

## Planning Committee

31 March 2010

**Reference:**  
**APP/09/06552**

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

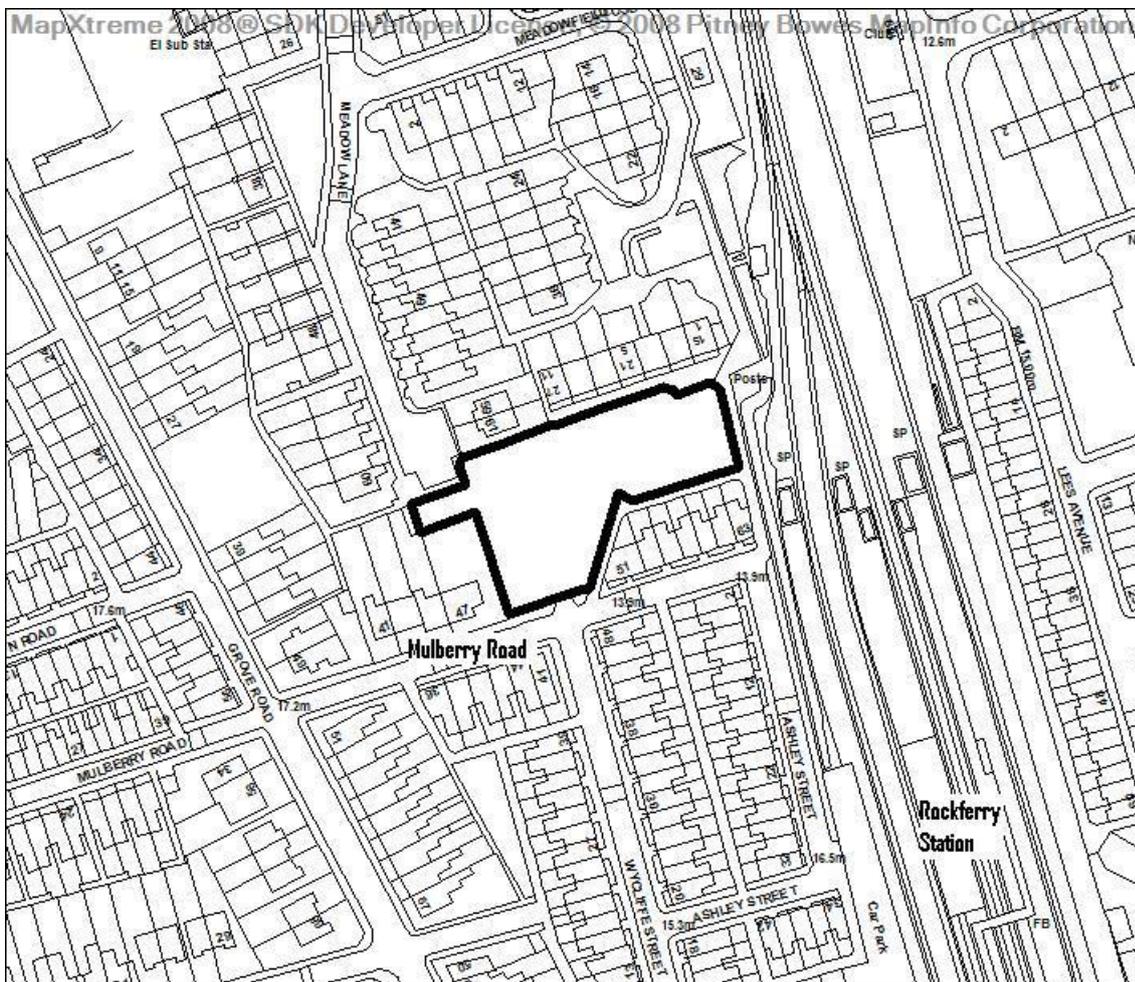
**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Rock Ferry**

**Location:** 49 MULBERRY ROAD, ROCK FERRY, CH42 3YA  
**Proposal:** Erection of 19 dwelling houses and associated parking and landscaping. Resubmission of APP/2009/5465-Amended Design. (Amended description).

**Applicant:** Mr J Morris  
**Agent :** Connect Business Village

### Site Plan:



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### Development Plan allocation and policies:

Primarily Residential Area

### Planning History:

OUT/2007/7051 - Demolition of existing factory and erection of 40no.2 bedroom apartments in two 3 storey and one 3.5 storey blocks with associated car parking (Outline) - WITHDRAWN 05/12/2007

APP/2009/5465 - Erection of 20 Dwellings with associated parking (amended description) -  
APPROVED 23/07/2009

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

### **Representations:**

A site notice was displayed on at the entrance to the site. A total of 50 letters of notification have been sent to properties in the area. At the time of writing this report no letters of objection has been received

### **Consultations:**

Director of Technical Services (Traffic) – No Objection subject to conditions.

Director of Regeneration (Pollution Control) – No Objection subject conditions

Police Crime Reduction and Architectural Liaison – No Objection

Network Rail – No Objection subject to network rail being consulted prior to commencement

## **DIRECTORS COMMENTS:**

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

The proposed development has been referred to planning committee as it is a “Major” application, defined as aa application for residential development or change of use involving 10 or more dwellings.

### **INTRODUCTION**

The proposed development is for the erection of 19 dwelling houses with associated parking and landscaping. The scheme is an amendment to the previous planning approval APP/2009/5465. The overall design and layout of the dwellings is due to the requirements of the registered social landlord the development will be built in association with.

### **PRINCIPLE OF DEVELOPMENT**

The principle of the dvelopment has been established by the previous planning application APP/2009/5465. The Unitary Development Plan allocation of the land on which the scheme is proposed is primarily residential and the previous use of the land was industrial. This was a result was a non conforming use. It is therefore considered that the principle of the development is acceptable subject to the principles of HS4 of Wirral's Unitary Development Plan.

### **SITE AND SURROUNDINGS**

The application site is currently vacant land. It was previously occupied by a large industrial unit - Selo Bollands Ltd. The largest building was approximately 2-2 ½ storeys in height with associated office buildings and hard standing for car parking.

The vast majority of buildings surrounding the site are 2 storeys in height.

The surrounding area is a long established residential area with a broad range of community facilities and transport links.

### **POLICY CONTEXT**

The site lies within the North West Metropolitan Area as defined by Regional Spatial Strategy Policy SD1 and is within the regeneration priority area where new housing is permitted by the Interim Planning Policy, adopted by the Council's Cabinet on 20 October 2005.

The site of the development is cleared land that has formally housed a commercial use. PPS3, introduced in November 2006 indicates that the priority for development should be previously developed land, in particular vacant and derelict sites and buildings. This scheme is therefore in line with this Planning Policy Statement.

It is national policy to facilitate sustainable forms of development. PPS3 encourages the provision of

more intensive housing development in and around existing centres and close to public transport nodes. The aim is to create mixed, inclusive communities, to ensure that everyone has the opportunity of a decent home through a broader range of housing (including flats) in locations where the need to travel can be reduced.

The site is 0.17ha and the density of the proposed development is similar to that of the surrounding area.

The site is located within an established residential area and is close to a range of local facilities. There is a selection of open space facilities including a sports ground, football pitch and general amenity space within walking distance of the area. There is a frequent bus service along Grove Road. Services run at regular 15-30 minute intervals to a variety of destinations including Liverpool; New Brighton; Birkenhead and Chester. Green Lane Station and Rock Ferry Station are both within a 10minute walk of the site, where services run at 15 minute intervals to Birkenhead, Liverpool, Ellesmere Port and Chester.

### **AFFORDABLE HOUSING**

The Strategic Housing Market Assessment (SHMA) adopted by the Council's Cabinet on 7th February 2008 is now a material consideration in the determination of planning applications, to be considered alongside Planning Policy Statement 3 (PPS3), RSS Policy UR9 and UDP Policies HSG2 and HS6.

The Council will normally negotiate on all schemes of 15 and more dwellings and for a scheme proportion of 40% of all dwellings to be affordable. It is intention of the applicant to provide 100% affordable housing on the site.

In this instance an appropriately worded condition can be imposed on the application to tie the applicant into providing affordable housing.

### **APPEARANCE AND AMENITY ISSUES**

Both PPS1 and PPS3 make it clear that high quality and inclusive design should be the aim of all those involved in the development process and those proposals that fail to take the opportunity for improving the character and quality of an area should not be accepted.

The cleared site in its present state detracts from the visual amenity of the surrounding area.

The proposed scheme is the result of a number of negotiations between the Local Planning Authority and the developer. As a result, it is considered that the proposed development is a vast improvement upon the previous non conforming use and goes some way to visually improve the area.

The previous Warehouse/ Offices have recently been demolished as part of the applicant's works. The Local Planning Authority considers that the proposed residential scheme is a benefit compared to a site that has historically been a nuisance to the local residents.

### **SEPARATION DISTANCES**

Whilst the proposal does not always meet the standard interface distances advocated by the Local Planning Authority, it is considered that in this instance some compromise can be made due to the overall benefits that will be created as a result of the scheme. However it must be stressed that each individual case is assessed on its own merits and this relaxation of local authority standards will in now way create a precedence for future housing schemes. More so, that in this case, the scheme will replace former large industrial buildings.

For example, within the site there is a distance of 13.5 metres between Units 15 and 17 where a distance of 14 metres should normally be achieved. Outside the site, Unit 2 will be 8.2 metres away from the adjacent house at 47 Mulberry Road and the blank gable of Unit 19 will be 11 metres away from the rear elevation of 59 and 61 Mulberry Road. The usual guidance states that a distance of 14 metres should be achieved between blank gable walls to elevations with habitable room windows. In this case, as stated above, the reason that the re-development would replace an 'un-neighbourly' non-conforming use where the buildings were more imposing in scale, provides some justification to relax the usual standards.

Unit 20 has been deleted from the scheme completely which allows units 1-15 to have a sufficient outlook from the front aspect of the dwellings.

The scheme's design dramatically reduces the impact that the previous gable wall of the warehouse had on the neighbouring properties and it is proposed to be replaced with a building form of scale and mass that respects the existing urban grain and creates a continuation of the Wycliffe Street Scene and 'creates a new sense of place'.

In addition the 4 no. proposed dwellings (plots 16-19) improve the visual amenity to the rear of 51-59 Mulberry Road, which previously had an overbearing view of a blank gable wall (existing 2 storey office) with a ridge height of 9.87 metres, that was less than 8 metres from the adjacent windows. This has been improved by siting the proposed plots to maximize the outlook from the rear of the existing properties and to exceed 11 metres/14 metres from a blank gable with a ridge height of 9.15 metres.

The important reference points in terms of national design guidance for new residential developments is 'By design' and 'Better places to live'. The former provides the overall approach to design which the government seeks to encourage and enforce through the statutory planning function and the latter adds more detail to the overall framework in respect of residential design guidance. Both documents have at their heart an aspiration to support the creation of sustainable high quality places. The development does create a new sense of place, which is well related to the site and context. The relatively self-contained nature of the site, and design response, enables the development to create a distinct urban form. All of the proposed buildings are well related and there is a clear family of materials and design features which unite the development. Importantly these features are related to the context, but also create a new sense of place as mentioned earlier. The Street within the site is well defined by building frontages and the site is based on a coherent and logical structure. The built form links into the wider neighbourhood to provide continuity between new and old, with new development linking to rather than turning its back on the existing residential neighbourhood and urban form.

The applicant is negotiating with the Registered Social Land Lord to deliver 100% affordable homes for social rent. The scheme has been designed to meet spatial standards and Housing Quality Indicators of Liverpool Housing Trust and whilst the scheme does require some compromise by the planning department it is considered that the scheme can be sustainable. Wirral Council's aspirations are to achieve 40% affordable housing for the scheme and this proposal provides for 100% which will all be built to a code level 3 standard.

Consequently, the special circumstances of the site outweigh the fact that the usual standards related to interface distances are slightly relaxed and the site within the HMRI contributes to the regeneration of the area.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

The provision of 19 dwellings with associated parking provision at this location is unlikely to have a detrimental impact on highway safety or congestion on the adjacent highway network. It is therefore considered that there are no sustainable reasons for refusal of this application on either highway safety or congestion grounds, subject to conditions.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

It is considered that the development is located in a sustainable location, with good transport links and a wide range of local amenities. The site is also previously developed land and therefore constitutes as a brown field site.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The site lies within the North West Metropolitan Area as defined by Regional Spatial Strategy for the North West and is within the regeneration priority area where new housing is permitted by the Interim Planning Policy. It is considered that the residential development proposed on the site would be in keeping with the character of the area and would not introduce harm to the street scene. The scheme has been designed to meet spatial standards and Housing Quality Indicators of Liverpool Housing

Trust and whilst the scheme does require some compromise by the planning department it is considered that the scheme can be sustainable as it will provide 100% affordable housing which will all be built to a code level 3 standard.

**Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The site lies within the North West Metropolitan Area as defined by Regional Spatial Strategy for the North West and is within the regeneration priority area where new housing is permitted by the Interim Planning Policy. It is considered that the residential development proposed on the site would be in keeping with the character of the area and would not introduce harm to the street scene. The scheme has been designed to meet spatial standards and Housing Quality Indicators of Liverpool Housing Trust and whilst the scheme does require some compromise by the planning department it is considered that the scheme can be sustainable as it will provide 100% affordable housing which will all be built to a code level 3 standard.

**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. Before any construction commences, samples of the facing/roofing/window 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.

3. Development shall not commence until a scheme for the provision of cycle parking has been submitted to and agreed in writing by the local planning authority. The cycle parking facility shall be erected in accordance with the approved details prior to the occupation of the development hereby approved and retained as such thereafter.

**Reason:** To promote the use of more sustainable forms of transport. This condition is imposed having regard to policy TR12 (Requirements for Cycle Parking) of the Wirral Unitary Development Plan.

4. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance and avoid overlooking having regard to Policy HS4 of the Wirral Unitary Development Plan.

5. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development.) of the Wirral Unitary Development Plan.

6. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development.) of the Wirral Unitary Development Plan.

7. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 5. The works shall be carried out:

- In accordance with a programme to be agreed with the Local Planning Authority;

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development.) of the Wirral Unitary Development Plan.

8. Prior to the commencement of the development details of the proposed access onto Mulberry Road shall be submitted to and agreed in writing with the local planning authority. The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

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

9. Prior to the first occupation of the development the obsolete access shall be reinstated to standard footway levels, details of which shall be submitted to and agreed in writing with the Local Planning Authority and retained as such thereafter.

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

10. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained, unless otherwise agreed in writing with the Local Planning Authority in accordance with the approved scheme. The scheme shall include:

1) The numbers, type, tenure and location of the site of the affordable housing provision to be made:

2) The timing of construction of the affordable housing;

3) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy can be enforced.

Reason: To comply with the principles of UDP Policy HSG2 - Affordable Housing and Policy HS6 - Principles for affordable Housing.

11. No part of the development shall be brought into use until visibility splays of 2.4m by 38m at the proposed junction with Mulberry Road have been provided clear of obstruction to visibility at or above a height of 0.6m above the carriageway level of Mulberry Road. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety

12. No part of the development shall be brought into use until visibility splays of 2.4m x 2.4m measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 0.9m above the footway level of Mulberry Road. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

13. A detailed remediation strategy as indicated in the Ground Investigation and risk report (points 9.2, 9.3 & 9.4) to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment, must be prepared and is subject to the approval in writing of the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetables of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PO5 of Wirral Unitary Development Plan.

14. The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PO5 of Wirral Unitary Development Plan.

15. Following completion of the remedial works identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority, prior to the commencement of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PO5 of Wirral Unitary Development Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the enlargement, of the dwelling(s) or any addition to the roof or the erection or construction of a porch shall not be carried out .

Reason: Any such extensions have the potential to harm the character of the area and the amenity of nearby residents having regard to Policy HS4 (Criteria For New Housing Development) of the Wirral Unitary Development Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) once the dwellings have been erected no new windows shall be introduced nor shall any existing windows be altered without prior approval of the Local Planning Authority.

Reason: To protect privacy of nearby residents having regard to policy HS4 of one Wirral Unitary Development Plan.

**Further Notes for Commitee:**

**Last Comments By: 17/02/2010 16:57:18**

**Expiry Date: 14/04/2010**