

Planning Committee

22 August 2013

Reference:
APP/13/00629

Area Team:
North Team

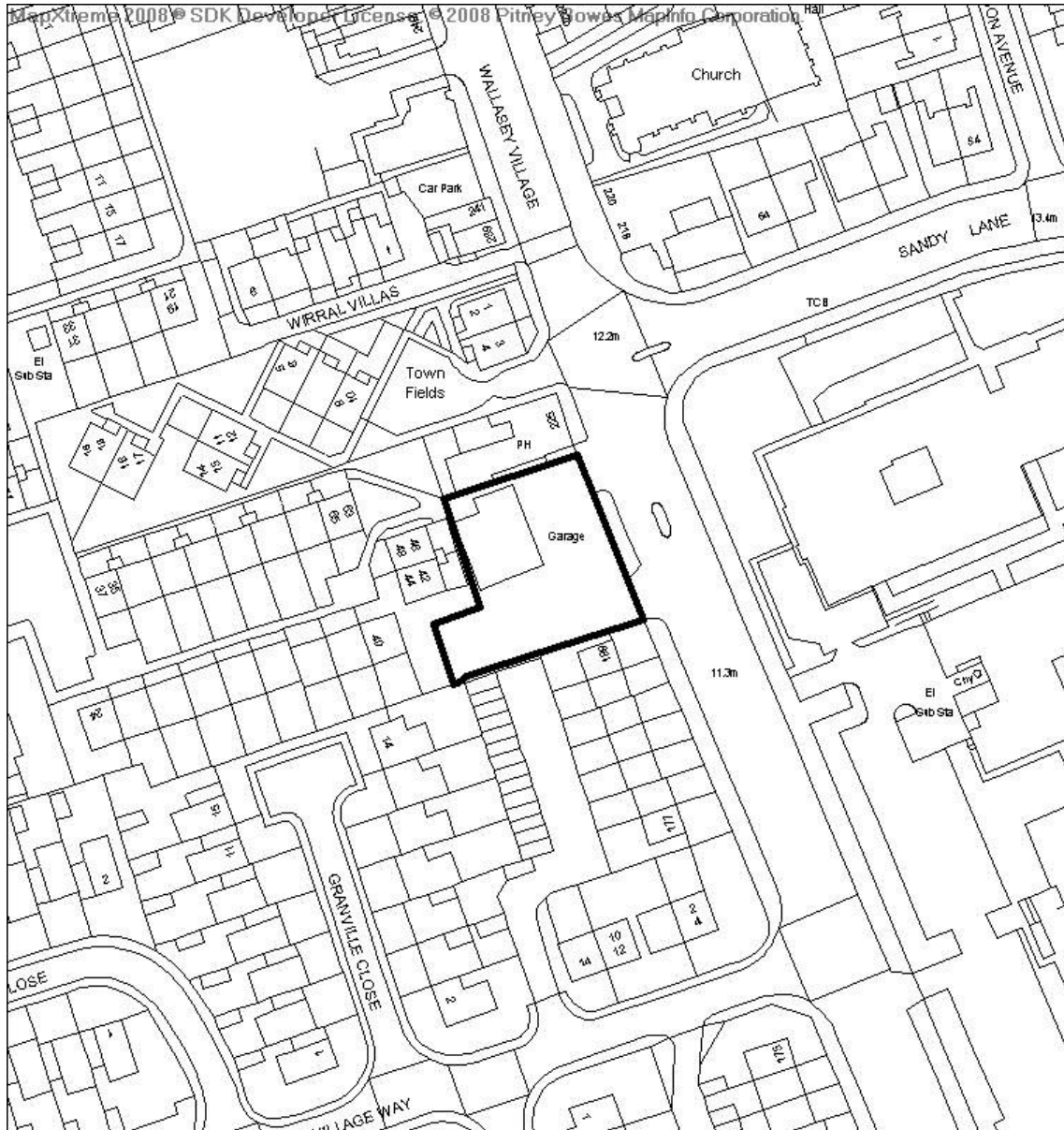
Case Officer:
Mrs S Lacey

Ward:
Wallasey

Location: Classic Cars Of Wirral Ltd, WALLASEY VILLAGE, CH45 3LP
Proposal: Construction of retail store (use class A1) with access, car parking and associated works (revised scheme)

Applicant: ALFA TRUSTEES
Agent : Edgeplan

Site Plan:



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Development Plan Designation:

Primarily Commercial Area

Planning History:

Location: Wallasey Service Station ,Wallasey Village ,Wallasey ,L45 3LG
Application Type: Full Planning Permission
Proposal: Closure and removal of petrol pumps and extension of car sales area and provision of car parking for customers
Application No: APP/79/12059
Decision Date: 29/11/1979
Decision Type: Refuse

Location: Wallasey Service Station, Wallasey Village,L45 3LG
Application Type: Full Planning Permission
Proposal: Closure and removal of petrol pumps and extension of car sales area with provision of car parking for customers
Application No: APP/80/17015
Decision Date: 19/02/1981
Decision Type: Conditional Approval

Location: Claremount Cars ,Wallasey Village,L45 3LR
Application Type: Full Planning Permission
Proposal: Extension to workshop for a car valeting bay.
Application No: APP/82/21266
Decision Date: 16/12/1982
Decision Type: Conditional Approval

Location: Wallasey Service Station ,Wallasey Village ,L45 3LG
Application Type: Full Planning Permission
Proposal: Demolition of existing buildings and use of site as car park for public house
Application No: APP/84/25493
Decision Date: 20/09/1984
Decision Type: Conditional Approval

Location: Village Motor Company, Wallasey Village, Wallasey Village. L45 3LG
Application Type: Full Planning Permission
Proposal: Demolition of existing office/workshop and erection of showroom.
Application No: APP/89/06015
Decision Date: 07/06/1989
Decision Type: Approve

Location: Village Motor Company, Wallasey Village, Wallasey Village. L45 3LG
Application Type: Full Planning Permission
Proposal: Erection of a single storey rear extension.
Application No: APP/93/06199
Decision Date: 10/09/1993
Decision Type: Approve

Location: Classic Cars Of Wirral Ltd, WALLASEY VILLAGE, CH45 3LP
Application Type: Prior Notification of Demolition
Proposal: Demolition of car showroom
Application No: DEM/12/00612
Decision Date: 13/07/2012
Decision Type: Prior approval is not required

Location: Classic Cars Of Wirral Ltd, WALLASEY VILLAGE, CH45 3LP
Application Type: Full Planning Permission
Proposal: Construction of retail store (use class a1) with access, car parking and associated works.
Application No: APP/12/01410

Decision Date: 26/04/2013
Decision Type: Refuse

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, 12 letters of notification have been sent to properties in the area and a Site Notice was displayed on 5 June 2013.

A qualifying petition of 1026 signatures and 16 individual letters of objection were received from the following properties: 44 Marshlands Road, 27 Sandy Lane, 67 Saltburn Road, 12, 15 Granville Close, 23 Village Way, Farmers Arms PH 225 Wallasey Village, 268 Wallasey Village, Nisa 218-220 Wallasey Village, 29, 31 Wood Lane, 12 Village Road, 10 Evesham Road, and three objections where no address was given. The objections are cited as follows:

1. There is no difference in the new plans except there is now a second floor and movement to the street;
2. Inadequate servicing area and car park;
3. Pollution from vehicles to the houses surrounding;
4. It is not considered staff will close the car park entrance as stated in the application;
5. We should be saving the existing shops rather than building more;
6. No mention of car parking for staff;
7. Noise from deliveries at unsociable hours and air conditioning vents;
8. The proposed development is on an extremely busy junction and an increase in traffic levels would be dangerous and unacceptable;
9. There is no need for another supermarket;
10. The proposal on a busy 'T' junction would pose an increased danger to children attending the school opposite;
11. Light pollution;
12. Devaluation of property;
13. There is no information on which shop will be coming into the unit;
14. There are existing parking problems in the area, and a shortage of parking for residents;
15. There are existing vacant shops in Wallasey Village;
16. It will not be in-keeping with the Village, where no new shops have been built for decades, so it retains a village character, and a large shop would be a blot on the landscape;
17. The site would be better used for affordable housing;
18. The only reason the Council will agree to the application is to gain extra finance;
19. The sale of alcohol and tobacco would be a temptation for children and result in a decline in standards of behaviour;
20. There is an existing lack of parking to support local business and to add a further unit will exacerbate the issue, and the additional heavy goods vehicles delivering to the store with limited

manoeuvrability;

21. There is parking from staff, students and school busses. The current parking situation causes obstruction for access and egress of refuse collection vehicles and fire service access;

22. The proposal will be detrimental to the safety of students, as there is no official crossing at this point;

23. An increase in litter;

24. Concerns regarding deliveries;

25. The proposed building is unattractive;

26. The proposal is next door to a Public House, and there is a risk of an increase in crime.

SCP Transportation Planning wrote in objection of the scheme, citing the following concerns:

1. The proposed parking provision of 12 spaces only provides 44% of the maximum permitted level of parking under SPD4, and under provision is likely to lead to overspill parking issues onto Wallasey Village, contrary to policies SH6 and TR9, and reducing the free-flow of traffic, impacts residential amenity and impacts road safety by reducing visibility;

2. It is expected store visitors will leave their cars at the site as they undertake a linked trip with other shops and uses in Wallasey Village. An empirical analysis indicates parking demand will exceed the available 12 spaces supply;

3. It is not clear how staff or customers with disabilities would access the first floor;

4. No Transport Statement has been submitted with the planning application;

5. It is calculated the proposal could generate 900+ two-way vehicle movements per weekday;

6. There have been 3 serious accidents near the site, and one fatal accident outside the site;

7. The design of the scheme is unacceptable, and it is unclear how a crossing would affect the free-flow of traffic;

8. The Delivery Management Plan does not make reference to a condition restricting delivery times outside store opening hours. If there are cars already in bays servicing will be difficult/impossible;

9. The applicant does not appear to accept the Council's requirement restricting vehicle size to 11m max;

10. On-street servicing would impact on highway safety, congestion, visibility, amenity and safety for operatives unloading;

11. The delivery management plan does not include the swept path of the largest delivery vehicle.

Five letters of support have been received from Village Close, 7 Village Way and Rippon Road, citing the following comments:

1. The proposal has answered the concerns and criticisms of the last application;

2. If approved the proposal will provide some much needed competition to the current convenience stores, which are expensive and have a limited range of commodities;

3. The store will not be out of place as it is adjacent to the Public House;

4. How can a retail store be an "alien" feature when surrounded by two public houses, a betting shop

and a retail store?;

5. Why is Tesco a detriment when Nisa (presumably) isn't?;
6. The previous second hand car dealership hardly contributed more to quality;
7. The store offers parking where Nisa offers none;
8. Councillors speak of a need to tackle empty shops and regeneration, and yet oppose this application;
9. The proposal will bring shoppers into Wallasey Village and revitalize the area, encouraging other traders;
10. Nisa has 4,000 outlets and experience competition;
11. If the site remains empty it will result in the continued degeneration of an unsightly sight, succumbing to weeds, dereliction and vandals;
12. The existing site is an eyesore.
13. Eliminate the need for a car so local people will use it.
14. Won't have to plan for a weekly shop as can use Tesco's daily
15. At present, Wallasey Village appears to be over run with Takeaways.

CONSULTATIONS

Head of Environment & Regulation (Traffic & Transportation Division) - no objections to the proposal subject to conditions.

Head of Environment & Regulation (Pollution Control Division) - no objections.

Merseyside Police Architectural Liaison Officer - no objections to the proposal and requested conditions to reduce the potential of crime.

Director's Comments:

Consideration of this application was deferred from the Planning Committee on 25th July 2013 to allow for a formal site visit.

REASON FOR REFERRAL TO PLANNING COMMITTEE

15 individual letters of objection together with a qualifying petition of objection have been received. Therefore, under the provisions of the Council's Scheme of Delegation for Determining Applications, this application is required to be considered by the Planning Committee.

INTRODUCTION

The application proposes the redevelopment of a vacant site for a new retail unit for use class A1 Shops. The development would consist a part single-storey, part two-storey building with a gross internal floor area of 380 sq m. There is a proposed car parking to the south of the building (12no. spaces) and servicing area to the rear of the building.

A previous application (reference APP/12/01410) for a retail unit on the site was refused 26 April 2013 on the following grounds:

1. The scale, siting and design of the proposal is considered unacceptable in that it will form an overbearing structure that would be detrimental to the amenities of neighbouring properties and the character of the area. The proposal is contrary to policy SH6 Development Within Primarily Commercial Areas of the adopted Wirral Unitary Development Plan and the National Planning Policy

Framework.

2. The scale, design and siting of the proposed building within the street scene is considered to form an alien feature which would be detrimental to the character of Wallasey Village. The proposal is contrary to policy SH6 Development Within Primarily Commercial Areas of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

The application has been amended in scale, design and siting to address the previous reasons for refusal on the impact on residents' amenity and the appearance when viewed within the street scene.

PRINCIPLE OF DEVELOPMENT

The site is designated as a Primarily Commercial Area connected to Wallasey Village Traditional Suburban Centre and the proposed development is acceptable in principle, subject to Policy SH6 'Development Within Primarily Commercial Areas' of the adopted Wirral Unitary Development Plan, which is considered consistent with the National Planning Policy Framework (NPPF).

SITE AND SURROUNDINGS

The site comprises a former car showroom site which now stands vacant. The boundary is curtailed by a 2 metre high temporary fences.

There is a Public House to the north of the site, separated by a narrow alleyway, residential properties to the south and west, and a school to the east on the opposite side of Wallasey Village. The residential building to the rear of the site (No.42, 44, 46 and 48 Marshlands Road) is split into flats, and the front entrance, kitchen and bathroom windows face the proposal. The principle elevation of these flats are 5 metres away from the boundary of the application site. There is also an area of open communal space to the rear of the site, which is used by occupiers of the flats. There are also slight differences in the land levels. There is a residential property, No.189 Wallasey Village, to the south of the site which has a rear garden and would be adjacent to the proposed parking and servicing area.

Wallasey Village Traditional Suburban Centre comprises of a mixture of shops, financial and professional services, restaurants, cafes and hot food takeaways. There are few vacant units and it appears to be a centre with a good mix of uses.

POLICY CONTEXT

The site is designated as a Primarily Commercial Area and the application shall be assessed against Policy SH6 'Development Within Primarily Commercial Areas' of the adopted Wirral Unitary Development Plan, SPD4 Parking Standards and the National Planning Policy Framework (NPPF). UDP Policy PO5 is relevant due to potential contamination associated with the former use of the site.

Policy SH6 indicates that Class A1 shops can be permitted subject to proposals not undermining the vitality or viability of the centre, meeting highway access and servicing requirements, the siting, scale, design and choice of materials is not detrimental to the area, will not cause nuisance to neighbouring properties - particularly in respect to noise and disturbance.

The proposed shop use will bring a currently vacant and neglected plot back into use and could provide a greater variety of services for local residents. Given its central location, it is not considered necessary to restrict the uses within use class A1.

Supplementary Planning Document SPD4 'Parking Standards' sets out maximum provision for 24 parking spaces at this site.

The NPPF encourages sustainable development and Local Plans are expected to promote competitive town centres. Planning decisions should also aim to avoid noise from giving rise to significant adverse impacts on health and quality of life, and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

APPEARANCE AND AMENITY ISSUES

The previous reasons for refusal concerned both the impact on residents and the street scene. Firstly, the proximity, height and width of the previous building to residential properties on Marshlands

Road and their communal space was considered to have an overbearing effect, and would be detrimental to the amenity of the occupiers' of the properties. Secondly, the previous building spanned the width of the plot, which created a dominant and bulky frontage within the building line along Wallasey Village, and did not relate well to the adjacent Public House. The previous design did not pick up any of the design elements in the immediate vicinity, and appeared alien when viewed between the Public House and the residential properties. In addition the large area of hard surfacing to the front is not a common feature of the immediate vicinity, where other properties come up to the pavement or have soft landscaping, and this forms a prominent and alien feature within the building line.

The proposal has been amended by bringing it forward to meet the building line along Wallasey Village, thereby increasing the separation distances to the properties at the rear to 11.3 metres. The car park has been moved to the south of the site, and the servicing area has been moved to the rear of the site. A first floor has been introduced at the front of the building, so the scale of the proposal better related to the two-storey Public House adjacent. As such it is considered the proposal has overcome the previous reasons for refusal.

The site forms an important buffer between the commercial premises along Wallasey Village and the adjacent primarily residential area. As such the scale and design of the proposal is crucial to blend into the street scene. The scale and position of the building provides a visual break between the commercial building and the adjacent residential property No.189. A more contemporary design has been proposed, which creates a high quality stand-alone design, which will add to the diversity of Wallasey Village.

As such the scale, design and siting of the proposed building within the street scene is considered acceptable, and will contribute to the character of Wallasey Village. The proposal is considered to comply with UDP Policy SH6 and the National Planning Policy Framework.

Objections were raised on the grounds of the proposal would represent competition between shops. The site is located in a Primarily Commercial Area, which is connected to Wallasey Village Traditional Suburban Centre, where local planning authorities are expected to promote competitive centres that provide customer choice and a diverse retail offer under the terms of National Planning Policy. , This particular site is currently vacant and it is considered that the proposed use would support the vitality and sustainability of the centre by extending the range of uses. Although other uses could be considered under the terms of UDP Policy SH6, this would not be a reason for refusing the current application.

SEPARATION DISTANCES

Residential properties directly to the rear of the proposal on Marshlands Road are 5 metres away from the site. Policies relating to residential separation distances suggest a 14 metre separation distance between habitable windows and blank elevations. The proposed development is not considered to result in overlooking or loss of privacy.

HIGHWAY/TRAFFIC IMPLICATIONS

Objections were raised regarding existing congestion and parking issues in Wallasey Village, inadequate servicing area and car park, and highway and pedestrian safety implications. The Director of Technical Services, Highway Management, were consulted regarding the application and considered that this proposal would not generate significant levels of new traffic movements on the highway network, but would provide an opportunity for customers to reduce the length of their existing trip or provide an opportunity for them to shop as part of a journey that is already passing the store.

The proposed store would have a floor area of some 380m². This would typically result in approximately 51 vehicle movements into the site and 51 vehicle movements out of the site in the busiest hour of the day.

The proposal provides 12 no parking spaces, which is 50% of the maximum number of spaces allowed for this size of store within the Council's supplementary planning document SPD4. Convenience stores of this nature tend to generate a high turnover of parking spaces with shoppers typically remaining in the store for only a few minutes. As such 12 spaces will be adequate without creating overspill problems within the adjacent area. Waiting restrictions protect the adjacent junctions

and critical sections of road.

Due to the location of the site close to a large school and residential area, it is predicted to be a significant footfall crossing Wallasey Village to the proposed store; consequently the applicant will be required to fund the provision of a 'Puffin' crossing in the location of the existing pedestrian refuge fronting the site. The Zig Zag carriageway markings required as part of the requested Puffin Crossing would also deter parking at the front of the store and protect visibility at the vehicular accesses.

Given the layout of the site, larger service vehicles would be unable to access the site without having to undertake dangerous reversing manoeuvres from the highway. In order to mitigate against this, a condition is requested for the submission of a Car Park and Delivery Management Plan to be agreed and approved in writing with the Local Authority. The plan should consider the potential danger to shoppers from large vehicles manoeuvring within the site. Tracking plans have been submitted indicating the size of delivery vehicle able to access and egress the site in a forward gear and a condition will be required to restricting deliveries to a maximum length 12.6m for articulated vehicles and a maximum length of 10.35m for rigid vehicles.

The Head of Environment & Regulation (Traffic & Transportation Division) requested the following conditions in the interest of highway safety:

1. The provision of a Puffin Crossing on Wallasey Village in the location of the existing pedestrian refuge;
2. No servicing of the store to take place by vehicles larger than 10.35 metres in overall length if rigid or 12.60 metres in overall length if articulated;
3. Submission of a Car Park and Delivery Management Plan;
4. Provision of cycle parking.

It is considered these could be controlled by conditions. The parking spaces meets the requirements of SPD4 Parking Standards. The proposal is not considered to be detrimental to highway safety.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Objections were received regarding noise and disturbance to surrounding neighbouring properties, in particular noise from deliveries at unsociable hours and air conditioning vents. The Director of Law, HR and Asset Management (Environmental Health) had no objection to the proposal.

The last use of the site was a service station. As such it is necessary to condition a ground contamination survey for the entire site, and a statement giving precise details of the nature and extent of any remediation. It is also considered necessary to condition details of fume extraction and hours of use in the interest of residential amenity. There are no environmental/sustainability issues relating to these proposals, subject to the provision of conditions.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposed development is considered acceptable in relation to the criteria of UDP Policy SH6, and would present no significant detriment to the amenities of neighbouring properties or detrimental change to the character of the local area.

Summary of Decision:

Having regards to the individual merits of this application the decision to 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:-

The proposed development is considered acceptable in relation to the criteria of UDP Policy SH6, and would present no significant detriment to the amenities of neighbouring properties or detrimental change to the character of the local area.

Recommended Approve

Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 10 May 2013 and listed as follows: drawing numbers (P)100 (dated 12.11.12), (P) 202 (dated 13.11.12), (P) 513 Revision A (dated 04.04.13), (P) 113 Revision A (dated 04.04.13), (P) 213 Revision A (dated 04.04.13), (P) 502 (dated 13.11.12).

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

3. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy SH6 of the Wirral Unitary Development Plan.

4. The retail unit hereby permitted shall be closed between the hours of 23.00 and 08.00 Mondays to Saturdays, 18.00 and 08.00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity, having regard to UDP Policy SH6.

5. NO DEVELOPMENT SHALL TAKE PLACE UNTIL

a) An investigation and assessment methodology, including analysis suite and risk assessment methodologies has been agreed in writing by the Local Planning Authority prior to site investigations;

b) A site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination (including chemical/radiochemical/landfill gas/asbestos/physical hazards/other contamination) at the site and submitted to the Local Planning Authority. The investigation and assessment shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risk associated with them;

c) A statement giving precise details of the nature and extent of any such remediation which shall include an implementation timetable, monitoring proposals and remediation validation methodology has been submitted to and agreed in writing by the Local Planning Authority, and;

d) The remediation scheme has been agreed by the Local Planning Authority to have been demonstrably and successfully completed.

Reason: To ensure that any contamination of the site is effectively dealt with and to comply with Wirral UDP Policy PO5.

6. NO PART OF THE DEVELOPMENT SHALL BE BROUGHT INTO USE UNTIL space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

Reason: In the interests of highway safety and to accord with Policy TR12 in the in the

Wirral Unitary Development Plan

7. NO DEVELOPMENT SHALL TAKE PLACE UNTIL a scheme of works has been submitted to and approved in writing by the Local Planning Authority to provide for:
- (a) i) a Puffin Crossing on Wallasey Village in the location of the existing pedestrian refuge.
 - ii) a vehicle crossing into the site upgraded to the latest LA standard
 - iii) reinstatement of the redundant access to the site to existing footway levels.
- (b) The development authorised by this permission shall not be occupied until the approved works have been completed in accordance with the written approval and have been certified in writing as complete on behalf of the Local Planning Authority.

Reason: In the interest of highway safety.

8. Delivery and service vehicles visiting the site for the purpose of loading and unloading of goods shall be no longer than 10.35 metres in overall length if rigid or 12.60 metres in overall length if articulated.

Reason: In the interest of highway safety

9. PRIOR TO THE OCCUPATION OF THE DEVELOPMENT hereby approved a Car Park and Delivery Management Plan shall be submitted for approval in writing to the Local Planning Authority. The Car Park and Delivery Management Plan shall be implemented in accordance with the written approval upon first occupation of the development and continued thereafter.

Reason: In the interest of highway safety.

10. NO DEVELOPMENT SHALL TAKE PLACE UNTIL full details of soft and hard landscaping, including details of fencing to the boundaries, have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) of the Wirral Unitary Development Plan.

11. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 10. The works shall be carried out prior to the first use of any part of the development.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) of the Wirral Unitary Development Plan.

12. NO DEVELOPMENT SHALL TAKE PLACE UNTIL a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance and avoid overlooking having regard to Policies SH6 of the Wirral Unitary Development Plan.

13. No servicing of the premises shall take place between the hours of 22.00 hours and 07.00 hours Monday to Saturday and at no time on Sundays and Bank Holidays.

Reason: In the interests of residential amenity, having regard to UDP Policy SH6.

Last Comments By: 27/06/2013 15:52:32
Expiry Date: 05/07/2013