

**Planning Committee**

28 June 2012

**Reference:**  
**OUT/12/00331**

**Area Team:**  
**North Team**

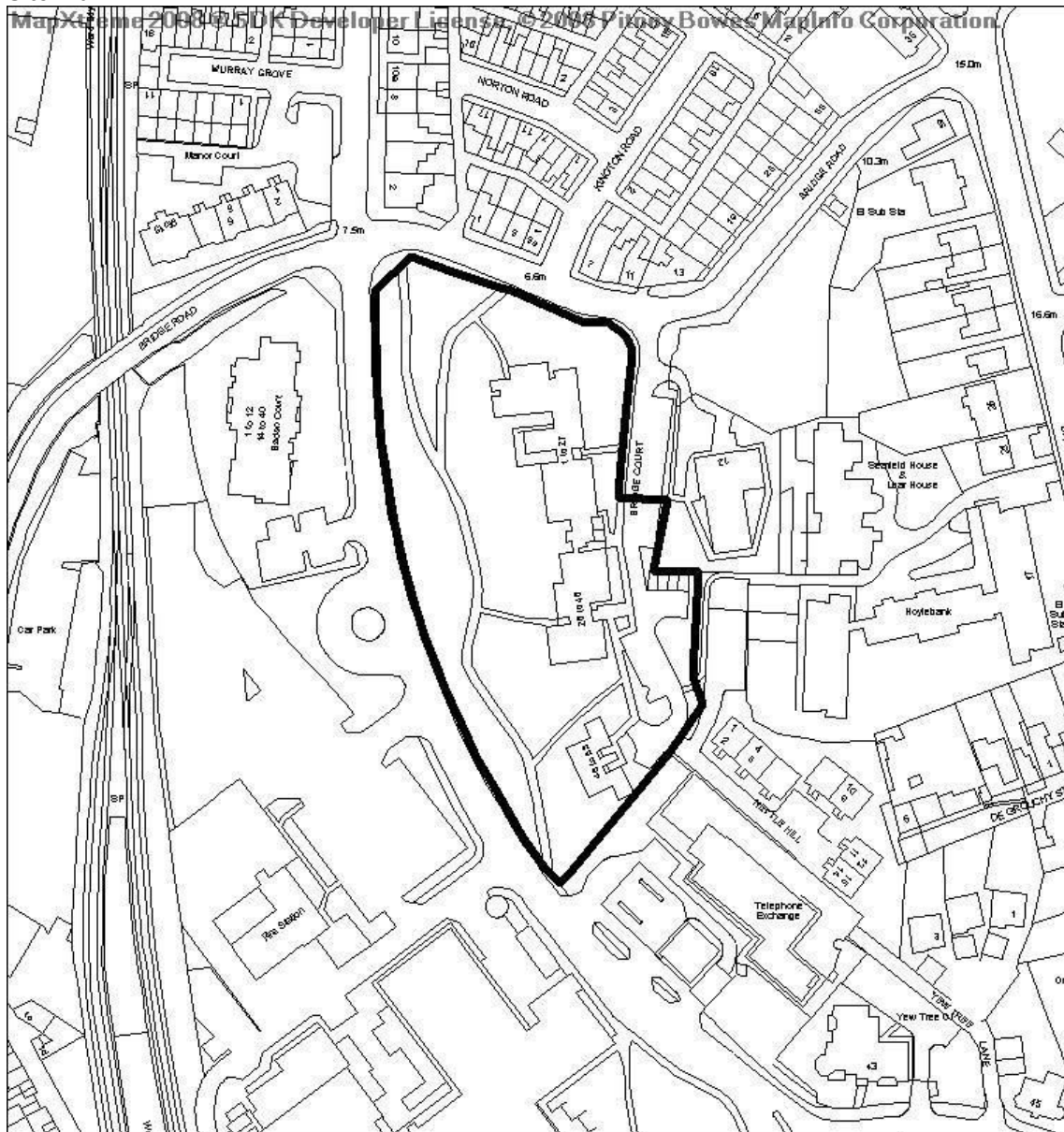
**Case Officer:**  
**Mr M Rushton**

**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** Bridge Court, BRIDGE ROAD, WEST KIRBY  
**Proposal:** Outline planning application for (A) Construction of forty eight two bed apartments with associated car parking, and (B) A new healthcare facility with associated car parking.

**Applicant:** Wirral Partnership Homes  
**Agent :** Nightingale Associates

**Site Plan:**



**Development Plan Designations:**

Primarily Residential Area  
Urban Greenspace

**Planning History:**

1991/07378 - Erection of a two storey office building - Approved conditionally 13/02/1992  
OUT/2011/00782 - Construction of 48 two-bed apartments and 10 three-bed houses with associated parking and a new healthcare facility with associated car parking - Withdrawn  
DEM/10/00613 - Prior notification of demolition - Prior approval required 14/06/2010  
APP/00/06881 - Change of use of residential accommodation to office accommodation for local admin purposes - Approved conditionally 08/12/2000

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

In accordance with the Council's Guidance on Publicity for Applications, 144 letters of notification were sent to adjoining properties and five Site Notices were displayed. As these proposals constitute Major Development a Press Notice was also displayed in the Wirral Globe in the week commencing 28th March 2012. At the time of writing, 110 individual letters, e-mails or on-line comments of representation have been received in objection to the proposed development. The points of opposition can be summarised as:

1. The height of the development – four storeys/12m would be too high, would not be in keeping with the site and would dominate the area;
2. The height of the proposed development in comparison to the buildings that previously occupied the site;
3. Loss of green space;
4. Loss of trees;
5. Loss of ecological habitat;
6. Impacts to biodiversity;
7. Concern that plans for the retention of trees are inadequate;
8. Concern at the scale of the proposal;
9. Concern at the density proposed;
10. Concern at the layout proposed;
11. Concern at the design proposed;
12. Concern at the impact to the landscape;
13. Highway safety concerns – in conjunction with the Aldi under construction, the weight of traffic will make the area unsafe, particularly for schoolchildren;
14. Traffic impacts to the junction of Bridge Road with Kington Road;
15. Traffic impact at the junction of Bridge Road and Orrysdale Road;
16. The parking provision for the flats is inadequate and will impact the surrounding streets and businesses operating on those streets;
17. Pollution from increased traffic;
18. Car parking provision is excessive, particularly given existing provision across the road;
19. Traffic congestion concerns – in conjunction with the Aldi under construction, and given the number of pedestrian crossings proposed, which would cause backlogs;
20. There is no parking for motor bikes or the disabled;
21. Loss of privacy to local residents;
22. Overlooking to local residents;
23. Overshadowing of local residents;
24. Overbearance to local residents;
25. Increased noise to local residents;
26. Loss of property value;
27. Loss of views;

28. Construction impacts;
29. The extended opening hours proposed for the health centre are unacceptable in a residential area;
30. Concern at having to live adjacent to affordable housing units;
31. Potential for noise, trespass and vandalism from problem families;
32. Concern at how local schools would accommodate the potential increase in pupils;
33. Concern at the future of the existing GP accommodation in the Concourse, and the effect on leisure provision within that complex;
34. The housing should be for elderly residents (sheltered accommodation);
35. The area is subject to the Council's housing restraint policy;
36. There is no need for the housing proposed – there is enough vacant housing already available;
37. There is no need for a new health centre – the Concourse could be modernised or extended instead, and there is a new GP Practice at Westbourne Road;
38. A children's play area should be provided instead;
39. The site should be left undeveloped;
40. The consultation process has been poor.

In addition to the individual representations of opposition received, multiple copies of a number of letters or comment slips have been submitted:

- 8 signed objections on the grounds that: the footprint and height of development would be increased unacceptable; the increase in traffic would put huge pressure on local infrastructure with associated highway safety and pollution impacts; insufficient parking provision for the proposed flats; the health centre move would leave the concourse under-utilised, and; the site should be used for elderly accommodation.
- 13 signed objections on the grounds of: loss of trees, and; the scale of development being too much for the site.
- 3 signed objections on the grounds of: traffic generation; scale, and; overbearance.
- 24 signed objections on the grounds of: layout and density; height; the proposals being excessive for a small site, and; the need to protect trees.

A qualifying petition of opposition, listing signatures from 35 households has been received, raising the following concerns:

1. Loss of natural light [to Hoylebank, Darmonds Green];
2. Overlooking [to Hoylebank, Darmonds Green];
3. Overbearance to surrounding buildings, particularly Elliot House;
4. Increased trespass risk through the use of Hoylebank's footpath as a shortcut;
5. Danger to pedestrians emerging onto the road from the back gate of Hoylebank, where there is no footpath.

Eighteen individual letters of comment (rather than in support or objection) have been received, commenting as follows:

1. The proposal is better than the original plan;
2. All concerns regarding the safety of the route via the old footpaths, trees not being felled; the size of the project and the flats not targeting families appear to have been taken into account;
3. A condition should be for Wirral Partnership Homes to provide a pedestrian crossing at the junction of Bridge Road/Orrysdale Road;
4. Pedestrian crossings should be provided on Bridge Road and on Orrysdale Road;
5. A wide footpath should be provided from the top of Bridge Road along the back of the buildings;
6. Retained pathways should be as wide as possible;
7. The space should be better linked in to pedestrian routes – there is no crossing to the Concourse side;
8. The flats need to be shielded from passers by;

9. Play provision should be included;
10. Good planting should be included;
11. Car parks should be screened from the footpaths.

In support of the proposed development, 4 individual representations have been received, listing the following grounds (summarised):

1. The level of development is now appropriate, a substantial improvement over the first application;
2. Open green space would be preserved, including a safe cycling route for children to school;
3. Trees would now be retained;
4. Less parking is now proposed for the health centre;
5. The use of a brownfield site should be supported;
6. The building can be more sustainable than previous ones;
7. Job creation for local people during construction;
8. Due to the setback proposed from the road, the height of the buildings would be reduced compared to other existing buildings;
9. The GPs provide a high standard of care and deserve better working conditions.

A petition of support, listing signatures from 285 households has been received, expressing support for the provision of social housing and a new health centre.

184 copies of a letter of support have been submitted, collected by Wirral Primary Care Trust (West Kirby Health Centre). The letters pre-date the submission of the planning application, but it is indicated were in response to pre-application consultation undertaken by the Health Centre's patient group using the plans subsequently submitted to the Local Planning Authority. The letters express support on the following grounds:

1. The considerable need for affordable housing and the shortage of land available;
2. The high standards of design proposed for the development;
3. The current poor condition of the health centre and the absence of alternatives for a new and suitable building in West Kirby.

A representation has been received from Ms Esther McVey (MP), outlining that West Kirby residents have raised concerns with her about the impact the proposed development would have, with loss of green space and increased traffic as well as the loss of amenity for residents and visitors. Ms McVey has written to clarify that while presenting her constituents concerns she is not opposed to this application.

#### CONSULTATIONS

Director of Regeneration, Housing and Planning (Housing Strategy Division) - the proposals would re-provide affordable housing on a site that previously supported social housing, achieving Code for Sustainable Homes Level 3 and Lifetime Homes where possible. There is a need identified in the Strategic Housing Market Assessment (SHMA) for an additional 740 units of affordable housing in the RSS Rural Area (to 2029), of which 184 would need to be two-bedroom. There is a need to improve the housing offer in the area.

Merseyside Police Architectural Liaison Unit – a Design Out Crime Assessment (DOCA) was undertaken by Merseyside Police's Architectural Liaison Officer (ALO) on the applicant's behalf, which set out recommendations that would ensure the development could meet the principles of Secure By Design (SBD). The recommendations include, in particular, the need for: secure boundary treatment to appropriate heights, hard and soft landscaping and external lighting; detailed design work for car and cycle parking; appropriate standards of glazing and security features for window and doors; CCTV provision to entrances; features (bollards, planters or similar) to prevent a vehicle from attacking the health centre building fabric.

Director of Law, HR and Asset Management (Pollution Control Division) – no objection.

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

conditions and the requirement for a s106 Legal Agreement. Refer to Director's Comments.

Merseyside Cycling Campaign - the development does not appear to incorporate secure internal covered cycle storage as required by local planning documents (SPD2). Proper thought needs to be given to cycle parking in this town centre location.

United Utilities – no objection, provided that the site is drained by a total separate system, with only foul sewerage connected into the foul sewer. Surface water may discharge into the public surface water sewerage system, but at a maximum discharge rate of 30 l/s. An access strip must be maintained to the public sewer across the site, width 10m.

#### **Director's Comments:**

The application was deferred from consideration at the 24<sup>th</sup> May 2012 Planning Committee, to allow a Members to attend the site as a Committee Site Visit.

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application seeks permission for the erection of 48 dwellings and a health care facility, 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. In addition, a qualifying petition of opposition has been received, listing signatures from 35 households.

#### **INTRODUCTION**

The proposal seeks planning permission for 48 two-bedroom apartments and a new health care facility. It is an outline planning application, with all matters reserved. The details of the proposal – layout, scale, appearance, access arrangements and landscaping are not part of the submitted application and cannot be considered at this stage. Reserved Matters applications would need to be submitted at a later date to agree the detail of the development. At the current outline stage, consideration must focus on the use and amount of development proposed.

The Town and Country Planning (General Development Procedure) Order requires the application to include an indicative layout, indicative access points, and scale parameters (indicating the upper and lower limits for height, width and length of each building within the site boundary).

The submitted indicative layout shows the proposed apartments within two, 4-storey buildings, to a maximum height of 12m, accompanied by 48 car parking spaces. The buildings and car parking would be located to the north-east and east of the site, broadly in the area previously occupied by sheltered housing units. The southern part of the site would support a primary health care centre, in a single 3-storey building, again to a maximum height of 12m.

#### **PRINCIPLE OF DEVELOPMENT**

The proposed residential development would take place on the site of a previous two-storey residential development that had 53 units, within a Primarily Residential Area adjacent to West Kirby Town Centre. RSS Policy LCR4 provides for housing development to address barriers to affordability and to meet identified local needs, supported by the Council's Interim Planning Policy 'New Housing Development' which sets out criteria for considering residential schemes outside regeneration priority areas in east Wirral. As the scheme would provide affordable housing, residential part of the proposal is, therefore, acceptable in principle, subject to UDP Policies HS4 'Criteria for New Housing Development', HSG2, 'Affordable Housing', GR5 and GR7 in relation to trees and landscaping.

The health centre proposal would encroach on land designated for protection as Urban Greenspace under UDP policies GRE1, GR1 and GR2. The proposed development on the Urban Greenspace is not normally permitted unless alternative provision of equivalent community benefit is made available. A landscaped walkway alongside Orrysdale Road would be retained and this part of the scheme would otherwise be appropriate adjacent to the Town Centre.

#### **SITE AND SURROUNDINGS**

The application site is an area of undulating land, set below the level of Orrysdale Road, which includes a strip of Urban Greenspace, which is currently set out informally, with winding paths through a number of mature trees. The pathways supplement the pedestrian footway adjacent to Orrysdale

Road, and the area acts as a linear park giving off-road access by foot through the urban area and as an area of visual amenity on the edge of the West Kirby town centre. The eastern portion of the site was previously developed with 53 housing units, and is currently fenced off with construction hoarding, following the demolition undertaken.

The surroundings are mixed in use and building design. To the north, along Bridge Road, Orrysdale Road and Kington Road, are predominantly two-storey residential uses, traditional in design and layout, set in short terraces. To the west there are larger buildings – Baden Court is a modern four-storey sheltered accommodation development, whilst the municipal Concourse is of similar scale in parts, supporting the existing Health Centre premises and Local Authority leisure functions. Baden Court and the Concourse are separated by a public car park, West Kirby Fire Station and a bus turning area and stop. To the east there are a series of sheltered accommodation developments, set at intervals up the side of a hillside which rises up from the application site. The nearest of which would be Nettle Hill and Elliot House. Lastly, to the southern end of the site there are commercial uses, including a petrol filling station, and the telephone exchange buildings.

### **POLICY CONTEXT**

The National Planning Policy Framework (NPPF), published in March 2012, is a material consideration in the determination of planning applications. The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 18 to 219 taken as a whole constitute the Government's view of what sustainable development in England means in practice and there is now a presumption in favour of sustainable development, which should be approved without delay unless the adverse impacts of doing so outweigh the benefits. Sections 6 'Delivering a Wide Choice of High Quality Homes', 7 'Requiring Good Design' and 8 'Promoting Healthy Communities' are particularly relevant.

The North West of England Plan Regional Spatial Strategy to 2021 (RSS) is relevant, including policies RDF1 - Spatial Priorities, RDF2 – Rural Areas, L4 - Regional Housing Provision, LCR1 – Liverpool City Region Priorities and LCR4 - The Remaining Rural Parts of Liverpool City Region. At a local level, the Council's adopted Interim Planning Policy for New Housing Development, UDP policies URN1, HS4, HSG2, GRE1, GR1, GR2, GR5, GR7, TR9 and TR12 and Supplementary Planning Documents SPD2 – Design for Self Contained Flat Development and SPD 4 – Parking Standards, are relevant.

### Urban Greenspace

The proposed development would encroach upon an existing landscaped walkway along the western boundary to the application site, which is protected as Urban Greenspace under UDP Proposal GR2/188.

Section 8, paragraph 74 of the NPPF indicates that existing open space and land should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by better provision in terms of quantity and quality in a suitable location.

Policy GRE1 'The Protection of Urban Greenspace' states that the local planning authority will regulate the supply and distribution of accessible public open space and other land with amenity value by protecting a network of open spaces which are close to where people live, located within a comfortable walking distance from their homes, and which provide for a range of recreational opportunities within each area of the Borough. Policy GR1 'The Protection of Urban Greenspace' states that development for purposes other than play, recreation and tourism or the re-use of existing buildings will not be permitted on land designated as Urban Greenspace unless alternative provision of equivalent community benefit is made available.

The applicant has put forward a number of arguments that they consider support the proposed development:

- There are a limited number of sites with potential for the development of a Health Care Centre and that the application site was 'qualitatively' much better placed than the other sites considered such as Grange Hill Farm, Grange Water Treatment Plant, Rectory Road and Grange Road, particularly with regard to the sustainability and connectivity of the site;

- Wirral MBC's open space assessment concluded that West Kirby and Thurstaston have some of the highest levels of open space provision (per 1000 population) within Wirral;
- Various reports including public consultation feedback identify the limitations of the current Health Centre building to meet the requirements set out by the NHS and other Government agencies; the negative impact on the quality of patient care that can be administered at the Concourse; and the extent of the works required to bring the design and fabric of the existing Health Centre up to current required standards:
- The existing building does not comply with acoustic requirements, compromising patient confidentiality;
- The size of spaces renders large parts of the building unusable;
- The accommodation that can be used is now overcrowded;
- The building affects the practices ability to comply with Care Quality Commission standards, as well as other NHS Guidance such as on infection control;
- There is a need for affordable rented housing in West Kirby, given the lack of building in recent years.

The latest evidence in the Wirral Open Space Assessment shows there is an overall surplus of greenspace in the wider West Kirby/Hoylake area but there is a shortfall of amenity greenspace which is provided for causal recreation and aesthetic value. The Urban Greenspace at this particular site currently provides a pleasant recreational linkage along a main road frontage between the Wirral Way and other services within the town.. Nevertheless, the proposal, which would encroach on some of this area includes a commitment to retain and improve these linkages, including the enhancement of the pathways within the greenspace, the provision of pedestrian footways along Orrysdale Road and pedestrian crossing across Orrysdale Road. The landscaping proposed would include replacement tree planting within the site. A small area of amenity open space, which would be maintained by the applicant, would also be provided to the rear of the proposed Health Centre as a buffer to sheltered accommodation areas beyond.

In this instance, therefore, it is considered on balance, - having regard to the proposal to retain and enhance the larger proportion of the existing open space, its function as a pleasant landscaped strip with linkages between the surrounding residential area to West Kirby Town Centre and the route to the Wirral Way would not be disproportionately affected, in which case the objectives of – would be broadly in line with the aims of the NPPF and UDP Policies GRE1, GR1 and GR2 would not be unduly undermined.

#### Housing Need

The Regional Spatial Strategy under Policy LCR 4 seeks to ensure that housing provision in West Kirby meets identified local need and addresses barriers to affordability. As the scheme for 48 units of residential accommodation would replace 53 units previously located on the site and recently demolished, the application complies with criterion (a) of Interim Planning Policy 'New Housing Development', which permits one for one replacement dwellings (or less).

The application has been made by a Registered Social Landlord and is to provide 100% affordable accommodation. The Director of Regeneration, Housing and Planning (Housing Strategy Division) has confirmed that the proposal would meet an identified need for affordable housing and the nature of accommodation proposed. The development would provide a type and form of accommodation in an accessible location that would relate well to existing land uses. It is therefore considered that the proposal would assist in the regeneration of the site and would not harm the character of the surrounding area.

#### **APPEARANCE AND AMENITY ISSUES**

Details of the proposal – layout, scale, appearance, access arrangements, and landscaping, are not part of the submitted application, and cannot be considered at this stage. The amount of development is, however, part of the Outline consideration, and indicative plans must be considered.

#### Scale, Layout and Design

The layout and design of the development, which are reserved matters, must satisfy the criteria contained in UDP Policy HS4: Criteria for New Housing Development along with its Supplementary Planning Document SPD2. Designing for Self Contained Flat Development & Conversions, and HS15:

Non-Residential Development in Primarily Residential Areas, in that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area. The indicative plans submitted with the application confirm that the development would introduce taller buildings than the site previously supported.

The southern end of the site is more commercial in character, including the concourse, the BT Telephone Exchange and Petrol Filling Station buildings. Given this, the proposed Health Centre would not detrimentally impact to the character of its surroundings. Whilst residential properties are in relatively close proximity to the south east, at Nettle Hill, the orientation and siting of the proposed health centre would avoid any detrimental impact on these surrounding properties. It is considered that the Health Centre aspect of the proposal is in accordance with UDP Policy HS15 in this regard.

The proposed flat development would be 4-storey in height, up to a maximum height of 12m. The units would be broadly located on the footprint of previous two storey residential development. The scale of the surrounding uses is mixed, including four storey buildings at Baden Court and two-storey buildings to the north and east. It is not, however, considered that the scale of the proposals would be out of keeping with the character of the area, as the site is surrounded by roads and is distinct from the grain of the surrounding streets. The edge-of-town location is considered suitable for a greater scale and density of development and would be sustainably located in terms of proximity to services, leisure facilities and transport links.

The impact of the buildings proposed on the surrounding residential properties would be negated by the separation distances proposed and the orientation of the buildings. The closest properties are at Nettle Hill, which is set at 25m from the proposed health centre, and on Bridge Road, 21m from the closest point to the flat proposals at 7 Bridge Road. The separation distances would ensure no loss of privacy or outlook to surrounding uses, and are considered can meet the requirements of SPD2, subject to the detailed design of the development. The orientation shown in the indicative layout ensures that principal elevations would not directly face existing residential properties.

The proposal includes private amenity space and off street parking, which would satisfy the criteria of UDP Policy HS4 within the limits established in Supplementary Planning Document 4 (SPD4). The proposal has been designed to meet the principles of Secure by Design and Merseyside Police's Architectural Liaison Officer has raised no objection to the proposal, subject to the inclusion of measures to reduce the potential for crime. Appropriate measures including landscaping, boundary treatment and lighting can be secured through appropriately worded planning conditions.

#### Loss of Trees

Concerns have been raised at the potential for the loss of trees from the site. The applicant has submitted an arboricultural report, which considers the quality of all trees within the site. The number of trees that would be lost has been reduced from the application previously submitted (and withdrawn by the applicant). Three trees: a whitebeam; a Norway maple, and; a rowan would be lost should planning permission be granted. Two of the trees, the rowan and the whitebeam, are identified within the arboricultural report as of minimal value and likely to die within 10 years as they have each suffered past damage and are in poor condition. The other tree, the Norway maple, is identified as being in normal condition but of low quality and amenity value, showing early signs of stress from the previous demolition works, including evidence of root disturbance and an included union in the tree structure.

The remainder of trees would be retained, and root protection areas and a basic method for protection of trees have been submitted within the Design and Access Statement. Indicative landscaping proposals include provision for 12 new trees to be planted. It is therefore considered that the proposals can accord with UDP Policy GR7, with the final details of the landscaping presented as part of the submission of reserved matters.

#### Provision of Greenspace and Play Facilities

A number of representations have sought the inclusion of play provision within the development or for a play area to be provided as an alternative to the development. The nearest play facilities are provided 400 metres away at Ashton Park. UDP Policy GR6 – Greenspace Within New Family Housing Development does not apply to flat developments and the provision of play equipment could not therefore be reasonably be required, should permission be granted for the development.



## **SEPARATION DISTANCES**

SPD2 sets out that unless it can be demonstrated that privacy would not be unduly affected, 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.

The proposed dwellings are adjacent to existing houses on three boundaries. The required interface distances of 21m (between habitable windows in principle elevations facing) and 14m (between a habitable windows in principle elevations and a blank gable), are achieved between the existing and proposed dwellings and there would be no loss of privacy or outlook to surrounding uses.

## **HIGHWAY/TRAFFIC IMPLICATIONS**

The Director of Technical Services (Traffic and Transportation Division) has raised no objection to the proposed development.

The application has been accompanied by a Traffic Assessment (TA), which indicates that the Health Centre would include 15 doctors' consultation rooms plus 3 nurses' consultation rooms and three "other" consultation rooms, with Primary Care Trust services.

The TA indicates (at 3.2.2) that the development proposes to upgrade the footway on the eastern side of Orrysdale Road to 3m wide, to become a shared uses cycle / footway, although it may be more desirable to improve the footpath across the grassed area as a shared route. A "Toucan" Crossing is proposed on Orrysdale Road itself. Conditions are suggested to control the detail and design of these facilities.

The TA models the impact of the proposal on the adjacent junctions and concludes that there is sufficient capacity within those junctions.

The Design and Access Statement suggests (in Section 7) that the Health Centre would include a 16-space car park accessed from Orrysdale Road. This is approximately 18% of the maximum allowed under the Council's Parking Standards in SPD4. Visitors to the Health Centre would also be able to use public parking on the opposite side of Orrysdale Road (as is currently the case) and cross at the suggested Toucan Crossing. As this proposal is essentially a relocation of existing services from the opposite side of Orrysdale Road, it is not considered that this level of parking provision will create any significant highway safety issues (subject to the provision of the Toucan Crossing).

The submission does not provide any detail about how the Medical Centre and Pharmacy is to be serviced and a condition is therefore proposed to secure such details for approval with any subsequent reserved matters application.

It is considered that the provision of a cycle / footway along the eastern side of Orrysdale Road is essential, along with a Toucan Crossing as suggested in the TA, which can be secured by suitably worded conditions and a s106 agreement to secure a commuted sum for future maintenance of the Toucan Crossing. It is also considered to be essential that a cycle / footway is provided on the western side of Orrysdale Road, to connect the new Toucan Crossing with the existing Toucan Crossing on Grange Road.

The outline proposal includes a slight widening of the existing highway at Bridge Court and the construction of a standard turning head at the end of the road adjacent to Nettle Hill. The details of these works can, again, be controlled by condition.

The proposal includes the retention of an east-west footpath across the site, linking Bridge Court to Orrysdale Road. The details of this path can also be controlled by condition.

The Director of Technical Services considers that the residential element of the development should contribute towards the operating costs of the existing School Crossing Patrols (SCP) on Anglesey

Road (serving West Kirby Primary School) and on Grange Road (serving St Bridget's Primary School). The cost for this would be £1250 for each patrol to be paid as a commuted sum through a S106 agreement (calculated as £250 per year over a five year period for each patrol). This contribution is considered necessary to ensure that any children that move into the new residential units could continue to benefit from the provision of those SCPs. A contribution of £6250 is requested to assist with the provision of a safe crossing point at the Bridge Road / Orrysdale Road crossroad. The total contribution for these three items through S106 would be £8750. Monies not expended within five years of the commencement of the development would be returnable.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

The development is in a sustainable location with good access to public transport and local facilities. The dwellings will be built to Code for Sustainable Homes Level 3, Lifetime Homes Standard and will achieve Building for Life, Secure by Design, and Housing Quality Indicators outlined by the Homes and Communities Agency. Provision has not, at this stage, been made for a Sustainable Drainage System (SuDS) but conditions could secure the consideration of SuDS as well as the inclusion of renewable energy as required by RSS. The health care facility is proposed to meet BREEAM Excellent standard.

The existing site is not of any significant value in terms of nature conservation or biodiversity.

### **HEALTH ISSUES**

There are no adverse health implications arising from the development proposed (beyond those in relation to the provision of health care).

### **CONCLUSION**

The proposal would provide high quality affordable housing in keeping with the character of the surrounding area. There would be no detrimental change in the character of the surrounding area or any significant loss of amenity to surrounding residential properties. Subject to conditions and a section 106 legal agreement, the development is acceptable having regards to the provisions of the National Planning Policy Framework, RSS, and the adopted Unitary Development Plan, notably policies HS4 – Criteria for New Housing Development and SPD2, HS15 - Non Residential Development within Primarily Residential Areas, URN1 - Development and Urban Regeneration, GRE1 - The Protection of Urban Greenspace, GR1 - The Protection of Urban Greenspace, GR5 - Landscaping and New Development and GR7 - Trees and New Development, TR9 - Requirements for Off-Street Parking and SPD4, and TR12 – Requirements for Cycle Parking.

### **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. In reaching this decision the Local Planning Authority considers that:- the proposed development is of a nature and scale appropriate to the setting. There would be no detrimental change in the character of the surrounding area or significant loss of amenity to surrounding residential properties. The development is acceptable having regards to the provisions of the National Planning Policy Framework, RSS, and the adopted Unitary Development Plan, notably policies HS4 – Criteria for New Housing Development, HS15 - Non Residential Development within Primarily Residential Areas, URN1 - Development and Urban Regeneration, GRE1 - The Protection of Urban Greenspace, GR1 - The Protection of Urban Greenspace, GR5 - Landscaping and New Development and GR7 - Trees and New Development, TR9 - Requirements for Off-Street Parking and TR12 – Requirements for Cycle Parking.

**Recommended Decision:**                      **Approve Subject to a Section 106 Legal Agreement**

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

1. The development hereby permitted shall be commenced before the expiration of three

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 three years from the date of this permission:
  - (a) Layout
  - (b) Scale
  - (c) Appearance
  - (d) Access and
  - (e) 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. Prior to the occupation of the development, hereby approved, a scheme for the provision of affordable housing to be provided shall be submitted to and agreed in writing by the Local Planning Authority (LPA). The scheme shall include the occupancy criteria to be used in determining the identity of prospective and successive occupier of the affordable housing and the means by which such occupancy can be enforced. The approved scheme shall be implemented in full and in perpetuity unless otherwise agreed in writing with the LPA.

**Reason:** For the avoidance of doubt and to comply with the provisions of the NPPF, RSS, and the Interim Planning Policy for New Housing Development.

4. Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and retained as such thereafter.

**Reason:** In the interests of residential amenity and to ensure a satisfactory appearance to the development, having regard to UDP Policies HS4 and HS15.

5. No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

**Reason:** In the interests of highway safety and to accord with Policy TR12 of the Wirral Unitary Development Plan.

6. Development shall not commence until details of works to provide a Toucan Crossing on Orrysdale Road have been submitted to and agreed in writing by the Local Planning Authority. First occupation of the development shall not commence until works have been completed in accordance with the agreed details, to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety, having regard to UDP Policy

TR9.

7. No works or development shall take place until a detailed Method Statement for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved method statement. For the avoidance of doubt, the method statement shall include:

A; a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

B; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

C; the details and positions of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

D; the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

E; the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).

F; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

G; the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

H; the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.

I; the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

J; the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

K; the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).

L; the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

M; the timing of the various phases of the works or development in the context of the tree protection measures.

**Reason:** To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers

should be substantially maintained and kept in good condition, having regard to UDP Policy GR5.

8. No development shall commence until details of the proposed measures to be incorporated within the buildings to achieve 10% of the predicted energy requirements of the site from renewable sources have been submitted to and agreed in writing by the Local Planning Authority, unless it has previously been demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. The development shall be implemented in accordance with the approved details and operated as such thereafter.

**Reason:** In the interests of minimising the demand for energy from non-renewable sources in accordance with RSS Policy EM18.

9. Development shall not commence until details of works to widen the existing footway to 2.0 metres along the east side of Orrysdale Road from Bridge Road to the southernmost extent of the site have been submitted to and agreed in writing by the Local Planning Authority. First occupation of the development shall not commence until those works have been completed in accordance with the agreed details, to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety.

10. Development shall not commence until details of works to provide a shared cycle / footpath along the line of the existing footpath on the grassed area to the east of Orrysdale Road from Bridge Road to the southernmost extent of the site have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details hereby submitted shall include a maintenance schedule. Prior to first occupation the works shall be completed in accordance with the written approval to the satisfaction of the Local Planning Authority and shall be retained as such thereafter and maintained in accordance with the approved maintenance schedule.

**Reason:** In the interests of pedestrian and highway safety.

11. Development shall not commence until details of works to provide a footpath linking Orrysdale Road and Bridge Court have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details hereby submitted shall include a maintenance schedule. Prior to first occupation the works shall be completed in accordance with the written approval to the satisfaction of the Local Planning Authority and shall be retained as such thereafter and maintained in accordance with the approved maintenance schedule.

**Reason:** In the interests of highway and pedestrian safety.

12. Development shall not commence until details of works to provide a shared cycle / footway along the west side of Orrysdale Road from the above mentioned Toucan Crossing to Grange Road Toucan Crossing have been submitted to and agreed in writing by the Local Planning Authority. First occupation of the development shall not commence until those works have been completed to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety.

13. Development shall not commence until details of works to widen Bridge Court and provide a turning head at its southernmost extent have been submitted to and agreed in writing by the Local Planning Authority. First occupation of the development shall not commence until those works have been completed to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety.

14. Development shall not commence until details of a regime for servicing and deliveries for the Health Care Facility have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented upon first occupation of the site and shall be retained as such thereafter. For the avoidance of doubt, all deliveries and servicing shall only take place between the hours of 07.00 and 22.00 Monday to Saturday. On Sundays and Bank Holidays, deliveries and servicing shall only take place between the hours of 09.00 and 17.00.

**Reason:** In the interests of highway and pedestrian safety, and having regard to the amenities of adjoining residents in accordance with UDP Policies HS4 and HS15.

15. The following activities must not be carried out under any circumstances:
- No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
  - No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
  - No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
  - No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

**Reason:** To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition, having regard to UDP Policy GR5.

16. All excavations within the crown spreads of existing trees, situated on or off site, shall be undertaken manually by hand with the use of hand tools and only upon the prior written approval of the local authority shall the use of a mechanical digger be permitted within the crown spreads of trees. Severance of tree roots is to be avoided and under no circumstances shall roots of a diameter 25mm or greater be removed, severed or damaged.

**Reason:** To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition, having regard to UDP Policy GR5.

17. A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 6 months of occupation of the development hereby approved. The provisions of the Travel Plan shall be implemented and operated in accordance with the programme and shall not be varied other than through agreement with the Local Planning Authority. For the avoidance of doubt a travel plan should include, but shall not be limited to:

- A commitment to the principals outlined in the draft Framework Travel Plan;
- Any changes to the existing transport services to the site;
- Results of the initial staff travel survey;
- Details of visitor travel patterns;
- Revised targets for modal shift or split based upon the travel survey;
- Identification of a Travel Plan co-ordinator;
- An action plan of measures with a timescale for implementation;
- Detail of measures and resource allocation to promote the Travel Plan; and
- Mechanisms for monitoring (which include mode share and exact numbers of staff)

and reviewing the Travel Plan, including the submission of an annual review and action plan to the Local Planning Authority.

**Reason:** To ensure a sustainable form of development through the encouragement of access to a choice of means of transport to the site and to comply with UDP policy TR9.

18. The development hereby permitted shall not be commenced until such time as a datum for measuring land levels has been submitted to and agreed in writing by the Local Planning Authority. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance and that the development is subject to a minimum risk of flooding.

19. The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the site's surface water drainage system is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels and proposed finished floor levels. The development shall be implemented in accordance with the approved scheme.

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

20. The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

**Reason:** To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, having regard to the National Planning Policy Framework.

21. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risk arising from contamination at the site

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

3) The site investigation results and the detailed risk assessment (2) and, based on remediation measures required and how they are to be undertaken

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To ensure a safe form of development that poses no unacceptable risk of pollution in accordance with UDP Policy PO5.

22. Notwithstanding the submitted details, and having regard to the submitted Design Out Crime Advice, the development authorised by this permission shall not begin until the Local Planning Authority has approved in writing the details of measures to be incorporated for the prevention of crime. The detail shall include the following measures:

- CCTV cameras to be installed to the building and car park;
- Roller shuttering or 6.4mm laminated glazing to be installed to ground floor vulnerable windows;
- Bollards, planters or an alternative feature to the front elevation of the health centre capable of stopping a vehicular attack to the building.

The development shall be implemented in accordance with the approved details, and retained as such thereafter.

**Reason:** In the interests of crime prevention, having regard to the National Planning Policy Framework.

23. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 20 March 2012

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

**Further Notes for Committee:**

1. In order to fulfill the requirements of conditions where they relate to works on the public highway, it will be necessary for the applicant to enter into a legal agreement with the Council to secure the works under Section 278 of the Highways Act. The agreement would include details of the works to be carried out including all necessary street furniture, traffic signs, road markings and traffic regulation orders and appropriate commuted sums including for the future maintenance of the necessary signal equipment, Stage 3 Safety Audit and associated Stage 4 Monitoring. Dependant upon the detail of the proposed Toucan Crossing on Orrysdale Road it may be necessary to relocate an existing bus stop. If this proves necessary, this will be accomplished through the S278 agreement for the Crossing itself as direct works, a commuted sum or a combination of both. Before final agreement of the S278, any proposed alterations to the highway would be subject to independent Safety Audit at the expense of the applicant. A Section 278 legal agreement (and the associated Safety Audit) can take some time to negotiate and complete and the applicant should allow for this within their timescales.

**Last Comments By:** 27/04/2012 08:09:06

**Expiry Date:** 19/06/2012