

Planning Committee

17 December 2015

Reference:
APP/15/01087

Area Team:
South Team

Case Officer:
Mr K Spilsbury

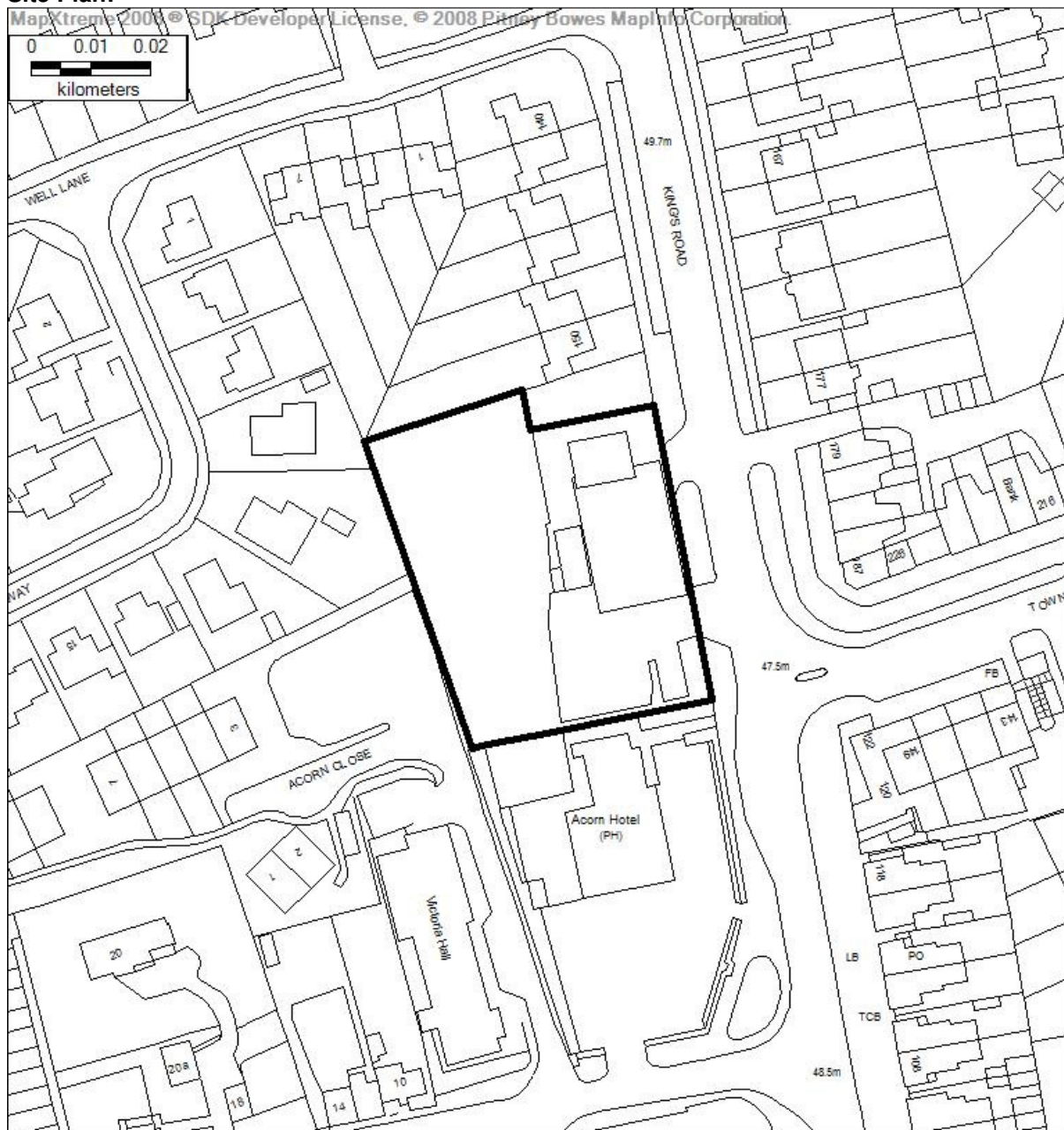
Ward:
Bebington

Location: BEBINGTON SERVICE STATION, 152 KINGS ROAD, HIGHER BEBINGTON, CH63 8PZ

Proposal: Demolition of the existing service station, and redevelopment to provide a new petrol filling station facility, comprising of canopy/forecourt, sales building with ATM, underground storage tanks, associated parking, landscaping and other ancillary works.

Applicant: Rontec Service Stations 1A Limited
Agent : Rapleys LLP

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: Total Services, KINGS ROAD, HIGHER BEBINGTON, CH63 8PZ
Application Type: Full Planning Permission
Proposal: To amend opening hours of the store to 06.00-23.00 hour trading
Monday-Sunday
Application No: APP/12/00232
Decision Date: 04/05/2012
Decision Type: Approve

Location: Total Services, KINGS ROAD, HIGHER BEBINGTON, CH63 8PZ
Application Type: Full Planning Permission
Proposal: Application to vary condition 10 of planning approval App/1998/5692 to allow trading from 06:00 to midnight.
Application No: APP/13/00595
Decision Date: 28/06/2013
Decision Type: Approve

Location: Total Services, KINGS ROAD, HIGHER BEBINGTON, CH63 8PZ
Application Type: Full Planning Permission
Proposal: The Retention of a Free Standing Automated Teller Machine and Bollards
Application No: APP/13/01423
Decision Date: 17/01/2014
Decision Type: Approve

Location: Total Services, KINGS ROAD, HIGHER BEBINGTON, CH63 8PZ
Application Type: Full Planning Permission
Proposal: Remove Condition 1 of planning permission APP/13/00595 to allow opening hours of 06:00 - midnight

Application No: APP/14/00534
Decision Date: 18/06/2014
Decision Type: Approve

Location: Totalfina Petrol Filling Station, Kings Road, Higher Bebington, Wirral, CH63 8PZ
Application Type: Advertisement Consent
Proposal: Erection of an illuminated box sign
Application No: ADV/03/05077
Decision Date: 05/03/2003
Decision Type: Approve

Location: Totalfina Petrol Filling Station, Kings Road, Higher Bebington, Wirral, CH63 8PZ
Application Type: Full Planning Permission
Proposal: Erection of freestanding ATM building
Application No: APP/03/05078
Decision Date: 17/04/2003
Decision Type: Approve

Location: Bebington Service Station, Kings Road, Higher Bebington, L63 8EZ.
Application Type: Advertisement Consent
Proposal: Retention of pole sign and illuminated signs for shop, car wash and south elevation of canopy.
Application No: ADV/93/06609
Decision Date: 25/04/1994

Decision Type: Approve

Location: Bebington Service Station, Kings Road, Higher Bebington, Wirral, L63 8PZ
Application Type: Full Planning Permission
Proposal: Erection of new sales building and lifting canopy to give headroom of 4.5m & refrigeration plant area (amended description).
Application No: APP/98/05692
Decision Date: 20/10/1998
Decision Type: Approve

Location: Bebington Service Station, Kings Road, Higher Bebington. L63 8PZ
Application Type: Advertisement Consent
Proposal: Erection of illuminated pump spreader units.
Application No: ADV/90/06156
Decision Date: 20/07/1990
Decision Type: Approve

Location: Bebington Service Station, Kings Lane, Higher Bebington. L63 8PZ
Application Type: Advertisement Consent
Proposal: Erection of sign on north elevation. Erection of fascia sign on south elevation, shop sign on south elevation, and relocation of pole sign.
Application No: ADV/89/07321
Decision Date: 14/02/1990
Decision Type: Refuse

Location: Bebington Service Station, Kings Road, Higher Bebington. L63 8PZ
Application Type: Advertisement Consent
Proposal: Erection of illuminated fascia signs on canopy and sales building.
Application No: ADV/89/06354
Decision Date: 05/09/1989
Decision Type: Refuse

Location: Bebington Service Station, Kings Road, Higher Bebington. L63 8PZ
Application Type: Full Planning Permission
Proposal: Erection of a new control building, canopy, carwash and pump island.
Application No: APP/88/05824
Decision Date: 21/07/1988
Decision Type: Refuse

Location: Total Services, KINGS ROAD, HIGHER BEBINGTON, CH63 8PZ
Application Type: Full Planning Permission
Proposal: To amend opening hours to allow 24 hour trading
Application No: APP/13/00287
Decision Date: 30/04/2013
Decision Type: Withdrawn

Location: Bebington Service Station, Kings Road, Higher Bebington, Wirral, L63 8PZ
Application Type: Full Planning Permission
Proposal: Erection of a bungalow.
Application No: APP/82/20328
Decision Date: 02/02/1983
Decision Type: Withdrawn

Location: Bebington Service Station, Kings Road, Higher Bebington. L63 8PZ
Application Type: Advertisement Consent
Proposal: Erection of illuminated signs to canopy, shop, pumps and carwash.
Application No: ADV/89/07357
Decision Date: 29/11/1989
Decision Type: Withdrawn

Location: Bebington Service Station, Kings Road ,Bebington ,L63 8PZ
Application Type: Full Planning Permission
Proposal: Liquid Petroleum Gas (1000 kg max.) storage compound to existing petrol filling station
Application No: APP/83/23959
Decision Date: 19/01/1984
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 61 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report six letters of objection has been received from the occupiers of the Co-operative food store, 144, 150, 171 Kings Road and 9 Orchard Way. The objections are summarised as follows:

1. concern over the trading impact on the Co-op and other shops within the parade and on the defined centres within the area
2. The robustness of the retail assessment
3. Requirement for impact assessment
4. Impact of the new development on neighbours in terms of noise and disturbance,
5. Increased litter,
6. The design being out of character with the surrounding area
7. The impact upon local shops in the area.
8. The occupier of 150 Kings Road has also spotted a number of errors in the plan that have been rectified by the applicant following discussions with the LPA.

The Co-operative Food division have objected to the scheme on the grounds of the trading impact upon its own food store on the opposite side of Kings Road, and on other convenience stores in the area and within defined centres. They state that the trade from the new food store will be from further afield than the 1km catchment area and that the applicant must clearly define and provide evidence for the size of the catchment area.

They consider that the PFS facilities will draw trade from a wide geographical area due to the nature of PFS trade. In addition, the facility may also provide for top up shopping needs of a localised walking catchment in this location.

In terms of impact assessment the Co-operative has suggested that the LPA must follow the emerging development plan policy CS28 from the Core Strategy which on adoption will require an impact assessment for convenience goods floorspace over 200 sq.m.

Councillor Jerry Williams has also taken the application out of delegation stating the development is an overdevelopment and local residents have concerns over the consequences of the development.

CONSULTATIONS:

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

Head of Environment & Regulation (Pollution Control Division) - No Objections

United Utilities - A public sewer crosses the site and drainage conditions are required

Director's Comments:

This application was deferred for consideration at Planning Committee on 26th November 2015 to allow for a formal Member's Site Visit to take place.

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Jerry Williams requested that this application be taken out of delegation on the grounds that the development is an overdevelopment and local residents have concerns over the consequences of the development.

INTRODUCTION

The proposed development is for the demolition of the existing service station, and redevelopment to provide a new petrol filling station facility, comprising of canopy/fore court, sales building (A1 Use Class) with ATM, underground storage tanks, associated parking, landscaping and other ancillary works.

PRINCIPLE OF DEVELOPMENT

The main principles for new retail development in UDP Policy SHO1 is to sustain and enhance the vitality and viability of key town centres, traditional suburban centres and other shopping provision and ensure easy access by a choice of transport modes. The site is located within a small shopping centre in a Primarily Residential Area where UDP Policies HS15 and SH4 would permit small retail development subject to criteria that includes protection for the neighbours' amenity and the character of the area. As the site is not within a defined town centre, the proposal is also subject to UDP Policies SH9 and SH10 Out-of Centre and Edge-of Centre Retail Development where retail development will only be permitted if the benefits outweigh the disadvantages when assessed against criteria, which is set out below under the Policy Context.

SITE AND SURROUNDINGS

The premises is an existing Total self-service petrol filling station (PFS) located on Kings Road in Bebington. There is an associated shop and car wash attached to the premises as well as 4 petrol pumps on the fore court and a self-service tyre pressure and pump facility.

The Acorn public house lies to the south and there is a small parade of shops opposite, including newsagents, cafe and co-operative food store.

It is considered that there are a mix of uses located within the surrounding area, comprising of residential properties to the north and west. To the south of the site lies The Acorn public house. In addition, on the opposite side of Kings Road there is a parade of shops including a newsagent's, cafe and co-operative convenience store.

POLICY CONTEXT

The site is located within a Primarily Residential Area in Bebington Ward and as such UDP Policy HS15 – Non Residential Uses in Primarily Residential Area is directly relevant. This states that within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

- i. be of such scale as to be inappropriate to surrounding development;
- ii. result in a detrimental change in the character of the area; and,
- iii. cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on street parking and deliveries by vehicles.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

UDP Policy SH01 – Principles for New Retail Development

In considering proposals for new retail development, the local planning authority will seek to sustain and enhance the vitality and viability of key town centres, traditional suburban centres and other shopping provision in the borough and ensure that people have easy access by a choice of transport modes to a wide range of shopping provision.

UDP Policy SH4 – Small Shopping Centres & Parades

Retail development is permitted where the proposal does not cause nuisance to neighbouring uses, or lead to loss of amenity, particularly in respect of noise and disturbance, on-street parking or delivery vehicles – where necessary a suitable condition will be imposed on hours of opening/ operation.

UDP Policy SH8 – Criteria for Shop Fronts

Proposals including new shop fronts where company colours, logos and advertising are compatible with the character of the area, any security shutters are painted and perforated in design, and the new shop is fully accessible by people with disabilities.

Policy SH9 – Criteria for Out of Centre & Edge of Centre Retail Development

The site is not designated as part of key town centre or traditional suburban centre. In which case out of centre or edge of centre retail development could only be permitted where the Local Planning Authority is satisfied (A), that the benefits of the proposal outweigh the disadvantages when assessed against the following criteria; and (B), the proposal satisfies all the additional criteria in Policy SH10:

- (i) the proposal, together with other recent or proposed retail development does not undermine the vitality and viability of any Key Town Centre or Traditional Suburban Centre as a whole or other town centre outside the Borough boundary;
- (ii) the extent to which retail development on the site would confer urban regeneration or environmental benefits when compared with:
 - (a) alternative uses for the site; and
 - (b) alternative sites elsewhere capable of accommodating the proposed development;
- (iii) the proposal is accessible by a choice of mode of transport and is easily accessible for pedestrians, disabled people and cyclists from the surrounding area;
- (iv) the proposal does not have any adverse effect on overall travel and car use.

The Local Planning Authority may request that a developer submits an assessment of retail impact where it considers that this would be of assistance in considering the effect of an out-of-centre or edge-of-centre proposal on the vitality and viability of a nearby Key Town Centre or Traditional Suburban Centre.

UDP Policy SH10 - Design and Location of Out-of-Centre and Edge-of-Centre Retail Development

Proposals should not generate excess traffic; provide adequate access, servicing, off street parking and cycle parking; siting, scale, design and choice of materials should be appropriate to the character of the area and the proposal should not cause nuisance to neighbouring uses.

The proposal is considered to comply with Policy SH10 as the traffic generated by the proposal can be satisfactorily accommodated on the highway network and that adequate parking, servicing and cycle parking facilities will be provided. The layout, scale, and design of the proposed retail store are appropriate to the character of the surrounding area and will not cause nuisance to neighbouring uses.

Joint Waste Local Plan

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 (NPPF)

Both UDP Policy SH4 and Policy SH9 are partially updated by subsequent changes in national planning policy, in which NPPF paragraph 27 makes it clear that applications of this type should be refused if it fails the sequential test or if it is likely to have a significant adverse impact on planned town centre investment, and town centre vitality and viability.

In addition to this, planning decisions when promoting healthy communities are expected to guard against the loss of valued facilities where this would reduce the community's ability to meet its daily needs and to ensure shops are able to develop and modernise in a sustainable way and be retained for community benefit (NPPF, paragraph 70 refers).

Retail Policy Implications.

The forecourt shop / sales building of the existing service station currently consists of 92 sqm gross floorspace and 52 sqm net sales space, selling a limited range of grocery and vehicle related products. The scheme proposed through this planning application would increase the gross floor area of the forecourt shop by 277 sqm and the net sales area by 188 sqm, to provide a total gross floorspace of 369 sqm and a net sales area of 240 sqm.

The applicant has submitted a Sequential Assessment that identified three available properties with estimated floor spaces ranging from 72m² to 77m² at 220, 224 and 226 Bebington Rd within the Dacre Hill Traditional Suburban Centre, which are approximately 1.6km from the application site. It can be accepted that these sites would not, in this case, be suitable for the proposed development due to their limited size. Although, the new development is likely to attract passing trade from motorists that use the petrol station, it is also likely to attract walk in custom from the surrounding residential area. Thus, it can be considered that the limited catchment to include the nearest centre can be justified, having regard to existing retail stores of this size and nature.

In areas where there is no locally set floorspace threshold for requiring a retail impact assessment the default threshold in NPPF is 2,500m². The emerging Core Strategy is subject to change and the Council has undertaken consultation on proposed modifications to Policy CS28 which would set the threshold at 500m² for retail development within the catchment of a local centre. The gross floorspace for the new development would be 369m²; therefore it would be unreasonable in this particular case to require an impact assessment on any designated centre.

While the proposed development has the potential to have some impact on the trading of other stores within the vicinity of the site, it is considered unlikely that the increase in floorspace above the existing fore-court shop is likely to have a significant adverse impact.

APPEARANCE AND AMENITY ISSUES

At the time of writing this report objections have been received from the occupiers of the Co-operative food store, 144, 150, 171 Kings Road and 9 Orchard Way. The main thrust of the objections other than those by Co-operative that have been dealt with above relate to impact of the new development on neighbours in terms of noise and disturbance, increased litter, the design being out of character with the surrounding area and the impact upon local shops in the area. The occupier of 150 Kings Road has also spotted a number of errors in the plan that have been rectified by the applicant following discussions with the LPA.

The impact of the proposed retaining wall and the construction work on the land adjacent to 150 Kings Road will be controlled through condition should members be minded to approve the scheme. Following concern from local residents the applicant has agreed that the embankment will be reduced and re-graded in the course of the development, allowing for a smaller, less dominant retaining wall (no higher than 2.5m) to be constructed.

The Head of Environment & Regulation (Pollution Control Division) has been consulted with regards the potential for noise and disturbance as a result of ATM, increased activity and plant machinery and no objections have been raised. A refusal on those grounds could therefore not be sustained.

In terms of design the proposed PFS and associated A1 retail unit are simple and functional in appearance. The new sales building will be modern in appearance with windows that face both the fore court and turn the corner and address Kings Road. The building whilst being bigger than the existing will improve upon the overall appearance of the site and should members be minded to approve the scheme a condition is imposed to secure materials. The canopy over the fore court will be reduced in size allowing light to penetrate into the site and therefore enhance the overall appearance of a currently tired facility. The area is made up of a mix of uses, including both commercial (Acorn Public House, small parade of shops) and residential properties within close proximity to the site. It is considered the proposed facility will enhance the site as a whole without detriment to the character of the area.

The overall bulk and massing of the new building is deemed acceptable as the site is somewhat lower than the adjoining dwelling 150 Kings Road. The landscaped area to the north of the site will be retained and a condition for landscaping will be imposed should members be minded to approve the proposed scheme.

There is no evidence to suggest the development will result in increased litter in the area. In any case this is not a planning matter and as such a refusal on those grounds could not be sustained.

United Utilities suggest that a public sewer crosses the site, and that building over the sewer may not be

permitted. Records obtained by the developer from United Utilities indicate that only a foul water drain is situated within the site boundary. Plans provided in a report submitted to the LPA following consultation with the agent indicate that the drain is located away from the proposed building/canopy. This however is a matter to be dealt with by the applicant and United Utilities and does not affect the recommendation in planning terms.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be adversely affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

Head of Environment & Regulation (Traffic & Transportation Division) has raised no objections to the proposed scheme

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 the proposed development is acceptable in terms of the criteria set out in the Wirral Unitary Development Plan, the Waste Local Plan and the National Planning Policy Framework and is therefore recommended for approval subject to conditions.

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 the Waste Local Plan (adopted July 2013) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the proposed development is acceptable in terms of the criteria set out in the Wirral Unitary Development Plan and the National Planning Policy Framework and is therefore recommended for approval subject to conditions.

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 6th October 2015 and listed as follows: 150515_PL4C (Dated 09/15), 150515_PL3D (Dated 09/15) & 150515_PL5A (Dated 07/15)

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

3. Before any construction commences, samples of the facing/roofing/window 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 HS15 of the Wirral Unitary Development Plan.

4. A scheme of planting to provide a screen along the northern boundary of the site consisting predominantly of evergreens or other suitable plants capable of growth to a height of 5 metres shall be carried out in accordance with details to be submitted to and approved by the Local Planning Authority before any work is commenced and the screen to be provided shall be subsequently maintained to the satisfaction of the Local Planning Authority. The approved scheme shall be fully implemented in the first planting season following commencement of any part of the approved development, and replacement planting shall be provided as necessary until the screen is fully established.

Reason: To ensure that proposed development/use does not prejudice the amenity of the locality and to ensure a proper standard of separation from neighbouring properties.

5. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The detailed landscaping plans shall include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) a schedule of implementation

Reason: In the interests of visual amenity and to ensure that the development complies with Policy HS15 of the Wirral Unitary Development Plan.

6. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

7. 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 Policy WM8 of the Waste Local Plan.

8. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made for inclusion 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 before the development hereby approved is brought into use 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 Policy WM9 of the Waste Local Plan

9. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 (or any subsequent re-enactment) there shall be no creation of

additional floor space, including any additional mezzanine floor space, within the building hereby permitted as shown on the approved plans plan referenced 150515_PL3D (Dated 09/15). The retail unit, hereby approved, shall have gross internal floor space no greater than 369 sq.m with a net retail floor space no greater than 240sq.m as shown in the approved drawings. Sub division of the unit to form smaller retail outlets is not permitted.

Reason: For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town 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 National Planning Policy Framework.

10. Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes Order) 1987 and schedule 2, part 3 of the Town and Country Planning (General Permitted Development Order) 2015 (or any subsequent re-enactment), the premises hereby approved shall only be used for the sale of convenience goods (including fuel), (other than those ancillary to the principal use of the premises). For the purposes of this condition, "ancillary" is defined as not exceeding 15% of the net retail floor space for unit.

Reason: For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town 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.

11. 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.

12. Servicing and deliveries shall not take place between the hours of 23.00 hours and 07.00 hours Monday to Friday, 23.00 hours and 7.30 hours Saturday, and 23.00 hours and 08.00 on Sunday.

Reason: In the interest of residential amenity having regard to Policy HS15 of the Wirral Unitary Development Plan

13. Unless otherwise agreed in writing and in line with the surface water manage hierarchy, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt this site must be drained on a separate system combining just prior to connection to the public combined sewerage system. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 10 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

14. Notwithstanding the approved plans details of the vehicle crossings onto Kings Road shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of the development. The approved plan shall be implemented in full prior to first use and retained as such thereafter.

Reason: In the interest of highway safety.

Last Comments By: 08/09/2015 09:26:07

Expiry Date: 05/10/2015