

Planning Committee

31 March 2010

Reference:
APP/10/00107

Area Team:
South Team

Case Officer:
Mr K Spilsbury

Ward:
Bromborough

Location: Development site on South side East of by-pass, THE DELL, ROCK FERRY, CH42 1PU

Proposal: Amendment to planning application APP/2008/5589 - Variation of House Types Plots: 29-31 & 33-67

Applicant: Lake Leaf Limited
Agent : Burke Developments

Site Plan:



© Crown copyright. All rights reserved. Licence number 100019803. Published 2010.

Development Plan allocation and policies:

Road Corridor subject to Environmental Improvement
Primarily Residential Area

Planning History:

OUT/2007/7340 - Erection of 69 dwellings (outline) - Approved

APP/2008/5589 - Erection of 67 no.dwellings - Approved

Summary Of Representations and Consultations Received:

Consultations:

Director of Regeneration (Pollution Control) – No Objection subject to the conditions from the last application being applied to this application

Police Crime Reduction and Architectural Liaison – No Objection

Director of Technical Services (Traffic Management Division) – No objection subject to conditions

The Environment Agency - No Objection subject to a condition to prevent flooding

Representations:

A site notice was displayed on at the entrance to the site. A total of 240 letters of notification have been sent to properties in the area. At the time of writing this report 4 objections have been received from the occupiers of 16, 17 and 31 Thorburn Road and 36 Thorburn Court. The objections can be summarised as follows:

- The excess traffic will prove dangerous and will cause congestion
- The vehicular access is dangerous as it is a sharp, blind bend onto the road
- Problems with anti social behaviour since the school was knocked down
- construction noise and dust/ dirt effects residential amenity
- Loss of trees and effect on wildlife.

DIRECTORS COMMENTS:

REASON FOR REFERRAL TO PLANNING COMMITTEE:

The application is major development as set out in the adopted Scheme of Delegation for determining planning applications and as such needs to be determined by the Planning Committee.

INTRODUCTION

The proposed development seeks to obtain approval for the re-design of the previously approved planning application APP/2008/5589. The previously approved 38 dwellings on the site, plots 29-31 and 33-67 are to be amended in line with the requirements of Cosmopolitan Housing and the Houses and the Community Agency. The 29 apartments to the north of the site will remain as per the previous approval - APP/2008/5589 and do not form part of this proposal.

PRINCIPLE OF DEVELOPMENT

The overall principle of housing on the site was established under the previous approval APP/2008/5589. The development lies within a Primarily Residential Area as indicated within Wirral's Unitary development plan and is therefore acceptable in the principle subject to policy HS4.

SITE AND SURROUNDINGS

The application site consists of a large, roughly triangular piece of land that has been cleared of all previous buildings and currently lies vacant. The Dell Primary School previously occupied the site.

The Rock Ferry by-pass runs to the west of the site, with vehicular access located at the top north western corner.

The site has a sloping topography at the entrance to the North of the site and has been cleared of all existing buildings.

Surrounding the site there is a mix of two storey dwellings and two and three storey apartments. The land to the south of the site falls away resulting in the properties located to the south being lower than the level of the proposed dwellings located within the site boundary.

POLICY CONTEXT

The main issues to consider in the determination of this application are principle of development, highway safety and car parking, design and site layout, residential amenity, noise/pollution and landscaping issues.

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 that of a previously vacant and derelict school. 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.

Affordable Housing

The SHMA 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. However, Members will be aware that at its meeting on 7th February 2008, Cabinet resolved that the 40% was subject to consideration of land availability, supply and the financial viability of the development proposal.

The proposal will provide 100% affordable housing in association with Cosmopolitan Housing and the Houses and the Community Agency.

APPEARANCE AND AMENITY ISSUES

The site is in a prominent location on The Dell and is visible from the Rock Ferry By-pass. It is considered that in its present state, the site detracts from the visual amenity of the surrounding area.

The area is a varied mix of different housing types and ages within the area. Opposite the site on The Dell, housing consists of two storey semi detached dwelling houses whereas elsewhere there are examples of 1960's to late 1980's flats, most of which are between 2 and 3 stories set within their own grounds. Their character does not mirror that of the local housing or form a precedent.

The Local Planning Authority entered into negotiations with the Applicant prior to submission of the application to secure a scheme that can not only be justified in terms of the National, Regional and Local Planning Policies but which also take the opportunity to improve the character and quality of the area ensuring that the design relates well with its surroundings and does not compromise the residential amenities of the existing and future residents of the area.

The proposal includes a mixture of 2 storey, 2.5 and 3 storey housing to add interest to the street scene.

The development has also been designed to comply with current housing guidance requirements as set down by Cosmopolitan Housing and the Houses and the Community Agency. All of the houses now comply with HQI and Lifetime homes design spatial standards.

Following consultation with the Police Architectural Liaison Officer, the applicant has stated that the car parking courtyard to the rear of plots 29-36 will be gated and secure, with adequate lighting to provide a safe environment for the residents whom will have access to this area.

The police have confirmed that the scheme is acceptable in terms of secure by design subject to conditions for details of proposed cctv, fencing and auto gates to be submitted to an agreed in writing with Police Architectural Liaison prior to the commencement.

SEPARATION DISTANCES

Adequate spacing between plots, will prevent overlooking from the houses into the neighbouring dwellings and will maximise the amenity space available to the residents.

The site layout has been negotiated to ensure that all habitable room windows directly facing each other will be at least 21 metres apart. Main habitable room windows are 14 metres from any blank gable and where 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 is provided.

It is therefore considered that there would be no loss of residential amenity to the occupiers of those properties surrounding the site as the proposed development provides the necessary separation distances employed by the Local Planning Authority.

HIGHWAY/TRAFFIC IMPLICATIONS

The Director of Technical Services - Traffic Management considers that there are no sustainable reasons to recommend refusal of this proposal on either highway safety or congestion grounds, subject to conditions and a Section 106 agreement in the sum of £2000 to allow for the provision of appropriate waiting restrictions on the southern side of The Dell fronting the development site should such parking patterns become evident within the first year of first occupation of the site and otherwise for the money to be used at the discretion of the Director to improve sustainable transport facilities (including pedestrian facilities) in the area to further support those individuals wishing to lead a more sustainable lifestyle.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

SECTION 106

Following advice from the Director of Technical Service (Traffic management Division) the sum of £2000 required from the applicant to allow for the provision of appropriate waiting restrictions on the southern side of The Dell fronting the development site should such parking patterns become evident within the first year of first occupation of the site and otherwise for the money to be used at the discretion of the Director to improve sustainable transport facilities (including pedestrian facilities) in the area to further support those individuals wishing to lead a more sustainable lifestyle.

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 proposed amendment to plots 29-31 and 33-67 are acceptable and would be in keeping with the character of the area and would not introduce harm to the street scene. The proposal is acceptable in design terms and complies with HS4 of Wirral's Unitary Development Plan, SD1 & DP3 of Regional Spatial Strategy and National Policy PPS1, PPS3 & PPG13. The proposals are therefore considered to be acceptable and are recommended for approval subject to conditions and a section 106 legal agreement.

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 proposed amendment to plots 29-31 and 33-67 are acceptable and would be in keeping with the character of the area and would not introduce harm to the street scene. The proposal is acceptable in design terms and complies with HS4 of Wirral's Unitary Development Plan, SD1 & DP3 of Regional Spatial Strategy and National Policy PPS1, PPS3 & PPG13. The proposals are therefore considered to be acceptable and are recommended for approval subject to conditions and a section 106 legal agreement.

Recommended Decision: Approve subject to a S106 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.

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. Prior to the commencement of development details of the proposed cctv system, all fencing, walls and boundary treatment to the site and auto gates to the proposed car park shall be submitted to an agreed in writing with Police Architectural Liaison Officer. The approved scheme shall be implemented in full and retained as such thereafter.

Reason: To comply with the principles of Secured by Design.

4. 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 in the in the Wirral Unitary Development Plan 2006

5. 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

6. The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy GR5 of the Wirral Unitary Development Plan.

7. Before any part of the development hereby approved is first occupied, the existing fence to the west of the site on The Dell shall be removed. Details of a replacement fence and footway shall be submitted to and agreed in writing with the Local Planning Authority and retained as such thereafter unless otherwise agreed in writing.

Reason: In the interest of Highway Safety

8. Before any part of the development hereby approved is first occupied, the road markings, traffic signs and posts and pedestrian guardrail on The Dell associated with the development sites' previous use as a primary school shall be removed and the carriageway and footway reinstated. Details of which shall be submitted to and agreed in writing with the Local Planning Authority and retained as such thereafter.

Reason: In the interest of Highway Safety

9. Before any part of the development hereby approved is first occupied, the traffic sign and post on New Chester Road associated with the development sites' previous use as a primary school shall be removed and the footway reinstated. Details of which shall be submitted to and agreed in writing with the Local Planning Authority and retained as such thereafter.

Reason : In the interest of Highway Safety

10. Before development commences a Residential Travel Plan will be submitted to and approved in writing by the local planning authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the Residential Travel Plan and shall not be varied other than through agreement with the local planning authority.

Reason: In the interest of sustainable transport.

For the avoidance of doubt, such a plan shall include:

- Access to employment, shopping and leisure from the site by residents.
- Information on existing transport services to the site and travel patterns;
- Travel Plan principles including measures to promote and facilitate more sustainable transport;
- Realistic targets for modal split;
- Identification of a Travel Plan co-ordinator and the establishment of a travel plan steering group;
- Measures and resource allocation to promote the Residential Travel Plan; and
- Mechanisms for monitoring and reviewing the Residential Travel Plan, including the submission of an annual review and action plan to the local planning authority.

11. Prior to the commencement of development details of a boundary screen built to a minimum height of 1.8m to be located on the eastern boundary of the balcony of plot 57 facing 28 and 30 Thorburn Avenue shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation and retained as such thereafter

Reason: It the interest of residential amenity.

12. Notwithstanding the details of condition 7, prior to the commencement of development details of the 3m high minimum acoustic fence/barrier running along boundary and the bypass together with measures to mitigate any adverse impact upon the existing properties opposite shall be submitted to and agreed in writing with the Local Planning Authority. The

noise barrier shall have a minimum superficial density of 12.5kg/m², be imperforate, continuous and sealed at the base. The approved scheme shall be implemented in full and retained as such thereafter

Reason: It the interest of residential amenity with regards to noise and disturbance.

13. No development shall take place until full details of a scheme for sound insulation, providing the specifications for both the double/secondary glazing and any passive ventilation to be provided to those rooms of dwellings facing the Bypass, should be submitted to and agreed in writing with the local planning authority and retained as such thereafter.

Reason: To protect future occupants of the properties from unacceptable noise and disturbance.

14. The surface water drainage scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

Further Notes for Committee:

Last Comments By: 18/03/2010 11:13:11

Expiry Date: 30/04/2010