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**Report to:** Planning Committee                      **Date of Meeting:** 8 February 2012

**Subject:** S/2011/1479  
141 - 143 Shakespeare Street, Southport

**Proposal:** Retrospective application for the change of use from print office (B1) to vehicle repair and MOT testing centre (B2)

**Applicant:** Mr J Wilson                                      **Agent:** Mr David Scarisbrick

**Report of:** Head of Planning Services                      **Wards Affected:** (Kew Ward)

**Is this a Key Decision?** No                                      **Is it included in the Forward Plan?** No

**Exempt/Confidential**    No

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### Summary

The proposal seeks retrospective approval for the change of use from print office (Use Class B1) to vehicle repair and MOT testing centre (Use Class B2).

The key issues to consider are the impact of the operation upon residential amenity and on highway safety.

### Recommendation(s)

Approval

### Reasons for the Recommendation:

When assessed against the Unitary Development Plan and all other material considerations, particularly policies AD2, CS3, DQ1, EP2, EP6 & H10, the proposed change of use from print office (B1) to vehicle repair and MOT testing centre (B2) would not cause significant detrimental harm to neighbouring residential amenity or to highway safety and is therefore acceptable.

### Implementation Date for the Decision

Immediately following the Committee meeting

**Contact Officer:** Mrs S Tyldesley    Telephone 0151 934 3569

**Case Officer:** Neil Mackie    Telephone 0151 934 3606

**Email:** planning.department@sefton.gov.uk

**Background Papers:**

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

## **The Site**

An existing large backland commercial site served by two access on to Shakespeare Street, Southport lying within a primarily residential area.

## **Proposal**

Retrospective application for the change of use from print office (B1) to vehicle repair and MOT testing centre (B2)

## **History**

N/1999/0786 – Change of use from Class B8 to B1 use (for printing, assembly and packaging of security labels). Approved 23<sup>rd</sup> December 1999.

N/1999/0020 – Change of use from a warehouse to a dance studio. Withdrawn 4<sup>th</sup> March 1999.

## **Consultations**

Highways Development Control – Following the receipt of amended plans to indicate the permanent closure of one half of a vehicle access gate there are no objections to the proposal as there are no highway safety implications.

Environment Head of Service – No objection in principle to this proposal subject to a condition being attached to approval with regards to a scheme of noise control being submitted to and approved by the Authority prior to the use of any plant and machinery. The spray booth vent and paint mixing room vent must terminate 3 metres above the ridge height of any building within 15 metres of the base of the flues in order to render harmless any emissions from the flues. Contrary to verbal discussions, the amended plans submitted do not indicate an alloy wheel refurbishment area. While this will not require consent in itself the operators should ensure that any emissions to the atmosphere arising from this use do not exceed 50mg/m<sup>3</sup>.

## **Neighbour Representations**

Last date for replies: 26<sup>th</sup> December 2011.

Representations received: Letter of objection from Number 142 Shakespeare Street expressing concerns as to the potential for harm to highway safety arising from vehicles parking on the highway in addition to non-material considerations relating to the character of the operators of this site.

Councillor Weavers has requested that this application be determined by Planning Committee.

## **Policy**

The application site is situated in an area allocated as Primarily Residential on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
EP2	Pollution
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas

## Comments

The key issues to consider in respect of the proposed change of use of the premises is the impact of the non-residential use within a primarily residential area, the impact on amenity through the operation of a paint spraying booth and alloy wheel refurbishment and the impact on highway safety.

Given that this site benefits from lawful use for commercial activities a key consideration will be the impacts that may arise from the change of use from printing activities to those associated with car repairs, car refurbishment and MOT testing.

As noted by comments received from the Highways Authority, the proposed use will not cause harm to highway safety. Given the discrepancy in width between the double gates to the right hand side of the unit and the dropped kerb, the agent for the application was requested for further information to indicate that both gates would be used, thereby requiring the vehicle access to the highway to be widened, or for the right hand side gate to be fixed shut and maintained as such thereafter. Details were submitted to indicate that the right hand side gate will be fixed shut. The Highways Authority therefore has no objections to this proposal.

The sole written objection makes reference to existing situations arising from other commercial operations leaving vehicles on the Shakespeare Street highway. This is not an issue that can be considered within this application nor is it a matter that can be addressed by the Planning Authority in any event. With regards to this application the Highways Authority comments clearly state that this proposal will not cause harm to highway safety and is therefore acceptable from this point of view.

Regarding the impact on amenity through the use of a paint spraying booth, further details were requested from the agent for the application. Specifications were submitted relating to the control of emissions from the operation of the paint spraying booth and as is evident from the comments received from the Council's Environment Head of Service, subject to a condition relating to noise control and the termination points of flues complying with guidance they have no objections to the proposal.

While only one written objection has been received by the Council it is clear from the involvement of a Ward Councillor and from numerous telephone calls that there have been conflicts between the operators of this site and neighbouring residential properties.

As is common with a number of backland commercial sites within Southport, this site is bordered closely by residential properties and any activity should be balanced against the level of amenity and enjoyment that is expected within a dwellinghouse. As the change of use represents a new chapter in the planning history for this site then the Authority can seek to control the hours of operation for the proposed use.

Given the proximity of residential properties there is the potential for disturbance to neighbouring amenity to be caused by the activities within the units and the associated comings and goings of vehicles. As such, it is considered reasonable to restrict the hours of operation to that proposed

by the applicant to be between 08:30 – 18:00 Monday to Friday, 08:30 – 13:00 Saturday and for no use on Sundays or Bank Holidays. In addition, the Use Class applied for does allow a variety of commercial and industrial activities to take place that may cause harm without the control of the Authority and as such it is considered reasonable to restrict the use of the site to that of a vehicle repair and MOT testing centre and for no other operation within Use Class D2.

For the above reasons it is considered that as the application complies with policy that it is recommended for approval with conditions.

## **Conditions**

1. P-5 Plant and machinery
2. B-1 Hours of use (industrial)
3. R-1 Use Classes Limitation
4. X1 Compliance

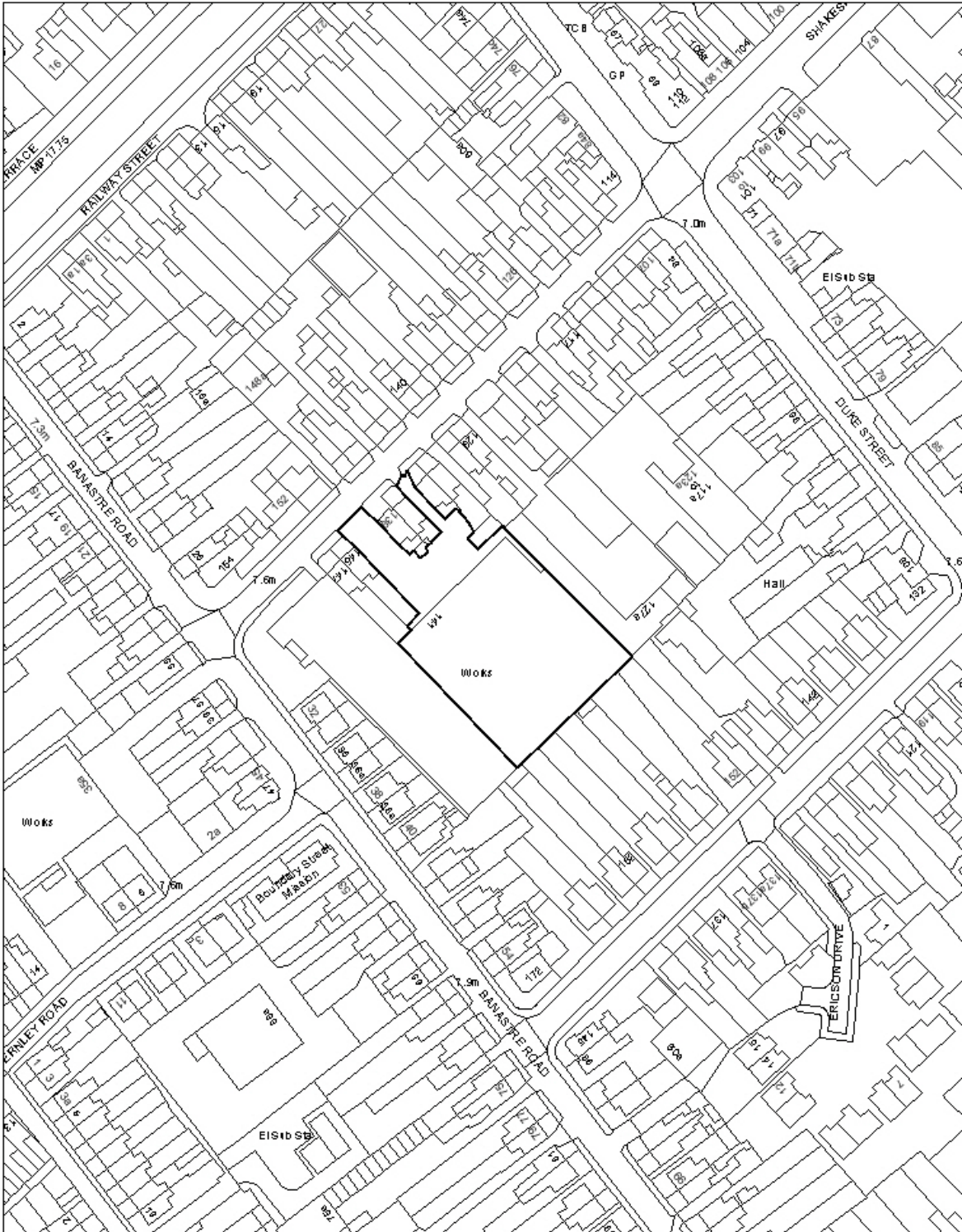
## **Reasons**

1. RP-5
2. RB-1
3. RR-1
4. RX1

## **Drawing Numbers**

DS11/36/01, DS11/36/02 A, DS11/36/03, DS11/36/04.

# Existing site plan



<b>Sefton Council</b> Department of the Built Environment Jane Gowing Head of Planning Services	S/2011/1479 Shakespeare Street Southport		Standard Site Plan Scale: 1:1250 Date: 24/1/2012 Drawn By: RO BID on	
	OSGR: 333562, 41617	Sheet(s): 489D	Area: 2279 sqm	Ward(s): Kew Postcode Sector(s): PR8 5 Polling District(s): T5 Parishes(s): None Found