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APP/2009/6038

WARD Liscard

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**Location:** 2 Thirlmere Drive Liscard Wirral CH45 4LW

**Proposal:** Erection of a single storey extension, raising roof of existing workshops & installation of spray booth (retrospective application)

**Applicant:** Mr Michael Bowers  
45 Egremont Promenade  
Wallasey  
Wirral  
CH44 8BQ

Agent: Mr Simon Finney  
Gilmore Developments Limited  
23 Tarran Way West  
Moreton  
Wirral  
CH46 4TT

**Development Plan** Primarily Residential Area

**allocation and policies:** Policy HS15 - Non Residential Uses in Primarily Residential Areas.

**Planning History:** None.

**Representations and consultations received:** Representations:

A site notice was displayed by the applicant. A total of 38 letters of notification have been sent to properties in the area. At the time of writing this report a qualifying petition of 90 signatures from separate households and 9 individual letters of objection have been received, listing the following grounds:

- The use of the building;
- The effects on health of residents due to dust, paint fumes, smells (solvents, burning rubber) and noise (extraction, motorbikes and cars revving);
- The appearance and size of the structure and air vent, which is unsuitable in a residential area;
- Devaluation of property;
- The last use of the site was a double garage and a large lean-to shed;
- The materials of construction;
- Inaccuracies of the agents drawings;
- Traffic to the site has created congestion and parking issues, and the number of motor vehicles coming and leaving and being stored on site is unacceptable;
- Unsatisfactory access in case of fire;
- The application is for spraying motorbikes;
- The application is already built;
- Trees and shrubs have been removed;
- Water base paint is not being used;
- Operating hours;
- Interference with electrical equipment
- Health problems of residents will be exacerbated.

A further letter of objection was received, but wished to remain confidential.

Consultations:

Director of Regeneration - Housing & Environmental Protection Division had no objection to the proposal subject to a condition detailing the fume extract and odour control system.

Director of Technical Services - Traffic Management Division had no objection to the proposal and considered the potential for an increase in vehicle movement unlikely to be significant.

**Directors comments:** PROPOSAL

Erection of a single-storey extension, raising roof of existing workshops and installation of spray booth (retrospective application).

The application is to determine the impact of the physical structure of the building on the amenities of neighbouring properties. Both the previous use of a workshop/garage and the subsequent uses as a boatyard and motorcycle spraying booth fall under Use Class B1 (light industry). As such the existing industrial use of the site (as a training centre for spraying and spray applications to motorcycles) does not require planning permission. The planning application is solely to determine the extensions and modifications that have taken place.

The building measures 3.3 metres in height and is white rendered. The extractor flue measures 0.9 metres above the roof. The building has a total footprint of 133 square metres.

#### **PRINCIPLE OF DEVELOPMENT**

The scale and design of the proposed buildings are considered acceptable under policy HS15 and are not considered to result in a detrimental change in the character of the area or cause nuisance to neighbouring uses.

#### **SITE AND SURROUNDINGS**

The site comprises of a single storey commercial building with roller shutters and flue. The boundary treatment comprises of 2-metre high brick walls. There are surrounding two-storey residential properties on Thirlmere Drive, Bradman Close and Ormond Street.

#### **POLICY CONTEXT**

UDP policy HS15 permits non-residential development in Primarily Residential Areas where the proposal will not be of such a scale as to be inappropriate to surrounding development or result in a detrimental change in the character of the area. Development will not be permitted should it cause nuisance to neighbouring uses.

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

The application is to assess the extensions and modifications that have taken place.

The proposal is surrounded by two-storey dwelling houses, and as such the single-storey development is considered not to be of a scale that is detrimental to surrounding properties. The impact of the building could be further reduced by painting it a darker colour more inkeeping with the surroundings. The size of the building is not considered to have a detrimental impact on the residential amenity of the surrounding properties in terms of overshadowing, overlooking and outlook.

It is considered the visual prominence of the shiny fume extractor flue can be reduced by imposing a condition that it should be painted a darker colour, to be more inkeeping with the surrounding residential chimneys in the area. The scale of the flue is not deemed to significantly affect the outlook of neighbouring residential properties or alter the character of the residential area.

Objections that cannot form a reason for refusal under planning remit include devaluation of property, the retrospective nature of the proposal, the removal of trees and shrubs or interference with electrical equipment. Access in case of fire to an exiting site is a matter assessed by the Fire Authority. The plans supplied are considered satisfactory.

#### **SEPARATION DISTANCES**

No.8 Thirlmere Drive is 12 metres away from the proposed building. No.9 Ormand Street is 6.8 metres away from the proposed building. No.12 Bradman Close is 0.6 metres away from the proposed building and has no primary windows directly facing the proposal. The single-storey proposal is not considered to result in loss of outlook or light to neighbouring properties. It is not considered to result in overlooking or overshadowing.

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#### HIGHWAY/TRAFFIC IMPLICATIONS

The Director of Technical Services (Traffic Management Division) was consulted on the application and has no objection to the proposal. It is considered the potential for an increase in vehicle movement unlikely to be significant. There are no highway implications relating to this proposal.

#### ENVIRONMENTAL/SUSTAINABILITY ISSUES

Concerns regarding the effects on health of residents as a result of dust, paint fumes and smells are controlled via environmental health legislation. The Director of Regeneration (Housing & Environmental Protection Division) has no objection to the proposal subject to a condition detailing the fume extract and odour control system. Whilst the sprays do not pose health concerns, the flue provides dilution and dispersment at a higher altitude, which will reduce disturbance to neighbours. As previously discussed, the use of the site for light industry does not require planning permission, and without the building and flue it is likely the fumes would reside at a lower level and result in more nuisance to neighbours.

The erection of new buildings can sometimes facilitate an overall improvement in amenity impact. Noisy aspects of the use can be contained within the proposed building, and work can be kept out of sight. Objections were received regarding noise (motorbikes and cars revving) from the site. The proposed building provides a containment for the noise, and is viewed as a planning gain. There isno evidence the flue would result in antisocial noise levels, and disturbance can be controlled through environmental legislation.

In addition it should be noted the planning application provides an opportunity to condition the hours of use, further reducing disturbance to neighbouring residents.

#### HEALTH ISSUES

The Director of Regeneration (Housing & Environmental Protection Division) were consulted in relation to the spray kit and had no objection to the proposal. For clarification, the paints are water based not solvent based. No evidence has been produced to show how the proposal will affect the health of residents.

#### CONCLUSION

The concerns of the surrounding residential properties regarding the use of the site as light industry cannot form a reason for refusal, as planning permission is not required for a change of use. The proposed building and flue are considered acceptable in terms of scale and provide a means of reducing noise and disturbance to surrounding neighbouring properties.

#### Summary of Decision:

The proposal is considered acceptable in terms of scale and design and is not considered to be inappropriate to surrounding residential properties or result in a detrimental change in the character of the area. The development is not deemed to cause nuisance to neighbouring uses or result in loss of privacy, daylight or sunlight. The proposal complies with Council policy HS15 of the adopted Wirral Unitary Development Plan.

#### Recommendation:

**Approve**

#### Condition(s):

- 1 Details of the fume extraction system and the odour control system shall be submitted to and approved by the Local Planning Authority within 3 months of the date of this decision. The fume extractor and odour control system shall be implemented within the development within 1 month of the date of the approval letter and retained thereafter in accordance with the approved details.
- 2 Details of a colour coating to be applied to the building and flue shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the date of this decision. The approved colour coating shall be completed within 1 month of the date of the approval letter and retained as such thereafter.
- 3 The premises shall be closed between the hours of 18.00 hours and 08.00 hours Monday to

- Saturday, and shall remain closed on Sundays and Bank Holidays.
- 4 Only water based paint shall be used for spraying as stated in the approved details (received 4th September 2009) unless with prior agreement with the Local Planning Authority.

**Reason for conditions**

- 1 In the interests of amenity. (CR17)
- 2 In the interests of visual amenity. Policy HS11 of the UDP (CR65)
- 3 In the interests of amenity. (CR17)
- 4 In the interests of amenity. (CR17)

**Last Comments By:** 22 October 2009

**56 Day Expires On:** 30 October 2009

**Case Officer:** Miss S Hesketh