

**Planning Committee**

30 May 2013

**Reference:**  
**APP/12/01180**

**Area Team:**  
**South Team**

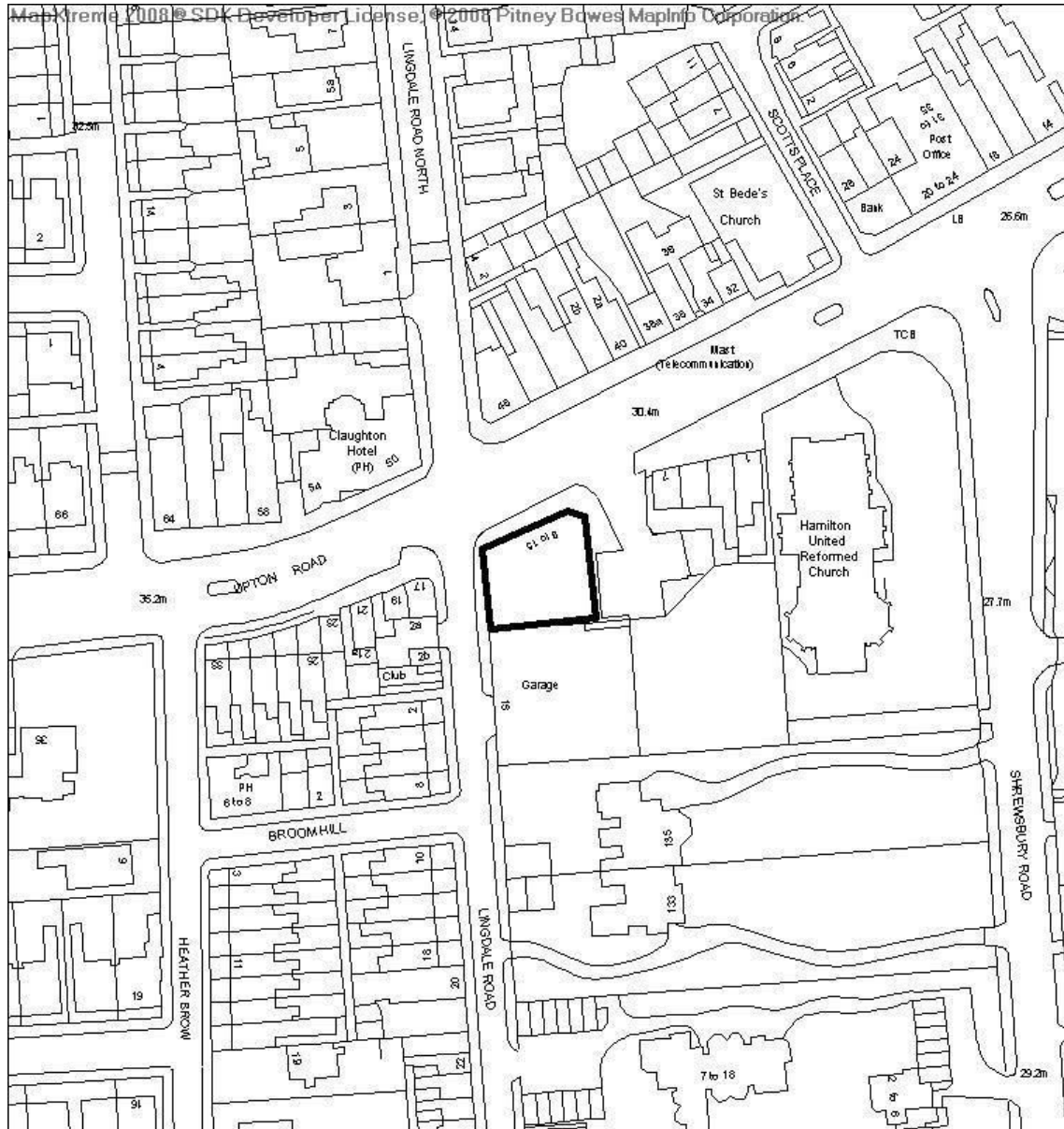
**Case Officer:**  
**Mrs S Lacey**

**Ward:**  
**Claughton**

**Location:** Tesco Express, 9-15 UPTON ROAD, CLAUGHTON, CH41 0DE  
**Proposal:** Change of use to first and second floors to create 10 apartments including inserting new windows and roof lights and dormers (amended plans received)

**Applicant:** Mr Hanna  
**Agent :** Garry Usherwood Associates Limited

**Site Plan:**



**Development Plan allocation and policies:**

Traditional Suburban Centre

**Planning History:**

Location: 13-15 Upton Road, Claughton, Wirral, CH41 0DE

Application Type: Full Planning Permission

Proposal: Installation of an ATM and access door.

Application No: APP/08/06596

Decision Date: 04/11/2008

Decision Type: Approve

Location: 13-15 Upton Road, Claughton, Wirral, CH41 0DE

Application Type: Full Planning Permission

Proposal: Installation of air conditioning and condenser unit to roof of the existing building.

Application No: APP/08/06597

Decision Date: 07/11/2008

Decision Type: Approve

Location: 13-15 Upton Road, Claughton, Wirral, CH41 0DE

Application Type: Full Planning Permission

Proposal: Erection of a new customer entrance and external alterations.

Application No: APP/08/06598

Decision Date: 04/11/2008

Decision Type: Approve

Location: 13-15 Upton Road, Claughton, Wirral, CH41 0DE

Application Type: Advertisement Consent

Proposal: Erection of 4 no. fascia signs, 2 no. hanging signs and various car park signage.

Application No: ADV/08/06608

Decision Date: 12/11/2008

Decision Type: Approve (mixed)

Location: Claughton Village Motors , 15 Upton Road, Claughton, Wirral, CH41 0DE

Application Type: Full Planning Permission

Proposal: Removal of condition 6 attached to planning consent OUT/2006/5708 to allow trading between 07:00-22:00 Monday-Saturday inclusive and 09:00-22:00 Sunday each week

Application No: APP/08/05849

Decision Date: 01/08/2008

Decision Type: Approve

Location: Tesco Stores, 13 - 15 Upton Road, Claughton, Wirral, CH41 0DE

Application Type: Full Planning Permission

Proposal: Variation of condition 6 of planning permission OUT/2006/5708 to allow retail unit to trade between 0700 hours and 2300 hours seven days per week.

Application No: APP/08/05053

Decision Date: 07/03/2008

Decision Type: Refuse

Location: Arrowebrook Motors, 13-15 Upton Road, Claughton, Wirral, CH41 0DE

Application Type: Reserved Matters

Proposal: Demolition of petrol filling station & erection of two storey retail shop and storage building

Application No: DLS/07/05759

Decision Date: 22/06/2007

Decision Type: Approve

Location: Arrowebrook Motors, 13-15 Upton Road, Claughton, Wirral, CH41 0DE  
Application Type: Reserved Matters  
Proposal: Demolition of petrol filling station & erection of two storey retail shop and storage building  
Application No: DLS/06/06830  
Decision Date: 30/03/2007  
Decision Type: Refuse

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

#### **REPRESENTATIONS**

Having regard to the Councils Guidance on Publicity for Applications, 9 letters were sent to adjacent properties and a site notice displayed. 14 individual objections have been received from no.s 1, 8, 10, 19, 25, 33, 35 Lingdale Road, 1 Lingdale Road North, 1 Upton Road, 5 Old School Way, Heather Brow and Claughton Community Group (two objections received without addresses), and a qualifying petition of 30 signatures from separate households has been received. The reasons for objection relate to:

1. The proposal would increase in a significant increase in existing traffic problems, road safety issues and disturbance in the area;
2. There is no provision to provide adequate parking facilities for residents or visitors, including disabled parking and access;
3. There is no provision for bin storage;
4. There has been a "moratorium on building dwellings";
5. The adjacent roads are inundated with cars parked whilst owners pop to the shops;
6. The large amount of parked vehicles on the road makes it difficult for large vehicles such as fire engines and bin wagons to pass;
7. Congestion includes shoppers parking on double yellow lines, Tesco delivery lorries parking on double yellow lines and reversing up Lingdale Road, taxis picking up/dropping off patrons visiting pubs, a bus picks up Everton football fans on Upton Road, Lingdale Road is used as a cut-through, the garage on Lingdale Road;
8. Cars parked at junctions reduces visibility;
9. The impact on local traders during the day;
10. Overlooking.

#### **CONSULTATIONS**

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

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

Merseyside Cycling Campaign - Objected on lack of internal cycle storage for residents or stands for visitors.

#### **DIRECTORS COMMENTS:**

Consideration of this application was deferred from Planning Committee on 18 April 2013 to allow for a formal site visit.

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

This application seeks permission for the erection of 10 apartments which is defined as Major Development and is therefore required to be determined by the Planning Committee under the

provisions of the Council's adopted Scheme of Delegation for Planning Applications.

Councillor Denise Roberts requested the application be determined at Planning Committee on the grounds of overdevelopment.

A qualifying petition of 30 signatures has been received, citing concerns of the lack of car parking provision which will result in an increase in parking congestion in the surrounding roads, which will exacerbate the existing issues of traffic problems and highway safety issues the residents and businesses experience. It is also noted there is no provision for bin storage.

## **INTRODUCTION**

The application proposes a change of use of the first and second floors of 9-15 Upton Road to create 10 apartments. External alterations include inserting new windows, roof lights and dormers. Amended plans were received proposing further dormers, and the neighbours were renotified. The applicant is proposing 20% affordable housing through a RSL.

## **PRINCIPLE OF DEVELOPMENT**

The application site lies within an area allocated as a Traditional Suburban Centre and the proposal is acceptable in principle subject to Policy HS4, SH7 and TR9 of the adopted Wirral Unitary Development Plan, SPD2, SPD4 and the National Planning Policy Framework (NPPF).

## **SITE AND SURROUNDINGS**

The site comprises a detached brick building with A1 retail at ground floor, and car park to east. It is situated in a Traditional Suburban Centre, with shops, drinking establishments and hot food takeaways surrounding. To the rear of the site is an industrial style unit. There are residential dwellings on the side roads including Lingdale Road and Lingdale Road North.

## **POLICY CONTEXT**

The proposal is for the conversion of upper floor uses in a retail premises to flats and is assessed primarily against the following policies.

### Wirral Unitary Development Plan

Policy HS4 - Criteria for new housing development. This requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

Policy SH7 - Upper floor uses in retail premises. This permits the conversion of upper floors above shops subject to access, parking, servicing, amenity and shop security considerations.

Policy TR9 - Requirements for off-street parking. Sets out the requirement for off street parking provision within new development and road safety and traffic management considerations.

Supplementary Planning Document 2: Designing for Self-Contained Flat Developments and

Conversions. This establishes more specifically the considerations which should be applied to new build flats in terms of design, amenity space and parking.

Supplementary Planning Document 4: Parking Standards. This sets out maximum standards for parking provision.

### The National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012 and supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area. Local Planning Authorities are expected to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Planning policies and decisions should optimise the potential of sites to accommodate development.

The proposed development represents a sustainable regeneration opportunity by the conversion of an existing building within access to existing transport and community facilities. The proposal provides 20% affordable housing which meets a Borough wide need identified in the Strategic Housing Market Assessment. This accords with the approach outlined in NPPF and the sustainable location weighs in favour of a residential development. Affordable housing would be secured through a S.106

agreement.

### **APPEARANCE AND AMENITY ISSUES**

The principle of converting the upper floors above an existing shop is acceptable in principle under the provisions of policy SH7. Whilst there is no parking provision, the location is adjacent to shops and services, bus and train routes and Birkenhead park, and is considered sustainable. The applicant has confirmed large waste collection bins would be located in the enclosed area to the rear of the store car park. The proposal for 10no. residential units is not considered to represent an overdevelopment of the site, and each flat is of an acceptable layout. Amended plans were received increasing the number of dormer windows, providing all rooms with an acceptable outlook. The number of dormer windows is considered acceptable as it is a stand-alone building and will not harm the character of the area. The proposal for 20% affordable housing meets a Borough wide need identified in the Strategic Housing Market Assessment, and accords with the approach outlined in the NPPF. As such the proposal complies with policy HS4, SH7 and TR9 of the adopted Wirral Unitary Development Plan, SPD2, SPD4 and the National Planning Policy Framework (NPPF).

### **SEPARATION DISTANCES**

Habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. The nearest residential property is No.2 Lingdale Road which is 21 metres away to the south west. There are commercial properties directly surrounding the property. It is not considered the proposal will result in direct overlooking or loss of privacy into neighbouring properties.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

The principle concern from residents is the lack of parking provision. No provision for off-street parking is likely to increase demand for on-street parking in the adjacent residential roads, and the highway safety implications of the proposal.

The Head of Environment and Regulation (Traffic & Transportation Division) have no objection to the proposal. Nearby junctioned and critical sections are protected by waiting restrictions. It is considered a sustainable site on public transport links and close to local amenities. The parking spaces comply with the maximum parking standards set out in SPD4. A condition is required to ensure secure cycle parking provision, which will be to the rear of the building.

### **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 proposed development represents the conversion of the upper floors of an existing building in a sustainable location, with the provision of 20% affordable homes (secured with a Section 106 agreement) which accords with the advice set out in the National Planning Policy Framework. The design, scale and siting of the is appropriate and is not considered to result in loss of amenity to surrounding properties. The development satisfies the relevant Wirral Unitary Development Plan policies HS4, SH7 and TR9, and Supplementary Planning Guidance notes 2 and 4.

### **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 represents the conversion of the upper floors of an existing building in a sustainable location, with the provision of 20% affordable homes which accords with the advice set out in the National Planning Policy Framework. The design, scale and siting of the is appropriate and is not considered to result in loss of amenity to surrounding properties. The development satisfies the relevant Wirral Unitary Development Plan policies HS4, SH7 and TR9, and Supplementary Planning

Guidance notes 2 and 4.

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

**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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 21 November 2012 drawing number 101 revision 1 (dated 08.04.07), and amended plans received 09 January 2013 listed as follows: drawing numbers 01 revision A (dated 21.09.2012), 02 revision B (dated 21.09.2012) and 03 revision B (dated 22.09.2012)

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

3. No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

**Reason:** In the interests of highway safety and to accord with Policy TR12 in the in the Wirral Unitary Development Plan 2000

**Further Notes for Committee:**

**Last Comments By:** 10/04/2013 15:44:16  
**Expiry Date:** 20/02/2013