

WIRRAL COUNCIL

PLANNING COMMITTEE

26TH JULY 2012

SUBJECT:	117 BANKS ROAD, WEST KIRBY – NON- ACCORDANCE WITH APP/2007/6879
WARD/S AFFECTED:	WEST KIRBY AND THURSTASTON
REPORT OF:	DIRECTOR OF REGENERATION, HOUSING & PLANNING
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR PAT HACKETT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise members of the non-accordance with an approved planning application at No.117 Banks Road, West Kirby. It is recommended that there is no expediency to take enforcement action.

2.0 RECOMMENDATION

- 2.1 No expediency for enforcement action.

3.0 REASON/S FOR RECOMMENDATION

- 3.1 The original planning application was for the reconstruction of an existing two storey outbuilding in connection with the existing shop at No.117 Banks Road. The proposal retained the same footprint and dimensions as the original outbuilding, which had fallen in to a state of disrepair. The site is within West Kirby town centre and therefore Policy SH1 (Criteria for Development in Key Town Centres) and part 2 of the National Planning Policy Framework are directly relevant in this instance.
- 3.2 The approved planning application specified an existing rear entrance being omitted, and the retention of the existing window and door openings in the rear elevation of the outbuilding, which face on to an alleyway at the rear of the site. A new door and window opening have been inserted in the rear elevation of the building however it is considered that this has no significant impact on the neighbouring residential property at No.1 South Road or on the character of the building.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 The initial complaint was received on 8th February 2011. An initial site investigation took place on 10th November 2011 and during the visit it was found that there were some minor discrepancies in the building as constructed when compared to the approved plans. These alterations include the insertion of an additional door and a substitute window for a door at ground floor level. In order to regularise the relatively small nature of the changes made, a non-material amendment application was requested in a letter to the owner on 3rd April 2012. No application was submitted within the initial 21 days and therefore a second letter was sent on 18th May 2012 requesting the same. No application has been received within the given time scale.
- 4.2 The works as completed do not differ significantly from the originally approved plans and would have been supported had an application for a non-material amendment been submitted. The door is in virtually the same position as a previous doorway and the window, which has been substituted for the door shown on the original plans, faces in to the alleyway. The residential property immediately facing the proposal at No.1 South Road has an obscurely glazed window in its gable end but this is positioned at a higher level than all of the openings in the outbuilding. The proposal as constructed is therefore not considered to result in a loss of privacy or create any direct overlooking as a result. The proposals are also considered acceptable in design terms and do not cause demonstrable harm to the character of the building.
- 4.3 For the reasons set out above, it is considered that there is no expediency to take enforcement action against the development.

5.0 RELEVANT RISKS

- 5.1 None relevant.

6.0 OTHER OPTIONS CONSIDERED

- 6.1 None relevant.

7.0 CONSULTATION

- 7.1 None required.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 8.1 There are no direct implications for the above.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are no direct implications for the above.

10.0 LEGAL IMPLICATIONS

10.1 There are no direct implications for the above.

11.0 EQUALITIES IMPLICATIONS

11.1 None relevant

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required? No

12.0 CARBON REDUCTION IMPLICATIONS

12.1 There are no direct implications for the above.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no direct implications for the above.

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APPENDICES

OS Plan

REFERENCE MATERIAL

Site investigation 10th November 2011
Initial Council letter dated 3rd April 2012
Contact from owner 10th April 2012
Further Council letter 18th May 2012

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
NOT APPLICABLE	