

Planning Committee

14 September 2017

Reference:
OUT/17/00265

Area Team:
North Team

Case Officer:
Mr N Williams

Ward:
New Brighton

Location: LAND AT FORMER OLD TAVERN CLUB, MAGAZINE LANE, NEW BRIGHTON, CH45 5AD

Proposal: Mews-style development of 13 No. 2-bed and 3 No. 1-bed apartments with access to parking for 10 cars and landscaped gardens on the site of a former night club and premises (Outline)

Applicant: P Horner Property Ltd.

Agent : Mr P Forrest

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: Old Tavern Club,16-18 Magazine Lane,New Brighton,L45 5AD
Application Type: Full Planning Permission
Proposal: New entrance foyer and erection of toilets.
Application No: APP/81/18288
Decision Date: 11/06/1981
Decision Type: Conditional Approval

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

Having regard to the Council's Guidance for Publicity on Planning Applications, 37 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been a qualifying petition of objection containing 53 signatures received, together with 30 individual objections. The objections can be summarised as:

- Insufficient parking;
- Safety issues with vehicle access;
- Overdevelopment of the site;
- Loss of privacy and overlooking;
- Loss of light;
- Noise and disturbance from use of amenity area;
- Street clutter and smell from additional bins;

CONSULTATIONS

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

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

DIRECTORS COMMENTS:**REASON FOR REFERRAL**

A qualifying petition of objection containing 53 signatures was received.

INTRODUCTION

The application is for a residential development of 13 No. 2-bed and 3 No. 1-bed apartments in a two-and-a-half storey building, with access to parking for 10 cars and landscaped gardens, on the site of the former Old Tavern night club.

The application is at outline stage, with access, layout, landscaping and scale to be determined at this stage. The layout depicts a two-and-a-half storey building fronting the site, with a smaller building projecting to the rear of this. Parking will be provided through an undercroft to the west of the site, with private amenity space for future occupiers to the east. The appearance is to be determined in a future reserved matters application.

SITE AND SURROUNDINGS

The site is currently vacant but until recently contained the Old Tavern night club, which was previously a chapel, surrounded by large areas of hardstanding and parking.

The area is designated in the Wirral Unitary Development Plan as a Primarily Residential Area. There is a small bakery adjacent to the site and a small shopping centre on Seabank Road to the east of the site, but the surrounding area is predominantly residential in nature, with most properties in the immediate

area being terraced dwellings.

POLICY CONTEXT

The proposal is acceptable in principle subject to compliance with:

- Wirral Unitary Development Plan Policies HS4: Criteria for New Housing Development, TR9: Requirements for Off Street Parking & TR12: Requirements for Cycle Parking;
- Joint Waste Local Plan Policies WM8 and WM9;
- Supplementary Planning Document 2: Designing for Self-Contained Flat Development and Conversions, Supplementary Planning Document 4: Parking Standards.

The National Planning Policy Framework is also an important material consideration.

There is also a requirement through Policy CS 22 in the emerging Core Strategy Local Plan for this scheme to provide 20% affordable housing provision, with a commuted sum in lieu of on-site provision being sought. The applicant has agreed to this and this will be secured through a Section 106 Agreement.

APPEARANCE AND AMENITY ISSUES

Residential Amenity

The previous use of the site as a nightclub had a significantly harmful impact upon the amenities of neighbouring properties through high levels of noise, disturbance and anti-social behaviour. The redevelopment of the site for residential purposes is therefore much more suitable and is to be welcomed, and would have much less impact upon the amenities of surrounding residential properties.

The previous Old Tavern building was substantial in scale with the tallest part of it being located extremely close to the side/east boundary, adjacent to 2 and 4 Lennox Avenue. The proposed building will be similar in scale but whilst the side/east gable of the proposed building will be in a similar location as the previous chapel, it will be approximately 2 metres lower in height and would be approximately 1 metre further from these residential properties, and it is therefore considered that it will have less of an impact on the amenities of neighbouring properties.

The windows on the main part of the proposed building (at the front of the site) will face to the front and rear. To the front, the site will face the side elevations of 1 and 2 Greenbank Avenue, at a distance of approximately 18 metres. There does not appear to be any primary habitable windows on these side elevations and this distance is therefore considered to be acceptable. The rear windows will look into the site itself, overlooking the parking and amenity area, together with the rear projection and should therefore not harm the amenities of neighbouring properties.

The long and fairly narrow shape of the site means that the windows on the smaller part of the building (to the rear) will face to the side (east and west). The western elevation of this will be true two-storey, and will face the rear elevation of properties on Magazine Avenue, at a distance of approximately 15 metres. This is less than the normal separation distance requirement of habitable windows facing each other - however, the established pattern of development in the immediate area results in separation distances consistently being less than what is proposed. In addition, the neighbouring properties are set higher than the application site which will limit the impact of this on the amenities of occupiers of these properties.

The east elevation is closer to neighbouring properties on Lennox Avenue, being approximately 13 metres away, with these properties also set lower due to the change in land levels. In order to mitigate the impact of the proposal on these properties, the east elevation has been designed so that the first-floor is within the roofspace, with the eaves lower than on the west elevation. This lessens the bulk of the building, whilst also ensuring there is no direct overlooking caused. The first-floor windows have been designed similarly to rooflights but will be positioned low enough to allow for views out over the roofs of the adjacent properties. These windows are only located in four of the new units and will serve one of the bedrooms in each unit and a secondary window for the living area. The design of these windows will therefore ensure that there is no overlooking of neighbouring gardens or properties but will allow for some outlook from the windows, all whilst ensuring that the development makes good use of a brownfield site.

There is a large area of private amenity space provided to the rear of the site, along the boundary of the rear gardens of Lennox Avenue properties, and this area is considered to be of a sufficient size for future occupiers. It is not considered that the use of this area by future occupiers of the development would harm the amenities of neighbouring properties.

Street Scene

As noted, the Old Tavern was a large and substantial building which projected right up to the back of the pavement and as such, it was fairly prominent on the street scene.

The scale and layout of the proposal is to be determined at this stage. The proposed building would be set back on the site by approximately 5 metres, with the main building fronting the site being two-and-a-half storeys high. The buildings either side will be set further forward than the proposed building and given the variety in design and scale of properties in the immediate area, it is considered that a building of such a scale is unlikely to harm the character and appearance of the street scene, or appear as an overdevelopment of the plot.

Whilst the application site itself is level, Magazine Lane and the surrounding area slopes downwards towards the east. This change in levels would result in the proposed building appearing similar in overall height to the two-storey dwelling directly to the west of the site (14 Magazine Lane). Whilst this change in level also means that the height of the building will be taller than Dodgson's Bakery, it would not be excessively so. There are a number of three-storey buildings towards the top of Magazine Lane, as it joins Rowson Street/ Rake Lane, whilst a recently built row of dwellings near this junction has also utilised the roofspace for habitable accommodation. As such, the scale of the proposed building is not considered to be excessive and is considered suitable for this location, which is predominantly an area of high-density residential properties.

The appearance of the scheme is not to be determined at this stage and is reserved for a subsequent application. The applicant has submitted indicative elevations to demonstrate how the proposed units, and the layout of the scheme, could be accommodated. The indicative design is, as presented, not considered to be acceptable. However, the principle of a two-storey building with a further floor of accommodation in the roofspace, utilising dormer windows, is considered to be acceptable. There are numerous examples of front dormers in the immediate area, including adjacent to the site at Dodgson's Bakery, as well as the new development at the top of Magazine Lane, as noted above.

SEPARATION DISTANCES

Separation distances are dealt with in more detail above.

HIGHWAY/TRAFFIC IMPLICATIONS

Ten off-street parking spaces have been provided within the site, utilising an existing access off Magazine Lane through an undercroft in the proposed building. Whilst this is less than the number of units proposed, it is considered to be acceptable in this instance given that the site is in a sustainable location close to local amenities and with a number of bus routes passing by or near to the site.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The applicant has submitted preliminary details about drainage, and a condition can be attached to ensure that full details are submitted with the reserved matters application. The maintenance of any future sustainable drainage systems will be secured through a Section 106 Agreement.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

This outline application proposes the redevelopment of a site used most recently for a non-conforming, harmful use and the proposed residential development will have less impact upon the amenities of the neighbouring properties and the overall character and appearance of the area. The proposal is considered to be acceptable under WM8 and WM9 comply with Wirral Unitary Development Plan Policy HS4, TR9, TR12, supplementary Planning Document 2 and 4, 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 advice. In reaching this decision the Local Planning Authority has considered the following:-

This outline application proposes the redevelopment of a site used most recently for a non-conforming, harmful use and the proposed residential development will have less impact upon the amenities of the neighbouring properties and the overall character and appearance of the area. The proposal is therefore considered to comply with Wirral Unitary Development Plan Policy HS4,TR9 and TR12 Supplementary Planning Document 2 and 4, and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. NO DEVELOPMENT SHALL COMMENCE ON SITE UNTIL details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority, no later than three years from the date of this permission.

(a) The external **appearance** of the development;

The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the detail of the development and to comply with Section 92 of the Town and Country Planning Act (as amended).

3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 29th March 2017 and listed as follows: TAV01; TVN003; TVN004; TVN005; TAV06; TVN007; TVN008; TVN009; TVN010; TVN011; TVN013; TVN014; TVN015; TVN016; TVN017; TVN018; TVN019; TVN021; TVN022;

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

4. 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 HS4 of the Wirral Unitary Development Plan.

5. PRIOR TO COMMENCEMENT OF DEVELOPMENT full details of alterations to the waiting restrictions fronting the site on Magazine Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the development

Reason: In the interests of highway safety

6. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking

and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

7. PRIOR TO COMMENCEMENT OF DEVELOPMENT a full scheme of works for the construction of the new vehicle access from the highway and amendments to the existing highway made necessary by this development, including a new vehicle crossing in accordance with LPA crossing specifications, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in full prior to first occupation of the development

Reason: In the interests of highway safety

8. PRIOR TO COMMENCEMENT OF DEVELOPMENT, detailed drawings indicating the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent properties

9. No development shall take place before details of a scheme of landscaping, which shall include details of both hard and soft landscaping works and earthworks, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will protect the character and appearance of the site and to ensure the proposed development enhances the visual amenity of the locality, having regard to Policy GR5 of the Wirral Unitary Development Plan.

10. 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 in the Joint Waste Local .

11. No development shall take place before details of the positions, design, materials and type of boundary treatment (including the provision of locked gates to the alleyways accessing the communal bin facilities) to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties, and in the interests of designing out crime, to accord with Policies HS4 of the Wirral Unitary Development Plan.

12. As part of an application for the approval of reserved matters full details of a scheme for a surface water sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development shall be submitted for consideration by the Local Planning Authority in consultation with Lead Local Flood Authority. The approved scheme shall be implemented in full and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework, Paragraph 103 and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council's Highway Management team, area manager via www.wirral.gov.uk prior to the commencement of development for further information.

Consent is required for the formal closure of an existing highway. All costs will be recharged to the applicant, who should contact the Council's Highway Management team via www.wirral.gov.uk for further information.

2. Details of a scheme for a surface water sustainable drainage system, comprising all components of the surface water drainage system, should include:
 - a) Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year + appropriate allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
 - b) Demonstrate that the surface water run-off would not exceed the pre-development greenfield runoff rate for an existing greenfield site or 5 l/s, whichever is greater;
 - c) Demonstrate that the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event, does not exceed the greenfield runoff volume for the same event;
 - d) Include details of a site investigation (which should be carried out prior to design) and where infiltration is proposed, covering at a minimum:
 - i. Variations in soil conditions
 - ii. Areas of filled land
 - iii. Preferential underground seepage routes
 - iv. Variations in the level of groundwater
 - v. Any geotechnical/geological factors likely to affect the long term percolation and stability
 - vi. Evidence of water table depth and that groundwater does not rise to a level within 1m of base of proposed soakaway during annual variations in the water table
 - e) Where infiltration is proposed, results of a rate test utilising a soakage trial pit of the same depth as the full size soakaway;

- i. Filled and allowed to drain 3 times to near empty
- ii. Conducted on the same/consecutive days
- iii. Conducted where the drain will discharge to soakaway
- f) Topography and finished floor levels. Include details of how any flood water, including depths, will be safely managed in exceedance routes;
- g) Where applicable, secure arrangements for adoption by an appropriate public body or statutory undertaker;
- h) Include a timetable for implementing the scheme.

Last Comments By: 02/05/2017
Expiry Date: 28/06/2017