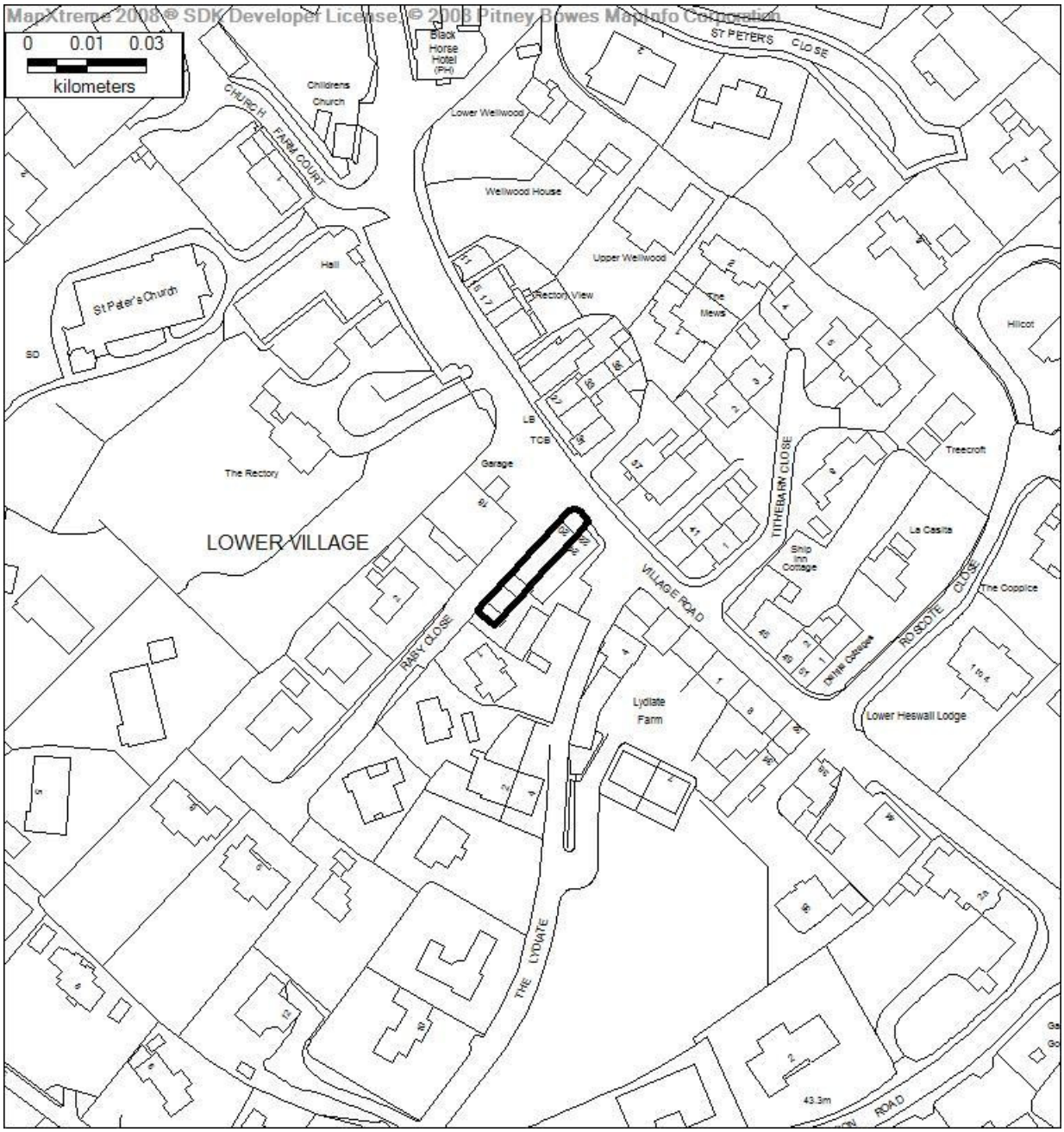
Planning Committee
22 June 2017

Reference:	Area Team:	Case Officer:	Ward:
APP/17/00218	**South Team**	**Miss A McDougall**	**Heswall**

Location:	The Co Operative Pharmacy, 20 VILLAGE ROAD, HESWALL, CH60 0DZ
Proposal:	Demolition of the existing premises and erection of a three storey building with A3 use at ground floor and two residential flats to the first second floors.
Applicant:	Mr Jervis
Agent :	KJP Architecture

Site Plan:



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Development Plan Designation:
Conservation Area (for illustrative purposes)
Primarily Residential Area

Planning History:

Location: The Pharmacy, Village Road, Heswall. L60 0DZ
Application Type: Full Planning Permission
Proposal: Erection of roller type shutter/grille to front of glass frontage.
Application No: APP/95/05545
Decision Date: 09/06/1995
Decision Type: Approved

Location: The Pharmacy, Village Road, Heswall. L60 0DZ
Application Type: Full Planning Permission
Proposal: New shop front,
Application No: APP/86/06549
Decision Date: 13/11/1986
Decision Type: Approved

Location: The Co Operative Pharmacy, 20 VILLAGE ROAD, HESWALL, CH60 0DZ
Application Type: Advertisement Consent
Proposal: 1 x Non Illuminated Fascia 2 x Non Illuminated Window Vinyl
Application No: ADV/15/00666
Decision Date: 21/07/2015
Decision Type: Approved

Location: Co-Op Pharmacy(ex P Williams Chemist), 20 Village Road, Heswall, Wirral, CH60 0DZ
Application Type: Advertisement Consent
Proposal: Erection of 2 no fascia signs one projecting sign
Application No: ADV/08/06756
Decision Date: 11/12/2008
Decision Type: Refused

Summary Of Representations and Consultations Received:

REPRESENTATIONS:
Having regard to the Council Guidance on Publicity for Applications, 20 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 24 objections have been received, listing the following grounds:

1. traffic congestion
2. limited parking within the village
3. appearance if out of character
4. dispute regarding ownership/access
5. opening hours of the proposed A3 use
6. Raby Close is a private road
7. necessity of the A3
8. loss of light
9. noise
10. loss of privacy
11. impact onto the character of the Conservation area

CONSULTATIONS:
Highways - No Objections

Environmental Protection - No Objections subject to conditions

The Heswall Society - Generally supportive, advisory notes regarding the development.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE
The Council has received over 15 separate letters of objection to the proposed development.

INTRODUCTION
The proposal is for the replacement of a single storey vacancy retail unit with a three-storey mixed use development that includes an A3 use at ground floor and two flats above.

Amendments to the design were received on 31st May 2017, these amendments related to the roof design, the design detailing around the arches and the fenestration.

PRINCIPLE OF DEVELOPMENT
The site is located within an enclave of shops that form part of a Primarily Residential Area and Conservation Area in the Unitary Development Plan (UDP). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Area. UDP Policy CH2 permits development where the visual and operational impact can be demonstrated to preserve or enhance the distinctive characteristics of the area. .

SITE AND SURROUNDINGS
The application site currently contains a single storey vacant retail unit and is located on a corner plot, the plot is within the designated residential area however Heswall village contains a number of shops, a car garage, a public house and a Church.

The plot itself is quite narrow and is bounded by Village Road and Raby Close, Raby Close is a private road and there are double yellow lines along the highway, to the back of the application plot is a separate single garage but this does not form part of the application site boundary. The site is at the edge of the retail area and faces housing, the adjoining building is also three storey and has an A1 use at ground floor with residential above, there are a number of three-storey buildings within the area.

POLICY CONTEXT

<u>HS4 Criteria for New Housing Development Policy</u>

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:

(i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;

(ii) the proposal not resulting in a detrimental change in the character of the area;

(iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;

(iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;

(v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;

(vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and

(vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts

onto the rear elevation of another, then an adequate separation should be achieved.

HS15 Non-Residential Uses in Primarily Residential Areas Policy

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.

CH14 Heswall Lower Village Conservation Area Policy

In relation to Heswall Lower Village Conservation Area the principal planning objectives for the area will be to:

(i) preserve the character of the old village core, including the setting and character of its former farm buildings and cottage scale dwellings;

(ii) preserve the character and setting of the surrounding area characterised by substantial property in large, well-landscaped grounds and by the denser more modest scale development to the north of Dawstone Park;

(iii) retain unifying features such as stone walls, the character of narrow lanes such as School Hill, Brow Lane, West Grove and Feather Lane and areas of mature landscaping.

Notwithstanding designation as Urban Greenspace under Proposal GR2, special attention will be given to retaining the historic character of Dawstone Park.

SH4 Small Shopping Centres and Parades Policy

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.

APPEARANCE AND AMENITY ISSUES

The proposed building is three storey in height that includes additional living space within the roof and a terrace area at roof height that serves one of the flats. The building is set back from the front elevation of

the existing building no.22 and is approximately 17m in depth which reflects the rear building line of no.22. The proposal consists of an A3 use at ground floor with two residential flats accommodating the upper floors, to the rear yard area the proposal includes removing a boundary wall to provide two off street parking spaces.

The scale of the building reflects the neighbouring building and is considered to be more in keeping with the character of the village than the existing single storey retail unit, the proposal reflects the scale and some of the design traits of the adjoining building however given that this would be a new build, the proposal to include modern windows is considered acceptable so that the replacement building does not result in a pastiche of the existing buildings in the area. The design includes a curved top brickwork detail that is replicated to the front and side elevations allowing for designation of entrance points, such as the sliding doors at ground floor and the entrance into the flats, this also breaks up the expanse of wall along Raby Close.

The front elevation of the building is set back in relation to the shop front of 22 Village Road, this stepped appearance also provides a visual break between the two buildings and when viewing the site southwards within the village, the set back is considered to benefit the visual relationship between the buildings and within the village itself.

With regards to the access and layout of the upper floor flats, they are considered to be well set out with good outlook to each habitable room, the second floor flat includes a room within the roof as well as a roof terrace. The roof terrace is located to the rear and has outlook down Raby Close, there is a property approximately 15m away at 1 Raby Close however the outlook of this property is angled away from the rear elevation of the proposed building so the development will not have an adverse impact onto the privacy of this property.

Concerns have been raised with regards to the character of the conservation area, parking and opening hours of the A3 use. The proposed design is considered to be appropriate to the character of the area and includes detailing within the building that has a positive impact onto the character of the area, the scale and materials proposed also reflect those within neighbouring buildings. With regards to highway concerns, there have been no objections raised from the Councils Highways officers and the proposal includes two new parking spaces to the rear.

The proposed A3 use is considered acceptable given its location and neighbouring uses however the application request opening hours up to 11pm, given the proximity to residential properties and the general character of the area being predominantly day time retail premises, it is advised that the opening hours be restricted to 8pm so as not to cause harm to residential amenity.

SEPARATION DISTANCES

To the rear and side elevation the building is considered to meet the Councils interface distances. The proposed building is approximately 17m from 37 Village Road opposite, this is a two-storey dwelling, the building is not considered to meet the Council interface distances to this building however given the pattern of development, the established adjoining building no.22 and the existing building within the site the proposed development is not considered to cause harm to the privacy or outlook of the dwelling opposite.

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.

CONCLUSION

The proposed development is considered to have a positive contribution to the character of the area and will introduce a building that is similar in scale and design to existing buildings within the village, the proposal is therefore acceptable having regard to Wirral's UDP Policies HS4, HS15, CH14 and SH4.

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 proposed development is considered to have a positive contribution to the character of the area and will introduce a building that is similar in scale and design to existing buildings within the village, the proposal is therefore acceptable having regard to Wirral's UDP Policies HS4, HS15, CH14 and SH4.

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 24 February 2017 and 31 May 2017 and listed as follows: 002, 003 & 004 Rev A.

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

3. Before any construction commences, samples of the facing and window 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 CH14 of the Wirral Unitary Development Plan.

4. The ground floor premises shall not be used except between the hours of 0700 hours and 2000 hours Mondays to Saturdays and 0900 hours and 1800 hours Sundays and Bank Holidays.

   Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

5. NO DEVELOPMENT SHALL TAKE PLACE UNTIL details of satisfactory noise insulation to be provided to walls and/or floors between units in separate occupation, in particular between the ground floor and first floor residential accommodation, in accordance with the Local Planning Authority's preferred design standards, or to such other alternative specifications, has been submitted to and approved by the Local Planning Authority, and the insulation shall be installed prior to occupation of the units hereby approved.

   Reason: In the interests of neighbouring occupiers.

6. NO DEVELOPMENT SHALL TAKE PLACE UNTIL a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority. All equipment installed as part of the agreed scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

   Reason: Having regard to the proximity to neighbouring uses

7. NO DEVELOPMENT SHALL TAKE PLACE UNTIL a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing

with the Local Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan.

8. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

***Reason*:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 12/04/2017
Expiry Date: 21/04/2017