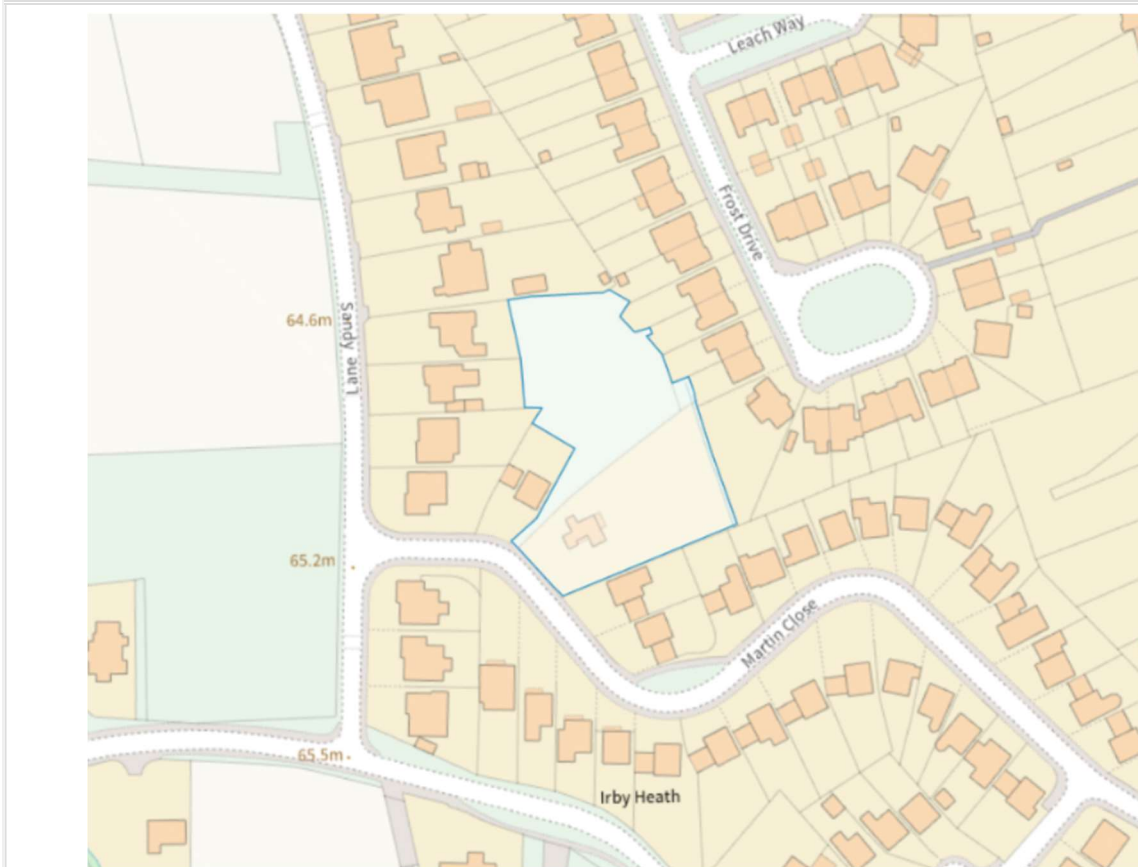


Reference:	PS Development Code	Case Officer:	Ward:
APP/22/02041	Q13 - Minor Dwellings	Mr C Heather	Frankby and Irby

Location:	3 Martin Close, Irby, Wirral, CH61 0HP
Proposal:	To develop site by the demolition of existing dwelling and the erection of 8no detached dwellings with new access, landscaping and ancillary works.
Applicant:	Mr N Casselden (P4 Planning)
Agent:	N/A

Reason for referral to Planning Committee	Number of objections received over 15.
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Site Plan:



1. Development Plan designation:	Primarily Residential Area
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2. Planning History:	<p>December 1974: Planning permission (ref: APP/74/00898) granted for “Amended layout showing 41 detached and 16 terraced dwellings with garages” at Sandy Lane Irby.</p> <p>November 1979: Planning permission (ref: APP/79/14042) granted for “Substitution of 9 approved house types for 13 approved house types on Plot's 26-38 inc.” at 33-43 48-58 Martin Close, Irby.</p> <p>November 2022: Application to determine if prior demolition is required for demolition submitted. The applicant can demolish the existing building on the site without further consent.</p>
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3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments	No comments received.
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3.2 Summary of Representations	<p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement 62 notifications were sent to adjoining properties.</p> <p>The initial consultation in December 2022 resulted in 17 representations. Following revisions to the site plan a subsequent consultation in November 2023 resulted in a further 11 representations, including from 9 individuals who had made representations previously. A further consultation was undertaken in July 2024 and 8 further responses were received, including from 8 individuals who had made representations previously. The objections and comments can be summarised as:</p> <p><i>Land use / Principle of Development</i></p> <ul style="list-style-type: none"> • There was previously an area for recreational use by residents (maintained by the Council) which had previously been declared unsuitable for housing due to its former use as a quarry; • Brownfield sites should be preferred to greenfield sites; • New houses within the Green Belt are not necessary. <p><i>Design and Heritage</i></p> <ul style="list-style-type: none"> • Mass, bulk and proximity of proposed houses would result in overbearing and intrusive impact; • Bungalows should be provided instead; • Development is out of context and does not respect local context and road pattern; • Eight residential units is too great for the site, and the density is greater than the surrounding area; Six units would be more appropriate;
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- Development not in character with Martin Close and Sandy Lane;
- No details of restrictions on further development of new properties, such as dormer windows.
- Previous layout considered preferable than revised layout;
- Existing houses on Martin Close are Georgian style and the proposed houses would not be; they are well sized houses set back from the road creating an open feel;
- Demolition of the existing house, which is historic, is not unavoidable and is unacceptable.

Neighbouring amenity

- Loss of privacy exacerbated by a change in level (with the height being higher than some adjoining land), contrary to the Human Rights Act;
- Loss of light and overshadowing to houses and gardens;
- Overbearing impact;
- Overlooking of gardens;
- Storage of waste near to site boundaries could lead to odour and vermin;
- Hours of operation for construction;
- Noise and dirt during construction.

Quality of the Resulting Residential Accommodation

- Proposed gardens will all be in shade.

Highways and Transportation

- Impact on traffic, particularly at school times, which will affect road safety;
- Construction traffic causing a highway hazard and inconveniencing neighbours;
- The site should be reconfigured with the access road and houses flipped to create a safer entrance / exit away from a sharp bend on Martin Close;
- No pavement along the proposed access road could result in a danger for pedestrians;
- Insufficient parking proposed for visitors;
- Existing parking issues will be exacerbated.

Trees and Landscaping

- Loss of trees;
- Replacement landscaping would not be equivalent to that lost;
- Lack of green space proposed.

Ecology

- Impact on flora and fauna including badgers, foxes, hedgerows and bluebells; boundaries need to be permeable (with holes at ground level) to ensure connectivity; proximity to National Trust land;
- Land was previously cleared;
- Habitat lost should be reinstated;

- Ecological surveys were undertaken after the stripping of vegetation.
- A representation received from the Wirral Group of Cheshire Wildlife Trust advised that no further bat surveys were required. Noted that the Site was cleared of vegetation prior to submission of the planning application, and the implications for Biodiversity Net Gain. Conditions are recommended on hedgehogs, lighting and planting.

Flood risk and drainage

- Concern that surfacing of roadways and drives will increase the rate of accumulation of surface water;

Other Matters

- Impact on local health and education services;
- Lack of affordable housing;
- No clarification on pre-application advice or site ownership;
- Developer does not have a track record of building this sort of development;
- No details of management for verge to west of access road;
- No site notice was posted;
- Existing boundary treatments should be retained;
- No details of foul or surface water drainage;
- Historically there was a ditch / stream on the site which has not been considered;
- Not clear who would manage the communal areas.

Consultations

Environmental Health – No objection

United Utilities – No drainage plan provided to review and comment upon. Without this a condition is suggested requesting further details.

Highways and Transportation – No objections subject to a condition and an informative.

Merseyside Environmental Advisory Service (MEAS) – No objections raised. Comments provided on the historic characteristics of the building on the Site and the baseline for assessing biodiversity and mitigation. Recommended that landscaping is redesigned to incorporate native species within publicly accessible areas to mitigate loss, and where this is not achievable compensation should be secured. Conditions recommended on individual species and mitigation.

Trees – No objection subject to landscaping condition requiring planting on site and condition requiring tree protection measures.

Welsh Water – No objections

4. Site and Surroundings	
4.1	<p>The Site is an area of land accessed from Martin Close in Irby between number 1 and number 5 Martin Close. It is currently occupied by number 3 Martin Close, a single dwellinghouse surrounded by a large rear garden. The Site is largely grass, having previously been cleared of trees and vegetation. The Site is bounded by the public highway to the south-west and residential properties on other sides, with properties on Sandy Lane to the west and part of the north, properties on Martin Close to the south, and properties on Frost Drive to the north and east. The Site and its immediate surroundings area are identified as part of a wider Primarily Residential Area.</p>
4.2	<p>There are no designated heritage assets on the Site or adjacent sites. The building on the Site has been considered as a non-designated heritage asset. There are no Tree Preservation Orders (TPOs) on the Site or adjacent land.</p>
4.3	<p>The Site is at a very low risk of flooding from rivers and the sea and surface water. Flooding from reservoirs or groundwater is also unlikely.</p>

5. Proposed Development	
5.1	<p>The proposal is for the demolition of the existing house and the construction of 8 residential houses. The access point from Martin Close would be moved towards number 1 Martin Close. Within the Site the access would curve to run near to the eastern boundary of number 1 Martin Close and the rears of numbers 16 and 18 Sandy Lane, with a hammerhead created to allow vehicles to turn. Plots 1 and 8 would be either side of the new access road near to the public highway. Plots 2 – 5 would be detached dwellings to the east of the newly created access road. Each house would front on to the access road with the rears facing towards properties on Frost Drive. Plots 6 and 7 would be a pair of semi-detached to the north of the proposed hammerhead and would be orientated in a broad north-south direction.</p>
5.2	<p>There would be three house types, each two-storeys in height with a pitched roof. It is noted that house type 2 comes in two slight variants but they are so similar that they are considered together. Plots 2, 3, 4, and 5 would be house type 1 (with the first two being mirror images of the last two). House type 1 would have the main living areas and an integral garage at ground floor, with four bedrooms and bathroom at first floor level. Plots 1 and 8 would be house type 2, with plot 1 having a freestanding garage, and plot 8 would have an integral garage. Plot 1 has a side projecting bay window whereas Plot 8 does not. Each house would have the main living areas at ground floor level and four bedrooms and bathroom at first floor level. Each house would have a front garden and a rear garden, although they vary in size. There would be parking on the frontage of each house for two vehicles. A combination of hedging</p>

	and 1.8m high timber fencing would separate the plots from each other.
5.3	There would be a small area of communal landscaping to the rear of number 1 Martin Close

6. Development Plan	
6.1	<p>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.</p> <p>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).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application:</p> <ul style="list-style-type: none"> • URN1 Development and Urban Regeneration • HS4 Criteria for New Housing Development • HS6 Principles for Affordable Housing • GR5 Landscaping and New Development • GR7 Trees and New Development • NC01 Principles for Nature Conservation • NC7 Species Protection • LAN1 Principles for Landscape • TRT1 Provision for Public Transport • TRT3 Transport and the Environment • TR9 Requirements for Off-Street Parking • TR12 Requirements for Cycle Parking • TR13 Requirements for Disabled Access • WAT1 Fluvial and Tidal Flooding • WAT2 Protection of the Water Environment • WA5 Protecting Surface Waters • PO3 Noise • PO4 Noise-Sensitive Development
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>	
<p>7.1</p>	<p>The National Planning Policy Framework (2023). Relevant sections are:</p> <ul style="list-style-type: none"> • Achieving sustainable development; • Decision-making; • Delivering a strong supply of homes; • Promoting sustainable transport; • Making effective use of land; • Achieving well-designed and beautiful places; • Conserving and enhancing the natural environment; • Conserving and enhancing the historic environment. <p>SPD2 – Designing for Self Contained Flat Development and Conversions (October 2006)</p> <p>SPD4 – Parking Standards (June 2007)</p>
<p>7.2</p>	<p><u>The Emerging Wirral Local Plan (WLP)</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 (hereafter referred to as the '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 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. The modifications required to make the Plan sound were published by the Council for public comment on 25 September 2024. For the purposes of decision making, the post-hearing note and the publication of the modifications do not change the status of the emerging Local Plan. The Plan is however 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> <p>the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>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>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>The following emerging plan policies are relevant to the determination of this planning application:</p> <ul style="list-style-type: none"> • WS 1 Homes • WS 3.1 Housing Design Standards • WS 3.2 Housing Density • WS 3.4 Housing Mix • WS 5.1 Green and Blue Infrastructure Networks • WS 5.2 Open Space Provision • WS 7.1 Design Principles • WS 7.2 Privacy and Amenity • WS 7.4 Parking • WS 8.1 Energy Hierarchy • WS 9.2 Accessibility and Sustainable Transport • WD 1.1 Landscaping proposals • WD 1.2 Trees • WD 3 Biodiversity and Geodiversity <p>At the present time, the Wirral Local Plan is a Material Consideration and can be afforded weight in the decision making process.</p>
7.3	<p>The Wirral Tree, Hedgerow and Woodland Strategy 2020-2030 Revised 2024 (hereafter referred to as The Tree Strategy) is also relevant.</p>

8.1 Assessment	
8.1.1	<p>The application has been assessed against development plan policies, national planning policy and guidance, and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:</p> <ul style="list-style-type: none"> • Principle of Development / Land Use; • Design; • Quality of the resulting residential accommodation; • Neighbouring Amenity; • Highways and Transportation; • Ecology and Biodiversity;

	<ul style="list-style-type: none"> • Trees and Landscaping.
8.2 Principle of Development / Land Use	
8.2.1	The Site is within a Primarily Residential Area where policy HS4 supports the principle of residential development subject to details.
8.2.2	A representation suggests the Site is within the Green Belt, but this is incorrect.
8.2.3	<p>Planning permission was granted for the existing houses on Martin Close (except for number 3 Martin Close) in the 1970s.</p> <p>Representations have identified that part of the Site was used as an open space and play space. It appears as though there was an area of land that the Council had maintained by cutting the grass until approximately 2017 (even though it was not Council owned land) and the arrangement to maintain the land appears to have been informal. At some point the boundary treatment that delineated the area from the rear garden of 3 Martin Close was removed to physically make it part of the rear garden of this property.</p>
8.2.4	As a matter of fact, the land is not in use as open space or play space. The UDP does <u>not</u> identify any of the land as Urban Greenspace. Instead, the land is within a Primarily Residential Area. The land has no dedicated public access and reads as part of the garden area of 3 Martin Close.
8.2.5	It has been considered if the land could realistically revert to a meaningful open space with play equipment. However, the land is privately owned and no mechanism through the planning system has been identified to <u>require</u> that the land is maintained or made available for use by the public, or an indication of who would pay for that and manage it going forward.
8.2.6	The evidence base for the draft Local Plan includes documents titled <i>Open Space Standards Paper (September 2021)</i> and <i>Open Space Assessment Report (September 2021)</i> . Both of these documents identify and assess areas of open space in the borough, and this piece of land is included. However, out of 209 amenity greenspaces in Wirral this piece of land is identified as the lowest scoring in terms of quality and value. The conclusion within the <i>Open Space Standards Paper (September 2021)</i> is that the land should not be formally designated as open space and that there are alternative spaces nearby which are available to use. This is the approach in the draft Local Plan. It is therefore difficult to attribute value to the land as open space when the most recent assessment of it is so low.
8.2.7	Therefore, it is considered that neither the previous planning permissions or planning policy can <i>require</i> that the land, or part of it, be laid out as open space and play space. On balance, the development of the site for residential purposes is therefore considered to be acceptable and the most appropriate future use is identified as residential accommodation across the Site. There is a

	need for additional residential units across the borough and this development will make a contribution towards meeting those targets.
8.2.8	Policy GR6 seeks proposals for new family housing development to provide greenspace, but this only applies to proposals comprising 35 dwellings or more. Draft policy WS 5.2 of the emerging Local Plan does seek improvements and enhancement of open space through a mixture of on-site provision and / or financial contributions. However, as it remains draft policy it cannot be attributed full weight and therefore on-site open space or play space is not secured in this instance. Irby Park is a relatively short walk and provides high quality open space, play space and sports facilities and the Site is in close proximity to Royden Park.
8.2.9	A representation suggests the land had previously been declared unsuitable for housing due to its former use as a quarry. The land conditions on the Site are a construction matter for the applicant to negotiate, and not a reason to object to the proposal now.
8.2.10	The NPPF defines brownfield land and this does exclude land in built-up areas such as residential gardens. Therefore, the land is technically not brownfield land but is within a Primarily Residential Area. The policies within the UDP encourage new residential in this location. The draft policies within the Local Plan are also positive in this regard - draft policy WD 10 (which is part of the main modifications) states that “New residential development will be considered to be appropriate in principle within the Primarily Residential Areas shown on the Policies Map”, which applies to this Site.
8.2.11	Therefore, the conclusion is that it is not possible to require that a meaningful open space or play space is re-provided on the Site.

8.3 Design and Heritage	
8.3.1	The existing building on the Site is constructed of sandstone and has some design merit and is considered to be a non-designated heritage asset. In accordance with paragraph 209 of the NPPF a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The building is a mid-19 th Century house. There is evidence of some relatively recent extensions and alterations to it which are less sympathetic, and this includes uPVC windows. The building is in a poor condition and is not subject to any formal heritage designations and the applicant is able to demolish it without consent. Therefore, the loss of the existing building is not objected to and would cause less than substantial harm. Nevertheless, MEAS (who provide archaeological advice to the Council) has recommended a condition to produce a report with a programme of historic building investigation. Having had reference to paragraph 209 of the NPPF this seems like a reasonable and proportionate approach.

8.3.2	<p>The principle of new houses on the Site is supported. An objection considers the density of the proposed housing to be too great. The proposed density is 21.4 dwellings per hectare, which is not considered high in the context of either the UDP or the draft Local Plan. There is no density specified in adopted planning policy that a proposal needs to abide by in this location. The draft local plan requires that developments maximise the efficient use of land having regard to the prevailing character of the area, and for larger sites the minimum density sought is 30 dwellings per hectare. Whether density is too great or not is assessed below in terms of design, the quality of the accommodation and the impact on neighbours. However, visually the density appears similar to houses on Martin Close and Frost Drive, although the properties on Sandy Lane are situated in larger plots. It is the existing property situated within a very large plot that appears out of character in density terms.</p>
8.3.3	<p>The layout reflects the shape of the Site and the relationship with neighbouring properties. To the front of the Site would be two houses, Plots 1 and 8. Plot 1 would be adjacent to number 5 Martin Close and it is proposed to sit further forward than this existing neighbour. The impact on the amenity of the neighbouring property is assessed below, but in design terms the positioning of Plot 1 is considered acceptable. The front building lines of houses in Martin Close are not completely uniform, with variation in setback from the public highway evident throughout. Plot 1 would be at the same angle to the public highway as number 5 Martin Close, which is acceptable, but given the meandering path of the public highway buildings are at different angles to each other and present themselves to the public highway differently as a result. Plot 8 would be on the opposite side of the new access road and would align with number 1 Martin Close. This would be at a different angle to Plot 1 but the lack of uniformity remains a consideration and so this relationship is acceptable. Within the Site the other six houses would front on to the new access road with differing setbacks and this reflects the wider context of Martin Close. Plots 6 and 7 would be semi-detached houses, whereas the others would be detached. The existing houses on Martin Close are detached, but the houses on Frost Drive are semi-detached. Plots 6 and 7 would be at the furthest point from Martin Close where they would not be visible from Martin Close and so would not appear out of context.</p>
8.3.4	<p>All houses would be two storey in height with pitched roofs, which reflects Martin Close. There are bungalows on Sandy Lane, and a representation has suggested bungalows would be preferable to houses. Had the applicant proposed bungalows instead of houses it is unlikely that there would have been an objection on design grounds, but there is considered insufficient basis to insist on this, as two storey houses are contextual on Martin Close. The footprint of each proposed house is slightly larger than many houses on Martin Close, but not significantly more such that they would appear out of place. The footprint coupled with the height and scale of the houses would not result in buildings that would appear materially greater than the existing houses on Martin Close, which</p>

	form the context in which the proposed houses would primarily be viewed.
8.3.5	The Site Plan shows a stone wall with stone pillars will be erected to the front of Plots 1 and 8 and this will be an attractive entrance feature. Additionally, 1.8m high timber fences and gates to define the rear gardens. An objection concerns existing boundary treatments between the Site and neighbouring properties. Changes to existing boundary treatments are not part of the proposal but permitted development rights allow for changes or replacement as long as the resulting boundary treatment is no more than 2m (or 1m adjacent to a public highway). In practice any agreement to make changes would be subject to party wall legislation, which falls outside of the planning system.
8.3.6	The proposed houses would be constructed predominantly of bricks which the submitted Materials Schedule illustrates. The bricks would be pale red with natural mortar. The roof tiles would be either charcoal grey or Tuscan red, either of which are considered acceptable. There would be some areas of sandstone and white render on the front of some of the houses, that would provide some interest. Windows and doors would be white uPVC, and rainwater pipes would be black uPVC. In combination these materials would be used in a logical way and provide some interest to the external elevations. The detailed design would be different to the existing houses on Martin Close, which have mock Georgian features, with brown bricks and no sandstone to provide some contrast. Properties on Sandy Lane exhibit different designs to houses on Martin Close, as does the existing house on the Site. It is not considered essential to mimic a particular design. The proposed elevations show sufficiently well-designed houses and this is considered acceptable.
8.3.7	A concern was raised during the consultation period that permitted development rights would allow the houses to be altered or extended without control. Whilst this is no different from the houses on all sides of the Site, it is considered that removing permitted development rights would allow the Local Planning Authority to fully assess any further additions to the dwelling, both in terms of potential impact on neighbouring properties and to prevent any significant reduction in the amenity space for future occupiers of the proposed dwellings. A condition has therefore been attached in this regard.
8.3.8	In conclusion, the proposal is considered to accord with policy HS4. The scale relates well to the surrounding properties, considering existing densities and form. The design of the dwellings is considered appropriate and there would not be a detrimental change in the character of the area, and appropriate landscaping, boundary treatment and amenity space.

8.4 Quality of the Resulting Residential Accommodation	
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8.4.1	The surrounding area is characterised by residential properties such that the environment into which the proposed residential would be introduced is appropriate and would not subject the proposed units to inappropriate or intrusive noise or air quality.
8.4.2	All houses would be family sized units, which is supported. The proposed three housing types would both be in excess of 136sqm, which is generous. Based on the size of the bedrooms each would be 4 bedroom 6 person houses or 4 bedroom 7 person houses, and the national technical housing standards suggest such a unit should be a minimum of 106sqm or 115sqm respectively when measured internally and the dwellings therefore meet this. The proposed layouts would be logical, and the quality of the space would be acceptable. Each house would have good outlook to front and rear, with reasonable sized windows to provide daylight to the internal environment.
8.4.3	The guidance within SPD2 is considered relevant. Whilst acknowledging that the proposal is not for new flats the advice within SPD2 provides a context in which to assess the potential for overlooking and outlook. The advice is that the distance between habitable rooms “directly facing” each other should be at least 21m, and main habitable rooms should be at least 14m from any blank gable. Level changes can result in increases to these distances, but as the land levels and proposed building heights are not dissimilar to neighbouring land there is not considered to be justification to increase the 21m distance. The proposed 1.8m boundary treatments would restrict overlooking between ground floor windows in side elevations. The proposal accords with the guidance. The distance from the first floor windows at the rear of Plot 5 to the rear conservatories of numbers 24 and 26 Frost Drive is approximately 21.8m and approximately 21m. The section below on Neighbouring Amenity assesses this relationship in reverse. The distance between windows in the rear of Plot 1 and the side of Plot 2 is less than 21m, but the houses are offset rather than directly facing each other, so this would significantly reduce the potential for overlooking in a practical sense. Windows in the side of Plot 8 would face towards the front of Plot 2, with the distance being in excess of 21m, although this would be across the new access road anyway, with the two houses being slightly offset, hence it is not expected that any overlooking would be apparent. There is potential for some overlooking between the side elevations of Plots 5 and 6, but a condition could obscure some of the windows to prevent overlooking without resulting in an oppressive internal environment.
8.4.4	Each house would have dedicated amenity space. All would have rear gardens, which are reasonable sizes, with areas to the side and front adding to the amenity space for some of the houses. A concern has been raised by an objector that the proposed gardens would be in shade. None of the proposed gardens are entirely south facing (which would maximise the sun received by them). However, this is not unusual and each would receive some sun. Plots 6 and 7 would receive less as they are largely north facing, but they are reasonable sizes being at least 10m in length and much wider and so can provide suitable amenity for future occupants. The proposed

	gardens would be smaller than most in the immediate vicinity, but not smaller than all. Overall, the gardens are considered adequate and able to provide useful outdoor space for future occupiers.
8.4.5	Draft policy WS 3.1 seeks houses to be accessible and adaptable in line with Part M4(2) of the Building Regulations. The applicant has designed the houses to accord with this.
8.4.6	Overall, the quality of the residential accommodation is considered acceptable.

8.5 Neighbouring Amenity	
8.5.1	Policy HS4 of the UDP requires new development to be of a scale that relates well to surrounding property and not be detrimental to the character of the area. Similar to the comments above about the quality of the proposed accommodation, the proposed houses would not result in excessive noise or impact on air quality, and they would be compatible with the surrounding area in this regard.
8.5.2	The orientation of the existing and proposed houses and the distances between them is sufficient to ensure that there would not be a material loss of daylight or sunlight to habitable rooms. The detailed relationships are assessed below.
8.5.3	Plot 1 is sited in front of number 5 Martin Close with approximately 5.3m of the proposed side wall being visible from the front garden of this neighbouring property although it is noted that Plot 1 will sit to the north of this property, reducing any impact on light. There are windows in the side of number 5 Martin Close but they appear to not serve habitable rooms as they are obscurely glazed. There is a boundary fence and vegetation between the Site and number 5 Martin Close such that the impact of Plot 1 would be reduced to an acceptable level, with no overbearing impact created. 5 Martin Close has a fully glazed conservatory to the rear: there is some potential for overlooking from the upper floors of Plot 1, but the windows of the proposed house would not be directly facing the conservatory. The existing boundary treatment between the Site and number 5 Martin Close is also relatively low, but this could be increased. A proposed side window at first floor level of Plot 1 would serve a stairwell so could be obscurely glazed.
8.5.4	Referring to a 21m distance between directly facing habitable rooms, it is clear that this is comfortably complied with for Plots 2, 3, and 4. The proposed garden of Plot 3 would be approximately 10m in depth, but the depth is greater for Plots 2 and 4. This distance is considered sufficient to prevent any unacceptable levels of overlooking and is standard within suburban areas.
8.5.5	As noted above the distance from first floor windows in Plot 5 would be approximately 21.8m and approximately 21m from the existing conservatories of numbers 24 and 26 Frost Drive respectively. The distance to windows in the main rear elevation of both properties would be in excess of this. There is vegetation in both rear gardens,

	<p>which is further mitigation. The proposed rear garden would be over 11m in depth across most of its width, which is suitable.</p>
8.5.6	<p>Plots 6 and 7 would not result in overlooking to neighbouring windows. Plot 7 is orientated such that it is the side elevation which faces towards number 18 Sandy Lane. The only proposed window at first floor level would serve a bathroom and would be obscurely glazed to prevent overlooking. Number 18 Sandy Lane has windows in the rear facing towards the side of Plot 7. The nearest window is in excess of 14m from the proposed flank wall of Plot 7, with the others being greater than this. At its nearest point the proposed house on Plot 7 would be greater than 6m from the boundary with the rear garden of number 18 Sandy Lane, which is significant. There would be a garage that is approximately 2.6m from the side boundary at its nearest point, but it would be single storey and would have a reduced impact on the garden of number 18 Sandy Lane as a result. The depth of the rear garden for Plot 6 is approximately 9.75m at their narrowest point but it quickly widens out to be well in excess of 10m. The garden of Plot 7 is in excess of 10m throughout. The nearest neighbouring gardens are large and so whilst some limited overlooking of these existing gardens may occur there would still be substantial space for these existing residents to enjoy.</p>
8.5.7	<p>Plot 8 is sited in such a way that the proposed rear extends further from the existing rear of number 1 Martin Close by approximately 3.5m, but the distance between Plot 8 and number 1 Martin Close is approximately 2.5m with a boundary treatment in between. There would be a boundary treatment between the two and so the impact on windows in the rear of number 1 Martin Close would be acceptable. Windows in the side of 1 Martin Close at first floor level serve non-habitable rooms. Overall, the impact on overlooking would be acceptable, and there would not be an overbearing impact or sense of enclosure created. Similarly, the impact on the existing rear garden would be acceptable as the existing garden of number 1 Martin Close extends well beyond the rear extent of the proposed house on Plot 8.</p>
8.5.8	<p>The proposed houses would be partly to the south of some houses on Sandy Lane and Frost Drive, but none are directly south. Therefore, there would inevitably be some overshadowing of existing gardens, but the houses are not excessively tall and boundary treatment and vegetation would ensure that any overshadowing would be proportionate, and not a reason for refusal.</p>
8.5.9	<p>The artificial light from the proposed houses is anticipated to be typical of other houses nearby, and so there is low potential for lighting to be obtrusive. There is potential for street lighting, but this could be designed to ensure that it does not shine towards neighbouring properties.</p>
8.5.10	<p>The proposal would have a marginal benefit in terms of security by providing additional natural surveillance throughout Martin Close and to the rears of properties facing on to the Site.</p>

8.5.11	A concern has been raised about waste being stored near to the boundaries of the Site. In practical terms bins will be stored where they are most convenient to future occupiers, and this could be the front, side or rear of the properties. There is no reason to think that bins serving the proposed houses would be any more of a target for vermin or create more odour than bins for any other house, and the bins would be emptied as often as they are for existing houses on Martin Close. This is not considered to constitute a reason for refusal.
8.5.12	Comments received raise concerns about the hours of construction. Any development does create impacts during construction, and a condition would be imposed to require that measures identified within the submitted Construction Environmental Management Plan are adhered to.

8.6 Highways and Transportation	
8.6.1	Policy TRT3 requires the impact of proposed developments to be assessed. Policy TR9 advises that off-street parking provision associated with new development needs to be assessed. SPD4 (Parking Standards) is relevant and provides guidance on the level of car parking for various uses.
8.6.2	The proposals are all located off the adopted highway and within a private boundary except for the access road junction with Martin Close. This is the only element which would be considered suitable for adoption and details would need to be submitted to Wirral Highways for approval prior to any works taking place within the highway. It should be noted that dropped kerbs and tactile paving will be required as part of the priority junction installation works.
8.6.3	The rest of the development would remain private as this is not suitable for adoption. Vehicles would use the access road and tracking for refuse and emergency vehicles has been provided to confirm that vehicles can manoeuvre. There is no footway for pedestrians but the intention is for this to be a shared space, and the public areas can be designed so that this would be apparent to road users, and vehicles would be at slow speeds on the access road.
8.6.4	The development of 8 dwellings is unlikely to generate a significant traffic impact and each dwelling has appropriate in-curtilage parking so traffic will not have to park on-street, blocking the access road. There is adequate space within the proposed houses, garages or rear gardens where cycles can be stored.
8.6.5	There would be construction impacts and the Construction Environmental Management Plan requested by condition would manage and mitigate them. Inevitably there would be some disruption, but it would be temporary. It has been confirmed that a compound would exist within the Site, so keeping as many of the construction impacts as possible within the Site.

8.7 Ecology and Biodiversity	
8.7.1	<p>This application is not subject to mandatory Biodiversity Net Gain (BNG) provisions as it was submitted before they came into force. The applicant provided a Preliminary Ecological Appraisal (PEA) alongside some additional reports / surveys on bats, which includes information about the condition of the site prior to the clearance of trees and vegetation. The baseline biodiversity value of the site has therefore been calculated based on this submitted information. Concerns were raised by neighbours about the clearing of the Site prior to the submission of this planning application. It should be noted that the assessment undertaken by MEAS is largely based on the Site as it was prior to being cleared of vegetation. Paragraph 186 of the NPPF sets out that any significant loss in biodiversity should be avoided, mitigated or compensated for, although it does not specify a particular value or percentage for BNG. Draft policy WD 3 can be given weight and reflects the NPPF. Part C of policy WD 3 applies and sets out that where there would be significant harm to biodiversity from development which cannot be avoided then appropriate mitigation, replacement or other compensation will be required. Where Part C cannot be satisfied, Part D states that permission will be refused.</p>
8.7.2	<p>As the application is not subject to mandatory BNG (10% uplift), the requirement for this application is therefore to ensure there is no net loss in Biodiversity.</p>
8.7.3	<p>As noted, the applicant has provided information on the habitats that were on the Site previously, and the documents have been accepted as having followed best practice. There were known to be several trees on the Site and some grassland which has allowed for a calculation of baseline value to be undertaken. When taking into consideration the proposed development, there is a loss of 2.8 habitat units – this is calculated as the loss of grassland representing 1.44 habitat units and the loss of woodland representing 1.36 habitat units.</p>
8.7.4	<p>There is potential to secure some on-site planting (trees, shrubs and grasses) that can provide ecological benefit going forward. A condition is suggested to provide full details of proposed landscaping. This could maximise the use of native species.</p>
8.7.5	<p>Re-provision on the Site would, however, still leave approximately 98% of the previous habitat unmitigated. In order to accord with paragraph 186 of the NPPF and policy WD3 of the emerging Local Plan the applicant has agreed to a contribution of £82,000 to be secured via a Section 106 agreement. This is based on a calculation of £25,000 per habitat unit for grassland and £35,000 per habitat unit for woodland across the Site, with a slight adjustment downwards to account for the small amount of on-site re-provision. This contribution would be spent on providing habitat elsewhere in the borough, so ensuring there is no overall loss of habitat across the borough. The combination of on-site provision and the financial compensation for off-site provision is considered</p>

	sufficient to ensure that there would be no net loss of biodiversity because of the development.
8.7.6	The surveys of the existing building and trees demonstrate that the impact on bats would be acceptable. The same applies to breeding birds, amphibians, reptiles and small mammals.
8.7.7	MEAS has suggested measures including bird and bat boxes, and measures to encourage amphibians, hedgehogs and reptiles, as well as Reasonable Avoidance Measures (RAMs) during construction. This is considered to be the most appropriate route given the existing state of the Site and would maximise gains.
8.7.8	Finally, Cotoneaster is present on the Site, which is an invasive species. A condition is imposed to remove this.

8.8 Trees and landscaping	
8.8.1	Policy GR7 provides criteria to use when assessing the protection to be given to trees on development sites. However, even though there were trees on the Site they have been removed with the exception of a very limited number of poor specimens. Objections have raised the previous removal of trees as a concern. The trees on site were not subject to protection either from a Tree Preservation Order or by being within a Conservation Area. There are some undated aerial photographs showing the state of the Site prior to the trees being removed. However, it is not possible to make meaningful conclusions about the size, state or species of the trees that were there. There are some trees in neighbouring properties, but as the proposed houses would be set well away from the Site's boundaries the impact on them is acceptable. A condition would be imposed seeking details of tree protection measurements during construction.
8.8.2	Wirral's Tree and Hedgerow Strategy is a material consideration and for Minor planning applications such as this it suggests that tree replacement requirements should be considered on a case-by-case basis. It is important to acknowledge that the £82,000 secured for mitigation of the habitat lost on the Site can include replacement tree planting off-site to mitigate what has been lost especially as this compensates, in part, for, the 1.36 units of lost woodland habitat. There are also opportunities for on-site tree planting and the proposed site plan indicatively shows numerous trees within the front and rear gardens of the houses. The number of trees shown is considered reasonable and balances tree planting with a desire for rear gardens to each have a usable area of grass. Overall, this would result in a net gain in the number of trees when compared to the existing state of the Site. Full details of tree planting and landscaping will be secured via condition.

8.9 Socio-economic effects	
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8.9.1	There would be some economic benefits during the construction period but they would be short-lived and proportionate to the scale of the development. This is considered a relatively minor benefit of the proposal.
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8.10 Flood risk and Drainage	
8.10.1	The Site is classified as having a very low risk of surface water flooding or flooding from rivers. A representation notes that historically there was a ditch / stream on the Site. Evidence of this has been looked for but it has not been identified other than some mapping that showed something to the rear of the Site which is currently a rear garden.
8.10.2	The proposal would result in more hardstanding and less green space. However, there would remain a substantial amount of green space, and driveways and other hard surfaces around the houses could be constructed of permeable materials. United Utilities has suggested a condition requiring details of sustainable surface water drainage and foul water drainage is provided prior to the commencement of development. It is not anticipated that providing the foul water infrastructure to serve the proposed houses would be problematic given the scale of the proposed development.

8.11 Other Matters	
8.11.1	Representations have raised concerns that no affordable housing is proposed as part of the development. This is correct, but adopted policy HS6 within the UDP seeks affordable housing on suitable sites of over 1 hectare (whereas the site is approximately 0.38ha). Draft policy WS 3.3 identifies a requirement for affordable housing from developments of 10 or more dwellings. Therefore, there is not a requirement for this development to provide affordable housing from either adopted or draft policy.
8.11.2	Representations have also highlighted that no site notice was posted. For a development of this scale there is not a requirement for a site notice, and instead neighbour letters were sent to adjoining properties. This is sufficient to ensure that due process has been followed and it is clear from the receipt of representations that many nearby properties are aware of the proposals.
8.11.3	Concerns have been raised about the impact on local services, in particular health and education. Whilst acknowledging that future residents would generate a need for public services, the scale of the development is not considered sufficient to require a contribution towards improvements.
8.11.4	Representations suggest that there is no clarity on land ownership but the applicant is considered to have submitted the correct ownership certificate. A further representation suggests the applicant does not have a track record of building developments

	such as this. The record of the applicant has not been considered and there is not a requirement for an applicant to demonstrate this.
8.11.5	There is no evidence of the land being contaminated.

8.12 Planning Obligations	
8.12.1	When considering the potential content of a Section 106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a Section 106 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.
8.12.2	In this instance a Section 106 legal agreement is considered necessary in order to secure the following: <ul style="list-style-type: none"> • A financial contribution of £82,000 towards off-site mitigation for the loss of the habitat that is / was on the Site.

9.0 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 and the emerging Local Plan. In reaching this decision the Local Planning Authority has considered the following: -
9.2	A residential use is considered to be the most appropriate use of the Site given that it is within a Primarily Residential Area. The design of the proposed eight houses is considered acceptable, and they would provide an appropriate level of residential accommodation. The overall impact on neighbouring properties would be acceptable.
9.3	The impact on the public highway can be managed to be acceptable. When considering the impact on trees and ecological habitat (which have been removed) the approach has been to use the existing state of the Site as the baseline. In this context the impact is acceptable, with some opportunities to re-provide some trees and maximise the ecological potential and a financial contribution secured through a Section 106 agreement to mitigate the loss on on-site habitat.

9.4	The other issues identified are considered acceptable.
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10.0 Recommended Decision:	
10.1	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 section 8.12 of this report.
10.2	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.

Recommended Conditions and Reasons:
<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)</p> <p>2. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plan:</p> <ul style="list-style-type: none"> • 010 P – Proposed Site Layout • HT1-001 – Floor Plans – House Type 1 • HT1-002 – Elevations – House Type 1 • HT2-001 – Floor Plans – House Type 2 – Plot 01 • HT2-002 – Elevations – House Type 2 – Plot 01 • HT2-001(8) – Floor Plans – House Type 2 – Plot 8 • HT2-002(8) – Elevations – House Type 2 – Plot 8 • HT3-001 B – Floor Plans – House Type 3 • HT3-002 B – Front and Rear Elevations – House type 3 • HT3-003 B – Gable Elevations – House Type 3 • G-001 – Single Garage – Floor Plan and Elevations • 301 B – Proposed Site Sections • Materials Schedule <p>Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.</p>

3. The following windows shall be installed as obscured glazing (Level 4 obscurity or above) prior to first occupation of the relevant dwellings and shall be maintained as such in perpetuity:

- Plot 1 – Ensuite at first floor level
- Plot 2 – Ensuite at first floor level
- Plot 3 – Ensuite at first floor level
- Plot 7 – Bathroom at first floor level
- Plot 8 – Ensuite at first floor level

Reason: In the interests of residential amenity and in order to avoid any overlooking or loss of privacy that may have otherwise resulted, in accordance with Policies HS4 of the Wirral Unitary Development Plan (Adopted 2000).

4. The provisions of the Construction Environmental Management Plan (ref: 11941 Irby CEMP 09.07.2024 V1) 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 interests of highway safety, ecology and residential amenity.

5. Any tree or scrub clearance shall be conducted outside of the breeding bird season (March – September). If this is not possible then a breeding bird survey should be conducted by a suitably qualified ecologist prior to works commencing. If nesting birds are discovered, then the area around the nest shall be isolated and works halted until nesting has finished.

Reason: To maintain the favourable conservation status of protected species and comply with Policy NC7 of the Wirral Unitary Development Plan (Adopted 2000), and Section 15 of the National Planning Policy Framework.

6. All construction activities shall comply with the following best practice measures:

- A pre-commencement check for badger and hedgehog mammals;
- Measures set out in the Environment Agency's Pollution Prevention Guidelines;
- Excavations should be sealed overnight or should have at least one shallow sloping side allowing animals to escape should they fall in;
- An ecologist shall be contacted for advice should any protected species be discovered during construction; and,
- 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.
- Appropriate measures to suppress dust should be put in place during hot, dry, or windy weather;

Reason: To maintain the favourable conservation status of protected species and to protect residential amenity.

7. Prior to development reaching damp-proof course level and installation of landscaping features a plan and details shall be provided to the Local Planning Authority for approval in writing, and should include clearly marked-up plans showing:
- bat and bird nesting boxes (number, type, location and timing of installation);
 - Hibernacula and areas of planting for amphibians, reptiles and hedgehog;
 - In the event that close board fencing is provided hedgehog highways (13cm x 13cm gaps).

The approved plan shall be fully implemented as approved prior to first occupation of the residential dwellings hereby approved.

Reason: to maintain the landscape and biodiversity value of the site and comply with Policy NC7 of the Wirral Unitary Development Plan (Adopted 2000) and comply with Section 15 of the National Planning Policy Framework.

8. In conjunction with condition 7 a scheme of landscape proposals shall be submitted to and approved in writing by the Local Planning Authority prior development reaching damp-proof course level. For the avoidance of doubt, the landscaping scheme shall include a minimum of 10 trees and shall seek to maximise the number of trees and ecological habitat.

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 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 ensure a high quality appearance and to maximise ecological habitat creation.

9. Prior to occupation of the approved houses, the rear gardens, garages, boundary treatments (including the stone wall to the front of Plots 1 and 8) and driveways shall be provided and/or made available for use, and the provision shall be maintained as such thereafter.

Reason: To ensure high quality residential accommodation, for the avoidance of doubt and to manage the impact on the highway is appropriate.

10. Prior to development above damp proof course level a Biodiversity Management Plan for the area between Plots 7 and 8 and to the rear of number 1 Martin Close shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on who will be responsible for implementing and maintaining the Plan,

Prior to occupation of the residential units hereby approved the Management Plan shall be enacted, and the development shall be operated in accordance with the approved Management Plan thereafter.

Reason: In the interests of visual amenity, ecology, access and security.

11. No demolition shall take place until a report on a programme of historic building investigation and accompanying Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority.

The WSI must include the following:

- A programme and methodology of site investigation and recording.
- A programme for post-investigation reporting to include production of a final report of the significance of the historic building.
- Provision for appropriate publication and dissemination of the archaeology and history of the historic building.
- Provision for archive deposition of the report and records of the site investigation.
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

The subsequent demolition shall be undertaken in accordance with the Written Scheme of Investigation (WSI).

Reason: To ensure a record exists of the existing building on site.

12. Development (except for the demolition of the existing building on site) shall not commence until a full scheme of works and a timetable for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile paved pedestrian crossings, street furniture, access onto the adjacent highway, road safety audit and monitoring, has been submitted to and approved in writing by the Local Planning Authority.

The development shall subsequently be constructed in accordance with the approved details and maintained as such thereafter.

Reason: To ensure an appropriate relationship with the public highway.

13. Prior to the commencement of development (except for the demolition of the existing building on site), 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.

14. In the event that street lighting is proposed within the Site details of the lighting and the associated lighting columns shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include an assessment of the impact on bats. The lighting shall subsequently be installed in accordance with the approved details.

Reason: To ensure that the design is appropriate and the impact on bats is acceptable.

15. Prior to the commencement of development (except for the demolition of the existing building on site) method statement to demonstrate how Cotoneaster will be removed from the Site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- A plan showing the extent of the plant(s);
- The method(s) that will be used to prevent the plant/s spreading further, including demarcation;
- The method(s) of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal

Reason: To ensure the Cotoneaster is appropriately managed.

16. Prior to the commencement of development (Except for the demolition of the existing building on site) details of measures to protect trees on land adjoining the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be provided on site and maintained as such until the residential houses have been substantially completed.

Reason: To ensure existing trees are not harmed by the proposed development.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no works falling within Class A or B of Part 1 of Schedule 2 shall be undertaken to the houses hereby approved without the consent of the Local Planning Authority

Reason: To ensure that the impact on neighbours and the quality of the residential units hereby approved are acceptable having regards to Wirral Unitary Development Plan Policy HS4.

Biodiversity Net Gain – Biodiversity Gain Plan Not Required

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:

The application for planning permission was made before 12 February 2024.

Informatives

1. If any European protected species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

2. Submission of a S184 Highway Opening Notice is required to install a temporary vehicle on the adopted highway to gain site access. Please contact the Council commercial Team via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details.

In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, traffic signs, TRO's, road markings, traffic calming, tactile pedestrian paved crossings, street furniture, Road Safety Audit and Road Safety Audit monitoring.

Last Comments By:

08-08-2024

Expiry Date:

13-12-2024