

# Planning Committee

20 January 2016

**Reference:**  
**DLS/15/01306**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mrs C Parker**

**Ward:**  
**Bromborough**

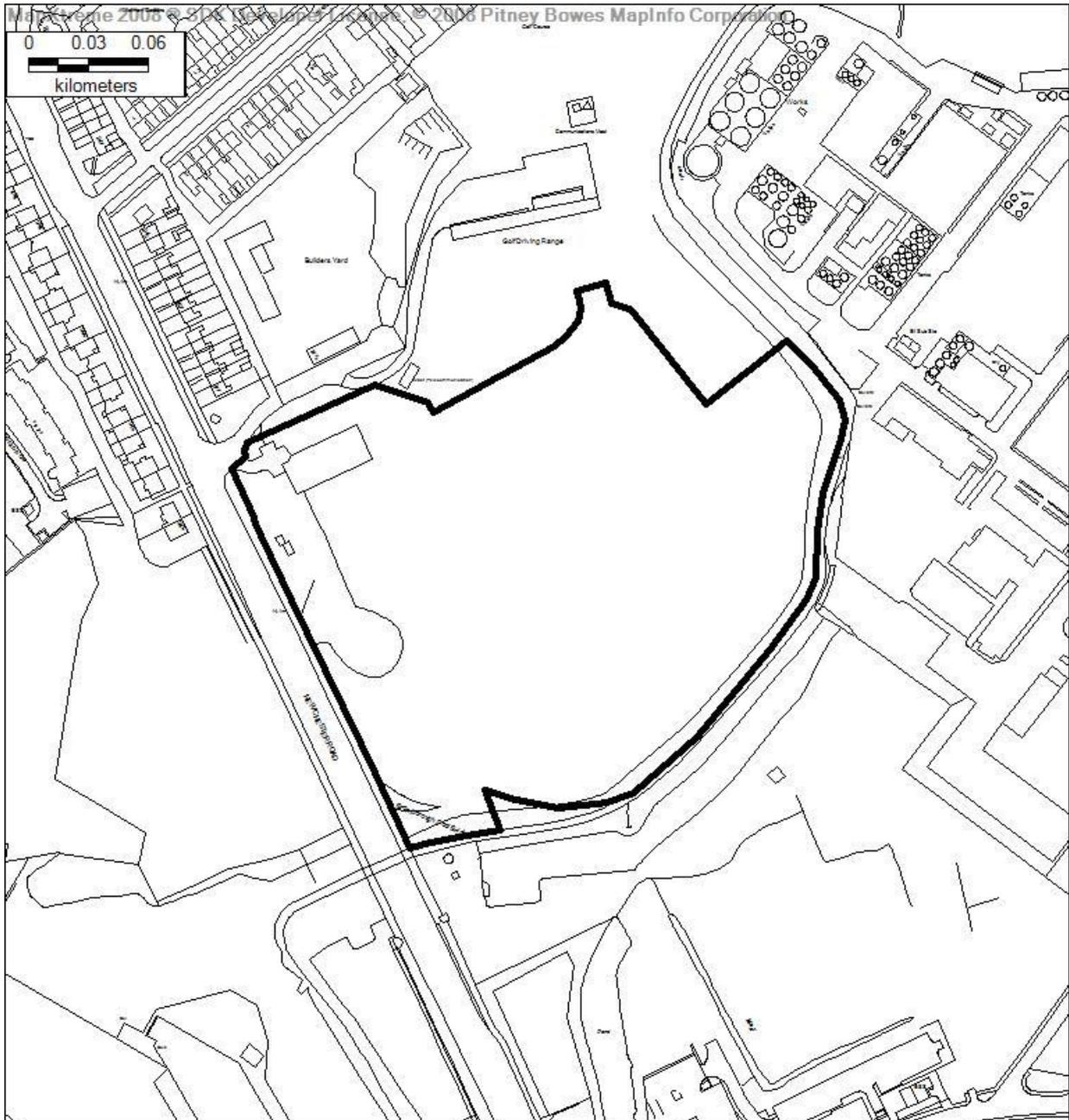
**Location:**  
**Proposal:**

LAND AT NEW CHESTER ROAD, NEW FERRY, CH62 4RE  
Details of reserved matters application for the access, appearance, landscaping, layout and scale for the erection of 98 dwellings, laying out of public open space and associated works, pursuant to outline planning permission OUT/12/00002.

**Applicant:**  
**Agent :**

Bellway Homes Ltd (North West Division)  
Nathaniel Lichfield & Partners

## 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:**

Location: A41 Bromborough, Port Sunlight Driving Range Junction, Wirral.

Application Type: Full Planning Permission

Proposal: 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.

Application No: APP/11/00106

Decision Date: 28/03/2011

Decision Type: Approve

Location: A41 New Chester Road, Bromborough, Wirral.

Application Type: Full Planning Permission

Proposal: 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

Application No: APP/11/00585

Decision Date: 15/09/2011

Decision Type: Approve

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

Application Type: Outline Planning Permission

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.

Application No: OUT/12/00002

Decision Date: 01/11/2012

Decision Type: Approve

Location: Land off New Chester Road, Bromborough, Wirral

Application Type: Reserved Matters

Proposal: Reserved matters application for phase A for redevelopment of the Port Sunlight Golf Centre site for residential development and demolition of existing Golf centre buildings and associated structures.

Application No: DLS/12/01315

Decision Date: 19/12/2012

Decision Type: Approve

Location: Port Sunlight Golf Driving Range, New Chester Road, New Ferry, Wirral, L62 4RE

Application Type: Full Planning Permission

Proposal: Proposed earth mounding.

Application No: APP/98/05036

Decision Date: 06/03/1998

Decision Type: Approve

Location: Port Sunlight Golf Driving Range, New Chester Road, New Ferry. L62 4RE

Application Type: Full Planning Permission

Proposal: Proposed earth mounding around perimeter of site and erecting a fence around the perimeter.

Application No: APP/97/05675  
Decision Date: 30/06/1997  
Decision Type: Approve

Location: On Par Golf Driving Range, New Chester Road, Bromborough. L62 4R  
Application Type: Full Planning Permission  
Proposal: Variation of condition 6 on APP/91/6880/E to extend opening from 9am-9pm to 9am-10pm.  
Application No: APP/97/05153  
Decision Date: 14/03/1997  
Decision Type: Approve

Location: On Par Golf, Bromborough Pool, New Chester Road, New Ferry. L62 4SY  
Application Type: Advertisement Consent  
Proposal: Erection of two non-illuminated signs.  
Application No: ADV/93/06314  
Decision Date: 24/09/1993  
Decision Type: Approve

Location: Port Sunlight Golf Range, New Chester Road, New Ferry, Wirral, L62 4RE  
Application Type: Full Planning Permission  
Proposal: Erection of a 30 metre lattice tower and ancillary cabin.  
Application No: APP/97/06918  
Decision Date: 30/01/1998  
Decision Type: Approve

Location: Port Sunlight Golf Driving Range, New Chester Road, New Ferry, Wirral, L62 4RE  
Application Type: Full Planning Permission  
Proposal: Proposed earth mounding (amendment to APP/98/5036/E).  
Application No: APP/98/06254  
Decision Date: 01/10/1998  
Decision Type: Approve

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

#### REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 44 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing this report no representations have been received.

**Bromborough Society** - The site is an artificial mound due to dumping waste materials and was used for storage of tanks during World War II. Careful consideration should be taken if piling is necessary due to land instability and subsidence; contamination and land drainage should be considered; a single access may be a restriction and result in a hold-up on New Chester Road; the loss of vegetation and boundary hedge should be replaced.

#### CONSULTATIONS

**Head of Environment & Regulation (Pollution Control Division)** - No objection

**Head of Environment & Regulation (Traffic & Transportation Division)** - No objection

**Head of Environment & Regulation (Lead Local Flood Authority)** - No objection subject to the surface water drainage not being located underneath any residential properties.

**Environment Agency** - No objection and state that the prior written consent of the Agency remains a requirement for any proposed works or structure in, under, over or within 8 metres of the top of the bank of the main river Dibbinsdale Brook - this is a separate requirement from planning permission.

**Merseyside Environmental Advisory Service (MEAS)** - No objection

**United Utilities** - No objection

**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 a reserved matters application for the access, appearance, landscaping, layout and scale for the erection of 98 dwellings, laying out of public open space and associated works, pursuant to outline planning permission OUT/12/00002 on the site of the former Golf Driving Range, New Chester Road, Bromborough. The proposal is the first phase of the proposed development and will front onto New Chester Road.

**SITE AND SURROUNDINGS**

The site comprises land at the former 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.

The site is classed as previously developed land 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. Extensive site clearance has taken place over recent months with remediation works completed in order to comply with the conditions attached to the outline planning permission. Levels within the site remain relatively flat albeit raised up from the road and fall along 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.

**PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT**

The site is within a Primarily Industrial Area, however, the principle of a residential development on the site has been established by the grant of outline approval under reference OUT/12/00002.

Wirral Unitary Development Plan

Policy URN1 – Development and Urban Regeneration outlines that in considering development proposals, the local planning authority will be concerned to ensure that full and effective use is made of land within the urban areas; whilst sites currently required for recreational purposes should be protected from inappropriate development.

Policy HSG2 - Affordable Housing makes provision to negotiate with developers and housing associations to encourage affordable housing units within proposal. The issue of affordable housing provision was considered at the outline stage where a Viability Assessment was carried out and the findings included within the Section 106 Agreement.

Policy HS4 - Criteria for New Housing Development states that proposals should be an appropriate scale that relates well to surrounding property, in particular with regard to existing densities and form of

development. The development should not result in a detrimental change in the character of the area and should provide appropriate landscaping and boundary treatment that contributes to a secure environment.

Policy GR7 - Trees and New Development states that in assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value within the locality and their value for nature conservation and will require that buildings, structures and hard surface areas are sited in order to substantially preserve the wooded character of the site or of the surrounding area and provide for the protection of trees of greatest visual or wildlife value.

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

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

Policy NC7 - Species Protection 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.

#### National Planning Policy Framework (NPPF)

. The National Planning Policy Framework (NPPF) supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area.

#### Waste Local Plan

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources; Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting. This can be addressed through the use of relevant planning conditions.

### **APPEARANCE AND AMENITY ISSUES**

The proposal is for the first phase of the residential development and seeks approval for all matters reserved following outline approval in 2012. There has been a previous approval of reserved matters for the same part of the site described as the first phase (DLS/12/01315). However, this reserved matters application is submitted by Bellway who will be carrying out the development and have amended the proposal in terms of layout, with different house types. As such this proposal seeks approval for the detail of layout, appearance, scale and landscaping. The matter of access has been approved as part of the outline approval and some works to the access have been carried out. All the conditions attached to the outline planning permission remain valid albeit the majority of pre-commencement conditions have been discharged. This is a concern that the Bromborough Society have raised, with particular concern over land contamination and land stability. Specific conditions were attached to the outline approval to address these issues and have subsequently been discharged.

The proposed dwellings comprise a mix of 61 three bed and 37 four bed detached properties all of which are two storey in height (although some dwellings have rooms within the roof space). The density is appropriate and is a similar density to the other existing residential development in the immediate area. As such the layout of the proposed dwellings is in keeping with the general pattern of development in the area. The layout and scale show that the heights of proposed buildings will respect surrounding development and that separation distances can be achieved.

The layout of the development is influenced by its location close to the River Dibbin and when completed the development 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.

The existing vehicular access from New Chester Road will be utilised with improvements to serve the

proposed development and will serve all of the proposed dwellings via a network of new estate roads. The majority of dwellings will direct road frontage onto these roads. An active frontage is also proposed with New Chester Road, which is a key transport route. Parking will be provided within each curtilage with all properties having at least two parking spaces.

Rear gardens will be enclosed primarily with 1.8m high timber fences, except in more open locations where the gardens are adjacent to an internal road where brick walls will typically be utilised. This provides a good level of security to those properties with defensible space within the street scene.

Careful consideration has been given to landscape design providing tree lined streets and planting which defines private and public space. The proposed new housing development is within an accessible location and will deliver environmental improvement through the redevelopment of a vacant brownfield site. The proposal will provide quality family housing that incorporates attractive landscaping and has regard to local character in the layout and design of the scheme. There is no detriment to highway safety, including pedestrian safety, or free flow of traffic. The layout and scale of the new dwellings will not result in any harm to the residential amenity of neighbouring properties. The ecology of the site has been considered by the submission of up to date surveys following the outline approval and has found that the first phase of the development will have no adverse impact on any protected species.

### **SEPARATION DISTANCES**

Habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three-storey development adjacent to two-storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

No adjacent houses will be affected by this first phase. The plots within the site as proposed achieve the usual separation distances as set out above.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no highway implications.

### **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.

Following the grant of outline planning permission an updated ecology report has been submitted and assessed by Merseyside Environmental Advisory Service. The report considers protected species and is acceptable and will be forwarded to Cheshire rECOrd via Merseyside BioBank.

The report states that no opportunities for roosting bats were present within the site. This conclusion is accepted and the Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England with regards to bats.

The site provides nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required and this can be secured by a suitably worded planning condition.

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

It is considered that the reserved matters for the first phase of the residential development incorporates a mix of residential units of varying scale and design that are acceptable, in accordance with Policy HS4 and the principles set out in the National Planning Policy Framework and is recommended accordingly.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Reserved Matters Approval 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 new housing development is within a sustainable and accessible location and will deliver environmental improvement through the redevelopment of a vacant brownfield site. It is considered that the reserved matters for the first phase of the residential development incorporates a mix of residential units of varying scale and design that are acceptable. There will be no detrimental impact to the character of the area or to the occupiers of nearby properties. The proposal is therefore in accordance with Policy HS4 and the principles set out in the National Planning Policy Framework

**Recommended Decision: Approve**

### **Recommended Conditions and Reasons:**

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

A) The expiration of three years from the date of this permission.

OR

B) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** To comply with the provisions of Section 92 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 the 23 September 2015 listed as follows: BHNW041/PL01 (Rev G), BHNW041/PL03, BHNW041/11 (Rev B), BHNW041/12 (Rev B), BW/NW/MS-VR-S/001, BH/WL/SD/FD001 (Rev A), BH/WL/SD/FD051, BH/WL/SD/FD014, BH/WL/SD/FD023 (Rev B), BH/WL/SD/FD035, 09110-T-01, 09110-T-02, 09110-T-03, 09110-T-04, 09110-T-05, ENDSS0016C, LDS357-01 (Rev A) and LDS357-02 (Rev A) dated September 2015.

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

3. Before any construction commences, samples of the facing and roofing materials to be used in the external construction of this 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.

4. Prior to the commencement of development details of the type of barrier, for example, bollards to restrict vehicular access to the rear of the houses on New Chester Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the number and position of the barrier and shall be constructed and retained as such at all times in accordance with the approved details, prior to the occupation of the properties hereby approved.

**Reason:** In the interests of residential amenity having regard to Policy HS4 of the adopted Wirral Unitary Development Plan.

5. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking

and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

6. No development shall take place until a full scheme of works and timetable for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, cycle route, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile paved pedestrian crossings, street furniture, access onto the adjacent highway, road safety audit and monitoring has been submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the Local Planning Authority written approval prior to occupation of the development.

**Reason:** In the interest of highway safety and to comply with UDP Policy HS4

7. Prior to the first occupation of the residential units, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

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

8. No development shall take place until a Site Waste Management Plan, confirming how construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Waste Local Plan.

9. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1<sup>st</sup> March to 31<sup>st</sup> 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.

10. Having regard to the sites location adjacent to the A41, NO DEVELOPMENT SHALL COMMENCE UNTIL a noise survey in relation to the impact of road traffic noise on the proposed dwellings has been submitted to and approved in writing by the Local Planning Authority. If such a survey identifies dwellings being in Noise Exposure Categories B or C (between 55 and 72 LAeqT dB between 0700 and 2300 and between 45 and 66 LAeqT dB between 2300 and 0700) then details of a scheme of works to minimise noise pollution and disturbance to the new dwellings, including details of acoustic glazing, shall be submitted to and approved in writing by the Local Planning Authority and once approved shall only be carried out in full accordance with such details and all implemented measures (including any acoustic glazing) shall be permanently retained thereafter.

**Reason:** In the interests of the amenities of future occupiers and having regard to Policy HS4 of the Wirral Unitary Development Plan.

11. NO DEVELOPMENT SHALL TAKE PLACE BEFORE a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Green Travel Plan shall be implemented upon commencement of the development hereby approved and operated in accordance with the provisions and timescales contained therein unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To promote sustainable transport measures for visitors and residents and to ensure that the impact of the development on the free and safe flow of traffic on the highway is kept to a minimum.

**Further Notes for Committee:**

1. In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile pedestrian paved crossings, street furniture, Road Safety Audit and Road Safety Audit monitoring.

**Last Comments By:** 30/11/2015 09:58:17

**Expiry Date:** 23/12/2015