

Reference:	PS Development Code	Case Officer:	Ward:
APP/24/00444	Q13 - Minor Dwellings	Mr P Roberts	Seacombe

Location:	Jacksons Furniture, 106 - 116 St Pauls Road, Seacombe, Wallasey, Wirral, CH44 7AW
Proposal:	Demolition of existing buildings and erection of 6 houses (Use Class C3) and associated works.
Applicant:	Mr Suken Shah
Agent:	Mr Mark Aylward, AYLWARD TOWN PLANNING LTD

Reason for referral to Planning Committee	<p>Councillor Stuart requested the application be taken out of delegation over:</p> <ol style="list-style-type: none"> 1. Concerns about the density of the proposed development of this site and potential living conditions for existing and future residents 2. New proposal has not addressed reasons for previous refusal 3. Concerns about overlooking to neighbouring residential property 4. Building not in keeping with the character of the area
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Site Plan:



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1. Development Plan designation:	Primarily Residential Area
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2. Relevant Planning History:	<p>APP/23/00227 Demolition of the existing, fire damaged, commercial unit and the consequent erection in its place of a House in Multiple Occupation (HMO) development with a combined total of 36 bedrooms with a maximum occupancy of 36 persons REFUSED</p> <p>APP/21/01848 Change of use from commercial to 2 HMOs (Unit 1 7 bed Unit 2 8 bed) and Unit 3 into 6 self-contained studios APPROVED</p>
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3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments	Councillor Stuart provided comments as reported above.
3.2 Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 32 notification letters were sent to neighbouring properties on 24th April 2024. In response, 4 objections were received. The reasons for objection stated are summarised below:</p> <ul style="list-style-type: none"> • Appearance out of character with the area • Roof profile not in keeping with local buildings • Disruption that would be caused by demolition and works • Impact of the proposal on the proposed cycle lane • Application is for HMO's not family homes and HMO's will have negative impact on the area • No off-road parking proposed with consequent negative impacts on on-street parking

	<p><u>CONSULTATIONS</u></p> <p>Traffic and Transportation – No objections subject to conditions and legal agreement in respect of contribution towards cycle lane.</p> <p>United Utilities – No objection subject to condition</p>
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4. Site and Surroundings	
4.1	<p>The application site comprises a vacant and fire damaged building in a state of disrepair on the northern side of St. Pauls Road, between the junctions with Wheatland Lane and Parry Street. The property was previously used for the sale of furniture items with 2 flats at first floor level.</p> <p>The area to the east is predominantly two-storey residential although there is a small parade of retail units at ground floor level on the opposite side of St. Pauls Road. The site sits close to Wheatland Lane where there are a number of commercial buildings of varying ages, scales and styles.</p> <p>There are double yellow line parking restrictions to the highway in front of the</p>

	building and a bus stops located close by on Wheatland Lane. The rear of the site backs on to a group of trees that run along the south side of the Kingsway Tunnel cutting.
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5. Proposed Development	
5.1	The application proposes the demolition of the existing building and the erection of 6 houses (3 x 4-bed and 3 x 6-bed) within a single terrace. The units would be accessed off St. Pauls Road and would benefit from amenity space to the rear with bin stores and cycle stands.
5.2	The building is two-storey along the St. Pauls Road frontage, topped with a semi-circular corrugated metal roof encompassing a window to the front of each unit within the roof space. It is formed of red brick with two-storey high windows to the front with access directly off the street. To the side streets, the building would present a brick facing gable end appearance with a single door and window in each elevation. To the rear a flat roofed three storey addition clad in timber with repeating windows is proposed.
5.3	During the course of the application the internal floor plans were amended with the number of en-suites reduced from all 6 bedrooms to 3 in the larger units. In addition, the provision of cycle storage units was amended from a communal facility to storage being provided within the garden of each property.

6. Development Plan	
6.1	Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).
6.2	The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application: <ul style="list-style-type: none"> • URN1 (Development and Urban Regeneration) • TRT1 (Provision for Public Transport) • TRT3 (Transport and the Environment) • NCO1 (Principles for Nature Conservation) • LAN1 (Principles for Landscape) • GR5 (Landscaping and New Development) • GR7 (Trees and New Development) • HS4 (Criteria for New Housing Development) • PO3 (Noise) • TR9 (Requirements for off street parking) • TR11 (Provision for cyclists in highway and development schemes) • TR12 (Requirements for Cycle Parking) • TR13 (Requirements for disabled access)

6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18th July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> • WM8 Waste Prevention and Resource Management • WM9 Sustainable Waste Management Design and Layout for New Development
<p>7. Other Material Planning Considerations</p>	
7.1	<p><u>The National Planning Policy Framework</u></p> <ul style="list-style-type: none"> • Introduction • Achieving sustainable development • Decision-making • Delivering a sufficient supply of homes • Promoting healthy and safe communities • Promoting sustainable transport • Making effective use of land • Achieving well-designed and beautiful places • Meeting the challenge of climate change, flooding and coastal change • Conserving and enhancing the natural environment • Conserving and enhancing the historic environment
7.2	<p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 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 was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors view on certain matters and what should now be done. It should be read as the Inspectors initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors' view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. For the purposes of decision making, the post-hearing note does not change the status of the emerging Local Plan. The Plan is at an advanced stage and weight may be given to relevant policies in the emerging plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.</p> <p>In attaching weight to individual policies, 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> <ol style="list-style-type: none"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. 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 3. 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>The following emerging plan policies are relevant to the determination of this planning application: WS1, WS2, WS3, WS5, WS6, WS7, WS8, WS9, WS10, WS12, WP2, WD1, WD2, WD3, WD4, WD7, WD14, WM6</p>
7.3	Wirral Supplementary Planning Document 4: Parking Standards (2007)

8. Assessment	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • Principle of Development; • Design; • Highways; • Residential and Neighbouring Amenity; and • Biodiversity Net Gain

8.2 Principle of Development	
8.2.1	<p>The application site falls within a Primarily Residential Area as defined within the Wirral Unitary Development Plan. Within such areas, the principle of development or redevelopment of land for residential purposes is acceptable subject principally to compliance with the criteria under saved UDP policy HS4. In that regard, and given the residential context, the loss of the discontinued furniture store and the principle of residential development is accepted.</p>
8.2.2	<p>The emerging Wirral Local Plan sets out a net target for the delivery of new dwellings over the Plan period (2021-2037) to meet growing housing need. Draft Policy WS1 states that the dwellings would be delivered through the creation of new neighbourhoods, through land previously used or allocated as employment plus suitable sites within Settlement Areas. New housing will be required to comply with all other relevant policies and make the best use of land. The proposal site continues to lie within a Primarily Residential Area under the emerging Local Plan. Draft Policy WD10 seeks to protect the character of these locations to ensure that they remain appropriate for continued residential use.</p>
8.2.3	<p>The application site was subject to a planning permission (ref: APP/21/01848) in January 2022 for the conversion of the existing building into 2 HMO units and 6 self-contained studio flats. The HMOs provided a total 15 beds in total. That permission remains extant.</p>

8.2.4	<p>The proposal provides for a total of 6 houses, comprising 3 x 4-bedroom and 3 x 6-bedroom. Policy WS 3.4 of the emerging Local Plan sets out that 70% of market dwellings should be developed as larger dwellings of three bedrooms or more. The scheme will therefore comply with this policy and will address an identified housing need, albeit providing above-average bedroom numbers. Given the scale of the development and the context of the site, the housing mix is not considered to prejudice the character of the area.</p>
8.2.5	<p>It is noted that a planning application (ref: APP/23/00227) was refused in 2023 for a scheme which, in terms of layout, scale and design, was very similar to this current proposal. This application proposed a large House in Multiple Occupation with a combined total of 36 bedrooms. This was refused at Planning Committee in October 2023 for the following reason:</p> <ul style="list-style-type: none"> • The proposed development will result in more than 20% of the street frontage within the street block being occupied by HMOs which would be detrimental to the area and would fail to comply with policy HS14 of the Wirral Unitary Development Plan and policy WD7 of the draft Wirral Local Plan
8.2.6	<p>Although this current application now proposes family dwellings (C3 Use Class), objections have raised concerns about this similarity. Currently, under the Town and Country Planning (General Permitted Development) Order 2015, there exists the opportunity to change the use of a C3 dwellinghouse to a House of Multiple Occupation (C4 use class) occupied by between 3 and 6 unrelated individuals. Given the similarities of the two schemes, the potential for each of the proposed dwellings to be converted into a HMO, and the clear decision made by the Local Planning Authority to refuse such a development recently, it is considered reasonable to remove the permitted development rights which would allow such a change. This should ensure that the proposed dwellings are retained as family houses unless otherwise consented by a planning permission. The applicant has agreed to such an approach and a condition is therefore attached in this regard.</p>
8.3 Design	
8.3.1	<p>The design of the proposed scheme is, aside from some internal floorspace arrangements and amended rear garden layout, practically identical to the HMO scheme refused under APP/23/00227. As noted, however, this was refused for the reason that over 20% of the street frontage would be a HMO, which would be contrary to policy HS14 of the UDP. It was not refused on design grounds.</p>
8.3.2	<p>Policy HS4 of the UDP establishes a set of criteria by which proposals for new housing development within Primarily Residential Areas will be permitted. Emerging Local Plan Policy WS6 sets out a number of placemaking principles to which proposals should adhere to.</p>
8.3.3	<p>The application proposes to demolish the existing building and construct a two/three storey building fronting St. Pauls Road, formed primarily of brick with a third floor within a semi-circular roof feature finished in aluminium. Constructed as a singular block, each residential unit would be presented at a slight oblique angle to the footway to give variance to the elevation and break up its overall mass. Double-storey feature windows are proposed to the front of each property, further lightening the appearance of the structure and adding additional interest.</p>

	The scale of the proposed building is considered to be appropriate in this location.
8.3.4	Projecting windows are proposed within the roof to provide outlook and serve to provide a vertical marker to each unit. At each end of the terrace, the gable ends will be predominantly brick facing, whilst the rear elevation will be formed of 3 storey elements with timber cladding. This rear elevation will add further interest in the materiality, albeit with limited visibility given the Kingsway Tunnel entrance facing location. Materials used throughout the building would be subject to conditions to ensure they are of the requisite standard.
8.3.5	In accordance with the consideration of the previous refusal, the scale and appearance of the proposed building is considered appropriate for this location. The design approach is considered to reflect the site's location at a transition between the residential and commercial areas and utilises materials that are prevalent locally. Subject to conditions on materials, the proposal would be a positive addition to the surrounding street scene and would have a significant beneficial impact on the area by regenerating this derelict site.

8.4 Highways	
8.4.1	The site is well located with a number of local shops and amenities within walking distance, both on St. Pauls Road and to the north of the site on Poulton Road.
8.4.2	The development consists of six dwellings, with a combined total of 30 bedrooms. As with the previous scheme there is no off-street parking provided. The previous scheme was for HMO living, which generally has a lower parking demand than more traditional houses, with residents more likely to make use of walking and cycling for short trips or use public transport and taxis. On that basis, the lack of any off-street parking was accepted, although it was acknowledged that there was still the potential for some parking demand generated at the development.
8.4.3	It is likely that the demand for parking will be similar for this current scheme, although it is accepted that due to the scale of the proposed dwellings they will likely attract larger families for whom a dependence on private vehicles for their primary mode of travel is likely to be greater.
8.4.4	There are double yellow lines fronting the site on St Pauls Road which would prevent on-street parking. These have been placed to protect the pedestrian refuge island at the Wheatland Lane / St Pauls Road junction and also to help bus services which turn in and out of St Pauls Road at this location. There is a short section of carriageway to Parry Street, adjacent to the development proposal, which would provide for some parking, but it would not accommodate all the likely demands from the units and there is already some parking occurring here by existing residents.
8.4.5	In such circumstances, it would normally be appropriate to require a parking bay to be installed on St Pauls Road to accommodate the likely increased demand for parking – however, this bay cannot be installed because of a cycle improvement scheme scheduled to be installed along St Pauls Road in connection with the Liverpool City Region Combined Authority, Birkenhead to New Brighton Local Cycling Walking Infrastructure Plan (LCWIP) project. The project aims to deliver high quality active travel infrastructure and support the Council to address climate change and work towards Net Zero. The proposed 6-mile route will increase the

	use of active sustainable travel modes, therefore reducing the reliance on the private car.
8.4.6	It is considered appropriate and justifiable for the development to contribute to the cycle improvement scheme, which will run directly past the development along St Pauls Road, seeing that there is zero parking being provided within the site.
8.4.7	A commuted sum of £19,800.00 would contribute to the cycle proposals and is equivalent of each of the 6 dwellings contributing £3,300 towards the improvement scheme. This is as an alternative to parking bays that would have otherwise been required to be installed outside the development on St Pauls Road but cannot be placed due to the cycle proposals and the highway constraints.
8.4.8	Pressures on car parking and associated impacts on highways safety have been raised in objection and it is likely that some displaced parking pressure would occur, however, this is not considered by the Council's Traffic and Transportation team to be significant and is in the context of a building that had a previous retail function and has an extant consent for a comparable number of residential occupants (ref: APP/21/01848), without any car parking provided in both instances.
8.4.9	The site is served directly by the adjacent Bus Stops on St Pauls Road and Wheatland Lane which offer a half-hourly service between Birkenhead/Woodside and Wallasey. The site also lies within 400 metres from the Keegan Drive Bus Stop which offers frequent, regular services along the 400, 411, 413, 423, 606 and 616 routes less than every 20 minutes. It is also situated approximately 340 metres from a defined Traditional Suburban Centre to the north on Poulton Road, which has a range of amenities and services.
8.4.10	Consequently, the site is considered to be in a highly sustainable location and would not require sole reliance on a private motor car as it is served by a range of services accessible on foot or bike. As stated, this proposal would benefit by having a new dedicated cycle lane directly outside the site which should encourage more sustainable methods of transport, both by new and existing residents locally. The development does also provide the requisite amount of cycle storage parking for the proposed dwellings.
8.4.11	Servicing to the development can be conducted from the adopted highway of Wheatland Lane or via the private alleyway accessed from Parry Street and this is a satisfactory arrangement. As per a request from Traffic and Transportation, it is recommended that a Construction Management Plan is also attached as a condition to any permission which is subsequently granted due to the scale of development and the need to co-ordinate development with the wider highway improvement works earmarked for the area.
8.4.12	Subject to the s106 legal agreement and the provision of conditions relating to a Construction Management Plan and requiring the developer to install a new footway to the development boundary/ frontage surrounding the site, it is considered that the proposal would not impact significantly on highway safety.
8.5 Residential and Neighbouring Amenity	

8.5.1	The application site is currently partially derelict and vacant and hence any redevelopment would lead to an increase in activity.
8.5.2	The historic retail use would have had the potential for noise and disturbance throughout the week including deliveries of furniture and pick-ups, plus general activities associated with movements of staff and retail visitors. This proposal is residential and accordingly will have a different nature, more in keeping with the prevailing residential nature of St Pauls Road.
8.5.3	The development will not result in amenity concerns in respect of overlooking or loss of light and outlook. An opening within the Parry Street elevation will be obscurely glazed so as to preserve existing and future residential amenity.
8.5.4	In terms of the amenities of future occupiers, each of the units would exceed the Nationally Described Space Standards and offer good levels light and outlook for future residents. The units will have their own refuse and cycle storage to the rear within enclosed gardens. The gardens are limited in depth because of the site context, reflecting existing housing along St. Paul's Road. However, it is considered that gardens measuring in excess of 30 square metres will offer sufficient amenity for future residents, although in order to ensure that the units offer quality accommodation into the future a condition restricting permitted development rights is recommended in order to ensure private gardens are retained and are not reduced in size.

8.6 Biodiversity Net Gain	
8.6.1	The application site is currently without trees or other vegetation. The proposal is accompanied by a Biodiversity Exemption Statement setting out that the development does not impact a priority habitat and impacts less than 25 square metres of on-site habitat, or 5 metres of linear habitats such as hedgerows. As such, in accordance with the Biodiversity Gain Requirements (exemptions) Regulations 2024, the biodiversity gain condition does not apply to this site.

8.7 Section 106 agreement	
8.7.1	<p>When considering the potential content of a s106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a s106 Agreement can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.</p> <p>Contributions/Provisions for the following are to be secured to ensure the proposal is policy compliant:</p> <ul style="list-style-type: none"> • Commuted sum of £19,800 towards a cycle lane as part of the Birkenhead to New Brighton Local Cycling Walking Infrastructure Plan (LCWIP)

8.8 Conclusion	
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8.8.1	The proposed development will result in the regeneration of a site which has fallen into a state of disrepair and which has a detrimental impact upon the character of the area. The proposed development will result in the construction of new dwellings which are of a high-quality design and which will have a positive impact upon the surrounding area. The site is considered to be in a highly sustainable location and the lack of parking is off-set by the provision of cycle parking and a contribution towards cycle lane improvements outside the front of the site. The proposal is therefore considered to be acceptable and complies with Wirral's UDP Policy HS4, the Joint Waste Local Plan, emerging Local Plan and the National Planning Policy Framework.
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9. Summary of Decision (planning Balance)	
9.1	Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: -
9.2	Having regard to the existing building, its location, the established uses and consents, the high-quality design of the proposed development, and the relationships to neighbouring properties, the proposed redevelopment of the site is on balance considered acceptable in accordance with Wirral's UDP Policy HS4, the Joint Waste Local Plan, emerging Local Plan and the National Planning Policy Framework.

Recommendation:	<ul style="list-style-type: none"> • 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 8.7 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 and Place in consultation with the Chair and Spokespersons of the Planning Committee.
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Recommended Conditions and Reasons:	
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.	
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).	

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th April 2024, 19th April 2024 and 4th June 2024 and listed as follows: 2208-000A REV A; 2208-002 REV E; 2208-007 REV E; 2208-100 Rev G; 2208- 101 REV F; 2208-102 REV I; 2208-200 REV E; 2208-201 REV E; 2208-202 REV E; 2208-203 REV E

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

3. Prior to the commencement of any works (other than demolition), the applicant will submit to the LPA and have approved in writing, details of all external facing materials. The development shall be carried out using those approved facing materials and retained as such thereafter.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area having regard to Wirral Unitary Development Plan Policy HS4.

4. Full details of the cycle and bin storage facilities (as shown on hereby approved Proposed Site Plan, ref. 2208-002 REV E) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The bin and cycle storage shall be built-out in accordance with the approved details, made available for use prior to first occupation and maintained for the life of the development unless otherwise agreed in writing by the local planning authority.

Reason: To provide on-site cycle parking for the benefit of future occupiers and to encourage the use of more sustainable forms of transport than the private car in accordance with UDP Policy TR12 and in the interests of residential amenity.

5. Prior to the occupation of the development the windows hereby approved at second floor to the east (Parry Street elevation) shall be fitted with fixed and obscure glazing up to a height of 1.7m from the finished first floor internal floor level and shall be permanently retained in that condition thereafter.

Reason: Having regard to residential amenity and privacy.

6. Prior to the occupation of the development full details of hard and soft landscaping and boundary treatment shall be submitted to and approved in writing by the local planning authority and thereafter built out prior to first occupation of the any approved dwelling.

Reason: In the interests of residential amenity.

7. Notwithstanding the provisions of Schedule 2, Part 1, Class A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no enlargement or extension of the dwelling(s) hereby permitted, including additions or alterations to the roof and new outbuildings, shall be constructed without the prior written approval of the local planning authority.

Reason: To safeguard the quality of residential accommodation and the appearance of the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the buildings shall be used as residential dwellinghouses (Planning Use Class C3) only and no development permitted by virtue of Schedule 2, Part 3, Class L of the Order affording permitted development to a HMO shall be carried out to the buildings hereby approved.

Reason: To safeguard the form of residential accommodation and the character of the area having regards to the Wirral Unitary Development Plan and National Planning Policy Framework.

9. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

10 Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

11. Prior to any construction works being carried out, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to at all times during the construction of the development unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interest of highway safety

12.. Prior to any construction works being carried out, full details of the re-instatement of the existing footway surrounding the site to adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out prior to first occupation.

Reason: In the interests of highway safety.

Informative(s):

1. Consent is required for the formal closure of an existing highway. All costs will be recharged to the applicant, who should contact the Council's Highway Management team via www.wirral.gov.uk for further information."

2. A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developer's expense, to the LA specifications and written approval. For further details contact Highways & Infrastructure, area manager via www.wirral.gov.uk

3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which **will not** require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Last Comments By:	18-05-2024
Expiry Date:	26-July-2024