

Planning Committee

30 May 2013

Reference:
APP/13/00367

Area Team:
North Team

Case Officer:
Ms J Storey

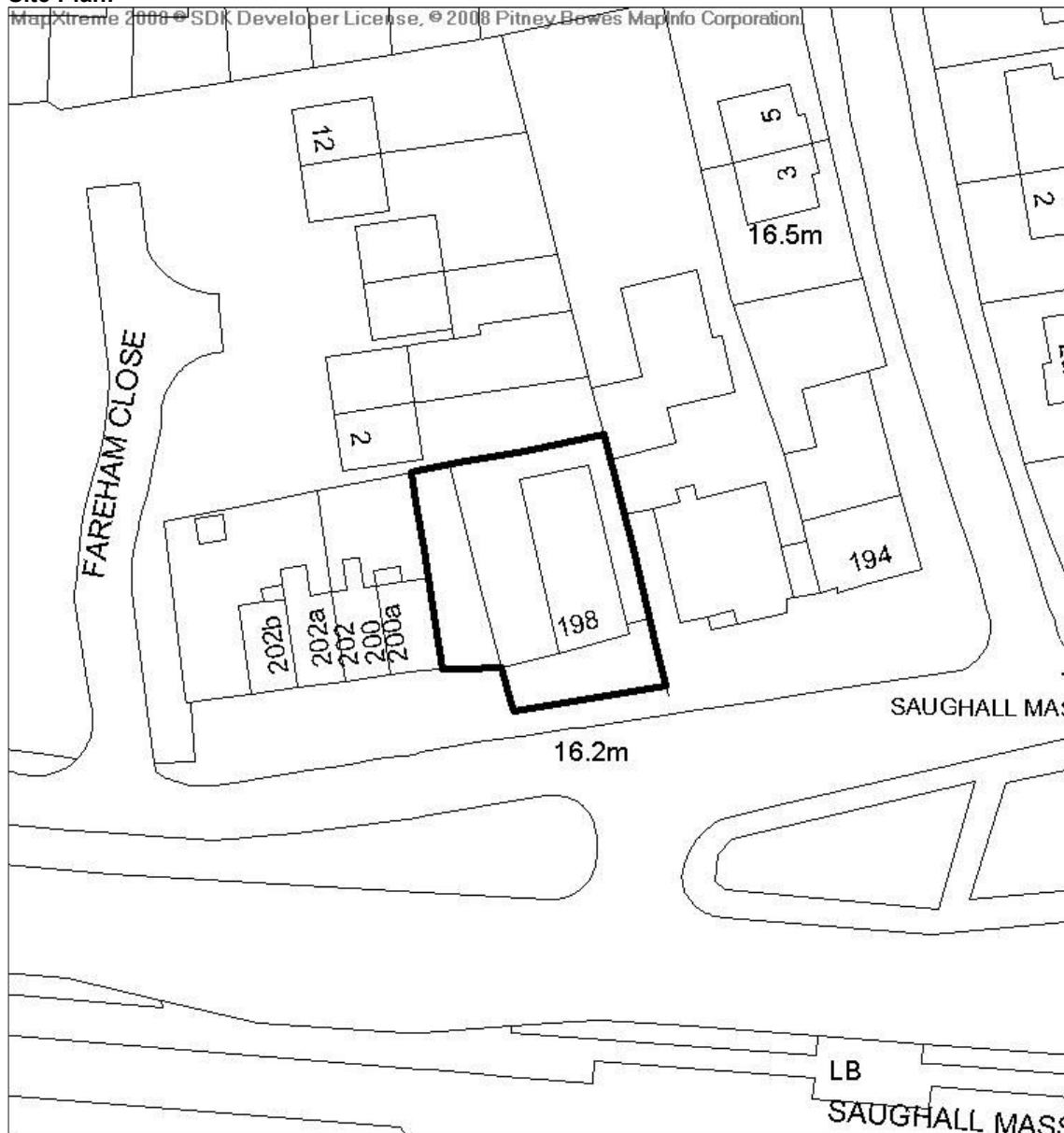
Ward:
**Moreton West and
Saughall Massie**

Location: Land West of 196 SAUGHALL MASSIE ROAD, UPTON, CH49 4LD

Proposal: Demolition of the existing building and the construction of a 2 storey building containing 3 retail/office units to the ground floor and 3 x 1 bed flats to the first floor. Alternative to APP/2005/7862.

Applicant: Ravine Investments
Agent : SDA Architects

Site Plan:



Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: Plots 13-18 Overchurch Road Upton
Application Type: Full Planning Permission
Proposal: Garages - Plots 13 - 18
Application No: APP/74/00206
Decision Date: 18/07/1974
Decision Type: Approve

Location: 198 Saughall Massie Road ,Upton,Wirral,L49 4LD
Application Type: Full Planning Permission
Proposal: Erection of a single storey building for use as a shop, and use of land to rear for market gardening.
Application No: APP/83/22860
Decision Date: 07/07/1983
Decision Type: Refuse

Location: 198 Saughall Massie Road ,Upton,Wirral,L49 4LD
Application Type: Full Planning Permission
Proposal: To erect a single storey shop for the sale of market garden produce and to use land at rear as market garden.
Application No: APP/83/23253
Decision Date: 22/09/1983
Decision Type: Conditional Approval

Location: 198 Saughall Massie Road ,Upton, L49 4LD
Application Type: Full Planning Permission
Proposal: Erection of greenhouse at the premises
Application No: APP/83/23733
Decision Date: 24/11/1983
Decision Type: Approve

Location: 198, Saughall Massie Road, Upton. L49 4LD
Application Type: Full Planning Permission
Proposal: Change of use of greenhouse and land at rear to retail sale of plants and shrubs.
Application No: APP/86/06809
Decision Date: 15/01/1987
Decision Type: Approve

Location: 196, Saughall Massie Road, Upton. L49 1LD
Application Type: Full Planning Permission
Proposal: Extension to shop and new shop front.
Application No: APP/89/07353
Decision Date: 01/12/1989
Decision Type: Approve

Location: Land east of (adjacent) 200, Saughall Massie Road, Upton. L49 4LD
Application Type: Full Planning Permission
Proposal: Erection of two shops with flat above.
Application No: APP/91/05423
Decision Date: 07/06/1991
Decision Type: Refuse

Location: Land east of (adjacent) 200, Saughall Massie Road, Upton. L49 4LD
Application Type: Full Planning Permission

Proposal: Erection of two shops with flat above and access drive, car parking and service area.

Application No: APP/91/06225

Decision Date: 25/10/1991

Decision Type: Refuse

Location: 196, Saughall Massie Road, Upton. L49 4LD

Application Type: Full Planning Permission

Proposal: Erection of rear shop/workshop extension.

Application No: APP/92/06554

Decision Date: 05/02/1993

Decision Type: Refuse

Location: Land to rear of Nos. 194, 198-208, Saughall Massie Road, Upton. L49

Application Type: Full Planning Permission

Proposal: Erection of 16 semi-detached houses.

Application No: APP/97/05110

Decision Date: 10/02/1997

Decision Type: Withdrawn

Location: Land to rear of Nos. 194, 198-208, Saughall Massie Road, Upton. L49

Application Type: Full Planning Permission

Proposal: Erection of 16 semi-detached houses.

Application No: APP/97/05191

Decision Date: 14/03/1997

Decision Type: Approve

Location: West of (adjacent) , 198 Saughall Massie Road, Upton, Wirral, CH49 4LD

Application Type: Full Planning Permission

Proposal: Erection of two storey building to form ground floor shop unit and first floor self contained flat.

Application No: APP/99/07164

Decision Date: 18/02/2000

Decision Type: Approve

Location: 196 Saughall Massie Road, Upton, Wirral, CH49 4LD

Application Type: Full Planning Permission

Proposal: Erection of a canopy above shop frontage

Application No: APP/05/06713

Decision Date: 12/09/2005

Decision Type: Refuse

Location: Land West of , 196 Saughall Massie Road, Upton, Wirral, CH49 4LD

Application Type: Full Planning Permission

Proposal: Demolition of existing single storey building & erection of a 2 storey building containing 6 office units

Application No: APP/05/07862

Decision Date: 31/03/2006

Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Councils guidance on Publicity for Planning Applications, 24 notifications have been sent to adjoining properties and a Site Notice has been displayed. At the time of writing this report, no representations have been received.

CONSULTATIONS

Head of Environment & Regulation (Pollution Control Division) - No objection subject to hours condition

Head of Environment & Regulation (Traffic and Transport Division) - No objection subject to cycle stand provision condition

DIRECTORS COMMENTS:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is submitted by SDA architects and Surveyors, a partner and architect of which is an elected member of the council.

INTRODUCTION

This application is for the demolition of a vacant single storey detached retail unit and the construction of a terrace of three, two storey units at the end of an existing parade of shops and flats. The front of the site contains an off street parking area that serves all the retail and commercial units within the parade.

The ground floor element of the proposal will extend out from the rear elevation of the adjoining retail units by a maximum of 8m bringing it to within 3m of the rear boundary. This element of the development will create 3 retail units with rear kitchen and toilet facilities. The proposed first floor will provide three, one bed roomed flats. Access to the apartments will be from a stair case at the rear of the property.

PRINCIPLE OF DEVELOPMENT

The application site is located at the end of a parade of shops within a Primarily Residential Area as designated on the proposals map. Retail and office uses are main town centre uses, residential use is acceptable in principal and the application must be assessed against the National Planning Policy Framework and Unitary Development Plan UDP Policies:

Policy SHO1 Principles For New Retail Development Strategic Policy
SH9 Criteria for Out-of-Centre and Edge-of-Centre Retail Development
SH10 Design and Location of Out-of-Centre and Edge-of-Centre Retail Development Policy HS15 - Non Residential uses in Primarily Residential Areas
Policy SH4 - Small Shopping Centres and Parades
Policy HS4 - New Housing Development.

Supplementary Planning Document SPD2: Designing for Self contained Flat Development and Conversions also provides detailed guidance on the implementation of UDP Policy HS4.

SITE AND SURROUNDINGS

The application site is situated in between a group of shops in a Primarily Residential Area. The site contains a detached single storey unit. To the east and west of the site are shop units at ground floor level. The south of the site contains residential properties.

POLICY CONTEXT

National Planning Policy Framework (NPPF)

NPPF paragraph 24 indicates that local planning authorities should apply a sequential test to applications for town centre uses that would not be located in an existing centre. While the site is designated for primarily residential purposes on the Unitary Development Plan Proposals Map, this particular area functions as a small group of shops and service facilities for the local community. Although, no information about alternative town centre sites, planning conditions to control the size and floorspace of the proposed units could be applied to prevent adverse effect on existing centres.

In terms of residential accommodation, NPPF paragraph 50, points out that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should

- plan for a mix of housing based on current and future demographic trends, market trends and the needs for different people in the community.
- identify the size, type, tenure and range of housing that is required in different locations reflecting local demand.

UDP Policies

Policy SHO1 Principles For New Retail Development

Seeks to sustain and enhance the vitality and viability of key town centres, traditional suburban centres and other shopping provision in the borough and ensure people have easy access by different modes of transport to a wide range of shops.

SH9 Criteria for Out-of-Centre and Edge-of-Centre Retail Development

Out-of-centre and edge-of-centre retail development can be permitted where that the benefits of the proposal outweigh the disadvantages when assessed against the effect on the vitality and viability of any Key Town Centre or Traditional Suburban Centre as a whole; regeneration or environmental benefits and accessibility.

SH10 Design and Location of Out-of-Centre and Edge-of-Centre Retail Development

Retail development considered under Policy SH9 can be permitted if it does not prejudice the requirement for housing, or industrial land, does not generate excessive traffic and adequate parking and servicing arrangements are provided, the design compatible with the character of the area and it would not cause a nuisance to neighbouring uses. Planning conditions may be imposed to restrict the type of goods sold in order to prevent future changes which might impact on the vitality and viability of a Key Town Centre or Traditional Suburban Centre.

Policy SH4 Small Shopping Centres and Parades

Within small shopping centres and parades in Primarily Residential Area, development falling within Classes A1 - A3 will be permitted subject to criteria relating to the protection of the amenities of surrounding residential occupiers and the amenity of the area as a whole through noise, disturbance on street parking or delivery vehicles and should include measures to mitigate smell and internally-generated noise.

Policy SH15 - Non Residential uses in Primarily Residential Areas

Within Primarily Residential Areas, proposals for small scale built development and changes of use for non-residential uses will only be permitted where proposals will not be inappropriate in scale to surrounding development, result in a detrimental change in the character of the area or impact on neighbouring uses through noise, disturbance, on-street parking and vehicle deliveries.

Policy HS4- New Housing Development

New build flats can be permitted where the scale would relate well to surrounding property, there would be no detrimental change in the character of the area; satisfactory parking access arrangements are available, design can reduce the likelihood of crime; adequate garden space and landscaping would be provided and there would be adequate distances between habitable rooms.

Part i and ii of Policy of Policy HS15 states that proposals will only be permitted where amongst other things, they will be of such a scale as to be appropriate to surrounding development and will not result in a detrimental change to the character of the area.

The site is located within a parade of shops in a Primarily Residential Area. Saughall Massie Road is busy and provides a heavy amount of passing trade. The proposal to replicate part of the existing parade and provide three additional retail units with living accommodation above is considered acceptable insofar as it will provide a small scale extension to the existing parade of shops in an established area and will not have a detrimental impact on the character of the surrounding area.

Where considered practicable and desirable one cycle stand for each flat would be required under UDP Policy TR12 'Requirements for Cycle Parking' and a maximum of one parking space per flat under SPD4 'Parking Standards'.

APPEARANCE AND AMENITY ISSUES

In terms of scale and design, the proposed development replicated the design and scale of the existing premises immediately adjacent to the proposed units. The new units will follow the existing building line at the front, but will extend out beyond the rear elevation by 8m at ground floor level. Given the design and location, it is considered that the ground floor units would be suitable for use in

either Uses Classes A1 shops or A2 financial & professional services and can be conditioned as such. The loss of the single storey building to the east of the site is of little architectural merit and is at odds with the scale and design of the surrounding properties. Therefore its demolition is considered acceptable.

There is a small amount of amenity space retained at the rear of the site for occupiers of the residential units. The existing boundary treatment at the rear should be replaced with some close boarded fencing and soft landscaping. This can be delivered through a suitably worded condition.

There is no off street parking to be provided as part of this proposal. There is a parking bay to the immediate front of the site and the site is well served by public transport. The Borough Engineer acknowledges that the lack of provision for off- street parking is likely to lead to an increase in demand for on-street parking. However there are waiting restrictions at nearby junctions and raises no objections to the proposal on highway grounds.

SEPARATION DISTANCES

To the immediate rear of the site are some recently constructed, two storey residential properties. The ground floor element of the proposal does not contain any clear windows. The first floor element however, contains bedroom windows and is located approximately 10m from a blank gable and the rear gardens of those properties Fernham close. In order to protect the residential amenities of surrounding occupiers from overlooking, the Authority normally require main habitable room windows to be at least 14 metres from any blank gable. In this instance the applicant has included a 2m high privacy screen across the rear elevation.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

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 is considered to be acceptable in terms of design and scale and will not have a detrimental impact on the visual quality of the environment. The proposal will serve the local catchment area without causing an unacceptable level of noise or general disturbance. The residential units will deliver an additional range of housing into the area. The proposal satisfies the criteria set out in Policies Policy SH4, Policy SH4 and Policy HS4 of Wirral's Unitary Development Plan and the National Planning Policy Framework.

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 is considered to be acceptable in terms of design and scale and will not have a detrimental impact on the visual quality of the environment. The proposal will serve the local catchment area without causing an unacceptable level of noise or general disturbance. The residential units will deliver an additional range of housing into the area. The proposal satisfies the criteria set out in Policies Policy SH4, Policy SH4 and Policy HS4 of Wirral's Unitary Development Plan and the National Planning Policy Framework.

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. The ground floor units shall not be open for business except between the hours of :-

09.00 hours and 18.00 hours Mondays to Saturday and at no time on Sundays and Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties having regard to Policies SH4, HS15 and HS4 of the Wirral Unitary Development Plan.

3. Deliveries to the premises shall not take place except between the hours of :-

08.00 hours and 19.00 hours Mondays to Saturday and at no time on Sundays and Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties, having regard to Policies SH4, HS15 and HS4 of the Wirral Unitary Development Plan.

4. No development shall take place before details of materials (including samples of brick and roof tiles) for all external work have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality, having regard to Policies SH4, HS4 and HS15 of the Wirral Unitary Development Plan.

5. 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 the Policies TR9 and SH10 of Wirral Unitary Development Plan.

6. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all fencing, walls, gateways and means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved and shall be retained as such thereafter. All works shall be carried out and completed prior to the first occupation of the development hereby approved.

Reason: To ensure a proper standard of separation from, and standard of amenity with respect to, neighbouring property, having regard to Policies SH4, HS4 and HS15 of the Wirral Unitary Development Plan.

7. NO DEVELOPMENT SHALL TAKE PLACE BEFORE full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed gate, the boundary treatment to the north, east and west of the site, the hard and soft landscaping to the rear of the site. The details shall include a timetable of when such works will be completed. The works shall then be carried out in accordance with the approved scheme unless any variation is approved in writing by the Local Planning Authority.

Reason To ensure a satisfactory standard appearance of the development, in the interest of the visual amenities of the area having regard to Policy GR5 of the Wirral Unitary Development Plan.

8. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of the date of 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 appearance of the development, in the interest of the visual amenities of the area having regard to Policy GR5 of the Wirral Unitary Development Plan.

9. The premises shall be used only for purposes within Use Class A1 and A2 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended

Reason: To ensure that use of the premises does not prejudice the amenity of the occupiers of nearby and neighbouring residential properties, having regard to Policies SH4, HS4 and HS15 of the Wirral Unitary Development Plan.

10. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the privacy screen at a scale of 1:20 have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full in accordance with the details so approved and shall be retained as such thereafter.

Reason: For the avoidance of doubt and in the interest of the residential amenity of the occupiers of neighbouring properties, having regard to Policies SH4, HS4 and HS15 of the Wirral Unitary Development Plan.

11. The development hereby permitted shall be carried out in accordance with the approved plans received by the Local Planning Authority on the 18th March 2013 and listed as follows: Drawing No's 30_2013_01, 30_2013_02 ,30_ and 2013_02 REV A received by the LPA on 23rd April 2013

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

12. Notwithstanding the provisions of the Town & Country Planning (General Development Procedure) Order 1995 (or any subsequent re-enactment) there shall be no merging of the units or creation of additional floor space greater than xxxx square metres within the building hereby permitted as shown on the approved plan referenced xxxx.

Reason: For the avoidance of doubt and because an alternative formats 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 the National Planning Policy Framework and Unitary Development Plan Policy SH9.

Further Notes for Committee:

Last Comments By: 18/04/2013 10:44:52
Expiry Date: 13/05/2013