

## APPENDIX 3.4

### DEVONSHIRE PARK NEIGHBOURHOOD PLAN – REPORT OF RESPONSES TO PRE-SUBMISSION CONSULTATION

Respondent	Response Code	Summary of Comments Received	Forum Response	Change Proposed
English Heritage (Emily Hrycan)  Letter dated 9 July 2013	DPNP01/01	Welcomes that the plan recognises the importance of local character and that it has a positive strategy for the historic environment, as required by the National Planning Policy Framework.	Proposed policies are supported	No change to the plan required.
English Heritage (Emily Hrycan)  Letter dated 9 July 2013	DPNP01/02	The plan would benefit from reference to any designated heritage assets, in this case the Church of St Joseph	An amendment could be made to the supporting text to make it clear that any future development will be required to relate well with surrounding properties and ensure provision for the protection of the historic environment in line with the adopted development plan.	Insert new paragraph 7.4 to read: ' <u>Planning applications will need to show how future development will relate well with surrounding properties and demonstrate that provision is made for preserving or enhancing the quality and setting of existing buildings of local character or historic and archaeological interest in accordance with the relevant adopted Development Plan policies for Wirral. St Joseph's Church, a grade II listed building with distinctive early English-style exterior in ruabon red brick, terracotta dressings, lancet widows and arched braced roofs, together with high quality features and fittings throughout, is worthy of special protection in its own right.</u> '
English Heritage (Emily Hrycan)  Letter dated 9 July 2013	DPNP01/03	Suggestion that the County Archaeological Advisory Service is contacted for details on locally important buildings/designated heritage assets.	Merseyside Archaeological Service (Mark Adams, Comment DPNP07) indicates that the service previously provided by National Museums Liverpool no longer exists. Arrangements have since been made to transfer records to the Merseyside Environmental Advisory Service, who has advised that the new service is not yet able to provide a definitive	Insert additional comment to address archaeology in new paragraph 7.4, as set out above in the response to DPNP01/02.

			response. The plan can, however, be revised to sign-post the need to address archaeology as part of the requirements of the Council's wider strategic policies within the supporting text to Draft DP Policy 1.	
English Heritage (Emily Hrycan)  Letter dated 9 July 2013	DPNP01/04	Suggestion that local voluntary groups are included in the preparation of the plan.	Previous consultation has included a wide range of community representatives as set out in the consultation statement that accompanies the plan submitted to the Local Planning Authority. The comments of the Wirral Society are recorded at DPNP12 below.	No change to the plan required.
Wirral Wildlife (Hilary Ash)  Email dated 8 July 2013	DPNP02	Support the two proposed policies and particularly Aim 4, for the retention or restoration of gardens and tree-scape.	Proposed policies are supported	No change to the plan required.
Health and Safety Executive (Allison Chippendale)  Letter dated 8 July 2013	DPNP03	Confirmation that the plan area does not encroach on the consultation zones of any major hazard installations or MAHPs and that the HSE have no representation to make.	No Issues raised	No change to the plan required.
National Trust (Alan Hubbard)  Email dated 3 July 2013	DPNP04	Confirmation that the National Trust has no particular observations to make in response to the consultation.	No Issues raised	No change to the plan required.

Highways Agency (Steve Eccles) 7th June 2013	DPNP05	Welcomes the aim of maintaining a sustainable neighbourhood and confirms that it is not anticipated that the plan will have any significant impact on the Strategic Road Network.	No issues raised	No change to the plan required.
Environment Agency (Stephen Sayce)  Letter dated 18 July 2013	DPNP06	No comments in response to the plan	No Issues raised	No change to the plan required.
Merseyside Archaeological Service, National Museums Liverpool (Mark Adams)  Email dated 3 June 2013	DPNP07	The service no longer exists and National Museums Liverpool no longer provides advice of the type requested	This issue is now addressed in response to comments by English Heritage at DPNP01/03 above.	No change to the plan required.
The Co-operative Estates (Annette Elliott)  Email dated 6 June 2013	DPNP08	No comment other than change of contact details	No Issues raised	No change to the plan required.
Natural England (Kate Wheeler)  Letter dated 11 July 2013	DPNP09/01	Does not consider that the plan will pose any likely significant risk to internationally or nationally designated conservation sites and so does not wish to make any specific comments on the plan.	No Issues raised	No change to the plan required.

<p>Natural England (Kate Wheeler)</p> <p>Letter dated 11 July 2013</p>	<p>DPNP09/02</p>	<p>Advice to consider whether the plan will have any impact on legally protected species</p>	<p>Protected species are subject to separate legislation. Protection is provided by the Council's strategic policies which will continue to apply in addition to the neighbourhood plan.</p>	<p>No change to the plan required.</p>
<p>Berkley Partnership (Peter Berkley)</p> <p>Letter dated 10 July 2013</p>	<p>DPNP10/01</p>	<p>Criticises the classification of apartments and Houses in Multiple Occupation as one and the same category of development. They are in legal terms separate use classes. Failing to recognise this distinction is a fundamental flaw in the plan</p>	<p>The plan does not seek to classify development, which is the remit of the Use Classes Order: SI 1987 No.764 as amended. Draft DP Policy 1 could, however, be amended to simplify the wording and the supporting text could be amended to reflect the definition of 'dwelling house' contained in section 1(2) of the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995 No. 418) and the definition of houses in multiple occupation.</p>	<p>Amend Draft DP Policy 1 to read: 'The provision of <del>new single occupancy family housing (Use Class C3)</del> either <u>dwelling houses</u> through new development or <u>through the conversion or change of use of existing flats, apartments or HMO's or applications for the change of use to Class C3 from other property classes (e.g. Class C2 or C4) buildings</u>, will be <u>favourably considered supported</u> within the Neighbourhood Plan Area, <u>subject to the following design criteria being satisfied in order to restore and preserve the predominant character of the Villa Estate:</u></p> <p>And insert a new paragraph 7.6 to read: '<u>The definition of a dwelling house will be the same as in the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995 No. 418, as amended) and does not include a building containing one or more flats or a flat contained within such a building.</u>'</p> <p>And add a footnote to paragraph 7.7 to read: '<u>Uses falling within Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and sui generic uses for which no Use Class is specified</u>'.</p>

<p>Berkley Partnership (Peter Berkley)</p> <p>Letter dated 10 July 2013</p>	<p>DPNP10/02</p>	<p>The proposed policies will prevent reasonable development satisfying local standards from taking place</p>	<p>The proposed plan does not seek to prevent reasonable development. It identifies types of development, which according to the evidence base could cause harm to the character of the plan area.</p>	<p>No change to the plan required.</p>
<p>Berkley Partnership (Peter Berkley)</p> <p>Letter dated 10 July 2013</p>	<p>DPNP10/03</p>	<p>The Council's emerging Core Strategy encourages the re-use of vacant properties to promote regeneration. The neighbourhood plan should comply with the local development plan.</p>	<p>The proposed plan does not seek to prevent the re-use of vacant properties. It makes provision for additional housing as well as identifying types of development which according to the evidence base would cause harm to the character of the plan area. Compliance with the local development plan is addressed in the Basic Conditions Statement submitted to the Local Planning Authority.</p>	<p>Amend paragraph 8.2 to read: 'The Neighbourhood Plan is consistent with the policies of the Council's Unitary Development Plan, particularly Policy HS4, which requires new housing development to comply with all of its policies, including that the proposal does not result in a detrimental change in the character of the area; <u>and with the vision, objectives, broad spatial strategy and local priorities of the Council's emerging Core Strategy Local Plan including Proposed Submission Draft Policy CS21 – Criteria for New Housing Development.</u>'</p> <p>And amend paragraph 8.3 to read: 'The proposed policies of the Neighbourhood Plan are specific to the area and based on clear evidence and the views of residents <u>and will be implemented alongside the other relevant policies of the adopted Development Plan for Wirral.</u>'</p>
<p>Berkley Partnership (Peter Berkley)</p> <p>Letter dated 10 July 2013</p>	<p>DPNP10/04</p>	<p>Disappointed at not to receive a direct notification of the publication of the draft plan and critical of lack of information for sending hard copy representations.</p>	<p>Consultation and notification has been carried out in accordance with planning legislation, as set out in the consultation statement submitted alongside the plan submitted to the Local Plan Planning Authority for examination. The public notice clearly stated the address to which comments, hard copy or otherwise, could be sent.</p>	<p>No change to the plan required.</p>

Berkley Partnership (Peter Berkley)  Letter dated 10 July 2013	DPNP10/05	Critical of the lack of street names on the boundary plan included in the draft plan	It is considered that the map was sufficient to identify the plan area but that a larger scale plan showing street names could be included in the version of the plan to be formally submitted to the Local Planning Authority for examination.	Revised plan of the area included to show street names at Figure 1
Wirral Society (Rod Tann)  Response dated 10 July 2013	DPNP11/01	Plan seems successful in reflecting the main concerns of local people. Recognises the good preparatory work undertaken.	Proposed policies are supported	No change to the plan required.
Wirral Society (Rod Tann)  Response dated 10 July 2013	DPNP11/02	Documents well presented and clearly written but map too small and the inclusion of photographs would have been beneficial.	An enlarged map could be provided as part of the documents to be formally submitted to the Local Planning Authority. Photographs of sample street scenes could be included to illustrate the distinctive character of the area as part of the final publication of the adopted plan.	Amended plan at larger scale included at Figure 1.  Appropriate photographs may be included in the final print version of the neighbourhood plan when adopted.
Wirral Society (Rod Tann)  Response dated 10 July 2013	DPNP11/03	Support for Policy DP1 including a return to single occupancy wherever possible, restrictions on open frontages and the need to complement neighbouring properties.	Proposed policies are supported	No change to the plan required.
Wirral Society (Rod Tann)  Response dated 10 July 2013	DPNP11/04	Support for Policy DP2 and desire to end the conversion of properties in single occupancy to multi-occupancy.	Proposed policies are supported	No change to the plan required.

<p>United Utilities 24th July 2013</p>	<p>DPNP12</p>	<p>Water infrastructure assets serving the area are located outside the plan boundary. Any new development that would need these assets to be expanded would need to be considered the Local Planning Authority. Ground water protection zones in the area may restrict location, type, scale and use of development. The Environment Agency can provide further guidance.</p>	<p>Devonshire Park is an established residential area and the plan does not anticipate significant levels of new development due to the proposed controls on flats and houses in multiple-occupation. Ground water protection zones 2 &amp; 3 identified by the Environment Agency cross the neighbourhood area. Developers will however need to consider other development plan policies at the conceptual stage in the design process along with any additional statutory responsibilities for preventing pollution of ground water and managing surface water run off, which could be clarified in the supporting text to Draft DP Policy 1.</p>	<p>Insert a new paragraph 7.5 to read: <u>'Developers will also be required to address other relevant adopted Development Plan policies for Wirral along with any additional statutory responsibilities for the prevention of groundwater contamination and the appropriate management of surface water run-off.'</u></p>
<p>Landor Associates (Edward Landor)  Letter dated 9 July 2013</p>	<p>DPNP13/01</p>	<p>The Plan makes no reference to conformity with the strategic policies of the Council's emerging Core Strategy Local Plan</p>	<p>Existing Development Plan policies were set out in Appendix 3 to show how the proposed neighbourhood plan was in general conformity. Reference to the proposed Core Strategy Local Plan was made at paragraph 6.1 of the draft plan. Although the draft neighbourhood plan is considered to be in general conformity with the emerging strategic policies, the emerging Local Plan carried little weight at the time of consultation. This weight will increase as the plan progresses to adoption. Compliance with the emerging Core Strategy is now addressed in the Basic Conditions Statement submitted to the Local Planning Authority.</p>	<p>Amend paragraph 8.2 in line with the wording set out in response to DPNP10/03 above.</p>

<p>Landor Associates (Edward Landor)</p> <p>Letter dated 9 July 2013</p>	<p>DPNP13/02</p>	<p>No justification is provided for the changes made to the pilot plan, no reference is made to previous responses and no clear audit trail has been provided.</p>	<p>The initial neighbourhood plan was presented in the context of the Government's Neighbourhood Planning 'Front Runner Project'. This has been superseded and the current proposals have now been developed under the Government's more recent Neighbourhood Planning Regulations. The consultation statement accompanying the plan submitted to the Local Planning Authority demonstrates how issues and concerns raised in response to consultation under Regulation 14 have been considered and addressed.</p>	<p>No change to the plan required.</p>
<p>Landor Associates (Edward Landor)</p> <p>Letter dated 9 July 2013</p>	<p>DPNP13/03</p>	<p>Evidence is suspect with regard to data on house types and household composition because of the combination of ONS data from the 2011 Census and estimated figures which pre-date the 2011 Census.</p>	<p>The evidence is factual and is based on the Council's most up-to-date property records from April 2011 and on data from the 2011 Census (ONS), including for Lower Layer Super Output Areas Wirral – 021C (E01007179, 18.73%), 022A (E01007180, 71.25%) and 022B (E01007181, 4.79%). Property data has been verified by Council Officers and by the Devonshire Park Residents Association.</p>	<p>References to older data have been removed. Remaining data have been checked and updated to 2011. Relevant data tables are now also included in an Appendix to the accompanying Basic Conditions Statement.</p>
<p>Landor Associates (Edward Landor)</p> <p>Letter dated 9 July 2013</p>	<p>DPNP13/04</p>	<p>There is a pre-occupation with household composition and what constitutes a 'family' including references to 'family housing' and 'family balance' which are not defined.</p>	<p>It is accepted that the term 'family' is not defined in planning legislation but 'dwelling house' is defined in section 1(2) of the General Permitted Development Order and 'does not include a building containing one or more flats, or a flat contained within such a building'.</p> <p>The intention of the plan is to control</p>	<p>Relevant amendments to Draft DP Policy 1 and to the supporting text are set out in response to DPNP10/01 above.</p> <p>Relevant amendments to Draft DP Policy 2 are set out in response to DPNP13/06 below.</p> <p>It is now proposed to address residential institutions and hostels in a new separate</p>



			the disproportionate and harmful addition of further flatted accommodation, houses in multiple-occupation, residential institutions and hostels. The amendments proposed to Draft DP Policy 1 and Draft DP Policy 2 seek to clarify the community's support for houses designed for single family occupancy and the need to preserve the character of the area rather than to dictate any particular household composition.	policy, DP Policy 3.
Landor Associates (Edward Landor)  Letter dated 9 July 2013	DPNP13/05	The legal distinction between flats and Houses in Multiple Occupation is not considered. The approach is unsound and could result in distorted outcomes, particularly as changes of use from Use Class C3 to Use Class C4 are permitted development.	The plan does not seek to re-classify development, which is the remit of the national Use Classes Order (SI 1987 No.764 as amended). The policies are only intended to be applicable to development which is subject to a formal planning application and nothing in the draft plan indicates that permitted development rights will be restricted. Amendments could however be made to Draft DP Policy 2 and its supporting text to clarify that it will only apply to development for which a planning application is required.	Amend Draft DP Policy 2 and the supporting text as set out in the response to DPNP13/06 below.  And add a footnote to paragraph 7.7 to read: ' <u>Uses falling within Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and sui generic uses for which no Use Class is specified</u> '.
Landor Associates (Edward Landor)  Letter dated 9 July 2013	DPNP13/06	Policy 2 is incomprehensible and incapable of application	Draft DP Policy 2 made it clear that new development or the conversion of existing properties into multiple flats, apartments or houses in multiple-occupation would diminish the character of the plan area. The intention was to only make provision to accommodate such development when the local concentration fell below the average for Wirral as	Amend Draft DP Policy 2 to read: ' <del>Any new development or conversion of existing properties into multiple</del> <u>Applications for additional flats, maisonettes or apartments, or HMO's including converted or shared houses,</u> <del>will further diminish the unique character of this Villa Estate and will only be supported when the numbers of such developments not be permitted within the Neighbourhood Area falls below</del>

			<p>published in national statistics. Draft DP Policy 2 could, however, be amended to make the Plan's intentions simpler and clearer, on the basis of the evidence base alone, without the need to refer to potentially complicated calculations.</p>	<p><u>nationally published statistics for the area unless the following criteria are met: (1) a clear local specific need within Devonshire Park is demonstrated; and (2) the proposals comply with the design criteria set out in Policy 1; and (3) the development proposed would not detract from the unique character of the Villa Estate.'</u></p> <p>And insert a new paragraph 7.12 to read: <u>'As there is already an apparent over-provision of this type of property within the Plan Area, compared to the Borough average, applicants will need to demonstrate a clear local housing need exists within the Plan Area before any additional provision requiring planning permission will be approved.'</u></p> <p>And insert a new paragraph 7.13 to read: <u>'The Borough average for the provision of flats, maisonettes or apartments including converted or shared houses and houses of multiple occupation, will be calculated from nationally published datasets for the Borough, such as the 2011 Census (Table KS401EW or equivalent).'</u></p> <p>And insert a new paragraph 7.14 to read: <u>'The proportion of flats, maisonettes or apartments including converted or shared houses and houses of multiple occupation, within the Plan Area, will be calculated from the Council's Local Land and Property Gazetteer, supplemented by local survey information, where available.'</u></p> <p>And insert a new paragraph 7.15 to read:</p>
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				<u>'The figures in Table 1 above will be held to apply until equivalent alternative figures are made available.'</u>
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