

Planning Committee

26 July 2012

Reference:
OUT/12/00002

Area Team:
South Team

Case Officer:
Ms C Berry

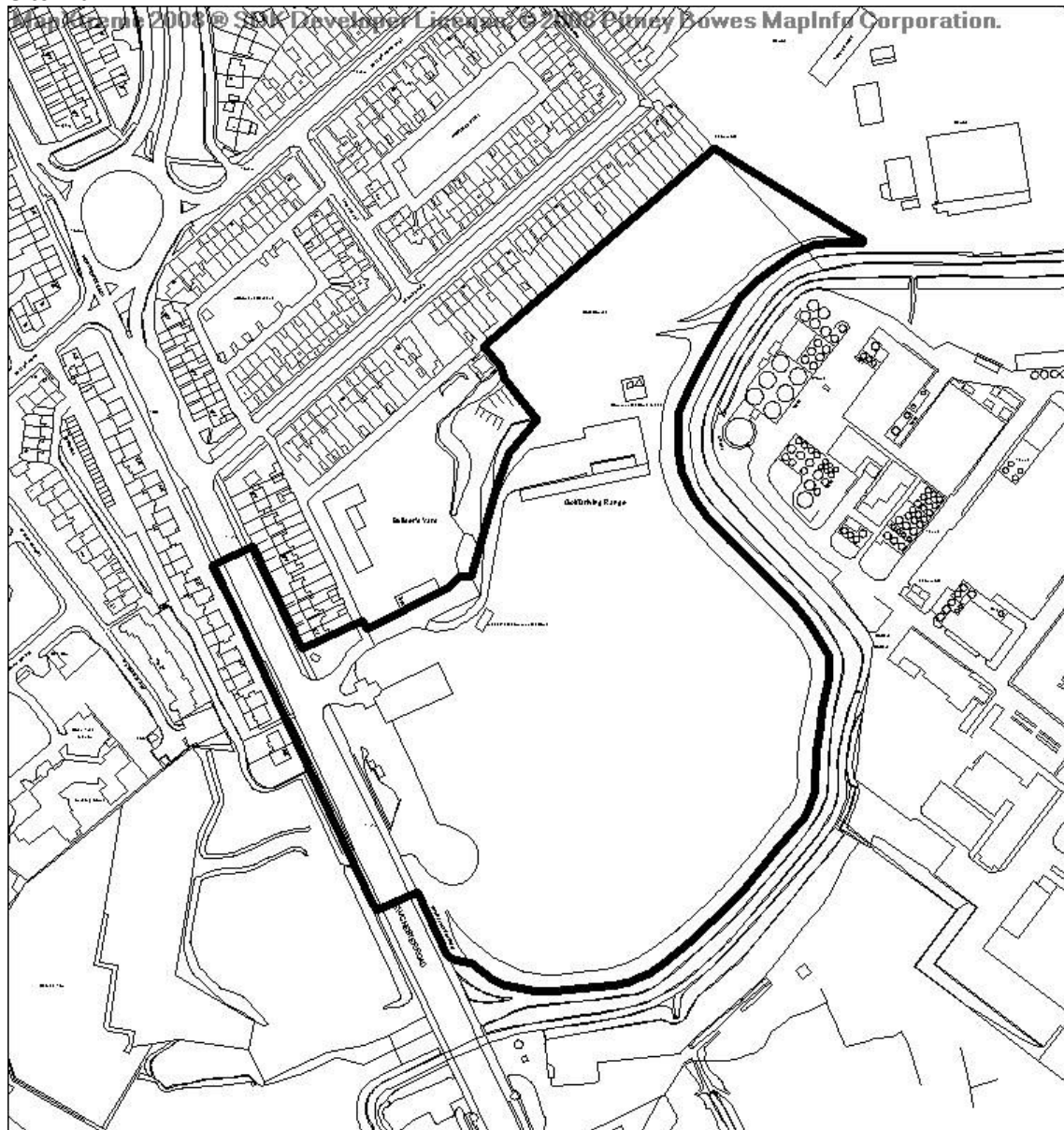
Ward:
Bromborough

Location: Port Sunlight Golf Range and Pitch and Putt, NEW CHESTER ROAD, NEW FERRY, CH62 4RE

Proposal: Outline application for redevelopment of the Port Sunlight Golf Centre site for residential development including means of access with all other matters reserved and demolition of existing Golf Centre buildings and associated structures.

Applicant: Merepark Homes and Bromborough Regeneration LLP
Agent : HOW Planning

Site Plan:



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Development Plan allocation and policies:

Road Corridor subject to Environmental Improvement
Primarily Residential Area
Primarily Industrial Area

Planning History:

Previous approvals relating to the golf driving range facility.

APP/02/05663 - Erection of 45 dwelling houses with public open space and associated road improvements, refused 07/06/2002, appeal dismissed, 06/11/2002

APP/11/00585 - Closure of existing highways access point and creation of new highways access point incorporating controlled junction, new pedestrian crossing facility on Chester New Road, replacement car parking, new access arrangements and frontage boundary treatments for builders merchants and other associated highways works as necessary, approved 15/09/2011

APP/11/00106 - Upgrades to existing vehicular access and junction, new pedestrian crossing facility on Chester New Road, replacement car parking and new access arrangements for builders merchants and other associated highways works as necessary, approved 28/03/2011

Summary Of Representations and Consultations Received:**REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 147 notifications were sent to adjoining properties and a site notice was displayed near the site. One letter of support has been received from the Port Sunlight Golf Centre.

One letter of objection has been received from Corporate Property Solutions on behalf of Unilever UK Ltd as owners of The River Dibbin, objecting to the proposal until they are assured that there will be no negative impact on the river.

Merseyside Cycling Campaign raises the issue that there should be a provision of cycle parking and storage.

The Bromborough Society set out the following concerns:

1. Choice of site given the potential contamination and need for remediation
2. Effect on residents given if remediation measures included piling
3. Off street parking should be provided
4. Only one access entrance/exit may result in problems on the highway
5. Current tree screening needs to be enhanced and any clearance should be prohibited during bird nesting season
6. The Archaeological Desk Based Assessment fails to do justice to the full history of the area

Two letters have been received from the occupiers of 245 New Chester Road and 84 Shore Drive raising concern over:

1. The use of the access road at the rear of the houses on New Chester Road may be used as a cut-through
2. Potential overlooking if the buildings are built close to their garden

CONSULTATIONS

Director of Technical Services (Traffic and Transportation Division) - No objection

Department of Law, HR and Asset Management (Pollution Control) - No objection

Environment Agency - No objection subject to conditions

United Utilities - set out standard guidance for works adjacent to water pipelines

Police Architectural Liaison - No objection

Fire & Rescue Service - The development should comply with the County of Merseyside Act 1980 and state that water supplies should be risk assessed in accordance with United Utilities.

Wirral Wildlife - Recommend that suitable conditions are applied to protect wildlife including foraging bats, toads and hedgehogs, birds and to ensure that proposed landscaping includes native species to attract invertebrates to help and improve biodiversity.

Natural England - Awaiting comments at the time of writing the report.

Health & Safety Executive - Do not advise against the granting of planning permission on safety grounds

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is defined as Major Development and as such, under the provisions of the Council's adopted Scheme of Delegation for Determining Planning Applications, is required to be considered by the Planning Committee.

INTRODUCTION

The proposal is an outline application for redevelopment of the Port Sunlight Golf Centre site for residential development including means of access with all other matters reserved and demolition of existing Golf Centre buildings and associated structures.

SITE AND SURROUNDINGS

The site comprises land at Port Sunlight Golf Centre and along the frontage to New Chester Road in Bromborough. Access is from New Chester Road, which also serves the builders' merchants immediately adjacent to the site. Adjacent to this access are houses along New Chester Road to the north. The site is well screened when viewed from the road, with various trees and landscaping along this boundary and the A41 frontage. Part of the A41 frontage includes the 'white' bridge across the River Dibbin, which bounds the site to the east and separates the site from the industrial areas associated with the Wirral International Business Park, which is accessed separately from Pool Lane and Dock Road South. There are houses on Shore Drive along the northern boundary of the site separated by landscape bunding.

Although greenfield in appearance, the site is classed as previously developed and historically has comprised uses that have resulted in tipping and extensive earthwork, associated with the reclamation of former tank farm on the site. As a result the topography of the site comprises varying levels effectively made up of mounds and bunding. Levels within the site are relatively flat apart from the areas leading down to the river. The south western part of the site drops significantly towards the bridge fronting New Chester Road and the eastern and southern boundaries also slope steeply leading down to the river. The remainder of the site to the north levels out and lies between 3 and 5 metres above the houses on Shore Drive. There is extensive landscaped bunding along this boundary.

The wider area consists of a mix of uses including houses within Port Sunlight Conservation Area across New Chester Road and employment/commercial uses located at the gateway of Wirral International Business Park.

A separate outline application has also been submitted, for a mixed use residential and employment scheme on land at the former Unichema Chemicals / Croda site, on the opposite bank of the River Dibbin, which may allow joint benefits to be negotiated through the respective reserved matters applications.

PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

The site is designated as part of a Primarily Industrial Area and a proposal for residential development is a departure from the Wirral Unitary Development Plan.

National Policy

The National Planning Policy Framework (NPPF) states that the long term protection of employment sites should be avoided where there is no reasonable prospect of a site being used for employment purposes. Applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities (paragraph 22). The Framework supports sustainable housing development which encompasses good design, widens the choice of high quality homes, make a positive contribution to an area whilst optimising the opportunity to improve the character and quality of an area.

Regional Policy

RSS policies set out the need to provide 500 new homes per year in Wirral whilst addressing the need for affordable housing provision and the re-use of brownfield sites. The site is in the Outer Area of the Liverpool City Region where economic development should be focused to address worklessness and the quality and choice of housing should be expanded to support the Inner Area as a priority for growth and investment.

Wirral Unitary Development Plan

Policy URN1 states that full and effective use should be made of land and focuses on the importance of bringing neglected, unused or derelict land into use.

Policy EM8 applies to sites within Primarily Industrial Areas where uses falling within classes B1, B2 and B8 will be permitted in addition to proposals for the extension or expansion of existing businesses.

Policy HS4 - requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

Policy TR9 - sets out the requirement for off street parking provision within new development and road safety and traffic management considerations.

Policy GR5 - establishes the requirement for new developments to make a positive visual statement through new landscaping and the protection of existing landscape features.

Policy GR6 - sets out the need to provide new public open space within new family housing developments.

Policy GR7 - sets out the criteria to assess the need to protect trees by having regard to health and structure of existing trees with a view to provide replacement trees.

Policy NC7 - states that development that may have an adverse effect on wildlife species protected by law will not be permitted unless means of their protection can be secured through the use of planning conditions.

Interim Planning Policy for New Housing Development (IPP)

The site falls within a regeneration priority area and is not subject to the restrictions set out within the policy.

APPEARANCE AND AMENITY ISSUES

The proposal is an outline application with means of access included and matters of appearance, layout, scale and landscaping are reserved for subsequent approval. The details of access are in essence the same as a previously approved application and subject to proposed conditions, the access is considered acceptable.

Although the details of layout and scale are reserved, an indicative layout plan has been submitted which shows the siting of a mix of detached, semi-detached houses and apartments totaling 233 residential units. This equates to a density of 12 dwellings per

hectare, which represents an efficient use of the site in keeping with surrounding residential development. As the layout is indicative the number of units is not fixed but the submitted layout plan illustrates that this number could be accommodated within the site allowing for adequate separation distances, satisfactory garden areas, off street parking and provision of open space and a children's play area within the site to comply with UDP Policy GR6. The design principles are set out within the design and access statement and will inform the future submission of reserved matters to ensure that the design and appearance reflects a high quality sustainable development.

The layout of the development is influenced by its location close to the River Dibbin and will provide green linkages to the river corridor. The differences in site levels and gradients along the boundary will also be used to provide green corridors around the periphery of the site with pedestrian and cycle linkages to the riverside and beyond to the landfill site, which is currently being restored to provide additional open space. Matters of landscaping are reserved but the design principles acknowledge the importance of the provision of landscaping, especially on the boundary with adjacent residential development.

The majority of the proposed dwellings will be two and three-storey with the smaller properties located along the boundary with Shore Drive. Four storey apartments are proposed at the front of the site and will serve as feature buildings along the frontage to the A41. The layout and scale principles show that the heights of proposed buildings will respect surrounding development and that separation distances can be achieved.

A condition is proposed to ensure that the design principles contained within the submitted Design & Access Statement will be reflected in any subsequent reserved matters application.

LOSS OF EMPLOYMENT LAND

The applicant has marketed the site for employment uses and compiled a commercial property market analysis to demonstrate that the site would not be viable for new employment development. A report submitted alongside the application sets out details of the marketing activities undertaken since January 2004. Officers are satisfied that on the basis of the information supplied that there is no reasonable prospect of this site being used for employment purposes.

The Wirral Employment Land and Premises Study 2009 identified the area to the north of the Dibbin, outside the flagship Wirral International Business Park, as a relatively underused and underdeveloped area. Although the frontage area was prominent, access was poor and the few buildings were of relatively low quality. The Study concluded that the regeneration of this area for alternative uses would not have serious consequences to Wirral's economy or property market (paragraph 7.68 refers) but still included land along the frontage to the A41 as part of the future employment land supply (Table 49, site 80, 1.18ha refers).

Having regard to the above material considerations it is considered that the loss of employment land is acceptable in policy terms in the specific circumstances of this case and it is appropriate to consider this planning application on its merits.

AFFORDABLE HOUSING

The applicant has stated that it is not economically viable to provide affordable housing as part of the proposal due to the negative residual values and costs associated with developing the site including ground conditions which mean that some areas are undevelopable. A viability assessment has been submitted and has been reviewed by an independent consultant. The independent review has confirmed that it would not be economically viable to provide affordable housing on the site.

SEPARATION DISTANCES

Houses at the rear on Shore Drive along the northern boundary are separated by a landscaped bund and each has garden lengths of between 10 and 12 metres. The submitted layout plan is for illustrative purposes but demonstrates that sufficient distances can be achieved to allow for adequate separation distances. The guidance states that

where habitable room windows face each other a distance of 21 metres should be achieved. The design principles reflect this and the future submission of reserved matters will be informed by the need to achieve adequate separation distances. The details of landscaping will also acknowledge that the existing bund, which separates the houses on Shore Drive, will be retained and additional planting provided to serve as privacy screening.

An objection has been received stating concern over potential overlooking if buildings are built close to their garden (Shore Drive). The submitted illustrative layout plan shows that the required separation distances can be achieved and this along with the bund and screening will prevent any undue overlooking.

HIGHWAY/TRAFFIC IMPLICATIONS

The proposal reserves all matters except for access. A transport statement has been submitted in support of this proposal, which is based on 228 residential dwellings and includes an indicative road layout.

A proposed signalised junction onto New Chester Road (A41) would replace an existing priority access. There is a previous planning approval for this junction, which was granted under reference APP/11/00585 approved on 14 September 2011. The details of the access submitted with this outline application, duplicates the approved proposal. As such the details are considered acceptable and there is no objection on highway safety or congestion grounds, subject to a condition for the detail of the junction to be submitted for approval.

As the proposal is in outline, the internal road layout is indicative and would require further details regarding adoption and safety. An informative is proposed to advise the applicant to contact the Technical Services Department regarding this issue prior to the submission of reserved matters.

Objections received state concern over the access and possible use of an existing rear access road to the rear of houses on New Chester Road. The access has been assessed in terms of highway safety and a condition is proposed for the submission of the details of the junction. The internal layout of the roads will be designed to serve the proposed houses and will not provide access to the rear of the houses on New Chester Road.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The site is defined as previously developed land, on which filling and land raising has already taken place.

The re-development of the site would provide an opportunity to remediate the site whilst providing a sustainable development on a main transport route with good access to public transport.

Objections received point to concern over possible contamination and the need for remediation. Site investigations show evidence of inert brick, stones, concrete, inert spoil, soil and clay and that there are no concentrations of soil contaminants that would pose a risk to human health. Planning conditions are, however, proposed to ensure the continued safety of the site during and following the development. The imposition of the conditions recommended will also alleviate any harm or impact on occupants of the surrounding properties.

A tree survey has been submitted, which identifies that a significant number of the trees to be removed are in "an unacceptable structural condition to be retained". The loss of the trees is considered not to harm the visual amenity of the area due to their poor condition and the landscaping details required as part of the reserved matters will ensure adequate tree and shrubbery provision. A condition is proposed to ensure the protection of the retained trees within the site and that any works are carried out outside the bird breeding season.

An objection received states that tree screening needs to be enhanced. The requirement for

the landscaping details as part of any subsequent reserved matters will include details of tree screening.

Dibbinsdale Brook is an important wildlife corridor and the land alongside the watercourse is valuable in terms of ecology. It is therefore important to protect this area in addition to enhancing and providing areas to increase the value of local biodiversity. A condition is recommended to allow for an undeveloped buffer zone along the river corridor to ensure that the development conserves and enhances local biodiversity.

An ecology report has been submitted detailing the method and timing of the surveys that have been carried out. The findings show that reptiles are not present on site but acknowledge the presence of hedgehogs and common toads along with the need (and legal requirement) to protect breeding birds, bats and other wildlife. Although the protection of such wildlife is set out in statute under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010, the protection of habitats and species is a material planning consideration.

There is a legal requirement and duty to have regard to the requirements of the Habitats Directive. As the competent authority, the Local Planning Authority is required to screen the proposal having regard to any protected species. The Conservation of Habitats and Species Regulations 2010 states that outline planning permission must not be granted unless the competent authority are satisfied (whether by reason of the conditions and limitations to which the outline planning permission is to be made subject, or otherwise) that no development likely adversely to affect the integrity of a European site or a European offshore marine site could be carried out under the permission, whether before or after obtaining approval of any reserved matters.

There is an application for a mixed use development currently under consideration for the site on the opposite side of the River, OUT/12/0017. The combined impacts of the two developments need to be considered in terms of any negative impact on protected species, habitats and the River. As such the Merseyside Environmental Advisory Service (MEAS) are carrying out the necessary assessments, the findings will be reported and relevant and necessary planning conditions are recommended.

A Flood Risk Assessment has been submitted and assessed and accepted by the Environment Agency. Planning conditions are recommended to prevent and reduce the risk of flooding.

ARCHAEOLOGY

A desk based archaeological assessment has been carried out due to the close proximity of the Bromborough Court House Site on the south side of the river, which is a scheduled ancient monument. There is no indication of habitation or significant points of archaeological interest within the site.

An objection has been received from the Bromborough Society that the Assessment fails to do justice to the full history of the area. Sufficient details have, however, been submitted to allow for the due consideration of the archaeological importance of the application site.

HEALTH ISSUES

There are no health implications relating to this application besides the issues related to ground contamination, referred to above, that will be dealt with by condition.

SECTION 106 AGREEMENT

The proposal includes provision of open space and a children's play area and the provision of a green corridor around the periphery of the site. A section 106 agreement will be necessary to ensure the future management and maintenance of these areas.

CONCLUSION

The applicant has demonstrated that the site has been marketed over a satisfactory period of time with no likelihood of being developed for employment purposes. Although a departure from development plan policies relating to industrial development, the proposed

development represents a sustainable regeneration opportunity for the re-use of a brownfield site with access to existing transport and community facilities. There is a presumption in favour of sustainable development and the Wirral Employment Land and Premises Study has accepted that alternative uses within this area would not have serious consequences to Wirral's economy. This accords with the approach outlined in the National Planning Policy Framework (NPPF) and weighs in favour of a development which is contrary to the UDP Policy EM8. The outline residential proposal is in accordance with the criteria set out in polices relating to new residential development and the proposal is recommended accordingly.

Summary of Decision:

Having regards to the individual merits of this application the decision 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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The applicant has demonstrated that the site has been marketed over a satisfactory period of time with no likelihood of being developed for employment purposes. Although a departure from development plan policies for industrial development, the proposed development represents a sustainable regeneration opportunity for the re-use of a brownfield site with access to existing transport and community facilities. There is a presumption in favour of sustainable development and the Wirral Employment Land and Premises Study has accepted that an alternative use would not have serious consequences to Wirral's economy. This accords with the approach outlined in the National Planning Policy Framework (NPPF) and weighs in favour of a development which is contrary to the UDP Policy EM8. The outline residential proposal is in accordance with the criteria set out in the polices relating to new residential development and the proposal is recommended accordingly.

Recommended Decision: **Approve subject to a Section 106 Agreement**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within five years from the date of this permission:

- (a) Layout
- (b) Scale
- (c) Appearance, and
- (d) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990.

3. The submission of all the reserved matters shall be in accordance with the details and design principles contained within the Design and Access Statement, Revision C received by the Local Planning Authority on 25th May 2012. The development shall be carried out in strict accordance with the approved details.

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

4. The detailed plans submitted as reserved matters shall include a survey of existing and proposed ground levels, sections across the site and details of the finished slab level for each property. The ground levels across the site and finished slab levels for each property shall be as per the approved plans.

Reason: In the interests of privacy and amenity of neighbouring occupiers and to ensure that the development complies with Policy HS4 of the Wirral Unitary Development Plan.

5. The detailed landscaping plans submitted as reserved matters shall include:
 - (i) details of boundary treatments and hard surfaces
 - (ii) the location, size and species of all trees to be planted
 - (iii) the location, size, species and density of all shrub and ground cover planting
 - (iv) a schedule of implementation

Reason: In the interests of visual amenity and to ensure that the development complies with Policy HS 4 of the Wirral Unitary Development Plan.

6. Before any construction commences, samples of the facing (brick), roofing and window materials to be used in the external construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is sooner, for its permitted use. The approved landscape management plan shall be carried out as approved.

Reason: To ensure landscape features are properly considered and protected and to accord with Policy GR5 of the Wirral Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

9. The detailed plans submitted as reserved matters shall include details indicating the positions, design, materials and type of boundary treatment to be erected. The subsequent boundary treatment approved as part of the reserved matters shall be completed for each of the dwellings hereby approved as and when they are completed and before each relevant dwelling is first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the visual amenities of the locality and the privacy/amenities of the existing adjoining and proposed new properties and to accord with Policy HS4 of the Wirral Unitary Development Plan.

10. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for the construction of a signalised junction onto New Chester Road (A41) at the Port Sunlight Driving Range access, including:

- "Toucan" Crossing facilities to assist pedestrians and cyclists to safely cross both

New Chester Road (A41) and the improved site access and to link to the pathway between 322/324 New Chester Road.

- Waiting restrictions as appropriate.
- Traffic signs and road markings as appropriate.
- Alterations to the parking lay-by immediately to the north of the development site as appropriate.
- Independent Safety Audits as appropriate.

First use of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason: In the interests of highway safety

11. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors

12. Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors

13. The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the

development (or relevant phase of development) being brought into use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors

15. A monitoring and maintenance scheme of the effectiveness of the proposed remediation must be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented, and any reports produced as a result, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors

16. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the drainage system has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of controlled waters and to accord with Policy HS4 of the Wirral Unitary Development Plan.

17. No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and its Technical Guidance Note (or any subsequent version). Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, 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 water;
- ii. include a timetable for its implementation; and
- iii. provide 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.

Reason: To ensure a satisfactory means of drainage and having regard to Policy HS4 of the Wirral Unitary Development Plan.

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

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

19. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive unless otherwise agreed in writing by the Local Planning Authority.

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

20. Prior to commencement of development, full details of a scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan. It shall include measures that will be used to prevent the spread of Japanese knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: To eradicate Japanese Knotweed from the development site, to prevent the spread of the plant through development works and to accord with the aims of Policy NC7 in the Wirral Unitary Development Plan.

21. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the Extended Phase 1 Habitat Survey dated November 2011 received by the Local Planning Authority on the 27th January 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard conservation of species/habitats and to comply with Policy NC7 in the Wirral Unitary Development Plan.

22. Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone alongside Dibbinsdale Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed, in writing, with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the undeveloped buffer zone
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

Reason: To ensure the development conserves and enhances local biodiversity and safeguarding the Dibbinsdale Brook ecological corridor in line with the National Planning Policy Framework and having regard to Policy NC7 in the Wirral Unitary Development Plan

23. The development hereby permitted shall not be commenced until such time as a scheme for the provision of compensatory flood storage on or in vicinity of the site to a 1 in 100 year (plus climate change) fluvial standard has been submitted to, and approved in writing

by, the local planning authority.

Reason: To avoid adverse impact on flood storage.

24. The submission of reserved matters shall include details that the finished floor levels are no lower than 8.06 metres above Ordnance Datum. The development shall be carried out in strict accordance with the approved levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants

25. Prior to the first occupation of any dwelling hereby permitted, the developer will provide a publicly accessible recreational route along the length of the application site which border the River Dibbin watercourse. The details of the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development.

Reason: In the interests of the recreational, health and amenity needs of future residents having regards to Policy RE1 of the Wirral Unitary Development Plan.

Further Notes for Committee:

1. There are aspects of the indicative layout that would not be suitable for adoption and that are potentially unsafe. Prior to submission of reserved matters for the layout of the site, the applicant should liaise with the Director of Technical Services to agree a suitable road layout and should contact Ian Hatton (0151) 606 2252 to arrange for this.
2. It may be possible to construct a foot/cycle bridge across the adjacent watercourse, linking this site with the Croda site. The subsequent reserved matters applications should consider setting aside sufficient space at points alongside the river so that a bridge could be provided in the future.
3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws (North West Region) our prior written consent is required for any works, or structures, located in, under, over or within 8 metres of the bank top of Dibbinsdale Brook, designated "main river".

The Environment Agency has discretionary powers to undertake maintenance and improvement works on all "main river" watercourses to alleviate flood risk. However, the ultimate responsibility lies with the riparian land owner.

The Land Drainage Byelaws to control development will ensure that access arrangements to the watercourse are maintained. Any future development layouts on this site must ensure that there is a suitable and un-interrupted access strip between any new development and the bank top of the watercourse. Consents issued by the Environment agency could be refused where there could be unacceptable flood risk or ecological impacts.

4. The Environment Agency recommend that developers should:
 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site.
 3. Refer to the website at www.environment-agency.gov.uk for more information.

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.

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