

Planning Committee

17 December 2015

Reference:
APP/15/01318

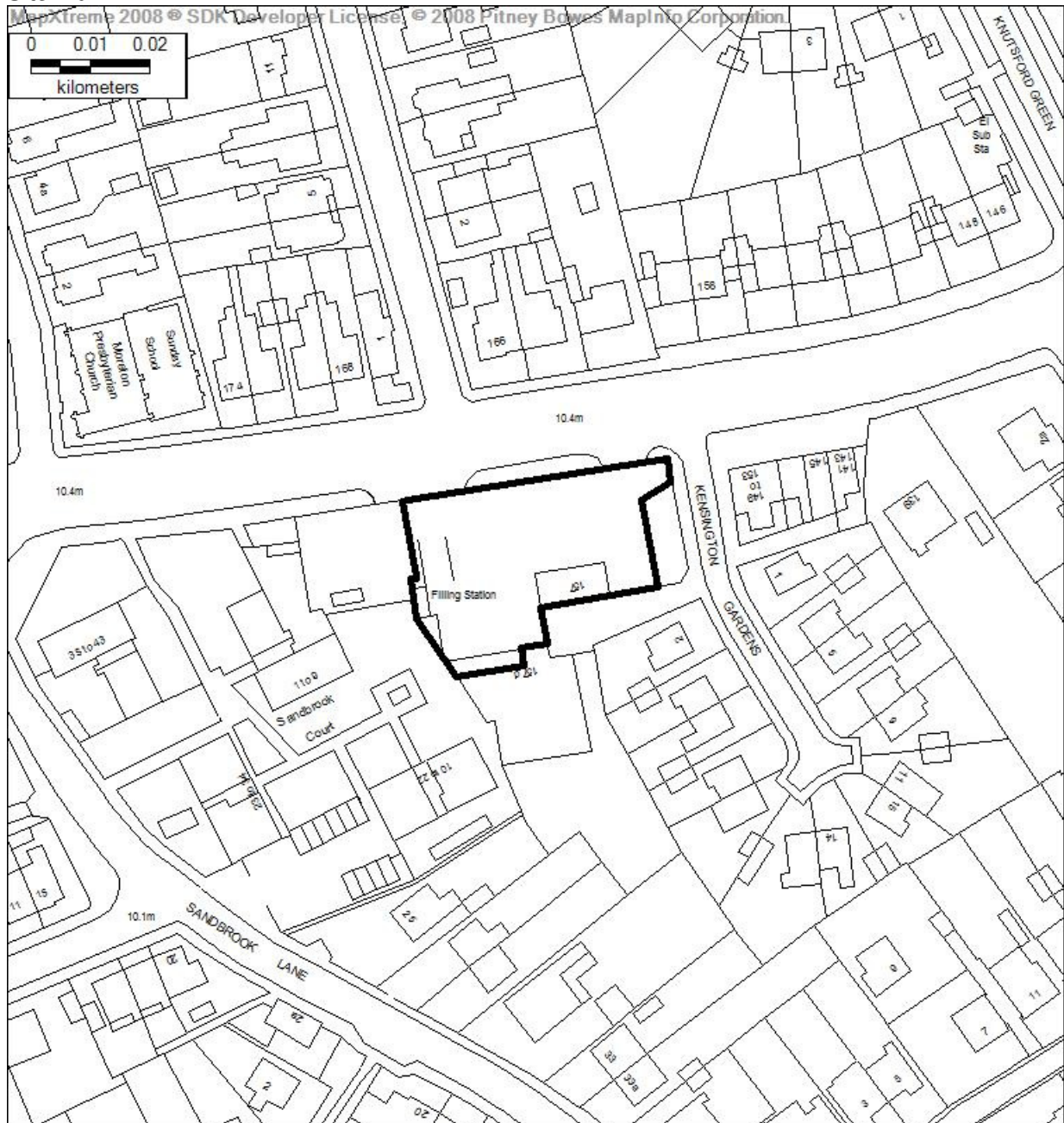
Area Team:
North Team

Case Officer:
Mr S Lacey

Ward:
**Leasowe and
Moreton East**

Location: Shell Petrol Station, 157 HOYLAKE ROAD, MORETON, CH46 9PZ
Proposal: Application to vary condition 2 attached to planning approval APP/92/05293 to allow 24 hour opening.
Applicant: Euro Garages Ltd.
Agent : GC Town & Country Planning

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

- Location: Atlantic Service Station, 157, Hoylake Road, Moreton. L46 9PZ
Application Type: Full Planning Permission
Proposal: Redevelopment of site with petrol filling station, erection of new shop and sales building, new pump islands and canopy, and installation of automatic car wash.
Application No: APP/91/06603
Decision Date: 04/10/1991
Decision Type: Approve
- Location: Atlantic Garage, 157, Hoylake Road, Moreton. L46 9PZ
Application Type: Full Planning Permission
Proposal: Installation of two 8,000 gallon and three 3,000 gallon underground petrol storage tanks.
Application No: APP/87/05766
Decision Date: 17/06/1987
Decision Type: Approve
- Location: Atlantic Garage, 157, Hoylake Road, Moreton. L46 9PZ
Application Type: Advertisement Consent
Proposal: Erection of an illuminated twin pole sign.
Application No: ADV/87/05605
Decision Date: 04/06/1987
Decision Type: Approve
- Location: Atlantic Service Station, 157, Hoylake Road, Moreton. L46 9PZ
Application Type: Advertisement Consent
Proposal: Erection of illuminated double sided pole sign, illuminated fascia signs and illuminated information sign.
Application No: ADV/92/05140
Decision Date: 06/03/1992
Decision Type: Approve
- Location: Telegraph Service Station, 157, Hoylake Road, Moreton. L46 9PZ
Application Type: Full Planning Permission
Proposal: Variation of condition No. 6 on planning approval notice App/91/6603/N to allow premises to be open between the hours 0800-2300 on Sundays and Bank Holidays.
Application No: APP/92/05293
Decision Date: 15/04/1992
Decision Type: Approve
- Location: 157, Hoylake Road, Moreton. L46 9PZ
Application Type: Full Planning Permission
Proposal: Alterations to external appearance.
Application No: APP/86/05618
Decision Date: 02/07/1986
Decision Type: Approve
- Location: 161, Hoylake Road, Moreton. L46 9PZ
Application Type: Full Planning Permission
Proposal: Erection of a pump kiosk, and boundary fencing to site.
Application No: APP/97/05416
Decision Date: 30/04/1997
Decision Type: Approve
- Location: Shell Moreton Petrol Station, 157 Hoylake Road, Moreton, Wirral, L46 9PZ

Application Type: Advertisement Consent
Proposal: Erection of illuminated and non illuminated signs.
Application No: ADV/98/05925
Decision Date: 31/07/1998
Decision Type: Approve

Location: Shell Moreton Petrol Station, 157 Hoylake Road, Moreton, Wirral, L46 9PZ
Application Type: Full Planning Permission
Proposal: Erection of vacuum, air, water facilities and two car parking spaces.
Application No: APP/98/05927
Decision Date: 28/08/1998
Decision Type: Approve

Location: Shell Petrol Station, 157 HOYLAKE ROAD, MORETON, CH46 9PZ
Application Type: Prior Approval of Telecommunications PD
Proposal: Installation of a dual user CU Phosco MK3 street pole radio base station mast, 1 No. shared radio equipment cabinet and 1 No. electrical metre next to the pole
Application No: ANT/12/00414
Decision Date: 25/04/2012
Decision Type: Refuse

Location: Atlantic Garage, 157, Hoylake Road, Moreton. L46 9PZ
Application Type: Full Planning Permission
Proposal: Redevelopment of existing petrol station.
Application No: APP/86/06088
Decision Date: 21/08/1986
Decision Type: Refuse

Location: 157 Hoylake Road (First Floor), Moreton, L46 9PZ
Application Type: Prior Approval of Telecommunications PD
Proposal: Change of use from flats to health clinic
Application No: ANT/81/17347
Decision Date: 19/02/1981
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 28 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 3 letters of objection have been received from Mr R Beccafichi of 160 Hoylake Road, Mr R Morgan of 162 Hoylake Road, and Mr K Robertson of 170 Hoylake Road. The objections can be summarised as follows:

1. The premises are already open 24 hours in breach of its current planning approval.
2. The properties opposite the service station are disturbed by car doors and vehicle movements in the early hours.
3. People visit the premises to make use of the shop and cash machine, not just to buy fuel. A condition should therefore be imposed restricting the sale of certain goods beyond 23:00 hours.
4. The extended opening hours has resulted in increased traffic movements along Hoylake Road through the night.
5. The use of the tannoy system during the night disturbs neighbouring residents
6. Delivery times should be restricted
7. There have been a number of accidents when vehicles have been entering or leaving the service station.
8. The development will affect the value of neighbouring properties.

CONSULTATIONS:

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

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

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Blakeley has requested that the application be taken out of delegation because he considers that the application if approved will cause nuisance to local residents. Under the Council's current scheme of delegation the application must be submitted to planning committee.

INTRODUCTION

The application seeks to vary condition 2 attached to planning approval APP/92/05293 to allow 24 hour opening seven days a week.

Planning permission was granted under planning reference APP/91/06603 for the redevelopment of the site. Condition 6 attached to that approval restricted opening hours to 0700 to 2300 Monday to Saturday and 0900 to 1930 Sundays and bank holidays.

Planning permission was then granted under planning reference APP/92/05293 for the variation of condition 6 above to the following: "2. The premises shall only be open between the hours of 0700 to 2300 Monday to Saturday and 0800 to 2300 on Sundays and bank holidays."

The new owners of the site are currently operating in breach of condition 2 outlined above and this application is therefore retrospective.

PRINCIPLE OF DEVELOPMENT

The principle of the development is acceptable, subject to relevant policy guidelines.

SITE AND SURROUNDINGS

The site lies within an area designated as a Primarily Residential Area in Wirral's Unitary Development Plan. The service station is located on a classified road at the junction of Hoylake Road and Kensington Gardens. On the opposite side of the classified road there are domestic properties and a financial services premises. To the West of the site is a block of flats, screened by mature trees and to the East of the site is a row of shops. Directly to the rear of the service station is a car repair garage accessed from Kensington Gardens. The rest of Kensington garden is made up of domestic properties.

POLICY CONTEXT

The premises are an established service station in an area designated as a Primarily Residential Area in the UDP. The application will be assessed in accordance with Wirral's UDP Policy HS15 and the National Planning Policy Framework (NPPF).

Policy HS15 states; 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 vehicle.

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

APPEARANCE AND AMENITY ISSUES

As outlined above the proposed variation of opening hours would see the service station open during night. The service station already benefits from planning permission to be open from 07:00 hours until 23:00 hours (8:00 hours until 23:00 hours Sundays and bank holidays). The additional hours of operation are at times when the level of use of the service station is likely to be low.

The houses on the opposite side of Hoylake Road, facing the service station are approximately 28 metres away from the petrol pumps on the fore court. Given the fact that Hoylake Road is a busy classified road providing a main transport route through that part of the Borough with vehicle movements continuing throughout the night, the Council does not consider that the extended opening hours will result in increased disturbance to these properties.

The nearest domestic property in Kensington Gardens is approximately 23m away from the nearest petrol pump and is separated from the site by the car repair garage and a 1.8m high brick wall. Given that the entrance to the service station is from Hoylake Road, the Council does not consider that the properties in Kensington Gardens will be adversely affected.

The flats to the West of the site have a dense and mature row of trees screening the site and will not be affected by the proposal.

In response to objections received from neighbouring residents that have not already been addressed above the Council would comment as follows:

The Town and Country Planning Act sets out that it is not an offence to carry out development before applying for planning permission retrospectively. This application has been determined under the same planning policies and material considerations that would apply to an application made before development was carried out. The decision by the land owner to open in breach of the current condition controlling the opening hours of the service station therefore has not had any effect on the Council's decision.

The shop at the service station is an ancillary element to the lawful use of the site as a service station. The Council does not consider it to be reasonable to impose a condition restricting the goods sold from the premises.

Both the Head of Environment & Regulation (Pollution Control Division) and the Head of Environment & Regulation (Traffic and Transportation Division) have been consulted with regards to the scheme and have raised no objection to the extension of opening hours having regards to the impact of the proposal on neighbouring properties or the impact upon the local highway having regards to traffic, highway safety and parking. A refusal on these grounds could therefore not be sustained.

It has not been considered necessary to restrict delivery times under any of the previous planning approvals for the site. This application raises no justifiable reason to impose a condition preventing deliveries to the site at certain times of the day or night.

The effect of a development on the value of neighbouring properties is not a planning matter.

The Council agrees that the use of the Tannoy system beyond 23:00 hours could potentially disturb neighbouring residents. It is therefore recommended that a condition be imposed preventing its use between the hours of 23:00 and 07:00. The Council does not consider that this would lead to health and safety issues that could not be resolved through alternative measures.

Having assessed the planning issues material to this application, the Council considers that the extended opening hours would not result in a detrimental change in the character of the area nor will it result in an increase in disturbance to neighbouring uses. The proposal therefore complies with Wirral UDP policy HS15 and the NPPF.

SEPARATION DISTANCES

Traditional separation distances do not apply in this instance. However, it is worth noting that the nearest residential property is approximately 23 metres from the service station.

HIGHWAY/TRAFFIC IMPLICATIONS

The Head of Environment & Regulation (Traffic and Transport Division) does not object to the proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The Head of Environment & Regulation (Pollution Control Division) does not object to the proposal.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The Council considers that the extended opening hours would not result in a detrimental change in the character of the area nor will it result in an increase in disturbance to neighbouring uses. The proposal therefore complies with Wirral UDP policy HS15 and the NPPF.

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 Council considers that the extended opening hours would not result in a detrimental change in the character of the area nor will it result in an increase in disturbance to neighbouring uses. The proposal therefore complies with Wirral UDP policy HS15 and the NPPF.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The amplified tannoy system shall not be used between the hours of 23:00 and 07:00.

Reason: In the interest of residential amenity.

Further Notes for Committee:

Last Comments By: 04/11/2015 14:56:26

Expiry Date: 20/11/2015