
APP/2009/6190

WARD Pensby and Thingwall

Location: Hair By Dawn 323-327 Pensby Road Pensby Wirral CH61 9ND

Proposal: Change of use of first floor to office use.

Applicant: Mr Joe Barnes
10 Riverside
West Kirby
Wirral
CH48 3JB

Development Plan Primarily Residential Area

allocation and policies:

HS15 Non-residential Development in Primarily Residential Areas

SH4 Small Shopping Centres and Parades

Planning History:

APP/2008/5247: Demolition of three no. two storey retail/residential units. Erection of a ground floor retail store with four apartments above: Refused and Appeal dismissed.

APP/2009/5068: Demolition of three two-storey retail/residential units & erection of ground floor retail convenience store with associated off street parking and installation of ATM (amended description). (Re submission of App no 08/5247) Allowed at appeal.

Representations and consultations received:

A total of 20 letters of consultation have been sent to the occupiers of the surrounding properties and a site notice was displayed on the front of the property. At the time of writing this report, one objection had been received and a request from Councillor Sarah Quinn to have the application removed from delegation was received.

Objections can be summarised as follows;

- There is adequate commercial provision in the area
- There is insufficient parking within the scheme.
- The proposal will result in an increase in traffic that will be detrimental to highway safety.
- The proposal is unacceptable in relation to its existing use as storage area for ground floor retail use.

Consultations:

Director of Technical Services (Traffic Management): No objection

Director of Regeneration (Pollution Control): No objection.

Directors comments:

PROPOSAL

The proposal is for the use of the first floor as an office falling into B1 Business. The proposal seeks to utilise the first floor of the previously approved retail store as ancillary office space along with B1 Business use. Under the Use Classes Order B1 is defined as:

- (a) Offices not within Class A2 (Financial and Professional Services)
- (b) Research and development of products, laboratories, high technology
- (c) Light Industry

The hours of operation sought will be between 8.00am and 6.00pm Monday to Friday.

PRINCIPLE OF DEVELOPMENT

The proposal is for the change of use of first floor storage area to office use at 323-327 Pensby Road. Such uses are considered acceptable provided that there is no adverse impact on the residential amenity of the surrounding properties though noise, disturbance, highway safety, overshadowing or overlooking.

SITE AND SURROUNDINGS

The site comprises of three end properties in a row of early 20th century terraces. A recently approved planning application (APP/2009/5068) allowed at appeal gave permission for the existing three end properties to be demolished and rebuilt as one unit as a commercial property on the ground floor with storage above. 323-327 Pensby Road has existing commercial properties neighbouring the site to the south and residential/commercial properties to the east and west of the proposal whilst Pensby Library, a late 20th century modern building, is sited to the North.

POLICY CONTEXT

HS15 makes allowances for non-residential development within Primarily Residential Areas, subject to it being of such a scale that is appropriate to the surrounding development. The proposed use of the first floor as a B1 office is acceptable as it does not result in a detrimental change to the character of the area nor cause a nuisance to neighbouring uses particularly in respect of noise and disturbance, on-street parking. Within small shopping centres and parades, SH4 allows development falling into certain use classes subject to their impact on the amenity of neighbouring uses and the criteria set out by HS15. The proposed first floor office use is compatible with surrounding uses and will not have a detrimental impact on the neighbouring uses and surrounding residential properties.

APPEARANCE AND AMENITY ISSUES

The proposal does not include any external alterations and the appearance of the building will remain the same as the previously approved scheme (APP/2009/5068) for the demolition of three two-storey retail/residential units & erection of ground floor retail convenience store with associated off street parking and installation of ATM. The main change relating to this application is that the first floor will be converted from storage use to office use and does not include any external changes to the previously approved appearance of the building.

The Planning Inspectorate stated in the decision to allow the appeal that the proposal for the erection of the retail store would not cause harm to the character and appearance of the local area and would not cause any undue nuisance to neighbouring users in respect of noise and disturbance, on-street parking and deliveries by vehicles. It is considered that this proposal for the use of the first floor as B1 office would not lead to any undue additional nuisance to neighbouring uses or loss of amenity. Furthermore, if Members are minded to approve the application a condition is proposed to limit the B1 use to (a) Offices not within Class A2 only (Financial and Professional Services) and not include (b) Research and development of products, laboratories, high technology or (c) Light Industry to prevent intensification of use of the premises.

HIGHWAY SAFETY/TRAFFIC IMPLICATIONS

The Director of Technical Services (Traffic Management) has indicated that the parking bays as indicated on the submitted plans are satisfactory with a footway area and space for cycle parking also made available and accessible on Oak Lane. There are no other relevant highway safety or traffic implications associated with this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no environmental or sustainability issues relating to this application

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that the proposal for the use of the first floor of 323-327 Pensby Road, Pensby as office use will not cause any harm to the character and amenity of the area in general. Taking the previous appeal decision into account in terms of impact of amenity, utilising the first floor as a B1 Office will not introduce any additional noise or nuisance that would warrant a refusal. Therefore the proposal is in accordance with Policies HS15 and SH4 of the Wirral Unitary Development Plan (Adopted February

2000) subject to the conditions set out below.

Summary of Decision: The proposed use of the first floor as B1 Office limited to (a) Offices not within A2 will have limited detrimental impact on the character and amenity of the surrounding area or on highway safety. It is considered to comply with Wirral Unitary Development Plan (Adopted February 2000) policies HS15 and SH4

Recommendation: **Approve**

Condition(s):

- 1 Full planning permission: standard commencement date. (C03A)
- 2 The first floor office shall be used for B1 Office and for no other purpose (including any other purpose in Class B1 namely, (b) Research and development of products, laboratories, high technology and (c) Light Industry) of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005, or any subsequent Order or statutory provision revoking or re-enacting that Order.
- 3 The office shall be closed between 18.00 hours and 08.00 hours.

Reason for conditions

- 1 Standard (CR86)
- 2 In order to protect the character of the area and residential amenities of nearby occupants and to accord with Policy HS15 of the Wirral Unitary Development Plan.
- 3 In the interests of amenity. (CR17)

Last Comments By: **05 November 2009**

56 Day Expires On: **24 November 2009**

Case Officer: **Mr J Ellis**