

**Planning Committee**

31 October 2013

**Reference:**  
**APP/13/00404**

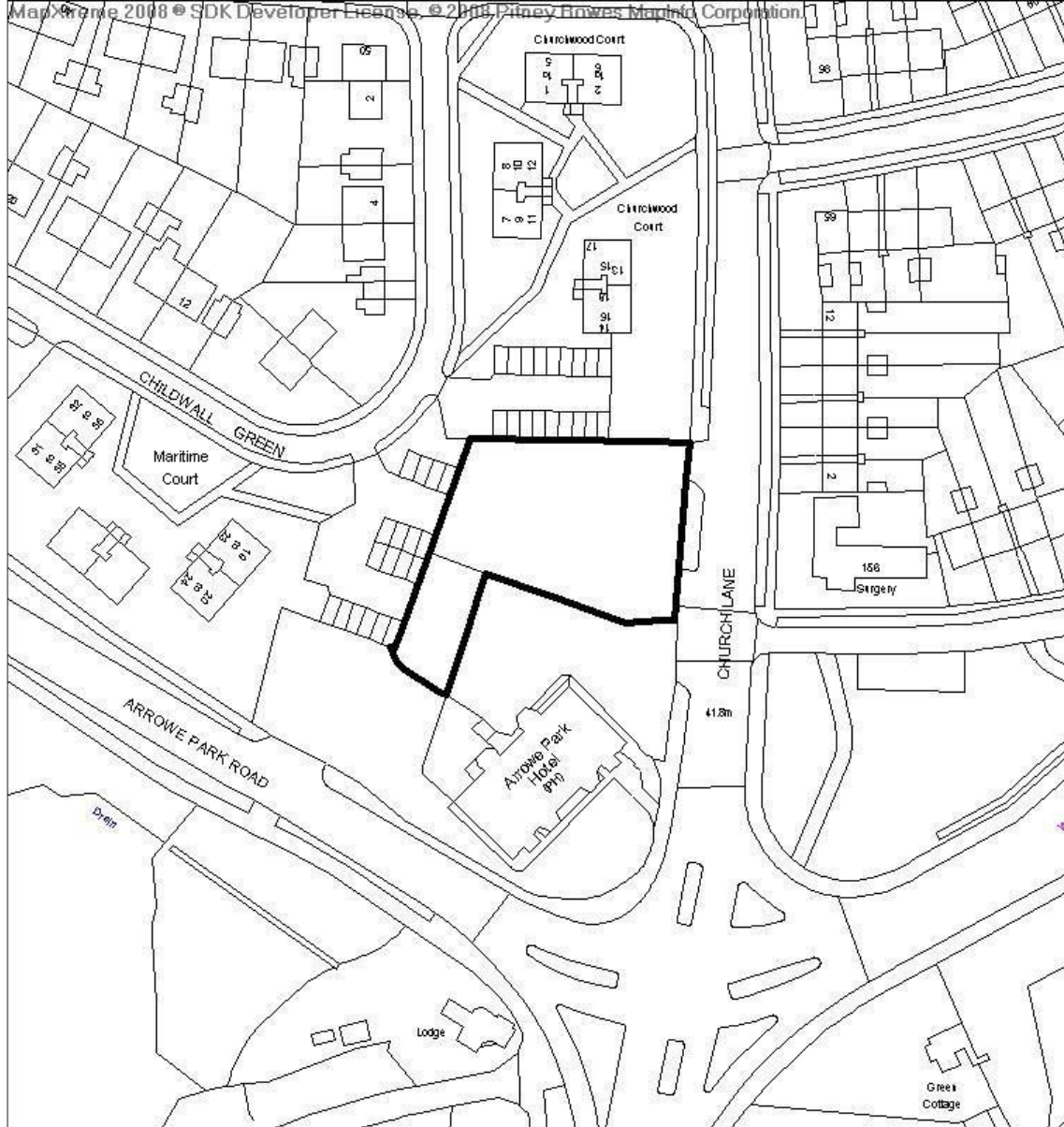
**Area Team:**  
**North Team**

**Case Officer:**  
**Ms J Storey**

**Ward:**  
**Upton**

**Location:** Shell Service Station, CHURCH LANE, WOODCHURCH, CH49 7LR  
**Proposal:** New single storey retail unit  
**Applicant:** Zone First  
**Agent :** Garry Usherwood Associates Limited

**Site Plan:**



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**Development Plan allocation and policies:**  
Primarily Residential Area

## Planning History:

Location: Arrowe Park Service Station, Church Lane, Woodchurch, Wirral, L49 7LR  
Application Type: Advertisement Consent  
Proposal: Erection of non-illuminated signage on existing buildings to replace existing signage.  
Application No: ADV/98/06931  
Decision Date: 09/02/1999  
Decision Type: Approve

Location: Arrowe Park Service Station, Church Lane, Woodchurch, Wirral, L49 7LR  
Application Type: Full Planning Permission  
Proposal: Erection of new sales building, petrol pumps and islands, canopy and air/water facilities.  
Application No: APP/98/05687  
Decision Date: 31/07/1998  
Decision Type: Approve

Location: Arrowe Park Service Station, Church Lane, Woodchurch, Wirral, L49 7LR  
Application Type: Advertisement Consent  
Proposal: Erection of illuminated signage.  
Application No: ADV/98/05686  
Decision Date: 31/07/1998  
Decision Type: Approve

Location: Gulf Service Station, Church Lane, Woodchurch, L49 7LR  
Application Type: Full Planning Permission  
Proposal: Change of use of part of garage site to car sales  
Application No: APP/84/25476  
Decision Date: 01/11/1984  
Decision Type: Conditional Approval

## Summary Of Representations and Consultations Received:

### REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, neighbour notifications were sent to 61 neighbouring properties and a Site Notice was posted. A qualifying petition containing 33 signatures and individual letters of objection have been received from the occupiers of 8 Church Lane, 7 Churchwood Court, 4 Church Lane, 4 Childwal Green, 45 - 47 Fleet Croft, 16 Atherton Drive & 13 Woodchurch Court raising the following objections:

1. delivery times;
2. lights shining into property;
3. existing retail provision within the area no call for any more;
4. will attract gangs of youths;
5. decontamination of the site;
6. impact on Eltham Green Shopping Precinct;
7. increase local congestion;
8. large glazed building out of keeping with existing street scene;
9. increase in noise and general disturbance;
10. proposal does not take up existing capacity; it adds to it;
11. development would reduce the trade to Eltham Green centre increasing the rate of decline;
12. debatable whether an increase in floor space would enhance the area more likely reduce the choice for local residents, Eltham Green is not a source of dissatisfaction for local residents;
13. Existing shops at Arrow Stores an Best One provide all the convenience facilities any local resident could want;
14. Existing supermarkets are accessible by public transport, existing shops inside Arrowe Park hospital, don't need to include within the catchment area;
15. insufficient parking, will mean that users will impact on existing residents parking;

16. building similar to one in Birkenhead - very ugly;
17. Eltham Green is not a failing centre: there are very good convenience stores and a post office, a new store will mean that residents will lose the post office, and force the Arrow Park Hotel to close, Local residents do support the shops in Eltham Green;
18. there is no noise assessment with the application;
19. no point in another store unless it opens later than the existing stores, the nearest local store is over the road, not 1k away;
20. proposed building is ugly and will affect loss of views which will have an impact of the residential amenities of surrounding occupiers;
21. increase in noise levels from servicing, and refuse vehicles, smells from bins and possible rats;
22. increase in traffic and further congestion; and
23. 8 people are currently employed at the Arrow Store and PO, this shop has put in huge investment into the premises, will put existing people out of work the supermarket will kill the other stores

#### CONSULTATIONS

Head of Environment & Regulation (Pollution Control Division) - no objection subject to an hours restriction of 7 am - 8pm

Merseyside Cycle Campaign - require two Sheffield Stands to be installed

Mersyside Police Architectural Liaison Officer - No Objection

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

#### **Director's Comments:**

#### **REASONS FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition containing 34 signatures against this proposal has been received. Therefore under the provisions of the Councils Scheme of Delegation for Determining Applications, this application is required to be considered by the Planning Committee.

#### **INTRODUCTION**

This application proposes the redevelopment of a vacant site for a new retail unit falling within Use Class A1 shops. No end user has been identified. The development would consist of a single storey retail unit with an overall floor-space of 511m<sup>2</sup>. Seven staff parking spaces and bin storage will be provided at the rear of the site and 10 customer parking spaces are proposed at the front. The servicing of the development is proposed to take place at the rear, where the development abuts adjoining lock up garage courts.

#### **PRINCIPLE OF DEVELOPMENT**

The application site is designated as part of a Primarily Residential Area within the Wirral Unitary Development Plan (UDP). Both local and national planning policy seeks to support and promote the vitality and viability of existing town centres, when retail development is to be considered.

#### **SITE AND SURROUNDINGS**

The application site comprises of an "L" shaped piece of vacant land that was formally occupied by a petrol filling station. The car park serving the Arrow Park Hotel is located to the immediate south of the site. A further car park for the residents of the adjacent apartment block lies to the north of the site. There is two storey housing, a medical centre and pharmacy on the opposite side of Church Lane.

The site is enclosed by brick boundary walls, while the frontage remains open. Access to the site is from Church Lane. There is an existing separate in/out arrangement that is to be retained.

#### **POLICY CONTEXT**

##### ***The Statutory Development Plan***

The site is designated as a 'Primarily Residential Area' on the Proposals Map in the Wirral Unitary Development Plan (UDP), where the following UDP Policies are directly applicable:

SH01 - Principles for New Retail Development

SH8 – Criteria for Shop Fronts  
Policy SH9 - Criteria for Out-of-Centre and Edge-of-Centre Retail Development  
Policy SH10 - Design and Location of Out-of-Centre and Edge-of-Centre Retail Development  
HS15 - Non Residential Uses in Primarily Residential Areas  
Policy TR9 – Requirements for Off Street Parking  
Policy TR12 – Requirements for Cycle Parking  
Policy P05 - Criteria for the Development of Contaminated Land

Supplementary Planning Document SPD4 Parking Standards and Supplementary Planning Guidance Note SPG43 'Shop Front Design Guide are also relevant.

The general approach of UDP Policy SHO1 is to sustain and enhance the vitality and viability of shopping provision in the Borough. Out-of-centre retail development can only be permitted under UDP Policies SH9 and SH10 if the Local Planning Authority is satisfied that the benefits outweigh the disadvantages when assessed against criteria which:

- seeks to ensure the vitality and viability of existing centres is not undermined,
- considers regeneration or environmental benefits compared with alternative uses
- takes account of accessibility and highway implications
- ensures development is appropriate to character of the area
- prevents nuisance to neighboring uses.

UDP Policy HS15 also seeks to ensure that non-residential uses within Primarily Residential Areas are of a scale compatible with surrounding uses and do not cause nuisance or lack of amenity to surrounding residential uses.

### ***National Policy***

One of the Governments main objectives in planning for sustainable development in the National Planning Policy Framework (NPPF) is for ensuring the vitality and viability of existing centres through the longstanding "town centre's first" approach. Local authorities are required to apply a sequential approach for all out of centre development. The NPPF also seeks to safeguard against unnecessary loss of valued facilities and services.

The NPPF also indicates that planning decisions should aim to avoid noise and significant adverse impacts on health and quality of life.

### ***Sequential Approach***

Paragraph 24 of the NPPF indicates that local planning authorities (LPA's) should require applications for main town centre uses (that are not in an existing centre and are not in accordance with an up-to-date local plan) to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered, with preference to given to accessible sites well-connected to the town centre.

Prenton Town Centre and Upton Suburban Centre are nearest designated centre's, which are located more than 2 kilometres from the application site. The applicant has identified an alternative site at a former petrol filling station in Prenton Town Centre, but contends this is too far beyond the catchment for the proposed development which is intended to serve the immediate local area.

The nearest small shopping centre/parade is located at Eltham Green, just over 100 metres from the site. The applicant contends that due to its appearance and make up, this parade is unlikely to be attractive to new retailers. Units at 39-41 Eltham Green are vacant and being advertised for sale or rent. With combined a floorspace of 127m<sup>2</sup> this is substantially smaller than the proposed unit. The applicant goes on to indicate other small units have been vacant for 3/5 years. The former Kwik Save supermarket is now in use as a children's soft play area.

While, the latest evidence for the emerging Core Strategy Local Plan indicates there is no current need for additional retail floorspace within the Borough, it can be accepted that the proposed store is

only likely serve a local catchment and there are there are no units of a suitable size at Eltham Green capable of accommodating the proposed development. On this basis it would necessary apply a planning condition on the floorspace of the proposed development and to prevent sub-division into smaller units to avoid perpetuating vacancy levels at Eltham Green.

#### Other Considerations

The site is within a residential area and is suitable for new housing. Previous uses have been non-residential and the site is has been vacant and cleared for some time. The proposed development would be constructed on a site that originally contained a petrol filling station, a non residential use. The uses abutting the site are car parking areas serving the Arrowe Park hotel to the immediate south and car parking Courts to the north and west of the site.

The current offer at Eltham Green provides for a children's soft play centre, a NHS Clinic, taxi office, a gym, two hot food takeaways a post office/ news agents, convenience store, a hairdressers and seven vacant units. It is accepted that the centre is a community asset; the provision of a new retail store could offer a different choice for the neighborhood.

This proposal will bring into use a neglected plot of land within a fairly prominent location back into use, thereby improving the physical environment. The nearest residential properties are approximately 20m to the north. The previous approval for the petrol filling station gave consent to operate from 6.30 am - 11.30 pm. It is proposed to limit the hours of operation on this site to 7.00am - 8pm Mon - Sat and 10.00 am to 4pm Sundays and bank holidays which would have a lesser impact of on the residential amenities of nearby occupiers than the former use.

Therefore, on balance, the proposed unit in this particular case could be approved. .

#### **APPEARANCE AND AMENITY ISSUES**

The applicants have advised that this is a speculative retail scheme with no end user at this particular stage of the process. The proposed building will be located 7.7m back from the pavement edge. Single storey in height, the proposed building is contemporary in design and constructed in predominately glazing panels to the church Road and Service road elevations. The entrance detailing and the remaining side and rear elevations are to be constructed in facing brick work.

The location of the site does not provide a single architectural detail or design character that would provide a area specific designation for this proposal to identify with or incorporate within the design detail. However, it is considered that the scale, design and use of materials will not be incongruous within the area. The orientation of the adjacent buildings are such that there are no clear front or rear building lines to follow. Nevertheless it is considered that the proposed building is located within the site to ensure both effective provision for privacy and prevent overlooking and to demonstrate respect for the scale height and massing of surrounding buildings. The proposed building is considered to create a good quality stand alone building which will add to the diversity of the area.

The proposal is therefore considered to comply with the advice in both the National Planning Policy Framework and the above Unitary Development Plan Policies.

#### **SEPARATION DISTANCES**

The nearest residential properties are located 20m away. Policies relating to residential separation distances suggest a 14m separation distance between habitable windows and blank elevation. The property immediately opposite the application site contains a doctors surgery and chemist.

#### **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

The proposal to develop this site for retail purposes is considered to be acceptable following assessment against the criteria set out in the National Planning Policy Framework and UDP Policies HS15, Policy SH01, Policy SH9, and Policy SH10 and is not considered to present a significant, detrimental impact on the amenities of surrounding properties or change in the general character of this residential area.

### 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:-

The proposal to develop this site for retail purposes is considered to be acceptable in relation to the criteria set out in the National Planning Policy Framework and UDP Policies HS15, Policy SH01, Policy SH9, and Policy SH10 and is not considered to present a significant, detrimental impact on the amenities of surrounding properties or change in the general character of this residential area.

**Recommended Decision:**                      **Approve**

### 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. A detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment, must be prepared, and is subject to the approval in writing of the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 after remediation.

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the policies of the Wirral Unitary Development Plan.

3. Details of the air-conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site.

**Reason:** To safeguard the amenities of the adjoining occupiers.

4. Arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site to the satisfaction of the Local Planning Authority prior to the commencement of works on site.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

5. Before any construction commences, samples of the 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 the Policies of the Wirral Unitary Development Plan.

6. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed to the satisfaction of the Local Planning Authority before the retail unit is opened for trading

**Reason:** To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties and to accord with Policies of the Wirral Unitary Development Plan.

7. The retail unit hereby permitted shall be closed between the hours of 21.00 and 8.00 Monday to Saturdays, 08.00 to 18.00 on Sundays and Bank Holidays.

**Reason:** In the interest of residential amenity, having regard to UDP Policy SH5

8. No Servicing shall take place between the hours of 19.00 and 07.00 hours Monday to Saturday and at no time on Sundays and Bank Holidays

**Reason:** In the interest of residential amenity, having regard to UDP Policy HS15

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

**Reason:** In the interest of highway safety.

10. Delivery and Service vehicles visiting the site for the purpose of loading and unloading of goods shall be no longer than 10m in length for both rigid and articulated.

**Reason:** In the interest of highway safety

11. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT details of the means of vehicular and/or pedestrian access to the site/development shall be submitted to and agreed in writing with the Local Planning Authority. The approved works shall be carried out in full prior to the first occupation of the development.

**Reason:** In the interests of highway safety and to accord with Policies of the in the Wirral Unitary Development Plan.

12. 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 Policies in the in the Wirral Unitary Development Plan 2006

13. [Notwithstanding the provisions of the Town & Country Planning \(Development Management Procedure\) Order 2010 and the Town & Country Planning \(General](#)

Permitted Development) Order 1995 (or any subsequent re-enactment) the gross internal retail floorspace including any mezzanines within building shall not exceed 511 square metres, and there shall be no further sub division of any part of the retail unit as shown on the approved plan referenced A into smaller units.

**Reason:** For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing centres. This enables the Local Planning Authority to consider the implications of other formats as and when they may be put forward having regard to Wirral Unitary Development Plan Policy SH9 and the National Planning Policy Framework.

**Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developers expense, including the relocation and replacement of street furniture as necessary. Please contact the Council's Highways Maintenance team on 0151 606 2004 prior to the commencement of development for further information

**Further Notes for Committee:**

**Last Comments By:** 17/07/2013 16:50:42

**Expiry Date:** 05/08/2013