

Addendum to Planning Committee 9th November 2023

The Levelling up and Regeneration Act 2023- all items.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.’

This has however been amended by Section 93(2) of The Levelling up and Regeneration Act 2023 so that section 38(6) of the 2004 Act now requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise”.

The amendment sees the introduction of the word strongly (underlined above) and the amendment should be applied to the following sections of the committee reports published in the agenda for this meeting of the Planning Committee:

Agenda item 5: section 3.3 Development Plan, and Summary of Decision (Planning Balance).

Agenda item 6: section 3.3 Development Plan, and Summary of Decision (Planning Balance).

Agenda item 7: section 6 Development Plan, and section 9 Summary of Decision (Planning Balance).

Item 5- APP/22/00662- amendment to recommendation, allowing refusal of planning application if s.106 agreement not signed.

The recommended decision set out at the end of the report is proposed to be amended to read:

That the Director of Regeneration and Place be authorised to approve the application subject to the following conditions and subject to the completion of an agreement pursuant to section 106 of the Town and County Planning Act 1990 to be prepared, in accordance with the heads of terms set out in section 3.11 of this report. That the Director of Regeneration and Place be authorised to refuse the application in the event that a satisfactory section 106 agreement is not received within 6 months of the date on which Planning Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.

Item 6 – APPH/23/00355- additional information relating to objection received.

Following further review of the objections received, it has become apparent that one objection raised is not listed in the summary of representations set out in the report. The objection sets out that the hedging to the side of the site between the boundary of 71 and 73 The Village included a tree which was removed without consent by the previous owner of the site. It was removed in approximately late 2019 or early 2020 according to the planning agent.

The removal of this tree was not required to implement the proposal. It is an enforcement matter and is not a material planning consideration of this application.

Item 7 – APP/23/00282- amendment to conditions 7 and 8.

Conditions;

Condition 7 is recommended to be reworded to require the implementation of refuse storage and cycle storage details already submitted with the application;

7. Prior to first occupation of the development hereby approved, the secure cycle storage and refuse storage structures as shown on approved drawings PLAN 01 Revision B (Proposed Site Plan) and PLAN 06 (Refuse and Cycle Stores Plans and Elevations) shall be constructed strictly in accordance with the hereby approved plans, made available for use and be retained in situ in perpetuity.

Reason: To ensure satisfactory provision is made for the storage of refuse and cycles in the interests of amenity and to accord with the objectives of saved policies HS4 and TR12 of the Wirral Unitary Development Plan and Policy WM of the Joint Waste Local Plan.

Condition 8 is recommended to be reworded to allow demolition to take place prior to the submission and approval of drainage details;

8. No development shall commence (excluding any demolition works) until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and retained as such thereafter.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.