

Planning Committee

15 September 2016

Reference:
APP/16/00951

Area Team:
South Team

Case Officer:
Mr N Williams

Ward:
Clatterbridge

Location: BP Petrol Station, BRIMSTAGE ROAD, BEBINGTON, CH63 3EL
Proposal: Redevelopment of existing petrol filling station (Variation of Condition 4 of planning permission APP/15/01640 to read "The petrol filling station and associated shop hereby permitted shall be closed to the public between the hours of 23:00 and 07:00")

Applicant: BP Oil (UK) Ltd
Agent : Rapleys LLP

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: Spital Garage, Brimstage Road, Bebington, CH63 3EL
Application Type: Full Planning Permission
Proposal: Alterations to roof and front elevation. Erection of new canopy pump island - pump and tanks.
Application No: APP/78/09074
Decision Date: 15/06/1978
Decision Type: Approve

Location: Spital Garage, Brimstage Road, Bebington, CH63 3EL
Application Type: Advertisement Consent
Proposal: Display of illuminated wall sign and illuminated pole sign.
Application No: ADV/78/11046
Decision Date: 04/01/1979
Decision Type: Conditional Approval

Location: Spital Garage, Brimstage Road, Bebington, CH63 3EL
Application Type: Advertisement Consent
Proposal: Display of one 4'0" illuminated Pegasus Disc.
Application No: ADV/78/09077
Decision Date: 15/06/1978
Decision Type: Conditional Approval

Location: Spital Garage, Brimstage Rd, Poultn/Spital, L63 3EL
Application Type: Full Planning Permission
Proposal: Extension to form M.O.T bay
Application No: APP/79/11887
Decision Date: 09/05/1979
Decision Type: Conditional Approval

Location: Spital Garage, Brimstage Road, Bebington, L63 3EL
Application Type: Full Planning Permission
Proposal: Installation of pressure jet car wash machine
Application No: APP/83/22894
Decision Date: 18/07/1983
Decision Type: Conditional Approval

Location: Spital Garage, Brimstage Road, Bebington. L63 3EL
Application Type: Full Planning Permission
Proposal: Redevelopment of existing petrol filling station.
Application No: APP/85/06586
Decision Date: 16/01/1986
Decision Type: Refuse

Location: Spital Filling Station, Brimstage Road, Bebington. L63 3EL
Application Type: Full Planning Permission
Proposal: Redevelopment of existing petrol filling station.
Application No: APP/86/05326
Decision Date: 17/04/1986
Decision Type: Approve

Location: Spital Filling Station, Brimstage Road, Bebington. L63 3EL
Application Type: Advertisement Consent
Proposal: Erection of illuminated signs.
Application No: ADV/87/05245

Decision Date: 19/03/1987
Decision Type: Approve

Location: Spital Filling Station, Brimstage Road, Bebington. L63 3EL
Application Type: Full Planning Permission
Proposal: Erection of six five-metre high floodlights.
Application No: APP/87/06529
Decision Date: 06/10/1987
Decision Type: Returned invalid

Location: Spital filling station, Brimstage Road, Bebington. L63 3EL
Application Type: Full Planning Permission
Proposal: Relocation of existing planning approved development layout.
Application No: APP/87/05798
Decision Date: 22/05/1987
Decision Type: Not an application

Location: Spital Filling Station, Brimstage Road, Bebington. L63 3EL
Application Type: Full Planning Permission
Proposal: Retention of five forecourt floodlights.
Application No: APP/87/06946
Decision Date: 14/01/1988
Decision Type: Approve

Location: Spital Filling Station, Brimstage Road, Bebington. L63 3EL
Application Type: Full Planning Permission
Proposal: Variation of condition 9 of planning permission 86/5326 to allow automatic car wash to operate 7 days a week and on public holidays between the hours of 8am. to 8pm.
Application No: APP/89/05454
Decision Date: 20/04/1989
Decision Type: Refuse

Location: Spital Service Station, Brimstage Road, Bebington. L63 3EL
Application Type: Full Planning Permission
Proposal: Installation of jet wash, car vacuum machine and new dispensing pumps and islands.
Application No: APP/92/06411
Decision Date: 16/10/1992
Decision Type: Approve

Location: Spital Service Station, Brimstage Road, Bebington. L63 3EL
Application Type: Advertisement Consent
Proposal: Erection of illuminated fascia signs, spreader boxes and floodlights.
Application No: ADV/92/06404
Decision Date: 16/10/1992
Decision Type: Approve

Location: Spital Service Station, Brimstage Road, Bebington. L63 3EL
Application Type: Advertisement Consent
Proposal: Erection of illuminated and non illuminated signs.
Application No: ADV/97/05265
Decision Date: 22/04/1997
Decision Type: Approve

Location: Spital Garage, Brimstage Road, Bebington, Wirral, CH63 3EL
Application Type: Full Planning Permission
Proposal: Redevelopment of existing petrol station including new retail sales building, new pumps & islands, 14 car parking spaces and new floodlights.
Application No: APP/99/06130

Decision Date: 14/06/2000
Decision Type: Withdrawn

Location: Spital Garage, Brimstage Road, Bebington, Wirral, CH63 3EL
Application Type: Full Planning Permission
Proposal: Installation of a cash machine into existing sales building
Application No: APP/00/05160
Decision Date: 04/02/2000
Decision Type: Not an application

Location: BP Petrol Station, BRIMSTAGE ROAD, BEBINGTON, CH63 3EL
Application Type: Full Planning Permission
Proposal: Redevelopment of the existing petrol filling station to include demolition and replacement of sales buildings, new canopy, removal of car wash, replacement fuel pumps and underground storage tank, new underground offset fills, car parking, ATM, Soft and hard landscaping, boundary treatments and ancillary arrangements to forecourt
Application No: APP/15/01640
Decision Date: 15/03/2016
Decision Type: Approve

Location: BP Petrol Station, BRIMSTAGE ROAD, BEBINGTON, CH63 3EL
Application Type: Advertisement Consent
Proposal: Various illuminated and non-illuminated signage.
Application No: ADV/16/00529
Decision Date: 09/06/2016
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council's Guidance for Publicity on Planning Applications, 21 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been a petition of objection containing 27 signatures received and 10 individual objections/comments received. The objections can be summarised as:

1. Excessive noise and disturbance;
2. Pollution and light from more vehicles;
3. Increase in opening hours may result in other operations being done at even earlier hours

Councillor Cherry Povall objects to the proposal on behalf of residents situated in the densely populated area and that any increase in trading hours will cause increased disruption to them and the enjoyment of their family homes.

CONSULTATIONS:

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

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

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of objection signed by 27 signatures has been received.

INTRODUCTION

The application is to vary Condition 4 of planning permission APP/15/01640, which was for the redevelopment of the BP petrol station on Brimstage Road. Condition 4 limited opening hours to between 08:00 and 22:00, and this application seeks to vary that condition to allow opening hours of between 07:00 and 23:00 - effectively being an increase of one hour either side of these opening hours.

The application originally proposed an opening time of 06:00, but this has now been amended to a 07:00 opening.

SITE AND SURROUNDINGS

The application site is an existing petrol filling station, with associated canopy, shop, car wash and other facilities which is being redeveloped with a new sales building, canopy and pumps, and associated works. The site is within an area designated in Wirral's Unitary Development Plan as being a Primarily Residential Area, and in keeping with this, the area contains residential properties throughout the immediate vicinity, and on all sides of the petrol filling station - although it should be noted that Brimstage Road is a busy, classified road (B5137).

POLICY CONTEXT

The proposal is subject to Wirral Unitary Development Plan Policy HS15: Non-Residential Uses in Primarily Residential Areas, and the National Planning Policy Framework.

APPEARANCE AND AMENITY ISSUES

The petrol filling station has traditionally benefitted from opening hours from 7am until 10pm, with these hours stipulated in a condition attached to the previous development of the site in the 1980s (reference APP/86/05326). This condition did, however, only relate to Monday to Saturday, with hours of opening on Sundays and Bank Holidays being controlled to between 9am until 10pm.

It is not considered that there should be different opening hour restrictions placed on Sundays and Bank Holidays, the likely custom at these 'extra' hours being lower than on other days, and any disturbance to neighbours therefore being minimal. Standardised hours for all days is therefore considered to be the most sensible way to control the hours of operation of this scheme, as was the case with the recent permission for the redevelopment of the site.

In comparison to the original Condition 4 of planning permission APP/15/01640, the increase in hours will only amount to one hour either side of opening and closing time. Brimstage Road is a busy, classified road which leads to Junction 4 of the M53 and therefore carries significant levels of traffic most of the day. It is unlikely that an extra hour of opening either end of the day would result in a substantial increase in noise and disturbance to neighbouring properties. Unlike the original proposal for a 6am opening, 7am is not considered to be a wholly unsociable time, with the petrol filling station being suitably located for commuters early in the morning. Despite this suitable location for commuters, it is still considered that the number of cars attending the site at this time will likely not be excessive and therefore the noise associated with cars visiting the site is unlikely to be to such an extent that it would have an unacceptable adverse impact upon the amenities of neighbouring residential properties. This same consideration is taken for the extra one hour at the end of the day.

In addition to the likely small numbers of customers attracted by the extra hour at either end of the day, the residential properties to the rear of the site are also largely screened from noise on the forecourt by the associated shop whilst properties opposite (and to the side) will already experience a degree of noise from the busy road. Whilst the closing of car doors and voices of customers can often have an impact on properties surrounding petrol stations, the distances involved in this case, together with the location of the petrol station on an already busy road, means that any increase in disturbance from cars visiting the garage is likely to be minimal. The proposed hours are in line with what has been approved by Wirral Council's Licensing section, whilst it is also important to note that the servicing (including deliveries) of the site are controlled by a separate condition which is not to be altered.

SEPARATION DISTANCES

All required separation distances are met for this proposal.

HIGHWAY/TRAFFIC IMPLICATIONS

The variation of opening hours is unlikely to result in any highway safety implications.

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 not harm the amenities of neighbouring residential properties or the character and appearance of the area, and as such the proposal is considered to comply with Wirral Unitary Development Plan Policy HS15 and the National Planning Policy Framework.

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 not harm the amenities of neighbouring residential properties or the character and appearance of the area, and as such the proposal is considered to comply with Wirral Unitary Development Plan Policy HS15 and the National Planning Policy Framework.

Recommended Decision: **Approve**

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 23rd December 2015 and listed as follows: 30063-20; 30063-21; 30063-22; 30063-23; 30063-24

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

3. Prior to the development first being brought into use, all boundaries with residential properties shall have a close-boarded fence to a minimum height of 1.8 metres, and this shall be retained as such unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interest of residential amenity

4. The petrol filling station and associated shop hereby permitted shall be closed to the public between the hours of 23:00 and 07:00

Reason: In the interests of residential amenity

5. No servicing (including deliveries) of the petrol filling station and shop hereby permitted shall take place between the hours of 22:00 and 08:00

Reason: In the interests of residential amenity

Further Notes for Committee:

Last Comments By: 24/08/2016

Expiry Date: 29/08/2016