

Planning Committee

30 May 2013

Reference:
APP/13/00277

Area Team:
South Team

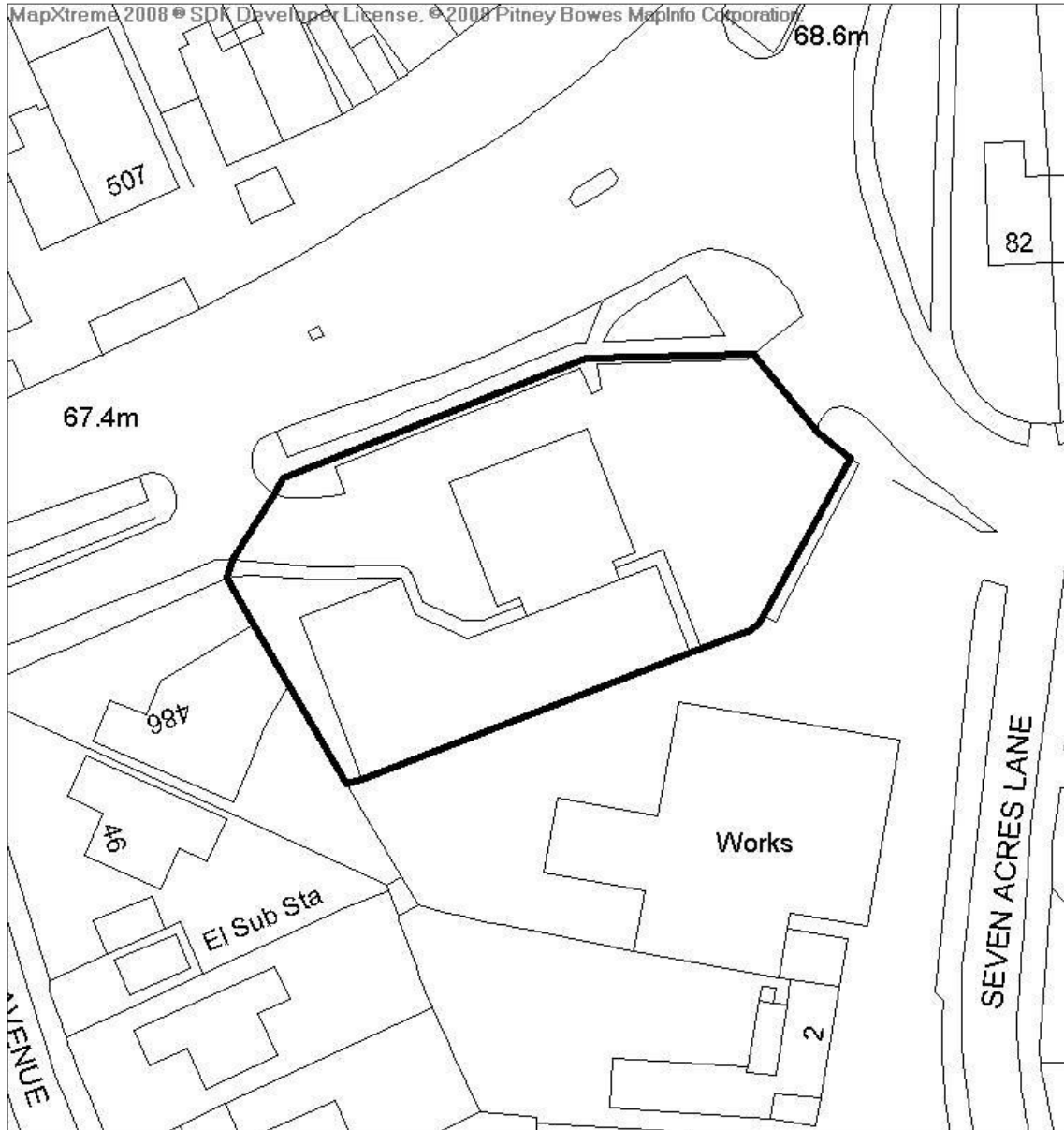
Case Officer:
Mr N Williams

Ward:
**Pensby and
Thingwall**

Location:
Proposal:
Applicant:
Agent :

Total Petrol, PENSBY ROAD, THINGWALL, CH61 7UB
Amend opening hours to allow trading from 06:00 - midnight
Rontec Watford Ltd
Pegasus Group

Site Plan:



© Crown copyright and database rights 2011 Ordnance Survey 100019803

Development Plan allocation and policies:

Primarily Residential Area

Planning History:

- Location: 7 Acres S Stn Pensby Rd Thingwall
Application Type: Full Planning Permission
Proposal: Store and office extension at Seven Acres Service Station
Application No: APP/74/01285
Decision Date: 11/11/1974
Decision Type: Conditional Approval
- Location: DIY Motor House, Pensby Road, Thingwall, CH61 7UB
Application Type: Full Planning Permission
Proposal: Alterations to form accessories shop and storage in existing building
Application No: APP/75/04034
Decision Date: 29/03/1976
Decision Type: Conditional Approval
- Location: DIY Motor House, Pensby Road, Thingwall, CH61 7UB
Application Type: Full Planning Permission
Proposal: Variation of condition No.3 imposed on planning consent No.W/APP/4034/S dated 29th March 1976 to limit opening hours.
Application No: APP/77/08415
Decision Date: 14/12/1977
Decision Type: Conditional Approval
- Location: North of Seven Acres Rd ,South west Pensby Rd ,Thingwall ,L61 7XY
Application Type: Established Use Certificate
Proposal: Established use certificate relation to car and van hire use in part of premises
Application No: EUC/84/25724
Decision Date: 25/10/1984
Decision Type: Refuse
- Location: Garage N 2, Seven Acres Lane, Thingwall. L61 7XY
Application Type: Full Planning Permission
Proposal: Use part of existing motor vehicle workshop as a car and van hire depot, and the erection of new screen walls and fences.
Application No: APP/85/05030
Decision Date: 28/02/1985
Decision Type: Refuse
- Location: J. Howarth & Son, Pensby Road, Thingwall. L61 7UB
Application Type: Advertisement Consent
Proposal: Erection of internally illuminated fascia sign and one illuminated box sign.
Application No: ADV/85/06017
Decision Date: 31/07/1985
Decision Type: Approve
- Location: Seven Acres Service Station, Pensby Road, Thingwall. L61 7UB
Application Type: Advertisement Consent
Proposal: Erection of canopy box sign and pylon sign.
Application No: ADV/86/06489
Decision Date: 05/02/1987
Decision Type: Approve
- Location: Seven Acres Service Station, Pensby Road, Thingwall. L61 7UB
Application Type: Full Planning Permission
Proposal: Installation of underground petrol storage tanks.
Application No: APP/88/05908
Decision Date: 09/06/1988
Decision Type: Approve

Location: Seven Acres Service Station, Pensby Road, Thingwall. L61 7UB
Application Type: Advertisement Consent
Proposal: Erection of illuminated and non-illuminated signage.
Application No: ADV/91/05349
Decision Date: 18/04/1991
Decision Type: Approve

Location: J. Howarth, north of 2, Seven Acres Lane, Thingwall. L61 7UB
Application Type: Advertisement Consent
Proposal: Erection of internally illuminated sign.
Application No: ADV/91/05205
Decision Date: 24/05/1991
Decision Type: Approve

Location: Howarth, north of 2, Seven Acres Lane, Thingwall. L61 7UB
Application Type: Full Planning Permission
Proposal: Retention of extension at rear.
Application No: APP/91/05515
Decision Date: 07/06/1991
Decision Type: Refuse

Location: J. Howarth & Sons, Pensby Road, Thingwall. L61 7UB
Application Type: Full Planning Permission
Proposal: Retention of boundary fence.
Application No: APP/91/07153
Decision Date: 18/12/1991
Decision Type: Approve

Location: Seven Acres Service Station, Pensby Road, Thingwall, Wirral, L61 7UB
Application Type: Full Planning Permission
Proposal: Re-development of existing service station and erection of new retail sales building and alterations and raising of canopy .
Application No: APP/98/05042
Decision Date: 03/04/1998
Decision Type: Approve

Location: Seven Acres Service Station, Pensby Road, Thingwall, Wirral, L61 7UB
Application Type: Full Planning Permission
Proposal: Installation of 2 no. below ground 45,000 Ltr. fuel storage tanks.
Application No: APP/98/05509
Decision Date: 22/05/1998
Decision Type: Approve

Location: Seven Acres Service Station, Pensby Road, Thingwall, Wirral, L61 7UB
Application Type: Advertisement Consent
Proposal: Erection of two illuminated fascia signs, two canopy fascia signs and an illuminated forecourt identification sign.
Application No: ADV/98/06197
Decision Date: 16/09/1998
Decision Type: Approve

Location: Pavement fronting Somerfield, Pensby Road, Thingwall, Wirral, CH61 7UB
Application Type: Prior Approval of Telecommunications PD
Proposal: Erection of 1 no. 15m. slimline flexicell type column and 1 no. 3G Nortel IBTS Outdoor cabinet.
Application No: ANT/04/06856
Decision Date: 10/09/2004
Decision Type: Refuse

Location: Total Petrol, Pensby Road, Thingwall, Wirral, CH61 7UB
Application Type: Full Planning Permission
Proposal: Installation of an ATM machine
Application No: APP/07/06327
Decision Date: 16/08/2007
Decision Type: Approve

Location: Total Petrol, PENSBY ROAD, THINGWALL, CH61 7UB
Application Type: Full Planning Permission
Proposal: Proposed formation of new open jet wash facility with drained concrete pad and silt trap with cladded screen to rear, sited on existing petrol filling station.
Application No: APP/12/00312
Decision Date: 26/04/2012
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 32 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been one objection received from the occupiers of 9 Seven Acres Lane, on the basis of the potential increase in youths congregating and disturbance.

CONSULTATIONS

Head of Environment & Regulation (Pollution Control Division) - No objection provided permission is only given for a 12-month trial period, and that the jet/car wash, vacuum cleaners and air hoses are not subject to the extended opening hours.

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

Merseyside Police - No adverse comment to make.

DIRECTORS COMMENTS:

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Mark Johnston requested that the application be taken out of delegation on the basis that "local people are concerned about the impact on the character and peaceful enjoyment of the residential nature of the area, increased noise, litter and concerns over youth disorder."

INTRODUCTION

The application proposes to amend the opening hours at the petrol filling station to between 06:00 to midnight.

This proposal is a variation of the condition which was attached to the original planning permission for the service station. Condition 7 of APP/98/05042 reads: "Trading at the premises shall not take place between 23:00 hours and 07:00 hours".

PRINCIPLE OF DEVELOPMENT

The principle of this development is acceptable, subject to relevant planning policy and guidelines.

SITE AND SURROUNDINGS

The site is a petrol filling/service station located on Pensby Road, with a small shop, canopy, petrol pumps and car wash defining the site. The area is designated as a Primarily Residential Area within Wirral's Unitary Development Plan. The service station is located on a main road and there are other commercial properties in the immediate area - with a number of shops on the opposite side of Pensby Road. There are also a number of residential properties in fairly close proximity to the site, especially either side at 486 Pensby Road and 82 Sparks Lane.

POLICY CONTEXT

The proposal is subject to Wirral's Unitary Development Plan Policy HS15: Non-Residential Uses in Primarily Residential Areas. This policy states that such uses should not harm the amenities of residential properties in these areas.

APPEARANCE AND AMENITY ISSUES

Planning permission for a new service station in this location was granted in 1998, with a number of conditions attached - one of which limited the hours of operation to between 07:00 hours to 23:00 hours. There was also a separate condition relating to servicing - it is not proposed to alter the servicing arrangements by this application.

Although Pensby Road is a classified road containing a number of commercial properties, late at night it is a quiet, suburban main road with little traffic, as would be expected. An extra opening hour at this time may result in motorists making specific trips to this site, and whilst that in itself should not have an unacceptable impact on residential amenity, the increased activity at the site - both customers buying petrol and the non-petrol use of the small convenience shop, could result in increased noise and disturbance to surrounding residential properties.

The applicant has submitted an Environmental Noise Assessment which concludes that the proposed amendment to opening hours would have a negligible noise effect on the residents of the adjacent residential properties. Whilst it is generally accepted that the current trading hours do not appear to cause any significant harm to residential amenity, the noise assessment can only measure the noise impact of the existing trading hours and cannot fully assess the possible adverse impact that could result from extended opening hours. The Local Planning Authority does have some concern for the potential increased noise and disturbances which may occur from this proposal. It is, however, acknowledged that the proposed increase of trading hours by just one hour is unlikely to result in increased activity to a level that would be detrimental to residential amenity, but given that there is no firm evidence to fully support this, it is considered that the best option would be to allow the application on a temporary 12-month basis to fully assess the impact it has on residential amenity.

A new open jet wash facility at the site was granted planning permission in 2012 (ref: APP/12/00312). A condition was attached to this permission limiting the hours of operation to between 8am - 8pm. It is considered necessary to attach a condition to this permission to ensure that this jet wash facility does not benefit from the extended opening hours.

SEPARATION DISTANCES

Separation distances do not apply in this instance as there is no new build development to impact directly on habitable windows.

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.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that whilst the proposed extension to opening hours may have some impact on residential amenity, there is no current evidence to suggest that it would be to a level sufficient to warrant refusal of the application. As such, a temporary permission to fully assess any adverse impact on residential amenity is a suitable way to address this proposal. As such, on a temporary twelve month basis, the proposal is considered to comply with Policy HS15 of Wirral's Unitary Development Plan.

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:-

It is considered that, on a twelve month basis to fully assess the proposal, it will not have an unacceptable adverse impact on the amenities of nearby residential properties and therefore complies with Policy HS15 of Wirral's Unitary Development Plan.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. This permission is for a temporary period of twelve months from the date of permission.
Reason: In order to fully assess the proposal having regard to Policy HS15 of the Wirral Unitary Development Plan.

2. No trading shall take place at the premises between the hours of 00:00 midnight - 06:00 hours
Reason: In the interests of residential amenity having regard to Policy HS15 of the Wirral Unitary Development Plan.

3. The permission hereby granted does not include the operation of the jet/car wash, vacuum cleaners and/or air hoses.
Reason: For the avoidance of doubt, and in the interests of residential amenity having regard to Policy HS15 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 10/04/2013 10:21:17
Expiry Date: 29/04/2013