

**Planning Committee**

**30 May 2019**

**Reference:**  
**APP/19/00206**

**Area Team:**  
**Development  
Management Team**

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

**Ward:**  
**New Brighton**

**Location:** Land at former Old Tavern Club, MAGAZINE LANE, NEW BRIGHTON, CH45 5AD

**Proposal:** Construction of 14 no. 2 bedroom self-contained flats with new access and associated parking and landscape works

**Applicant:** WGJ Property Ltd  
**Agent :** Architecture Works Ltd

**Qualifying Petition:** Yes, Number of Signatures: 37

**Site Plan:**



**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: LAND AT FORMER OLD TAVERN CLUB, MAGAZINE LANE, NEW BRIGHTON, CH45 5AD  
Application Type: Outline Planning Permission  
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)  
Application No: OUT/17/00265  
Decision Date: 14/09/2017  
Decision Type: Refuse

Location: Land At Former Old Tavern Club, MAGAZINE LANE, NEW BRIGHTON CH45 5AD  
Application Type: Outline Planning Permission  
Proposal: Mews-style development of 12 No. 2 bed and 2 No. 1 bed apartments with drive-through access to parking for 14 No. cars and landscaped gardens on the site of a former night club and premises (Outline)  
Application No: OUT/18/00047  
Decision Date: 14/05/2018  
Decision Type: Approve

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS****REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 23 notifications were sent to adjoining properties. At the time of writing, there had been a petition of objection received containing 35, together with 3 standard letters of objections. The objections can be summarised as:

1. Loss of privacy;
2. Out of keeping with local dwellings;
3. Insufficient refuse storage;
4. Drainage concerns

One comment was received in support of the proposal.

**CONSULTATIONS**

**Highways** - No objection subject to condition and Section 106 Agreement to amend parking bay in front of the site

**Environmental Health** - No objection

**Lead Local Flood Authority** - No objection subject to conditions

**3.1 Site and Surroundings**

3.1.1 The site is currently vacant but until recently contained the Old Tavern night club, surrounded by large areas of hardstanding. The site is therefore previously developed land. The site is in a fairly poor condition and detracts somewhat from the character of the area.

3.1.2 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.

3.1.3 The site benefits from outline planning permission for 14 apartments under reference OUT/18/00047.

### **3.2 Proposed Development**

3.2.1 The application is for the erection of 14 apartments, located within two separate buildings - one fronting on Magazine Lane containing 8 apartments and a further building to the rear containing an additional 6 apartments.

### **3.3 Development Plan**

3.3.1 The proposal is subject to Wirral Unitary Development Plan Policy HS4: Criteria for New Housing Development, Supplementary Planning Document 2: Designing for Self-Contained Flat Development and Conversions, Supplementary Planning Document 4: Parking Standards.

### **3.4 Other Material Planning Considerations**

3.4.1 The National Planning Policy Framework is also relevant, and supports the Government's objective of significantly boosting the supply of homes, whilst also encouraging developments to make optimal use of the potential of each site.

### **3.5 Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of development;
- Design & Scale;
- Amenity;
- Highways; and
- Ecology

### **3.6 Principle of Development:**

3.6.1 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 would have much less impact upon the amenities of surrounding residential properties. The principle of a residential development on this site is therefore considered acceptable, as has been established through the extant outline planning permission.

3.6.3 As with the outline planning permission, the proposal is subject to a 20% affordable housing requirement. This will take the form of a commuted sum and has been agreed with the applicant, with this being secured through a Section 106 Agreement.

### **3.7 Design & Scale:**

3.7.1 The Old Tavern was a large and substantial building which projected right up to the back of the pavement and was fairly prominent on the street scene. The proposed building would be set back on the site by approximately 2.5 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, 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. The scale of the proposed building on the street scene is extremely similar to that approved under OUT/18/00047.

3.7.2 Whilst the application site itself is mostly 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 Dodgshon's Bakery (a two-storey building with a front dormer), 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. The scale of

the proposed building is therefore not considered to be excessive and is considered suitable for this location, which is predominantly an area of high-density residential properties.

- 3.7.3 As touched upon above, the principle of front dormer windows is considered acceptable given that there are numerous examples of front dormers in the immediate area, including adjacent to the site at Dodgshon's Bakery, as well as a recent development at the top of Magazine Lane. The design of the proposed building incorporates a mix of brick and render, with a number of large windows and small, modern dormers. The front elevation is of a good design, is considered suitable for this area and will make a positive contribution to the character of the street scene.
- 3.8 Amenity:
- 3.8.1 As noted, 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 have less of an impact on adjoining properties than the previous building on the site.
- 3.8.2 In order to make effective use of the site, its long and fairly narrow shape means that windows in the smaller building (to the rear) will face to the side (east and west). The siting of this building is similar as the extant permission, with a parking area sited between the new building and properties on Lennox Avenue in order to lessen the impact on properties to the east, which are set lower than the application site.
- 3.8.3 This rear building will remain as a true two-storey with a flat roof in order to minimise its scale. It will face the rear elevation of properties on Magazine Avenue to the west, at a distance of approximately 12.5 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 and perhaps more importantly, the neighbouring properties are set higher than the application site and this will substantially limit the impact of this building on the amenities of occupiers of these properties.
- 3.8.4 Consistent with the extant permission, the eastern elevation will be approximately 17 metres from properties on Lennox Avenue. As noted, the properties on Lennox Avenue are set lower than the application site. The outline permission indicated that first-floor windows on this elevation would be within a mansard roof, which would give full protection to neighbouring properties with views directed over the adjacent houses. This current scheme, however, proposes a more traditional elevation with first-floor windows facing towards the rear of houses on Lennox Avenue.
- 3.8.5 There are three apartments on the first-floor of this building, with a total of 11 windows on the eastern elevation. 5 of these windows would serve either bathrooms or stairways and could therefore be obscurely glazed in order to protect the amenities of properties on Lennox Avenue. This would subsequently leave only 6 bedroom and kitchen windows on this elevation which would require clear glazing. As noted above, the established pattern of development within the immediate area consistently results in separation distances much less than that normally required, and given the small number of proposed windows involved, the benefits from developing the site, and the constraints posed by the shape of the site, it is considered that this element of the proposed development can therefore be supported.
- 3.8.6 The windows on the 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 building to the rear and should therefore not harm the amenities of existing neighbouring properties.
- 3.8.7 There is an area of private amenity space provided to the rear and side of the site, along the western boundary, 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.

- 3.9 Highways:
- 3.9.1 Fourteen off-street parking spaces have been provided within the site, which amounts to one per unit. They will be accessed via an under-croft in the proposed building. The site is within a sustainable location close to local amenities and with a number of bus routes passing by or near to the site, and this level of parking provision is therefore considered to be acceptable. A secure cycle store is incorporated into the plans, as is a refuse store.
- 3.9.2 The creation of the new access will, however, result in the loss of some of the on-street parking which serves the adjacent bakery and surrounding area, although the removal of the redundant access will allow for one further space to be created. A Traffic Regulation Order is required in order to alter this, and a commuted sum is therefore sought, to be secured through a Section 106 Agreement.
- 3.10 Ecology:
- 3.10.1 The applicant has submitted a Drainage Strategy which has been considered as acceptable by the Lead Local Flood Authority, subject to the attached 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:-

The proposed redevelopment of this site, used most recently for a non-conforming and harmful use, 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, Supplementary Planning Document 2 and 4, and the National Planning Policy Framework.

**Recommended Decision:** **Approve subject to Section 106 Agreement**

### **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 11th February 2019 and listed as follows: L01; L02; L03; L05; L06 and the amended plan received on 29th April 2019 and listed as: L04 Revision B  
**Reason:** For the avoidance of doubt and to define the permission.
3. Before any construction above ground level 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. Notwithstanding the details shown on the plans, prior to first occupation of the development full details of the secure covered cycle parking and/or storage facilities shall be 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.

5. 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 interest of highway safety

6. 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

7. No development above ground level 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 no later than 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

8. Prior to first occupation, full details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to first occupation and retained as such thereafter

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

9. All bathroom and stairwell first-floor windows in the eastern elevation of the building to the rear of the application site ('Block 2') shall be obscurely glazed prior to first occupation and retained as such thereafter

**Reason:** In the interest of residential amenity having regard to Wirral Unitary Development Plan Policy HS4

10. No development shall commence until the final detailed sustainable drainage design, in the form of a 'Confirmed/ Final' Sustainable Drainage Strategy, for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The details of the 'Confirmed / Final' Sustainable Drainage Strategy must follow the drainage

hierarchy and be in accordance with DEFRA's technical standards for sustainable drainage systems and The SuDS Manual (C753) and meet all requirements, including submission requirements, of Wirral Council's 'Sustainable Drainage Technical Guidance.' The development shall be subject to a limiting discharge rate of 5 l/s for surface water.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

11. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be **fully constructed prior to occupation** in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, 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](http://www.wirral.gov.uk) prior to the commencement of development for further information
2. With regards to Condition 10, Final Detailed Sustainable Drainage Design shall comply with DEFRA's technical standards for sustainable drainage systems and include:
  - Justification of final design
  - Where infiltration is proposed, infiltration test results, trial pit records and completed table B.6 Infiltration assessment checklist from The SuDS Manual C753
  - Drawings to include:
    - Final layout of roads and properties including plot numbers, finished floor levels and boundaries with exceedance routing clearly shown
    - Final layout of soakaways; sewers; outfalls; SuDS; flow controls and overland flow paths (designed for exceedance)
    - Invert levels (to OS datum), cover levels, manhole and pipe sizes; pipe gradients; SuDS; materials; emergency overflows and annotation that correlates to the hydraulic calculations
    - Above ground storage areas hatched on plan with depths and safe access/egress routes indicated
  - Hydraulic modelling for final drainage strategy to include:
    - System performance for the following return periods; 1, 30, 100 plus

- appropriate climate change allowance
- System performance demonstrating adequate storage for the 1 in 100 year critical rainfall event (plus appropriate climate change allowance and correct FoS)
- Design criteria summary, Full network details table, Contributing area summary, Control/storage structure details, Results summary print outs
- Volumetric runoff co-efficient (Cv) should be set to 100%
- Sensitivity checking for climate change at 40% if lower allowance used for piped solution. 40% must be used for soakaway design.
- Timetable demonstrating completed SuDS construction prior to occupation
- Provisional Operation and Maintenance Plan

**Last Comments By:** 20/03/2019  
**Expiry Date:** 13/05/2019