

## Planning Committee

06 March 2012

**Reference:**  
**APP/11/00715**

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

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

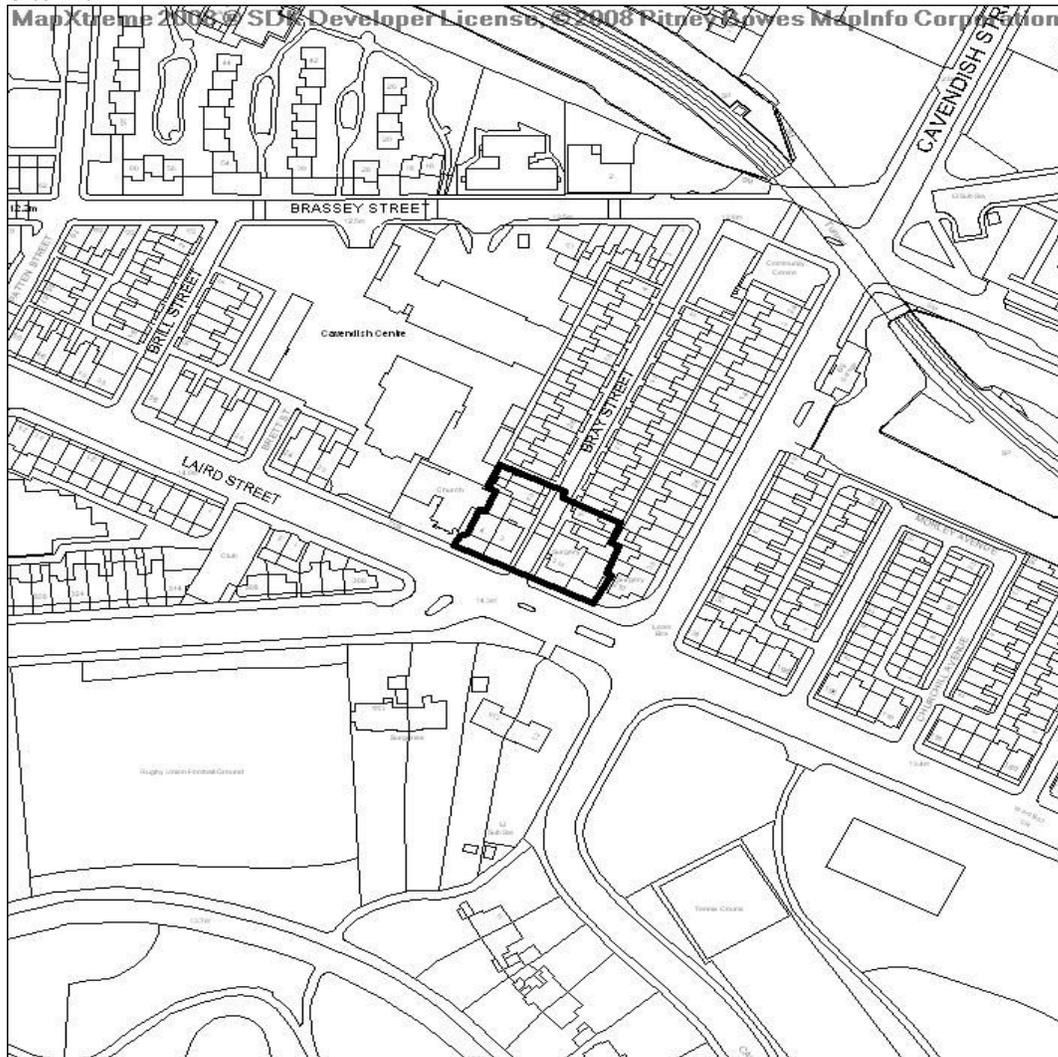
**Ward:**  
**Bidston and St James**

**Location:** Land at the junction of Laird Street, Bray Street & Park Road North, including no's 2-4 Laird Street, 212-214 Park Road North and 38, 39 and 40 Bray Street, Birkenhead, Wirral CH41 8BY

**Proposal:** The demolition of 2 no. vacant community buildings and the creation of 8 no. residential units and associated car parking (AMENDED PLANS RECEIVED 14/02/12)

**Applicant:** Keepmoat Homes (NW)  
**Agent :** MPSL

### Site Plan:



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## **Development Plan Designation:**

Primarily Residential Area

## **Planning History:**

APP/94/05452 - Erection of a single storey rear extension (2 Laird Street) - Approved 20/05/1994  
APP/07/05281 - Change of use from residential use to offices and public display areas and erection of an access ramp (2-4 Laird Street) - Approved 18/05/2007  
APP/91/07265 - Single storey extension at front to form new entrance and extended office area and new disabled toilets to the rear (212-214 Park Road North) - Approved 13/01/1992  
APP/06/06539 - Change of use to temporary project office for regeneration of the area (2-4 Laird Street) - Approved 10/11/2006  
APP/76/05739 - Erection of a garage (2 Laird Street) - Refused 07/10/1976

Adjoining site: APP/2011/00714 - The creation of 62 no. residential units and associated works (amended description) – approved conditionally 26<sup>th</sup> October 2012.

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

### REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, neighbour notification letters were issued to 14 adjoining properties, and a site notice erected at the site.

At the time of writing, a representation has been received on behalf of the Friends of Birkenhead Park on the following grounds (summarised):

1. The two semi-detached properties to be demolished were constructed in the late 1880's/1890's and are an integral part of the historic building environment;
2. There are no grounds for progressing demolition in terms of their current state, they have not been poorly maintained;
3. Although not located in the Birkenhead Park Conservation Area, they serve as an important historical setting for Birkenhead Park. No other Victorian/Edwardian properties in Park Road have been demolished, and the area retains an important cohesion in terms of building styles;
4. The current application is flawed – no drawings have been produced for the existing properties.
5. The properties are of sufficient quality to warrant refurbishment.

A qualifying petition of opposition has also been received, listing signatures from 73 separate households, opposing the planning application on the grounds that they would lead to the demolition of two fine Victorian houses directly adjacent to Birkenhead Park which provide an appropriate setting to the Park Conservation Area and have been well maintained in recent years. From an environmental and heritage perspective there is considered a strong argument in favour of their retention and re-use rather than replacement with modern housing of an inferior design quality.

### CONSULTATIONS

Director of Technical Services (Traffic and Transportation Division) – no objection subject to the imposition of a planning condition to require the submission and approval of full details of: a traffic calming scheme and the means of implementation of a 20mph speed limit including all appropriate signing and traffic regulation. The development shall not be occupied until these works have been completed in accordance with the approved details. A condition to secure cycle parking within the development was also requested, and an informative to clarify that the works would be subject to a s38 Highways Agreement.

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

Director of Regeneration, Housing and Planning (Housing Strategy Division) – no objection, refer to Director's Comments.

Merseyside Police Crime Reduction (Architectural Liaison Officer) – the development will be consistent with the current principles and standards of Secured By Design (SBD). Consideration should, however, be given to rear perimeter walls/fencing boundaries, which should be a minimum of 2.1m height, fencing between properties should be to a height 2.1m and located as near as possible flush with the front of the building line to prevent unlawful access to the rear; dwarf walling should be fitted at the front boundaries/driveways to create a symbolic barrier and establish defensible space, and foliage should be maintained at a height of 1m or less to maximise natural surveillance.

**Director's Comments:**

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of opposition has been received listing signatures from 73 separate households.

**INTRODUCTION**

The proposal is for the demolition of no.s 2-4 Laird Street and 212-214 Park Road North, and the construction of 8 residential dwellings. Two distinct house-types are proposed. Within Bray Street, three two-storey properties to match those recently granted permission under application reference APP/2011/00714 (currently under construction) are proposed, whilst to the Laird Street frontage either side of the entrance to Bray Street, properties of 2.5 and 3 storeys in height have been proposed in amended plans received.

**PRINCIPLE OF DEVELOPMENT**

The application site is allocated as a Primarily Residential Area, is located within the Liverpool City Region Inner Areas (the former New Heartlands Housing Market Renewal area) identified by North West of England Plan Regional Spatial Strategy 2021 ('RSS'), and is within a regeneration priority area identified by the Council for new housing development in the Interim Planning Policy for New Housing Development. As such the principle of the development proposed is acceptable.

RSS Policy LCR2 requires plans to focus residential development in the Inner Areas adjacent to the Liverpool City Region Regional Centre in order to secure a significant increase in population and to support major regeneration activity. Plans should support significant intervention where housing market restructuring is required. This is supported by the Council's 'Interim Planning Policy for New Housing Development' which sets out support for residential schemes within the regeneration priority areas. As such the proposal is acceptable in principle, subject to UDP Policies HSG2 'Affordable Housing' and HS4 'Criteria for New Housing Development'.

**SITE AND SURROUNDINGS**

The site itself is a brownfield site, currently occupied by no.s 2-4 Laird Street and 212-214 Park Road North, Victorian properties of significant scale, visual prominence, and grander in design than the majority of properties within the surrounding streetscene. To the rear of these buildings, a large site has been previously cleared and is being redeveloped with family housing (having supported a number of residential properties set along Brett Street, Brassey Street, and fronting Laird Street, and the Cavendish Centre). The surroundings are predominantly residential in character, consisting two storey properties on Brill Street and Cavendish Street, and single storey bungalows to the north. There are some community uses – a church is located to the west of the application site, fronting Laird Street, whilst a community centre is on the corner of Cavendish Street and Brassey Street.

**POLICY CONTEXT**

National Planning Policy Statements PPS1, PPS3 and PPS5 are relevant, establishing the approach to be taken towards housing developments and assets of heritage value, whilst the Interim Planning Policy and UDP policies HS4, HSG2, GR5, GR6, GR7, TR9 and TR12 establish the policy context at the local level, with regards the design layout and density of housing developments, the provision of affordable housing, landscaping and the approach to be taken to off road parking provision and highway safety.

**AFFORDABLE HOUSING**

UDP Policy HS2, and the Council's Strategic Housing Market Assessment (SHMA, as updated), normally require that an element of affordable housing is provided to a Registered Social Landlord (RSL). In this instance, an assessment of the finances of the site (in conjunction with the adjoining development site) has been undertaken on the Council's behalf by Tweeds. The assessment concludes that there is very limited profitability in the development and that the provision of affordable

housing is not viable. Given this, it is not considered reasonable to impose conditions or a s106 agreement requiring the delivery of affordable units.

Affordable housing will, however, be secured on this site in another way. The application site (together with the adjoining land) is the first of a number of sites identified and assembled by the Council through the former Housing Market Renewal programme within the Birkenhead area with potential for redevelopment, to act as a catalyst to regeneration and to assist in the restructure of the local housing market. The Council took the decision at a Cabinet meeting of 2nd June 2011 to appoint Keepmoat Limited (Keepmoat Homes) as the Council's preferred private developer partner for delivering new homes in line with existing market renewal plans for Birkenhead, and a separate development agreement is proposed to secure proposals for delivering affordable housing through the Bray Street development. The agreement would secure the disposal of 30% of the new homes on the development to Wirral Partnership Homes for Affordable Rent.

Given this, whilst it has been demonstrated to the Council's satisfaction that it is not viable to provide affordable housing, in line with the requirements of UDP Policy HSG2 and the SHMA, there are control measures which will ensure affordable units are brought forward at the site - through the developers agreement and the fact that the Council is not likely to sign the Building Lease for the site to allow Keepmoat permission to build until Keepmoat provides the evidence that it has entered into a contract with Wirral Partnership Homes to receive the specified number of affordable units.

### **APPEARANCE AND AMENITY ISSUES**

The proposal is for residential development that is traditional in its approach to design. Each of the 8 dwellings is provided with front and rear garden space, and an off-road car parking space. A variety of house types are proposed, which whilst simple in appearance, utilise design features such as projecting porch roofs, gables, soldier courses, and a mixed palette of materials to add some interest to the proposed streetscene. The amended house types proposed for the Laird Street frontage of the site offer a larger scale and better proportional relationship, considered commensurate with this streetscene and the adjoining properties which would be retained.

Concern has been raised at the heritage and design value of the properties that would be demolished, particularly given their context and history. Certainly, the properties are of historic interest, and of 'group value', being part of the first phase of residential development that was undertaken in the area, and forming part of the gateway to Laird Street and the approach to Birkenhead Park, reinforcing local distinctiveness. PPS5 outlines the approach that should be taken to such assets, and establishes a presumption in favour of retaining heritage assets in the absence of clear justification for demolition.

The buildings are, however, non-designated, and are not particularly rare in design when considered in isolation. It must be weighed against the value of the properties that planning permission would not be required for their demolition. The applicant has submitted structural assessments and a development appraisal for the properties, which conclude that the capital expenditure required to revert the premises to current standards in structural terms would be disproportionate to the serviceable lifespan of the buildings as modern homes. The summary of the development appraisal is that gap funding would be required to support any scheme for refurbishment, and that such funding is no longer available. It is indicated that the option of retaining the properties was considered as part of the North Birkenhead Masterplan and Neighbourhood Options Appraisal processes, being discounted as it did not represent a viable option.

The amended house-types chosen for the frontage to the site facing onto Laird Street do now respond to the context, proposing buildings of appropriate scale, with design interest. The quality of materials and boundary treatment can be controlled through a suitably worded planning condition should Members be minded to approve the application.

Given the above, whilst acknowledging the heritage value of the properties that would be demolished, it is considered that there is justification for the demolition of the properties, and that the amended proposals for replacement dwellings can retain the character of the streetscene in this location, being appropriate in scale and design.

### **SEPARATION DISTANCES**

The proposed development would achieve the Council's separation distance guidelines, required by

UDP Policy HS4 and set out in Supplementary Planning Guidance to existing properties. Separation distances of 14m between a habitable window and a blank gable, and 21m between the habitable windows two properties whose principle elevations face are comfortably met to existing properties facing the site across Laird Street, whilst

The required separation distances are not achieved between the proposed dwellings – in particular, a separation distance of 18m is achieved between habitable windows in plots 68 and 73 development and existing properties in surrounding streets, whilst the houses on plots 70, 71 and 72 facing across Bray Street would be particularly close to each other, at 12m separation between the front elevations, which do include windows to habitable uses. Similarly, the 14m distance normally required between habitable windows and blank gables would not be achieved for plots 68 and 70.

Planning Policy Statement 3 on Housing states that new housing development of whatever scale should not be viewed in isolation. Consideration of design and layout must be informed by the wider context, having regard not just to immediate neighbouring properties but the townscape and landscape of the wider locality. Advice in the Planning Policy Statement post-dates widely accepted guidance on separation distances and advises that the use of inflexible planning standards should be avoided. In this instance, the shortfalls are not considered to be substantial. Furthermore, the proposals are considered to replicate layouts and patterns of build in the surrounding area. Whilst wider plot frontages would ensure good provision of amenity space and private parking not common to the surrounding streets, the shortened separation distances ensure that the close knit feel of the area will be retained, the development both respecting the character of the area and raising standards, beginning the regeneration of this part of the Borough.

Given the above, the separation distances achieved are considered sufficient and will not harm the amenities of future occupiers.

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

As noted above, the application forms part of a larger regeneration proposal, and proposes to utilise the existing road layout, with road extensions towards the centre of the redevelopment site. Whilst there are considered no significant traffic or highway issues, it is considered that a condition is necessary to secure a full scheme of works for the provision of traffic calming and to ensure the implementation of a 20mph limit (including signage and traffic regulation order) prior to the occupation of the development.

Subject to these conditions, the Director of Technical Services (Traffic Management) has raised no objection to the proposed development. Each property is provided with an off-road parking space, in line with UDP Policy TR9 and Supplementary Planning Document SPD4. Given this, it is unlikely that adjoining streets would be impacted by the proposed, and it is not considered that the applicant presents significant highway safety or traffic congestion concerns. The nature of the development does not trigger the requirement for cycle parking, under UDP Policy TR12.

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

The proposal is part of a wider scheme to introduce housing market renewal in one of the most deprived parts of the Borough. The applicant has indicated that the development would achieve the requirements of Code for Sustainable Homes level 3 in addition to the requirements of Building Regulations Approved Document Part L.

#### **CONCLUSION**

The proposed development considers the general design and layout of the surrounding area and this is reflected in the materials, design and layout proposed for the dwellings. The proposal accords with relevant national, regional and local policies, including Policies HS2, HS4, GR5 and GR7 of the Wirral Unitary Development Plan, and would assist in the regeneration of an important brownfield site within the urban area, contributing to restructuring the housing market. Whilst properties of some heritage value would be demolished, it is considered that there is justification for that demolition having regard to PPS5, and that the amended proposals for replacement dwellings can retain the character of the streetscene in this location, being appropriate in scale and design.

#### **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 proposed development considers the general design and layout of the surrounding area and this is reflected in the materials, design and layout proposed for the dwellings. The proposal accords with relevant national, regional and local policies, including Policies HS2, HS4, GR5 and GR7 of the Wirral Unitary Development Plan, and would assist in the regeneration of an important brownfield site within the urban area, contributing to restructuring the housing market. Whilst properties of some heritage value would be demolished, it is considered that there is justification for that demolition in line with the requirements of PPS5, and that the amended proposals for replacement dwellings can retain the character of the streetscene in this location, being appropriate in scale and design.

**Recommended          Approve**  
**Decision:**

**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, full details and samples of the all the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

3. No development shall commence until a ground contamination survey has been undertaken, taking into account any potential contaminants from all known previous land uses. Should this survey identify any such contaminants, then a scheme of remediation to render the site suitable for use shall be submitted to and approved in writing by the Local Planning Authority prior to such works being undertaken. A statement giving precise details of the nature and extent of any such remediation, together with certification that the site has been made suitable for its intended use, shall also be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of the residential amenity of future occupiers.

4. The remainder of the undeveloped land within the curtilage of the site shall be suitably hard and soft landscaped with in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to commencement of any construction work on the site. Such landscaping work to be shall be carried out prior to the occupation of any part of the development or in accordance with an alternative 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 ensure a satisfactory standard of appearance having regard to Policies HS4 and GR5 of the Wirral Unitary Development Plan.

5. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the buildings are occupied and the development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to design out crime, in compliance with UDP Policy HS4.

6. The development hereby granted permission shall not be commenced until a full scheme of works for provision within the development of a traffic calming scheme, and the implementation of a 20mph speed limit including all appropriate signage and traffic regulation orders, has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any part of the development.

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

7. The development shall be implemented in accordance with the plans received by the Local Planning Authority 14th February 2012.

**Reason:** For the avoidance of doubt.

**Last Comments By:** 06/03/2012 15:06:19  
**Expiry Date:** 27/09/2011