

Planning Committee

25 October 2011

Reference:
APP/11/00714

Area Team:
North Team

Case Officer:
Mr M Rushton

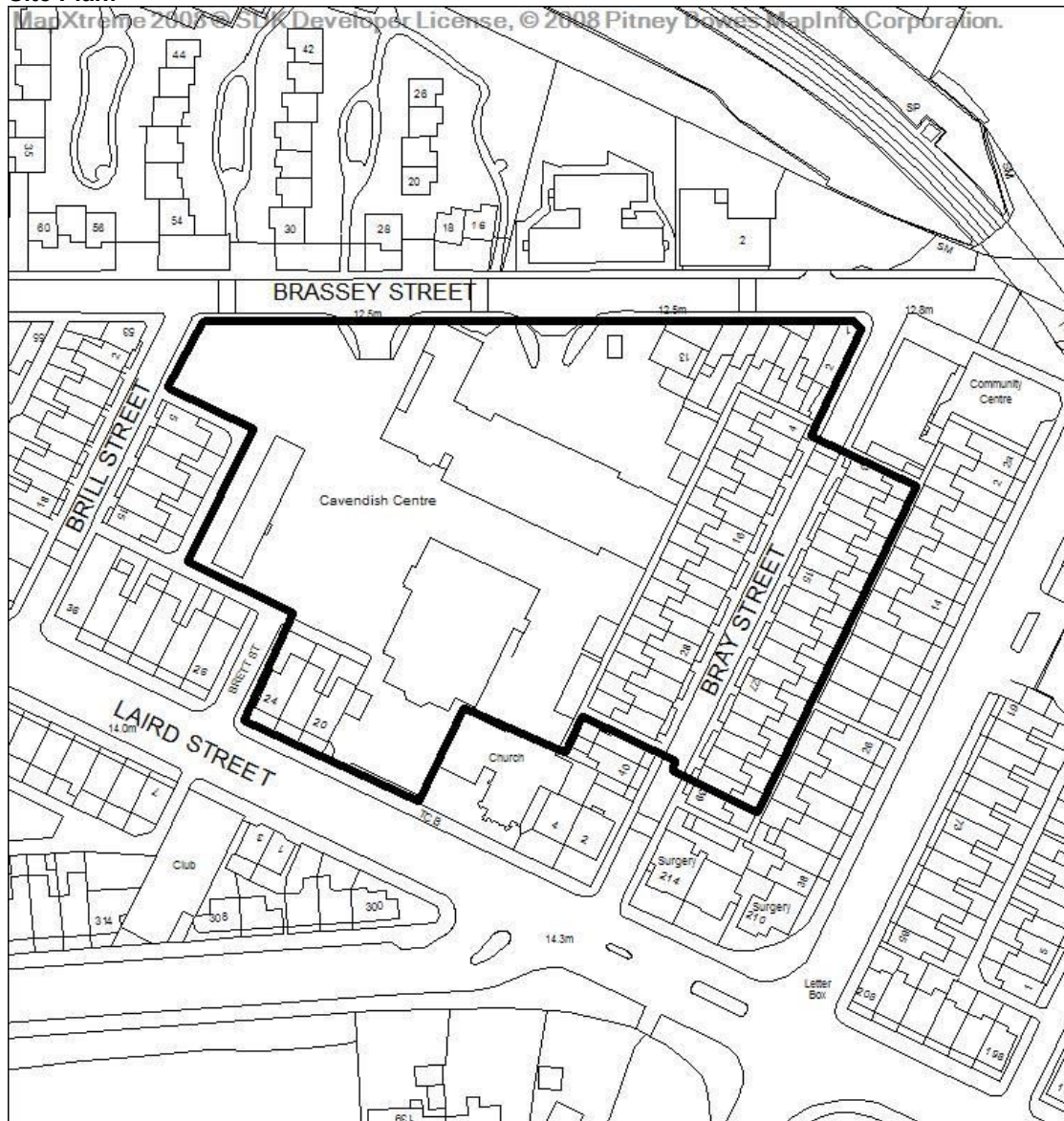
Ward:
Bidston and St James

Location: Land off Laird Street, bounded by Bray Street, Brill Street and Brassey Street, Birkenhead, Wirral

Proposal: The creation of 62 no. residential units and associated works (amended description)

Applicant: Keepmoat Homes
Agent : MPSSL

Site Plan:



Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Various minor applications relating to individual properties now demolished. None relevant to the development proposed.

APP/11/00715 - The demolition of 2 no. vacant community buildings and the creation of 8 no. residential units and associated parking - DECISION PENDING.

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

Neighbour notification letters were issued to 79 adjoining properties, and a site notice erected at the site. In addition, the application was advertised by a press notice placed in the Wirral Globe. At the time of writing one representation has been received from the occupier of no. 30 Laird Street, raised concerns which can be summarised as:

1. The closeness of the proposed dwellings to existing properties, which raise concerns of reduced security, privacy and overlooking.
2. The proposed through road from Laird Street to Brassey Street (an extension to Brett Street), will create another rat run and further congestion on Laird Street, particularly to the new traffic lights at the junction of Park Road North and Laird Street. It is suggested that Brett Street should be retained as a cul-de-sac.

CONSULTATIONS

Director of Technical Services (Traffic Management/Highway Maintenance) – no objection subject to the imposition of a planning condition to require the submission and approval of full details of: a traffic calming scheme and the means of implementation of a 20mph speed limit including all appropriate signing and traffic regulation. The development shall not be occupied until these works have been completed in accordance with the approved details. A condition to secure cycle parking within the development was also requested.

Director of Law, Human Resources and Asset Management (Environmental Health) – no objection, subject to conditions to secure a ground contamination survey and subsequent remediation.

Director of Corporate Services (Housing Strategy) – no objection, refer to Director's Comments.

Merseyside Police Crime Reduction (Architectural Liaison Officer) – the development will be consistent with the current principles and standards of Secured by Design (SBD). Consideration should, however, be given to eliminating access from Brett Street onto Brassey Street [this access has been deleted from amended plans], rear perimeter walls/fencing boundaries should be a minimum of 2.1m height, fencing between properties should be to a height 2.1m and located as near as possible flush with the front of the building line to prevent unlawful access to the rear; dwarf walling should be fitted at the front boundaries/driveways to create a symbolic barrier and establish defensible space, and foliage should be maintained at a height of 1m or less to maximise natural surveillance.

Director of Corporate Services (Tree Protection) – Whilst raising no objections, it is noted that the whitebeam trees on Brassey Street could be retained – they are established and provide some amenity value on Brassey Street and Brill Street. Of the three horse chestnuts located on Laird Street, the middle one is dying and it may be difficult to secure the long term retention of the other two. There is, however, ample replacement planting.

Environment Agency – no objection in principle, but comment that conditions are necessary to ensure the recommendations of the submitted Flood Risk Assessment are carried forward to the detailed design stage. A condition is requested to require submission of a scheme for the provision and implementation of a surface water regulation system, following an assessment of the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS), and a condition is

requested to require a scheme for the management of overland flow from surcharging of the site's surface water drainage system.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is for major development.

INTRODUCTION

The proposal is for the residential development of a cleared site of approximately 1.17 hectares bounded by Laird Street, Bray Street, Brill Street and Brassey Street. The last use of the site consisted a number of residential properties and the Cavendish Centre (business uses). Whilst initially proposing 67 no. residential dwellings, the application has been amended in order to improve separation distances achieved and enhance the provision of amenity space, reducing the number of units to 62, consisting 2 and 3 bedroom family housing, predominantly 2-storey in height (10 number properties would be at 2.5-storey, featuring accommodation within the roof space served by dormer windows). A number of house types are proposed, with the site layout utilising the existing road frontages of Brassey Street, Brill Street and Bray Street. The original plans, which included an extension to Brett Street to provide a link to Brassey Street, have now been amended to show a cul-de-sac created off Brett Street within the centre of the site.

PRINCIPLE OF DEVELOPMENT

The application site is allocated as a Primarily Residential Area located within the Liverpool City Region Inner Area (the former New Heartlands Housing Market Renewal area) identified by the North West of England Plan Regional Spatial Strategy to 2021 ('RSS'). The site is also within a regeneration priority area identified in the Council's Interim Planning Policy for New Housing Development. As such the principle of the development proposed is acceptable.

RSS Policies LCR1 and LCR2 require plans to focus residential development in the Inner Areas adjacent to the Liverpool City Region Regional Centre in order to secure a significant increase in population and to support major regeneration activity. Plans should support significant intervention where housing market restructuring is required. This is supported by the Council's 'Interim Planning Policy for New Housing Development' which sets out support for residential schemes within the regeneration priority areas. As such the proposal is acceptable in principle, subject to UDP Policies HSG2 'Affordable Housing' and HS4 'Criteria for New Housing Development'.

SITE AND SURROUNDINGS

The site itself is a brownfield site, currently vacant. The majority of the site has been previously cleared (having supported a number of residential properties set along Brett Street, Brassey Street, and fronting Laird Street, and the Cavendish Centre). The surroundings are predominantly residential in character, consisting two storey properties on Brill Street and Cavendish Street, and single storey bungalows to the north. There are some community uses – a church is located to the south side of the application site, fronting Laird Street, whilst a community centre is on the corner of Cavendish Street and Brassey Street.

POLICY CONTEXT

Planning Policy Statements PPS1 and PPS3, the Council's Interim Planning Policy for New Housing Development, and UDP policies HS4, HSG2, GR5, GR7, TR9 and TR12 are relevant.

AFFORDABLE HOUSING

UDP Policy HS2, and the Council's Strategic Housing Market Assessment (SHMA, as updated), normally require that an element of affordable housing is provided to a Registered Social Landlord (RSL). In this instance, an assessment of the finances of the site has been undertaken on the Council's behalf by Tweeds. The assessment concludes that there is very limited profitability in the site and that the provision of affordable housing is not viable. Given this, it is not considered reasonable to impose conditions or a s106 agreement requiring the delivery of affordable units.

Affordable housing will, however, be secured on this site in another way. The application site is the first of a number of sites identified and assembled by the Council through the former Housing Market Renewal programme within the Birkenhead area with potential for redevelopment, to act as a catalyst

to regeneration and to assist in the restructure of the local housing market. The Council took the decision at a Cabinet meeting of 2nd June 2011 to appoint Keepmoat Limited (Keepmoat Homes) as the Council's preferred private developer partner for delivering new homes in line with existing market renewal plans for Birkenhead, and a separate development agreement is proposed to secure proposals for delivering affordable housing through the Bray Street development. The agreement would secure the disposal of 30% of the new homes on the development to Wirral Partnership Homes for Affordable Rent. Currently it is understood that the breakdown of these plots will be:

2 x 665sqft 2 Bed 4 person homes
7 x 763sqft 3 Bed 5 person homes
1 x 771sqft 3 Bed 5 person home
2 x 828sqft 3 Bed 5 person homes
5 x 836sqft 3 Bed 5 person homes
1 x 844sqft 3 Bed 5 person home
2 x 1011sqft 3 Bed 5 person homes

Given this, whilst it has been demonstrated to the Council's satisfaction that it is not viable to provide affordable housing, in line with the requirements of UDP Policy HSG2 and the SHMA, there are control measures which will ensure affordable units are brought forward at the site - through the developers agreement and the fact that the Council is not likely to sign the Building Lease for the site to allow Keepmoat permission to build until Keepmoat provides the evidence that it has entered into a contract with Wirral Partnership Homes to receive the specified number of affordable units.

APPEARANCE AND AMENITY ISSUES

The proposal is for residential development that is traditional in scale, providing predominantly 2-storey accommodation in a mix of semi-detached, terraced, and detached dwellings. Each dwelling is provided with front and rear garden space, and an off-road car parking space. A variety of house types are proposed, which whilst simple in appearance, utilise design features such as projecting porch roofs, gables, soldier courses, and a mixed palette of materials to add some interest to the proposed streetscene. The use of materials and boundary treatment can be controlled through a suitably worded planning condition should Members be minded to approve the application.

The site layout is broadly consistent with the existing road layout, though amended plans received, which respond to the comments of Merseyside Police's Architectural Liaison Officer, now show that a cul-de-sac would be created off Brett Street within the centre of the site. Despite utilising the existing road layout the density of development is around 50 houses per hectare [I would not consider this to be low], consistent with the nature of the housing proposed (family houses). Dwellings would be well spaced, driveway areas being created to either side of dwellings, semi-detached pairs or short terraces of properties. In turn this ensures that garden amenity space, whilst limited in depth in some instances, is generous because of the plot widths achieved.

Whilst no public open space is proposed within the development given the proximity of the site to Birkenhead Park, landscaping treatment is proposed within front garden spaces to provide visual interest in the streetscene. A planning condition is proposed to secure the detail of this landscaping, in particular for tree protection measures and tree planting. Amended plans received seek to retain a number of the whitebeams established on the corner of Brill Street and Brassey Street.

SEPARATION DISTANCES

UDP Policy HS4 and associated Supplementary Planning Guidance establishes the requirement for separation distances of 14m between a habitable window and a blank gable, and 21m between the habitable windows two properties whose principle elevations face are required. Whilst the proposed development would largely achieve these separation distance guidelines, in a number of instances the guidelines are not met - these plots are considered in full below.

Amendments have been made to a number of plots at the edges of the application site, and the overall number of dwellings has been reduced from 67 to 62 in an attempt to ensure that required separation distances are achieved, particularly between the development and existing properties in surrounding streets. In particular, plots 53-62 and Plots 6-9 will be built with 'blank-fronted' bays at first floor level, restricting views to the rear elevations. This ensures that the dwellings present a blank

elevation to the rear, avoiding loss of privacy. A 14m separation is achieved to the rear elevations of properties fronting Cavendish Street and Brill Street. In amended plans, angled bays have been proposed to a number of plots in order to avoid windows in rear elevations from facing the rear elevations of those existing properties fronting Cavendish Street and Brett Street properties – Plots 6-9 and 53-62 have been amended in this way.

The blank gable elevation of Plot 9 is, however, set only 13m from the rear elevation of an outrigger to no. 28 Laird Street. Whilst the outrigger appears to support a habitable use at first floor, it should be noted that the window would only be partly obscured by the proposed dwelling on Plot 9. There is a similar circumstance between plot 14 and no. 26 Laird Street, which has habitable windows to a gable elevation which would be partly obscured. In each case, however, it is considered that sufficient outlook is retained, especially given the insubstantial shortfall.

Within the centre of the development a number of plots fail to achieve the separation distances normally required from new development. The houses facing across Bray Street and Brett Street would be particularly close to each other, at 12m separation between the front elevations, which do include windows to habitable uses. Whilst in amended plans, rear gardens within the centre of the site have been enlarged to broadly achieve the required separation distances, isolated plots still do not achieve the separation distance of 21m required - Plots 11 and 18 would be separated by 19m, whilst plots 20 and 21 would be only 20m away from Plots 51 and 52. Similarly, the 14m distance normally required between habitable windows and blank gables would not be achieved for a number of plots - Plots 30 and 28 are 12m apart, and plots 3, 4 and 5 are 10.5m apart.

Planning Policy Statement 3 on Housing states that new housing development of whatever scale should not be viewed in isolation. Consideration of design and layout must be informed by the wider context, having regard not just to immediate neighbouring properties but the townscape and landscape of the wider locality. Advice in the Planning Policy Statement post-dates widely accepted guidance on separation distances and advises that the use of inflexible planning standards should be avoided. In this instance, the shortfalls are not considered to be substantial. Furthermore, the proposals are considered to replicate layouts and patterns of build in the surrounding area - properties between Patten Street and Brill Street for example are set 12m apart, whilst Cavendish Street achieves a 14m separation. Whilst wider plot frontages would ensure good provision of amenity space and private parking not common to the surrounding streets, the shortened separation distances ensure that the close knit feel of the area will be retained, the development both respecting the character of the area and raising housing standards, supporting the regeneration of this part of the Borough.

Given the above, the separation distances achieved are considered sufficient and not to significantly harm the amenities of future occupiers, or the occupiers of surrounding properties. Permitted development rights would be removed from those properties at the edges of the development, to ensure that additional windows are not inserted at first floor level.

HIGHWAY/TRAFFIC IMPLICATIONS

As noted above, the application proposes to utilise the existing road layout, with road extensions towards the centre of the site. Whilst there are considered no significant traffic or highway issues, it is considered that a condition is necessary to secure a full scheme of works for the provision of traffic calming and to ensure the implementation of a 20mph limit (including signage and traffic regulation order) prior to the occupation of the development.

Subject to these conditions, the Director of Technical Services (Traffic Management) has raised no objection to the proposed development. Each property is provided with an off-road parking space, in line with UDP Policy TR9 and Supplementary Planning Document SPD4. Given this, it is unlikely that adjoining streets would be impacted by the proposals and it is not considered that the application presents significant highway safety or traffic congestion concerns.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no significant environmental/sustainability issues relating to these proposals. The applicant has outlined that the development would achieve the requirements of Code for Sustainable Homes level 3 in addition to the requirements of Building Regulations Approved Document Part L. A condition is proposed in line with RSS Policy EM18, to secure the use of renewable energy

CONCLUSION

The proposed development considers the general design and layout of the surrounding area and this is reflected in the materials, design and layout proposed for the dwellings. The proposal accords with relevant national, regional and local policies, including Policies HS2, HS4, GR5 and GR7 of the Wirral Unitary Development Plan, and would assist in the regeneration of an important brownfield site within the urban area, contributing to restructuring the housing market.

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 proposed development considers the general design and layout of the area and this is reflected in the materials, design and layout proposed for the dwellings. The proposal accords with relevant national, regional and local policies, including Policies LCR1 and LCR2 of the Regional Spatial Strategy (September 2008) and Policies HSG2, HS4, GR5 and GR7 of the Wirral Unitary Development Plan, and would assist in the regeneration of an important brownfield site within the urban area, contributing to housing market restructuring..

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.

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

2. Before any construction commences, full details and samples of the all the facing and roofing 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.

3. No development shall commence until a ground contamination survey has been 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 and approved in writing by the Local Planning Authority prior to such works being undertaken. 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 also be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of future occupiers

4. The remainder of the undeveloped land within the curtilage of the site shall be suitably hard and soft landscaped with in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to commencement of any construction work on the site. Such landscaping work to be shall be carried out prior to the occupation of any part of the development or in accordance with an alternative timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size

and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of appearance having regard to Policies HS4 and GR5 of the Wirral Unitary Development Plan.

5. All existing trees which are not directly affected by the buildings and works hereby granted permission shall be clearly located and described in the landscaping scheme required. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted without prior approval of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced with a tree of a species and size and in such position, as the Local Planning Authority may require, in conjunction with the general landscaping required herein. Prior to the commencement of construction the trees to be retained on the site shall be protected by chestnut paling fences 1.5 metres high erected to the full extent of their canopies or such lesser extent as may be approved by the Local Planning Authority, the fencing to be removed only when the development (including pipelines and other underground works) has been completed; the enclosed areas shall at all times be kept clear of excavated soil, materials, contractors' plant and machinery.

Reason: To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition, in accordance with UDP Policy GR7.

6. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the buildings are occupied and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to design out crime, in compliance with UDP Policy HS4.

7. The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, having regard to PPS25.

8. The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the site's surface water drainage system is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels and proposed finished floor levels. The development shall be implemented in accordance with the approved scheme.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

9. No development shall commence until details of the proposed measures to be incorporated within the development to achieve 10% of the predicted energy requirements of the site from renewable sources have been submitted to and agreed in writing by the Local Planning Authority, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. The

development shall be implemented in accordance with the approved details and operated as such thereafter.

Reason: In the interests of minimising the demand for energy from non-renewable sources in accordance with RSS Policy EM18.

10. The development hereby granted permission shall not be commenced until a full scheme of works for provision within the development of a traffic calming scheme, and the implementation of a 20mph speed limit including all appropriate signage and traffic regulation orders, has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any part of the development.

Reason: In the interests of highway safety.

11. The development shall be implemented in accordance with the plans received by the Local Planning Authority 29th September 2011.

Reason: For the avoidance of doubt.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(No.2) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the first floor rear elevations of properties at Plots 6-9 or Plots 53-62.

Reason: In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

Last Comments By: 07/09/2011 11:03:27

Expiry Date: 21/10/2011