

## Planning Committee

25th August 2020

**Reference:**  
**APP/20/00353**

**Area Team:**  
**Development**  
**Management Team**

**Case Officer:**  
**Miss G Escoffery**

**Ward:**  
**Liscard**

**Location:**

152 - 152A MILL LANE, LISCARD, CH44 3BN

**Proposal:**

To convert the first floor to offices (within use class A2) in association with the existing office at ground floor with associated external changes to the front and rear elevation including render, new windows, new shopfront, French doors to rear and 2no. air handling units to the rear. \*Amended description, amended plans received\*

**Applicant:**

Plant Hire Division

**Agent:**

N/A

**Qualifying Petition:** No

### Site Plan:



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: 152A Mill Lane, Wallasey, Wirral, L44 3BN  
Application Type: Full Planning Permission  
Proposal: Change of use from flat to office accommodation.  
Application No: APP/98/05844  
Decision Date: 25/07/1998  
Decision Type: Approve

Location: 152, Mill Lane, Liscard. L44 3BN  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey rear extension.  
Application No: APP/93/05750  
Decision Date: 11/06/1993  
Decision Type: Approve

Location: 152, Mill Lane, Liscard. L44 3BN  
Application Type: Full Planning Permission  
Proposal: Change of use from shop to offices and alterations to front elevation.  
Application No: APP/91/06634  
Decision Date: 20/09/1991  
Decision Type: Approve

**Summary of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS****2.1 REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications 31 notifications were sent to neighbouring properties. Following the first round of consultation 23 individual responses were received objecting to the proposal.

The grounds of objection include:

1. Works were commenced without planning permission;
2. Construction is leading to an excessive amount of noise and disturbance;
3. The use will lead to excessive noise, given the amount of people that will work at the site;
4. The use will lead to an increase in on-street car parking to the detriment of highway and pedestrian safety.;
5. There is already a car parking problem in the area, residents and their guests struggle to find a car parking space;
6. Expanding to 10 employees is excessive;
7. The builders have confirmed that no soundproofing will be installed, and they will work all day Saturday;
8. Due to the covid lockdown we are unable to escape the noise created by the works being carried out;
9. It will lead to an invasion of privacy;
10. the air conditioning units will lead to excessive noise;
11. Whilst the working hours are proposed as 09:00 to 17:00, there is no guarantee that the office could/would not be occupied outside of these times.

One response of support was received stating the following:

1. The proposal will not cause an issue;
2. There is not a parking problem in the area; and
3. children can cross safely as there is a crossing at either end of the road

Following an amendment to the proposal, a second round of consultation was carried out and 2 individual responses were received.

The grounds of objection include:

1. The amendment does not overcome the previous objections;
2. The applicant continues to carry out works without planning permission;
3. We have had constant building work starting every day at 8.00am throughout the lock down making it almost impossible to home school our two children;
4. They have also mounted 2 huge air conditioning units on the rear building. These are situated right next to my property and will cause constant noise when we are in the rear of the house or in our garden;
5. There has been no consideration for the local people during this lock down;
6. It is going to add more noise against our property as there will be no dividing walls stopping the noise of the telephones, talking and people and customers arriving and leaving;
7. We have also now got damage within our property with cracked walls and damage to plaster work due the excessive banging and restructure they are continuing to do which I will be looking for compensation to repairs;
8. They have been working 7 days a week since 6 March 2020 while we have had a lock down;
9. Did not think that offices could be put in a residential area; and
10. This is a busy area with all the children that come up and down this road. The residents will not be able to park as this road as there is already an issue at the moment

## 2.2 CONSULTATIONS

**Environmental Health** - no objection but request a condition regarding the need for sound insulation to the party wall and further details relating to the noise emitted from the air conditioning units

**Highways** - no objections

## 3.1 **Site and Surroundings**

3.1.1 The application sites relate to a two-storey mid-terraced property situated on the west side of Mill Lane, Liscard. The property currently operates as an office at ground floor level and a flat within the upper floor. The site is near to the corner of Mill Lane and Ingleby Road. The application site sits within an area that is designated as a Primarily Residential Area within the Wirral UDP. The block has been in transition from a small row of shops with the majority of premises now converted for ground floor residential use. 172 Mill Lane is one of the few remaining commercial premises in this particular area. To either side of the application property there are residential properties. To the opposite side of Mill Lane are semi-detached dwelling houses. Sited immediately to the rear of the application site is an alleyway accessed from Ingleby Road and Millbank Road. The applicant has commenced works.

## 3.2 **Proposed Development**

3.2.1 The application proposes to convert the first floor to offices (within use class A2) in association with the existing office at ground floor with associated external changes to the front and rear elevation including render, new windows, a new shopfront, French doors to rear and 2no. air handling units to the rear.

3.2.2 When originally submitted the proposal included the introduction of a dormer extension to the rear roof. Through the course of the application the applicant chose to omit the dormer

from the application.

### **3.3 Development Plan**

3.3.1 Provision is made for Use Class A2 businesses in small shopping centres and parades subject to the criteria in UDP Policy SH4 and Policy HS15, although it should be acknowledged that most premises are now in residential use. Saved UDP Policy HS15 allows for small scale built development and changes of use for non-residential purposes within Primarily Residential Areas provided that the proposal would not:

- i) be of such scale to be inappropriate to surrounding development;
- ii) result in a detrimental change in the character of the area;
- iii) cause nuisance to neighbouring uses particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking and servicing requirements.

3.3.2 Policy SH8 Criteria for Shop Fronts - Proposals which include provision for new shop fronts will be permitted when the Local Planning Authority is satisfied that the benefits of the proposal outweigh the disadvantages when assessed against the following criteria:

(i) company colours, logos, and advertising should be designed and applied with reference to the character of the area, the building concerned and its neighbours;

(ii) in older shopping streets, existing traditional shop front features should be restored or replicated, where possible, using traditional materials and respecting the dimensions of the original;

(iii) security shutters should be partly or wholly of a perforated design and must be painted rather than left in a raw galvanised state - if possible, the shutter housing should be accommodated behind the fascia; and

(iv) all new-build shop fronts should be fully accessible by disabled people, with level shop fronts and wide doorways - when installing new shop fronts in existing buildings, opportunities should be taken to remove and reduce steps while taking into account the character of the building and the area.

### **3.4 Other Material Planning Considerations**

3.4.1 MHCLG revised the National Planning Policy Framework (NPPF) in June 2019. The NPPF will be referred to as appropriate within this report.

3.4.2 National Planning Policy Frameworks (NPPF, 2019) Paragraph 80 advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account both local businesses needs and wider opportunities for development.

3.4.3 Paragraph 180 of the NPPF requires planning decisions to ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and quality of life.

### **3.5 Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of development
- Design;

- Highways and PROW;
- Ecology; and
- Amenity.

3.6 Principle of Development:

3.6.1 Small scale non-residential development is acceptable within the Primarily Residential Area subject to the provisions of saved UDP Policy HS15 and the assessment of other material planning considerations including the policies within the National Planning Policy Framework.

3.6.2 It should also be noted that a similar proposal to convert the upper floor of the premises into an office within use class A2 has previously been approved in 1998, albeit the relevant planning permission has lapsed.

3.7 Design:

3.7.1 The proposal includes various alterations to the external appearance of the property including the introduction of render, new windows, a new shopfront, French doors to rear and 2no. air handling units to the rear.

3.7.2 The introduction of a new shopfront is considered acceptable. The property at present has two shop windows and two doors into the property, the proposal would create just one doorway into the property at the front with windows. In relation to shop front design, there is no consistency in design in this location and therefore the proposed design is considered acceptable. The design of the shopfront largely follows the form and proportions of other properties in the vicinity. Policy SH8 requests that all new-build shop fronts should be fully accessible for all, the property has a raised finish floor level which has resulted in the need for a stepped entrance into the building. The proposal utilises an existing doorway into the property, the lack of level access into the property in this instance is not capable of resolution without considerable alteration to the fabric of the building. On this occasion it is considered that this arrangement is acceptable. The shop front design is considered to meet the objectives of saved UDP policy SH8 and does not detract from the character and appearance of the area

3.7.3 The proposal includes other alterations to the external appearance of the property including the introduction of new render to the front, two air handling units to the rear of the rear outrigger, French doors to the rear, and new windows to the front and rear. All of these alterations are considered acceptable as they will not harm the visual amenity of the application site or the surrounding area in accordance with Policy HS15.

3.8 Highways:

3.8.1 Traffic and Transportation have raised no objections to the proposal. The proposals are all contained within the private boundary to the dwelling and do not impact on the adopted highway. The proposed change of use and addition of office space to the upper floor of the property does not raise any highway safety or network capacity concerns.

3.8.2 It is acknowledged that there have been a significant number of objections received raising concerns about the proposal having an adverse impact on highway safety, leading to an increase in parking within the area. The Traffic and Transportation team have confirmed that there is unrestricted parking available in Mill Lane directly outside the building. This road has a sufficiently wide carriageway which allows vehicles to park kerbside without impacting on the through flow of traffic. The scale of the development proposals is considered unlikely to generate any significant uplift in traffic or parking demands within the area.

3.8.3 On balance it is considered that the proposal would be in accordance with Policy HS15 as any demand for car parking could be provided in the surrounding streets.



3.9 Ecology:

3.9.1 There are no Environmental/Sustainability issues relating to these proposals.

3.10 Amenity:

3.10.1 Within the submitted application form it states that the proposed office would operate Monday to Saturday 09:00 to 17:00 hours. It also states that there would be ten employees working from the premises. The applicant has confirmed that originally there were 3/4 members of staff working from the property when it was operating under the previous owner. The applicant has now made some redundancies and there will only be 5 members of staff, 2 part time.

3.10.2 There has been a substantial amount of opposition to the proposal in the form of individual responses. It is acknowledged that there are a number of residential properties close to the application property (located on Mill Lane, Ingleby Road, and Millbank Road) which may be affected to some degree by general activity associated with the use. However, it is considered that such activity is not unreasonable given the nature of the surrounding area. In this instance it is felt that the proposal would not exacerbate disturbance in the area or cause harm to residential amenity particularly bearing in mind the size of the premises and their location on a busy road.

3.10.3 Many of the objections received relate to noise and disturbance created by the commercial use. The application site is within a Primarily Residential Area as designated within the Wirral UDP. As such, in order to protect the amenity of nearby residents it is considered that the operating hours should be restricted by means of condition so that the business does not operate outside the hours of 09.00 to 17.00 hours Monday to Saturday thus limiting any undue or adverse impact on the amenity of neighbouring residential properties. Concerns have been raised by local residents that the business may operate outside of the proposed hours of operation. In the event that such operation is brought to the attention of the Planning Enforcement Team, it will give the opportunity for an investigation and the required action to be taken.

3.10.4 Environmental Protection have raised no objection to the proposed change of use and associated alterations subject to conditions. Concerns have been raised by local residents that the office would lead to excessive noise and disturbance, in order to prevent any potential noise and disturbance. Environmental Protection have requested that conditions be attached to any planning permission that a scheme of sound insulation to the party walls between the office areas and the adjacent houses is to be submitted to the Planning Authority for approval and the approved details installed before the operation commences. Also, concerns have been raised by local residents that the air handling units will result in noise. In the interest of residential amenity, Environmental Protection have requested a condition be attached to the permission to ensure that details of the noise rating or sound power level of the air handling units are submitted and approved in writing by the council.

3.10.5 It is considered therefore that the proposal would not result in any significant harm to the amenity of residential neighbours and other sensitive land users and that the proposed development complies with the relevant criteria set out in Policy HS15 of the Wirral Unitary Development Plan.

3.10.6 The original proposal included the introduction of a dormer to the rear roof, which has since been omitted from the proposal. A number of objections were received suggesting that the proposal would have an impact on their privacy. The proposal includes the replacement of the existing windows and the replacement of two windows to the rear elevation with French doors. It is considered that the proposal would not give rise to an increase of overlooking which is already experienced from the existing property, therefore it is considered to be acceptable.

3.10.7 Details of the waste storage and collection have not been provided within the submission. In order to control the management of the waste generated by the development it is considered that a condition should be attached to the permission to ensure that the required details of the storage and collection of all general and recyclable waste are

submitted to the council for approval.

- 3.10.8 Objections have been received raising concerns regarding noise and disturbance caused by construction works that have already taken place. It is acknowledged that a certain amount of noise is to be expected during times of construction. In the event that an unacceptable amount of noise is generated Environmental Protection have powers to intervene.
- 3.10.9 Bearing in mind the above, it is considered that the proposed hours of operation for the site would be acceptable in this residential location and would not increase the levels of disturbance or nuisance to a point that would be unduly detrimental to the amenity of nearby residents. The proposal is considered to be of such scale to be appropriate to the surrounding development and would not result in a detrimental change in the character of the area in accordance with Policy HS15
- 3.11 Other:
- 3.11.1 Concerns were raised that the applicant had been carrying out works during the lockdown period associated to the Covid 19 breakout. Any works that the applicant has carried out without planning permission are entirely at their own risk. With regards to works being carried out during the lockdown period, although this is not a planning matter, government guidance was formulated to allow that construction works could be carried out if in accordance with the suggested guidelines.
- 3.11.2 Through construction works an objector has stated that damage has occurred to their property in the form of cracks and damage to plaster work. Unfortunately, this is not a planning matter. It is a civil matter which should be addressed between the applicant and the objector.

#### **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 proposed development is considered to be acceptable for these premises. The proposed use will not harm the character of the area, and subject to conditions will not have an adverse impact on residential amenity. There are no highway or access concerns with regard to the development and therefore the application complies with the relevant requirements of the development plan and comprises sustainable development.

**Recommended                      Approve**  
**Decision:**

#### **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 9th July 2020 and listed as follows:

ELEVS1 (Existing and Proposed Elevations)  
EL1/PL1 (Existing and Proposed Ground Floor Plans)  
EL2/PL2 (Existing and Proposed First Floor Plans)  
LP1 (Location Plan)

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

3. The premises shall not be open for business outside the following hours: -

09:00 and 17:00 Monday to Saturday

**Reason:** To ensure that nearby occupiers are not adversely affected by the development.

4. Prior to the use commencing details of noise rating or sound power level of the air conditioning units (which should be readily available from manufacturer), should be submitted and approved in writing by the council. The applicant should then comply with any enclosure or screening deemed necessary by the Planning Authority in the light of those detail.

**Reason:** In the interest of residential amenity

5. Prior to the use commencing a scheme of sound insulation to the party walls between the office areas and the adjacent houses should be submitted to the Local Planning Authority for approval in writing before the works are finalised. The sound insulation shall be installed in accordance with the approved details before the use commences and shall be retained as such thereafter.

**Reason:** In the interest of residential amenity

6. (a) Details of the storage of waste/recycling bins and their collection arrangements, shall be submitted to and approved in writing by the Local Planning Authority. All waste materials generated by the development, whether to be discarded as refuse or recycled, shall be stored within the curtilage of the premises until the day it is due to be collected.

(b) The approved waste storage facility and collection arrangements shall be implemented in accordance with the approved details before the development is occupied/brought into use.

**Reason:** To safeguard amenity and maintain the quality of the street environment.

**Further Notes for Committee:**

**Last Comments By:** 31/07/2020

**Expiry Date:** 09/06/2020