

Planning Committee

18 January 2018

Reference:

APP/17/00743

Area Team:

North Team

Case Officer:

Mr K Spilsbury

Ward:

Seacombe

Location:

Elmees Discount, 186 BOROUGH ROAD, SEACOMBE, CH44 6NJ

Proposal:

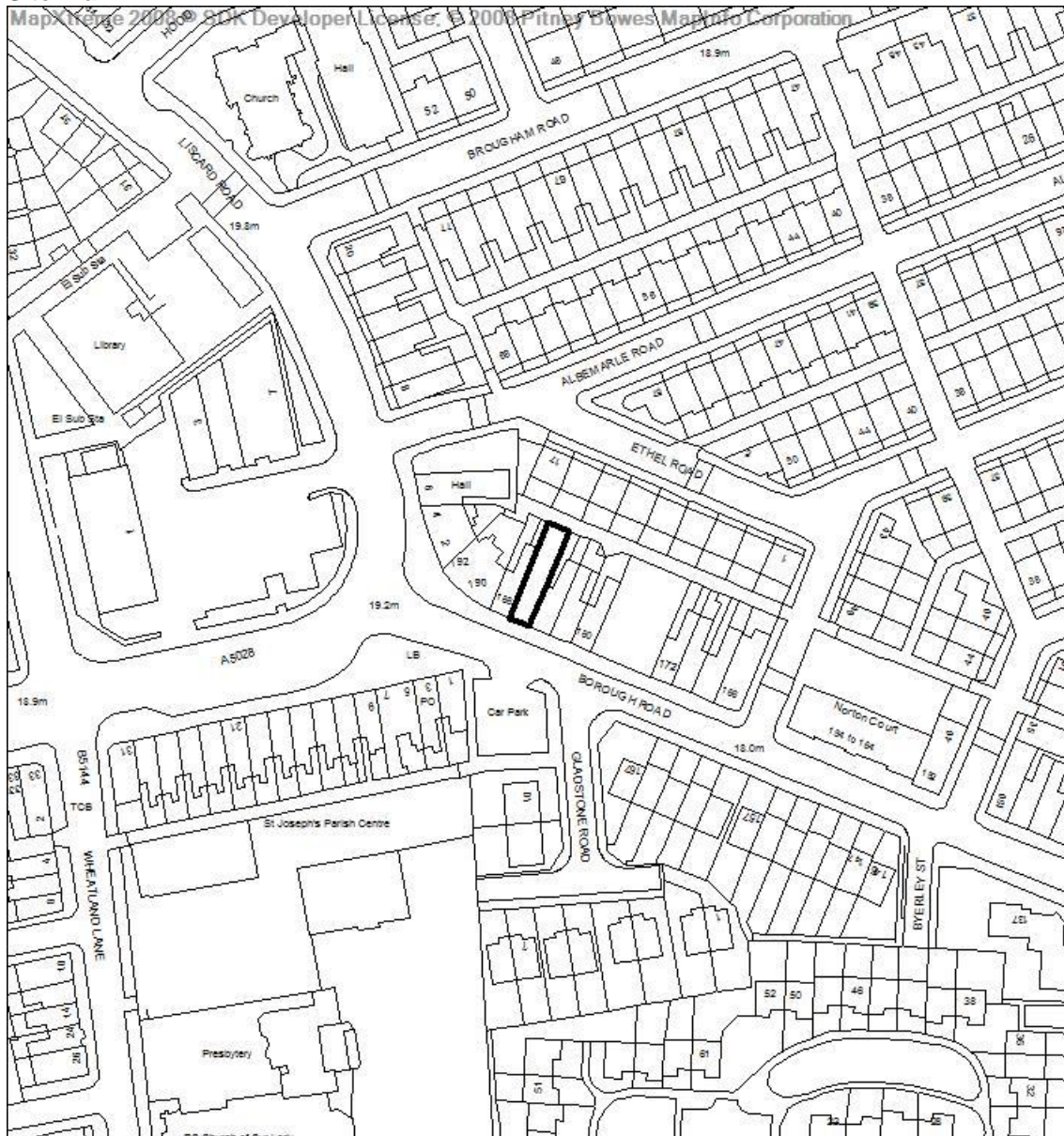
Retention of shop at ground floor and change of use of the rear store, first and second floor of the building to a 5 bedroom HMO (Use class C4) with associated alterations. (Amended scheme).

Applicant:

Mr Ale

Agent :

Site Plan:



Development Plan Designation

Traditional Suburban Centre

Planning History:

Location: 186, Borough Road, Seacombe. L44 6NJ
Application Type: Full Planning Permission
Proposal: Erection of new shop front.
Application No: APP/92/06872
Decision Date: 22/12/1992
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 11 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report no objections have been received from surrounding properties.

Councillor Stuart, Councillor Chris Jones & Councillor Adrian Jones have requested the application be taken out of delegation as they have strong reservations regarding the intensification of overcrowding and HMO's in this area.

CONSULTATIONS:

Engineers Department - No objections

Environmental Health – No objections

DIRECTORS COMMENTS:

REASON FOR REFERRAL

Councillor Stuart, Councillor Chris Jones & Councillor Adrian Jones have requested the application be taken out of delegation as they have strong reservations regarding the intensification of overcrowding and HMO's in this area.

INTRODUCTION

The proposed development is for the retention of shop at ground floor and change of use of the rear store, first and second floor of the building to a 5 bedroom HMO (Use class C4) with associated alterations. (This is an amended scheme from that originally submitted as the applicant had wanted to convert the shop at ground floor into living space. The applicant was informed that this would not comply with policy as it was in a traditional suburban centre and the scheme has been amended to retain the ground floor shop.

PRINCIPLE OF DEVELOPMENT

UDP Policy SH7 permits conversion of upper floors in retail premises subject to access, parking, servicing, amenity, security and compatibility considerations.

Proposals for HMO's are not permitted unless all the criteria in Policy HS14 are fulfilled.

SITE AND SURROUNDINGS

The site is made up of a retail premises at ground floor with what appears from the outside to be a residential flat above. There are a mix of properties in the area including a public house, shops, cafes, hot food takeaways as well as housing mixed in with the commercial properties further down Borough Road. The property is located within a terrace block and there are a number of vacant units along this particular parade.

POLICY CONTEXT

UDP Policy HS14: Houses in Multiple Occupation is the relevant local plan policy. The policy establishes a number of criteria that must be fulfilled: the property being of sufficient size to accommodate the proposal and not of modern domestic scale; if the property is not detached then

adjoining property is not in single family occupation; the proposal not resulting in a private dwelling having an HMO on both sides; the proposal not resulting in a change in the character of the surrounding area which would be detrimental; the proposal not resulting in a concentration of HMO's in a particular area such that the character of the area is adversely affected; the proposal ensuring the privacy of neighbours and occupants, including the layout of car parking areas, to prevent overlooking of habitable room windows; staircase access normally being provided within the main structure of the building. If external staircases have to be provided they must not result in significant overlooking of neighbours' windows or private amenity space; any extensions required complying with Policy HS11; any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree; any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally; adequate sound proofing being provided; any basement accommodation having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle access ways; main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls; access to rear yards/gardens being provided from each flat; adequate visibility at entrance and exit points and turning space for vehicles; and the proposal otherwise complying with Policy HS4 and Policy HS5.

Existing HMO's and valid planning permissions must not comprise more than 20% or more of the properties forming the street frontage within a street block.

Policy SH7 - Upper Floor Uses in Retail Premises states the Local Planning Authority will permit the conversion of upper floors above shops for office uses or for residential uses not covered by permitted development rights, subject to access, parking, servicing, amenity and shop security considerations and the compatibility of the proposed use with neighbouring upper floor activities.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources; Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

The National Planning Policy Framework states that the purpose of planning is help to achieve sustainable development. Development is expected to make a positive contribution to an area and use opportunities to improve the character and quality of an area. It is a core principle that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants..

APPEARANCE AND AMENITY ISSUES

As stated above the plans have been amended to improve the layout and retain the commercial frontage at ground floor which has been reviewed by the Housing Standards scheme. The number and size of the bedrooms is therefore deemed acceptable having regards to UDP policy HS14. No objections have been raised to the application by the Environmental Health Team and therefore given the size, layout and location of the application building and curtilage, it is not considered that significant impacts would arise from the grant of planning permission.

The HMO will allow the first and second floor of the premises to be used effectively without detriment to the commercial frontage. The use of the ground floor for A1 is deemed acceptable having regards to policy SH2 and the introduction of a HMO above ground floor is deemed as an acceptable use within a Traditional Suburban Centre. The first and second floors were already being used as residential accommodation and as such the conversion to a HMO will have minimal disruption to the area.

Considering appearance, internal alterations will be undertaken to facilitate the use, including the insertion of partitions and the addition of additional bathroom areas and a kitchen diner at ground floor. The only external alteration is for the introduction of a window in the kitchen to ensure there is outlook and ventilation.

The applicant has confirmed that the existing outbuilding at the rear of the premises has been demolished providing out door amenity space in the form of a rear yard with access to a gated alley

way. A condition is proposed to secure appropriate cycle parking facilities at the site should members be minded to approve the application in addition to a bin storage condition.

Concern had originally been raised by the housing standards team over the size and design of the kitchen area. The applicant has confirmed that the kitchen will be in excess of the required 18m². The kitchen measures 2.7m x 6.8m = 18.36m². In addition the applicant states that the layout of the kitchen has not been finalised and as such will work with housing standards to secure a HMO licence. The layout of the kitchen will therefore need to be amended to comply with housing standards legislation. Layout of the kitchen alone would not be a valid reason to refuse a planning application.

It is considered that the proposed development is acceptable in terms of its use and the proposed amendments will ensure the commercial aspect of the traditional suburban centre is preserved. The introduction of a HMO at first and second floor will not result in a detrimental impact upon the amenities of surrounding properties and as such the development is deemed acceptable in terms of the criteria set out in UDP policy HS14 and SH7 as well as the NPPF.

SEPARATION DISTANCES

The proposal is for a change of use of an existing building, and as such the only consideration is whether the use would result in new opportunities for overlooking, or result in additional rooms being used for a habitable purpose that might result in privacy issues. It is not considered that privacy or overlooking issues would arise to the front, side or rear of the property, given that all of the windows are existing. The new window at ground floor will only allow views into the rear yard area.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no significant highway implications relating to this proposal, the site is deemed to be located within a sustainable location with good transport links to local services and beyond.

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 considered to be of a scale and design which would not result in a detrimental change in the character of the surrounding area. The ground floor use is retained as commercial within the Traditional Suburban Centre and the first and second floor HMO development will not result in any significant impacts on the amenities of neighbours surrounding the site in terms of loss of outlook, privacy, daylight or sunlight. It is considered that the proposal complies with Policy HS14 and SH7 of the adopted Wirral 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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is considered to be of a scale and design which would not result in a detrimental change in the character of the surrounding area. The ground floor use is retained as commercial within the Traditional Suburban Centre and the first and second floor HMO development will not result in any significant impacts on the amenities of neighbours surrounding the site in terms of loss of outlook, privacy, daylight or sunlight. It is considered that the proposal complies with Policy HS14 and SH7 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

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 26th September 2017 and 16th October 2017 and listed as follows: 16_2017_01 rev C, 16_2017_02 rev C, 16_2017_03 rev C, 16_2017_04 rev D, 16_2017_05 rev C & 16_2017_06 rev C (Dated 22.08.17).

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

3. 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.

4. Prior to the first occupation of the HMO arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Waste Local Plan.

Last Comments By: 03/11/2017 16:46:11

Expiry Date: 11/09/2017