

# Planning Committee

17 September 2015

**Reference:**  
**APP/15/00893**

**Area Team:**  
**South Team**

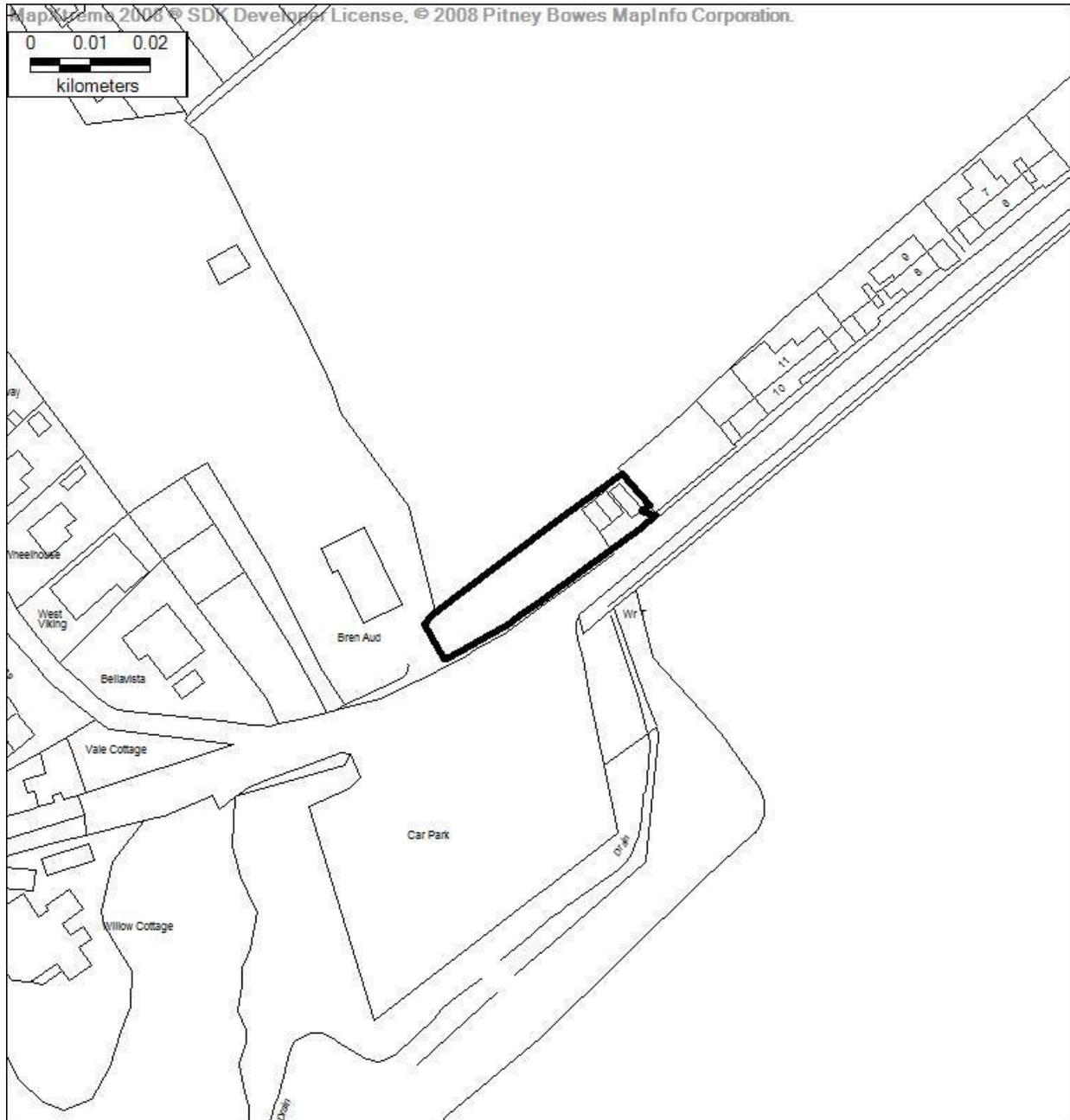
**Case Officer:**  
**Mrs C Parker**

**Ward:**  
**Heswall**

**Location:** 10 BANKS ROAD, HESWALL, CH60 9JS  
**Proposal:** Proposal of a community shop (A1) to replace existing garage buildings together with temporary structures in adjoining land for recreation and tourist/visitors.

**Applicant:** Concrete Sports Limited  
**Agent :** Francis Garner Architects

## Site Plan:



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**Development Plan allocation and policies:**

Coastal Zone  
Green Belt

**Planning History:**

Location: Lock Up Garages (3), BANKS ROAD, HESWALL  
Application Type: Full Planning Permission  
Proposal: Rebuilding of two existing lock-up garages together with WC extension to form a community shop (use class A1) and to construct pitched roof over third garage.  
Application No: APP/12/01347  
Decision Date: 07/01/2013  
Decision Type: Approve

Location: Lock Up Garages (3), BANKS ROAD, HESWALL  
Application Type: Full Planning Permission  
Proposal: Conversion of two existing lock up Garages to a community shop (Use class A1)  
Application No: APP/12/00708  
Decision Date: 10/10/2012  
Decision Type: Withdrawn

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

Having regard to the Council Guidance on Publicity for Applications, 6 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report a petition containing 21 signatures in support of the proposal has been submitted. 10 objections have been received stating concern over:

1. Cafe facilities would be of no benefit to the area
2. Games facilities are inappropriate
3. Detrimental to the rural/green belt location
4. Increase on traffic
5. Increase in noise due to sports equipment, which would be detrimental to residents
6. Use of toilets by non-patrons
7. Proposal would be a 'platform' for the applicant's business
8. Sheldrakes provides refreshments so question the need for the proposal
9. There are no very special circumstances

**Merseyside Cycling Campaign** - Support the proposal

**CONSULTATIONS:**

**Head of Environment and Regulation (Traffic & Transportation Division):** No objection

**Head of Environment and Regulation (Pollution Control Division):** No objection subject to conditions

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

The proposal is a departure from the Wirral Unitary Development Plan and under the Council's Scheme of Delegation, is required to be determined by Planning Committee.

**INTRODUCTION**

The proposal is for a community shop to replace existing garage structures together with temporary structures including seating areas and a store. The original submission included table tennis and football tables in addition to the seating facilities. There has been a previous approval to partially rebuild two existing garages, construct a small extension to form a community shop and construct a

pitched roof over a third garage (APP/12/01347). This proposal seeks to replace all three garage structures with a new building to provide the shop with an increase in the building footprint to the front and side and additionally use the adjoining land for recreational purposes by siting temporary seating structures, storage area and a serving facility in association with the shop plus provision of a separate pedestrian entrance off Banks Road.

### **PRINCIPLE OF DEVELOPMENT**

The principle of the development is partly established given the previous approval for the reuse of the 2 of the 3 garage buildings as a shop. However, this proposal includes additional development within the green belt site that would be classed a departure for the Wirral UDP where very special circumstances need to be demonstrated (due to the existing buildings, part of the site is defined as previously developed).

### **SITE AND SURROUNDINGS**

The site of the garages front onto Banks Road, which is a rural location within the green belt close to the coast and form part of the residential curtilage of 10 Banks Road. Banks Road leads down to the coastal area where there is a large public car park and a restaurant. The existing garages are brick and blockwork with door openings to the frontages and are located at the end of the garden belonging to 10 Banks Road. Two have no roofs and the structures are generally in a poor state of repair. The site has been previously overgrown and unkempt and has recently been partially cleared as ongoing improvements to the site by the current owner.

### **POLICY CONTEXT**

#### **The Development Plan**

The site is within the Green Belt and Coastal Zone as shown on the Proposals Map of the Wirral Unitary Development Plan (UDP saved by direction of the Secretary of State on 27 September 2007). Map 8 of the UDP Written Statement indicates that the site is within the Undeveloped Coastal Zone

Policy GB2 (Guidelines for Development in the Green Belt) indicates that there is a general presumption against inappropriate development which will not be approved except in very special circumstances. Potentially acceptable uses in the Green Belt development are listed.

Policy TL10 (Criteria for Tourism Development in the Green Belt) seeks to ensure that proposals, otherwise appropriate under national Green Belt controls, are designed, located and operated in order to preserve the predominantly rural character of Wirral's Green Belt..

Policy CO2 (Development within the Undeveloped Coastal Zone) indicates that small-scale facilities for tourism and water-based recreation which require a coastal location will be permitted but only where this could be accommodated without detriment to nature conservation and areas of quiet enjoyment of the coast.

Policy SH9 (Criteria for Out-of-Centre and Edge of Centre Retail Development) allows for out-of-centre and edge-of-centre retail development where the benefits of the proposal outweigh the disadvantages when assessed against the criteria in the policy and satisfies the criteria in SH10

Policy SH10 (Design and Local of Out of Centre and Edge-of-Centre Retail Development) sets out additional criteria to be satisfied by proposals considered acceptable in terms of Policy SH9

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, and Policy WM9 also requires development to provide measures for waste collection and recycling.

#### **National Planning Policy Framework**

National Planning Policy Framework (NPPF) supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings serve to;

- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship

The site is within the Green Belt where the NPPF and Policy GB2 make it clear that there is a general presumption against inappropriate development in the Green Belt and that such development will not be approved except in very special circumstances. Paragraph 89 of the NPPF allows for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development.

In relation to the proposed recreation area, Policy TL10 sets out criteria for tourism development in the green belt and states that facilities should be of a scale and nature that is appropriate to the setting and character of the surrounding area; the visual impact should be acceptable within the landscape; adequate provision for highway access and that proposals should not cause unacceptable disturbance to neighbouring property.

The proposal conflicts with Policy CO2 in that it does not require a coastal location, but is intended in part to support tourism activity in this location

In terms of retail policy, Policies SH9 and SH10 have been largely superseded by the requirements in Section 2 of the NPPF. Paragraph 25 of the NPPF sets out that sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. While “small scale rural development” is not further defined (but is probably intended to support the beneficial conversion of rural buildings), the level of floorspace proposed is similar in scale to other small business uses approved elsewhere in the Green Belt. In relation to retail impact, when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m). As such, given the small area of retail floor space (63sqm), the extent of which will be controlled by condition, a sequential assessment or impact assessment is not required in this instance. Furthermore, the proposal seeks to provide a local community service and given the small-scale should not harm the vitality or viability of Heswall Town Centre.

### **APPEARANCE AND AMENITY ISSUES**

The garages are currently in a poor state of repair and detract from the character of the area, which is rural in character and close to the coast. The proposal will include some rebuilding, however this is considered not too substantial to amount to major construction but will improve the buildings' appearance whilst bringing the buildings into a beneficial 'fit for purpose' use.

The replacement- of the buildings and small-scale external building works will improve the appearance and would not have a materially greater impact on the openness of the green belt especially when compared to the existing footprint and poor state of repair of the buildings.

The applicant has put forward their justification in that the local shop will serve the local community and visitors to the area and maintain that there is a demand for such a use in the locality. This is reinforced by the advice in the NPPF where it states that LPA's should support sustainable rural enterprise and promote local services including shops. The proposal includes the use of the site as a recreation facility to support the shop and includes the provision of temporary seating, a servery and a store. The proposal originally included football and table tennis tables. These have been removed from the proposal due to concern over noise and disturbance and addresses some of the concern expressed by neighbours. Planning conditions are also recommended to provide an acoustic fence around the perimeter of the site and to restrict the hours of use of the site. It is considered that the imposition of the conditions along with the removal of the football and table tennis structures will adequately control

any issue of noise and disturbance that would be detrimental to nearby residents.

Objections have been received stating concern over an increase in traffic. There is no highway objection to the proposal. It is expected that the small scale nature of the proposal would attract pedestrian visitors to the site. However, car borne visitors to the local area occurs as a result of the coastal location and other amenities in the area. It is considered that the use of the site as proposed will not result in any increased harm to local amenity that would warrant refusal of this proposal. The concern over potential anti-social behaviour; use of toilets by non-patrons; that the proposal would 'platform' the applicant's business or that a local facility already provides refreshments are issues of concern that falls outside the remit of Planning and the direct consideration of the planning application. The proposal has been assessed on the details submitted in line with local and national planning policy.

The applicant sets out that their very special circumstances are based on the need for the community shop to thrive and that the temporary seating area and use of the site for recreational purposes would support this. This is reflected in the NPPF where it states that economic growth in rural areas should be supported. UDP policies support small-scale tourism development in the green belt where it is appropriate to the setting and character of the area and in this case, part of the site is classed as previously developed and the proposal would not have a greater impact on the openness of the Green Belt. The previous approval for the use of the garage buildings as a community shop is a material consideration and establishes the principle of the development. It is considered that the addition of the seating/store and servery structures would not have a greater impact on the openness of the Green Belt, given that the shop building will replace existing structures and the temporary nature of the seating. The siting of a store and the servery which would support the shop in terms of the sale of cold food and refreshments will not detract from the character and openness of the green belt

#### **SEPARATION DISTANCES**

Separation distances do not apply in this instance.

#### **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 will improve the appearance of the existing buildings in this rural location and will have no detrimental impact to the openness of the Green Belt in accordance with UDP Policy GB2 and the NPPF. The small-scale retail floor space created by the proposal will not harm the vitality or viability of the nearby Heswall Town Centre. It is considered that the small-scale tourism and recreational use of the site would not have a greater impact on the openness of the Green Belt in accordance with UDP Policy TL10, and goes some way to contribute to the development of local services in this rural location in line with the advice contained within the NPPF. Subject to the recommended planning conditions, it is considered that the proposal would not have a detrimental impact on the occupiers of nearby properties in terms of noise and disturbance and is recommended accordingly.

#### **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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal will improve the appearance of the existing buildings in this rural location and will have no detrimental impact to the openness of the Green Belt in accordance with UDP Policy GB2 and the NPPF. The small-scale retail floor space created by the proposal will not harm the vitality or viability of the nearby Heswall Town Centre. It is considered that the small-scale tourism and recreational use of the site would not have a greater impact on the openness of the Green Belt in accordance with UDP Policy TL10, and goes some way to contribute to the development of local services in this rural location

in line with the advice contained within the NPPF. Subject to the recommended planning conditions, it is considered that the proposal would not have a detrimental impact on the occupiers of nearby properties in terms of noise and disturbance.

**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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22 June 2015 and listed as follows: Drawing numbers FGA.15.009\_001,15.009\_002, 15.009\_99, 15.009\_104 Rev B and 15.009\_101 Rev A as amended dated 19.8.15

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

3. The premises including the outdoor recreation area and temporary servery shall not be open to the public and no work or associated activities including deliveries/loading/unloading/servicing shall be carried out on the premises before 08.00 hours or after 18.00 hours

**Reason:** To safeguard the amenities of nearby occupiers and the area generally and to accord with Policy GB2 of the Wirral Unitary Development Plan.

4. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT a scheme of odour control for any proposed kitchen extraction equipment and any other external air handling/conditioning/refrigeration units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and shall be retained as such thereafter.

**Reason:** To prevent the emission of fumes which would be detrimental to the amenity of the area to accord with Policy GB2 of the Wirral Unitary Development Plan.

5. NO DEVELOPMENT SHALL BE COMMENCED until full details of a 2 metre high close boarded acoustic fence to be installed around the perimeter of the site, except for the side fronting onto Banks Road, has been submitted to and approved in writing by the Local Planning Authority. The approved fence shall be implemented in full prior to the first use of the development and shall be retained as such thereafter.

**Reason:** To prevent any noise and disturbance which would be detrimental to the amenity of the area to accord with Policy GB2 of the Wirral Unitary Development Plan.

6. NO DEVELOPMENT SHALL TAKE PLACE until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan.

7. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the

site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

8. 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.

9. The site and premises shall be used as a community shop only, as outlined in the application and supporting information, and for no other purpose (including any other purpose in Class A1 of the Town and Country Planning (Use Classes Order) 1987 (as amended or in any provisions equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

**Reason:** The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of each case, the sites location in the Green Belt, having regard to Policy GB2 of the Wirral Unitary Development Plan.

10. The development shall be carried out in accordance with the approved plans and at no time shall there be any amalgamation or sub-division of the development hereby approved nor shall there be any enlargement by way of extension, installation of mezzanine floor or other alteration to any building the subject of this permission without express planning permission first having been obtained. The total gross retail shop floor area, measured internally, shall not exceed 25 square metres.

**Reason:** The site is in the Green Belt and open countryside where the Local Planning Authority would not normally permit retailing in the interests of the rural character of the area and in the interests of encouraging sustainable forms of development and having regard to Policy GB2 of the Wirral Unitary Development Plan.

#### **Further Notes for Committee:**

**Last Comments By:** 06/08/2015 09:58:40  
**Expiry Date:** 17/08/2015