

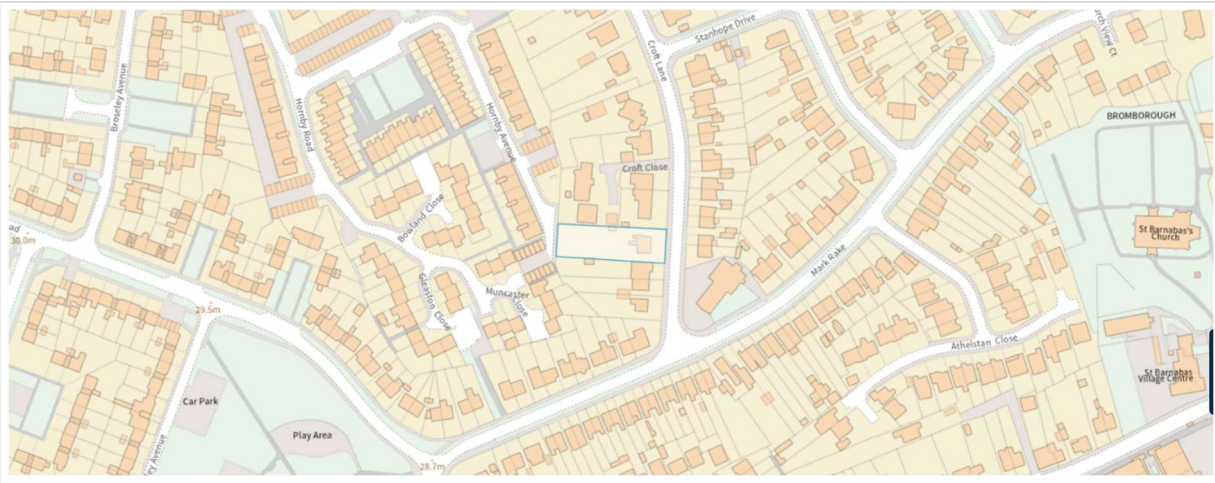
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| Planning Committee | 16th January 2025 |
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| Reference: | PS Development Code | Case Officer: | Ward: |
| APP/23/01870 | Q13 – Minor Dwellings | Mr M Klabou | Bromborough |

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| Location: | 24 Croft Lane, Bromborough, Wirral, CH62 2DD |
| Proposal: | Demolition of existing dwelling and erection of 3 No. new detached dwellings. |
| Applicant: | Mr and Mrs Mark and Eileen Smith |
| Agent: | Mr Matthew Myers (LHG Projects Ltd) |

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



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| 1. Development Plan designation: | Primarily Residential Area |
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| 2. Planning History: | OUT/02/06977 Erection of two dwellings (outline) REFUSE 22/11/2022 OUT/03/05529 Detached dwelling house and garage. APPROVE 15/05/2003 |
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| | <p>OUT/03/06479 Erection of a detached dwelling and garage. APRPOVE 29/09/2003</p> <p>APP/04/05437 Erection of two detached dwellings and a detached garage APPROVE 30/04/2004</p> <p>APP/07/07490 Retention of detached double garage (Amendment to APP/2004/5437) APPROVE 29/01/2008</p> |
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3. Summary Of Representations and Consultations Received:

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| 3.1 Ward Member Comments | <p>Cllr Bird: Commented on the following residents' concerns: Highways - Traffic Concerns for speeding vehicles and problem parking at the western end. Seeks support for Woodslee Primary School in the School Streets programme. Design – The height of the proposed development should not be more than the adjacent properties Residential Amenity – Overlooking arising from the increased in height of Plot 1. Trees – Mature Trees on site Biodiversity – Retention and Enhancement</p> |
| 3.2 Summary of Representations | <p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council's Guidance for Publicity on Planning Applications, notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been 20 representations (20 Objections, 0 Support). All but three of these representations are near identical, although from different people. The remaining three have very similar content with a sentence added. The representations can be summarised as follows:</p> <ul style="list-style-type: none"> • Principle of Development – No requirement for the development. • Design – Over development, 2-storey out of character, back land development out of character. • Traffic and Transport – Sited on a busy road with primary school and church at each end. Cut through to Croft Retail Park. Increased traffic, Insufficient parking, insufficient access road, highways safety • Residential Amenity – Overlooking, overbearing, overshadowing, lack of private amenity space, noise pollution and disturbance |
| | <p><u>CONSULTATIONS</u></p> |

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| | <p>Local Highway Authority (Highway Safety) – No objection with comments</p> <p>Local Highway Authority (Assets) – No objection with informatives</p> <p>WMBC Tree Officer – No Objection subject to conditions requiring tree protection measures and replacement tree planting</p> |
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| 4. Site and Surroundings | |
| 4.1 | The site area is 1068m ² or 0.1068ha. The proposal relates to a small bungalow property within a row of houses. To the north are similar bungalows and to the south is a two-storey semi-detached property. The property has a small front garden and large rear garden. |

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| 5. Proposed Development | |
| 5.1 | Demolition of existing dwelling and erection of 3 No. new detached dwellings |

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| 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> <p>Existing UDP relevant policies and guidance: HS4 (New Housing Development), TR9 (Requirements for Off-Street Parking), GR5 (Landscaping and New Development), GR7 (Trees and New Development), NC7 (Species Protection), SPG17 (Trees), SPD4 (Parking Standards), UDP Policy WA2 (Development and Land Drainage).</p> |
| 6.3 | The Joint Waste Local Plan for Merseyside and Halton (adopted 18 th July 2013) is also applicable. Relevant policies are: |

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| | WM8 Waste Prevention and Resource Management, WM9 Sustainable Waste Management Design and Layout of New Development |
| 7. Other Material Planning Considerations | |
| 7.1 | <p>The National Planning Policy Framework (2023)</p> <p>The NPPF (Dec 2024) relevant chapters are: Chapter 2 (Achieving sustainable development), Chapter 5 (Delivering a sufficient supply of homes), Chapter 9 (Promoting sustainable transport), Chapter 11 (Making effective use of land), Chapter 12 (Achieving well-designed places), Chapter 14 (Meeting the challenge of climate change, flooding and coastal change), Chapter 15 (Conserving and enhancing the natural environment).</p> |
| 7.2 | <p><u>The Emerging Wirral Local Plan (WLP)</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. 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> |

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| | <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:</p> <p>Wirral Local Plan Relevant Designations and Constraints:</p> <p>Residential Density Zone RES-DZ3 Transit Area minimum density 30dph. Viability Zone: VZ-3 Upper Medium Value Viability Zone 3. Settlement Area WP4 Settlement Area 4 - Bebington, Bromborough and Eastham. WD10 Birkenhead to Eastham Conurbation.</p> <p>WLP Relevant Strategies, Policies and Guidance</p> <p>The WLP is considered as a whole and not part selected with relevant policies relating to the principle of development and significant impacts.</p> <p>WS1 (Development and Regeneration Strategy) Homes; WS3 (Housing) Density; WS7 (Design Principles) WS8 (Strategy for Energy Use, Renewable and Low Carbon Energy) Energy Hierarchy; WS9 (Transport) Network Impact; WS10 (Infrastructure Delivery) Infrastructure Provision, Education, Health and Emergency Services Facilities, Indoor Community, Sport, Leisure and Cultural facilities, Protection of Open Space WLP Appendix 10 (Developer Contributions), WD1 (Landscaping); WD3 (Biodiversity and Geodiversity), WD4 (Sustainable Drainage Systems (SuDS) and Natural Flood Management), WD22 (Servicing and Parking), WD23 (Design Details), WD24 (Open Space and Outdoor Sports Provision), WM6 (Waste Management).</p> |
| 7.3 | <p>National and Local Legislation, Policies and Guidance</p> <p>National: NDSS</p> <p>Local - Local Plan Examination Library: None</p> |

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| 7.4 | Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy) |
| 7.5 Other | UDP HS11 (Residential Extensions) – Residential Amenity Guidance, SPG10 Backland Development |

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| 8.1 Assessment | |
| 8.1.1 | <p>The existing dwelling will be demolished and replaced with one in a similar location and the two dwellings at the rear will be accessed from a new access off Croft Lane. Given this layout and access point, the proposal is considered to represent back land development. No WLP Planning Obligations are required due to the date of submission and the minor proposal is not on an allocated site. The main planning considerations are as follows:</p> <ul style="list-style-type: none"> • Principle of Development; • Housing (Density, Standards); • Visual Appearance and Design; • Residential Amenity; • Travel and Transport (Highway Safety, Highways Assets); • Trees and Landscaping; • Ecology • Drainage |

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| 8.2 Principle of Development | |
| 8.2.1 | <p>Assessment</p> <p>The proposal is for residential development in a primarily residential area, so is acceptable in principle subject to other relevant considerations.</p> |
| 8.2.2 | <p>Summary</p> <p>Given the above, the proposal is considered to be acceptable and complies with UDP Policy URN1, NPPF Chapters 1 and 5 and WLP WS1.</p> |

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| 8.3 Housing | |
| 8.3.1 | Housing Density - Assessment |

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| | <p>The proposal is located within a Primary Residential Area and is therefore acceptable in principle. NPPF Chapter 11 supports increased densities in suitable back-land sites if it maintains the areas prevailing character and setting (including residential gardens) and secures well-designed places. Chapter 12 supports increased densities if they are sympathetic to local character.</p> <p>The site area is approximately 1068 m² (0.1068ha) and 3 dwellings are proposed, which equates to approximately 28 dwellings per ha. This is a marginal shortfall of the minimum 30dph required by the WLP but is acceptable given the back-land nature of the proposal as it maintains the areas prevailing character and setting of the residential gardens.</p> <p>Summary</p> <p>Given the above, although the proposal has a marginal shortfall on the WLP minimum density guidelines, it is considered to comply with UDP HS4, NPPF Chapter 11, 12 and WLP WS3.</p> |
| 8.3.2 | <p>National Design Space Standards</p> <p>The proposal is NDSS compliant, and this has been demonstrated on submitted plans. As such it is considered to comply with NPPF Chapter 12 and WLP WD23.</p> |
| 8.3.3 | <p>Water Efficiency</p> <p>Compliance with the higher water efficiency standard of 110 litres/ per person/ per day under Regulation 36 (3) of the Building Regulations or any successor standard will be secured through condition. As such it is considered to comply with NPPF Chapter 12 and WLP WD23.</p> |
| 8.3.4 | <p>Summary</p> <p>Given the above, as density levels are acceptable and sufficient housing standards are secured through planning condition, the proposal is considered to comply with NPPF Chapter 11, 12 and WLP WS3 and WD23.</p> |
| <p>8.4 Visual Appearance and Design</p> | |
| 8.4.1 | <p>Assessment</p> <p>The proposal has been reduced in height to two and half storeys from three storeys. As such it is not out of character with the street-scene. It is a substantial increase in height from the current</p> |

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| | <p>bungalow, but this matches the adjacent two storey properties to the south and the properties of previous back-land development to the rear. Finalised details of materials will be secured by condition and waste storage and collection can be provided within the property.</p> <p>The proposed property nearest to Croft Lane is suitably located. The proposed two rear properties are next to each other and continue the row of buildings that have occurred due to the already built back-land development of 22 Croft Lane. Due to the previous back-land development of No.22 Croft Lane, the character of the neighbourhood has been changed sufficiently to accommodate the impact of the substantial change to the size and appearance of the gardens in the area.</p> |
| 8.4.2 | <p>Summary</p> <p>Given the above, the proposal is considered to comply with UDP Policy HS4, SPG10, WM8, WM9, NPPF Chapter 12 and WLP WS7.</p> |

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| <p>8.5 Residential Amenity</p> | |
| 8.5.1 | <p>Assessment</p> <p>Sufficient separation distances have been shown on the submitted plans, with Plot 1 and Plot 3 having a 21m separation distance. Plot 1's ground floor right hand side elevation window and first floor left hand side elevation window and first floor rear elevation (serving the room labelled en-suite) and Plots 2 and 3's first floor left hand side elevation window will be obscured and secured through condition. The separation distance between the rear elevation of Plot 2 and Hornby Avenue Flats 60 and 64 (at the rear) is approximately 18m, which is similar to the existing interface between those flats and No.2 Croft Close. In addition, Flat's 60 and 64 windows are offset away from the proposed development. Mature vegetation along the rear boundary between plot 2 and Hornby Avenue is also proposed to be retained.</p> <p>Given the above, and the proposed separation distances within the plot and with other properties as well as the regularity of building orientation; no significant overlooking, overbearing or overshadowing impacts will occur on existing or proposed properties. Sufficient residential amenity space is preserved in the rear gardens.</p> <p>Please note amenity impacts relating to the two new access routes are described in the Transport section below.</p> |
| 8.5.2 | <p>Summary</p> <p>As no significant residential amenity impacts will occur on existing or proposed properties, the proposal is considered to comply with UDP HS4, HS11, NPPF Chapter 12, WLP WS7 and WD23.</p> |

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| 8.6 Travel and Transport | |
| 8.6.1 | <p>Assessment</p> <p>Plot 1 has 5 bedrooms and Plot's 2 and 3 have 4 bedrooms. The existing UDP has maximum parking standards in SPD4 of 2 spaces for houses with 3 or more bedrooms. The WLP has minimum parking standards of 3 spaces per 4, or more, bedroom house. Following the WLP, the proposal demonstrates sufficient off-street parking spaces for the dwellings. Given local knowledge and the concerns raised about traffic and parking in the local area, on-street parking is not considered suitable and as such the off-street parking will be secured by condition.</p> <p>The LHA have no objection and have provided informatives regarding the construction of the new vehicle access. They have commented that the new site access provides satisfactory visibility and servicing, traffic levels generated will not be significant and as such, there will be no material impact on the highway. Although satisfactory swept paths showing a vehicle is able to turn safely within the site have not been provided, so the only way to safely park would be by reverse parking into the spaces, this is normalised driving practice and as such the LHA does not object to the proposals.</p> <p>SPG 10 provides guidelines for back-land development and the proposal exceeds the minimum distances between frontage dwellings (at 13.5m over 12m), complies with the minimum distance from side elevation to non-habitable rooms (at 4m), and exceeds the minimum distance with No.22 Croft Lane to the adjacent North (at 5m).</p> |
| 8.6.2 | <p>Summary</p> <p>Given the above, as the proposal causes no significant travel and transport impacts and provides sufficient access, it is considered to comply with UDP HS4, TR9, SPD4, NPPF Chapter 9 WLP WS7 WS9 and WD22.</p> |

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| 8.7 Trees and Landscaping | |
| 8.7.1 | <p>Assessment</p> <p>The application includes a Tree Survey and the Arboriculture Impact Assessment has been reviewed and is accepted. The tree survey confirms that there are 21 trees on site, including those contained within groups and hedges (please note shrubs are not included in this assessment). Tree protection measures during construction will</p> |

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| | <p>be secured by condition to protect any remaining hedgerows and groups of small trees and shrubs. 14 of the existing trees and a small section of hedgerow are proposed to be removed to facilitate the development. The 2 trees in severe decline do not require replacement and the loss of the moderate condition tree removed within G2 (note this is mislabelled as low condition on the drawing) will be offset by the replacement hedgerow on the northern boundary of the access road, which is longer than the removed hedgerow. As such, 11 trees require replacement, of which 8 are low quality and 3 are moderate quality. No high-quality trees will be removed. The replacement trees will be planted on site, the feasibility of which is demonstrated through the submitted indicative landscaping plan. Finalised details of the 'right tree in the right place', in terms of its location, species and type will be secured by conditions for a landscaping and tree management schemes. In addition, permitted development rights regarding front driveways and rear hardstanding have been removed to provide control over excessive hard landscaping.</p> <p>As such, given the planning harm arising from scale and kind of trees, hedgerows and landscaping lost; the secured retention of existing trees, hedgerows and landscaping as well as the secured replacement planting of the 'right tree in the right place' is considered to offset this harm with a fairly and reasonably proportionate and sufficient planning gain.</p> |
| 8.7.2 | <p>Summary</p> <p>Given the above, as the proposal has provided proportionate and sufficient replacement planting on site and trees and landscaping is secured through condition, it is considered to comply with UDP Policy HS4, GR5, GR7, NPPF Chapter 15, WLP WD1 and WS7 and the Council's Tree Strategy.</p> |

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| 8.8 Ecology | |
| 8.8.1 | <p>Species Protection and Biodiversity</p> <p>The submitted Preliminary Roost Assessment has been accepted and it concludes that the building and trees have negligible suitability for use by roosting bats, no field signs of use by bats were found internally or externally during the inspection, and no further survey work is required.</p> <p>This application is not subject to mandatory Biodiversity Net Gain (BNG) provisions as it was submitted before they came into force. Paragraph 193 of the NPPF (December 2024) sets out that any significant harm to biodiversity should be avoided, mitigated or compensated for. Draft policy WD3 can be given weight and reflects the NPPF in this regard.</p> |

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| | <p>The existing trees and hedgerows that are to be removed will be replaced on site (as described above). In addition, accounting for the area of existing hardstanding and driveway, the area of existing modified grassland that will be removed to facilitate the development equates to 0.18 habitat units, which, based on a calculation of £25,000 per habitat unit for grassland, gives an off-site contribution of £4,500. The applicant has agreed to the contribution and this will be secured by s106 Agreement and spent in Bromborough Ward, or any other council led BNG project, to ensure that the significant harm to biodiversity is offset through compensation.</p> |
| 8.8.2 | <p>Summary Given that no signs of bats were present, no further survey work is required, and the biodiversity harm is offset through mitigation and compensation the proposal is considered to comply with UDP, NC7, NPPF Chapter 15 and WLP WD3.</p> |

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| 8.9 Drainage | |
| 8.9.1 | <p>Assessment</p> <p>The proposal is considered to affect drainage on or around the site and as such details of a Sustainable Urban Drainage System (SuDS) that controls flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal, shall be secured by condition.</p> |
| 8.9.2 | <p>Summary Given that a proportionate SuDS will be secured by condition, the proposal is considered to comply with NPPF Chapter 14 and WLP WD4.</p> |

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| 8.10 Planning Obligations | |
| 8.10.1 | <p>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.</p> <p>In this instance a section 106 Planning Obligation is required to secure financial compensation for the loss of biodiversity resulting from the proposed development.</p> <p>The s106 Heads of Terms are:</p> |

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| | <ul style="list-style-type: none"> • A financial contribution of £4,500 towards off-site mitigation for the loss of biodiversity to be spent within the Bromborough Ward or any other Council lead BNG project. • Section 106 monitoring fee of £150. |
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| 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: - |
| 9.7 | <p>Summary</p> <p>As all relevant planning matters will be secured through planning condition and s106 agreement, the proposal is considered to comply with all UDP, NPPF and WLP policies and any related guidance described above.</p> |

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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 8.10 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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1109_000-Location-and-Block-Plan

1109_001G-Proposed-Site-Plan

1109_002D-Plot-1-Floor-Plans

1109_003C-Plot-1-Elevations

1109_004C-Plots-2-and-3-Floor-Plans

1109_005C-Plots-2-and-3-Elevations

Reason: For the avoidance of doubt and having regard to the provisions of the planning permission and to comply with UDP Policy HS4, NPPF Chapter 12 and WLP WS7.

3. Prior to commencement of the development above slab level, a materials schedule shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise approved in writing, the materials schedule shall be implemented in full.

Reason: For the avoidance of doubt and having regard to the provisions of the planning permission and to comply with UDP Policy HS4, NPPF Chapter 12 and WLP WS7.

4. Prior to commencement of the development beyond demolition, details of proposed site levels and finished floor levels shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise approved in writing, the development shall be carried out in accordance with the approved levels details.

Reason: For the avoidance of doubt and having regard to the provisions of the planning permission and to comply with UDP Policy HS4, NPPF Chapter 12 and WLP WS7.

5. Plot 1's ground floor northern elevation window and first floor southern elevation window and first floor rear elevation (serving the room labelled en-suite) and Plots 2 and 3's first floor southern elevation window of the development hereby approved must be;

a) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;

b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.

Reason: For the avoidance of residential amenity impacts and to comply with UDP Policy HS4, NPPF Chapter 12 and WLP WS7.

6. The existing trees on site shall be protected during demolition and construction in accordance with the tree protection measures detailed in:

Tree Survey 24 Croft Lane 2023M Sections 13-16

Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started, or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: For the provision of sufficient tree mitigation and to comply with UDP Policy HS4, GR5, GR7, NPPF Chapter 15, WLP WD1 and WS7.

7. No development beyond demolition shall commence until a scheme of both hard and soft landscaping, which includes the planting of 11 replacement trees and 4m of replacement hedgerow, has been submitted to and approved in writing by the Local Planning Authority.

The detailed landscaping plans submitted shall include:

(i) details of boundary treatments and hard surfaces

(ii) the location, size and species of all trees to be retained and those to be planted

(iii) how the replacement trees will be planted and protected and the proposed time of planting.

(iii) the location, size, species and density of all hedgerows, shrub and ground cover planting to be retained and those to be planted.

(iv) a schedule of implementation

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

Reason: For the provision of sufficient landscaping and to comply with UDP Policy HS4, GR5, GR7, NPPF Chapter 15, WLP WD1 and WS7.

8. All trees shall be planted in accordance with the details and times stated in the specification required by Condition 7 and in accordance with British Standard [BS 8545: Trees: from nursery to independence in the landscape - Recommendations (or an equivalent British Standard if replaced)][BS 4428: Code of practice for general landscape operations (excluding hard surfaces) (or an equivalent British Standard if replaced)].

Reason: For the provision of sufficient tree mitigation and to comply with UDP Policy HS4, GR5, GR7, NPPF Chapter 15, WLP WD1 and WS7.

9. All planting, seeding or turfing comprised in the details of the landscaping scheme approved under Condition 7 shall be carried out before any part of the development is first occupied and in accordance with the agreed implementation programme; and any trees or plants which within a period of 5 years from the development being brought into use die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size and species.

The hard landscaping scheme approved under Condition 7 shall be carried out in full before any part of the development is first occupied.

Reason: For the provision of sufficient landscaping and to comply with UDP Policy HS4, GR5, GR7, NPPF Chapter 15, WLP WD1 and WS7.

10. All dwellings shall comply with the higher water efficiency standard of 110 litres/per person/per day under Regulation 36(3) of the Building Regulations or any successor standard.

Reason: To achieve low carbon standards and to comply with NPPF Chapter 12 and WLP WD233.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1, Class F (Hard surfaces incidental to the enjoyment of a dwellinghouse) and Part 2, Class B (Means of access to a highway), or any amendments made to that Order,:

- no hard surface, other than those specified on the approved plans, shall be provided within the curtilage of the dwellings
- no means of access, other than those specified on the approved plans, shall be constructed to the curtilage of the dwellings

unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect visual amenity and to comply with UDP Policy HS4, GR5, GR7, NPPF Chapter 15, WLP WD1 and WS7.

12. No development beyond demolition shall commence until a finalised sustainable drainage system (SuDS) scheme for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The SUDS scheme shall include, but not be limited to, details of run-off flows, impermeable hardstanding and soakaways; as well as an operation and maintenance scheme. The SUDS scheme, shall be implemented prior to first occupation and retained for the lifetime of the development.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with UDP Policy WA2 (Development and Land Drainage), NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change), and WLP Policy WD4 (SUDS and Natural Flood Management)

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:

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024; or
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

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. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access on the adopted highway. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation, as necessary. Submission of a S184 Highway Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details."

3. 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

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| Last Comments By: | 13/05/2024 |
| Expiry Date: | 24/01/2025 |

