

Planning Committee

15 February 2011

Reference:
APP/10/01471

Area Team:
North Team

Case Officer:
Mrs S Lacey

Ward:
Claughton

Location: Trustland Construction, 6A-8 LINGDALE ROAD NORTH,
CLAUGHTON, CH41 0DJ

Proposal: Change of use from office to dwelling

Applicant: B + M Investments
Agent :

Site Plan:



Development Plan allocation and policies:

Traditional Suburban Centre
Primarily Residential Area

Planning History:

APP/02/06053 - Erection of a 2-storey extension - Approved 12/07/2002

APP/10/00272 - Change of use from office and storage to childrens day nursery - Refused
21/04/2010

Summary Of Representations and Consultations Received:

REPRESENTATIONS

15 letters of notification have been sent to properties in the area and a site notice was displayed on Lingdale Road. At the time of writing this report no objections have been received.

CONSULTATIONS

Director of Law, HR and Asset Management – Housing & Environmental Protection Division: No objection

Director of Technical Services – Traffic Management Division: No objection

Director's Comments:

INTRODUCTION

The application proposes a change of use from an office and storage yard to a dwelling.

PRINCIPLE OF DEVELOPMENT

The site is located within the Claughton Traditional Suburban Centre as identified on the Unitary Development Plan (UDP) Proposals Map and is subject to UDP Policies SH2 and SH3. There is no planned contraction of the centre, thus the application has been advertised as a departure from the Unitary Development Plan (UDP).

The site is also outside the regeneration priority areas identified in the Interim Planning policy 'New Housing Development' where residential development is only permitted in limited circumstances.

SITE AND SURROUNDINGS

The site comprises an attractive brick semi-detached building formerly used as an office and storage yard for a construction business. The adjoining semi detached property is in use for residential purposes and Lingdale Road North is, predominantly, a residential street. The site is within 40 metres of the junction with Upton Road (A5027), which is a primary route.

POLICY CONTEXT

The application is contrary to UDP Policies SH2 and SH3, which only make provision for retail proposals falling with Use Classes A1, A2, A3 and small scale D1 non-residential uses. Ground floor residential development is not permitted under SH3 because there is no current planned contraction.

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Material considerations in this particular case include:

- a) the findings of Wirral Retail & Leisure Strategy adopted by the Council (15 February 2010, minute 97 refers) as material consideration for use in development control;
- b) the planning history;
- c) the prospects of the building being used for purposes permitted in the development plan;
- d) the provisions of the Interim Planning Policy 'New Housing Development'; and
- e) the nature of surrounding development plus the impact on the character of the area and amenity of neighbouring uses;

Evidence in the Wirral Retail & Leisure Strategy, in the analysis on vitality and viability of existing centres, shows that the Claughton Traditional Suburban Centre is rated as one the better performing centres within the Borough. All the units in Upton Road were recorded as being in use. The site for this application located behind the primary frontage for the centre in Lingdale Road North, where the neighbouring properties are also in use for housing. The planning history shows that the use of the adjoining semi detached premises for residential purposes, which is also within the boundary of the Traditional Suburban Centre, was granted planning permission on 4th September 2009 (APP/09/05602 refers).

The applicant has provided information to show that the premises have been vacant since 2007 and

that suitable re-use of the building has been sought within the terms of UDP Policy SH2 through continual marketing via an estate agent since July 2009. The marketing did lead to interest for commercial use as a day nursery, however, planning permission was refused on 21 April, 2010 for highway safety reasons (APP/10/00272 refers).

As the site is located in a predominantly residential street, away from the primary frontage of the centre, and that attempts have failed to secure a suitable use permitted under the terms of the development plan, it can be reasonably concluded that, in this particular case, release of the site for the proposed would cause no undue harm to the vitality and viability of the centre. Relaxing the terms of UDP Policies SH2 and SH3 would be consistent with the decision to grant planning permission for residential use at the adjoining premises.

The Interim Planning Policy sets the following limited circumstances in which the proposal might be considered;

- (a) It is for one for one replacement; or
- (b) It is for development which outline consent has already been granted; or
- (c) It is on a site with extant planning permission capable of implementations and the number of dwellings applied for will be the same as, or less than, in the extant permission; or
- (d) Where the applicant can demonstrate (i) the proposal will not harm the urban regeneration within regeneration priority areas, (ii) it will not harm the character of the adjoining area, (iii) the proposal will assist the regeneration of the site and that (iv) the proposal will meet an identified local housing need.

The proposal cannot meet criteria (a) to (c) and the applicant has not provided sufficient information to show that an identified local need can be met under criterion d (iv). However, based on the fact that the search for other appropriate uses has not been successful, it is likely that refusal on these grounds could perpetuate the long term vacancy of this property. Conversion for residential purposes would be compatible with the existing properties in this street and finding a long term use would help with the regeneration of the site. Thus it could be reasonably contended that approval in these circumstances would not set a precedent to undermine the regeneration of the New Heartlands Housing Market Renewal Area and the other priority areas across the eastern parts of the Borough.

As the remainder of Lingdale Road North is residential in nature, the neighbours' amenity must be taken into account. The former construction business if brought back into similar use, could have the propensity to cause undue noise and disturbance and would not relate well with the character of the immediate area. It should be noted that the previous application for use as a day nursery received a petition of 10 signatures regarding traffic congestion and amenity issues. Consequently, amenity benefits could be accrued from the loss of the current permitted use.

On balance, the benefits from bringing the empty property back into a suitable and viable use, which has been marketed for some time for commercial purposes with out success, weigh in favour relaxing the development plan designation and the Interim Planning Policy in this particular case. .

APPEARANCE AND AMENITY ISSUES

While not directly applicable the application would be acceptable under the principles of UDP Policy HS4, which contains criteria to protect the neighbours' amenity and achieve a satisfactory standard of development.

All habitable rooms have a reasonable outlook and are of a suitable size and an acceptable amount of amenity space remains. There is adequate outlook and acceptable levels of daylight from the principle windows to the front and rear elevations. It is not deemed necessary to remove permitted development rights.

SEPARATION DISTANCES

There is a 20m separation distance between the front elevation of No.3 Lingdale Road North. There is a 7m separation distance to No.4 Lingdale Road North. There are garages to the rear of the site. No extensions are proposed and the existing interface distances are not compromised. There are no issues of loss of privacy or overlooking.

HIGHWAY/TRAFFIC IMPLICATIONS

The Council has adopted parking standards (SPD4) which set out the level of provision considered sufficient according to the type of development. The standards set out maximum limits and there are no parking restrictions outside the property. As such the proposal is deemed acceptable.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The proposal would provide a sustainable solution for bringing a long term vacant building back into use. Empty property could be detrimental to amenity and can cause environmental issues.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The application is contrary to UDP Policies SH2 and SH3 because the building that would be converted to a dwelling is located in the Claughton Traditional Suburban Centre where no contraction is planned. In addition to this, it has not been demonstrated that proposal can fully comply with the Interim Planning Policy in terms of meeting local need. However, there is evidence that the property has been vacant for some time and marketing since July 2009 has failed to secure a suitable use within the terms of the development plan. Conversion of the premises for residential purposes would be compatible with the existing properties in Lingdale Road North and would provide a sustainable solution to finding a use for regenerating the site. In these circumstances, the proposal would not set a precedent that would undermine vitality and viability of the Claughton centre and the housing restructuring objectives in the regeneration priority areas. This coupled with the amenity benefits that could be accrued by losing the right to re-instate a construction business in a residential street is sufficient to outweigh the provisions of the Unitary Development Plan and Interim Planning Policy in this particular case.

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 not considered to result in any harmful visual impact on its surroundings or the character of the area. It is considered that the proposal would not adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design and meets the terms of Policy HS4 – Criteria for New Housing Development of the adopted Wirral Unitary Development Plan.

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.

Further Notes for Committee:

Last Comments By: 10/02/2011 16:55:28
Expiry Date: 09/02/2011