

# Planning Committee

22 June 2016

**Reference:**  
**APP/16/00522**

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

**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Upton**

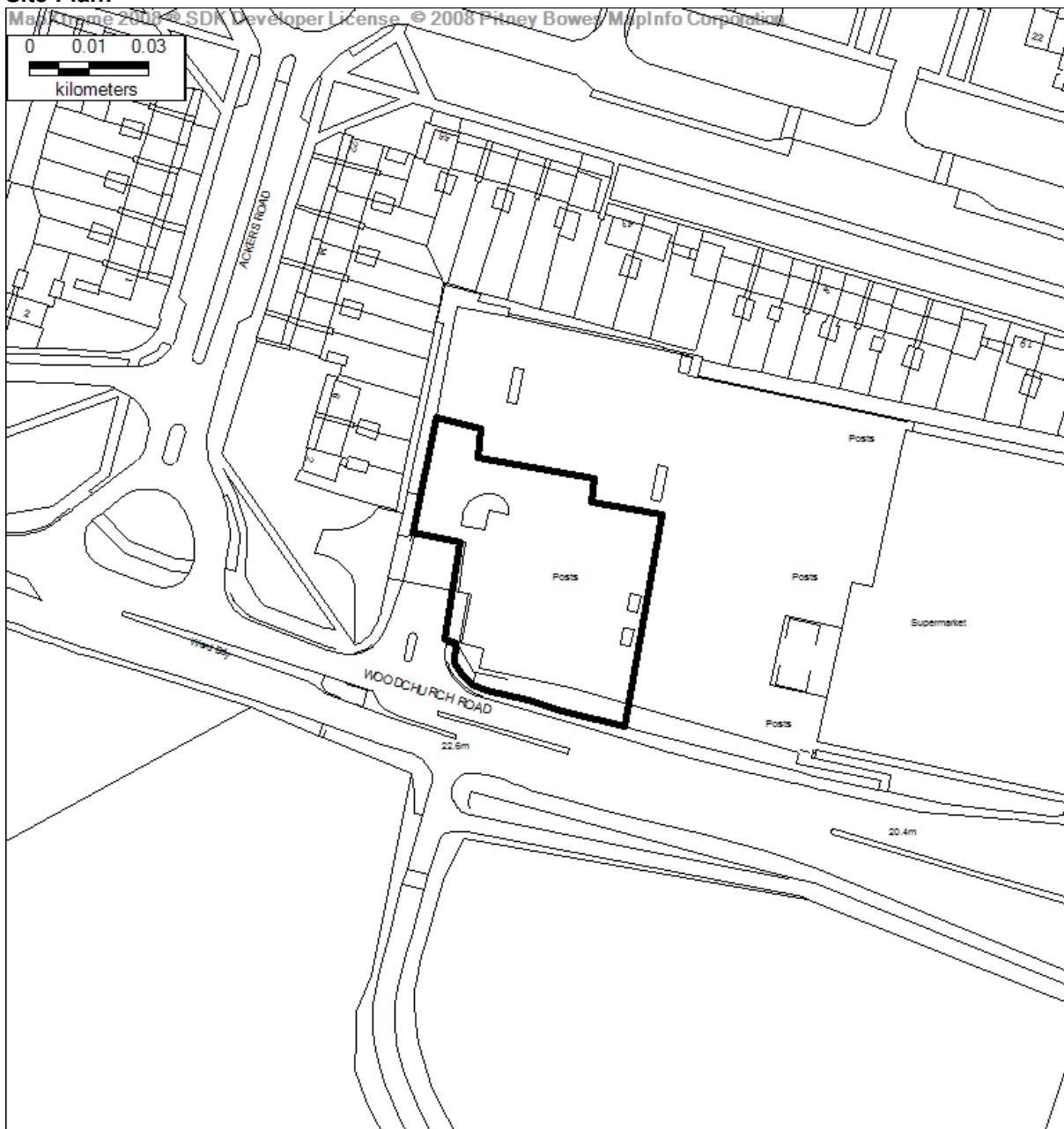
**Location:** ASDA Stores Ltd, WOODCHURCH ROAD, WOODCHURCH, CH49 5PD

**Proposal:** Construction of a four pump (eight filling position) fully automated Petrol Filling Station within the curtilage of the existing store; to include fuel storage tanks, associated pipework, overhead canopy, forecourt surfacing, Air and Water unit and reconfiguration of car parking bays

**Applicant:** Deloitte LLP

**Agent :** N/A

## Site Plan:



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## **Development Plan allocation and policies:**

Out of Centre Retail Development

## **Planning History:**

There is a lot of history related to this site dating back to the 1970s. The most recent applications are as follows:

Location: Asda Superstore, WOODCHURCH ROAD, WOODCHURCH, CH49 5JZ  
Application Type: Advertisement Consent  
Proposal: Installation of banner signs  
Application No: ADV/12/00269  
Decision Date: 04/05/2012  
Decision Type: Approve

Location: Asda Superstore, WOODCHURCH ROAD, WOODCHURCH, CH49 5JZ  
Application Type: Full Planning Permission  
Proposal: Application for variation of condition 1 of planning permission APP/04/07335 to read as follows "The premises shall not be open to the public for business outside the hours of 0600 and 2200 hours Monday to Saturday and 1000 to 1800 Sundays and Bank Holidays".  
Application No: APP/12/00657  
Decision Date: 06/07/2012  
Decision Type: Approve

Location: ASDA Stores Ltd, WOODCHURCH ROAD, WOODCHURCH, CH49 5PD  
Application Type: Full Planning Permission  
Proposal: The erection of a 'Click & Collect' canopy within the store's customer car park and associated advertisement.  
Application No: APP/15/00148  
Decision Date: 27/03/2015  
Decision Type: Approve

Location: ASDA Stores Ltd, WOODCHURCH ROAD, WOODCHURCH, CH49 5PD  
Application Type: Advertisement Consent  
Proposal: Associated advertisements to new click and collect bays  
Application No: ADV/15/00149  
Decision Date: 27/03/2015  
Decision Type: Approve

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

### REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 42 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report a non qualifying petition of objection has been received and 4 individual letters of objection from the occupiers of 10 Fender Court, 45 Home Farm Road, 14 Ackers Road and from Mr Simpson (no address provided). The objections are summarised as follows:

1. The impact upon peoples safety (fire/explosion) living within close proximity of the site
2. The impact of the petrol station on traffic as the petrol station may cause congestion
3. Potential for noise, smells, air quality and impact of light pollution on nearby residents
4. Detrimental impact on house prices
5. Impact on residential amenity, having regards to blocking light into neighbours garden.

### CONSULTATIONS:

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

**Head of Environment and Regulation (Environmental Health Division)** – No objection subject to conditions

**United Utilities** - No objection

**Merseyside Fire and Rescue Service** - No objection

**Highways England** - No objection

**Director's Comments:**

### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Whittingham has requested that the planning application be taken out of delegated powers on the grounds of increased traffic and noise.

### **INTRODUCTION**

This application is for the installation of a four pump (eight filling position), fully automated Petrol Filling Station within the curtilage of the existing store. The proposal includes fuel storage tanks, associated pipe work, overhead canopy, forecourt surfacing, an air and water unit. The development will be located on the existing carpark and as such will involve the reconfiguration of the existing car parking bays. The proposal will result in the removal of 44 spaces from the customer car park thereby reducing from 315 to 271 spaces.

The applicants have stated that the proposal will include fast track lanes incorporating pay-at-pump systems rather than a traditional kiosk. In addition a forecourt greeter will be available during busier times to ensure operational disruption is kept to a minimum.

### **PRINCIPLE OF DEVELOPMENT**

The site is located within an area designated for out of town retail development, where proposals are subject to compliance with Policies SH9, SH10 and SH11 in the Unitary Development Plan, which includes criteria for protecting the amenity of neighbouring uses.

### **SITE AND SURROUNDINGS**

The application site is currently in use as part of the carpark for the existing Asda superstore. The site of the development is in the south eastern corner of the existing carpark, with the superstore located on the eastern side of the overall site. There is traditional housing bounding the site with Ackers Road to the east and Home Farm Road to the north. The closest residential property will be approximately 20m away from the site boundary.

### **POLICY CONTEXT**

The site is located within an established out of town retail development and as such will be assessed in accordance with Wirral's Unitary Development Plan (UDP) Policies SH9, TR9 and SH11.

Policy SH9 states; Applications for out-of-centre and edge-of-centre retail development will 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.

Policy SH11 states; Proposals for the redevelopment or expansion of the existing out-of-centre retail developments, shown on the Proposals Map for retail use, will be subject to the criteria set out in Policy SH9 and Policy SH10.

Within policy SH10 following criteria are relevant:

- (iii) the proposal does not generate traffic in excess of that which can be accommodated by the existing or proposed highway network;
- (iv) adequate provision has been made for highway access and servicing arrangements, and off-street car and cycle parking;
- (v) the siting, scale, design, choice of materials and landscaping is appropriate to the character of the surrounding area;
- (vi) the proposal does not cause nuisance to neighbouring uses, especially in respect of noise and disturbance.

Supplementary Planning Document 4 is also relevant. The purpose of this document is to provide advice on the maximum levels of parking provision for motor vehicles necessary to serve new development or changes of use for retail, residential, industrial, non-residential institutions, and assembly and leisure uses.

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, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

The National Planning Policy Framework (NPPF) is directly relevant as a material consideration. This sets out the Government's economic, environmental and social priorities for England and explains how planning can help to ensure a pattern of development that matches these priorities, whilst meeting local aspirations. In pursuing sustainable development involves seeking positive improvement to the quality of the built, natural and historic environment, which includes replacing poor design with better design. Design is one of the core planning principles outlined under Paragraph 17 of the NPPF. Paragraph 56 of the NPPF identifies the Government attaches great weight to the design of the built environment with good design being considered a key aspect of sustainable development.

Furthermore, paragraph 123 states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on quality of life arising from noise from new development including through the use of conditions.

### **APPEARANCE AND AMENITY ISSUES**

The proposed petrol filling station comprises 4 (double sided) pumps under a canopy, underground storage tanks associated pipe work. The proposed canopy would be a maximum of 5.5m high. Access into the site is to be provided from the existing vehicular access afforded from Woodchurch Road. The proposal also includes lighting columns and CCTV.

The key issues relate to impact upon visual amenity (in terms of design), impact upon highway safety (in terms of vehicle access and pedestrian safety) and environmental management (in terms of storage of petroleum and noise and general disturbance and smells).

At the time of writing this report a non qualifying petition of objection has been received and 4 individual letters of objection from the occupiers of 10 Fender Court, 45 Home Farm Road, 14 Ackers Road and from Mr Simpson (no address provided). The objections are summarised as follows:

1. The impact upon peoples safety (fire/explosion) living within close proximity of the site
2. The impact of the petrol station on traffic as the petrol station may cause congestion

3. Potential for noise, smells, air quality and impact of light pollution on nearby residents
4. Detrimental impact on house prices
5. Impact on residential amenity, having regards to blocking light into neighbours garden.

Taking these concerns into consideration the following points are made:

The application includes a transport statement which has been reviewed by the Head of Environment & Regulation (Traffic & Transportation Division). The statement suggests that proposal will result in the loss of 44 parking spaces and assesses the likely effect of the loss of these spaces. The applicant has calculated that the proposals will give rise to an additional 12 vehicles on a weekday and 15 vehicles during the weekend.

The summary of the assessment reads; the proposals result in the removal of 44 spaces from the customer car park. The car park provision will reduce from 315 to 271 spaces. The results of the car park occupancy survey suggest that the maximum demand will increase from 84% to 98%. The number of surplus spaces available at peak times would reduce from 50 to 6 spaces. It goes on to say that following a review of the proposals along with observed car parking data, the PFS can be accommodated without detriment to existing operations at Asda Woodchurch. The Head of Environment & Regulation (Traffic & Transportation Division) has reviewed the data and is satisfied that the proposal is unlikely to create any significant traffic generation or highway safety concerns.

A noise impact assessment has been carried out and submitted as part of the application. The likely noise impact from vehicle movements associated with the proposed PFS has been predicted and assessed in accordance with the NPPF. The conclusion of the assessment is that the PFS related activity will be low impact at the nearest noise sensitive facades during the proposed operational hours (residential properties located on adjacent streets). It is concluded that noise emissions from the proposed PFS will not increase the internal ambient noise levels at these properties.

Having regards to amenity issues, the Head of Environment & Regulation (Pollution Control Division) has been consulted with regards the potential for noise and disturbance, increased activity, smells and hazardous material and has raised no objections to the scheme. A refusal on these grounds could therefore not be sustained. In addition, Merseyside Fire and Rescue Service (MFRS) also have raised no objections to the proposal subject to an informative on any decision notice relating to the dispensing of Petrol on site. In accordance with separate legislation (not related to planning) MFRS states that the development will also be subject a Petroleum storage certificate to be issued by Merseyside Fire and Rescue Authority as the Petroleum Enforcing Authority prior to the installation of the approved scheme.

In terms of design the proposed PFS is simple and functional in appearance. The overall bulk and massing of the development is deemed acceptable as the site is set away from neighbouring properties. The PFS is approximately 10.6m from the rear boundary of the closest residential property 2 Ackers Road and 26m from the rear facing facade. This distance is deemed acceptable to ensure there will be no adverse impact upon neighbouring residential amenity.

Further objections have been made regarding the hours of operation. It is considered that in order to provide appropriate protection to the residential amenities of adjacent occupiers, the petrol filling station shall only be available for use at the same time that the store operates, this will include lighting and servicing and should members be minded to approve the scheme conditions shall be imposed.

Having regards to policies SH9 & SH11 of the Wirral UDP, there would be no intensification in retail activity as the development does not have a kiosk associated with the PFS, it will be fully automated and as such the retail element at Asda will not increase, other than the introduction of the sale of petrol. As such, it is considered that 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. The proposal is accessible by a choice of mode of transport as there is a bus stop on opposite side of road (however it is unlikely that anyone will use the bus to get petrol!?) and does not have any adverse effect on overall travel and car use as explained above.

The development is deemed acceptable in terms of the criteria set out in Wirral's Unitary Development Plan and the National Planning Policy Framework and is therefore recommended for approval.

## **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**

There are no objections to the proposal on highway grounds. See above.

## **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals. The Head of Environment & Regulation (Pollution Control Division) has been consulted with regards the potential for noise and disturbance, increased activity, smells and hazardous material and has raised no objections to the scheme.

## **HEALTH ISSUES**

There are no health implications relating to this application. In planning terms there are no grounds for refusal based on health grounds.

## **CONCLUSION**

The proposed pay at pump petrol filling station is small in scale and located within a small area of car park within an existing Asda store boundary. Subject to conditions, it is considered that the development would not cause harm to the amenities of local residents or to highway safety. In relation to these issues, the development would accord with adopted development plan policies and with national planning policy set out in the NPPF.

## **5. 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 proposed pay at pump petrol filling station is small in scale and located within a small area of car park within an existing Asda store boundary. Subject to conditions, it is considered that the development would not cause harm to the amenities of local residents or to highway safety. In relation to these issues, the development would accord with adopted development plan policies and with national planning policy set out in the NPPF.

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

## **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 8th April 2016 and listed as follows: 15-123-A 15 Rev B (Dated 19.02.16), 15-123-A 12 Rev A (Dated 02.02.16), 15-123-A 17 Rev A (Dated 31.03.16), 15-123-A 16 (Dated 31.03.16, 15-123-A 11 Rev B (Dated 30.03.16), 15-123-A 14 (Dated 18.02.16)

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

3. The petrol station shall be closed and all floodlighting turned off between the hours of 22:00 - 06:00 hours Monday to Saturday and between 18:00 hours - 10:00 hours on Sundays and Bank Holidays.

**Reason:** In the interests of amenity having regard to Policy SH9 & SH10 of the Wirral Unitary Development Plan.

4. Servicing and deliveries shall not take place between the hours of 22.00 hours and 06.00 hours Monday to Saturday and 18.00 hours and 10.00 hours on Sundays and Bank Holidays. No vehicle shall arrive before the start time or leave after the finish time.

**Reason:** In the interest of amenity having regard to Policy SH9 & SH10 of the Wirral Unitary Development Plan

5. The proposed floodlights should be cowled and directed away from residential properties having regard to Policy SH9 & SH10 of the Wirral Unitary Development Plan.

**Reason:** In the interest of residential amenity.

**Last Comments By:** 24/05/2016 15:47:33

**Expiry Date:** 03/06/2016

