

# Planning Committee

17 December 2015

**Reference:**  
**COMX/15/01470**

**Area Team:**  
**North Team**

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

**Ward:**

**Wallasey**

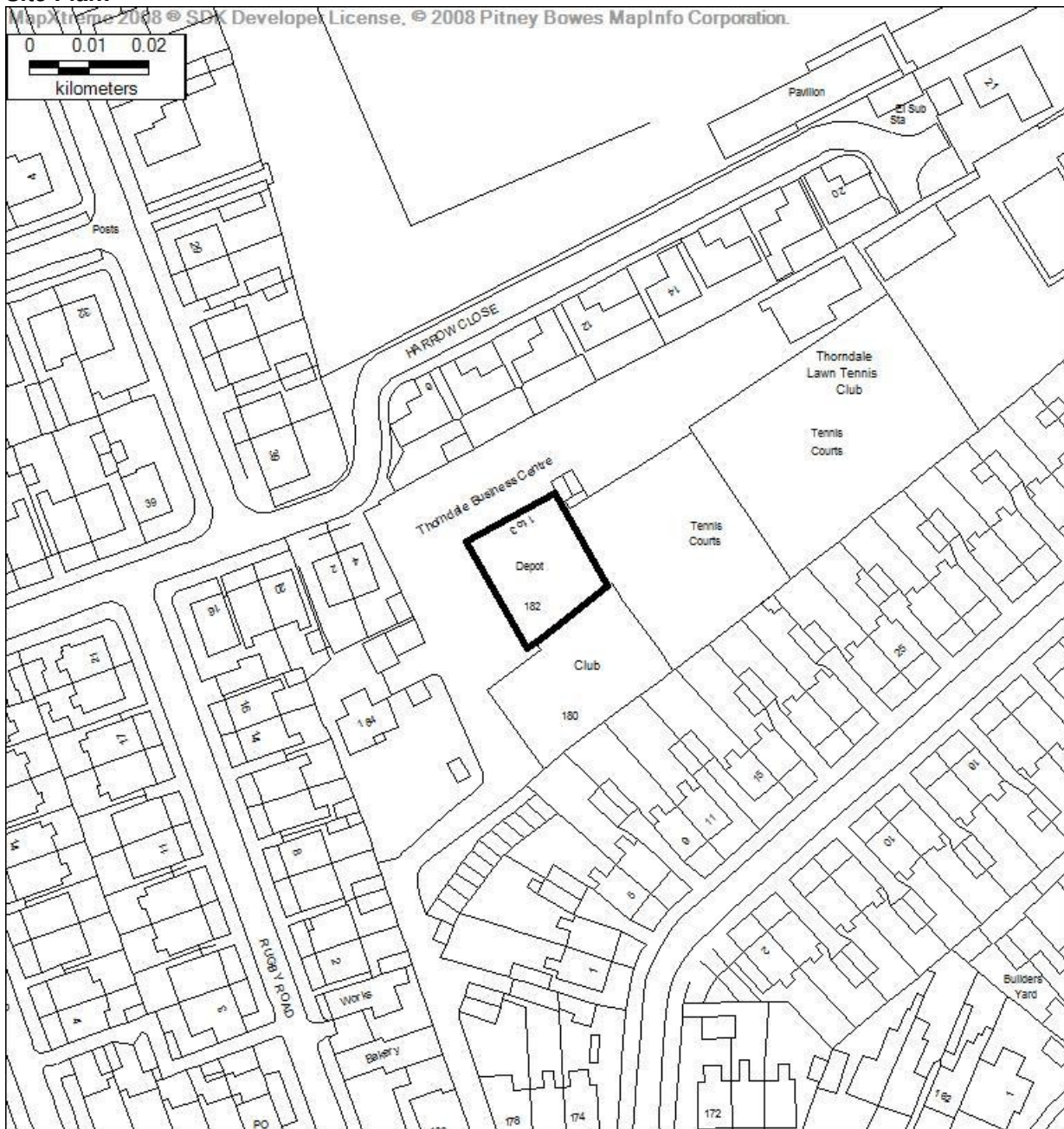
**Location:** THORNDALE BUSINESS CENTRE, 182 WALLASEY ROAD, LISCARD, CH44 2AG

**Proposal:** Notification for Prior approval for a change of use from storage or distribution buildings (class B8) and any land within its curtilage to 6 flats (class C3)

**Applicant:** Mr Ian McIver

**Agent:** N/A

## Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: THORNDALE BUSINESS CENTRE, 182 WALLASEY ROAD, LISCARD,  
CH44 2AG

Application Type: Full Planning Permission

Proposal: Demolition of existing building and erection of a 3 storey building  
accommodating 4 apartments

Application No: APP/15/00404

Decision Date: 10/08/2015

Decision Type: Withdrawn

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

Having regard to the Council Guidance on Publicity for Applications, 10 notifications were sent to adjoining properties. At the time of writing this report a petition of objection was received and 11 objections have been received, listing the following grounds:

1. highway, access, parking.
2. flooding and damage to playing fields/courts
3. impact onto businesses

CONSULTATIONS:

**Head of Environment & Regulation (Traffic & Transportation Division)** - No Objections

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

**Director's Comments:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

The Council has received a petition of objection containing 174 separate signatures.

**INTRODUCTION**

The proposal is notification for Prior-Approval for a change of use from storage or distribution (Class B8) to dwellinghouses (Class C3).

**SITE AND SURROUNDINGS**

The application site is located within the Primarily Residential Area, the site does not fall within and of the categories set out in P.1.

**POLICY CONTEXT**

The application is for Prior-Approval for a Change of Use from Industrial to Residential and will be assessed in accordance with the conditions set out in the General permitted Development Order Part 3 Class P which states;

Class P – storage or distribution centre to dwellinghouses

**Permitted development**

*P. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.*

**Development not permitted**

P.1 Development is not permitted by Class P if:

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;
  - (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018;
  - (d) the gross floor space of the existing building exceeds 500 square metres;
  - (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
  - (f) less than 1 year before the date the development begins:
    - i. an agricultural tenancy over the site has been terminated, and
    - ii. the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;
  - (g) the building is within—
    - i. an area of outstanding natural beauty;
    - ii. an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);
    - iii. the Broads; or
    - iv. a National Park;
    - v. a World Heritage Site;
- the site is, or forms part of—
- i. a site of special scientific interest;
  - ii. a safety hazard area;
  - iii. a military explosives storage area;
  - iv. the building is a listed building or is within the curtilage of a listed building; or
  - v. the site is, or contains, a scheduled monument.

### Conditions

Development is permitted by Class P subject to the condition that before beginning the development, the developer must:

- a. submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);
- b. apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:
  - i. impacts of air quality on the intended occupiers of the development;
  - ii. transport and highways impacts of the development,
  - iii. contamination risks in relation to the building,
  - iv. flooding risks in relation to the building,
  - v. noise impacts of the development, and
  - vi. where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

### Interpretation of Class P

P.3 For the purposes of Class P “curtilage” (except in paragraph P.1(i)) means—

- a. the piece of land, whether enclosed or unenclosed, immediately beside or around the building in storage or distribution centre use, closely associated with and serving the purposes of that building, or
- b. an area of land immediately beside or around the building in storage or distribution centre use no larger than the land area occupied by the building, whichever is the lesser; “general industrial use” means a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order; “industrial services” means services provided from premises with a light industrial use or general industrial use; “light industrial use” means a use falling within Class B1(c) (light industrial) of the

Schedule to the Use Classes Order; "storage or distribution centre use" means a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order; and "storage or distribution services" means services provided from premises with a storage or distribution centre use.

### **APPEARANCE AND AMENITY ISSUES**

The proposal is notification of prior-approval to change the use of existing B8 to C3, the applicant has confirmed that the building measures less than 500m<sup>2</sup> and has provided a supporting statement outlining a valuation that was undertaken on the premises in 2006 that confirms the use is a warehouse.

As part of the prior-approval process, the Councils Traffic Management and Environmental Health Teams have been notified, neither have raised objections to the proposed development in relation to air quality, highway safety, contamination or noise.

The building is not located within a flood risk zone and the land use allocation is residential therefore in terms of P.2 of Class P, the change of use falls within the categories of Class P and therefore Prior Approval is not required.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

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

### **CONCLUSION**

It is considered that the development falls within the remits of Part 3 Class P and Prior-Approval in this instance is not required.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to that Prior Approval is Not Required 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:-

It is considered that the development falls within the remits of Part 3 Class P and Prior-Approval in this instance is not required.

**Recommended Decision:**                      **Prior approval is not required**

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

1. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

**Last Comments By:** 30/11/2015 10:58:23  
**Expiry Date:** 30/12/2015