

Planning Committee

28 June 2012

Reference:
APP/11/00964

Area Team:
South Team

Case Officer:
Mr K Spilsbury

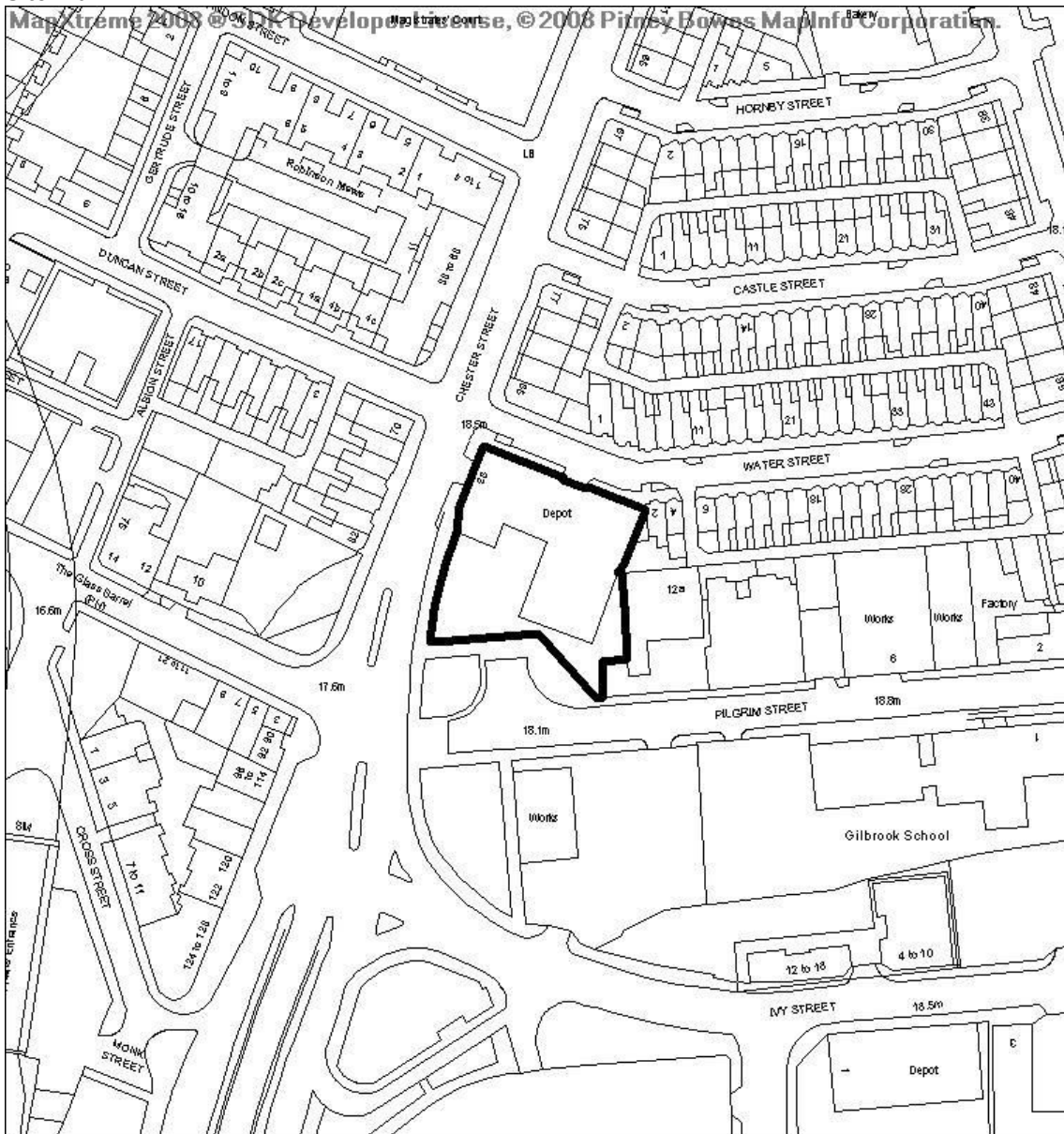
Ward:
**Birkenhead and
Tranmere**

Location: Five Oceans International Removers, 93 CHESTER STREET,
BIRKENHEAD, CH41 5DE

Proposal: Demolition of existing buildings and erection of 28 apartments
(extension of time 05/5224)

Applicant: Mr S Taylor
Agent : Garry Usherwood

Site Plan:



Development Plan allocation and policies:

Primarily Industrial Area

Planning History:

APP/05/5224 - Demolition of existing buildings and erection of 28 apartments - REFUSED 9/12/2005 subsequently ALLOWED on Appeal 12/09/2006 (Ref APP/W4325/A/06/2008818)

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

Having regard to the Council's Guidance on Publicity for Applications, neighbour notification letters were sent to 33 neighbouring properties, and a site notice was also posted. At the time of writing this report no representations have been received.

CONSULTATIONS

Director of Technical Services (Traffic and Transportation Division) – no objection subject to conditions .

Director of Law, Human Resources and Asset Management (Environmental Health Division) – no objection.

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application seeks permission for the erection of 28 dwellings which is defined as Major Development and is therefore required to be considered by the Planning Committee under the Council's adopted Scheme of Delegation for Determining Planning Applications.

INTRODUCTION

The proposed development is for the extension of time for the allowed appeal for the demolition of the existing buildings and the erection of 28 apartments.

PRINCIPLE OF DEVELOPMENT

The application site is located within a primarily industrial area and as such is a departure from the Unitary Development Plan. However, the principle of the application has been established under the previous consent following the appeal decision (APP/W4325/A/06/2008818) and as such the application is acceptable subject to the New National Planning Policy Framework and the Wirral Unitary Development Plan.

SITE AND SURROUNDINGS

The site is located on the edge of the primarily industrial Area that forms the part of the Priory Industrial Estate on the corner of Chester Street and Water Street.

Water Street is primarily residential in character and is made up of close knit terraced dwellings, whilst Pilgrim street to the south is industrial in nature with a number of industrial uses.

POLICY CONTEXT

The original scheme was refused by planning committee on the 9th December 2005 and subsequently allowed at appeal on 12 September 2006. The decision was based on the policies within the Unitary Development Plan and PPG 3 - Housing.

In March 2012 all PPG'S and PPS'S were replaced by the National Planning Policy Framework (NPPF) and as such the application must now be considered against this new document.

In addition The Council's Strategic Housing Market Assessment was updated in 2010, and at the same time the Council's Cabinet adopted an approach that required provision of affordable housing at a rate of 10% for five or more dwellings within the RSS Inner Area. In actual fact, the need for affordable housing was found to be 40%, but the 10% figure was adopted to reflect the current economic circumstances. The Cabinet decision is a material consideration, and as such affordable housing provision on sites of 5 or more dwellings is now required.

Within the inspectors decision the Inspector concluded that he was not convinced that the proposal would have a significant and serious effect upon the supply of employment land and premises within

the Borough. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Following consultation with the applicant it has been agreed that 10% affordable housing will be provided within the scheme. Should members be minded to approve the application a Section 106 Legal Agreement can be imposed to ensure its provision.

APPEARANCE AND AMENITY ISSUES

The current proposals do not differ from those previously allowed. Additionally there have been no material changes since this date that would have a bearing on this decision in respect of the conservation area designation or Unitary Development Plan allocation with regard to policy HS4. The principle of the development has been established for both the demolition of the existing buildings and indeed its replacement.

Chester road forms the boundary Hamilton Square conservation area and as such the site occupies a prominent position. The principle of demolishing the existing buildings has been established via the appeal decision and therefore can not be considered as the inspector deemed the scheme acceptable in terms of policy CH2.

The inspector was clear in his view that the development would not impact negatively on the conservation area. It is accepted that the significance of the conservation area is the formal and rectangular arrangement of long rows of tall buildings grouped around formally laid out gardens. Hamilton square itself is some distance from the site and the area between is more varied in form and less formal. Whilst the design of the scheme is somewhat un-inspiring the general scale is acceptable and has been considered in relation to the streetscenes it will feature within, reflecting the overall proportions and features within the existing properties.

SEPARATION DISTANCES

The siting and design of the development ensure the separation distances between residential properties with regards to habitable room windows directly facing each other are at least 21 metres apart and main habitable room windows are at least 14 metres from any blank gable.

HIGHWAY/TRAFFIC IMPLICATIONS

The Director of Technical Services Traffic management Division has no objection to the proposed scheme subject to conditions.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The site is an accessible location at the edge of the Birkenhead town centre with easy access to jobs and services. The development is therefore in a sustainable location and would support the viability of existing local services.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

There are no materially different factors present in the determination of this application from that of the appeal decision (APP/W4325/A/06/2008818) that would warrant refusal of the scheme. The extension of time limit for implementation is therefore recommended for approval subject to a S106 Agreement to secure affordable housing.

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:-

There are no materially different factors present in the determination of this application from that of the appeal decision (APP/W4325/A/06/2008818) that would warrant refusal of the scheme. The extension of time limit for implementation is therefore recommended for approval subject to a S106

Agreement to secure affordable housing.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of amenity having regard to Policy HS4

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels; means of enclosure; the materials to be used in the surfacing of car parking spaces, vehicle and pedestrian access and circulation areas; the provision of minor artefacts and structures such as furniture, refuse or other storage units, signs and lighting; the provision of proposed and the protection of existing functional services above and below ground such as drainage power, communications cables, pipelines and indicating lines, manholes and supports.

Reason: In the interest of amenity

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: In the interest of amenity

5. A landscape management plan, including 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 any part of the development. The landscape management plan shall be carried out as approved.

Reason: In the interest of amenity

6. No external security or floodlighting other than that included within the approved details of hard and soft landscape works shall be installed within the site unless details have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interest of secure by design

7. No development shall take place until a noise survey has been carried out to ascertain the likely effect on the apartments hereby permitted from traffic noise on Chester Road. The survey shall be submitted to and approved in writing by the local planning authority. If the survey identifies any of the apartments as coming within noise exposure categories B and C as set out in the table of recommended noise exposure categories in Annex 1 of PPG24 "Planning and Noise", a scheme of noise insulation for these apartments shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before any of the apartments identified in the survey are occupied.

Thereafter the approved scheme shall be retained.

Reason: In the interest of amenity

8. No development shall take place until a scheme for the secure storage of cycles within the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out before any of the apartments hereby permitted are occupied and retained thereafter.

Reason: In the interest of Sustainable transport

9. No development shall take place until a Green Travel Plan has been submitted to and approved in writing by the local planning authority. The submitted Green Travel Plan shall include information on public transport services within the area, measures for encouraging the use of alternative modes of travel to the car and a mechanism for monitoring and reviewing the Green Travel Plan, including the submission of an annual review and action plan to the local planning authority. The information on public transport services and measures for encouraging more alternative modes of travel contained in the approved Green Travel Plan shall be provided to the first occupiers of the apartments hereby permitted. Thereafter, the approved Green Transport Plan shall not be varied except as agreed in writing with the local planning authority or through the annual review and action plan.

Reason: In the interest of Sustainable transport

Last Comments By: 11/05/2012 11:55:56
Expiry Date: 25/06/2012