

## Planning Committee

18 February 2010

**Reference:**  
**APP/09/06038**

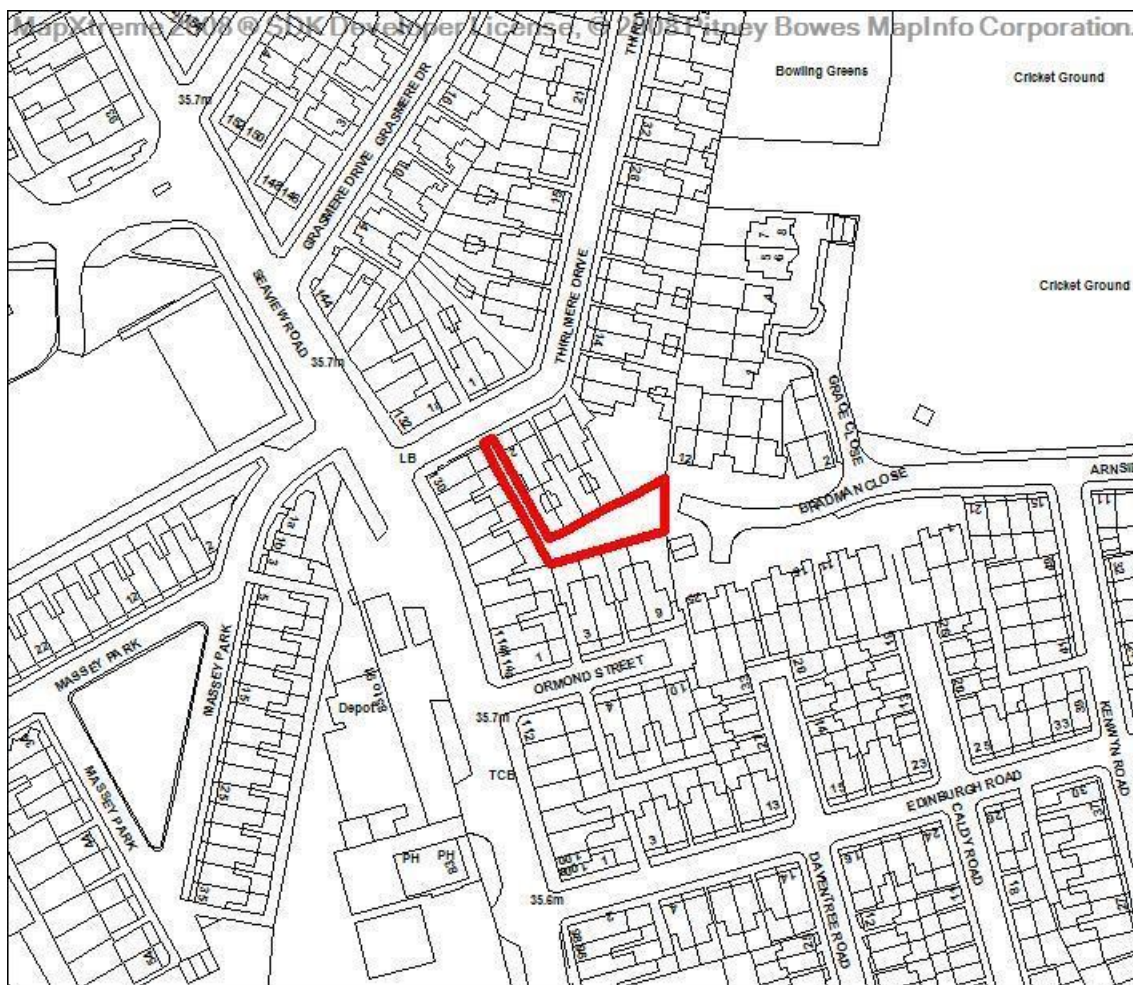
**Area Team:**  
**Deeside**

**Case Officer:**  
**Miss S Hesketh**

**Ward:**  
**Liscard**

**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  
**Agent :** Mr Simon Finney

### Site Plan:



### Development Plan allocation and policies:

Primarily Residential Area

### Planning History:

None

### Summary Of 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.

Councillor Leah Fraser objected to the application citing the following reasons:

- The industrial style building within a residential area;
- Size of the building is overdevelopment;
- Appearance and size of air vent.

#### **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.

#### **Director's Comments:**

The application was deferred by Planning Committee on 10 December, 2009 for additional information regarding the lawful use of the site.

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of 90 signatures from separate households and 9 individual letters of objection has been received and Councillor Fraser objects to the proposal.

#### **INTRODUCTION**

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 has been reduced by painting it a darker colour, which is considered more inkeeping with the surrounding residential chimneys in the area.

Committee members requested further information in respect of the lawful use of the land/premises, i.e. confirmation that the site has been used for light industry for the last 10 years. The agent provided two sworn affidavit statements confirming the use of the site between 1983-1987 and 1987-1990 was for motor vehicle repairs and welding.

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 Ormond 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.

## **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 water-based sprays do not pose health concerns, the flue provides dilution and dispersment at a higher altitude, which will reduce disturbance 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.

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 is considered acceptable in terms of scale and provides a means of reducing noise and disturbance to surrounding neighbouring properties.

### **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 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.

### **Recommended Decision: Approve**

### **Recommended Conditions and Reasons:**

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 prior to the use commencing and retained and operated thereafter in accordance with the approved details.

**Reason:** In the interests of amenity

2. Details of a colour coating to be applied to the building 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 prior to the use commencing and retained as such thereafter.

**Reason:** In the interest of amenity

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

**Reason:** In the interests of amenity

4. Only water based paint shall be used for spraying as stated in the approved details (received 4<sup>th</sup> September 2009) unless with prior agreement with the Local Planning Authority

**Reason:** In the interests of amenity

**Further Notes for Committee:**

**Last Comments By:** 22/10/2009

**Expiry Date:** 30/10/2009