

Planning Committee

10 August 2010

Reference:
APP/10/00394

Area Team:
North Team

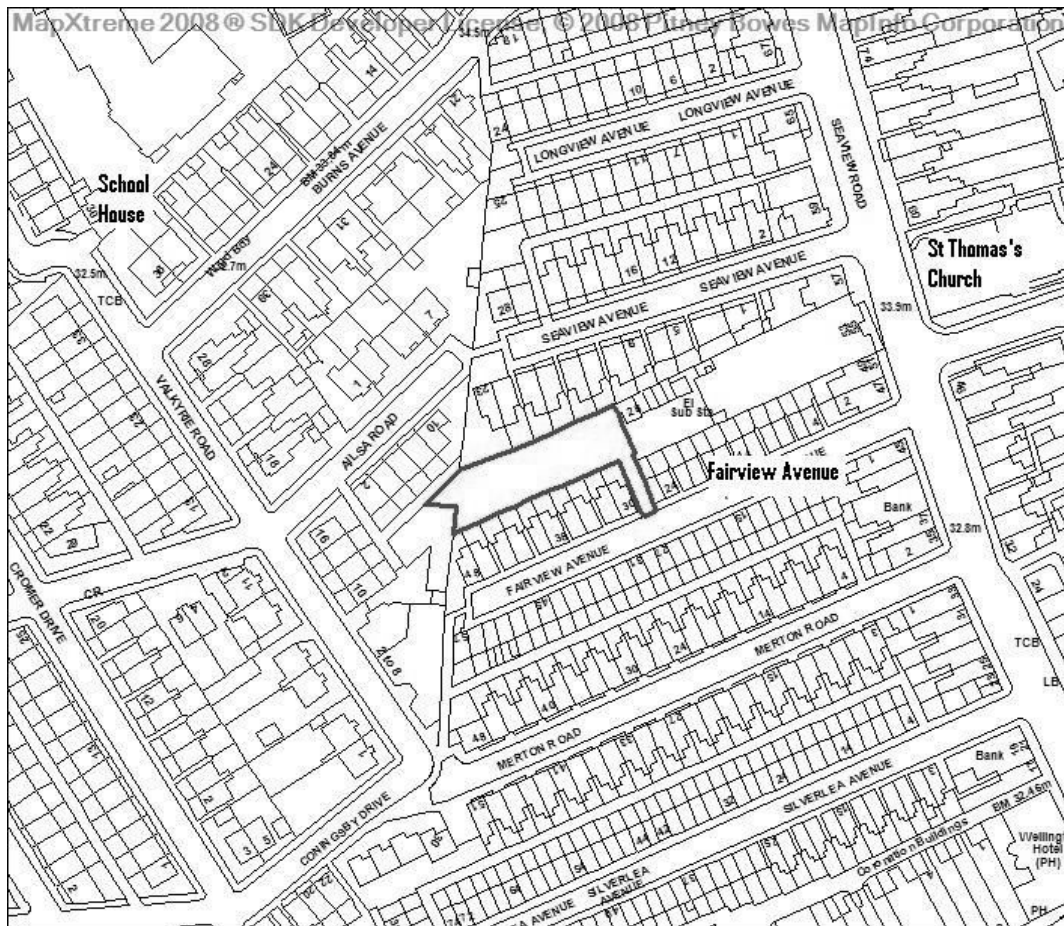
Case Officer:
Miss S Hesketh

Ward:
Liscard

Location: Land adjacent to 28 FAIRVIEW AVENUE, LISCARD, CH45 4RF
Proposal: Demolition and rebuild of existing office/warehouse to form new offices including rebuild of existing walls and replace the existing roof and new window openings.

Applicant: Thomas Higgins Partnership
Agent : Willacy Horsewood Arch

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

APP/09/05367 Demolition of existing office/storage buildings.Erection of one and a half storey office development A/C Refused 19/05/2009
Appeal decision: Dismissed

Summary Of Representations and Consultations Received:

Representations:

27 letters of notification were sent to the occupiers of neighbouring properties adjoining the site and a site notice was displayed on Fairview Avenue. A qualifying petition of 25 signatures and four objections were received citing the following concerns:

- Disruption for neighbours (including scaffolding in neighbouring gardens, noise, dust, debris, not being able to enjoy sitting in the garden, not able to open windows, builders vans, congestion on Fairview Avenue)
- Lack of notification;
- Loss of privacy;
- Loss of light;
- Damage neighbouring properties;
- Visual obstruction;
- Traffic congestion and parking issues;
- Party wall issues;
- Devaluation of property;
- Subsidence;
- The height of the building;
- Noise;
- Asbestos;
- Rodents;
- Inaccurate plans;
- There are vacant buildings in the area that could be better utilised;
- The use of the buildings;
- Loss of a view;
- The commercialisation of Fairview Avenue is a contradiction to the requirements of the Sustainable Communities Bill (June 15th: 2007), the initial Empowerment Acts (July 11th: 2008) and the Government's Cabinet Declaration on the big society, causing degeneration thereby of residents quality of life, the character of the neighbourhood and the community of Liscard;
- The commercial use of the land surrounded by residential properties;
- There is only 1 entry into the site;
- There will be many office staff and clientele.

Consultations:

The Director of Technical Services (Traffic Management) had no objection to the proposal.

The Director of Law, HR and Asset Management (Environmental Health) had no objection to the proposal.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of 25 signatures has been received

INTRODUCTION

The application proposes the demolition and rebuild of an existing office/warehouse and rebuild on the same footprint with a mezzanine floor and a small roof extension and rooflights.

A previous application for the replacement of the building with a one-and-a-half storey office development (APP/09/05367) was dismissed by the Planning Inspectorate on its impact to the neighbouring properties in terms of its scale and resulting in loss of privacy. The applicant has reduced the scale of the building and removed the large vertical window facing south-west.

PRINCIPLE OF DEVELOPMENT

The proposal is acceptable in principle.

SITE AND SURROUNDINGS

The site is currently a single-storey brick building with sloping roof. There are two-storey residential dwellings surrounding, and the site is designated Primarily Residential Area under the Wirral Unitary Development Plan. No.53-55 Seaview Road is a larger 1.5-storey building.

POLICY CONTEXT

The application shall be assessed against policy HS15 Non Residential Development within Primarily Residential Areas of the adopted Wirral Unitary Development Plan and SPD4 Parking Standards. This is to be evaluated against the Government's key objectives in Planning Policy Statement 4: Planning for Sustainable Economic Growth

APPEARANCE AND AMENITY ISSUES

The use of the site has already been established, and is a material consideration. The application is to determine the scale of the proposed structure.

Policy HS15 permits small-scale built developments for non-residential uses subject to them being of an appropriate scale, not resulting in a change in the character of the area or causing nuisance in respect of noise and disturbance. The site is currently rather neglected and the proposal is considered visually more appealing. The proposed roof height is 15cm higher than the existing roof height and the footprint of the building will not change. The scale of the proposal is considered to be appropriate and will not overdominate the surrounding residential properties or result in loss of light. The scale is considered acceptable and is not considered to detract from the neighbouring residential properties or affect their outlook. The design and height of the velux windows above standing height are deemed not to result in overlooking and loss of privacy. The proposal is considered not to result in a detrimental change in the character of the area and complies with policy HS15.

Planning Policy Statement 4 (PPS4) sets out the Government's framework for planning for sustainable economic development in urban areas. The applicant argues the proposal will create more jobs. Whilst this would not override other planning issues, the creation of jobs is an important consideration and the proposal is considered to enhance the viability of an existing business. The proposed mezzanine floor will increase the potential number of workers, however the building is not considered to be of a scale that will result in a change in the character of the area. The building has been established as use class B1 offices with no visiting members of the public, and the applicant is not looking to alter the use of the building.

Issues that cannot form a reason for refusal under planning remit include boundary wall issues, disruption during building works, potential damage, devaluation of property, subsidence, asbestos, rodents and loss of a view. The statutory neighbour letters were sent out and a site notice was posted. The plans are considered to be accurate.

SEPARATION DISTANCES

The site shares its boundaries with residential properties with small rear yards. The proposed building is within the same footprint and does not compromise the existing interface distances. The proposed rooflights are within the plan of the roof and are not considered to result in direct overlooking. The applicant has provided a section plan to illustrate the rooflights are 1.8m above finished floor level and as such there is no issue of loss of privacy to neighbouring properties.

The large first floor window, as shown in refused planning application APP/09/05367 has been removed and replaced with a much smaller first floor window that is to be obscurely glazed. As such the previous reason for refusal has been overcome, subject to a condition the window is obscurely glazed.

HIGHWAY/TRAFFIC IMPLICATIONS

Director of Technical Services (Traffic Management Division) had no objection and the proposed parking spaces complies with the maximum standards set out in SPD4. The proposal is not considered to result in very high level of traffic. There is provision for cycle parking. The site is within walking distance of Liscard Key Town Centre which has transport links and parking facilities. As such the siting of the proposal is considered to be sustainable.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

An objection was received regarding noise. The Director of Law, HR and Asset Management (Environmental Health) had no objection to the proposal in terms of noise and disturbance. It is considered the building will contain the noise, and there is an existing permission on the site for office use. The applicant sets out the improvements to thermal energy performance in the Design and

Access Statement, which is considered a gain for the site. There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposal is considered to be of an appropriate scale and will not result in a change in the character of the area. It is not considered to cause nuisance to neighbouring uses in respect of noise and disturbance, on-street parking or deliveries. The proposal complies with Policy HS15 of the adopted Wirral Unitary Development Plan (2000) and Planning Policy Statement 4 (2009)

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 of an appropriate scale and will not result in a change in the character of the area. It is not considered to cause nuisance to neighbouring uses in respect of noise and disturbance, on-street parking or deliveries. The proposal complies with Policy HS15 of the adopted Wirral Unitary Development Plan (2000) and Planning Policy Statement 4 (2009)

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. No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

Reason: In the interests of highway safety and to accord with Policy TR12 in the in the Wirral Unitary Development Plan 2000

3. Before the development hereby permitted is brought into use the first floor window in the extension elevation facing south west shall be fixed and obscurely glazed with frosted glass and shall be retained as such thereafter.

Reason: In the interest of residential amenity

4. The proposed rooflights shall be up to a height of 1.8 metres above the internal finished floor level, as shown in the typical section drawing number WH1037-02 Rev A and shall be retained as such thereafter.

Reason: In the interest of residential amenity

5. The premises shall not be used except between the hours of :-
08.00 hours and 18.00 hours Mondays to Fridays
and at no time on Saturdays, Sundays and Bank Holidays without the written consent of

the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

Further Notes for Committee:

Last Comments By: 10/05/2010 16:13:37

Expiry Date: 27/05/2010