

**Planning Committee**

19 December 2013

**Reference:**  
**APP/13/01226**

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

**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Eastham**

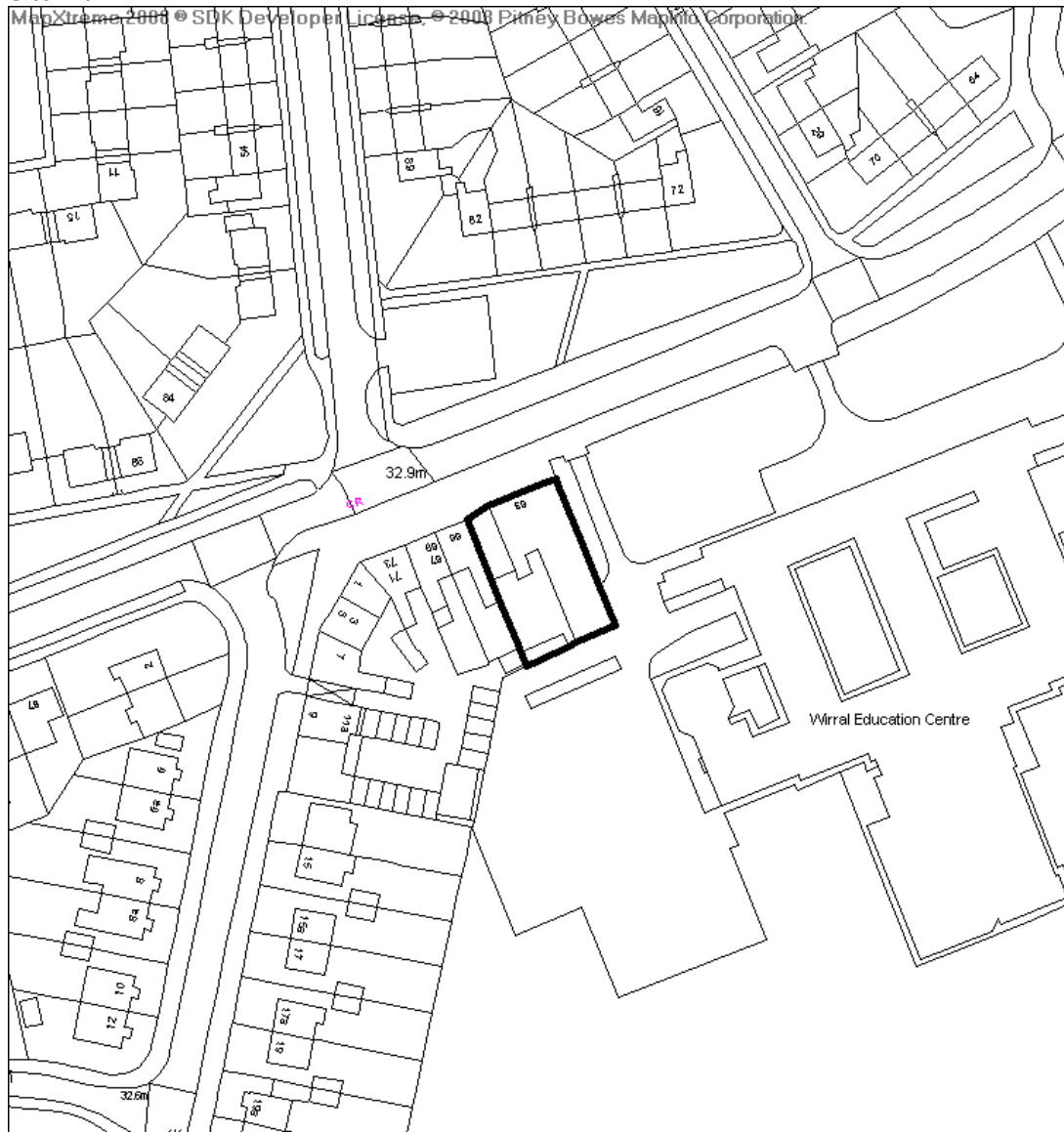
**Location:**  
**Proposal:**

63 ACRE LANE, BROMBOROUGH, CH62 7BY  
Conversion of existing first floor flat into 2 one bedroom flats with a first floor extension to provide a further 3 one bedroom flats, including change of use of retail ground floor unit from class A1 to D2 (Amended design from approved application APP/13/00458)

**Applicant:**  
**Agent :**

Mr J Higgin  
SDA

**Site Plan:**



## **Development Plan Designation and Policies:**

Primarily Residential Area.

UDP Policies URN1, TR7, TR12, HS13, HS15, SH1, SH2, SH4 and SH7.

## **Planning History:**

Location: 63 ACRE LANE, BROMBOROUGH  
Application Type: Full Planning Permission  
Proposal: Conversion of existing first floor flat into two one bedroom flats with a first floor extension to provide a further three one bedroom flats, including change of use of vacant ground floor retail unit from use class A1 [shop] to use class D2 [dance studio].  
Application No: APP/13/00458  
Decision Date: 02/07/2013  
Decision Type: Approve

Location: 63, Acre Lane, Bromborough. L62 7BY  
Application Type: Full Planning Permission  
Proposal: Change of use from shop to bookmakers.  
Application No: APP/93/06236  
Decision Date: 12/11/1993  
Decision Type: Approve

Location: Augustus Barnett, 63, Acre Lane, Bromborough. L62 7BY  
Application Type: Full Planning Permission  
Proposal: Erection of a new shop front.  
Application No: APP/91/07130  
Decision Date: 15/01/1992  
Decision Type: Approve

Location: Augustus Barnett, 63, Acre Lane, Bromborough. L62 7BY  
Application Type: Advertisement Consent  
Proposal: Illuminated projecting box sign and fascia sign.  
Application No: ADV/91/07129  
Decision Date: 19/12/1991  
Decision Type: Approve

Location: 63 Acre Lane ,Bromborough ,L62 7BY  
Application Type: Full Planning Permission  
Proposal: First floor extension for use as kitchen and bedroom at the premises  
Application No: APP/81/17677  
Decision Date: 08/04/1981  
Decision Type: Conditional Approval

Location: 63, Acre Lane, Bromborough. L62 7BY  
Application Type: Full Planning Permission  
Proposal: Erection of a new shop front.  
Application No: APP/87/05316  
Decision Date: 16/04/1987  
Decision Type: Approve

Location: 63a, Acre Lane, Bromborough. L62 7BY  
Application Type: Full Planning Permission  
Proposal: Erection of a new shop front.  
Application No: APP/87/06373  
Decision Date: 23/09/1987  
Decision Type: Approve

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

### **REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications, 19 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report no objections have been received.

### **CONSULTATIONS:**

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

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

### **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**

The proposed development is for the conversion of existing first floor flat into two one bedroom flats with a first floor extension to provide a further three one bedroom flats, including change of use of vacant ground floor retail unit from use class A1 [shop] to use class D2 [dance studio]. The proposed development is an amended scheme from that originally approved under planning consent APP/13/00458.

### **PRINCIPLE OF DEVELOPMENT**

The proposal is for a mixed residential development with a Dance Studio (D2 at ground floor.

No provision is made for development within Use Class D2 in small shopping centres under Policy SH4 the Unitary Development Plan (UDP). Such uses are normally directed to existing town suburban centres under the terms of national planning policy and UDP Policies SH1 and SH2.

Small scale uses and residential flat conversions above shops can be accepted in the Primarily Residential Area under the terms UDP Policies HS15 and SH7.

### **SITE AND SURROUNDINGS**

The site is located at the end of a small parade of shops that wrap around the corner of Acre Lane and Dawpool Drive. The property is a two storey, purpose built retail premises with living accommodation in the form of a flat above. The ground floor is only partly occupied. The larger of the two units is currently vacant. The other is occupied by a barber shop. The rear yard area is used to store skips with access off Acre Lane. The adjacent property is a newsagent with living accommodation above and to the east there is an old school site that is used as a training centre for Wirral Borough Council.

### **POLICY CONTEXT**

The proposal is assessed against the advice in the National Planning Policy Framework (NPPF) which states that good design is a key aspect of sustainable development and that proposals should optimise the potential of the site to accommodate the development.

Unitary Development Plan Policies URN1, TR7, TR12, HS13, HS13, HS15, SH1, SH2, SH4 and SH7 are relevant. Supplementary Planning Documents SPD2: Self Contained Flat Developments and SPD4: Parking Standards are also relevant.

Main town centre uses, such as dance studios within Use Class D2, are directed to existing town centres under NPPF, Part 2 and UDP Policies SH1 and SH2. There is no provision for the dance studio under UDP Policy SH4. Main town centre uses are subject to the national sequential test set in NPPF paragraph 24, which requires suitable town centre sites to be considered first.

In this particular case, the development would take place in the context of a small parade of shops and would bring a vacant unit back into use and is unlikely to impact on the vitality and viability of the main centres within the Borough. The applicant has confirmed that the site has been vacant for at least 18 months.

In addition to this, planning permission 06/07000 (refers) was granted on 30/10/2006 to enable 1 Dawpool Drive & 71 Acre Lane to be used as 2 dance studios. Therefore this type of use in this parade of shops has been accepted before. The proposed use will be a relocation of this dance studio from 1 Dawpool Drive & 71 Acre Lane.

The layout for the proposed flats has been revised and arranged so as the main outlook from the living area is towards the east. Whilst the proposed bedroom windows face east towards the rear yard of 66 Acre Lane there is not considered to be any form of adverse impact as the adjacent property is in commercial use. The rear area is screened by an approximately 2m high brick wall and at present is not used by the occupiers as it is overgrown and is a state of disrepair. All of the proposed rooms in the development are deemed to have an acceptable outlook and therefore comply with the criteria set out in national and local policy.

External amenity space would be on a terrace that can be accessed by all flats. Whilst the development is a higher density than the previous use, the site is closely located to Leverhulme Sports field which provides recreational facilities. There are also shopping facilities on Acre Lane and public transport, with bus routes serving Acre Lane itself.

#### **APPEARANCE AND AMENITY ISSUES**

The proposed extension will be located at the rear of the premises above the existing single storey outrigger that extends into the rear yard area.

The design is simple and modern and will only be visible from the side and rear of the site. The street scene elevation will not be altered at all. The development is considered to be acceptable in terms of design and scale and will not result in a detrimental change in the character of the area.

The height, design and siting in relation to neighbouring residential properties is considered acceptable as it is located a sufficient distance away from the nearest residential property 66 Acre Lane. There are no residential properties to the south or east and as such there will be no adverse impact. The nearest point of the neighbouring building (former school) to the east is the blank elevation of a single storey structure approximately 10m away. There will be no adverse impact.

The head of Environment & Regulation (Pollution Control Division) had originally raised a concern with regards to the conversion of the ground floor of the premises into a dance studio. The applicant has now submitted a scheme of sound insulation that addresses these concerns and as such they have withdrawn their objection. The dance studio is already operating in an adjacent property (1 Dawpool Drive & 71-73 Acre Lane) which is under the same ownership as the site in question as such the noise and disturbance associated with the scheme is not considered materially different from that generated by the existing flat and retail unit. In order to ensure sound insulation scheme is installed a condition is imposed that requires details of the scheme of sound insulation to be submitted to and agreed in writing prior to first occupation.

As such the proposed development is deemed acceptable having regard to the criteria set out in PolicyHS13, HS15, SH4, SH7 of Wirral's Unitary Development Plan and the guidance in SPD 2. UDP Policy URN1 also lends support for bringing vacant property back into use.

#### **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. This development achieves the required separation distances.

The applicant states that the space immediately outside the entrances to apartments 3-5 is a circulation space, and is unsuitable for use as a seating area.

There are no residential properties to the side (east) and rear (south) of the site and as such there will

be no overlooking or loss of privacy.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no significant highway/traffic implications. The site is an established residential and commercial use and it is there considered that the traffic movements can be accommodated within the existing highway network. The Head of Environment and Regulation (Traffic and Transportation Divisions) has raised no objection to the proposed development stating that whilst there is a lack of high street parking which would generate a small increase in on street parking demand, the nearby junction is protected by waiting restrictions.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

Environmental/Sustainability issues relating to this proposals can be addressed through the use of planning conditions for sound insulation and control of opening hours for the dance studio.

#### **HEALTH ISSUES**

The dance studio would promote physical exercise, which could have positive health implications.

#### **CONCLUSION**

The proposal is considered to be in keeping with existing development and general character of the area. With conditions for sound insulation and opening hours, there will be adverse impact on the amenity of the occupiers of adjacent properties and the proposal is therefore considered acceptable having regard to Policies, HS13, HS15, SH4 and SH7 of the Wirral Unitary Development Plan, SPD 2 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 proposal is considered to be in keeping with existing development and general character of the area. With conditions for sound insulation and opening hours, there will be adverse impact on the amenity of the occupiers of adjacent properties and the proposal is therefore considered acceptable having regard to Policies, HS13, HS15, SH4 and SH7 of the Wirral Unitary Development Plan, SPD 2 and the National Planning Policy Framework

**Recommended Decision:**                      **Approve**

#### **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 24th September 2013 and listed as follows: 112\_2013\_01 Rev A, (dated 10.09.13, 112\_2013\_02, (dated 10.09.13) & 112\_2013\_03, (dated 10.09.13)

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

3. Prior to commencement of development a scheme of sound insulation provision for both airborne & impact noise between the proposed flats and the D2 (dance studio) Use at ground floor shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained as

such thereafter.

**Reason:** In the interest of amenity having regards to Policies HS13, HS15 & SH7 of the Wirral Unitary Development Plan

4. 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

5. Prior to commencement of development details of the ventilation provision for the D1 (dance studio) use shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained as such thereafter.

**Reason:** In the interest of amenity having regards to Policies HS13, HS15 & SH7 of the Wirral Unitary Development Plan

6. The ground floor premises approved as a dance studio shall be closed between 20:00 hrs and 09:00 hrs Monday to Saturday. The ground floor premises shall be closed between 00:00 hrs and 10:00 on a Sunday and between 16:00 hrs and 24:00 hrs on Sunday.

**Reason:** In the interest of amenity having regards to Policies HS15 and SH4 of Wirral's Unitary Development Plan.

**Last Comments By:** 11/11/2013 10:09:16  
**Expiry Date:** 19/11/2013