

Planning Committee

21 June 2018

Reference:
APP/18/00431

Area Team:
South Team

Case Officer:
Mr N Williams

Ward:
Bromborough

Location: Land adjacent to 168 BOLTON ROAD EAST, NEW FERRY, WIRRAL,
CH62 4RU

Proposal: Erection of 9 No. apartments in a three-storey building

Applicant: Grisedale Developments

Agent : M F Architecture Ltd

Site Plan:



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Development Plan designation:

Primarily Industrial Area

Planning History:

Location: Land east of 168, Bolton Road East, west of depot, Dock Road North, Bromborough.
Application Type: Work for Council by outside body
Proposal: Erection of a single storey light industrial/storage unit, (outline).
Application No: OUT/89/05999
Decision Date: 14/06/1989
Decision Type: Approve

Location: Land east of 168, Bolton Road East, west of depot, Dock Road North, Bromborough.
Application Type: Full Planning Permission
Proposal: Erection of single storey building for the manufacture of concrete products together with associated external storage, new access and car parking.
Application No: APP/91/05059
Decision Date: 22/04/1991
Decision Type: Refuse

Location: Land east of (adjacent) 168 Bolton Road East, fronting Dock Road North Bromborough, WIRRAL, CH62 4SG
Application Type: Outline Planning Permission
Proposal: Erection of four dwellings and two apartments (outline).
Application No: OUT/99/06611
Decision Date: 22/10/1999
Decision Type: Refuse

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Councillor Warren Ward has requested that the application be taken out of delegation due to concerns about the adverse effect on the residential amenity of neighbours, by reason of overlooking, loss of privacy and overshadowing.

Having regard to the Council's Guidance for Publicity on Planning Applications, 19 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been 24 objections received, objecting on the grounds of:

- Excessive scale and inappropriate design;
- Overlooking;
- Insufficient parking;
- Loss of light and privacy;
- Loss of green/amenity space;
- Too close to industrial land;
- Increased noise;

CONSULTATIONS

Highways - No objection

Environmental Health - No objection

DIRECTORS COMMENTS:

REASON FOR REFERRAL

Councillor Warren Ward has requested the application be taken out of delegation. In addition, the application is a departure from the Unitary Development Plan.

INTRODUCTION

The application is for the erection of 9 No. apartments.

SITE AND SURROUNDINGS

The site is an open area of grass located towards the end of Bolton Road East, as it turns into Dock Road North. The site is designated in the Wirral Unitary Development Plan (UDP) as a Primarily Industrial Area, although the site directly adjoins residential properties (within a Primarily Residential Area) to the north-west. Additionally, there is a new residential development opposite the site which has been built within a Primarily Industrial Area. This site contributes positively to the character of this area, which previously was much more industrial in appearance and character. The site adjoins an access to the former Land and Marine site to the south, with the Port Sunlight River Park beyond that.

POLICY CONTEXT

Given that the site is designated as a Primarily Industrial Area, the proposal is subject to Wirral UDP Policy EM8. This policy states that only uses falling with Classes B1, B2 or B8 or the expansion of existing businesses will be permitted within these areas and therefore, as noted above, the application is a departure from the statutory development plan. Consequently, material planning considerations in favour of the proposed development that outweigh the provisions in the UDP need to be identified before planning permission can be granted.

The main material considerations include the current guidance in the National Planning Policy Framework (NPPF), the emerging Core Strategy Local Plan with its supporting evidence, and whether the loss of employment land can be justified in this particular case.

The NPPF expects the Local Planning Authority to contribute to achieving sustainable development; help achieve economic growth, treat the application on its merits having regard to market signals and relative need for different land uses to support a sustainable community if there is no reasonable prospect of the site being used for the designated purpose, secure high quality design and a good standard of amenity for all.

NPPF is taken into account in Policy CS17 in the emerging Core Strategy Local Plan, which enables alternative uses to be considered where:

- the site is not suitable for one of the priority sectors set in Policy CS14 such as greener growth industries, flexible business space for start ups and SME's ; and
- there has been continuous 12 month* marketing of the site for employment purposes at realistic prices and there is no reasonable prospect of the site being re-used for employment purposes;
- an ongoing supply of available, suitable, developable employment land would be retained; and
- the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; or,
- the development is necessary to secure employment development that would not be otherwise viable.

(*amended in Proposed Modifications published in July 2013 to reduce the marketing period from 24 to 12 months).

This site has been marketed in the past for industrial purposes with no interest emerging and the applicant contends that the site is not suitable for industrial use due to its small size and irregular shape, together with its location directly adjacent to residential properties.

In relation to the area where the application site is, the Wirral Employment Land and Premises Study 2012 indicates that "much of the industrial area outside the designated area of the Wirral International Business Park, to the north of the Dibbin between New Chester Road and the landfill site along the Bromborough coast, can only be accessed through the residential areas at Bolton Road East. The Council has already decided to grant planning permission for housing at Dock Road North, which may lead to further proposals being submitted for other sites within this area. This is a relatively underused and underdeveloped area. Although the frontage area is prominent, access is poor and the few buildings are of relatively low quality. Regeneration for alternative uses would not have serious consequences to Wirral's economy or property market."

Planning permission granted in 2009 for 74 dwelling on the Former Park Hampers Factory (ref: 07/0776) has been implemented opposite the site on the other side of Dock Road North, whilst major

housing development is also taking place at the White Bridge site with access from the A41 (15/0136, 16/00807 & 17/01089 refer).

As the site can only be accessed via Bolton Rd East and Dock Rd North via the adjacent residential area it can be accepted that the use of the site for residential purposes would be more in keeping with the changing character of the wider area and less harmful to the amenities of the occupiers of surrounding properties.

In addition to the above, the proposed development is also subject to Wirral UDP Policy HS4: Criteria for New Housing Development and Supplementary Planning Document 2: Designing for Self Contained Flat Developments and Conversions. These policies state that residential schemes should not result in a detrimental change in the character of the area, should be of a scale which relates well to the surrounding area, and should promote good design and layout. Policy WM9: Sustainable Waste Management Design and Layout for New Development in the Joint Waste Local Plan is also relevant.

APPEARANCE AND AMENITY ISSUES

The proposed building has been reduced in scale from the original plan, with the top floor now being incorporated more within the roofspace and the overall height being reduced from 11.7m to 9.8m, with the main central roof being reduced to 8.7m. This will reduce the bulk and visual impact of the proposal and ensure that it is more in keeping with the character of the surrounding area. The new residential development opposite the site contains examples of two-storey properties with front dormers to allow for accommodation in the roofspace, and although the proposed building will be slightly larger in scale than these properties, the principle of two-and-a-half storey properties is not completely alien within the street scene. The provision of accommodation within a second-floor (and the roofspace) is considered to make good use of this site without having a harmful impact upon the character of the area.

The proposed building will not project any further forward than the adjacent dwellings and will therefore continue the established building line along Bolton Road East. Whilst it will project further to the rear, the site has a substantial depth and the footprint of the proposed building is not considered to be excessive in relation to the size of the site. The main rear projection will be almost 7 metres from the boundary with 168 Bolton Road East and this, together with the proposals compliance with the 45 degree rule for the nearest habitable window on this neighbouring property, is considered to be sufficient to ensure that it does not have an unacceptable adverse impact upon the amenities of the neighbouring property.

The design of the proposed building will incorporate two front-facing gables, with front dormers and a front entrance canopy, providing sufficient interest and variation within the main front elevation. The proposed materials will be brickwork, which will not be out of character within this area given that there is a mixture of brick and render properties along Bolton Road East.

The proposed development will provide one off-street parking space per unit to the rear of the building, together with areas of landscaping and private amenity space. Given the fairly substantial scale of the site, the provision of 9 units with parking and sufficient amenity space is considered to be a good use of the site and will not appear as an overdeveloped or cramped scheme.

SEPARATION DISTANCES

The proposed building will be a distance of approximately 23 and 25 metres from the dwellings opposite the site on Bolton Road East, which complies with the required separation distances.

HIGHWAY/TRAFFIC IMPLICATIONS

As noted, the proposed development will incorporate 9 off-street parking spaces within a parking area to the rear of the building, which amounts to one space per unit. This is considered to be sufficient and there is therefore no justifiable reason to warrant refusal of the application on highway grounds.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Although there is no provision for the proposed development in UDP Policy EM8, it can be accepted that there is no realistic prospect of this site being developed for industrial purposes. It is likely that any such use would be incompatible with the increasing residential character of the neighbouring area. The proposal will not harm the character of the area or the amenities of neighbouring properties and therefore complies with Wirral Unitary Development Plan Policy HS4, SPD2 and the National Planning Policy Framework. On balance, planning permission should be granted subject to conditions.

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:-

Although there is no provision for the proposed development in UDP Policy EM8, it can be accepted that there is no realistic prospect of this site being developed for industrial purposes. It is likely that any such use would be incompatible with the increasing residential character of the neighbouring area. The proposal will not harm the character of the area or the amenities of neighbouring properties and therefore complies with Wirral Unitary Development Plan Policy HS4, SPD2 and the National Planning Policy Framework. On balance, planning permission should be granted subject to conditions.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 10th April 2018 and listed as follows: 726.02; and 726.04, and the amended plans received on 22nd May 2018 and listed as: 726.03d; and 726.05b

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

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 HS4 of the Wirral Unitary Development Plan.

4. PRIOR TO COMMENCEMENT OF DEVELOPMENT, full details of proposed hard and soft landscaping (including all proposed boundary treatment) 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity

5. Construction of the development authorised by this permission shall not begin until the Local Planning Authority (LPA) has approved in writing a full scheme of works for the construction of the new vehicle access from the highway and any amendments to the existing highway made necessary by this development, including details of the new vehicle access in accordance with LPA commercial crossing specification and amendments to the footway to Dock Road North. The approved works shall be completed in accordance with the LPA

written approval and prior to occupation of the development.

Reason: In the interests of highway safety having regard to Wirral Unitary Development Plan Policy HS4

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. NO DEVELOPMENT SHALL TAKE PLACE until an assessment carried out in accordance with authoritative technical guidance (CLR11) has been submitted to and approved in writing by the Local Planning Authority. If any contamination posing unacceptable risks is then found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority.

The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the land is suitable for the proposed residential use

8. Further to Condition 7, if during the course of development any contamination posing unacceptable risk is found which has not been previously identified, additional measures for the remediation of the land shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority

Reason: To ensure the land is suitable for the proposed residential use

9. 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 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 WM9 of the Waste Local Plan.

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.

Last Comments By: 09/05/2018 11:48:48

Expiry Date: 05/06/2018