

Planning Committee

01 June 2010

Reference:
APP/09/06528

Area Team:
North Team

Case Officer:
Miss S Hesketh

Ward:
Claughton

Location: 2-4 EUSTON GROVE, BIRKENHEAD, CH43 4TY
Proposal: Retention of change of use from solarium and repair of MG sports car to offices and storage and elevational changes (amended description)
Applicant: Construction Systems Ltd
Agent : David Crowder Architecture

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Lawful Development Certificate for the use as building contractors office, yard, and light industrial machine shop
Allowed on appeal 1988

Summary Of Representations and Consultations Received:

REPRESENTATIONS

26 letters of notification were sent to neighbouring properties (2/2/10) and a site notice was displayed (9/2/10). The description was amended to include "and storage", which has previously been omitted. 26 letters of notification were sent to neighbouring properties (24/3/10) and a site notice was displayed (24/3/10).

At the time of writing 3 objections from individual households have been received citing the following concerns:

- The building and vehicles associated with the work have disrupted the local community, changing the nature of the local residential area and giving the feeling of an industrial area;
- Noise;
- Traffic congestion, parking problems and highway safety issues regarding loss of visibility;
- The previous use of the site was a one-man workshop which caused little noise or traffic congestion;
- The application is retrospective and should be demolished/all work stopped whilst the planning application is in. The business has not consulted local neighbours;
- The building work between October-December 2009 is noisy and leaves a thick residue of dust;
- There are 6-8 vans waiting outside the office in the morning and between 4pm-6pm. In addition there are 4-6 vehicles of employees and those associated with the business regularly parking next to or near the business;
- Vehicles park on Grafton Street;
- Vehicles park near junctions;
- Suggested restriction of vehicles parking on Euston Grove/Grafton Street;
- Damage to properties;
- Devaluation of property;
- There are vacant industrial units on the Wirral that would be more suitable;
- Loss of privacy;
- Affect the enjoyment of property;
- The scale of the business.

A non-qualifying petition of 16 signatures from separate households has been received citing concerns in relation to parking, traffic problems, the scale, nature and suitability of the business in the area.

Councillor Robers requested the application be removed from delegation due to the impact of the business on the residential area.

CONSULTATIONS

Director of Regeneration (Pollution Control) – No objection

Director of Technical Services (Traffic) – No objection

Director's Comments:

REASON FOR REFERRAL

Councillor Roberts requested the planning application be heard at Committee due to the impact of the business on the residential area.

INTRODUCTION

The application is to determine the impact of the physical external alterations of the building on the amenities of neighbouring properties and the change of use from a solarium (D2 Assembly and Leisure Use Class) to offices (B1 Business Use Class). The external alterations include the removal and repositioning of doors facing onto Euston Grove, and the removal of an external staircase/door at first floor, and replacement with a window.

The previous use for repair of MG sports cars falls under Use Class B2 (general industry). B2 use classes permit changes to business uses (B1 use class) and storage and distribution (B8 use class) where the floorspace is no more than 235 square meters. The floorspace of the existing building is 230.69 square metres. As such using the site as offices and storage at ground floor is permitted under the use class order and does not require planning permission.

PRINCIPLE OF DEVELOPMENT

The scale and design of the proposal is 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 brick and render building currently being used as offices and storage. The building is surrounded by two-storey and three-storey residential houses and flats. The site is designated a Primarily Residential Area.

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 external alterations include the removal and repositioning of doors facing onto Euston Grove, and the removal of an external staircase/door at first floor, and replacement with a window. The alterations are not considered to have a detrimental impact on the residential amenity of the surrounding properties in terms of overshadowing, overlooking and outlook.

The change of use from a solarium to offices requires planning permission. It is considered offices would afford less potential for nuisance and disturbance than the approved solarium use.

Objections that cannot form a reason for refusal under planning remit include devaluation of property, the retrospective nature of the proposal or disturbance/damage during construction

SEPARATION DISTANCES

The proposed windows facing Euston Grove do not compromise the existing interface distances and are considered acceptable. The proposed first floor window on the end elevation facing west does not result in direct overlooking, and is considered to have less impact in terms of loss of privacy than the existing external staircase. The window openings facing No.6 Euston Grove appear to be existing (although bricked up). The ground floor windows are not considered to result in overlooking or loss of privacy. The first floor window can be obscurely glazed to reduce the impact of feeling overlooked.

HIGHWAY/TRAFFIC IMPLICATIONS

Objections were received regarding the number of vehicles associated with the business parked on the road, loss of parking spaces for residents, traffic congestion and highway safety concerns regarding vehicles parking adjacent to road junctions. The Director of Technical Services (Traffic Management Division) was consulted on the application and has no objection to the proposal. The Local Planning Authority have no control of vehicles parking on the highway.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The Director of Regeneration (Housing and Environmental Protection Division) has no objection to the proposal.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The concerns of the surrounding residential properties regarding the use of the site as industrial cannot form a reason for refusal, as planning permission is not required for a change of use. The proposed alterations are considered acceptable in terms of scale and are not considered to be inappropriate to the 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 Unitary Development Plan Policy HS15.

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 to be acceptable in terms of scale and design and is not considered to be inappropriate to the 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 Unitary Development Plan Policy HS15.

Recommended Decision: Approve**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Within 3 months of the date of permission the first floor window in the extension elevation facing south shall be fixed and obscurely glazed with frosted glass and shall be retained as such thereafter.

Reason: In the interest of residential amenity

Last Comments By: 21/04/2010 11:26:11

Expiry Date: 26/03/2010