

Planning Committee
26 September 2013

Reference:
APP/13/00748

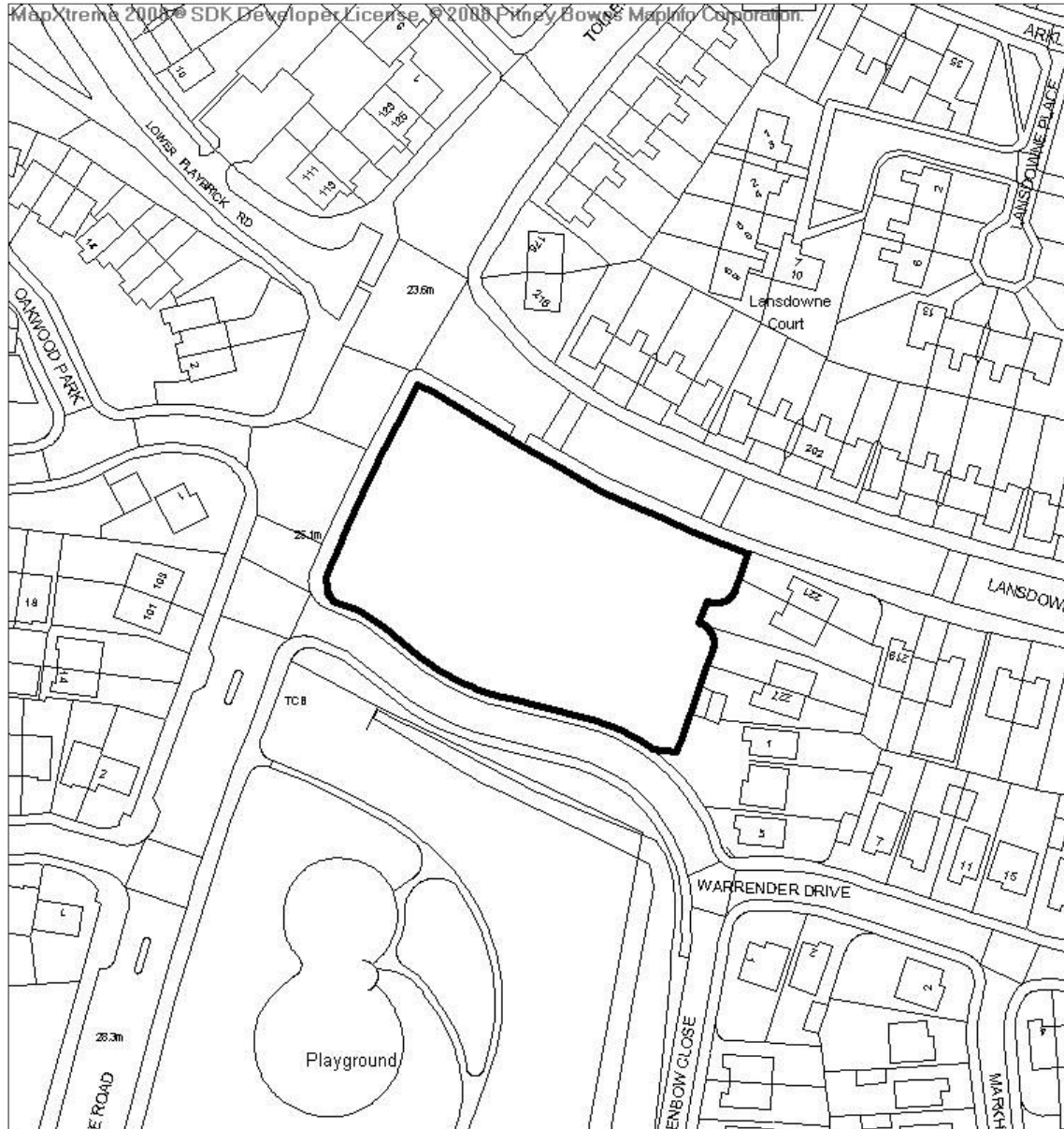
Area Team:
North Team

Case Officer:
Mr M Rushton

Ward:
Bidston and St James

Location: Amenity Open Space, TOLLEMACHE ROAD, BIRKENHEAD
Proposal: Erection of 12no two bedroom single storey dwellings.
Applicant: MBE Construction
Agent : Peacock and Smith

Site Plan:



© Crown copyright and database rights 2011 Ordnance Survey 100019803

Development Plan Designation:
Primarily Residential Area

Planning History:

Location: Land at Junction of Tollemache Road and Lansdowne Road and between former Powell Street, Kimberley Street and Goschen Street, Birkenhead, Wirral
Application Type: Full Planning Permission
Proposal: Removal of condition 4 from planning permission ref DPP/00/5189/E relating to the provision of a survey of the condition of the rock face to southern boundary of site
Application No: APP/01/05245
Decision Date: 30/03/2001
Decision Type: Approve

Location: South of (adj) 176 - 216 Lansdowne Road and North of (adj) 2 - 48 Bluebell Avenue, Birkenhead, Wirral, CH43 7SQ
Application Type: Reserved Matters
Proposal: Erection of 84 houses and garages
Application No: DLS/00/07050
Decision Date: 16/02/2001
Decision Type: Approve

Location: Land at Junction of Tollemache Road and Lansdowne Road and between former Powell Street, Kimberley Street and Goschen Street, Birkenhead, Wirral
Application Type: Work for Council by outside body
Proposal: Erection of residential development (outline)
Application No: DPP4/00/05189
Decision Date: 06/04/2000
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the adopted Guidance on Publicity for Planning Applications, 19 letters of neighbour notification were issued, and Site Notice were displayed at the site. A press notice was displayed in the Wirral Globe in the week of 24th June 2013. At the time of writing, 6 letters of objection and a comment have been received from the occupiers of no.s 1 and 49 Warrender Drive, 223 Lansdowne Road, 4 Markham Grove and 5 Benbow Close. The grounds of opposition can be summarised as:

1. Loss of open space: this greenfield area adds respectability and greenery to what was a deprived area; if the area is lost children who play on the field will have to play on street corners; the area is used for recreation by the local children - only this summer due to the grass not being mown by the new owners has the area not been used; the area brings the community together and provides a safe area for children to play due to the surveillance provided by the surrounding community; the site also provides much needed greenery to the area.
2. Highway safety, traffic and parking issues: increases in parked cars on Lansdowne Road, Warrender Drive and Tollemache Road, with negative impact on visibility and usage of the roads for pedestrians and cyclists; Warrender Drive is too narrow, has a sharp bend and should be made the same width as Lansdowne Road so that access is not restricted to the Admiral Estate (residents, visitors and emergency services vehicles); the proposal will displace traffic into Benbow Close (if parking is lost on Warrender Drive) - the stepped access to the park [Tollemache Road play area adjacent to the site] should be closed off to prevent issues in conjunction with the development and alleviate existing problems of antisocial behaviour and nuisance in this location; the bend on Warrender Drive is a blind spot to motorists, which would be exacerbated.
3. Pedestrian safety: the footpath on the south side of Warrender Drive is overgrown, and the development would introduce vehicular access points across the pavement on the north side of

- Warrender Drive - making the road unsafe to walk children to school along.
4. Trees: concern that loss on the eastern boundary of the site should be retained; concern that loss of trees would impact wildlife.
 5. Boundary treatment: the boundary walls (adjacent to no.s 1-5 Warrender Drive and 221-227 Lansdowne Road) was built brick with metal railings between piers, but the section of walling from Warrender Drive to the garage of no.1 Warrender Drive has been upgraded with the metal railings removed and replaced with fencing panels, at residents expense - this section should not be removed or altered.
 6. Loss of open aspect.
 7. Overdevelopment (of the local area): the last 15 years has seen a lot of development in the area, building here will create an area of overdevelopment and unacceptably high density.
 8. Concern of subsidence - housing had to be removed from the site previously due to subsidence, and there are dips in the land.
 9. Loss of light: to no.s 221, 223, 225 and 227 Lansdowne Road due to fencing and the properties proposed.
 10. Overshadowing: of no.s 221, 223, 225 and 227 Lansdowne Road due to fencing and the properties proposed.
 11. Security: security would be compromised to no.s 221, 223, 225 and 227 Lansdowne Road.
 12. Loss of privacy: Plot 12 (and its driveway) will be directly in front of the living room window of no.s 223 and 221.
 13. Loss of access: a footpath should be provided to the east of the site so that pedestrians can easily walk from Warrender Drive to Lansdowne Road without having to walk the perimeter of the site.

CONSULTATIONS

Head of Environment and Regulation (Parks and Countryside) - the open space was a requirement of the previous planning consent the concern would be that granting planning permission for it would set a precedent for future applications of this nature. Given this, if approval was given on the basis of an assessment of the current provision/open space assessment, then it is agreed that a s106 agreement or commuted sum towards the adjacent open space would obviously improve the quality of provision in the area. This would need to allow for the upgrading of the current play provision and general landscape improvements to make the facility more attractive and inviting.

Head of Environment and Regulation (Traffic and Transportation Divisions) - notwithstanding the submitted plans, details and a timetable of works to Lansdowne Road adjacent to the development site shall be submitted for approval - including an upgrade of the footway from flags to bitmac, removal of old vehicle crossings, provision of new kerbs, and the installation of tactile kerbs to Lansdowne Road at Tollemache Road. A section 106 Legal Agreement to secure the contribution of £1,250 is also necessary to support the running of nearby school crossing patrols.

Head of Environment and Regulation (Environmental Protection Division) - no objection.

Head of Housing and Community Safety (Housing Strategy) - the development would deliver affordable housing that can contribute to identified needs - refer to Director's Comments (under affordable housing heading). If planning permission is granted, it is noted that this site is proposing to provide more than five dwellings and would normally be subject to affordable housing targets in line with planning policy. Although the proposal states these dwellings will be for affordable housing, this is not a joint application with a Registered Provider and to date no Registered Provider has sought support from the Local Authority (Housing and Community Safety service) to deliver units on this site. If the application is granted planning permission, a Section 106 Agreement for affordable housing or some a planning condition must be attached to the planning approval to this effect.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application seeks permission for the erection of 12 dwellings which is defined as Major Development. The application is recommended for refusal, and as such the adopted Scheme of Delegation for Determining Planning Applications would not require presentation of the application to Planning Committee, however the application has been removed from delegation by Councillor George Davies, on the grounds that the proposed development would help to address identified

housing needs.

PROPOSAL

The proposed development is for 12 residential dwellings on a vacant greenfield site bounded by Lansdowne, Warrender and Tollemache Roads.

SITE AND SURROUNDINGS

The application site is currently open to the public, but is not being actively maintained at this time, and supports long grass. The site is rectangular in shape, and is surrounded by roads on three sides (the fourth side sharing a boundary with private driveways serving properties accessed off Warrender and Lansdowne Roads. The site is open and does not support any buildings, though it includes a number of semi-mature trees at the eastern end of the site.

The local area is residential in character, with housing to the north, east and west. The residential properties to the east are relatively modern, having been constructed by virtue of planning permission OUT/00/05189 (considered further below). To the south is an area of public open space - the Tollemache Road Play Area, which makes specific provision for children and young people.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

National Planning Policies

The National Planning Policy Framework ('NPPF')

Wirral Unitary Development Plan

Policy HS4 - Criteria for New Housing Development

Policy GRE1 - The Protection of Urban Greenspace

Policy GR6 – Greenspace Within New Family Housing Development

Policy GR5 - Landscaping and New Development

Policy GR7 - Trees and New Development

Joint Waste Local Plan for Merseyside and Halton - formally adopted with effect from 18 July 2013 - Policies WM8 and WM9 are relevant, setting out the approach that should be taken to waste management and prevention in new development.

Other

SPD4 - Parking Standards

Emerging Core Strategy Local Plan

Policy CS21 - Criteria for New Housing Development

Policy CS6 - Priorities for Suburban Birkenhead

Policy CS31 - Recreational Land and Buildings

Policy CS31 - Recreational Land and Buildings

Policy CS42 – Development Management

Although designated in the adopted Unitary Development Plan (UDP) as part of the Primarily Residential Area, the site was provided as greenspace for the purpose of visual amenity and local recreation under terms of planning permission granted for 84 houses on former Council owned land in 2001. The proposal would result in development contrary to UDP Policies HS4 and GR6 and the planning application should be refused unless material considerations can clearly outweigh the requirement of the statutory development plan.

Open Space

The key planning issue with this application is the loss of publicly accessible open space. The area of land to be developed was negotiated previously by the Council as greenspace to serve the housing development (now built) to the east of the site to meet UDP Policies HS4 and GR6, which requires amenity open space at a rate of 60sqm per dwelling, for both visual amenity and local recreation purposes on the basis that no other publicly accessible open space with an area of 1.5ha or more was available within 400 metres of the new homes. A developer's brief for the site was approved by the Council's Planning Committee in 1999, which confirmed that this particular area was to be set aside as amenity open space to serve the dwellings, and the area was detailed within subsequent planning

applications for the site (OUT/2000/05189 and DLS/2000/07050/E) as amenity open space.

The applicant points out in the submitted planning statement that no legal agreement was entered into (at the point of grant of OUT/2000/5189) to seek to retain the site as open space in perpetuity, nor were planning conditions imposed. Condition 3 on the approval OUT/00/05189 set out the amount of open space required to be detailed at the reserved matters stage, but no legal agreement was secured for this to be maintained. The reason for this is unclear, however, the housing development appears to have been facilitated by the Council, with the application for planning permission (OUT/2000/05189) submitted by the then Director of Property Services as a 'development by the Council' - a 'notice of resolution authorizing the carrying out of development' to the Council being issued, rather than a planning permission granted. For this reason, a legal agreement could not be imposed to secure the retention/ maintenance of the amenity open space - the Council (as Local Planning Authority) could not require the Council (as land owner) to sign a legal agreement.

Regardless of that, the site remains open and serves as a publicly accessible amenity open space. UDP Policy GR6 requires new housing developments of more than 35 dwellings to provide 60 square metres of greenspace per dwelling unless they would be within 400 metres of existing accessible public open space. This requirement is to be carried forward in Policy CS32 in the emerging Core Strategy Local Plan, which has been approved by the Council as material consideration in planning decisions.

Although Flaybrick Cemetery is close to the site, this cannot be reasonably considered to be public open space for amenity and recreation. The recreational open spaces at Illchester Road (1.29ha) at some 480m and Bidston Hill at more than 600m via Flaybrick Cemetery or 720m via Upper Flaybrick Road are well beyond 400 metres walking distance from the proposed dwellings. One of Council's the priorities for suburban Birkenhead through Policy CS6 in the emerging Core Strategy Local Plan is to maintain, improve and increase the amount of public open space to strengthen green infrastructure. , The amount of open space would be reduced by 0.29ha if the application site was developed.

The National Planning Policy Framework is a material consideration, setting out that existing open spaces should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. This public open space should not be considered surplus as it was originally laid out to serve the residential development in an area, where apart from the pre-existing playground, there is no suitable alternative provision within 400 metres walking distance of the site. Whilst the applicant has suggested that a financial contribution might be made to enhance play provision at the site next door, this would not offer a quantitative replacement and could only improve the pre-existing facilities. The extent to which the contribution would be able to remedy qualitative deficiencies is also unclear –as the area has not been surveyed by the applicant, and by way of comparison, the cost of constructing a LEAP (Local Equipped Area for Play) is estimated at £80-90,000.

The applicant contends that the open space is of very limited or no amenity value given its limited size and lack of facilities. It is, however, a grassed area and known to be used by children for informal play, it also forms part of the open character of this part of Tollemache Rd. Representations made in opposition to the proposed development, raise concern at the loss of the open space, highlighting the visual benefit it has and its recreation use by local children. A recent assessment undertaken by the Council of open space included a quality audit for each site - the application site was given a quality score of 44%, which compares to an average score for open space in the Birkenhead Settlement Area of 36%, and a Borough average of 50%. It is acknowledged that the current owner has reduced maintenance/management of the site since the Assessment was undertaken (the grass has not been mown), but it would remain difficult to conclude that the open space has no amenity value. In addition, the site is in private ownership and it is acknowledged that it could be fenced off, to a low height-similar points might, however, be made at a number of similar pieces of open amenity space serving residential developments around the Borough. It is not considered that such arguments would present planning grounds for the development of the site. The Council also has other powers to address land where it deteriorates to the extent that it can be concluded to have a detrimental impact on the amenity of the area.

Given this, it is considered that the proposed development conflicts with the provisions of the National

Planning Policy Framework (paragraph 74) in relation to open space as well as UDP Policies HS4 & GR6 and Policies CS6 & CS32 in the emerging Core Strategy Local Plan.

Housing Need

The applicant proposes 100% affordable housing (submitted Planning Statement, paragraph 1.02). The delivery of housing supply which meets an identified need can be a material consideration in favour of development.

The NPPF sets out a requirement for Local Planning Authorities to plan for new housing to meet identified needs, and a requirement to provide a 5-year supply of housing land. In terms of housing need and demand. Wirral's 2010 Strategic Housing Market Assessment (SHMA) update report clearly sets out a requirement for a net additional 4,073 units (equating to 204 per year) of ordinary new build housing in the Outer area (in which this site is located) over the period 2009-2029. This equates to a need for 1,158 two bedroom affordable properties (equating to 58 per year) and 452 market two bedroom properties (equating to 23 per year) over the 20 year period, which needs to be considered in terms of Wirral's affordable housing requirement. Analysis of Property Pool Plus (the sub-regional choice based lettings system replacing Wirralhomes) data for quarters 2, 3 and 4 for the North Birkenhead area for 2012/13, indicates that 14 two bedroom affordable homes were advertised, with on average 44.1 expressions of interest made in respect of these units (the Borough average expressions of interest for two bed properties is 28.8). Over the three quarters, 2 two-bedroom bungalows were advertised, the expressions of interest were 95 and 44, showing that this format of property is desirable.

In addition, the context of Welfare and Benefit Reform changes need to be considered, which is having an impact on both the type and size of affordable homes people are able to access, particularly if they access housing benefit to help pay their rent. Council Tax records on vacancies in the vicinity of the site also indicate that there could currently be a demand for smaller affordable accommodation, as predominately the affordable empty stock is three-bedroom. Given this, it is considered that the development would provide additional smaller homes which people affected by Welfare and Benefit Reforms will be able to access and afford.

Lastly, whilst the application does not detail fully meeting Lifetime Homes (ensuring that the properties will be suitable, accessible and adaptable for a range of people with wheelchair accessibility), it does detail that doors would be a suitable to enable wheelchair access and that there would be no internal floor level changes, to facilitate movement of wheelchairs. This could assist to meet provision for local needs consistent with that identified from the Disabled Persons Housing Register (DPHR) and specialist housing needs.

Nevertheless, it should be noted that large tracts of land have been cleared elsewhere in the area for housing programmes to address these issues in partnership between the Council and private sector developer partner.

APPEARANCE AND AMENITY ISSUES

Policy HS4 establishes a number of criteria, which will be reflected through Policy CS42 in the Emerging Core Strategy Local Plan, that must be met if new housing development is to be permitted, as follows:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;
- (v) the appropriate provision of design features which contribute to a secure environment and reduce

the likelihood of crime;

(vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and

(vii) the provision of adequate individual private or communal garden space to each dwelling.

The policy also sets out that for all proposals whose main elevations are parallel to other residential properties, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

In terms of residential amenity, the spacing and form of development indicated is such that distances to existing properties avoid potential loss of privacy, outlook and avoid overbearance. The dwellings would be single storey, and whilst surrounding properties are predominantly two-storey, the site does not read as part of a streetscene - as such the scale and density (at approximately 40 per hectare) is considered acceptable. Off street parking is provided for each residential unit.

However, it is considered that the development would detrimentally impact the character of the surrounding area by resulting in the loss of an existing amenity open space that provides opportunities for informal recreation and enhances the appearance of the residential area - there is thereby conflict with UDP Policy HS4 (criteria ii).

The application site is not considered to retain wildlife value warranting mitigation. Conditions could ensure adequate landscaping is delivered within the development proposed, as well as measures such as the protection of trees and the inclusion of boundary treatment - in response to the representation made on boundary treatment the applicant has indicated that boundary treatment adjacent to no. 1 Warrender Drive would be retained, and a party fence award signed to safeguard this.

UDP Policy GR6 would not require provision of public open space to support the development itself, given that less than 35 units are proposed.

Regarding criteria (iii), the Head of Environment and Regulation (Traffic and Transportation Divisions) has raised no objection to the proposed development. Highway and Traffic Implications are considered more fully below.

SEPARATION DISTANCES

As noted above, the separation distances required to adjacent properties are adequate - 14m is achieved to the properties which face the application site to the east (on Warrender and Lansdowne Roads), and a single storey blank gable would be presented. Properties directly facing the front elevations of dwellings would be no less than 21m away, and the proposal would be separated by highways from these dwellings.

HIGHWAY/TRAFFIC IMPLICATIONS

It is not considered that there are significant highway issues. The Director of Technical Services (Traffic and Transportation Divisions) has raised no objection to the development, though advising on the inclusion of a condition that might secure works to bring Lansdowne Road up to appropriate highway standards. The dwellings would be provided with off-road parking in accordance with the SPD4, and it is not considered that overspill parking would present an issue of highway safety.

ENVIRONMENTAL/SUSTAINABILITY/HEALTH ISSUES

The proposal would reduce the amount of public open space in the area and would lead to the removal of 3 no. trees. The application has been accompanied by an arboricultural impact assessment, which considers the value of these trees, and concludes that they are not of significant value - two being category C (one vandalised, the other leaning) and one being category B but a co-dominant form for which tree works would be required to secure its future. It is not considered that the removal of the three trees would present grounds for refusal or amendment of the proposal. Landscaping conditions might secure replacement trees.

CONCLUSION

The existing site was provided as amenity open space to serve the surrounding residential area under the terms of planning permission granted in 2001. The current proposal does not make provision for equivalent or better provision in terms of quantity and quality, nor are there identified surpluses of open space in proximity of the site. Whilst the contribution to an identified housing need could be favourable material consideration, large areas elsewhere in this area have been cleared to address to address housing market renewal, , and it is not considered that there is justification sufficient to outweigh conflict with the National Planning Policy Framework (paragraph 74), UDP Policies HS4 & GR6 and Policies CS42, CS6 & CS32 in the emerging Core Strategy Local Plan in this instance.

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 is considered to have a detrimental impact to character and residential amenity, by virtue of the loss of existing amenity open space that provides opportunities for informal recreation and enhances the appearance of the residential area. The proposal would thereby conflict with UDP Policies HS4 & GR6; Policies CS42, CS6 & CS32 in the emerging Core Strategy Local Plan; and with the National Planning Policy Framework (paragraph 74).

**Recommended Refuse
Decision:**

Recommended Reason:

1. The proposed development is considered to have a detrimental impact to character and residential amenity, by virtue of the loss of existing publicly accessible amenity open space that provides opportunities for informal recreation and enhances the appearance of the residential area, which was provided under planning permission OUT/2000/05189 to meet the requirements of Policies HS4 and GR6 in the Wirral Unitary Development Plan. The proposal would thereby conflict with Policies HS4 & GR6 in the Wirral Unitary Development Plan; Policies CS42, CS6 & CS32 in the Council's emerging Core Strategy Local Plan and with the National Planning Policy Framework (paragraph 74).

Last Comments By: 08/08/2013 11:06:25

Expiry Date: 05/09/2013