



## Appeal Decision

Inquiry Held on 8 to 11 and 21 August 2023

Site visit made on 24 August 2023

**by Patrick Hanna MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

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**Appeal Ref: APP/W4325/W/23/3318758**

**Land off Grange Road, West Kirby, Wirral**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Greenfield Estate Trustees against the decision of Wirral Metropolitan Borough Council.
- The application Ref OUT/22/01305, dated 21 July 2022, was refused by notice dated 10 February 2023.
- The development proposed is 39 no. residential units with associated works (access to be considered and all other matters reserved).

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### Decision

1. The appeal is allowed and outline planning permission is granted for 39 no. residential units with associated works at land off Grange Road, West Kirby, Wirral, in accordance with the terms of the application Ref OUT/22/01305, dated 21 July 2022, subject to the conditions in the attached schedule.

### Procedural Matters

2. The application seeks outline planning permission with the principal means of access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters to be considered in the future. An illustrative masterplan and parameters plans have been provided, which have been proposed to be subject to a condition requiring that detailed applications be in general accordance with these. I have determined the appeal on that basis.
3. A planning obligation pursuant to s106 of the Town and Country Planning Act 1990, in the form of a unilateral undertaking (UU) was discussed at the inquiry, with the affordable housing obligation amended from 20% to 20 or 30%. The UU was signed and submitted shortly afterwards. I return to this below.
4. The development plan includes the Wirral Unitary Development Plan (2000)(UDP). The Wirral Local Plan Submission Draft (2022)(the draft LP) was submitted for examination in October 2022.

### Main Issues

5. Following submission of the appeal, the third reason for refusal, relating to protected species, has been addressed to the satisfaction of the Council. On that basis, the main issues are:
  - the effect of the proposal on the character and appearance of the surrounding area, with particular regard to effects on the streetscene, the setting of West Kirby, and green space;

- whether the proposal would be so significant that to grant permission would undermine the plan making process by pre-determining decisions about scale, location or phasing of new development that are central to the emerging plan, with particular regard to proposed designated local green space;
- whether the Council can demonstrate a five year supply of deliverable housing land; and
- whether the proposal would make suitable provision for affordable housing.

### **Reasons**

6. The appeal site is some 2.72 hectares of land within the settlement of West Kirby. The southern part of the site contains two large detached residential buildings with gardens; Greenfield, originally the principal dwelling on the appeal site, now divided into apartments, and a detached dwelling called Barclays Meadow. The northern part of the site contains open fields, known locally as "the Sheep Field", and historically part of the curtilage of Greenfield. Mature trees line the western and south western boundaries and also separate the two distinct parts of the site. Many of the trees are protected by group Tree Preservation Orders. The site is fronted by sandstone walling onto a main approach road into West Kirby, which slopes steeply down towards the west, and is located within a predominantly residential area.
7. The proposal is for residential development of up to 39 dwellings, of which 20% or 30% would be affordable. Access would be taken directly from Grange Road. The illustrative masterplan indicates provision of pedestrian and cycle access through the site to Carpenters Lane, open space to the Grange Road frontage, and site landscaping. The massing parameters plan provides for 1 to 2.5 storey units in the northern part of the site fronting Grange Road, 1 to 2 storey dwellings to the southern part of the site, and 3 storey adjacent to the 3 storey Greenfield. In broad terms, the effect of the proposal would be to introduce residential development on an open site within an existing residential area.

### ***Character and appearance***

8. The UDP proposals map identifies the site as being within a designated Primarily Residential Area. As the appeal site is within the identified urban area, it has not been assessed in the Wirral Landscape Character Assessment (2019). Despite the site being valued by local residents, the site is not a designated or valued landscape in the UDP or as described in the National Planning Policy Framework (the Framework).
9. Policy WS10.6(R) and appendix 13 of the draft LP designates the site as local green space (LGS), as defined in paragraphs 101 to 103 of the Framework. This seeks to prevent development that would prejudice the openness or character of the LGS except in identified circumstances.

### ***Landscape effects***

10. The pastoral fields, mature trees, hedgerows, and the sandstone walling at the site together create an attractive green space contained within the urban area. The northern part of the site also contributes a sense of openness to the character and appearance of the area and, when viewed from east of the Grange Road frontage, is seen alongside the longer views to the west of the River Dee estuary and north Wales beyond. Whilst the openness of the

northern part of the site is not unique in West Kirby, as other open fields exist elsewhere in the settlement, it is a relatively rare feature. Overall, the site is of good landscape quality and value.

11. The siting of the proposed dwellings would result in the openness and pastoral quality at the northern part of the site being very considerably reduced and, as a result, the townscape here would become more urban in character. On the other hand, a section of open frontage along Grange Road would be retained by the proposal, albeit a relatively compact area. Most of the landscape features of the site would also remain, including most of the mature trees as well as the distinctive sandstone walling along the site frontage which would be retained with the exception of the site access itself or rebuilt in a set-back position. The development of the southern part of the site would have a very limited impact on landscape features. Additional tree and hedgerow planting is also proposed across the site along with pond reinstatement.
12. On this basis, I find that the susceptibility to change of the site is medium, with sensitivity being very much at the lower end of medium/high. The magnitude of change is also medium. Overall, this results in a landscape harm of moderate significance on the landscape within the site and along this part of the Grange Road corridor.

#### *Visual effects*

13. The visual envelope of the appeal site is highly localised, being largely enclosed by the surrounding urban environment. The key disputed viewpoints are east of Grange Road and west of Grange Road, on a relatively heavily trafficked main approach road into West Kirby.
14. From east of Grange Road,<sup>1</sup> the existing openness across the northern part of the site is evident, with the mature treeline acting as partial backcloth. There are only glimpses of Greenfield and Barclays Meadows beyond, which emphasises the sense of openness when looking into the site. As such, the site serves an open and green landmark on the approach into West Kirby, and has remained largely unchanged for over a century. Whilst clear views of the site are afforded to drivers of higher base vehicles, many drivers are seated too low down to see over the sandstone wall. Pedestrians see over the wall and into the site for longer periods.
15. These views into the northern part of the site would be considerably changed by the proposal. It would change from pastoral open green space to predominantly urban development with a smaller landscaped open frontage. The distinctive visual break created by the open green space within the urban streetscene would be reduced. The setting of West Kirby and the distinctive open gateway on a main approach road into the settlement would also be diminished. The loss of these open views across the site would inevitably be harmful in itself, although the existing mature trees would be seen above some of the proposed dwellings, as well as between them. The proposed additional landscaping would considerably soften the effect over time.
16. The open aspect of the site is also seen from east of Grange Road alongside the longer views to the Dee estuary and north Wales beyond. This view was cited by objectors as being key to the character of West Kirby, and many people

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<sup>1</sup> As broadly represented by Mr Barnes POE Appx VPs 1 & 4 and Mr Wakefield POE Appx VPs 11, 12, 13 and 14.

from the local community provided the inquiry with heartfelt statements in favour of retaining this view. It is the widest sea view up until that point along the Grange Road approach to the settlement, but it is not the first sea view experienced on that route. Whilst this longer view does provide the locality of the appeal site with a distinctive sense of place, the view of the estuary and hills occupies only a proportion of the horizon, being obscured elsewhere by existing mature trees and buildings.

17. The massing and layout parameters plans indicate a set back from the road and a limitation on building height. The westernmost buildings would mostly be no higher than the existing tree line, ensuring substantive retention of views above and beyond them to the hills and estuary. The easternmost dwellings would block only a very small proportion of the field of view of the longer views. Future landscaping along the site frontage may in time grow to restrict these longer views if left untended, but the management of this would be within the control of the Council through the agreed planning conditions. Subject to the proposed development parameters, the effect of the proposal on the longer distance view would be very limited.
18. Overall, I find that the visual sensitivity at this viewpoint is medium and, taking together the effect on views across the appeal site and the limited effect on the longer distance view to the hills and estuary, the magnitude of change overall would be medium. Consequently, the overall visual effect on this view from east of Grange Road would be moderate.
19. For views from west of Grange Road,<sup>2</sup> and for road users on Heatherdine Road and Asburton Road opposite the site, my above findings in respect of the open views into the site also apply equally here. For the same reasons, the overall visual effect would be moderate.
20. Private views into the site from neighbouring properties would also experience a considerable change, including from the existing dwellings on the site and from properties along the northern side of Grange Road. However, those views are largely in the context of an existing urban environment and, furthermore, it is widely known that there is no right to a view from residential properties.

#### *The development plan*

21. Policy HS4 (Criteria for New Housing Development) states that new housing will be permitted within Primarily Residential Areas subject to meeting all identified criteria. In general terms, this is a permissive policy that supports residential development within the urban residential area. More specifically, only the second criterion is disputed, which requires that the proposal should not result in a detrimental change in the character of the area. Given my above findings relating to landscape and visual effects, whilst the proposal would inevitably involve change, it would not result in a significant detrimental change.
22. Policy GRE1 (Protection of Urban Greenspace) is an overarching policy which seeks to ensure that the loss of existing greenspace is not permitted. To be understood, this policy must be read in conjunction with policies GR1 (also entitled Protection of Urban Greenspace) which sets out criteria and restrictions on development on urban greenspaces, and GR2 (Land Designated as Urban Greenspace) which identifies a total of 220 sites which are designated on the

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<sup>2</sup> As broadly represented by Mr Barnes POE Appx VP 2 and Mr Wakefield POE Appx VPs 4 and 10.

proposals map as urban greenspace. The appeal site is not one of these identified urban greenspaces. Therefore, the application of policy GRE1 is not relevant to this site.

23. Although the wording of policy GRE1 does refer to protection of areas of visual importance, this does not change the overall meaning of, and relationship between, the policies. Indeed, the relationship between these policies is set out in the supporting text to policy GR2. This explains that saved policy GRE1 provides for the protection of a network of accessible public open space and that the *"nature of that protection is set out within Policy GR1"*. The clarification in policy GRE1 that areas of visual importance should be *"with or without direct public access"* does not suggest that non-designated sites without public access such as the appeal site should be subject to the policy. Rather, the wording indicates that sites without direct public access such as golf courses and allotments are also captured by the policy GR2 list of designated sites.
24. I am not persuaded that policy URN1 (Development and Urban Regeneration) provides much support for the Council's view that GRE1 introduces a mechanism for any other non-designated green space to be subject to control. Whilst policy URN1 refers to protecting urban greenspace and *"greenspace features within other sites"*, this is again another overarching policy. It simply sets out the broad considerations at the heart of the urban regeneration strategy and, consequently, directs the reader onward to topic specific policies. Furthermore, policy URN1 is not cited in the reasons for refusal.
25. The Copse Grove appeal decision<sup>3</sup> reached a different conclusion on this policy. However, there is no indication that the applicability of saved policy GRE1 was a matter of dispute in that case, or that GRE1 was read in the context of the development plan as a whole. Based on the evidence before me at this inquiry, I reach a different finding to that decision.

#### *Other character and appearance matters*

26. The quality of the appellant's landscape submissions has been challenged by the Council, with particular concern regarding compliance with Landscape Institute guidance and the lack of rendering in the wireline visualisations. In response, the Council has produced its own assessments. Either way, the information before the inquiry allows me to adequately and proportionately reach a decision on the effects of the proposal. In addition, there is no reason why a detailed design at reserved matters stage, within the proposed parameters, could not be in keeping with the existing built forms on Grange Road and the surrounding area, and be sympathetic to the wider streetscene.

#### *Conclusion*

27. The proposal would not have a significant adverse effect on the character and appearance of the surrounding area, with particular regard to effects on the streetscene, the setting of West Kirby, and green space. The proposal accords with policy HS4 and paragraph 130 and 134 of the Framework. As explained above, policy GRE1 does not apply to the appeal site or proposal.
28. Even if I had concluded that the proposal conflicted with policy HS4 due to the change being detrimental, or conflicted with policy GRE1, my overall conclusion

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<sup>3</sup> APP/W4325/W/21/3273784 Land to the rear of 9 & 10 Copse Grove, Irby CH61 4YD.

would not change. The benefits of the proposal, as set out below, would outweigh the harms.

### **Prematurity**

#### *Weight to be given to policy WS10.6(R)*

29. The site was originally proposed for housing in the Issues and Options Consultation (2020). However, that document did not represent the Council's settled view at the time and the consultation also asked if any other LGS should be designated. 33 people proposed the appeal site and, in response, the Council carried out a review of the suggested sites in the Wirral Local Green Space Designations Review of Sites (2021)(LGSR). The draft LP proposals map now designates the appeal site as LGS.
30. Proposed policy WS10.6(R)(Open Space) states that development will not be permitted that would prejudice the openness or character of the LGS unless, amongst other things, for the re-use or replacement of an existing building and/or have no significantly greater visual or operational impact than the existing use or structures. The proposal would involve construction of additional buildings across the site which would, as a consequence, have a significantly greater impact on openness, notwithstanding my above conclusions on harm to character and appearance. As such, the proposal would conflict with this proposed policy.
31. However, the weight to be given to that conflict is tempered by various factors. Paragraph 48 of the Framework indicates that weight may be given to relevant policies according to, in summary; the stage of preparation of the plan; the extent of unresolved objections; and the degree of consistency with the Framework, as follows.

#### *Stage of preparation*

32. The draft LP has been submitted to the Inspectorate for examination. Hearings began in April 2023 and are scheduled to continue from September to November 2023. In straightforward terms, therefore, the draft LP is at an advanced stage.

#### *Unresolved objections*

33. There are 42 objections suggesting that policy WS10.6 is unsound, and there is a consortium of 13 housebuilders objecting on wider grounds of legal compliance and strategic matters. There is also one objection from the appellants to the designation of the appeal site as LGS. Whilst the single objection may not be significant numerically, it is so in substance, partly evidenced by the fact that the appellants have also gone as far as to pursue this current appeal at inquiry in response to the proposed LGS. Taken together, these represent significant unresolved objections to the draft LP.

#### *Consistency with the Framework*

34. The consistency of proposed policy WS10.6(R) with the Framework, and the designation of LGS, will be dealt with during the local plan examination. In this respect, the Inspector's Matters Issues and Questions (MIQ) were issued on 7 August 2023. This invites further hearing statements to be submitted and identifies that there are still questions to be answered as to whether the

proposed LGS are all demonstrably special, amongst other things. As such, the Council's assertion that the LGS designations are sound and unlikely to change cannot be said with any great certainty at this stage. Moreover, whether the policy retains the same wording or not, my confidence in its current form is considerably reduced by the Council's concession that amendments may yet still be required to achieve the consistency with green belt policy that is required by paragraph 103 of the Framework.

35. To be designated as LGS, the appeal site would need to meet, amongst other things, the requirements of paragraph 102(b) of the Framework, namely that the site is demonstrably special to the local community and holds a particular significance, for example because of its beauty, historic significance, tranquillity or richness in wildlife.
36. *Beauty*: The LGSR concludes that the site has beauty, however it is unclear exactly how it reached this conclusion. The Council indicate that, based on the LGSR methodology, it is because there is good visibility of the appeal site and an absence of detracting factors. However, in my judgement, these two criteria are insufficient in themselves to say that a site has beauty. The sense of place at this location relies largely on the longer distance views to the estuary and Welsh hills. But even this, and my earlier findings regarding the scenic quality and value of the site, do not inevitably lead to a conclusion that the site has beauty. Although the site does indeed have some pleasing visual qualities, and notwithstanding objectors' comments regarding the attractiveness of the site, I am not persuaded that the test for beauty has been sufficiently demonstrated.
37. *Historic significance*: The LGSR concludes that the site does not have historic significance, and the appeal site is not covered by any heritage designation, notwithstanding the non-designated sandstone walling and any potential for archaeological remains. Whilst the site maybe a remnant of an earlier and wider agricultural landscape, it is not unique in West Kirby in this respect. This test has not been demonstrated.
38. *Tranquillity*: The LGSR concludes that the appeal site has tranquillity, and the southern part of the site is agreed to be tranquil. To the north of the site, the mature trees and fields in which sheep graze are natural features that contribute to visual tranquillity. However, given that there is no public access into the site, views into it are largely experienced by the public from the relatively heavily trafficked Grange Road, which detracts from the experience of that visual tranquillity. Although longer sea views can be a contributor to tranquil landscapes, I am less convinced that the view to the distant estuary and hills could be considered as tranquil from here, given the wider urban context of those views and the detractors described above. Furthermore, the site is not identified on any tranquillity map.
39. *Richness of wildlife*: The LGSR concludes that the site is rich in wildlife. The site has been largely undeveloped for many decades, and forms part of a potential wildlife corridor or stepping stone network with other nearby green spaces. This has allowed wildlife to establish and be present on the site and includes unimproved acid grassland habitat and yellow meadow anthills. Even so, the site is not subject to any ecological designation at any level.
40. Overall, my view is that the case for designating the appeal site as LGS is at best an on-balance judgement, notwithstanding that an exacting standard to the LGS tests may not be required. Even though there is considerable support

for the designation from residents, which indicates that it is demonstrably special to the local community, it is not clear to me that the site holds any particular significance.

41. Furthermore, LGS should only be designated when a plan is being prepared or updated so that it can be consistent with the planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. In other words, whether or not the site meets these Framework tests is ultimately not a matter for this s78 appeal. I am only considering consistency here.
42. Planning Practice Guidance states that Councils should contact landowners at an early stage about any proposed LGS designation. Whilst there is dispute about when and how this should have happened, the facts are that the draft designation triggered the submission of the planning application, and this appeal, as well as representations in respect of the draft plan, such that no prejudice has occurred.

*Conclusion on weight to be given to policy WS10.6(R)*

43. Taking all of the above factors together, I give limited weight to proposed policy WS10.6(R) and to the identified conflict with it.

*Prematurity*

44. Paragraphs 49 and 50 of the Framework go on to set out how applications should be determined in the context of emerging local plans, and paragraph 49 explains that prematurity arguments would justify refusal in limited circumstances only. Paragraph 49(b) requires that the plan must be at an advanced stage if refusal is to be justified. I have already found above that this is the case in respect of this appeal.
45. Paragraph 49(a) additionally requires that, to be refused, the development proposed must be "*so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.*"
46. In simple numerical terms, the appeal development of 39 dwellings cannot be considered to be so substantial that it would undermine the plan-making process. The appeal proposal represents a very small proportion of the total amount of new homes that the draft LP seeks to deliver, and the strategy to deliver those new homes would remain unaffected by allowing this appeal.
47. A less straightforward reading is whether the proposal is "*so substantial*" in terms of importance to the proposed LGS designation and by reference to West Kirby itself. However, allowing the appeal would effectively only result in the removal of one LGS from the total of 48 proposed in the draft LP. The proposal would therefore have very limited impact on either the LGS designations and strategy or on the overall plan-making process; the development would not be so substantial as to undermine either.
48. That the proposal would result in loss of openness on one proposed LGS designation, or that the development would occupy a prominent site on a settlement gateway, are not matters central to plan-making. Even though the proposed designation of LGS in the draft LP is predicated on genuine public interest, and that any LGS designation is afforded strong protection by national

policy, the allocation of one LGS in the context of the strategy of the plan as a whole is not a matter central to it. Furthermore, allowing this appeal would not create any binding precedent in respect of other proposed LGS. It is a long established principle that each proposal must be decided on its own merits. Equally, there is no substantive evidence to indicate that allowing 39 homes at the appeal site would prevent delivery of the draft LP strategy to focus delivery of housing in brownfield sites in the east of the Borough.

49. In terms of the plan-making timeline, this appeal proposal clearly seeks a determination in advance of any future decision to designate the LGS. In this respect, I have considerable sympathy for the local residents who have so clearly expressed a desire to see the appeal site protected as LGS and whom wish to see the current appeal delayed until the draft LP is settled. On the other hand, the appellant was perfectly entitled to submit an application for planning permission at whatever stage they saw fit. That the application appears to the local community to have been submitted in order to steal a march on an emerging local plan is not in itself a justifiable reason to refuse the proposal.
50. Instead, the correct test to apply in determining this appeal is the Framework prematurity test I have carried out here, even though no recorded cases of an appeal being allowed for development on land subject to proposed LGS have been put before the inquiry.
51. The Leverhulme appeals<sup>4</sup> can be clearly distinguished from the current appeal. Unlike this appeal for 39 units within the settlement, the Leverhulme appeals relate to a much larger scale of development of some 788 units on a number of green belt sites outside settlements, where the existing and proposed policy framework is different.
52. Given that requirements of paragraph 49(a) are not met, there is insufficient justification to refuse this appeal on grounds of prematurity.

### *Conclusion*

53. The proposal would not be so significant that to grant permission would undermine the plan making process by pre-determining decisions about scale, location or phasing of new development that are central to the emerging plan, with particular regard to proposed designated LGS. Whilst the proposal is in conflict with policy WS10.6(R), the weight to be given to the policy and to the conflict is limited.

### ***Housing supply***

54. The Framework states that it is important that a sufficient amount and variety of land can come forward where it is needed, and local planning authorities should identify a supply of specific deliverable sites to provide for a minimum of 5 years' worth of housing. The Council has revised its most recently published position,<sup>5</sup> reducing supply from 5,179 to 4,198 dwellings, so that the revised

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<sup>4</sup> APP/W4325/W/22/3313729 Land East of Glenwood Drive, Irby (Site A); APP/W4325/W/22/3313734 Land East of Dale View Close, North of Gills Lane, Pensby (Site B); APP/W4325/W/22/3313737 Land East of Thorncroft Drive, North of Gills Lane, Pensby (Site C); APP/W4325/W/22/3313741 Land West of Barnston Road, North of Gills Lane (Site D); APP/W4325/W/22/3313743 Land at Milner Road and Barnston Road (Site E); APP/W4325/W/22/3313775 Land West of Raby Hall, Raby Road, Raby Mere (Site F); and APP/W4325/W/22/3313777 Land East of Raby Hall Raby Road, Raby (Site G).

<sup>5</sup> The Wirral Monitoring Report 2021/22 (December 2022).

supply amounts to 5.33 years. The appellants instead calculate the supply to be 2,649 dwellings or 3.36 years. Given that I have found the development to be in accordance with the development plan, it is not necessary for me to reach a finding on this dispute.

### ***Affordable housing***

55. The dispute in respect of affordable housing is narrow, being largely a matter of the weight to attribute to the provision of either 20% or 30% of affordable housing (8 or 12 units respectively). In either scenario, the appellants give this substantial weight, whereas the council afford significant weight.
56. The most recent Wirral Strategic Housing Market Assessment (SHMA) Update (2021) identifies an affordable housing need of 374 units per annum.<sup>6</sup> In terms of past delivery, it is not disputed by the Council that the West Kirby and Thurstaston ward has fared amongst the worst of the 16 Wirral wards, with just 11 affordable homes having been delivered in 2020/21 and 2021/22. Whilst GLCG suggest delivery has been higher than this, with reference to a redevelopment at Magenta Court, that scheme was a net reduction in units.
57. The Council instead assesses housing need not by ward but across the borough as a single Housing Market Area. Even on this measure, the Council has delivered only an average of 220 affordable homes per annum over the past eight years and just 153 if right to buy sales are discounted. Whilst delivery has increased or is anticipated to increase for 2022/23 and 2023/24 to an average of 360 dwellings per annum, this still falls short of the SHMA target.
58. There are currently some 13,902 households on the housing register, with some 1,774 expressing a preference for an affordable home in the West Kirby and Thurstaston ward, and waiting times are over 580 days on average. Whilst the affordability of the units to local residents has been questioned, the dwellings would meet the Government's definition of affordable housing.
59. The Wirral CIL & Viability Assessment (2022) states that sites within Viability Zone 4 are generally capable of delivering 30% affordable housing provision. The appellant acknowledges that the appeal site is within a viable and desirable area of the borough and increased their affordable housing offer accordingly. Given this, and the above identified need, the provision of 30% affordable housing would contribute towards the unmet need. Although 30% would exceed the requirement of policy WS3.3 of the draft LP, this level of provision would be policy compliant in terms of the UDP. Overall, however, substantial weight is not justified given that even the higher provision of 12 units is a relatively small number in itself, and I give the provision of 30% affordable housing significant weight.

### **Other considerations**

#### ***Benefits of the proposal***

60. The Framework emphasises the importance of the delivery of housing, and the provision of the proposed market homes attracts significant weight. There is also an identified unmet need for affordable housing across the Borough, and the delivery of 12 affordable houses is attributed significant weight. The

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<sup>6</sup> This figure is being disputed as part of the examination into the draft LP but is used by the appellant for the purposes of this appeal.

economic benefits arising from the delivery of new housing, including construction jobs, spending down the supply chain, and increased household spending are agreed to have moderate weight.

61. Moderate weight is also given to the ecological benefits of the proposal, which would secure a considerable positive net gain. The provision of footpath linkages through the site is given limited weight, as is the delivery and management of new green infrastructure. The location of the site is agreed to be sustainable and accessible but, as this could be repeated in other sites within and close to settlements, this is largely neutral in the planning balance.

#### *Highways*

62. The appellant's Transport Statement concludes that 26 two-way vehicle movements would be generated in the AM peak and 25 in the PM peak, equating to 1 vehicle every 2-3 minutes. This increase in traffic movement would not come anywhere near to causing a severe residual cumulative impact on the road network, which is the threshold for refusal set out in paragraph 111 of the Framework. Even if GLCG concerns regarding the robustness of the underlying data resulted in a material increase to the projected impact, there is no substantive evidence that the severe impact test would be breached.
63. The proposed new access would be a simple priority-controlled access of Grange Road, with positioning, geometry and visibility that achieves typical residential standards. A new footpath would provide greater pedestrian safety than the existing narrow footpath. The 18 crashes over a 22 year period identified by GLCG cover a much wider area than would be affected by the projected volume of traffic using the proposed site access. No crashes have occurred at the bend on Grange Road to the east of the site within the last 10 years, and the location and dates of the speed surveys has been carried out in line with widely accepted methodology. The impact of construction traffic can be appropriately managed by planning condition. Overall, even in light of the concerns from GLCG, their consultants, and local residents, the Council has raised no objection to the proposal in any of these respects.

#### *Ecology*

64. The appeal site lies within the zone of influence of the Dee Estuary Special Area of Conservation, Special Protection Area, and Ramsar, which are afforded protection under the Conservation of Habitats and Species Regulations 2017. The Interim Approach to Avoid and Mitigate Recreation Pressure in Wirral (2022)(IA) sets out the approach to managing and mitigating the potential impact to the protected habitats and species within these protected sites as a result of recreational disturbance associated with new housing.
65. An appropriate assessment has been carried out by the Merseyside Environmental Advice Service (MEAS) on behalf of the Council. This states that the proposals, without mitigation, would give rise to likely significant effects on the protected sites. The appellant has opted-in to providing mitigation in line with the IA, comprising a commuted sum payment and suitably worded planning condition, such that MEAS conclude that there would be no adverse effect on the integrity of the internationally designated sites. Natural England (NE) concur with the assessment conclusions and raise no objection to the proposal. No new environmental evidence or changes to the scheme have emerged since that time. Consequently, as competent authority, I adopt the

MEAS appropriate assessment. Any potential impact on the Dee Estuary Site of Special Scientific Interest would also be addressed by the above.

66. The loss of unimproved acid grasslands arising from the proposal will be addressed through onsite measures and offsite habitat creation. Ant hills are present throughout the grasslands, colonised by yellow meadow ants, and these will be translocated to retained grassland areas and to land cleared of rhododendrons. A bat survey has recorded bat activity and potential roosting features on the site, but any works affecting roosts would require further surveys to be carried out and potential mitigation measures to be agreed under licence with NE. Overall, a biodiversity net gain of 45.80% for habitats and 54.57% for hedgerows would be secured.

#### *Other matters*

67. A Flood Risk Assessment and Drainage Management Strategy has been provided, concluding that the proposal will not increase flood risk on site or elsewhere. Subject to conditions, the lead local flood authority is satisfied with the proposal in these respects. The site is not within any air quality management area and the low level of trips generated by the proposed development would not have a material impact on air quality in the vicinity. Climate change concerns in respect of reduction of greenhouse gases and minimisation of energy consumption would be addressed by planning condition. The detailed design at a later stage would address concerns regarding impact on living conditions of neighbouring properties. Although the proposal would result in the loss of a small area of nominally agricultural land, it is not best and most versatile agricultural land.
68. The impact of the proposal on local health services and other community facilities would be limited, given the relatively small size of the development. Furthermore, there is an expectation that the health service should provide the necessary facilities to meet the needs of the local population. There is a considerable amount of alternative brownfield land available elsewhere within the Borough, and the draft LP now seeks to focus future development in these locations, I must nonetheless assess this appeal proposal on its own merits. Although local residents expressed concern at inadequate consultation, the appellant was not required to do more, and this public inquiry has given opportunity for views to be expressed and heard.

#### **Planning obligation**

69. The contribution of 30% affordable housing would be secured by the obligation, and is necessary for the reasons given above. Tenures will include affordable rent, social rent, shared ownership and First Homes, with split to be agreed at a later date. The recreational pressure contribution is necessary for the reasons given above and would secure appropriate mitigation. An obligation for ecological works would secure, alongside the planning conditions; land for BNG; implementation of agreed works; management and maintenance of works; any necessary remedial works; arrangements for a management company; and monitoring. An open space obligation would ensure that management arrangements would provide suitably maintained open space for the lifetime of the development.
70. The s106 obligation comprises a UU rather than a bilateral agreement, nonetheless its provisions have been agreed by the Council. For the above

reasons, I am satisfied that the obligations are necessary, directly related to the development, and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework.

### Conditions

71. A list of suggested conditions was submitted and were discussed at the inquiry. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication, and to ensure accordance with the tests set out in paragraph 55 of the Framework. Pre-commencement conditions have been agreed by the appellant. The wording and requirements of a number of conditions are driven by the UU seeking to not impose direct obligations upon the Council, such as the submission and approval of details relating to biodiversity net gain, affordable housing and open space.<sup>7</sup>
72. In the interests of providing certainty, conditions specifying approved plans, requiring levels, and restricting the number of dwellings permitted are necessary (Conditions 4, 6 and 32). Given the constraints of the site, a condition requiring general accordance with the masterplan and parameters plans, and submission of design and access statement are justified (Conditions 5 and 7). To protect and enhance biodiversity, conditions are necessary to secure a biodiversity management plan and net gain strategy, offsite compensation, bat mitigation strategy, landscape and ecological management plan, lighting strategy, bird boxes, breeding bird protection, hedgehog highways, and recreational disturbance leafleting (Conditions 8, 9, 14, 22, 26, 27, 28, 30 and 31).
73. A condition seeking an energy and climate statement is justified in order to meet climate change objectives (Condition 10). In order to protect the character and appearance of the locality, conditions are attached for tree surveys and protection, and management of open space (Conditions 11 and 23). A condition requiring an affordable housing scheme to be submitted to and agreed by the Council is complemented by the UU requiring delivery of that scheme (Condition 12). To ensure that living conditions are not adversely affected by any excessive noise from Grange Road, a survey and any mitigation is required (Condition 13). A condition triggering Building Regulations is necessary to secure adequate accessibility of buildings (Condition 15). Conditions are necessary to ensure that construction of the development is carried out sensitively (Conditions 16 and 17).
74. To ensure highway safety, conditions require further details to be agreed (Conditions 18, 25 and 29). Conditions for flooding and drainage schemes are necessary to ensure the site is served by adequate infrastructure (Conditions 19 and 20). Given the high potential for archaeological remains within the site, a programme of archaeological works is justified (Condition 21). A condition requiring an employment and skills plan is justified in order to increase economic activity rates which are below average in Wirral (Condition 24). A condition for electric vehicle charging is not necessary because it would duplicate recent amendments to Building Regulations.

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<sup>7</sup> Inquiry Document 15 LPA Note on Conditions and Planning Obligations sets out the relationship between the UU and certain conditions, and has been agreed by the appellant.

### **Planning balance**

75. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal complies with policy HS4 of the LP and with the development plan when taken as a whole.
76. Paragraph 11 of the Framework states that development that accords with the development plan should be approved without delay. There are no material considerations, taken individually or cumulatively, that indicate that the appeal should not succeed.

### **Conclusion**

77. I conclude that planning permission should be granted subject to the conditions in the attached schedule.

*Patrick Hanna*

INSPECTOR

Richborough

## APPEARANCES

### FOR THE APPELLANT

Thea Osmund-Smith & Odette Chalaby of Counsel, instructed by Rawdon Gasgoine

They called

|                                     |                      |
|-------------------------------------|----------------------|
| Colin Barnes BA(Hons) DipLA CMLI    | Barnes Walker Ltd    |
| James Stacy BA(Hons) DipTCP MRTPI   | Tetlow King Planning |
| Ben Pycroft BA(Hons) DipTCP MRTPI   | Emery Planning       |
| Rawdon Gasgoine BA(Hons) MTCP MRTPI | Emery Planning       |
| Will Thomas                         | Shoosmiths           |

### FOR THE LOCAL PLANNING AUTHORITY

James Corbet Burcher of Counsel, instructed by the Borough solicitor

He called

|                                    |                         |
|------------------------------------|-------------------------|
| Nigel Wakefield                    | Node Urban Design Ltd   |
| BA(Hons) BTP/DipLA Dip/MA UD MRTPI |                         |
| Nicki Faulkner BA MA MRTPI         | DAC Planning            |
| Ed Kingsley                        | Strategic Housing       |
| Daniel Robinson-Wells BA(Hons) MSc | Marrons                 |
| Andrew Siddal                      | Team Leader             |
| Ben Bechka BA(Hons) MCD            | Senior Planning Officer |

### INTERESTED PARTIES

|                          |                                                  |
|--------------------------|--------------------------------------------------|
| Cllr Gail Jenkinson      | Ward Councillor                                  |
| Cllr Jeff Green          | Ward Councillor                                  |
| Phil Simpson             | Natural Wirral & Greasby Green Belt Action Group |
| John Heath BA(Hons) RIBA | Wirral Green Space Alliance                      |
| Susan Noble              | Local resident                                   |
| Martin Shea              | Local resident                                   |
| Elizabeth Hill           | Local resident                                   |
| Charles Barnes           | Local resident                                   |
| Monica Watkin            | Local resident                                   |
| Peter Hamar              | Local resident                                   |
| Clive Watkin MRICS       | Local resident                                   |
| Paul Birch               | Local resident                                   |
| Diane Johnson            | Local resident                                   |

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

1. Site context plan (Teversham appeal)
2. West Kirby Conservation Area Appraisal (CD B55)
3. West Kirby Conservation Area Appraisal Appendices (CD B55)
4. Appearances for the appellant
5. Opening statement for the Council
6. Opening statement for GLCG
7. Opening statement for the appellant
8. Guidelines for Landscape and Visual Impact Assessment 3 (CD B35)
9. Updated agreed unilateral undertaking and comparison result
10. Written representations and oral submission notes from interested parties
11. Wirral Local Plan Inspector's Matters Issues Questions (7 August 2023)
12. Wirral Local Plan Draft Statement of Common Ground for RA6 (CD B53)
13. Email regarding Riverside housing programme (14 May 2023) (CD 6.34b)
14. Road traffic videos (GLCG)
15. Draft conditions schedule with Council and appellant notes
16. Note on Conditions and Obligations
17. Wirral Tree Strategy 2020-2030
18. Cabinet Minutes 27 July 2020
19. Wirral UDP housing policies
20. Wirral Plan – Equity for People and Place 2021
21. Closing submission for the Council
22. Closing submission for GLCG
23. Closing submission for the appellant
24. Inquiry documents list
25. Site visit note
26. Signed s106 UU dated 31 August 2023 (submitted after the inquiry)

## SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: 019-021-P001 Rev A (Site Location Plan) and SCP/190707/D01 (Proposed Site Access Arrangements).
5. The reserved matters submitted pursuant to condition 1 shall be in general accordance with: 019-021-P006 Rev H (Parameters Masterplan), 019-021-P013 (Massing Parameters) and 019-021-P007 Rev H (Illustrative Masterplan).
6. The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels.
7. The reserved matters submitted pursuant to condition 1 shall be accompanied by a Design and Access Statement setting out the design principles and concepts that have been applied in the appearance, scale, layout and landscaping of the development.
8. The reserved matters submitted pursuant to condition 1 shall be accompanied by:
  - i) an updated Biodiversity Management Plan and Net Gain Strategy report and metrics utilising the latest metric available. The report and metrics should demonstrate on site and, if required, off-site biodiversity net gain (BNG) in line with, or exceeding, the BNG percentage uplifts detailed in the original strategy report and metrics (Emery-206-1142 Issue V4), include plans to secure BNG delivery, and an assessment of deliverability.
  - ii) a soil survey and an assessment of any hydrological changes on site and to any receiving watercourses and habitats,Should the assessment under (i) demonstrate that the proposed habitat types are not deliverable, alternative habitat types that deliver the equivalent total BNG uplift shall be agreed in writing by the local planning authority prior to determination of reserved matters. For the avoidance of doubt, in the event that the updated metrics demonstrate a decline in the baseline position when compared to the metrics submitted alongside this application for outline consent, the baseline position at this outline stage shall be adopted for the purposes of calculating BNG.
9. The reserved matters submitted pursuant to condition 1 shall be accompanied by a detailed off-site ecological compensation scheme. The scheme shall be informed by the updated Biodiversity Management Plan and Net Gain Strategy report and metrics utilising the latest metric available submitted under condition 8 and shall demonstrate:
  - i) the location of the off-site ecological compensation works,
  - ii) a schedule of the compensation works proposed,

- iii) the timing of implementation of the compensation works,
- iv) competent and expert personnel responsible for the implementation, management, and maintenance of the compensation works, and
- v) on-going management and maintenance responsibilities for the ecological compensation works for a minimum period of 30 years.

The ecological compensation scheme shall deliver an enhancement in biodiversity units to the receptor site equal to or greater than the loss of biodiversity units on the development site, such that there is no net loss of biodiversity units as a result of the development.

10. The reserved matters submitted pursuant to condition 1 shall be accompanied by an Energy and Climate Statement that demonstrates how the development will secure reductions in greenhouse gas emissions through location, orientation, and design; and minimisation of energy consumption through landform, layout, building orientation, massing, and landscaping.
11. The reserved matters submitted pursuant to condition 1 shall be accompanied by an Arboricultural Survey, Impact Assessment, and Method Statement carried out to British Standard 5837:2013 trees in relation to design, demolition, and construction (or equivalent if replaced). Where it is necessary to fell trees and remove hedgerows to accommodate development, the reserved matters application shall be accompanied by a tree and hedgerow planting plan and specification that:
  - i) demonstrates the re-planting of trees and hedgerows on site in accordance with the ratio set out in the Wirral Tree, Hedgerow, and Woodland Strategy 2020-2030 (or equivalent if replaced), and
  - ii) has due regard to the Biodiversity Net Gain Strategy and agreed Biodiversity Net Gain on-site and off-site uplifts.For the avoidance of doubt, should any tree work, including felling, result in a loss of biodiversity that has not previously been accounted for under condition 8, this shall be calculated using the relevant DEFRA metric and BNG provided for equal to the calculated loss plus 10% of the baseline.
12. The reserved matters submitted pursuant to condition 1 shall be accompanied with a scheme which specifies that at least 30% of the dwellings will be affordable housing units and includes the following:
  - i) a plan showing the location of the affordable housing units,
  - ii) the number of affordable housing units to be constructed within a phase,
  - iii) the type and tenure of each of the affordable housing units,
  - iv) the timing of construction and location of the affordable housing units,
  - v) distribution of the affordable housing units within the site, ensuring that the affordable housing is distributed throughout the site and not segregated from the open market housing; and
  - vi) details of how the proposed design and construction of the affordable housing units will ensure that they are materially indistinguishable (in terms of outward design and appearance) from the open market housing of similar size within the development.
13. The reserved matters submitted pursuant to condition 1 shall be accompanied by an acoustic assessment based upon the final proposed appearance, landscaping, layout, and scale of the development. The assessment shall demonstrate that acceptable internal and external noise levels can be achieved at all dwellings fronting Grange Road, having regard to the impact of road traffic noise arising from that highway. Should noise attenuation measures be

required at these dwellings to achieve acceptable internal and external noise levels, the recommended attenuation measures and timescales for installation shall be set out clearly within the assessment.

14. The reserved matters submitted pursuant to condition 1 in relation to the existing buildings at Barclays Meadow and Greenfield shall be accompanied by a Bat Mitigation Strategy, based upon the Outline Bat Mitigation Strategy (Emery-206-1142 V2 dated 17.01.2023), which shall demonstrate how the proposed mitigation and enhancement measures set out in the outline strategy have been incorporated into the final appearance, layout, and landscaping proposals for the site, and shall set out the timing of installation of the mitigation and enhancement measures.
15. The reserved matters submitted pursuant to condition 1 shall demonstrate that not less than 6% of dwellings shall be designed to be wheelchair adaptable in line with Part M4(3)(2)(b) of the Building Regulations (or any successor standard).
16. No development shall commence on site, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority, and shall include details of:
  - i) site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
  - ii) a programme of works, including measures for traffic management and details of temporary signage;
  - iii) wheel washing facilities;
  - iv) measures to control the emission of dust and dirt during construction; and,
  - v) delivery, demolition and construction working hours.The approved CMS shall be complied with throughout the construction period for the development.
17. No site clearance, preparatory work or development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority, and shall include details of:
  - i) means of protection for ecological protection areas/buffer zones, including construction lighting and pollutants,
  - ii) working method statements for protected/priority species,
  - iii) traditional Orchard, Acidic Grassland and Ant Hill translocation methodologies,
  - iv) a method statement for the treatment and removal of invasive species, and for appropriate exclusion zones to be put in place following identification,
  - v) work schedules for activities with specific timing requirements to avoid/reduce potential harm to ecological receptors; including the scheduling of destructive roofing works to avoid the most sensitive times of year for bats and details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site,
  - vi) key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW),

- vii) timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECOW and to include photographic evidence,
- viii) a method statement and plan to secure the protection during the construction phase of the two non-designated heritage assets on the site comprising the Merseyside Historic Environment Record Assets ID MME10739 (Sandstone Slabs, Grange Road, West Kirby) and MME21590 (Sandstone Slabs, Carpenter's Lane, West Kirby),
- ix) the anticipated nature and volumes of waste that the demolition and construction phases of development will generate,
- x) the steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,
- xi) the steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and
- xii) any other steps to be taken to manage the waste that cannot be incorporated into the new development.

The approved CEMP shall be complied with throughout the construction period for the development.

18. No development shall commence until the following have been submitted to and approved in writing by the local planning authority:

- i) the details of the following highway improvement works, comprising:
  - the provision of the site access junction off Grange Road as shown on SCP drawing SCP/190707/D01,
  - the provision of a 2-metre-wide footway within the site boundary along the Grange Road frontage, tying into the existing footway at each end, and the dedication of the land used for the highway improvement and for it to become adopted by the local highway authority, as shown indicatively on drawing 019-021-P006 Rev H,
  - replacement/upgrade of street lighting necessary as part of the detailed design, and
  - drainage works necessary to facilitate the highway works.
- ii) an independent Stage 1/2 Road Safety Audit in accordance with HD19/15 - Road Safety Audit or any superseding regulations, and
- iii) a programme for the completion of the proposed works in relation to the phasing of the housing delivery.

The highways works shall be constructed in accordance with the approved details.

19. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the principles identified in the Flood Risk Assessment and Drainage Management Strategy dated 24 January 2023 by Betts Hydro and incorporate sustainable drainage details including any off-site works and any permissions for connections to private drainage systems/land drainage consents. The submitted scheme shall include:

- i) a strategy to demonstrate how surface water will be managed throughout the construction phase,
- ii) detailed hydraulic modelling calculations, the method employed to delay and control the surface water discharged from the site and the measures

taken to prevent pollution of the receiving groundwater and/or surface waters,

- iii) a timetable for its phased implementation, and
- iv) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved details.

20. No development shall commence on site until a foul water drainage strategy, including any phasing, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

21. No development or demolition shall take place until the applicant has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works shall be undertaken in accordance with a Written Scheme of Investigation (WSI) which shall have been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI shall include the following:

- i) a phased programme and methodology of site investigation and recording,
- ii) a programme for post-investigation reporting to include production of a final report of the significance of the below ground archaeological interest,
- iii) provision for appropriate publication and dissemination of the archaeology and history of the site,
- iv) provision for archive deposition of the report, finds and records of the site investigation, and
- v) nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

The programme of archaeological works shall be carried out in accordance with the approved details.

22. No site clearance, preparatory work or development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall be informed by the biodiversity metric and report approved under condition 8 and shall demonstrate measures for the management of the on-site and off-site habitats for a minimum period of 30 years, and shall include the following:

- i) a phasing plan demonstrating a timetable for the implementation and completion of on-site and off-site ecological works in relation to completion of the housing,
- ii) description/evaluation of the features to be managed on-site and off-site,
- iii) ecological trends and constraints on-site and off-site which may influence management,
- iv) aims and objectives of management,
- v) appropriate management options for achieving aims and objectives, setting out how the habitats will be created in order to achieve the agreed BNG uplift and habitat condition specified in the Biodiversity Net Gain Strategy report and completed metric assessment,
- vi) prescriptions for management actions,
- vii) preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually),
- viii) competent personnel responsible for implementation of the plan,

- ix) confirmation of funding and ownership to include provisions to address the eventuality of the transfer of ownership, the failure of the management company, and avoidance of transfer of liability to occupiers;
  - x) details of a programme of monitoring to include biodiversity reconciliation calculations, and remedial measures triggered by monitoring, and
  - xi) approval of the annual work plan, programme of monitoring and remedial measures triggered by monitoring by the local planning authority.
- The LEMP shall be implemented in accordance with the approved details.
23. No development shall commence on site until a management scheme for the future management and maintenance of the open space has been submitted to and approved in writing by the local planning authority. The management scheme shall include the following:
- i) the maintenance requirements for the open space including all ongoing maintenance operations, specifically identifying the management objective, task, timing and frequency of the operation for all the features;
  - ii) details of who is to undertake the on-going future maintenance of the open space to ensure that these remain safe and available for public use and details of the appropriate remedies that will apply should the nominated party become insolvent or otherwise in default in relation to the management and maintenance of the open space;
  - iii) details of the hard and soft landscaping, surfacing materials, furniture, refuse or other storage units, signs, lighting, boundary treatments, trees, shrubs and hedge plants (in line with the reserved matters details submitted in relation to condition 1);
  - iv) levels of charges for funding of the maintenance and funding the running of the management company (if a management company is appointed under the planning agreement attached to the planning permission); and
  - v) insurance details.
- The development shall be carried out in accordance with the approved scheme.
24. No development shall commence on site until an employment and skills management plan for the construction phase has been submitted to and approved in writing by the local planning authority, and shall include:
- i) details of procedures, protocols and quantifiable measures designed to meet training, recruitment and supply chain opportunities,
  - ii) targets for employing local labour and for local spend and, where reasonably practicable, a minimum of 20% local labour and local spend should be within Wirral,
  - iii) measures to provide training opportunities to prepare young people and out of work residents for employment, including new jobs created at or for the development,
  - iv) measures for monitoring,
  - v) measures to advertise vacancies to ensure the opportunity is visible and accessible, and promote supply chain opportunities to local businesses, including voluntary, community and social enterprises.
- The development shall be carried out in accordance with the approved scheme.
25. No development relating to the formation of any highway shall be carried out until detailed engineering drawings of the site access, internal roads, footpaths, and accesses, including details of surfacing, lining, drainage and lighting, along with a programme for implementing and completion of the works, shall have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved details.

26. No development above ground floor slab level shall take place until an external lighting strategy has been submitted to and approved in writing by the local planning authority. The lighting strategy shall contain information on the types of lighting appliances to be installed, the height and position of fittings, illumination levels and light spillage. The strategy shall demonstrate how it has been designed to protect ecology and avoid excessive light spill onto habitats including trees, hedgerows, grassland, woodland, ditches, mosaic and ponds. The development shall be carried out in accordance with the approved details.
27. No development above ground floor slab level shall take place until details of bird boxes, to include their number, type, and location on a suitably scaled plan, as well as the timing of their installation, has been submitted to and approved in writing by the local planning authority. The equipment shall be installed in accordance with the approved details and retained thereafter.
28. No tree felling, scrub clearance, hedgerow removal, vegetation management or ground clearance shall take place during the period 1 March to 31 August inclusive unless the site has first been surveyed by an appropriately experienced ecologist to ensure no breeding birds are present. If breeding birds are found to be present, details of how they will be protected shall be submitted for the approval in writing of the local planning authority. The development shall be carried out in accordance with the approved details.
29. No dwelling to which this planning permission relates shall be occupied until:
  - i) the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation,
  - ii) the related parking facilities have been constructed and, once created, these parking areas shall be maintained clear of any obstruction and always retained for their intended purpose, and
  - iii) the foul and surface water drainage network serving the dwelling has been completed.
30. No dwelling to which this planning permission relates shall be occupied until hedgehog highways (comprising 13cm by 13cm gaps) have been installed into the base of any close boarded fences surrounding that dwelling. Thereafter the hedgehog highways shall be retained.
31. Upon occupation, the occupier(s) of each dwelling shall be provided with a copy of the information leaflet 'Respecting Nature in Wirral: A voluntary code for responsible recreation' (or any document that supersedes or updates that document) as part of their homeowner/tenant information pack. The developer shall maintain a register of the date on which each occupier was supplied with the leaflet and, no later than one month after occupation of the final dwelling comprised in the development, the register shall be deposited in writing with the local planning authority.
32. No more than 39 dwellings shall be constructed pursuant to this permission.

End of Schedule