

Reference:  
**APP/20/01065**

Area Team:  
**Development  
Management Team**

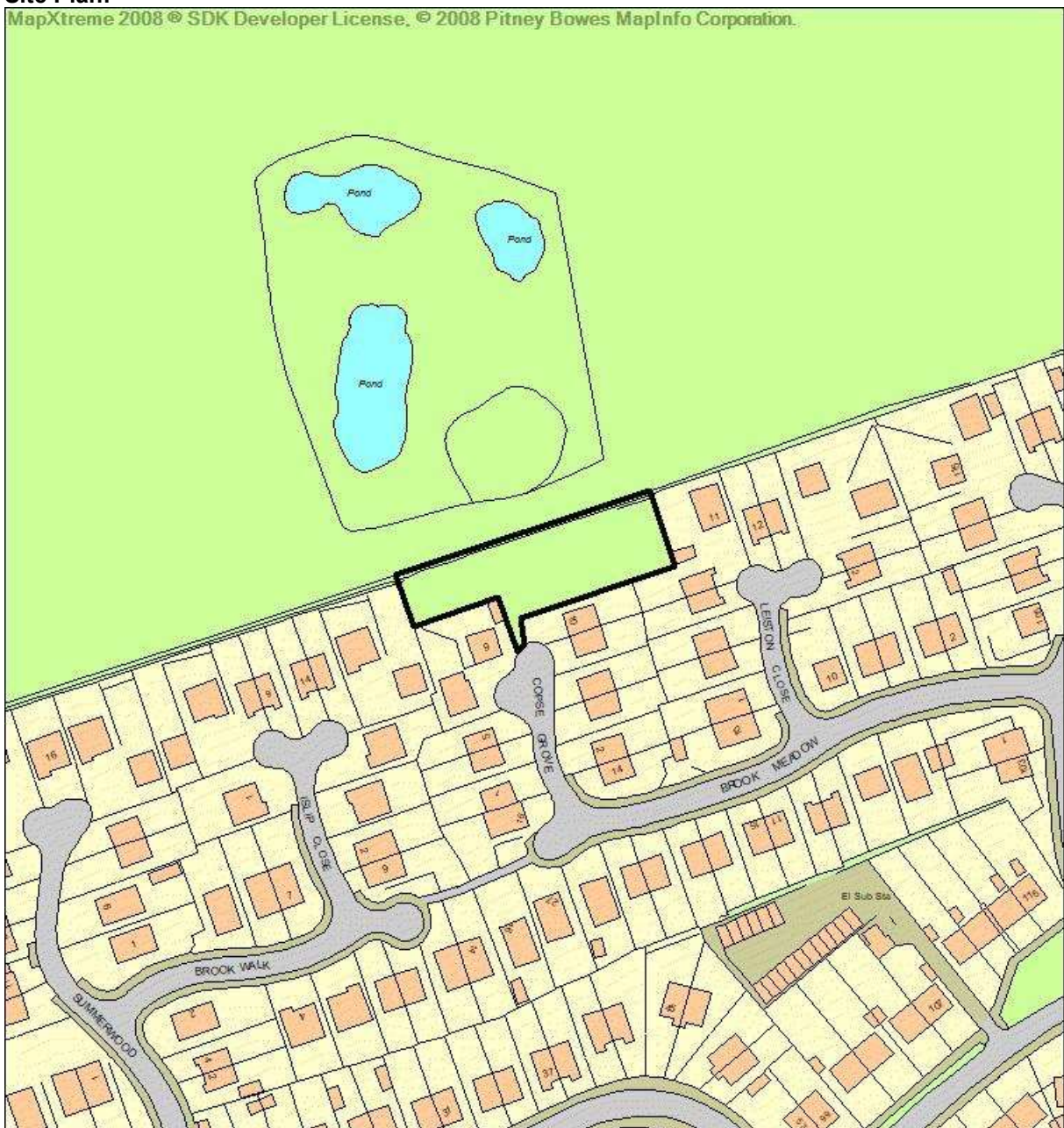
Case Officer:  
**Ms C Robinson**

Ward:  
**Greasby Frankby  
and Irby**

Location: Land to the rear of 9 & 10 COPSE GROVE, IRBY, CH61 4YP  
Proposal: Erection of 2 No detached houses with associated free-standing garages  
Applicant: Mr Clifford  
Agent: Mr Graham

Qualifying Petition: Yes, Number of Signatures: 72

**Site Plan:**



**Development Plan designation:**

Green Belt  
Primarily Residential Area

**Planning History:**

Location: Land to the north of Denning Drive, Irby, L61 4YH  
Application Type: Full Planning Permission  
Proposal: Erection of 96 houses and 17 bungalows and garages and construction of roads and sewers  
Application No: APP/83/22065  
Decision Date: 24/03/1983  
Decision Type: Conditional Approval

Location: Land north of (adjacent) 10, Copse Grove, Irby. L61 4YP  
Application Type: Full Planning Permission  
Proposal: Erection of pair of semi-detached houses and change of use of area of open space to residential garden land.  
Application No: APP/85/06983  
Decision Date: 05/06/1986  
Decision Type: Approve

Location: Land adjacent to 9 & 10 Copse Grove, Irby, Wirral, CH61 4YP  
Application Type: Full Planning Permission  
Proposal: Erection of 3 No. detached houses and detached garages  
Application No: APP/03/06111  
Decision Date: 03/09/2003  
Decision Type: Withdrawn

Location: Land adjacent to 9 & 10 Copse Grove, Irby, Wirral, CH61 4YP  
Application Type: Full Planning Permission  
Proposal: Erection of 2 No. detached houses and detached garages  
Application No: APP/03/07191  
Decision Date: 19/12/2003  
Decision Type: Refuse

**Appeal Details**

Application No	APP/03/07191
Appeal Decision	Dismissed
Appeal Decision Date	23/09/2004

**Summary of Representations and Consultations Received:**

**1.0 WARD MEMBER COMMENTS**

**1.1** Councillor Clements has expressed the desire for the scheme to be removed from delegation in light of the concerns of local residents regarding impacts on both wildlife and the Green Belt.

**2.0 SUMMARY OF REPRESENTATIONS**

**2.1 REPRESENTATIONS**

The residents of eight neighbouring properties were individually notified by way of advertisement of this application. At the time of writing this report, twenty-four representations had been received. One offers neutral comment, whilst the remaining twenty-two object to the proposal, including the Irby Thurstaston Pensby Amenity Society.

The objections are surmised as follows -

1. Destruction of natural habitat and impact on local wildlife
2. Increased traffic, both during construction and subsequently
3. Noise pollution
4. Additional stress on existing drainage systems
5. Adverse impacts on the mental health of neighbouring residents during the construction, and thereafter
6. Increased risk of flooding
7. Development of Greenbelt land is inappropriate
8. Sets precedent for development of other overgrown Greenbelt land
9. Loss of view of The Copse for existing residents nearby
10. Inaccurate information submitted with the application - access gap is less than stated
11. The proposed development detracts from the existing character
12. Inadequate space for parking; this will result in additional cars parking on Copse Grove, which already doesn't have enough parking
13. Negative impact on trees
14. Information supplied regarding the width of the access is inaccurate; the width of the site is not sufficient
15. Previous applications and appeals have been refused, and those grounds for refusal still stand
16. The greenspace was set aside when the surrounding development was planned, and should continue to provide the amenity space it was intended for
17. The extent of the ecological survey is too narrow
18. The site is shown in the title deeds of neighbouring houses to have been "dedicated to the local authority" for the enjoyment of local residents. Surely those stipulations still apply.

An objection petition containing 72 signatures has also been received in response to the proposed works. The main concerns cited within it are summarised as follows:

1. Increased risk of flooding to nearby properties
2. Severe impairment to a local wildlife haven
3. Noise and disruption due to increased traffic and construction works

For the avoidance of doubt, the site does not fall within the Green Belt; it borders the designation but is not contained within it.

## 2.2 CONSULTATIONS

**Highways** - No objection. The proposals are all contained within the private boundary to the dwelling and do not impact on the adopted highway to any great extent. The level of proposed in-curtilage parking is in accordance with the SPD4 standards. The proposed construction of the new vehicle access (driveway) onto Copse Grove will require street works notification and the prior approval of Wirral Highways before any works to the adopted highway are able to be commenced.

**Merseyside Environmental Advisory Service** - Following the submission of additional information with regards to the application site, MEAS are satisfied that the site likely wouldn't fully meet the criteria for Priority Habitat and that like for like compensation planting would not be necessary. A suitably worded landscaping condition, securing the retention of some areas of woodland as wildlife corridors, and new native landscape planting would be proportionate in this instance. Further suitably worded planning conditions - to secure a Construction Environmental Management Plan, Reasonable Avoidance Measures (RAMs) during the construction phase, the introduction of bat and bird boxes, and an invasive species method statement - should be attached to any decision notice in order to reinforce the critical aspects.

**Wirral Wildlife** - The site is believed to be mitigation woodland for a previous development; should this be the case, the proposal would have to provide compensatory

measures for both the currently proposed woodland destruction and that mitigation previously agreed.

The biodiversity surveys - including bat and Great Crested newt surveys - are satisfactory. In light of net biodiversity gain requirement in the NPPF, the replacement planting should be double the size of that lost, to allow for the uncertainties of habitat creation, the time it will take to reach a size to support invertebrates and nesting birds, and the need for net biodiversity gain. A suitable legal agreement, as proposed in the PEA, is recommended to enforce replacement planting of 0.2ha of woodland elsewhere in the local area, secure fencing to stop access from the houses into the carr woodland to the north, management of the carr woodland to improve its value to wildlife, and suitable drainage work to supplement the water supply by taking clean roof water to the pond system. The carr woodland should be registered as mitigation land for this development, and therefore protected against future development.

**Trees** - On amenity reasons alone there is not sufficient grounds to object to the long-term loss of vegetation, though there would be objection to the loss of the whole green boundary which acts as an amenity screen for neighbouring properties. This is recognised more akin to a hedge shrub border) than a line of trees.

The submitted arboricultural method statement is acceptable in terms of carrying out the work to facilitate the proposals. An appropriate landscaping condition -incorporating some retention and appropriate new planting – is recognised as a solution to get some realistic retention of a boundary.

### **3.1 Site and Surroundings**

3.1.1 The development site comprises a portion of generally unmanaged vegetation located to the terminus of Copse Grove, beyond properties 9 and 10. The site falls within a Primarily Residential Area and borders the county's Green Belt. To the North, the development site is bound by a mature broad-leaved woodland.

### **3.2 Proposed Development**

3.2.1 This application seeks permission for the erection of two detached houses with associated free-standing garages.

### **3.3 Development Plan**

3.3.1 Policy HS4: Criteria for New Housing Development  
Policy HS10: Backland Development  
PolicyNC01: Principles for Nature Conservation  
PolicyNC7: Species Protection  
PolicyGR7: Trees and New Development  
Policy LAN1 - Principles for Landscape  
Policy LA7 - Criteria for Development at the Urban Fringe  
Policy WM9 - Sustainable Waste Management Design and Layout for new developments

### **3.4 Other Material Planning Considerations**

3.4.1 NPPF  
SPD4 - Parking Standards  
SPG10 - Backland Development

### **3.5 Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development
- Material Considerations
- Site History
- Design and visual amenity;
- Highways and PROW;
- Ecology, habitat and trees;

- Neighbouring amenity; and
- Other matters

### 3.6 Principle of Development:

3.6.1 The site is designated as part of the Primarily Residential area in the Unitary Development Plan, where the construction of new housing can be permitted subject to the requirements of UDP Policies HS4 and HS10, along with any other relevant material planning consideration.

### 3.6.3 Material Considerations

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. It indicates that the purpose of the planning system is to contribute to the achievement of sustainable development so that opportunities to secure net gains across economic, social and environmental protection can be taken. There is a presumption in favour of sustainable development. For decision taking this means approving proposals that accord with an up-to-date development plan without delay (paragraphs 7, 8 & 11 refer). The most important development plan policies for determining this planning application listed at paragraph 3.3 above are considered to be up to date in terms of their consistency with NPPF.

### 3.7 Site History

3.7.1 APP/83/22065 permitted the original housing estate extending West to East, from Summerwood to Glenwood Drive. As part of this application areas of undeveloped land were specified, as is generally customary for residential estates. In this instance two areas of land were identified - the development site subject of this proposal, and a portion of land to the North-East corner of the site (to the East of 123 Glenwood Drive). The North-East corner was formally recognised as public open space, Written correspondence during the course of the application confirms that Coppice was not to be treated as public open space and would be "*woodland dedicated to the local authority*". The approved site plan (EL/55/01/A, as per condition 3) confirms this. Condition 17 of this consent - relating to public open space - refers to the North-East corner only dictating that this land be "*preserved as amenity land in relation to the development*". The land subject of this application is recognised as part of the landscaping plans (condition 11 secures the implementation of drawing EL/55/01/2a), however this condition only dictates that the landscaping plan must be implemented in accordance with the approved plans; it does not enforce that the landscaping must be retained thereafter for the lifetime of the development. Therefore, though recognised as undeveloped land as part of the original housing scheme, the development site is not recognised as public open space to be protected via planning conditions for the amenity of residents.

3.7.2 APP/85/6983/S relates to the erection of a pair of semi-detached dwellings on the development site. Whilst no formal drawings for this application have been located within the archives, a written record of the committee minutes (dated 5th June 1986) has been sourced which outlines the rationale for the decision. Despite the absence of plans, there is no doubt that this application relates to the current development site. The correspondence refers to the land as having been formerly approved as "*woodland dedicated to the local authority*", as is confirmed by the drawings approved with APP/83/205 to comprise the site subject of this current application. The minutes detail that, during the building operations of the aforementioned approval, the trees were inadvertently cleared. An apology was issued by the developer, and a replanting scheme submitted; however, an application seeking planning permission for housing on the site was also submitted. The minutes confirm, at paragraph 3 that the "*real value and the reason for retaining*" this area of land "*had been its original densely wooded character*". The minutes stated that the character "*has now been lost along with the trees*". At the time of the committee meeting discussions were ongoing with local residents, in regard to taking over the land (where the local authority were no longer pursuing its adoption); however this was not a sufficient reason to neither delay a decision nor warrant refusal of the application for housing. With conditions to reinforce the critical aspects, approval was granted. This approval was never implemented.

3.7.3 APP/03/7191 relates to the erection of two dwellings at this location. The application was submitted in response to previously withdrawn APP/03/06111 seeking permission for three dwellings at this location. The drawings submitted as part of application APP/03/7191 are the same as the works sought as part of the current application. The two refusal reasons are listed as follows -

*1. The site is outside the North West Metropolitan area, as defined in Policy SD1 of Regional Planning Guidance for the North West (RPG13). Paragraph 3.18 of RPG 13 states that the provision for housing in areas outside the North West Metropolitan Area in the Western half of Wirral should be based on meeting the needs of the area's current population and its housing needs. No evidence has been provided to demonstrate that the development proposed is to satisfy the areas current population and its housing needs. there is sufficient housing land identified in the Borough to accommodate the Regional Planning Guidance (RPG13) requirement of 160 net units per annum. There is therefore no numerical need for the dwellings proposed on this site.*

*2. The proposed development is contrary to national advice in Planning Policy Guidance Note 3 – Housing. The proposed development site is a greenfield windfall and as such should be subject to the sequential approach set out in paragraph 32 of PPG 3. No allowance has been made within the adopted unitary development plan for the use of greenfield windfalls. The applicant has not shown that insufficient previously developed land is available to accommodate elsewhere the dwellings proposed on this greenfield site.*

3.7.4 Planning applications must be assessed against the policy context relevant at the time; , PPG13 and Planning Policy Guidance Note 3 are no longer applicable. Paragraph 12 of the NPPF confirms that the development plan is the starting point for decision making. The 2003 officer report stated that the proposal (in comparison to the previous application for three properties) enables a better siting of the new dwellings and more space for vehicles to move within the site. Aside from the - now irrelevant - policy considerations, it does not raise any other concerns sufficiently detrimental to constitute refusal reasons.

### 3.8 Design and visual amenity:

3.8.1 Proposed is the erection of two detached dwellings. Facing brickwork and roof tiles to match the surrounding housing development are the proposed construction materials. The surrounding vernacular is predominantly brick thus this materials selection is favoured. The locality is made up a combination of attached and semi-detached houses, though their overall design and appearance is generally uniform. The properties here proposed are a little larger than their neighbours, however they fit well to the local character and are not cramped nor contrived within their plots. As an urban fringe development, policies LAN1 and LA7 are applicable. As above, the new buildings are generally well designed and sited and a landscaping condition attached to any approval granted shall ensure that vegetation is retained within the site by way of softening the visual impact particularly where the Green Belt is concerned. Detached garages are also proposed alongside the properties. Whilst they are not a common feature in the locality, the plot size is sufficiently generous to accommodate the structures without their addition being unduly cramped. Their siting as part of the wider streetscene is discreet and it is not alien to see domestic garages in a residential setting.

3.8.2 Whilst the proposals do not have all the characteristics of backland development, as they are located behind existing properties, they should be considered alongside this policy. UDP Policy HS10 requires that an access be provided which is of sufficient width to provide a private drive, 3m wide with amenity strips. As proposed, the access would be provided using an existing gap separating no's 9 and 10 Copse Grove which varies in width from approximately 2.5m to 3.5m. Though not fully compliant with the backland policy criteria, our highways team have not cited any objection to the access arrangements from a

highways safety perspective. Where the plot is not a full backland site, this is considered acceptable. From the street scene, the proposed properties shall be largely obscured by existing built form; in any event their design, scale and form are consistent and sympathetic with the locality thus they will not appear alien. Overall, the two dwellings are considered to be an appropriate addition to this site. Their discreet siting mean that the properties make a limited contribution to the wider street scene and, in any event, are considered to generally accord with the overall existing character of the area.

3.8.3 Research from the relevant planning history confirms that the site was not designated as public open (amenity) space in association with the construction of the original housing estate (see permission APP/83/22065 and the 'Site History' section of this report,); the site, at present, however, is an undeveloped patch of vegetation, which could be considered a visual buffer within the estate. The removal of this vegetation will come with visual amenity implications. As detailed in the 'Ecology, habitat and trees' section of this report, the vegetation contained within the site is generally of poor quality. Regardless, when viewing the site from Copse Grove, existing trees in the front garden of neighbouring no.10 make up much of the vegetative character combined with one tree sited forward within the development site which is set to be removed as part of the proposal. The bulk of the vegetation set for removal is not prominently viewed from Copse Grove to make a prominent contribution to the street scene. In any event, the site shall continue to be read against the remainder of the Carr woodland (which contains more mature vegetation and is arguably more attractive) located beyond the North boundary of the development site. The loss of the open space making up the development site is therefore not considered sufficiently detrimental as to warrant the refusal of this application.

3.9 Highways:

3.9.1 The proposed development would provide two four-bedroom dwellings. The Council's adopted parking standards (2007) states that a maximum of two parking spaces should be provided for houses with 3 or more bedrooms. The site plan indicates that each dwelling would benefit from a driveway sufficient to park one vehicle plus a single garage; in which case the proposal is considered to provide adequate parking provision.

3.9.2 The Authority's highways team have raised no objection to the proposed access arrangements. The site will allow adequate space for turning and manoeuvring allowing vehicles to enter and exit the site in a forward-facing gear.

3.10 Ecology, habitat and trees:

3.10.1 Whilst the site is not designated as a priority habitat and has no specific designation in the UDP, the development site is within proximity to several designated sites; Thurstaston Common SSSI (950m west), Limbo Lane Pond LWS (490m east), Harrock Wood LWS (660m south), and Arrowe Park LWS (760m east). MEAS has advised that ecological impacts must therefore be carefully considered. The application site comprises an area of unmanaged broad-leaved woodland with an under-storey of scrub. The planning history confirms that this vegetation was planted after the initial (erroneous) clearance of the site circa 1985. The woodland extends outside of the northern boundary of the application site and this area includes a large pond. Broad-leaved woodland and are Priority Habitats. Such areas should be afforded protection, in terms of mitigating loss of trees within them and - where felling is unavoidable - the provision of compensatory planting. The Local Planning Authority is required under s40 of the Natural Environment and Rural Communities Act 2006 to have regard to particular living organisms and types of habitat which are of the greatest conservation importance whilst carrying out their functions. This will need to be considered in line with UDP Policies GR7, NCO1 and NC7. Cabinet have also resolved on 27/7/20 that 'that the Tree Strategy can be a material consideration in planning applications.

3.10.2 The applicants Arboricultural Impact Assessment indicates that there are a number of trees such as oak, rowan, elder, holly which are low quality and in poor condition which should be removed to facilitate the proposed development (tree grouping G1 and part of G2 as detailed within Appendix 2 of the Arboricultural Impact Assessment) It goes on to recommend that replacement plantings as part of a landscape strategy to provide wider species diversification and interest. In this instance, inspection of the site has confirmed that the vegetation

contained within the site generally consists of small scrubby trees, many in poor condition. The understory is also lacking. Though the wider woodland to the North would constitute Priority Habitat, the development site - due to the lesser quality of the vegetation contained within it - would likely not fully meet the criteria.

- 3.10.3 Though the proposed vegetation removal does represent a degree of environmental harm, its lesser quality mitigates the environmental impact somewhat. The site is also of sufficient scale to allow for the retention of some vegetation. Portions of existing vegetation to the East and West ends of the site are those proposed to be retained; as well as minimising tree loss within the site, shall also act appropriately as a wildlife corridor. A landscaping condition would be attached to any approval granted; this would monitor the levels of retained vegetation, plus allow opportunity for appropriate re-planting.
- 3.10.4 When accounting for the poor quality of the vegetation (which is not recognised as Priority Habitat), and the opportunity for some retention and replanting, like for like compensatory planting - as recommended by MEAS and Wirral Wildlife - is not considered proportionate in this instance. All efforts should be made to safeguard the best specimens of trees during and post construction; an appropriately worded planning condition is recommended in this regard. Further appropriately worded planning conditions seek enhancement measures, such as bird boxes, to ensure that there are no undue adverse wildlife impacts. Subject to enhancement matters, the proposal has not raised any undue concerns from consultees in regard to biodiversity impacts.
- 3.10.5 The Council's Tree Strategy also indicates that planning applications should demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. The selection of new species to be planted will use the "right tree for right place" approach.
- 3.10.6 In terms of the retained vegetation, a portion of this is proposed to the West of the site located behind the detached garages; approximately 88m<sup>2</sup> of vegetation is earmarked for retention. Due to its distance from the house and its access arrangements, being through the buildings themselves, this portion of curtilage is unlikely to make up the primary garden for the enjoyments of the future occupants. Accordingly, any vegetation proposed to be retained at this location will not unduly impact the occupiers nor - ultimately - give rise to pressure to fell the specimens. The situation is more sensitive to the East of the site, which shall comprise the primary garden area. Some 167m<sup>2</sup> of vegetation is here suggested to be retained. There will be pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space; on this basis, the full extent of suggested vegetation may not be realistic as a long term solution. However, the retained woodland is to the North of the site meaning that actual shading issues would be minimal and thus some vegetation could be acceptably retained. Officers are satisfied that a degree of vegetation will be able to be retained and are satisfied to pursue the finer details via a landscaping condition post-determination. On balance the works accord with the applicable landscaping policies (7) and thus are considered acceptable.
- 3.11 Neighbouring amenity:
- 3.11.1 In terms of amenity, the Southerly plot (House Type 1) is generally acceptable. The plot is of sufficient size to allow the normal separation distances and is in accordance with the criteria of the UDP. 21m separates the rear wall from the side of neighbouring no.11 Copse Grove to the East. The relationship with the nearest neighbour is that the dwellings would be side to side, which is generally preferable for amenity safeguarding. There is a habitable (bedroom) window to the side elevation which could pose overlooking to the garden of neighbouring no.10. A ground floor kitchen window also faces the neighbouring proposed



dwelling to the West. Where these windows are not the primary light source into this room, this fenestration would be instructed via planning condition to be obscure glazed and fixed shut in order to ward against overlooking harm.

- 3.11.2 The Northerly plot (House Type 1 - handed) plot is similar and also generally acceptable. Again, the normal separation distances are achieved with the existing neighbours within Copse Grove where 21m separates the rear wall from the side of neighbouring no.11 Copse Grove to the East. Non-habitable first floor windows (bathroom and landing) shall face the neighbouring property thus are of lesser consequence where overlooking is concerned. Again, a ground floor kitchen window faces the neighbouring proposed dwelling (to the East); though, since not the primary light source into this room, this fenestration should either be omitted or would be instructed via planning condition to be obscure glazed and fixed shut.
- 3.11.3 Retained vegetation is likely to make up (in whole or in part) the boundary treatments for these sites; this shall provide continued screening to adjacent properties, thus bolstering the scenario of privacy. As above, the separation distances are sufficient. In terms of the objections raised in relation to noise and disturbance, it's not considered that the proposal gives rise to detrimental harm in this regard. The levels of disturbance - including (but not confined to) vehicular movements and general noise from the houses/gardens - associated with two additional dwellings at this location are not considered unacceptably adverse. Noise and disturbance associated with the construction period of any dwellings here approved is not a material consideration for the purposes of planning; there is adequate legislation in the form of the various laws on control of pollution to deal with any problems in this regard.
- 3.11.4 Representation cites objection regarding the loss of the green space set aside during the construction of the estate (see 3.7.1 and 3.8.3. The site is currently overgrown and within the private ownership of the applicant; accordingly, in terms of use for enjoyment, its amenity value is limited to nil. With this in mind, its loss isn't considered to constitute harm to the enjoyment of existing residents of the Close.
- 3.12 Other Matters
- 3.12.1 Objections have been cited regarding loss of view of The Copse for existing residents nearby. Loss of view does not represent a material consideration for the purposes of planning and, as above, the proposal is not considered to give rise to visual harm. Concerns have also been raised regarding increased flooding potential to the locality in light of introduction more built form at this location. The area is recognised as falling within Flood Zone 1; accordingly, there are very few restrictions in terms of flood risk to development of this plot due to the low flood risk. Objections have also questioned the additional stress that the properties would have on the existing drainage systems. There is no evidence to suggest that two additional dwellings at this location would not be able to be supported by the existing sewer network; in any event building control regulations shall ensure that an adequate scenario of drainage can be achieved.
- 3.12.2 Numerous concerns have also been cited for the precedent that the proposed application would set for the development of other overgrown greenbelt land. For the avoidance of doubt, the development site borders the boroughs greenbelt designation rather than fall within it thus the site is not restricted by Greenbelt development policies. The overgrown/unmaintained status of a site does not automatically give preference to its development; the remainder of this report outlines the planning balance judgment undertaken in assessing whether a site (overgrown or otherwise) is appropriate for development. In this instance the site is supported in principle for residential development and no unacceptably adverse harms have been identified as material considerations to outweigh this policy status.

Objectors cite the fact that the area is mentioned on the deeds of their house as being open space for the enjoyment of residents. Members will be aware that covenant issues are not material planning considerations. The planning issues relating to the status of the land have been assessed above.

## Summary of Decision:

Having regards to the individual merits of this application the recommendation to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal lies within a primarily residential area and is not in the Green belt. The previous refusal on the site related to policies that are no longer in place and the current proposal must be assessed against the current statutory development Plan and material considerations. There is no policy justification to refuse the principle of dwellings on the site so the key assessment relates to any harm arising from the detail of the proposal. The dwellings are not considered to have a harmful visual impact on their surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal results in the loss of some vegetation initially and this has been assessed as being predominantly of poor quality. MEAS and the Councils tree officer do not object to the proposal subject to conditions to control the landscaping scheme. Whilst the loss of vegetation is recognised as an environmental harm it's not considered sufficient to warrant the refusal of this application. The proposal complies with NPPF - Requiring Good Design, HS4 - Criteria for New Housing Development and SPG11 and is therefore considered acceptable.

**Recommended Decision:**            **Approve**

## Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on August 10th and 14th and listed as follows: 2020\_P\_10 dated July 2020, 2020\_P\_11 dated August 2020

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

3. No development or clearance of vegetation shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The plan shall include:
  - a. Tree protection measures for retained woodland during construction.
  - b. Pollution control measures to avoid runoff etc. entering the adjacent retained woodland area and the pond located to the north of the site.
  - c. Reasonable Avoidance Measures (RAMs) to mitigate risk in relation to both common amphibians and terrestrial mammals.

All construction activities shall be implemented in accordance with the approved details and timing of the plan.

**Reason:** To protect features of recognised nature conservation importance on and to comply with Policy NC7 in the Wirral Unitary Development Plan.

4. No development shall take place until there has been submitted to and approved by the

local planning authority a scheme of landscaping. The scheme should include indications of all existing trees and hedgerows on the land, and details of those to be retained (to the East and West of the site), together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

**Reason:** In order to protect the visual amenities of the area and to comply with Policy NC7 in the Wirral Unitary Development Plan.

5. No development shall take place until there has been submitted to and approved by the local planning authority a method statement relating to invasive species. The statement, prepared by a competent person, which includes the following information:

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

**Reason:** In order to eradicate invasive species from the development site, to prevent the spread of the plant through development works and to accord with the aims of Policy NC01 in the Wirral Unitary Development Plan.

6. Within 3 months of completion of the development hereby permitted, details of bird and bat boxes, to include number, type and location on an appropriately scaled plan, as well as timing of installation, shall be provided to the Local Planning Authority for approval and implemented in accordance with those details.

**Reason:** To mitigate the loss of bird breeding habitat and to increase the availability of bat roosting opportunities in compliance with Policy NC7 in the Wirral Unitary Development Plan.

7. No above ground works shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied.

**Reason:** In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8. Detailed drawings shall be submitted to and approved by the Local Planning Authority prior to the commencement of any above ground works to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent developments

9. Prior to the first occupation of the dwellings hereby approved, details of the proposed refuse storage including provision for recycling shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure the provision of adequate refuse storage in accordance with Policy WM9 of the Joint Waste Local Plan.

10. No tree felling, scrub clearance or building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then the building is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

**Reason:** To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

11. All exterior lighting shall be designed and used in accordance with the guidance of the Bat Conservation Trust.

**Reason:** To minimise the impacts on bats and their insect food from excessive light spill onto habitats in line with UDP Policy NC7 and NPPF paragraph 180.

12. The following windows shall not be glazed otherwise than with obscured glass (and fixed shut, top/side hung, opening inwards or outwards) and thereafter be permanently retained as such -

- House Type 1 - Kitchen window in side elevation and Bedroom 2 window in side elevation
- House Type 1 (Handed) - Kitchen window in side elevation

**Reason:** To safeguard the amenities of occupiers of adjoining properties

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015(or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

**Reason:** To safeguard the amenities of the adjoining occupiers & appearance of the area

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015(or any Order revoking or re-enacting that Order) no erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. falling within Part 2, Class A, shall be undertaken on any part of the land.

**Reason:** To safeguard the amenities of the adjoining occupiers & appearance of the area

#### **Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. 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 S50 Highway Opening 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](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

**Last Comments By:** 26/09/2020  
**Expiry Date:** 09/10/2020