>	<p>The revised National Planning Policy Framework (NPPF) is a material consideration in the determination of this planning application. It supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area. Planning policies and decisions should optimise the potential of sites to accommodate development as long as the resulting scheme would provide acceptable living standards. The NPPF also states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).</p> <p><u>Wirral's Supplementary Planning Document 4 (SPD4) – Parking Standards</u> This document sets (among other matters) maximum limits for vehicle parking spaces.</p> <p><u>Wirral Borough Council – Tree, Hedgerow and Woodland Strategy</u> This Strategy is a material consideration. It provides amongst other matters that planning applications will need to demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. The selection of new species to be planted will use the “right tree for right place” approach.</p> <p><u>Emerging Wirral Local Plan and its status</u></p>

	<p>Wirral Borough Council is in the process of submitting a new local plan for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan has been published and representations were available to be submitted until 25th July 2022.</p> <p>In attaching weight to emerging plans such as Wirral's paragraph 48 of the NPPF is relevant as it states:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <p>a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>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</p> <p>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)."</p> <p>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.</p>
3.5 Assessment	
3.6 Principle of Development	In principle the creation of four dwellings in a Primarily Residential Area is considered to be acceptable, subject to the provisions of Wirral UDP Policy HS4, GR5, GR7 and NC7.
3.7 Design	<p>The existing building is an attractive dwelling, with a number of features of some limited merit. Nonetheless, it is neither listed nor in a Conservation Area and does not feature in the Merseyside Local Heritage list. It is therefore considered that its demolition, in design terms, is acceptable.</p> <p>The application is for the erection of four detached dwellings. They will be largely two storeys in appearance with some accommodation at second floor level in the roof space. They will be brick built with a two storey bay of sandstone sitting forward of the dwelling that will be set against a feature gable. An integral balcony will be positioned above the bay. A second, smaller, gable feature will be located on the</p>

	<p>front elevation with a triangular headed window. In terms of their individual detailed design the houses are considered to be of a good quality.</p> <p>Notwithstanding the acceptability of the detailed design of the dwellings, during assessment of the previous application (APP/21/02147), further detail regarding how the proposal for four houses respected the character of the area was requested. In response the applicant submitted a supplemental Design and Access Statement that highlights a number of relevant points, including that the density of the development and the size of the proposed plots will be similar to other locations in the surrounding area. The supplemental statement also draws attention to the benefits to the character of the area of replacing the existing close boarded fencing at the Farr Hall Drive entrance with ornamental railings.</p> <p>The Supplemental Design and Access Statement has been submitted with the present application. It is considered that the applicant has demonstrated that the impact of the proposal on the character of the area will be acceptable and the proposal therefore complies with Wirral UDP Policy HS4.</p>
3.8 Highways	<p>The vehicular access points will remain in their present locations, toward the south eastern boundary of the site on Farr Hall Road and at the junction of Farr Hall Road and Farr Hall Drive. However, the driveway will be sub-divided at its midway point, with Plots 1 and 2 served from the northernmost access and Plots 3 and 4 served from the southernmost access. Parking space for two vehicles will be provided for each dwelling. The Highways Engineers have noted that, in terms of vehicle movements, the proposed dwellings will be less intensive than the care home use. The highway implications of this proposal are considered to be acceptable.</p>
3.9 Ecology	<p>Application APP/21/02147 was refused by Planning Committee on 29 June 2022 for the following reasons:</p> <p>1 – The proximity of plot 1 to trees protected by a Tree Preservation Order is likely to result in pressure from future occupiers for the removal or significant pruning of these trees to secure reasonable natural light to rooms and gardens, or to remove perceived dangers to life or property, to the detriment of the health and amenity value of the trees and the wider character of the area. As such, the application is contrary to saved policies GRE1 and GR7 of the Wirral Unitary Development Plan.</p> <p>2 - The proximity of plot 1 to trees protected by a Tree Preservation Order would be likely to result in a poor standard of internal and external amenity at the rear of this dwelling and within the private garden due to the sense of enclosure and shading caused by the proximity and scale of the trees and the extent of their canopies. As such, the application is contrary to saved policy HS4 of the Wirral Unitary Development Plan and paragraph 130 f) and 131 of the National Planning Policy Framework, which seeks to ensure developments create a high standard of amenity for existing and future users of land and buildings.</p> <p>The present application has been submitted in order to overcome these reasons. Plot 1 has been moved a further 3.6 metres to the south east in order to position the dwelling further from the protected trees. The application has been supplemented by a shading study which demonstrates that the level of shading within the garden of Plot 1 caused by the retained trees will not be unreasonable. The Council's Tree Officer has confirmed that they do not object to the principle of the application subject to close aboricultural</p>

	<p>supervision. The Tree Officer does caution that, "four plots leave little room for future growth of the existing mature trees in the NW end of the site, and it is mature trees that provide the most benefits in terms of ecosystem services". Whilst this caution is acknowledged it is considered that the proposed development will not harm retained trees and that the Council would be able to resist the removal of the trees by future occupants. The amenity of future residents of Plot 1, including the level of sunlight enjoyed by the house and garden is also considered to be of an acceptable quality.</p> <p>The proposal will result in the removal of 11 trees, none of which are protected. Three of these are to be removed due to Ash die-back, but the remainder are due to development. However, there are a significant number of mature trees to be retained and they will ensure that the heavily-treed character of the area is largely maintained. Further replacement planting is also proposed. Therefore, on balance, this is considered to be acceptable.</p> <p>With regard to the objection from Wirral Wildlife in relation to the failure to address bio-diversity net gain, this is not a requirement within the Wirral UDP, although it is proposed as a requirement in the emerging local plan. It is therefore considered that this requirement can be afforded only limited weight in the assessment of this application and as such it would not be a sustainable reason for refusal.</p>
<p>3.10 Amenity</p>	<p>The proposed dwellings will be a significantly greater distance from properties on the far side of Farr Hall Road, and plots 1 and 2 at 53 Farr Hall Drive, than the minimum 21 metre requirement. The proposal will not have a detrimental impact on these properties as a result of loss of privacy, loss of light or overbearing.</p> <p>3 Farr Hall Drive is at a lower elevation than the application site. There are no side facing windows in this property that would have privacy compromised by Plots 3 and 4. There is, however, a conservatory which is understood to have a clear glazed window facing toward Plot 4. Whilst the separation distance of 26 metres is considered to largely protect privacy within the conservatory, nonetheless as a precaution the applicant has agreed to omit the balcony previously proposed to the rear of Plot 4. The proposed development is not considered to harm the amenity of 3 Farr Hall Drive. Following a request by the case officer balcony screens have been proposed to the remaining three balconies to protect the privacy of the occupants of the proposed neighbouring gardens.</p> <p>The development achieves a separation distance of 31 metres between proposed Plot 1 and 2 Farr Hall Drive and this relationship further benefits from the fact that the dwellings will be at right angles to each other. The proposal will not harm amenity at this dwelling.</p> <p>Following a request by the case officer the applicant has submitted a drawing indicating that proposed Plot 4 will not be closer than a line taken at 45 degrees from the middle of any habitable room windows in 5 Farr Hall Road. The proposal is not considered to have a detrimental impact on the amenity of occupants of this dwelling.</p>
<p>3.11 Other (drainage)</p>	<p>A number of the objectors to the scheme have raised the issue of drainage and the fact that, in their experience, current provision is poor and there is a risk of systems becoming overloaded should the development go ahead. The objectors have also made contact with Welsh</p>

	<p>Water, who have requested that a condition is attached requiring submission of a drainage strategy to provide for the disposal of foul, surface and land water.</p> <p>It is commonly accepted that matters relating to drainage fall outside of the scope of the planning system. Nonetheless, it is apparent from the Environment Agency's surface water flood maps that the area does suffer from some surface water flooding issues. As such the applicant has submitted a drainage strategy. Welsh Water have confirmed that the drainage strategy is acceptable and have confirmed they have no objection to the application, subject to a condition ensuring that no surface water and/or land drainage is to be connected to the public sewerage network.</p>
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<p>Summary of Decision</p>	<p>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:-</p>
	<p>The proposal is considered to be of a scale and design that is acceptable to the character of the residential area. There are no significant impacts on the amenities of neighbours on every side. The proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties, and will provide acceptable living conditions for future occupiers, including light and outlook. The proposal will have an acceptable impact on trees and ecology. The highways implications of the proposal are acceptable. As such the proposal complies with Policies HS4, GR5, GR7, NC7, WA1 and TR9 of the adopted Wirral Unitary Development Plan, SPD2 and SPD4, and the National Planning Policy Framework.</p>

<p>Recommended Decision:</p>	<p>Conditional Approval</p>
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<p>Recommended Conditions and Reasons:</p> <p>1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p> <p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 30 June 2022 and listed as follows: 21-042-110, Rev M, 21-042-111 Rev E, 21-042-112 Rev C, 21-042-113 Rev B, 21-042-120 Rev F, 21-042-123, Rev B, 21-042-121 Rev F, 21-042-122 Rev B, 21-042-151 Rev E, 21-042-150 Rev E, 21-042-152 Rev B and 21-042-153 Rev B.</p> <p>Reason: For the avoidance of doubt and to define the permission.</p>
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3. No surface water and/or land drainage shall be connected directly or indirectly to the public sewerage network.

Reason: to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment and to comply with Policy WA1 (Development and Flood Risk).

4. 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.

Reason: in the interests of the privacy of neighbouring dwellings and to comply with Policy HS14 of the Wirral UDP.

5. Prior to the occupation of the dwellings hereby approved, details of bat boxes, including their number, type and location and the timing of their installation, shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall thereafter be installed in accordance with the approved details.

Reason: to compensate for the loss of the existing building that is considered to have moderate suitability for roosting bats and to comply with Policy NC7 of the Wirral UDP.

6. Details of external lighting for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is installed. The lighting shall thereafter be installed only in accordance with the approved details.

Reason: in the interests of protecting bat habitats and to comply with Policy NC7 of the Wirral UDP.

7. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on wild mammals:

A pre-commencement check for wild mammals;

All trenches and excavations should have a means of escape (e.g. a ramp);

Any exposed open pipe systems should be capped to prevent mammals gaining access; and

Appropriate storage of materials to ensure that mammals do not use them.

Reason: in the interests of protecting wild mammals and to comply with Policy NC7 of the Wirral UDP.

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

Reason: in the interests of protecting birds and to comply with Policy NC7 of the Wirral UDP.

9. 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: in the interests of protecting birds and to comply with Policy NC7 of the Wirral UDP.

10. The development hereby permitted shall be carried out only in accordance with the recommendations of the Arboricultural Method Statement and the Arboricultural Implications Assessment (dated 10 August 22 and 8 August 2022 respectively and both referenced TRE/AFHRH/Rev G).

Reason: in the interests of protecting trees on site and to comply with Policy GR7 of the Wirral UDP.

11. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

Reason: in the interests of protecting trees and to comply with Policy GR7 of the Wirral UDP.

12. Before any above ground construction commences, details of the 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 HS4 of the Wirral Unitary Development Plan.

13. Prior to first occupation of the dwellings hereby permitted, a full landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of replacement tree planting on site and shall be implemented in full no later than the first planting season following first occupation. Any trees or shrubs dying within 5 years of being planted shall be replaced with an equivalent species no later than the following planting season.

Reason: In the interests of residential amenity and having regards to the Wirral Unitary Development Plan

Last Comments By:	08-August-2022
Expiry Date:	15-September-2022

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PLANNING COMMITTEE

13 OCTOBER 2022

REPORT TITLE	DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - PLANNING APPLICATIONS
REPORT OF	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service with regard to determining planning applications. The report outlines performance against government targets in terms of the speed of processing all applications.

This matter affects all Wards within the Borough.

RECOMMENDATION

It is recommended that the report be noted.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 To enable Members to be updated on the performance of the Development Management Service with regard to determining planning applications.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 As this report is for information no alternative options are recommended.

3.0 BACKGROUND INFORMATION

Development Management Performance Indicators

- 3.1 The Government's Performance Indicator in relation to Development Management performance is NI157. The indicator has 3 subdivisions as set out below.

(a) NI157 (a) – Major Applications

The Government's target is for 60% of major applications to be determined in 13 weeks. Major applications are defined as residential development of 10 or more units or retail/ commercial development of 1,000 square metres or more of additional floor area.

(b) NI157 (b) – Minor Applications

The Government's target is for 65% of minor applications to be determined in 8 weeks. Minor applications are defined as residential development of less than 10 units or retail/commercial development of less than 1,000 square metres of additional floor area.

(c) NI157(c) – Other Applications

The Government's target is for 80% of other applications to be determined in 8 weeks. Other applications include advertisements, conservation area, listed building and householder proposals. Householder applications are not included as a separate National Indicator. However, they comprise about 60% of all applications submitted to the Council and their handling is therefore a key issue in performance terms.

Additional measures introduced to address issues with underperforming Authorities

- 3.2 Section 62A of the Town and Country Planning Act 1990 allows certain applications to be made directly to the Secretary of State for Levelling Up, Housing and Communities where the local planning authority is deemed to be underperforming. The two criteria used to assess whether Local Authorities are performing to the required standard are Speed of Decisions and Quality of Decisions.

Speed of Decisions

- 3.3 The measure to be used is the percentage of decisions on applications for major development made:

- (i) within the statutory determination period; or

(ii) within such extended period as has been agreed in writing between the applicant and the local planning authority.

Currently 60% of Major applications must be determined either within 13 weeks or within the extended period agreed with the applicant.

- 3.4 In addition, the Secretary of State also monitors performance for Minor and some other category applications. In these cases, 70% of applications must be determined either within 8 weeks or within the extended period agreed with the applicant.

Quality of Decisions

- 3.5 The measure to be used is the percentage of decisions on applications for Major development that have been overturned at appeal, once nine months have elapsed following the end of the assessment periods recorded in the data collected by the Department for Levelling Up, Housing and Communities.
- 3.6 Currently the threshold for designation is 10% or more of an authority's decisions on applications for Major and Non-Major applications being overturned on appeal.

Commentary on Annual Performance – National and Local Targets

- 3.7 The table below includes overall figures for 2019/20 and 2020/21, together with figures for all four quarters of 2021/22.

For clarity, Q1 2022/23 relates to the period 1 April to 30 June 2022:

Table 1 Performance

Planning Applications	2019/20 Year	2020/21 Year	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	2021/22 Year	Q1 2022/23
Majors (applications determined within 13 weeks)	87% (41/47)	85% (34/40)	100% (4/4)	100% (3/3)	90% (9/10)	100% (9/9)	96% (25/26)	100% (4/4)
Minors (applications determined within 8 weeks)	87% (238/274)	85% (212/250)	85% (47/55)	78% (56/72)	74% (48/65)	89% (48/59)	79% (199/251)	69% (36/52)
Others (applications determined within 8 weeks)	93% (897/960)	93% (854/922)	89% (234/263)	86% (275/319)	89% (266/299)	91% (242/267)	91% (1017/1121)	89% (193/216)
All (all application types determined)	92% (1176/1281)	91% (1100/1212)	89% (285/322)	85% (334/394)	86% (323/374)	89% (299/335)	87% (1238/1398)	86% (233/272)

within designated timescales)								
Householders (Householder applications determined within 8 weeks)	95% (705/743)	95% (730/770)	90% (209/233)	87% (249/287)	92% (234/254)	91% (242/267)	89% (692/774)	92% (170/185)

- 3.8 The Service again surpassed the requirements for Major, Minor and Other targets in 2021/22. However, Q1 2022/23 shows a decline in the number of minor applications being determined within the statutory period, which may be attributed to the introduction of the Council's new IT system for Development Management.
- 3.9 Performance in relation to major applications remains strong with all being determined within the statutory 13/16-week period or within the extended period agreed between the Council – reflected in the figures for Q1 2022/23 (100%, 4 from 4).
- 3.10 Performance over the aforesaid timeframe has remained generally consistent; however, closer examination of the statistics reveals an increased reliance on extensions of time. Whilst this, of itself, is not overly concerning, it is a performance measure on which the Council is monitored in its returns to central government and therefore is a matter for monitoring.
- 3.12 Performance on Householder applications remains consistent. However, with the challenges involved in the introduction of the new IT system coupled with officers having to change their adopted ways of working to accommodate this, it is predicted that there will be a decline in determination rates in Q2 of 2022/23. The Council is exploring the use of a fast-track system to expedite householder applications where no material objections are received to improve response times.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from this report.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 There is a risk of government intervention if performance falls below the Department for Levelling Up, Housing and Communities' targets. This report seeks to monitor performance and manage the risk

8.0 ENGAGEMENT/CONSULTATION

8.1 This report is factual so there has been no consultation on its contents.

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 There are no direct community wealth implications arising from this report.

REPORT AUTHOR: Mitchell Kitts
Development Management Manager
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APPENDICES

None

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years) Council

Council Meeting	Date
Planning Committee	11th February 2021
Planning Committee	15th July 2021
Planning Committee	14th October 2021
Planning Committee	10th February 2022

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PLANNING COMMITTEE

13 OCTOBER 2022

REPORT TITLE	DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- PLANNING APPEALS
REPORT OF	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service regarding planning appeals, including the percentage of the Council's decisions overturned (on appeal) by the Planning Inspectorate.

This matter affects all Wards within the Borough.

RECOMENDATION

It is recommended that the report be noted.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

1.1 To enable Members to be updated on the performance of the Development Management Service regarding planning appeals, including the percentage of Council decisions overturned on appeal by the Planning Inspectorate.

2.0 OTHER OPTIONS CONSIDERED

2.1 As this report is for information no alternative options are recommended.

3.0 BACKGROUND INFORMATION

3.1 The Government has prescribed a Performance Indicator relating to appeals arising from the Council's refusal of planning permission. The Performance Indicator measures the Council's appeals performance in the form of the percentage of appeals allowed.

3.2 This indicator is concerned only with planning applications where the Council has refused planning permission. It does not include planning appeals against conditions and non-determinations. Target setting for this indicator is at a local level and there is no prescribed national target. As a general comparison the national average for the number of appeals allowed is around 33% per year.

Commentary on Performance

3.3 Performance is reported for Members on a quarterly basis. These will be reported as follows:

- Q1 relates to the period 1 April to 30 June 2022

3.4 The following table shows the data for the last three full performance years, together with the performance data for the first quarter of the current reporting year:

Planning Appeals	2019/20 Year	2020/21 Year	2021/22 Year	2022/23 Year to date (Q1)
Planning Appeals allowed as a percentage of appeals determined	25% 9 appeals allowed out of 36 Appeals	31% 11 appeals allowed out of 35 appeals	20% 10 appeals allowed out of 50 appeals	35% 5 appeals allowed out of 14 appeals

3.5 Thus far within the first quarter 2022/23, there have been 5 appeals allowed from a total of 14 appeal decisions. The appeals allowed within this first quarter were:

- APP/21/01998 – 122 Allport Road – Change of use from bakery to drinking establishment
- APP/21/02221 – 9 Radley Road – Conservatory

- APP/21/01986 – 16 Kings Lane – Single Storey Rear Extension
- APP/21/00991 – 837-839 Corporation Road – Change of use of service yard to storage of containers
- APP/21/01534 – 317 Hoylake Road – Fencing

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from this report.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 There is a risk of government intervention if performance falls below what is considered acceptable. This report seeks to monitor performance and manage the risk.

8.0 ENGAGEMENT/CONSULTATION

8.1 This report is factual so there has been no consultation on its contents.

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 There are no direct community wealth implications arising from this report.

REPORT AUTHOR: Mitchell Kitts
Development Management Manager
 Email: mitchellkitts@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years) Council

Council Meeting	Date
Planning Committee	11th February 2021
Planning Committee	15th July 2021
Planning Committee	14th October 2021
Planning Committee	10th February 2022



PLANNING COMMITTEE

13 October 2022

REPORT TITLE:	DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- ENFORCEMENT ACTIVITY BETWEEN 1 JANUARY 2022 TO 31 MARCH 2022, AND 1ST APRIL 2022 TO 30TH JUNE 2022.
REPORT OF:	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period of 1st January 2022 to 31st March 2022, and 1st April 2022 to 30th June 2022.

The performance of the enforcement service will be reported to Planning Committee on a quarterly basis.

This matter affects all Wards within the Borough.

RECOMMENDATIONS

It is recommended that the report be noted.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 To enable Members to be updated on the performance of the Development Management Service with regard to its enforcement activity.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 As the Council's enforcement activity is being undertaken in accordance with the Council's Planning Enforcement Policy, no alternative options are recommended.

3.0 BACKGROUND INFORMATION

Performance and Workloads

- 3.1 The Council's Planning Enforcement Policy sets out how the enforcement service will be delivered and defines the standards to be met. The Council aims to send an acknowledgement letter to the complainant within 5 working days of receipt of the enquiry and to conduct a first site visit within 15 working days.
- 3.2 The Council also aims for 80% of cases to reach a 'key milestone' within 13 weeks of receipt of the initial enquiry. A key milestone is one of the following dates on which:
- it is established that there has been no breach of planning control;
 - a retrospective planning application is submitted;
 - a breach of planning control is remedied through negotiation;
 - it is deemed not to be expedient to take formal enforcement action;
 - formal action (such as the service of an enforcement notice) is taken; or
 - it is established that the time limit has passed for the Council to take enforcement action.
- 3.3 The following table sets out the performance of the enforcement service between 1st January 2022 and 31st March 2022.

Total number of enforcement cases opened	No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks	No. of cases closed
97	88	59%	78

- 3.4 The following table sets out the performance of the service between 1st April 2022 and 30th June 2022.

Total number of enforcement cases opened	No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks	No. of cases closed
74	81	63%	88

3.5 The majority of the Planning Enforcement team's work remains reactive, responding to reports about possible breaches of planning control.

Formal Enforcement Action

3.6 Paragraph 59 of the National Planning Policy Framework states 'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control....'

3.7 Formal action should only be taken as a last resort when all attempts to resolve the matter informally have been exhausted. Formal notices (being enforcement notices or breach of condition notices) are therefore, only served in cases where negotiation has not proven successful, and it is expedient to do so. The majority of cases are resolved through negotiation.

3.8 Between 1st January 2022 and 30th June 2022, no enforcement notices were issued.

3.9 Two Planning Contravention Notices (being requisitions for information about site ownership and activity on the land) were issued between 1st January 2022 and 30th June 2022.

Key Successes

3.10 Examples of some of the key successes achieved during the first two quarters of the calendar year 2022 are set out below.

(i) **77 Chester Street, Birkenhead.** An enforcement notice was issued on 27th April 2020 requiring the demolition of an unauthorised extension and removal of a refrigeration unit from the land. The owner of the land failed to comply with the requirements of the enforcement notice and was prosecuted for that offence in the Magistrates Court on 24th February 2022. The defendant was fined £2,500 and ordered to pay the Council's costs of £5,200. Compliance with the requirements of the enforcement notice was finally achieved by the end of September 2022.

(ii) **67 Chester Street, Birkenhead.** An enforcement notice was issued on 17th November 2020 requiring the demolition of an unauthorised extension. Compliance with the enforcement notice was achieved in August 2022.

(iii) **Thornton Manor.** Officers have been monitoring compliance with the

enforcement notices that were upheld at appeal on 21st January 2022. The marquees at the Lakeside and the Dell have been dismantled. The main body of the Walled garden marquee has also been dismantled and at the time of writing this report, work has started on the dismantling of the annex to the Walled garden Marquee.

- (iv) **120 Shrewsbury Road, Birkenhead.** The dwellinghouse was purchased by a company and brought into use as a mixed use of a dwelling house and an events venue for weddings, corporate events, fundraising events etc. The frequency, scale and character of the events resulted in a material change of use of the land and therefore constituted a breach of planning control. Officers have secured the cessation of the unauthorised use without the need to take formal action.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

- 5.1 Section 172 (1) of the Town and Country Planning Act 1990 provides that the Council may issue an enforcement notice where it appears to the Council that
- (a) ...there has been a breach of planning control; and
 - (b) ... it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.'
- 5.2 The above provision is reflected in Paragraph 59 of the National Planning Policy Framework which confirms the statutory position that planning enforcement action is discretionary.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The number of enforcement complaints (new cases) received by the Council continues to remain higher than the average received in previous years.
- 6.2 This increase in volume of work has placed the service under considerable pressure with workloads in the team increasing as a result. Recruitment is underway for an Assistant Enforcement Officer for a fixed term of 12 months to assist with investigating the increased volume of cases received. The demand for enforcement action and the resources available will be closely monitored.

7.0 RELEVANT RISKS

- 7.1 There are risks that:
- (a) Enforcement Notices are subject to challenge by way of appeal to the Planning Inspectorate; or
 - (b) Any Breach of Condition Notice is successfully judicially reviewed by the recipient (there being no appeal against such notice).

7.2 The above risks can be mitigated by ensuring that:

- (a) enforcement activity is carried out having regard to the provisions of the development plan and other material considerations; and
- (b) the justification for issuing an enforcement notice or serving a breach of condition notice is set out in a clearly reasoned report.

8.0 ENGAGEMENT/CONSULTATION

8.1 This report is factual so there has been no consultation on its contents.

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 aim of planning enforcement is to secure the lawful use of land that is the subject of suspected breaches of planning control.

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APPENDICES

Not applicable

BACKGROUND PAPERS

Council Enforcement Policy
Planning Enforcement Policy

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee	10 th February 2022
Planning Committee	14 th October 2021
Planning Committee	15 th July 2021
Planning Committee	10 th February 2021

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.