

Planning Committee

21 July 2016

Reference:
APP/16/00593

Area Team:
North Team

Case Officer:
Mr K Spilsbury

Ward:
Bidston & St James

Location: 34 HOYLAKES ROAD, BIDSTON, CH41 7BX
Proposal: Single storey rear extension, internal alterations and new shop front to facilitate use as a general store (amended description)
Applicant: Mr V Sivarasa
Agent : SDA Architecture Limited

Site Plan:



© Crown copyright and database rights 2015 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Development Plan allocation and policies:

Primarily Residential Area

Planning History:

None

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

Having regard to the Council's Guidance for Publicity on Planning Applications, 10 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing this report 2 objections have been received from the occupiers of 40 Hoylake Road and 4 Colin Road, as well as a qualifying petition of objection (35 signatures). The objections are summarised as follows:

1. there is no need for any more retail places in this area;
2. work is already underway at the premises;
3. the back alley has been closed and can no longer be used as an emergency fire exit;
4. the shop has an asbestos roof.

CONSULTATIONS:

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

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

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The Council is in receipt of a petition that has been signed by more than 25 signatures (35 in total). In addition, the agents submitting this application are SDA Architecture Ltd.

INTRODUCTION

The proposed development is for the erection of a single storey rear extension, internal alterations and new shop front to facilitate use as a general store.

PRINCIPLE OF DEVELOPMENT

The land is designated as primarily residential within Wirral's Unitary Development Plan and as such the development is acceptable in principle subject to the policies outlined below.

SITE AND SURROUNDINGS

The site is located within a small parade of shops containing a number of similar uses, including a general store, post office, pharmacy and beauticians. There is a housing estate on the opposite side of the road. At the time of the site visit construction was underway at the property.

POLICY CONTEXTUnitary Development Plan

Policy HS15 - Non-Residential Uses in Primarily Residential Areas is relevant. The policy states; Within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

- (i) be of such scale as to be inappropriate to surrounding development;
- (ii) result in a detrimental change in the character of the area; and,
- (iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

Policy SH4 - Small Shopping Centres and Parades is also relevant. This states; within small shopping

centres and parades in Primarily Residential Areas, development falling within Class A1, Class A2 and Class A3 of the Town and Country Planning (Use Classes) Order 1987, will be permitted, subject to Policy HS15 and the following criteria as appropriate:

- (i) where a proposal for Class A3 uses is located on a street containing similar establishments, cumulative levels of noise and disturbance, from both the existing and proposed activities, should not exceed a level likely to be detrimental to the amenity of the area;
- (ii) proposals for Class A3 uses should include measures to mitigate smell and internally-generated noise - these measures should not be visually intrusive in the street scene and should be fully installed before the business commences trading;
- (iii) the proposal does not cause nuisance to neighbouring uses, or lead to loss of amenity, particularly in respect of noise and disturbance, on-street parking or delivery vehicles - where necessary a suitable condition will be imposed on hours of opening/ operation;
- (iv) proposals for Class A3 uses should be located a reasonable distance from the principal elevation of the nearest dwelling house or block of flats;
- (v) proposals for Class A2 uses should incorporate the provision of a shop front and permanent window display.

National Planning Policy Framework (NPPF)

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running. In terms of decision taking this means approving development proposals that accord with the development plan without delay.

APPEARANCE AND AMENITY ISSUES

The proposal will bring a currently vacant building back into use. This is supported by the NPPF which states The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

At the time of writing this report 2 objections have been received from the occupiers of 40 Hoylake Road and 4 Colin Road, as well as a qualifying petition of objection (35 signatures). The objections are summarised as; there is no need for any more retail places in this area, work is already underway at the premises, the back alley has been closed and can no longer be used as an emergency fire exit, the shop has an asbestos roof.

The addition of an additional retail unit in the area is not a valid reason for refusal. The premises is currently vacant but has previously been used as a furniture shop and as such has consent for A1 use. is located in an existing parade of shops. There will therefore be no adverse impact upon the viability of the neighbouring Traditional Suburban Centres and as such the principle of development complies with the NPPF and the Wirral UDP.

Any works carried out at the premises is done so at the developers own risk. The application can therefore not be refused on the grounds that they have started work without permission. The closure of the back alley way does not form part of this planning application and the matter of asbestos roofs would be a matter for building control and not planning.

Having regards to policy HS15 proposals for small-scale built development and changes of use for non-residential uses will be permitted where the proposal will not be of such scale as to be inappropriate to surrounding development; result in a detrimental change in the character of the area; and cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

The area is designated primarily residential but as it is located on an established row of commercial uses. The proposed amendments to the shop front and single storey rear extension will not result in a detrimental change in the character of the area.

The proposed hours of operation are between 7am and 11pm at night. Should members be minded to approve the application a condition will be imposed to limit the hours of operation to between these hours.

The development is deemed acceptable in terms of the criteria set out in Wirral's UDP and as such is recommended for approval.

SEPARATION DISTANCES

There are no separation distances relating to this proposal.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal. The Head of Environment & Regulation (Traffic & Transportation Division) has raised no objections to the scheme in terms of parking or highway safety.

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

The proposal is acceptable in terms of the criteria set out in UDP Policies HS15 and the NPPF and is therefore recommended for approval.

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 proposal is acceptable in terms of the criteria set out in UDP Policies HS15 and the NPPF and is therefore recommended for approval.

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 22ND April 2016 and listed as follows:
42_2016_01 (Dated 16.03.2016)

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

3. The premises shall be closed between the hours 23:00 hours and 07:00 hours

Reason: In the interest of amenity having regards to Policy HS15 of the Wirral UDP

Last Comments By: 13/06/2016

Expiry Date: 17/06/2016