

WIRRAL COUNCIL

PLANNING COMMITTEE

19 February 2015

SUBJECT:	Installation of metal cabinet on pavement to front of 27 Rose Mount, Oxton, Wirral
WARD/S AFFECTED:	Oxton
REPORT OF:	Strategic Director Regeneration and Environment
RESPONSIBLE PORTFOLIO HOLDER:	Councillor Pat Hackett
KEY DECISION?	No

COMPLAINT REF: ENF/14/00358

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to advise members of the unauthorised installation of a metal cabinet on the pavement to the front of 27 Rose Mount, Oxton, Wirral.

2.0 RECOMMENDATION/S

2.1 It is recommended that it is not expedient to take enforcement action requiring the cabinet to be removed.

3.0 REASON/S FOR RECOMMENDATION/S

3.1 The cabinet is small in scale and is not considered to have a detrimental impact on the character of the street scene or the conservation area as a whole.

4.0 BACKGROUND AND KEY ISSUES

4.1 The Council received a complaint regarding the installation of a metal cabinet on the pavement to the front of the off license at 27 Rose Mount.

4.2 The cabinet measures approximately 1metre in height by 1metre in width by 30cm in depth and is blue in colour. The cabinet is similar in appearance to the type of cabinet used by statutory undertakers across the Borough.

4.3 The installation of the cabinet amounts to operational development and is not permitted by any part of the General Permitted Development Order. The cabinet therefore requires planning permission.

4.4 The Council has written to the manager of the off license to advise that planning permission is required and to request that steps be taken to remedy the breach of planning control.

4.5 The manager has informed the Council that the cabinet is used to take delivery of newspapers in the early hours of the morning, before the off license is open.

4.6 Despite having received assurances from the owners of the premises that a retrospective planning application would be submitted, at the time of writing this report,

no planning application has been received.

4.7 The Council's highways department have no objection to the cabinet that has been sited on the pavement given that it is small in scale and does not obstruct the use of the pavement.

4.8 National guidance sets out that an enforcement notice should only be issued against a breach of planning control where it is considered expedient to do so, and not solely to remedy the absence of a planning application. It is therefore recommended that the cabinet is acceptable in planning terms and that it is not expedient to take enforcement action.

5.0 OTHER OPTIONS CONSIDERED

5.1 The Council could issue an enforcement notice requiring the cabinet to be removed, if it is considered expedient to do so.

6.0 CONSULTATION

6.1 The Council's traffic and transport division are aware of the cabinet and have confirmed that it does not cause any obstruction to the use of the highway.

6.2 The complainant has raised objection to the appearance of the cabinet and the noise generated when opened and closed at unsociable hours.

6.3 As outlined above, the Council does not consider the appearance of the cabinet to be unacceptable given that it is very similar in appearance to the type of cabinet used by statutory undertakers, which are common place on the highway.

6.4 Any complaint regarding noise generated by the opening and closing of the cabinet should be addressed to the Council's Environment Health department to assess whether it amounts to a statutory nuisance.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are no direct implications arising from this report

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 There are no direct implications arising from this report

9.0 LEGAL IMPLICATIONS

9.1 The Town and Country Planning Act 1990 sets out that a breach of planning control does not constitute an offence.

10.0 EQUALITIES IMPLICATIONS

10.1 There are no direct implications arising from this report

11.0 CARBON REDUCTION IMPLICATIONS

11.1 There are no direct implications arising from this report

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 Planning permission is required for the metal cabinet.

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APPENDICES

Site plan

REFERENCE MATERIAL

National Planning Policy Framework

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf

National Planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

