

Planning Committee

19 July 2018

Reference:
APP/18/00434

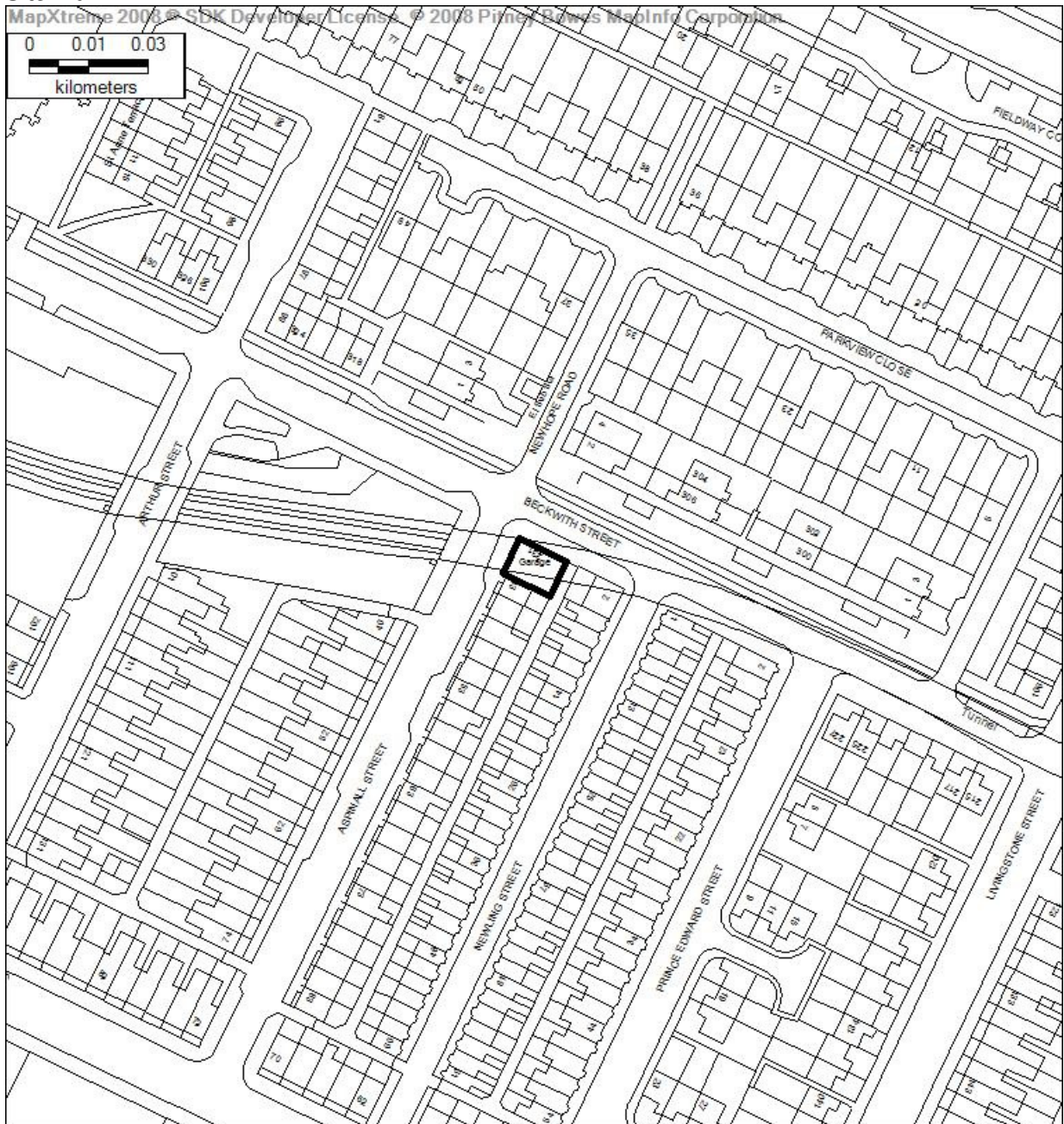
Area Team:
South Team

Case Officer:
Mrs S Williams

Ward:
Bidston and St James

Location: 231-231A BECKWITH STREET, BIRKENHEAD, CH41 4HW
Proposal: Change of use from car repair garage to a convenience grocery store and off licence - Re-submission of planning application APP/17/00647
Applicant: Mr Gopinath
Agent : MAT DESIGN

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: 231-231A BECKWITH STREET, BIRKENHEAD, CH41 4HW
Application Type: Full Planning Permission
Proposal: Change of use from car repair garage to a convenience grocery store and off licence.
Application No: APP/17/00647
Decision Date: 17/08/2017
Decision Type: Refuse

Location: 231 Beckwith Street, Birkenhead, L41 4hw
Application Type: Full Planning Permission
Proposal: Continuation of use as a vehicle repair and service business
Application No: APP/76/06304
Decision Date: 02/05/1977
Decision Type: Approve

Appeal Details

Application No	APP/17/00647
Appeal Decision	Dismissed
Appeal Decision Date	20/12/2017

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

Having regard to the Council's Guidance for Publicity on Planning Applications, 22 notifications were sent to adjoining neighbouring properties and a site notice was displayed near the site. At the time of writing this report 7 objections, one comment of support have been received and a petition containing 108 signatures against the proposal. Concerns can be summarised as:

1. Inappropriate use for area;
2. Disruption caused by youths in the area (anti-social behaviour);
3. Health issues;
4. Littering the area (causing more rats);
5. Increase traffic;
6. Additional noise;
7. Focus for loitering in the event of alcohol being sold;
8. Inappropriate behaviour (police map findings).

CONSULTATIONS:

Engineers - No objections

Environmental Health - No objection

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

A qualifying petition of objection, containing 108 signatures, has been received.

INTRODUCTION

The proposal seeks planning permission for the change of use from a car repair garage to a convenience grocery store and off licence. The proposal is a resubmission of a previously refused planning application (APP/17/00647). The original application was refused at Planning Committee on the grounds of:

1. The proposed use is considered inappropriate having regard to Wirra's UDP Policy HS15, in this predominantly residential area and therefore detrimental to the amenities of adjoining occupiers by reason of the proposed opening hours which would result in unacceptable levels of nuisance and disturbance; and
2. The introduction of a retail unit in this location is considered inappropriate and unsatisfactory. Insufficient evidence has been submitted to justify retail development outside of nearby designated retail centres. The proposal is not considered acceptable in this location having regard to Policies SH9, SH10 of the Wirral Unitary Development Plan and the principles of the National Planning Policy Framework.

Following on from the refusal, the applicant appealed the Council's decision, and the appeal was subsequently dismissed.

SITE AND SURROUNDINGS

The application site comprises of a vacant motor repairs garage, located on the corner of Beckwith Street and Aspinall Street. The application site lies within a defined Primarily Residential Area. The nearest residential properties are 43 Aspinall Street, which directly adjoins the rear elevation of the proposed site and 2 Newling Street which is separated by a narrow gated alleyway.

POLICY CONTEXT

The application property is located within land designated as Primarily Residential Area in Wirral's Unitary Development Plan (UDP), and the building falls under a Sui Generis use as it is a motor repairs garage. National Planning Policy Framework (Requiring Good Design) and Wirral UDP Policy HS15 - Non-Residential Uses in Primarily Residential Areas are directly relevant in this instance.

Policy HS15 aims to support small scale built development and changes of use for non-residential uses provided that the scale is appropriate to the surrounding development, the proposal does not result in a detrimental change to the character of the area or cause nuisance to neighbouring uses, particularly in respect to noise and disturbance, on street parking and deliveries by vehicle.

In order to assess the proposal fully UDP Policies SH01, SH9, SH10 and the national sequential test at NPPF para 24 and 27, the agent has been asked to undertake the sequential test. The areas which were to be assessed under this document relate to vacant units sited within Laird Street Traditional Suburban Centre, Claughton Village and Birkenhead Town Centre. This document has been attached to the file with the demonstration why vacant units within these subjected areas have been discounted. The agent has confirmed that the proposals for 231 Beckwith Street will bring the vacant unit back into economic use and create jobs/prosperity. The agent has also confirmed that the proposal will help bring back into economic use, which will result in a positive re-use of this building. In conclusion, the agent has stated "Having considered the availability of sites within the identified sequential test area, it has been concluded that there are no sites adequate in their capacity for the type of development proposed, which requires not only land to accommodate the required retail, store and staff facilities floor space but circulation space for customers. In addition, site deliveries can be accommodated at the site, without compromising highway or pedestrian safety".

APPEARANCE AND AMENITY ISSUES

Within the Planning Inspector's report for the previous appeal, concerns were raised relating to the proposal being within very close proximity to the side of No. 43 with the sales and counter area separated from the living accommodation by only a party wall, with similar arrangement between the proposed store and staff facilities, and the rear of No.43. It was considered that due to the close proximity of the two properties, movements associated with the use of the proposal would be apparent to No.43, even though the window and door openings would be on the Beckwith Street elevation. Similarly, the rear of No. 2 would also be in close proximity to movements at the premises.

The proposed opening hours originally would have extended from 0700 or 0800 in the morning to 2300 at night, 7 days a week. The Planning Inspector stated that given the extensive time periods that the proposal would be open and the proximity to neighbouring residential properties, this would result in the potential for a prolonged period of associated noise and disturbance.

The internal layout of the proposal has now been amended and includes the introduction of soundproofing to the party wall with No. 43. Additionally, the proposed opening hours have been reduced. The applicant originally proposed opening hours of 0700 - 2100, however, having regard to the Planning Inspectors report and to address concerns of local residents, the Local Planning Authority considered that those hours of use would still be excessive. It is considered that a daytime use would be more suited to the residential area and therefore a condition has been attached to restrict the hours of use to 0800 - 18:00. These suggested hours seem a reasonable compromise given the circumstances and the applicant has agreed to move forward with the planning application on this basis.

It is therefore considered that the restriction in opening hours to a daytime use and the provision of soundproofing, the proposed change of use should not have an adverse impact upon residential properties. It should also be taken into consideration that the current use of the building is for a car repair garage, which in comparison to the proposed use could create an exceptionally adverse amount of noise and disturbance to local residents due to the use of motor vehicles and heavy equipment.

With regards to the second reason for refusal (relating to the introduction of a retail unit in this location being considered inappropriate and unsatisfactory), the Planning Inspector did not consider that it would harm the vitality and viability of existing centres, and there is therefore now no reason to justify refusing the application on these grounds.

The agent has submitted a statement as part of this planning application, which includes information that the Council's licensing department has granted a license for the premises to be open from 0700 - 2300 hours, whilst alcohol can be sold from the premises between 1000 and 2200 hours. Although this may be the case, the Council's licensing department does not hold any weight with regards to planning applications and therefore, the grant of the license on the premises does not overrule planning issues.

SEPARATION DISTANCES

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

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 not have an unacceptable adverse impact upon the amenities of neighbouring residential properties or the character of the area, and will have a positive impact bringing a disused building back into use. The proposal is therefore considered to comply with Wirral Unitary Development Plan Policy HS15 - Non-Residential Uses in Primarily Residential Areas of Wirra's Unitary Development Plan and the National Planning Policy Framework. The proposal is also acceptable after having regard to UDP Policies SH01, SH9, SH10 and the national sequential test at NPPF para 24 and 27.

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 have an unacceptable adverse impact upon the amenities of neighbouring residential properties or the character of the area, and will have a positive impact bringing a disused building back into use. The proposal is therefore considered to comply with Wirral Unitary Development Plan Policy HS15 - Non-Residential Uses in Primarily Residential Areas of Wirra's Unitary Development Plan and the National Planning Policy Framework. The proposal is also acceptable after having regard to UDP Policies SH01, SH9, SH10 and the national sequential test at NPPF para 24 and

27.

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 27th March 2018 and listed as follows: drawing number 2 (date Feb 2018).

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

3. Trading at the premises shall only take place between 08:00 hours and 18:00 hours

Reason: In the interests of residential amenity.

4. A scheme of sound insulation to protect the existing residential dwellings at 43 Aspinall Street from the proposed use shall be submitted to and approved in writing by the Local Planning Authority prior to the proposed change of use taking place/ development commencing. The soundproofing shall be carried out in accordance with the approved scheme before the proposed use is brought into use and retained as such thereafter.

Reason: To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity and to comply with Policy HS15 in the Wirral Unitary Development Plan.

5. Notwithstanding the provisions of the Town & Country Planning (General Development Procedure) Order 2015 (or any subsequent re-enactment) and the Town and Country Planning General Permitted Development Order (2015) the gross internal floorspace including any mezzanines shall not exceed 130 square metres and there shall be no further sub division into smaller units.

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 and the neighbours amenity. 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 Policies SH9 & HS15 and the National Planning Policy Framework.

6. Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes Order) 1987 (or any subsequent re-enactment) and the Town and Country Planning General Permitted Development Order (2015) (or any subsequent re-enactment), the premises shall only be used as grocery store and off license and for no other purpose.

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 and the neighbours amenity. 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 Policies SH9 & HS15 and the National Planning Policy Framework.

7. Arrangements for the storage and disposal of refuse including recycling facilities and vehicle access thereto shall be installed before the premises are brought into use for the purposes

hereby approved, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such thereafter.

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

Last Comments By: 10/05/2018
Expiry Date: 22/05/2018