

**Reference:**  
**APP/20/01919**

**Area Team:**  
**Development  
Management Team**

**Case Officer:**  
**Mr J Browne**

**Ward:**  
**Leasowe and  
Moreton East**

**Location:** Burtons Foods, PASTURE ROAD, MORETON, CH46 8SE  
**Proposal:** Construction of two dwelling houses (use class C3) with associated car parking, landscape boundary treatment and infrastructure.

**Applicant:** Bellway Homes (North West) Ltd  
**Agent :** Bramhall Town Planning Ltd

**Qualifying Petition:** No

**Site Plan:**



**distribute or sell any of this data to third parties in any form.**

**Development Plan designation:**

Primarily Industrial Area

**Planning History:**

Location: Burtons Foods, PASTURE ROAD, MORETON, CH46 8SE  
Application Type: Non Material Amendments  
Proposal: Non-material amendment to amend condition 6 of planning permission reference APP/16/00108 to ensure that the condition is reasonable and in accordance with national guidance  
Application No: NMA/19/00145  
Decision Date: 18/02/2019  
Decision Type: Approve

Location: Burtons Foods, PASTURE ROAD, MORETON, CH46 8SE  
Application Type: Full Planning Permission  
Proposal: Demolition of existing industrial buildings and hybrid planning application, seeking full planning permission for access to manufacturing units to the east of the Site; security building; weighbridge; car & cycle parking; landscaped boundary treatment; and associated infrastructure for Burton's Biscuit Company. Outline planning application for 299 residential dwellings, associated open space and infrastructure with all matters except for access reserved for future determination.  
Application No: APP/16/00108  
Decision Date: 16/01/2018  
Decision Type: Approve

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS****1.1** The application was taken out of delegated powers by Councillor Anita Leech and Karl Greaney (Leasowe and Moreton East Ward) for the following reason:

"Residents are objecting to the removal of the pumping station"

**2.0 SUMMARY OF REPRESENTATIONS**

Having regard to the requirements of the Town and Country Planning (General Permitted Development Order) (England) 2015 as amended, notification letters were sent to five neighbouring addresses on 09 March 2021. The deadline for receipt of representations passed on 14 April 2021.

**REPRESENTATIONS**

No objections or responses received

**CONSULTATIONS**

Highways – No objection, with condition and informative. The addition of two dwellings to the consented scheme does not raise any highway safety or network capacity concerns and as such there would be no objection to the proposals. The previous Traffic and Transportation comments provided for application reference APP/16/00108 remain applicable for this amended scheme.

United Utilities – No objection. It is advised that the applicant implements the scheme in accordance with the surface water drainage hierarchy. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

The Lead Local Flood Authority - No objection to the proposed development based on flood risk and drainage matters. The proposal does not impact the drainage strategy for the wider development site.

Environmental Services - No objections to the proposed application, subject to the implementation of the recommendations in the noise assessment.

### **3.1 Site and Surroundings**

- 3.1.1 The site forms part of the former Burtons Biscuits site, which is now known as Bellway – Jellico Gardens. The proposed development is to be located on a parcel of land that was previously reserved for a pumping station in accordance with Hybrid Planning Application APP/16/00108 obtained on the 12th January 2018 and reserve matters application DLS/19/01305 19<sup>th</sup> March 2020.
- 3.1.2 To the immediate north of the site is The Birket with grass banks. To the west of the site is Pasture Road (A551) which comprises a commercial use and a residential terrace set off the main road. To the south of the site is Moreton train station and the associated train tracks that are a physical barrier between the wider Burton Biscuit site and existing residential area in Moreton in and around Pasture Avenue. To the east of the site is the existing industrial park off Reeds Lane, which comprises Premier Foods, Manor Bakeries and Typhoo Tea Limited.
- 3.1.3 Following the creation of Jellico Gardens, the immediate surrounding area of the reserved pumping station site will be characterised by predominantly two storey residential dwellings.
- 3.1.4 The site is within walking distance of Moreton centre and its network of local services, amenities and facilities. Moreton train station between the site and Moreton centre provides frequent, direct rail services through to the main line stations of Birkenhead and Liverpool.
- 3.1.5 The site falls within Flood Zones 2 and 3, but is an area that benefits from flood defences. The site forms part of a Primarily Industrial Area as shown on the Unitary Development Plan (UDP) Proposals Map. Pasture Road, which provides access to the wider Jellico Gardens development is an adopted Road. The site does not fall within a conservation area or comprise any listed buildings.

### **3.2 Proposed Development**

- 3.2.1 The proposal seeks planning permission to deliver two residential dwellings instead of the approved pumping station provision, which was designed to serve the wider 257 dwelling development. The loss of the pumping station is the reason why this application has been taken out of delegated powers.

- 3.2.2 The proposed dwellings would comprise a semi-detached pair, each comprising 3-bedroom properties.
- 3.2.3 This application therefore seeks to increase the overall number of dwellings on the wider Jellico development site from 257 to 259 dwellings.
- 3.2.4 The proposed properties are located within the Character Area 1 of the Jellico development where the principal theme within this area would be black window frames and a racing green front door. The proposed detached Chandler house type is therefore proposed, which is a designed approved elsewhere on the wider development site.
- 3.2.5 The existing acoustic fence would be retained between the property and the neighbouring commercial area.
- 3.2.6 Both dwellings proposed would be private market accommodation.
- 3.2.7 Vehicular, pedestrian and cycle access would be from the previously approved west to east access route through the wider development site directly from Pasture Road (A551).

### **3.3 Development Plan**

#### Employment Land

- 3.3.1 UDP Policy EM8 only makes provision for industrial uses within Use Classes B1, B2 and B8, draft Core Strategy Policy CS17 proposes, in line with national policy, to continue to safeguard designated employment areas and to only allow alternative uses where:
- the site is not suitable for one of the priority sectors; and
  - there has been continuous marketing at realistic prices and there is no reasonable prospect of the site being re-used for employment purposes;
  - an ongoing supply of available, suitable, developable employment land would be retained; and
  - the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; and
  - in the case of residential development, that additional housing is needed to demonstrate a 5 year supply of housing land; or
  - the development is necessary to secure employment development that would not be otherwise viable.

#### Housing

- 3.3.2 Policy HS4 (Criteria for New Housing Development) although applicable to Primarily Residential Areas contains criteria for assessing the quality of the development and amenity for future occupiers.

### **3.4 Assessment**

- 3.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies taken as a whole should be refused unless material considerations justify granting permission. Similarly, proposals which accord with the Development Plan should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan as whole and then take account of other material considerations.

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

- Principle of development;
- Housing Quality and Provision;
- Design;
- Highways;
- Residential Amenity;
- Ecology / protected species;
- Waste and recycling;
- Construction methodology;
- Flood.

3.5 Principle of Development:

*Industrial Land*

3.5.1 The site is designated as part of a Primarily Industrial Area shown on the Unitary Development Plan (UDP) Proposals Map. Strategic UDP Policy URN seeks to ensure full and effective use of land is made within urban areas. This should be read in conjunction with UDP Policy EM8, which makes provision for uses within B Use Classes and proposals for the reconstruction, extension or expansion of existing business.

3.5.2 The principle of the loss of the protected Primary Industrial Area across the entire former Burton Biscuits site, was previously established under hybrid planning application APP/16/00108 obtained on the 12th January 2018. The application site for the proposed two residential properties as part of this planning application fall within the demise of the wider Burton Biscuits site. The principle of the loss of an industrial use on the site has therefore already been established.

3.5.3 For the purpose of the assessment of this planning application, it is therefore considered that this development proposal itself would not results in loss of industrial and employment uses.

*Housing*

3.5.4 Chapter 5 of the NPPF (Feb 2019) "Delivering a sufficient supply of homes", states the Government's objective of significantly boosting the supply of housing within the UK. Paragraph 59 states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.

3.5.5 The application proposes the residential redevelopment of the site to deliver 2 additional new homes. The application site forms part of a wider housing led regeneration development site. The justification for housing in this location therefore aligns with paragraph 118 of the NPPF which states decisions should particularly support development of under-utilised land, especially if it would meet identified need for housing.

3.5.6 Two new residential dwellings on the site is therefore acceptable in principle line with UDP policy HS4 and the Government's objective of significantly boosting the supply of housing within the UK, as set out within the NPPF paragraphs 59, 73 and 118.

*Drainage*

3.5.7 The development proposals include the removal of the previously approved pump station for the Jellicoe Gardens development, which formed part of the approved detailed drainage design.

The application was called in by local councillors due to objections from residents regarding

- 3.5.8 the loss of the pump station as part of the development proposals.
- 3.5.9 United Utilities have confirmed in writing that their assessment is based upon the specific merits of the site and they accordingly assessed the acceptability of the development proposals (i.e. the loss of the pump station) before reaching their conclusion. No objection to the application is raised.
- 3.5.10 By way of background, the initial drainage strategy for the site allowed for a foul pumping station. However, the drainage strategy was reviewed at detailed design stage and an opportunity to provide a favoured gravity base system was found, removing the requirement for foul pumping station.
- 3.5.11 The Local Lead Flood Authority also raised no objection citing that the approved surface water drainage strategy for the entire site is unaffected by the proposed change.
- Subject to safeguarding conditions, it considered that the loss of pumping station is acceptable in principle and in accordance with National Planning Policy Framework.
- 3.6 Housing provision: \_
- 3.6.1 NPPF paragraph 122 takes into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 3.6.2 Paragraph 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 3.6.3 UDP Policy HS4 (Criteria for New Housing Development) is also relevant and has been taken into account in the assessment.
- 3.6.4 The proposed development designed with a northern and southern orientation, dual aspects units, compliance with National Space Standards and direct access to private gardens would ensure that the residential development would be of an acceptable standard for future residents of the development in accordance with the NPPF, Policy HS4 and Designing for Self-Contained Flats and Conversions SPD.
- 3.6.5 The previously approved 2016 hybrid planning application comprised a financial viability assessment and it was concluded that no more than 10% affordable units were viable. The approved reserved matters planning application (DLS/19/01305) subsequently secured the delivery of 26 affordable homes dispersed across the wider development site.
- 3.6.6 This development proposal does not comprise any additional affordable housing units, as both proposed family units are private market housing. However, given the limited uplift in the quantum of units in comparison to the wider development, which already comprises 26 affordable units. The absence of additional affordable housing is considered acceptable in this instance.
- 3.6.7 The approved reserved matters planning application (DLS/19/01305) comprised the following housing mix and dwelling types:
- 6 no. 1 bedroom apartments;
  - 6 no. 2 bedroom apartments;
  - 38 no. 2 bedroom houses;
  - 117 no. 3 bedroom houses; and
  - 90 no. 4 bedroom houses.
- 3.6.8 The development proposals seek to deliver 2 family dwellings (3 bedroom +). The delivery of additional family housing (3 bedrooms +) as part of wider residential development for the Burton Biscuits site is supported and considered to be a key material consideration in the determination of this application.

3.6.9 Due to the scale of the development, it is not considered necessary to provide wheelchair accessible dwellings, however, a level access condition would be attached to any planning permission in response to varying levels of mobility in accordance with UDP Policy HS9.

3.6.10 The approved reserved matters planning application (DLS/19/01305) comprised the provision of 14,500 sq.m of on-site public open space and requisite infrastructure in accordance with the design parameters and policy requirement of 60sq.m per dwelling of open space, as set out in saved Unitary Development Plan Policy GR6.

3.6.11 The existence of 14,500 sq.m of on-site public open space within the wider master plan is considered sufficient to meet the needs of the proposed additional two dwellings and the previously approved 257 residential units.

3.6.12 It is considered that there is therefore a sufficient level of external amenity space and child play space within the local area to ensure that high quality living conditions are achieved for all potential age groups are met for the additional two dwellings in accordance with the overarching aspirations of Policy GR6.

### 3.7 Design / Impact on the character of the area:

3.7.1 NPPF paragraph 124, 127, 130 and 131 provide guidance on design in developments. Paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

3.7.2 The proposed development contains a contemporary well considered and clear design rational, which knits into the wider previously approved residential development to provide a high-quality place for people to live, which contributes to health and well-being and also creation of a sense of place.

3.7.3 With detailed consideration of the character and appearance of the wider development, the proposed dwellings are designed to set back from main access road and conform to the emerging building line of the neighbouring properties and the wider streetscene. The positioning of the dwellings within spacious front and rear gardens also conforms with the established approved character of the area.

3.7.4 The scale and height of the proposed two storey dwellings would be in keeping with the emerging surrounding area. The proposed materiality and appearance of the proposed residential development which comprise fortterra village honey gold and fortterra woodside mixture brickwork, interlocking grey tiles, black UPVC windows, combined with the associated landscaping and boundary treatment would be residential in appearance and allow for the creation of a more green and leafy setting than what currently exists on site in accordance with of Policy GR5 (Landscaping and New Development).

3.7.5 Subject to the attachment of safeguarding conditions, it is therefore considered that the development would preserve and enhance the character and appearance of the immediate street and the wider local area.

### 3.8 Highways:

3.8.1 The following UDP policies were taken into account in this section:

- UDP strategic policy TRT1 (Provision For Public Transport);
- UDP Strategic policy TRT2 (Safeguarding Land For Highway Schemes);
- UDP strategic policy TRT3 (Transport And The Environment);



- UDP policy TR9 (Requirements for Off-Street Parking);
- UDP policy TR10 (Cycle Routes Proposal);
- UDP policy TR11 Provision for Cyclists in Highway and Development Schemes;
- UDP Policy TR12 (Requirements for Cycle Parking).

3.8.2 The proposals are all contained within a private boundary of the application site and do not impact on the adopted highway or the previously approved internal road layout. No visibility splays would be impacted upon by the development proposals. The proposal also comprises 4 off-street car parking spaces (2 per property). The level of traffic generation by the development would result in a negligible impact on traffic generation compared to the wider approved development. The development would not raise any highway safety concerns either.

3.8.3 It is therefore considered that the development proposals would have a minimal impact on the surrounding area, as such there are no objections to the proposal from Wirral's Engineers (Highway officers). No Highways planning condition is therefore required.

### 3.9 Residential Amenity:

3.9.1 The proposed development by reason of its limited scale at two storeys, form and massing, separation distance from facing neighbouring within the wider development would not have a detrimental impact on the living conditions of any neighbouring residents to warrant a reason for refusal when considering the potential for loss of access sunlight and daylight, outlook and privacy.

3.9.2 It is therefore considered that the development would accordingly safeguard the living conditions and residential amenity of neighbouring occupiers in accordance with policy HS4.

3.9.3 The proposed dwellings are also accord with the internal space requirements of the national space standards. With the benefit of defensible space to the front of the property and rear gardens to the rear for the enjoyment of the future residents. A high-quality standard of living would be delivered for future residents of the development.

### 3.10 Ecology

3.10.1 NPPF Paragraph 170 and UDP Policy NC7 (Species Protection) seek to ensure that development would have an adverse effect on wildlife species protected by law..

3.10.2 A Habitats Regulations Assessment (HRA) were undertaken for the outline planning permission (APP/16/00108) and the subsequent reserve matters application. To address the issues highlighted in the initial HRA the applicant provided a S106 agreement sum of £39,640 which is to fund ecological management work and improvements to footpaths within Ditton Nature Reserve..

3.10.3 Given the limited scale of the proposed development with two dwellings, securement of ecological benefits under the Hybrid planning application previously, it is considered that the proposed scheme would not have an adverse impact upon biodiversity or wildlife species in accordance with NPPF paragraphs 170, 175, 177 and UDP Policy NC7.

### 3.11 Waste and recycling

3.11.1 The Joint Waste Local Plan for Merseyside Policy WM9 (Sustainable Waste Management Design and Layout for New Development) sets out that the design and layout of new developments must, where relevant, provide measures as part of their design to address: the facilitation of collection and storage of waste; provide sufficient access to enable waste and recyclable materials to be collected and transported; accommodation of home composting in dwellings with individual gardens; and facilitate small scale, low carbon combined heat and power in major new employment and residential schemes where appropriate.

- 3.11.2 The development comprises sufficient space for site storage of refuse bins to the rear of each property, with secure access provided from the rear of each property to the kerb-side enabling residents to put out and bring in their bins on the days of collection. This is a suitable arrangement and would be secured by condition.
- 3.11.3 The internal layout of the wider development previously approved at Reserve Matters phase was designed to facilitate delivery and waste collection vehicles and allow them to enter the site, turn around and exit in a forward gear.
- 3.11.4 Subject to a safeguarding condition the development would accord with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).
- 3.12 Construction methodology
- 3.12.1 The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) also requires the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable. However, as no demolition works are required, and the proposed development is of a minor scale. It is not considered necessary to use a waste audits or a similar mechanism such as a demolition/construction method statement to monitor waste minimisation, recycling, management and disposal in this instance.
- 3.12.2 The wider development site falls under the ownership of the applicant, Bellway and is considered sufficient to allow for the construction of the proposed additional dwellings without causing any impact on the highway network or residential amenity. A Construction Management Plan (CMP) is therefore not considered necessary.
- 3.13 Noise
- 3.13.1 NPPF paragraph 180 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 3.13.2 UPD Policy PO3 (Noise Policy) and Policy PO4 (Noise-Sensitive Development) are relevant here.
- 3.13.3 The submitted noise assessment advises the specifications to achieve the recommended internal noise levels in noise sensitive rooms of dwellings in the absence of the vent at Burton Biscuits, which is located to the east of the proposed Burton Biscuits development site.
- 3.13.4 Environmental Health raised no objection to the noise mitigation measures subject to the adoption of proposed input ventilation (PIV). It is therefore considered that the development is acceptable in terms of noise in accordance with Policy PO3 of the UDP and paragraph 180 of the NPPF.

#### **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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed residential development would enhance the character and appearance of the surrounding area, safeguard neighbouring residential amenity and not result in any

unacceptable highway, drainage or flooding issues. As such the development accords with the objectives of the Wirral Unitary Development Plan and the National Planning Policy Framework.

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

**Recommended Conditions and Reasons:**

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 21/12/20, 22/01/21 and 02/03/21 (unless otherwise stated) and listed as follows:

Design and Access Statement, December 2020;

Noise Assessment, July 2019;

Noise Mitigation Schedule 30th April 2020;

Phase 1 & Phase 2, Curtins July 2019 (submitted with application DLS/19/01305);

0.9m High Post & 2 no. Rail Fence;

1.8m-3.25 Acoustic Fence

1.8m High Close Boarded Timber Fence;

Location Plan BHNW075 LP01;

Character Area Plan- BHNW075 CA01;

Materials Layout BHNW075 ML01 rev D;

Boundary Treatment Plan BHNW075 BT01 rev C;

2 Extra Plots Landscape BHNW075 PL100;

The Chandler Floor Plans CH-3B-2S-P1 rev A.

The Chandler Elevations: Town Vernacular: Brick CH-3B-2S-TB-E rev A

The Chandler Elevations Town Vernacular: Feature Brick CH-3B-2S-TF-E rev A

Planning Layout 2 plot dwellings PL100 rev A

Flood Assessment Ironside Farrar 19<sup>th</sup> January 2021

Curtins Transport Addendum letter 11<sup>th</sup> January 2021

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

3. The facing materials to be used in the external construction of this development hereby approved and set out in the Design and Access Statement and character appraisal shall then be used in the construction of the development unless agreed otherwise in writing with the Local Planning Authority.

**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.

4. The dwellings hereby permitted shall not be occupied until the detailed scheme for landscaping hereby approved has been implemented. The landscaping provisions shall be retained in situ in perpetuity.

**Reason:** In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

5. Prior to first occupation of the development hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the approved residential curtilages within the site and be retained in situ in perpetuity.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Joint Waste Local Plan.

6. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

7. The development hereby approved shall not commence until the LPA has approved in writing a full scheme of works and timetable for the construction of the new highway works and the amendment to the existing highway made necessary by this development.

The details to be submitted should include: new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile paved pedestrian crossings, street furniture, new bus stop provisions, access onto the adjacent highway, road safety audit and monitoring.

The approved works shall be completed prior to occupation of the development.

Reason: In the interest of highway safety and to comply with UDP Policy HS4 Criteria for new housing development.

8. No building hereby permitted shall be occupied until the car parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cars only.

Reason: To ensure the provision and availability of adequate car parking.

**Last Comments By:** 20/02/2021 16:55:24

**Expiry Date:** 22/03/2021