

Planning Committee

31 March 2011

Reference:
APP/11/00038

Area Team:
South Team

Case Officer:
Mr K Spilsbury

Ward:
**Birkenhead and
Tranmere**

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

Proposal: Extension of time application for 2007/6066 - Erection of 100no. dwellings, 55no. self-contained apartments and 9no. A1 retail units (Outline)

Applicant: Lovell Partnerships Ltd
Agent : DK Architects

Site Plan:



Development Plan allocation and policies:

Primarily Residential Area

Planning History:

OUT/2007/6066 - Erection of 100no. dwellings, 55no. self-contained apartments and 9no. A1 retail units (Outline) APPROVED 25/01/2008

app/2009/5518 Construction of a new neighbourhood centre of primarily retail floor space in 7 units all anchored by a convenience store, includes access, circulation and parking. Landscaping & refuse storage APPROVED 23/06/09

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

A number of site notices were posted outside the site.

At the time of writing this report 1 letter of objection has been received, 49a Frodsham street

- lack of facilities for local residents
- buisnesses un able to develop

CONSULTATIONS

Director of Technical Services – Traffic Management: No objections subject to previous conditions being implemented

DIRECTORS COMMENTS:**INTRODUCTION**

The proposal is for an extension of time on an extant planning permission. The proposed development is an outline application for the erection of 100no. Dwellings, 55no. Self contained apartments and 9no. Class A1 use retail units. A previous condition reserved all matters for subsequent approval.

The original outline planning permission expired on 25th January 2011, however as this proposal was submitted prior to permission expiring (11/01/11) it is still considered valid.

PRINCIPLE OF DEVELOPMENT

The proposal is for an extension of time to a previously approved outline planning application. The principle of the development is acceptable subject to an additional condition to take account of National Planning Policy PPS4 'Planning for Sustainable Economic Growth' and to be consistent with a full planning permission for an amended retail development approved in 2009 within the application site.

SITE AND SURROUNDINGS

The Church Road site forms the Local Centre to the surrounding area located 1km south of Birkenhead Key Town Centre. The site lies to the north of the local centres of Rock Ferry and New Ferry. It comprises an irregular shaped parcel of land which is approximately 3.35 ha in area and is home predominantly to a number of terraced properties aligned along north to south and east to west streets. Church Road contains a number of local shops in the form of a linear north-south orientated street. The street is fronted by antiquated buildings that are in a poor state of repair and many of which, currently lie vacant. The site is bounded by the Warrington Street, Seymour Street and Thompson Street to the east and incorporates the buildings along Church Road to the west.

POLICY CONTEXT

There are two previous planning permissions for this site. Outline approval for 100 dwellings, 55

self-contained apartments and 9 retail units (OUT/07/6066), which this planning application seeks to renew, and an additional full planning permission granted on 23 June 2009 for a centre including 8 shops on part of the site where the retail element of the outline scheme would be located. (APP/09/05518 refers).

In terms of the previous permissions for this site, the redevelopment that takes part within the designated residential area was considered acceptable in under National Planning Policy PPS3 and Unitary Development Plan Policy HS4. The shop units were also acceptable under the terms of UDP Policies SH4 and HS15.

Shops are normally directed to existing centres, subject to the new sequential and impact tests introduced on 29 December 2009 through National Planning Policy PPS4. However, in this particular case, the scheme is aimed at creating a more sustainable community to address housing market failure which includes the replacement of existing dilapidated shops in Church Road. The economic and physical regeneration benefits that can be accrued from this proposal weigh in favour of renewing the planning permission under the terms of PPS4, Policy EC10.

The 2009 permission for the retail centre was subject a condition to control the amount of floorspace for each use class within the retail element. PPS4, Policy EC19 makes it clear that Local Planning Authorities should make effective use of conditions to proactively manage the impacts of development. An additional condition to limit the retail floorspace and unit size is considered necessary to continue to protect the character of the area and avoid undue impact on existing centres.

The proposal to re-develop Church Road is consistent with the intentions of National and Regional Policy and of the Masterplan to deliver a site for redevelopment to enable the comprehensive housing market restructuring needed in the area.

The Church Road Master Plan has been adopted by the Council and as such can be used as a material consideration in the determination of applications for that area. In the context of Church Road, this is exactly the type of opportunity that is being made available.

Should members be minded to approve the planning application a condition will be imposed to secure a scheme of affordable housing as part of the development.

APPEARANCE AND AMENITY ISSUES

It is considered that the urban form/design principles employed by the applicant reflect the requirement to provide a development of the highest design quality, which stimulates the senses of its users, provides well enclosed spaces; and is legible, safe and secure. The proposal seeks the extension of time for the outline as a whole which will allow additional time to submit any details.

SEPARATION DISTANCES

The proposal for Outline consent for 100no. Dwellings, 55no. Self contained apartments and 9no. Class A1 use retail units has been approved with all matters reserved for subsequent approval, this proposal will give the site an additional 3 years in which to submit reserved matters therefore the scale, landscaping, means of access, layout and appearance of the houses will be determined as part of the reserved matters submission.

HIGHWAY/TRAFFIC IMPLICATIONS

The outline application originally included the upgrading of an existing zebra crossing on Church Road to a Puffin Crossing and the provision of a new Puffin crossing near to the proposed shops as well as the upgrading of 4 bus stops on Church road. These requirements were originally to be achieved through a section 106 however this was subsequently altered by Planning Committee to be included within the Development Appraisal and met by a transfer of funds from HMRI Programme funding to the Director of Technical Services. It is considered that there are no sustainable reasons for refusal of this application on highway safety or congestion grounds.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The proposal is a residential regeneration scheme, the site re-uses a previously developed site and as such creates a sustainable form of development.

HEALTH ISSUES

There are no health implications

CONCLUSION

The extension of time is acceptable having regard to Policy HS4 of the adopted Wirral Unitary Development, PPS3 and PPS4.

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 extension of time is acceptable having regard to Policy HS4 of the adopted Wirral Unitary Development Plan, PPS3 and PPS4.

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) Scale
 - (b) Appearance
 - (c) Landscaping
 - (d) layout
 - (e) means of access

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. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved

Reason: To avoid uncertainty

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development reflects the character of the area in the interests

of visual amenity. This condition is imposed having regard to policy EM6 (General Criteria for New Employment Development) or HS4 (Criteria for New Housing Development) of the Wirral Unitary Development Plan.

5. Development shall not commence until a scheme for the provision of cycle parking has been submitted to and agreed in writing by the local planning authority. The cycle parking facility shall be erected in accordance with the approved details prior to the occupation of the development hereby approved and retained as such thereafter.

Reason: To promote the use of more sustainable forms of transport. This condition is imposed having regard to policy TR12 (Requirements for Cycle Parking) of the Wirral Unitary Development Plan.

6. Any further submission of details shall include floor levels of the dwelling(s) and relationship to the level of the highway.

Reason: In the interests of highway safety.

7. Details of land / surface water drainage shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The drainage scheme shall be carried out in accordance with the approved details prior to the development hereby approved being brought into use.

Reason: To ensure satisfactory land drainage and to prevent flooding.

8. Details of any security or floodlighting shall be submitted to and agreed in writing with the Local Planning Authority before any such lighting is brought into use.

Reasons: To ensure that satisfactory details of floodlighting are submitted and approved, and to ensure the adequate protection of local amenity, having regard to Policy HS4 (Criteria for New Housing Development) of the Wirral Unitary Development Plan.

9. Before any development is commenced full details including levels, gradients and outfalls for the land drainage of the site together with the method to be used for dealing with existing land drainage and in particular its connection to the proposed new system shall be submitted to and agreed in writing with the Local Planning Authority. The drainage works comprised in the agreed details shall be completed before the development is occupied / brought into use.

Reason: To secure adequate land drainage, and the adequate protection of local amenity, having regard to Policy HS4 (Criteria for New Housing Development) of the Wirral Unitary Development Plan.

10. As part of the submission of reserved matters finished floor levels shall be provided together with proposed levels within the site and a survey of existing site levels.

Reason: To ensure a satisfactory appearance and avoid overlooking having regard to Policy HS4 (Criteria for New Housing Development) of the Wirral Unitary Development Plan.

11. No development shall be commenced 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.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development.) of the Wirral Unitary Development Plan.

12. 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 approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development.) of the Wirral Unitary Development Plan.

13. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 12. The works shall be carried out prior to the occupation of any part of the development.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development.) of the Wirral Unitary Development Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no gates, fences, or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts on to a road

Reason: To maintain the character of an attractive open plan housing area having regard to Policy HS4 (Criteria For New Housing Development) of the Wirral Unitary Development Plan

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the enlargement, of the dwelling(s) or any addition to the roof or the erection or construction of a porch shall not be carried out .

Reason: Any such extensions have the potential to harm the character of the area and the amenity of nearby residents having regard to Policy HS4 (Criteria For New Housing Development) of the Wirral Unitary Development Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no development shall be carried out if it would consist of or include the cladding of any part of the exterior of the dwelling (s) with stone, artificial stone, timber, plastic or tiles.

Reason: To maintain the character of the area having regard to Policy HS4 (Criteria For New Housing Development) of the Wirral Unitary Development Plan

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the erection of any building within the curtilage of the dwelling(s) shall not be carried out.

Reason: To protect the privacy of nearby residents having regard to Policy HS11 (House Extensions) of the Wirral Unitary Development Plan

18. Any subsequent reserved matters application submitted to the Local Planning Authority must comply and be in accordance with all aspects of the content of the accompanying design code to this application hereby approved.

Reason: In the interests of Residential Amenity. Policy HS4 of the Wirral UDP.

19. The development hereby approved shall be carried out in accordance with the details shown on the plan(s) received by the Local Planning Authority on 8th August 2007.

Reason: For the avoidance of doubt.

20. Prior to the commencement of development a ground contamination survey shall be undertaken, taking into account any potential contaminants from all known previous land uses. Should this survey identify any such contaminants, then a scheme of remediation to render the site suitable for use shall be submitted to the Local Planning Authority for approval prior to such works being undertaken.

Reason: In the interests of residential amenity. Policy HS4 of the Wirral UDP.

21. A statement giving precise details of the nature and extent of any such remediation, together with certification that the site has been made suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before commencing any development of the site.

Reason: In the interests of residential amenity. Policy HS4 of the Wirral UDP.

22. As part of the submission of the reserved matters for the layout of the retail development, the plans shall show the maximum gross and net floorspace for each of the nine retail units (Use Class A1) hereby approved. Notwithstanding the provisions of the Town & Country Planning (General Development Procedure) Order 1995 (or any subsequent re-enactment) the overall gross internal floorspace including any mezzanines within the retail development (Use Class A1) shall not exceed 1100 square metres.

Reason: To protect the character of the area and residential amenity, for the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town centres. This enables the local planning authority to consider the implications of other formats as and when they may be put forward having regard to Wirral Unitary Development Plan Policies SH4 & SH9 and National Planning Policy PPS4

23. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained, unless otherwise agreed in writing with the Local Planning Authority in accordance with the approved scheme. The scheme shall include:

- 1) The numbers, type, tenure and location of the site of the affordable housing provision to be made;
- 2) The timing of construction of the affordable housing;
- 3) The occupancy criteria to be used for determining the identity of prospective and

successive occupiers of the affordable housing and the means by which such occupancy can be enforced.

Reason: To comply with the principles of UDP Policy HSG2 - Affordable Housing and Policy HS6 - Principles for affordable Housing.

Further Notes for Commitee:

Last Comments By: 03/03/2011 17:12:39
Expiry Date: 12/04/2011

