

## Planning Committee

15 February 2011

**Reference:**  
**APP/10/01104**

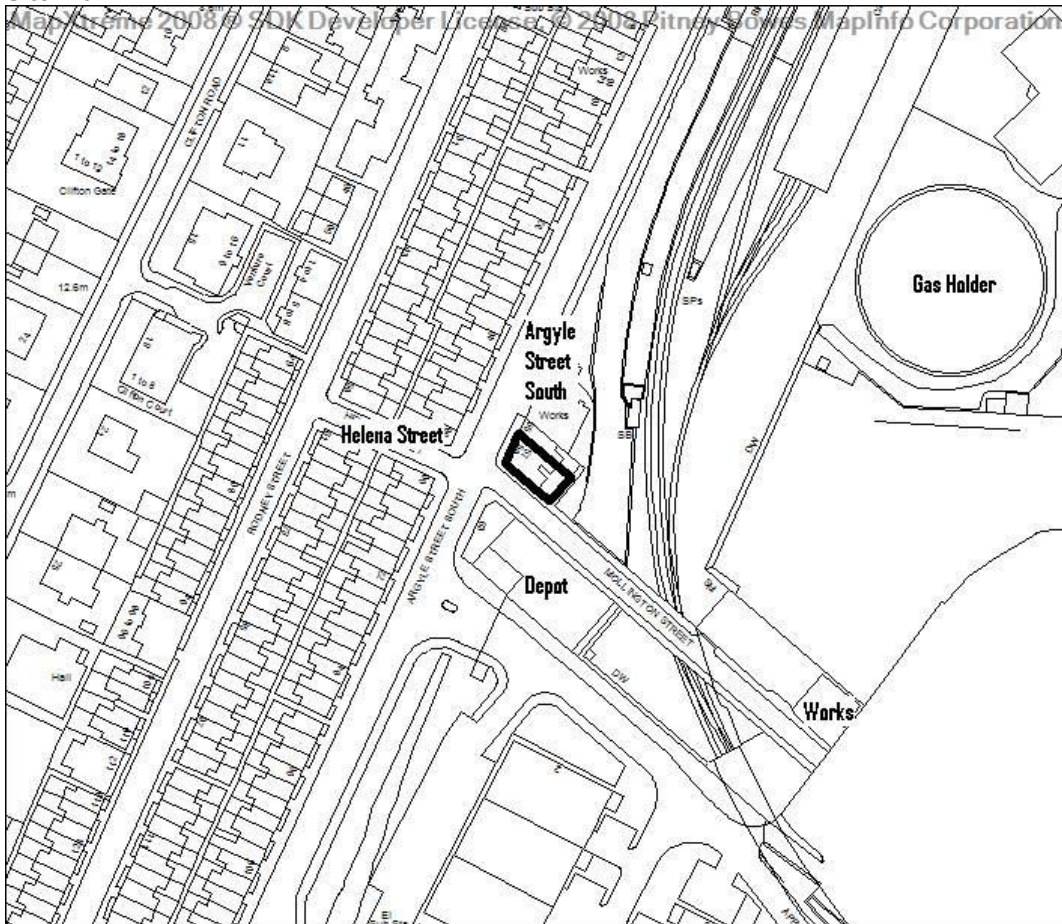
**Area Team:**  
**South Team**

**Case Officer:**  
**Miss A McDougall**

**Ward:**  
**Birkenhead and  
Tranmere**

**Location:** 57 ARGYLE STREET SOUTH, TRANMERE, CH41 9DA  
**Proposal:** Change of use to two self contained ground floor apartments with single storey extension and rear staircase  
**Applicant:** Mr Harding  
**Agent :** Bryson Design Ltd

### Site Plan:



### Development Plan allocation and policies:

Primarily Industrial Area

### Planning History:

10/652 Change of use to flats - Refused

### Summary Of Representations and Consultations Received:

#### Representations:

A site notice was displayed. Letters of notification have been sent to properties in the area. At the time of writing this report no objections have been received.

**Consultations:**

Director of Law, HR and Asset Management – Environmental Health: No objection  
Director of Technical Services – Traffic Management: No objection

**Director's Comments:**

This planning application was deferred for the first time from Planning Committee on 1 December, 2010 to allow time for the submission of further information by applicant. Councillor Phil Davies has written to request the application be taken out of delegated powers as the proposal provides suitable disabled residential accommodation. The application was subsequently deferred for a second time by Members at Planning Committee on 25 January, 2011 to allow for a formal Site Visit.

**INTRODUCTION**

The proposal is for a change of use of a ground floor workshop to residential. There are currently residential units on the upper floors. This application is a resubmission from a previously refused application for the same proposal.

**PRINCIPLE OF DEVELOPMENT**

The application is contrary to UDP EM8 the principle of the development as the proposed use does not fall under Use Classes B1, B2 or B8.

**SITE AND SURROUNDINGS**

The building is a rendered corner plot two-storey unit; to the side of the building is a tile showroom. The site is separated from the residential area by a main road leading out of Birkenhead Town Centre and is situated between commercial premises at the edge of the Argyle Industrial Estate.

**POLICY CONTEXT**

The proposal is for residential use within a Primarily Industrial Area and does not accord with UDP Policy EM8, which only make provision for industrial uses within Use Classes B1, B2 and B8. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The agent claims that the property has been on the market for a period of 16 months. However, there is insufficient information has been provided to demonstrate why the building should not and can not be used for the range of uses permitted under UDP Policy EM8. The Employment Land & Premises Study approved by the Council on 2 November 2009 (minute 49 refers) as material consideration by Planning Committee in the determination of planning applications has found that there is likely to be shortage of employment land in the medium to long term and suggests that there should be a presumption against change from employment use at sites such as the Argyle Industrial Estate. Whilst the upper floors might be in residential use, the planning history does not indicate that this has been authorised. Unauthorised use should not justify overriding the development plan designation. Unplanned release of employment land for residential purposes could set a precedent that could undermine future job prospects in industrial areas.

**APPEARANCE AND AMENITY ISSUES**

It is considered that conversion to unrelated residential accommodation could have an adverse effect on neighbouring businesses and on the amenity that residential occupiers can reasonably expect to enjoy.

**HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

**CONCLUSION**

The proposal to create residential units within this location is unacceptable. The land is designated as Primarily Industrial Area and the proposal is contrary to UDP Policy EM8. The material considerations in this particular case are insufficient to out weigh the provisions of the statutory development plan.

**Recommended Decision:**                      **Refuse**

**Recommended Conditions and Reasons:**

1. The site is designated as a Primarily Industrial Area. Residential use is contrary to Policy EM8 in the Wirral Unitary Development Plan, which only makes provision for general employment uses within Use Classes B1, B2 or B8 of the Town & Country Planning (Use Classes) Order 1987 and reconstruction of existing businesses. No material considerations have been identified sufficient to warrant releasing this particular site from its designated purpose.

**Further Notes for Committee:**

**Last Comments By: 27/10/2010 10:48:04**

**Expiry Date: 01/11/2010**