

# Planning Committee

20 August 2015

**Reference:**  
**APP/15/00604**

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

**Case Officer:**  
**Ms J Storey**

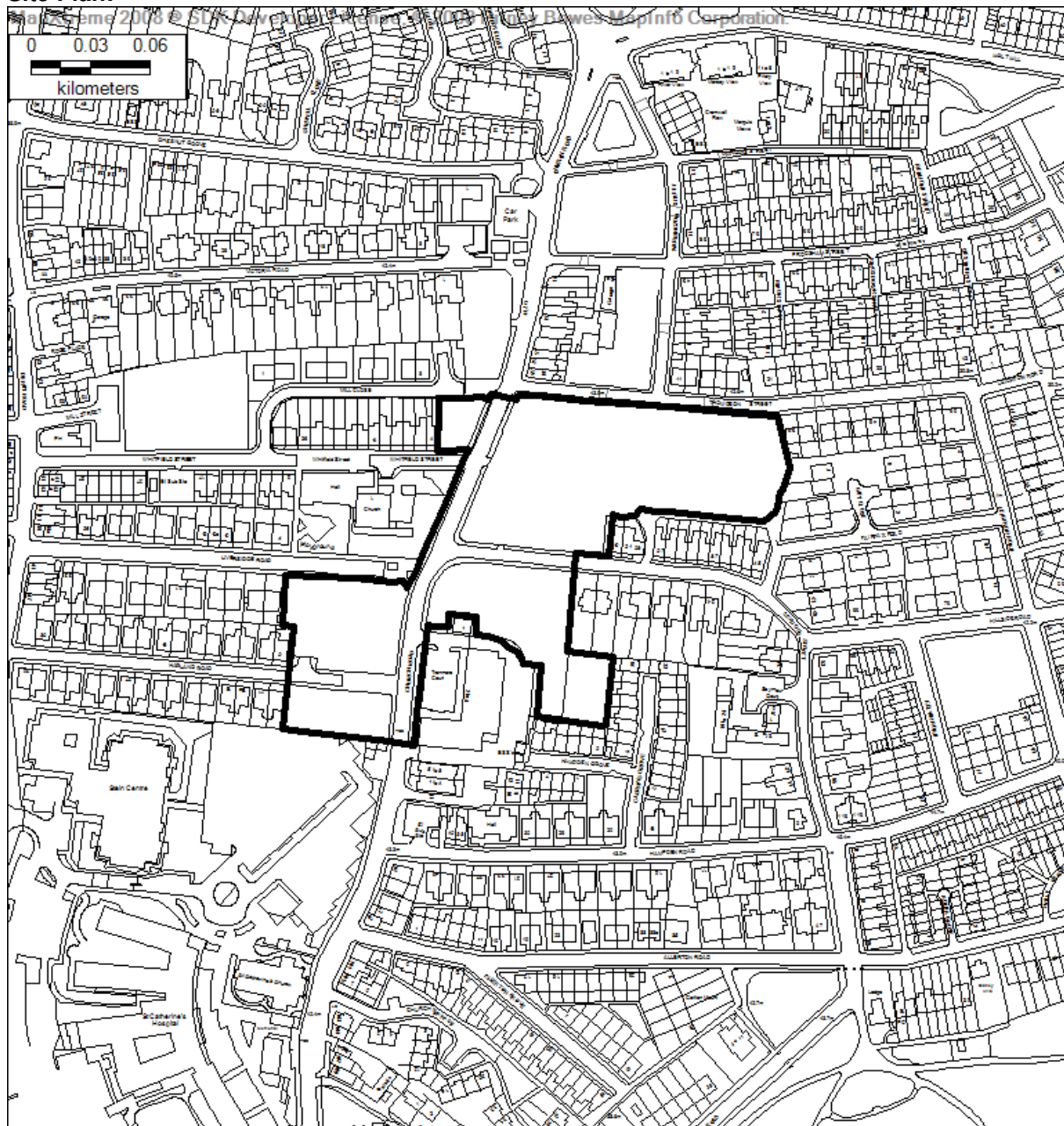
**Ward:**  
**Birkenhead and  
Tranmere**

**Location:** Land at CHURCH ROAD, SEYMOUR STREET & THOMPSON STREET, TRANMERE, WIRRAL CH42 0LG

**Proposal:** Proposed development of 75no residential units comprising of: - 33no 2b4p houses - 20no 3b5p houses - 12no 2b3p flats - 8no 2b3p bungalows - 2no 4b7p 3 storey houses with associated landscaping and roads.

**Applicant:** Lovell  
**Agent :** DK-Architects

## Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: Land bounded by Church Road/Whetstone Lane junction to north and Hampden Road to south, consisting of sites east and west of, Church Road , Tranmere, Wirral, CH42 5LD  
Application Type: Full Planning Permission  
Proposal: Extension of time application for 2007/6066 - Erection of 100no. dwellings, 55no. self-contained apartments and 9no. A1 retail units (Outline)  
Application No: APP/11/00038  
Decision Date: 01/04/2011  
Decision Type: Approve

Location: Land bounded by Church Road/Whetstone Lane junction to north and Hampden Road to south, consisting of sites east and west of, Church Road , Tranmere, Wirral, CH42 5LD  
Application Type: Outline Planning Permission  
Proposal: Erection of 100no. dwellings, 55no. self-contained apartments and 9no. A1 retail units (Outline)  
Application No: OUT/07/06066  
Decision Date: 25/01/2008  
Decision Type: Approve

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

Having regards to the Council's Guidance on Publicity for Applications, 367 notifications were sent to adjoining properties. A Site Notice was also displayed and the application was advertised with a Press Notice in the Wirral Globe. At the time of writing a petition containing 65 signatures has been received against the proposed 12 apartments to be constructed on the corner of Seymore Street and Church Road.

An online comment has also been received concerning the future residents of the scheme.

**CONSULTATIONS:**

**Head of Environment & Regulations (Traffic & Transport Division)** - No objections

**Head of Environment & Regulations (Pollution Control Division)** - No objections

**Wirral Wildlife** - No objections

**United Utilities** - No objections

**Director's Comments:**

This application was most recently considered by the Planning Committee on 23 July 2015 where Members resolved that planning permission should be approved subject to a Section 106 Agreement to secure the provision of some affordable housing. A Section 106 Agreement has to be entered into by a person or persons who have an "interest" in the land. At present, the whole of the site is still under the ownership of the Local Authority and the developers do not yet have any "interest" in any part of the site. The Local Authority cannot enter into a Section 106 Agreement with itself and until such time as the lease agreement has been signed, the developer is unable to enter into a legal agreement with the Local Authority.

The developers have agreed to enter into a Development Agreement with the Council but the signing of such an agreement is not imminent and would normally rely on planning permission having been

granted. The Head of Transformation & Resources (Legal and Member Services Conveyancing Section) has confirmed that the issue of affordable housing provision is a matter that can be dealt with and secured in the Development Agreement.

Planning legislation makes it clear that if a Section 106 Agreement serves no useful purpose then it should not be entered into. Given that the developer is unable to enter into such an Agreement with the local authority at the present time (as it has no interest in the land) and that the issue of affordable housing is capable of being dealt with in the Development Agreement, then it is considered there is little to be gained by seeking to uphold the requirement for the Section 106 Agreement in light of the above.

It is therefore recommended that Members now agree that planning permission be granted without the provision for a Section 106 Agreement as agreed on 23rd July 2015 and to allow the planning permission to be issued. The local authority can be assured that the Developer's Agreement will ensure the provision of 25 units of the proposed 75 units will be let on the basis of an affordable rent tenancy with Regenda having agreed with the Head of Housing the criteria for potential applicants.

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

This application is for 75 residential units. As a Major Development over 50 units this application is required to be considered and determined by the Planning Committee having regards to the Council's approved Scheme of Delegation for the Determination of Planning Applications. A qualifying petition of objection has also been received.

### **INTRODUCTION**

The application area is split into 5 different sites and in total covers 1.58 hectares. This application seeks planning permission for:-

- 55 houses
- 8 bungalows
- 12 flats
- Associated parking and infrastructure.

The site was originally part of the former Church Road Housing Market Renewal Pathfinder Area.

### **PRINCIPLE OF DEVELOPMENT**

The site designated as part of Primarily Residential Area where new housing development is permitted subject to compliance with Policy HS4 in the Wirral Unitary Development Plan (UDP).

### **SITE AND SURROUNDINGS**

The application area has been split into 5 different plots of land as follows:

- Parcel 1 is bounded by Whitfield Road and Church Road. The site originally contained housing but has now been cleared. It is proposed to construct 2 dwellings on this site.
- Parcel 2. the largest of the parcels is bounded by Thompson Street, Seymore Street and Church Road. This is also a cleared housing site is proposed to construct 28 dwellings and apartments within this area. The site is bound by terraced properties.
- Parcel 3 is bounded by Seymore Street and Church Road. The applicants propose to develop this site to include three storey apartment block and 8 houses. This site will contain social housing units and is to be managed and maintained by Regenda.
- Parcel 4 is also a cleared site and is bounded by Liversidge Road, Harland Road and Church Road. 11 units are proposed on this site.
- Parcel 5 is bounded by Liversidge Road and Church Road. 8 dwellings are proposed on this site.

The sites are surrounded by a series of single and two storey residential properties, further afield there is a primary school and St Catherine Community Hospital

### **POLICY CONTEXT**

The following Policies are relevant to this proposal:-

#### **Wirral Unitary Development Plan**

Policy URN1 Development and Urban Regeneration states that full and effective use should be made of

land and focuses on the importance of bringing neglected, unused or derelict land into use.

Policy HS4 - Criteria for New Housing Development indicates that proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on The Proposals Map will be permitted subject to -

- the proposal being of a scale which relates well to surrounding property, in particular regards to density and form
- does not result in a detrimental change in the character of the area
- access and servicing can be satisfactorily accommodated
- appropriate landscaping is proposed
- design features should contribute to a secure a safe environment
- accessible public open space and children's play space
- provision of adequate individual private or communal garden space to each dwelling
- adequate distances between habitable rooms.

Policy HSG2 (Affordable Housing) of the UDP states that the Local Planning Authority will negotiate with developers and housing associations the provision of affordable housing where appropriate.

Policy GR5 the Local Planning Authority will require applicants to submit full landscape proposals before planning permission is granted.

Policy GR6 - Greenspace within new family housing development sets out the need to provide adequate public, open greenspace within development sites.

Policy GR7 - Trees and New Development sets out the criteria to assess the need to protect trees by having regard to health and structure of existing trees with a view to provide replacement trees.

UDP Policy TR9 requires off-street parking to be viewed on the context of overall transport policy and particularly, the need to reduce travel by private car, especially within areas that are well served by public transport.

UDP Policy TR11 indicates that the Local Planning Authority will negotiate with developers of new major development with a view to secure improvements to or provision of cycle friendly infrastructure.

UDP Policy TR12 requires provision of cycle parking where it is considered to be both practicable and desirable.

Development Management Policies in the joint waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources. Policy WM9 also required development to provide measures for waste collection and recycling.

### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that good design is a key aspect which should contribute positively for making places better for people. Sustainable housing development should encompass good design and widen the choice of high quality homes. Development should also make a positive contribution to an area and use opportunities to improve the character of the area.

### **APPEARANCE AND AMENITY ISSUES**

The National Planning Policy Framework recognises the importance of requiring good design in development. Paragraph 56 states that "Good design is a key aspect of sustainable development and is indivisible from good planning, and should contribute positively to making places better for people.

The sites are bounded by a mixture of terrace, semi-detached and single storey dwellings. The pallet of materials within the existing properties is fairly consistent and comprises of mainly red brick, pitched tiled slate roofs and bay windows at ground floor level.

Church Road is the primary frontage, the proposed properties will front onto this road in order to

continue the street scene along this route. The remaining properties will also front Church Road, Seymore Street, Liversidge Road and Harland Road to continue the active frontages in the area. Each of the dwellings contains curtilage parking, with the houses and bungalows have access to the front and private front and rear gardens. The proposed apartments have car and cycle parking at the rear and shared landscaped gardens to the front.

The proposed elevations are complementary to the wider area and will be constructed from a multi red brick and will contain pitched roofs. The architects have advised that a number of traditional features that are also seen within the area including the roof scape and canopies over the front doors but in a more contemporary way in order to "introduce a slight contrast to the area whilst remaining sympathetic to the context".

In terms of scale and massing, the proposed scheme will contain a mix of 1, 2, and 3 storey housing which connects well with the surrounding properties.

### **AFFORDABLE HOUSING**

The applicants have advised that 33% of the proposed properties will be let on an affordable rent tenancy. This can be achieved through a section 106 agreement

### **SEPARATION DISTANCES**

The proposed layout follows the urban grain of existing development in the immediate area in terms of layout, scale and setting. Care has been taken to ensure layout of internal rooms and the positioning of windows (particularly at first floor level) would not give rise to adverse loss of amenity, over-looking or loss of privacy both in terms of existing neighbouring development and within the development itself.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

The applicants have agreed at pre-application meetings to necessary highway works, These include for the upgrade of the Zebra Crossing between Whitfield Street and Thompson Street to a puffin and the upgrade of two bus stops to the latest standards between Whitfield Street and Seymore Street

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

It is considered that the proposed new housing would contribute positively to the sustainable redevelopment of the area.

### **HEALTH ISSUES**

The provision of new housing stock is likely to result in a positive impact on health.

### **CONCLUSION**

The proposed development is considered to be of a scale, design and layout that complement the surrounding development. The proposal will not result in any significant impacts on the amenities of neighbours of surrounding properties or future occupiers through overshadowing, loss of daylight or sunlight or poor outlook. It is considered that the proposed development complies with Policy HS4 of the adopted Wirral Unitary Development Plan and the National Planning Policy 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 policy. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is considered to be of a scale, design and layout that complement the surrounding development. The proposal will not result in any significant impacts on the amenities of neighbours of surrounding properties or future occupiers through overshadowing, loss of daylight or sunlight or poor outlook. It is considered that the proposed development complies with Policy HS4 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

**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. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the facing/roofing/window materials to be used in the external construction of this development have been 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. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and an investigation and risk assessment must be by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
  - i. a survey of the extent, scale and nature of contamination;
  - ii. an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
  - iii. an appraisal of remedial options, and proposals of the preferred option(s).

As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

Where remediation is necessary, a detailed remediation scheme 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 submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land 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 waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regards to Policy HS4 and Policy PO5 of the Wirral Unitary Development Plan.

4. Where remediation is necessary, a detailed remediation scheme 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 submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land 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 waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regards to

Policy HS4 and Policy PO5 of the Wirral Unitary Development Plan.

5. NO DEVELOPMENT SHALL TAKE PLACE UNTIL details of secure parking provision for cycles have been submitted to and approved in writing by the Local Planning Authority. Such provision as may be approved shall be provided before the building(s) hereby permitted is/are occupied and shall be retained permanently thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy TR12 Requirements for Cycle Parking of the adopted Wirral Unitary Development Plan.

6. NO DEVELOPMENT SHALL TAKE PLACE 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. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy HS4 of the UDP.

7. 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 agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy GR5 of the UDP.

8. NO DEVELOPMENT SHALL COMMENCE UNTIL details for the construction of that part of the road which provides access to the site and amendment of the existing highway, including all signing and carriageway markings, footways, traffic calming measures, street lighting, traffic signs, road markings, tactile paving and including the upgrade of the existing zebra crossing between Thompson Street and Whitfield Street and Seymore Street and the provision of two upgraded bus stops have been submitted to and approved in writing by the Local Planning Authority. THE DEVELOPMENT SHALL NOT BE FIRST BROUGHT INTO USE UNTIL the access road has been constructed and laid out in accordance with approved.

**Reason:** To ensure that the access is laid out and constructed in a satisfactory manner.

9. NO DEVELOPMENT SHALL TAKE PLACE until details of a 2.4m x 45m visibility splay extending to the north of the access to Tranmere Court (shopping area) car park access have been submitted to the Local Planning Authority for approval in writing. The approved visibility splay shall be kept permanently clear of any obstruction greater than 1.0 metre in height.

**Reason:** For highway safety reasons, to secure adequate visibility to the north in relation to vehicles leaving the car park at Tranmere Court shopping area.

10. NO DEVELOPMENT SHALL TAKE PLACE until a scheme for the provision and implementation for the discharge of surface water from the site (including surface water from accesses and driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use or the dwellings first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**Reason:** To prevent increase risk of flooding by ensuring that the development can be adequately drained and to comply with saved policies WA1, WA2, WA3, & WA5 of the Wirral Unitary Development Plan.

11. 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 policies WM8 and WM9 of the Waste Local Plan.

12. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS 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 to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

13. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 21st May 2015 and listed as follows: 1129-P-001 rev A, 1129-P-010, 1129-P-105, 1129-P-003, 1129-P-104, 1129-P-101, 1129-P-102, 1129-P-002, 1129-P-000, 1129-P-114, 1129-P-112, 1129-P-106, 1129-P-107, 1129-P-111, 1129-P-109, 1129-P- 106(B), 1129-P-105(B), 1129-P-104(B), 1129-P-105(A), 1129-P-106(A), 1129-P-104(A), 1129-P-103(B), 1129-P-103(A), 1129-P-102(B), 1129-P-101(B), 1129-P-102(A), 1129-P-101(A), 1129-P-107(B), 1129-P-107(A), 1129-P-113 and 1129-P-115)

**Reason:** For the avoidance of doubt and to define the permission.

#### **Further Notes for Committee:**

1. INFORMATIVE - In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure works under the Highways Act. The agreement would include details of the works to be carried out including all necessary street furniture, traffic signs, road markings, traffic regulation orders and appropriate commuted sums, Road Safety Audit (RSA) and RSA Monitoring
2. Several public sewers cross the various sites of which we will not permit building over them.

A modification of the site layout, or a diversion to the affected public sewer at the applicant's expense may be necessary. To establish if a sewer diversion is feasible the applicant must discuss this at an early stage with John Lunt Developer Engineer at wastewaterdeveloperservice@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable

**Last Comments By:** 03/07/2015 10:24:47

**Expiry Date:** 20/08/2015