

# Planning Committee

23 January 2014

**Reference:**  
**OUT/13/01316**

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

**Case Officer:**  
**Mr N Williams**

**Ward:**  
**Birkenhead and  
Tranmere**

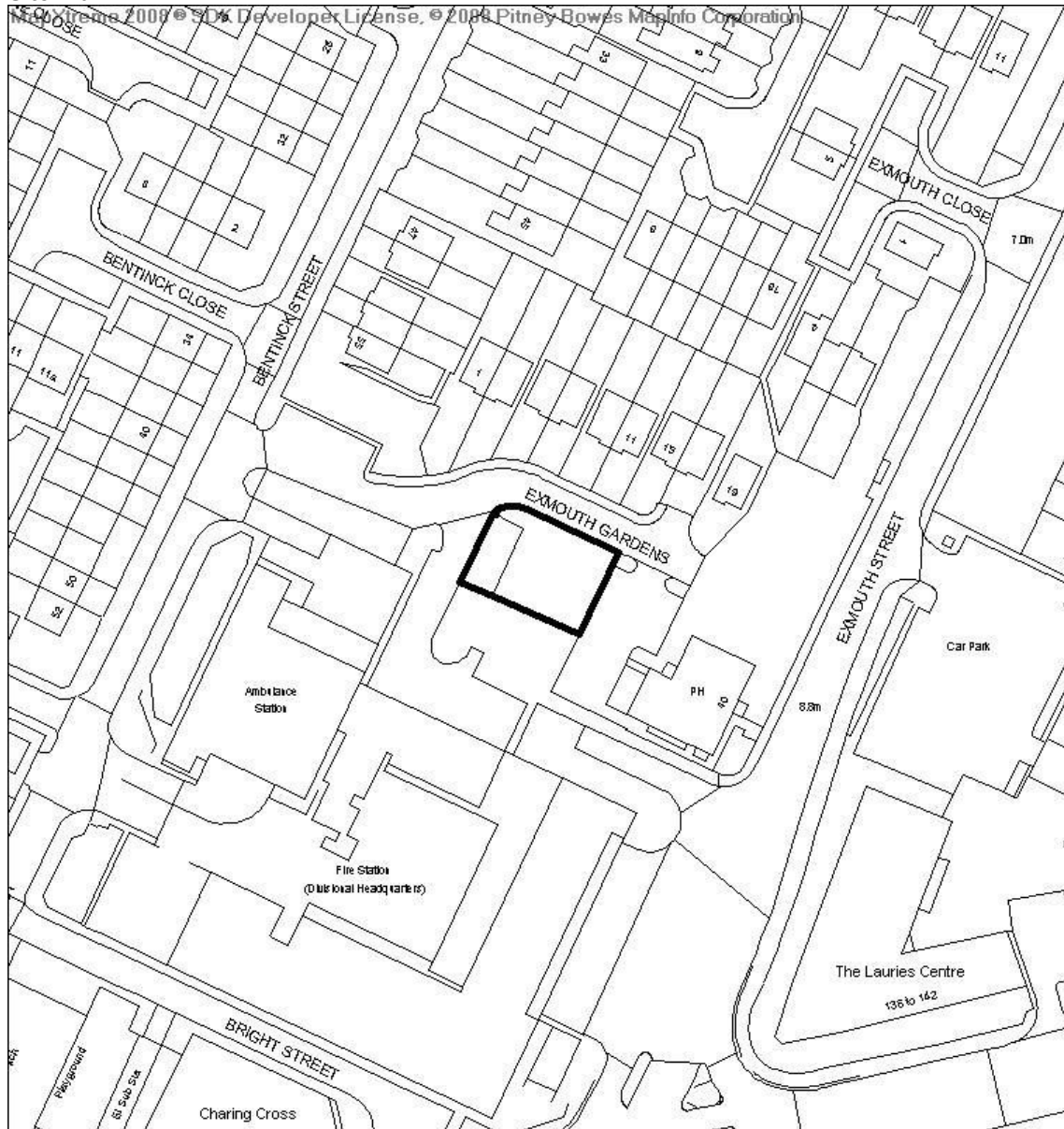
**Location:** Land to the rear of new Birkenhead Community Fire Station,  
EXMOUTH STREET, BIRKENHEAD, CH41 4NF

**Proposal:** Outline planning application (all matters reserved) for 3 no. dwellings

**Applicant:** Wirral Property Group

**Agent :** Spring Architects Ltd

## Site Plan:



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**Development Plan allocation and policies:**  
Primarily Commercial Area

## **Planning History:**

Location: Merseyside Fire Brigade, EXMOUTH STREET, BIRKENHEAD, CH41 4AX  
Application Type: Reserved Matters  
Proposal: Demolition of existing fire station and construction of new community fire station - Reserved matters application of (OUT/2007/5835) for layout, scale, external appearance and landscaping.  
Application No: DLS/10/00582  
Decision Date: 22/07/2010  
Decision Type: Approve

Location: Land to west of (adjacent), The Lord Exmouth P.H., 40 Exmouth Street, Birkenhead., Wirral, CH41 4NG  
Application Type: Full Planning Permission  
Proposal: Erection of two semi detached and three terraced houses.  
Application No: APP/99/06252  
Decision Date: 01/10/1999  
Decision Type: Approve

Location: Land to west of (adjacent), The Lord Exmouth P.H., 40 Exmouth Street, Birkenhead., Wirral, L41 4NG  
Application Type: Full Planning Permission  
Proposal: Erection of six semi detached dwelling houses.  
Application No: APP/99/05088  
Decision Date: 18/03/1999  
Decision Type: Approve

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

### **REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 13 notifications were sent to adjoining properties, a site notice was displayed near the site and the application was advertised as a departure to the development plan. At the time of writing, there had been no objections received.

### **CONSULTATIONS**

Head of Environment & Regulation (Pollution Control Division) - No objection

Head of Environment & Regulation (Traffic and Transportation Division) - No objection

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

### **REASON FOR REFERRAL**

The proposal is a departure from the Unitary Development Plan and therefore, under the current Scheme of Delegation, the application must be determined by Planning Committee.

### **INTRODUCTION**

The application is for the erection of three new dwellings. It is an outline application with all matters reserved - although an indicative site plan shows how three dwellings could feasibly be accommodated on this site.

### **SITE AND SURROUNDINGS**

The application site is a small area of wasteland, located to the rear of the new Birkenhead Community Fire Station - with the site accessed off Exmouth Gardens.

The site is designated in Wirral's Unitary Development Plan as a Primarily Commercial Area. However, Exmouth Gardens itself contains mostly two-storey dwellings and is therefore mostly residential. The site is currently in a poor condition and has a negative visual impact on the setting

and character of the residential area.

### **PRINCIPLE OF DEVELOPMENT & POLICY CONTEXT**

The site is designated as part of a Primarily Commercial Area where retail, employment and non residential institutions such as training centres can be permitted subject to Policy SH6 'Development Within Primarily Commercial Areas' in the Wirral Unitary Development Plan (UDP). UDP Policy SH6 does not make provision for new housing development, therefore the application is a departure from the statutory development plan. If planning permission is to be granted, material considerations, which outweigh the sites designation and the provisions in UDP Policy SH6 must be identified to justify the proposed development.

The National Planning Policy Framework is a significant material consideration and makes it clear that the purpose of the planning system sets a presumption in favour of sustainable development (NPPF paragraphs 18 to 219 constitute the Government's view of what this means in practice). NPPF recognises that residential development can be important to the role of an existing centre and enable provision to be made on suitable sites.

In this particular case, the commercial area is part of the overall centre of Birkenhead, it is separated from the primary shopping area by main highway routes and is mainly utilised by the emergency services. The only access to the application site passes existing residential property in Bentinck Street and Exmouth Gardens. The site is directly opposite modern semi detached house to the north and is enclosed by development for Exmouth Street Fire Station, a public house and ambulation station on the remaining 3 sides.

Given its location, it is considered unlikely that this piece of land would encourage or sustain a speculative commercial development. The applicant has provided some basic evidence which demonstrates there are other small industrial/commercial premises within the immediate area which are unused.

In any case, there is the potential that certain commercial uses could have a harmful impact on the amenities of people living in the residential properties at Exmouth Gardens and Bentinck Street. This could therefore further limit the potential for this site to be utilised in compliance with UDP Policy SH6.

It is not unreasonable to conclude that use of the site for small scale residential development would be much more in keeping with the existing houses in the immediate area. In addition, the site is currently in a poor condition, and development for housing would have a positive benefit in utilising land that currently has a negative impact on the general character of the area. The site is also in sustainable location within walking distance to the shops and services in Birkenhead Town Centre.

Consequently, the material considerations in this particular case, on balance, are considered to weigh in favour of granting planning permission after regard to the sites designation and Policy SH6 in the UDP.

### **APPEARANCE AND AMENITY ISSUES**

As the application is at outline stage, with all matters reserved, the primary issue is the principle of the land being used for residential development. However, an indicative site plan shows that three two-storey dwellings could fit on the site in accordance with the criteria applicable to new housing in primarily residential areas under UDP Policy HS4. It is likely that the proposed dwellings could be built with sufficient separation distances with the existing dwellings on Exmouth Gardens. The dwellings would front onto, and address, the street with their rear boundary being shared with the car park of the Seamus O'Donnells public house. Suitable provision can also be made for bin storage and recycling, ensuring that the proposal will comply with the Joint Waste Local Plan for Merseyside and Halton.

### **SEPARATION DISTANCES**

It is considered that satisfactory separation distances of 21 metres between two habitable windows, and 14 metres between a habitable window and a blank wall, could be met if three dwellings were built on this site.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

The proposed houses are in an accessible location within walking distance of Birkenhead Town Centre and are considered to be a sustainable use of the site.

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

Although the proposal is contrary to the designation of the site and Policy SH6 in the UDP, it is considered that the material considerations in this particular case weigh in favour of granting planning permission. Given the size of site and its location in relation to existing houses, a use which could comply with Policy SH6 is unlikely come forward. The proposal would utilise land that currently has a negative impact on the general character of the area and the site is in an accessible location within walking distance of Birkenhead Town Centre services and facilities. As such, the development of this site for three dwellings is considered to be a sustainable and acceptable use of this land within the terms of the National Planning Framework.

### **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 proposal is contrary to the designation of the site and Policy SH6 in the UDP, However, material considerations in this particular case that weigh in favour of granting planning permission. Due to the size and location of the site in relation to existing houses, it unlikely that a use in compliance with Policy SH6 is unlikely come forward, The proposal would utilise land that currently has a negative impact on the general character of the area and the site is in an accessible location within walking distance of Birkenhead Town Centre services and facilities. As such, the development of this site for three dwellings is considered to be sustainable and an acceptable use of this land within the terms of the National Planning Framework.

**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 or two years from the date of the approval of the last of the reserved matters, whichever is the later.

**Reason:** To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) Layout
- (b) Scale
- (c) Appearance
- (d) Access and
- (e) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

**Reason:** To enable the Local Planning Authority to control the development in detail and to

comply with Section 92(as amended) of the Town and Country Planning Act 1990.

3. Before any construction commences, samples of the 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 SH6 of the Wirral Unitary Development Plan.

4. NO DEVELOPMENT SHALL TAKE PLACE until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policy WM8 of the Waste Local Plan

5. Arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy WM9

**Further Notes for Committee:**

**Last Comments By:** 09/01/2014 15:26:24

**Expiry Date:** 13/12/2013