

Planning Committee

17 December 2015

Reference:
APP/15/01267

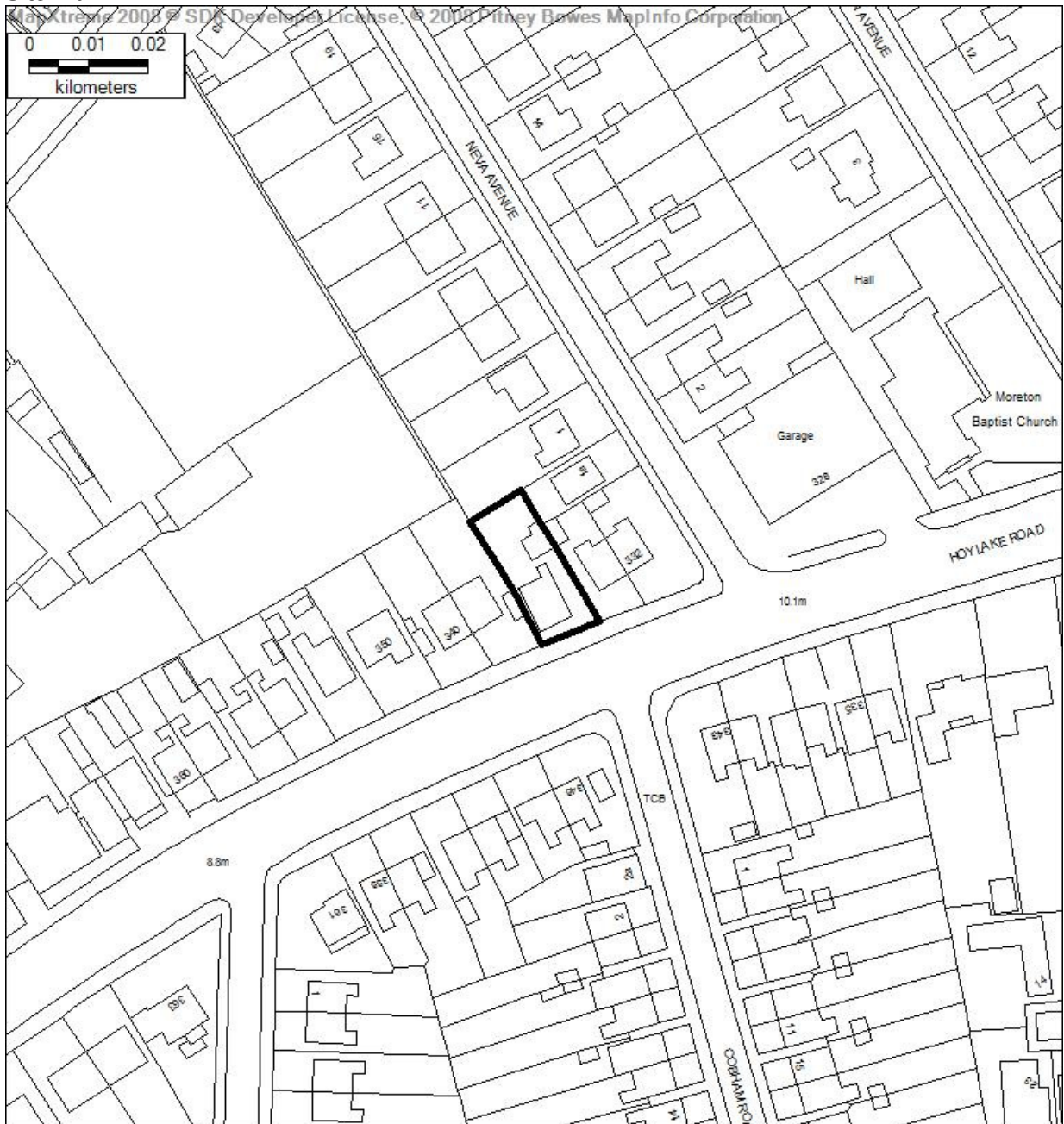
Area Team:
North Team

Case Officer:
Mr K Spilsbury

Ward:
**Moreton West and
Saughall Massie**

Location: 336 HOYLAKE ROAD, MORETON, CH46 6DF
Proposal: Erection of a single storey extension to the existing garage and change of use to a Physiotherapy treatment room and home office facility
Applicant: Miss G Dabek
Agent : SDA Architecture & Surveying

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: 336, Hoylake Road, Moreton. L46 3DF
Application Type: Full Planning Permission
Proposal: Change of use to estate agency with offices.
Application No: APP/90/07595
Decision Date: 04/01/1991
Decision Type: Approve

Location: 336 HOYLAKE ROAD, MORETON, CH46 6DF
Application Type: Full Planning Permission
Proposal: Change of use from offices to dwelling with internal alterations and erection of a detached garage
Application No: APP/10/00192
Decision Date: 29/04/2010
Decision Type: Approve

Location: 336 Hoylake Road, Moreton, Wirral, CH46 6DF
Application Type: Full Planning Permission
Proposal: Change of use from garage to store for building materials
Application No: APP/01/05446
Decision Date: 04/05/2001
Decision Type: Returned invalid

Location: 336 Hoylake Road, Moreton, Wirral, CH46 6DF
Application Type: Advertisement Consent
Proposal: Erection of a window sign
Application No: ADV/99/06571
Decision Date: 18/11/1999
Decision Type: Returned invalid

Location: 336, Hoylake Road, Moreton. L46 6DF
Application Type: Full Planning Permission
Proposal: Change of use to hot food take away.
Application No: APP/86/06996
Decision Date: 05/02/1987
Decision Type: Refuse

Summary Of Representations and Consultations Received:**REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing this report there have been three letters of objections received from the occupiers of 340 and 347 Hoylake Road and 1 Neva Avenue. The objections are summarised as follows:

1. Impact upon the area having regards to parking drop off and pick up potentially resulting in congestion, parking and access issues for residents.
2. impact of the development on the rear fence of 1 Neva Ave and reassurance that the fence will be made good if effected.

CONSULTATIONS

Head of Environment & Regulation (Pollution Control Division) - No objection

Head of Environment & Regulation (Traffic and Transportation Division) - No objection

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council. 3 letters of objection have been received from neighbouring residents. Under the provisions of the approved Scheme of Delegation for Determining Planning Applications the application must be considered and determined by the Planning Committee.

INTRODUCTION

The proposal is for the erection of a single storey extension to the existing garage and the change of use to a physiotherapy treatment room and home office facility.

PRINCIPLE OF DEVELOPMENT

The proposed development is for the creation of a physiotherapist business ran from an extended garage building in a rear garden at home of the applicant. Provision is made for non-residential uses in UDP Policies HS15, subject to criteria which protects the character of the area and residential amenity.

SITE AND SURROUNDINGS

The property itself is a detached house located within a predominantly residential area on main road leading to Moreton Town Centre. The proposed development will be located at the rear of the dwelling on the rear boundary of 1 and 1a Neva Avenue. There is a neighbouring garage adjacent to the site and a long rear garden that extends some 14m from the rear of the dwelling.

POLICY CONTEXT

The proposed development must be assessed for compliance against the criteria in UDP Policy HS15 Non-Residential Uses in Primarily Residential Areas. UDP Policy HS15 states that:

Within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

- i. be of such scale as to be inappropriate to surrounding development;
- ii. result in a detrimental change in the character of the area; and,
- 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 standards and servicing requirements.

UDP Policy TR9 also indicates the Local Planning Authority will be guided by a number of considerations when off street parking associated with new development including highway safety and traffic management issues in the locality of the proposal.

The National Planning Policy Framework (NPPF) is also a material planning consideration which sets a presumption in favour of sustainable development. NPPF paragraph 9 indicates that this means seeking positive improvements to the quality of the built environment as well as the quality of peoples by making easier for jobs to be created in cities, towns and villages and improving conditions in which people live, work and travel.

APPEARANCE AND AMENITY ISSUES

The business is relatively small in scale, with 1 full time member of staff (the owner). The proposed scale of the business is relatively small in terms of the impact onto the character of the residential area, and as such proposed 'comings and goings' during business hours as proposed will have a minimal impact and as such will not cause nuisance to neighbouring amenities.

The hours of use proposed and the scale of the business are considered to be low in terms intensity and will not cause nuisance to existing neighbours. The proposed building will be single storey and sited on the site of a former domestic garage adjacent to the neighbouring garage at the rear of the property.

At the time of writing this report there have been three letters of objections received from the occupiers of 340 and 347 Hoylake Road and 1 Neva Avenue. The objections are summarised as follows:

1. Impact upon the area having regards to parking drop off and pick up potentially resulting in congestion, parking and access issues for residents.
2. Impact of the development on the rear fence of 1 Neva Ave and reassurance that the fence will be made good if effected.

Head of Environment & Regulation (Pollution Control Division) has been consulted with regards to the potential environmental impacts associated with the business. They have raised no objection to the development. The hours of operation could be controlled by a condition should members be minded to approve the application.

The Head of Environment & Regulation (Traffic and Transportation Division) has also been consulted with regards to the potential traffic impacts of the development. No objection has been raised. Whilst the proposal will create additional traffic movements, it is unlikely to create significant traffic of highway safety problems. A refusal on highway grounds can therefore not be sustained.

Damage to a party fence would a civil matter and as such a refusal on these grounds could not be sustained.

The appearance of the proposal will not harm the character of the residential area and the use will be controlled through conditions to ensure there are no adverse impacts. The development is therefore considered acceptable having regard to Wirral's UDP Policy HS15 and the NPPF.

SEPARATION DISTANCES

Separation distances do not apply in this instance as the building is single storey.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal. The Head of Environment & Regulation (Traffic and Transportation Division) has also been consulted with regards to the potential traffic impacts of the development. No objection has been raised. Whilst the proposal will create additional traffic movements it is unlikely to create significant traffic of highway safety problems.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

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

CONCLUSION

The development is considered to be small in scale, acceptable in appearance and will not harm the character of the residential area. The hours of use will be controlled through conditions to ensure there are no adverse impacts. The development is therefore considered acceptable having regard to Wirral's UDP Policy HS15 and the NPPF.

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 development is considered to be small in scale, acceptable in appearance and will not harm the character of the residential area. The hours of use will be controlled through conditions to ensure there are no adverse impacts. The development is therefore considered acceptable having regard to Wirral's UDP Policy HS15 and the NPPF.

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 6th October 2015 and listed as follows: 191_2015_01 (dated 04.09.2015)

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

3. The physiotherapy business hereby approved shall be closed between 20:00 hours and 08:30 hours Monday to Friday, between 14:00 hours and 09:00 hours on Saturdays and closed on a Sunday and Bank Holidays.

Reason: Having regard to the amenities of the neighbouring properties and the character of the residential area in accordance with policy HS15 of the Wirral UDP.

4. There shall be no more than one customer at any given time and the use shall be operated on an appointments basis only.

Reason: To safeguard the amenities of adjoining neighbours and protect the character of the area and in the interests of highway safety having regard to Policy HS15 of the Wirral Unitary Development Plan.

5. The use hereby permitted shall be used as a physiotherapy business only and for no other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regards to the amenities of adjoining neighbours and the character of the area having regard to Policy HS15 of the Wirral Unitary Development Plan.

6. The use hereby permitted shall be carried on only by Miss G Dabek (the applicant) for the period during which the premises are occupied by the applicant. When the premises cease to be occupied by Miss G Dabek (the applicant), the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.

Reason: To safeguard the amenities of adjoining neighbours and protect the character of the area having regard to Policy HS15 of the Wirral Unitary Development Plan.

Last Comments By: 04/11/2015 15:05:22

Expiry Date: 01/12/2015