

Planning Committee

21 June 2011

Reference:
APP/11/00065

Area Team:
North Team

Case Officer:
Mrs S Lacey

Ward:
Claughton

Location: Townfield Close, Claughton, CH43 9JW
Proposal: Demolition of existing petrol filling station and erection of a Class A1 retail unit.
Applicant: Mr Halpern
Agent : GL Hearn

Site Plan:



Development Plan Allocation and Policies:

Primarily Residential Area
Density and Design Guidelines Area

Planning History:

DLS/78/09478 - Public house (reserved matters) - approved conditionally 18/09/1978

APP/80/15424 - Proposed petrol filling station - approved conditionally 24/07/1980

OUT/04/06821 - Erection of 6 houses (outline) - refused 09/12/2004

APP/08/06101 - Change of use of part of grassed area to family beer garden with childrens play area, decking and fencing - approved 23/10/2008

APP/10/00139 - Demolition of petrol station and erection of single storey shop units (Class A1) - approved 21/10/2010

Summary Of Representations and Consultations Received:

REPRESENTATIONS

A total of 45 letters of notification have been sent to properties in the area and a Site Notice was displayed on 20 February 2011 on Townfield Lane in accordance with the Council's guidance on publicity for applications.

At the time of writing this report 20 individual letters of objection and a qualifying petition of objection listing signatures from 1000 separate households have been received citing the following concerns:

1. Any new development on this site will badly affect current traders;
2. Parking will become a nightmare as it is already busy following the health centre opening.
3. This is a residential area and is appropriate only for local shops, not for a larger unit.
4. The Post Office will be seriously affected and the probable loss of the Post Office would be seriously detrimental to the area.
5. Townfield Primary is opposite this site. The school is already situated on a busy road. However, the addition of a new retailer here would significantly add to the traffic, creating a danger for children at key points in the day.
6. A new retailer would exacerbate further the serious lack of parking around the shops and school which has already been adversely affected by the new medical centre bringing additional traffic to the immediate vicinity of this site.
7. Highway safety and congestion;
8. Noise and disturbance given the proximity to residential properties;
9. HGV deliveries;
10. Increased traffic especially through traffic on Overton Way;
11. Impact on pedestrian safety;
12. There are enough supermarket chains in this area;
13. The existing service road and Townfield Lane/Noctorum Way are in poor repair and this will worsen with HGVs;
14. Hours of opening unsuitable;
15. Risk of crime;
16. The application is invalid;
17. The retail statement is inadequate;
18. The submitted Transport Statement is inaccurate and misleading;
19. Detriment to amenity including noise and air quality;
20. There is insufficient parking for staff and parents at Townfield Primary and the proposal should include amendments to parking and access to the school;
21. There have been drink related incidents in the area and the premises may sell alcohol;
22. Light pollution;
23. There are already 4 large supermarkets within a 10 minute drive;
24. Smaller shops in Oxton, Upton and Penton will suffer;

25. An application for a Sainsbury's Local in Heswall was refused which demonstrates there is no need for additional convenience retail floorspace in the Borough;
26. There are vacant units in Birkenhead, Prenton, Upton, Claughton and Oxton Road, and the proposal will harm the vitality of these centres and be contrary to local and national policy;
27. Townfield Lane is not suitable for HGV lorries;
28. The proposal will conflict with the Council's plans to revitalise existing shopping centres.

Councillors Stuart Kelly, George Davies, Denise Roberts and Steve Foulkes have requested, on behalf of local residents, that the application be removed from delegation, stating the following reasons:

1. It is of such a scale (ie. single retail unit as compared with 4 separate, smaller units) as to be inappropriate to the surrounding uses;
2. It is likely to result in a detrimental change in character of the area as existing small retail units make way for this much larger development and use;
3. It is likely to cause nuisance to neighbouring uses as no provision for deliveries has been made on plans;
4. The proposed opening hours are inappropriate in a predominantly residential area including the proposed weekend opening hours
5. The retail assessment submitted with the application in that it states (page 8 para 4.4), 'the absence of any vacancies in this parade indicates a healthy centre' and again states (page 16 para 5.10) 'with no vacancies'. These statements are incorrect as there are current vacancies within the centre;
6. The proposal will prove detrimental in particular to the host store of the community post office which may result in its closure resulting in a significant loss of amenity to local residents
7. The principle of a larger retail development has not been established by previous applications and permissions as stated in the applicants Design and Access Statement.

A petition of 92 signatures of support for the proposal, and five individual letters of support were received citing the following comments:

1. The proposal will improve business for existing traders on the shopping parade;
2. The proposal will improve the area as having a disused petrol station is an eyesore;
3. A small supermarket is a benefit to those who work long hours yet want fresh food and bread etc early morning and evenings when travelling to and from work;
4. The proposal will compliment the existing centre and add to the range of retailers;
5. The development will increase the visibility of the centre;
6. It will increase the potential range of customers;
7. It will reduce the potential for vandalism and nuisance activities compared to if the site remains unused

CONSULTATIONS

Director of Technical Services (Traffic Management) - no objection (see Director's Comments)

The Director of Law, HR and Asset Management (Environmental Health) - no objection subject to conditions to require a ground contamination survey and appropriate remediation

Merseyside Cycling Campaign - adequate cycle parking in line with the Council's adopted standards required.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition listing signatures from 1000 households in opposition to the application was received. The application has also been removed from delegation by Councillors Stuart Kelly, George Davies, Denise Roberts and Steve Foulkes.

INTRODUCTION

The proposal is for a redevelopment of the former petrol station site at Townfield Lane. The development would consist a single-storey building with a gross internal floor area of 352sq m. There

is a proposed car parking area to the east (13no. spaces). The building proposed is simple in design, brick built with a pitched slate roof.

A previous application for 4 small units (gross floor areas measuring 81.9sq m, 81.9sq m, 103.2sq m and 130.3sq m) was approved under planning application APP/10/00139 subject to a condition to prevent merging of the smaller units to enable the Local Planning Authority to consider the implications on the town centres if an alternative scheme came forward.

PRINCIPLE OF DEVELOPMENT

The site is designated within the Unitary Development Plan as a Primarily Residential Area. National policy PPS4 requires proposals of this type to demonstrate that there are no more sequentially preferable sites particularly in existing town centres. UDP Policy HS15 permits non-residential uses, subject to three criteria. The site forms part of a shopping parade (in conjunction with the public house and retail terrace to the west and north). It cannot however be treated as a town centre under the terms of PPS4. UDP Policy SH4 establishes that within such small shopping centres and parades, small scale uses falling within Use Classes A1, A2 and A3 of the Use Classes Order 1987 (replaced by Use Classes A1 to A5 in the 2005 amendment to this legislation) will be permitted subject to Policy HS15 and to five further criteria. Small scale A1 retail units have been accepted in principle under existing permission for the site APP/10/00139.

SITE AND SURROUNDINGS

The application site is a petrol filling station on the corner of Townfield Lane and Townfield Close, adjacent to the Wirral Hundred public house. The site is roughly triangular, bounded by Townfield Lane to the south and Townfield Close to the east and north. The petrol station building is located to the west of the site, beyond which is a stepped access to the Wirral Hundred and retail premises to the north. The area to the north consists a single terraced line of small retail premises within use classes A1 and A5, including a post office, a pharmacy, a hairdresser and a hot food takeaway, which serve the local area. Servicing is provided to the west of these shops, whilst car parking provision is to the east. A medical centre is sited on land to the north and east of the existing retail shops at the site (planning permission approved APP/2007/6314), including a portion of the existing car park. Further to the east are areas of housing, whilst to the south (beyond Townfield Lane) there is open space in public recreational use and Townfield School.

The application site itself slopes steeply up from Townfield Lane behind a low retaining wall. The retail store would be located largely on the footprint of the tarmac' petrol station forecourt site. The building has been designed to take account of the topographical changes within the main part of the site, with finished floor levels and shop frontage features stepped with the contours of the site.

POLICY CONTEXT

The following planning policy is relevant to this application.

National Planning Policy Statements:

- PPS1 Delivering Sustainable Development
- PPS4 Planning for Sustainable Economic Growth
- PPG13 Transport

Wirral Unitary Development Plan:

- URN1 Principles and Urban Regeneration
- SH01 Principles for New Retail Development
- SH4 Small Shopping Centres and Parades
- HS15 Non Residential Uses in Primarily Residential Areas.

The application was accompanied by a retail statement (dated January 2011) a supplementary statement was submitted (dated March 2011), and additional documentation was provided in April 2011 to address the requirements of national retail policy in PPS4. This shows that there are two vacant sites, one at the former bookmakers 343 Woodchurch Road, and the other at a disused petrol station at 316 Woodchurch Road within Prenton Town Centre. However, these have been discounted

by the applicant on the grounds that they are either unavailable or unsuitable due to the future plans of the owners, or constraints relating to access rights and servicing. The applicant has also provided information to claim similar stores have not had an adverse impact on retail in similar situations within Wirral as well as other examples in the Greater Manchester sub-region.

The information received to date has sought to address the tests set out in national planning policy PPS4.

The site forms part of an established shopping parade, for which UDP Policy SH4 establishes criteria. For A1 uses such as that proposed, the policy requires, in particular, assessment of the potential impacts in terms of nuisance through noise and disturbance, on-street parking and deliveries. UDP Policy HS15 requires the proposals to be appropriate in scale to surrounding development, not to result in a detrimental change in character in the area, and not to cause nuisance to neighbouring uses.

APPEARANCE AND AMENITY ISSUES

The building would be single storey, with a height of approximately 8.5m to the ridge. The nearest residential properties to the site are located on Helton Close, to the west of the site at a distance of approximately 31m, and largely screened from view of the site by the existing Wirral Hundred public house. Flats do exist above the commercial premises to the north and west, though as these residential properties are above existing commercial uses they are unlikely to experience greater impacts from the development proposed. The previous use of the site as a petrol station is also a material consideration in this instance - traffic movements, vehicle noise and general noise and disturbance impacts are anticipated to decrease by comparison. In conclusion, the proposed development would not present significant detrimental impacts to residential amenity.

The design of the proposed development is simple and relatively traditional, proposing a brick and tiled roof finish. It is considered that the design can be in keeping with buildings in the local area, notably the Wirral Hundred public house adjacent to the site. The plans were amended to incorporate two full length glazed panels added to the north elevation and an additional glazed panel added to the east elevation, to create a more active frontage and to improve linkage with the rest of the centre. The roof design was amended to provide some relief to break up and enliven the appearance of the roof as whole, on this prominent elevation. A Design Out Crime Assessment was submitted with the previous application, and the measures proposed were secured by a planning condition, which can be placed on this application. The site would retain a grassed border which would soften the development when viewed in the streetscene. It is considered that the replacement of the existing petrol station canopy, building and signage presents an opportunity for the improvement of the appearance of this corner site.

The application has been accompanied by a 'Phase 1' environmental risk assessment of the site, considering the potential for ground contamination and pollutants. The findings of the survey are that there is evidence of potential ground contamination, with plausible pathways to potential receptors. As such, further intrusive investigation is recommended. This investigation, and subsequent remediation necessary, would be the subject of planning conditions.

The proposed development would project further to the north than the existing petrol station store, and is closer to the boundary with the adjoining public house. Whilst the projection forward of the Wirral Hundred is approximately 7m, there is good screening vegetation within the adjoining site, the west elevation of the store would be blank, and the Wirral Hundred is set back 5m from the shared boundary. As such it is not considered that the impacts of the development would be overbearing to the occupiers of the Wirral Hundred.

SEPARATION DISTANCES

In this instance, the proposed development would not be located within 21m of a residential dwelling. There are no windows proposed to the west elevation which is closest to residential properties fronting Helton Close, at a distance of 31m. As such, it is not considered that residential outlook would be affected.

HIGHWAY/TRAFFIC IMPLICATIONS

The planning application is accompanied by a Transport Statement (TS) considering the impacts of

the proposal to traffic management, including the provision of car parking.

The proposed development has parking provision for 13 vehicles within the site, which is 59% of the maximum 22 spaces allowed by the Council's Supplementary Planning Document (SPD) 4 for a development of this nature.

The site is accessed via the unadopted Townfield Close, and the application includes an improved turning facility to accommodate the largest articulated delivery vehicle and will allow all delivery vehicles to enter and leave Townfield Close in a forward gear.

It is predicted that generally speaking the daily traffic movements generated by the development will be significantly less than that generated by the former petrol filling station. However, traffic movements during the morning and evening peak hours (7am to 8am and 5pm to 6pm) for the convenience store would be higher than its previous use as a petrol filling station. The proposal gives good opportunity for both linked trips to the other facilities adjacent to the site and with good existing pedestrian crossing facilities to the east on Townfield Lane and to the west on Noctorum Way, there is also good opportunity for walking trips to the site. There are bus stops in close proximity to the site with 30 minutes services in both directions.

Subject to the conditions set out below, it is concluded that there are no traffic or highway safety reasons for refusal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no significant environmental or sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The information received to date has sought to address the tests set out in national planning policy PPS4.

The proposed development is considered acceptable in relation to the criteria of UDP Policies HS15 and SH4, and would present no significant detriment to the amenities of neighbouring properties or detrimental change to the character of the local area.

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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is considered acceptable in relation to the criteria of UDP Policies HS15 and SH4, and would present no significant detriment to the amenities of neighbouring properties or detrimental change to the character of the local area.

Recommended Approve
Decision:

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 retail units hereby permitted shall be closed between the hours of 23.00 and 08.00 Mondays to Saturdays, 18.00 and 08.00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity, having regard to UDP Policy HS15.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Wirral UDP Policy HS15.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent re-enactment) there shall be no creation of additional floor space within the building hereby permitted as shown on the approved plan drawing no. P203(A). For the avoidance of doubt, the retail unit shall have a gross floor space of no greater than 352m².

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 when they may be put forward having regard to Unitary Development Plan Policies and National Planning Policy PPS4.

5. Details of the appearance and operation of the proposed roller shutters shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in full prior to the first use of the development hereby permitted and retained as such thereafter.

Reason: In the interest of visual amenity and to comply with Wirral UDP Policy SH8.

6. No part of the development hereby permitted shall commence until:

- a) An investigation and assessment methodology, including analysis suite and risk assessment methodologies has been agreed in writing by the Local Planning Authority prior to site investigations;
- b) A site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination (including chemical/radiochemical/landfill gas/asbestos/physical hazards/other contamination) at the site and submitted to the Local Planning Authority. The investigation and assessment shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risk associated with them;
- c) A statement giving precise details of the nature and extent of any such remediation which shall include an implementation timetable, monitoring proposals and remediation validation methodology has been submitted to and agreed in writing by the Local Planning Authority, and;
- d) The remediation scheme has been agreed by the Local Planning Authority to have been demonstrably and successfully completed.

Reason: To ensure that any contamination of the site is effectively dealt with and to comply with Wirral UDP Policy PO5.

7. Development shall not commence until a scheme for the provision of cycle parking has been submitted to and agreed in writing by the local planning authority. The cycle parking facility shall be erected in accordance with the approved details prior to the occupation of the development hereby approved and retained as such thereafter.

Reason: To promote the use of more sustainable forms of transport, having regard to policy TR12 (Requirements for Cycle Parking) of the Wirral Unitary Development Plan.

8. The development shall be implemented in accordance with the drawings received 6 April 2011 (referenced P 203 A and P 103 A)

Reason: For the avoidance of doubt.

9. Details of any security or floodlighting shall be submitted to and agreed in writing with the Local Planning Authority before any such lighting is brought into use.

Reason: In the interests of amenity and to comply with Wirral UDP Policy HS15.

10. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) of the Wirral Unitary Development Plan.

11. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 10. The works shall be carried out prior to the first use of any part of the development.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) of the Wirral Unitary Development Plan.

12. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance and avoid overlooking having regard to Policies SH4 and HS15 of the Wirral Unitary Development Plan.

Last Comments By: 11/03/2011 11:30:10

Expiry Date: 04/04/2011