

Planning Committee

15 October 2020

Reference:
APP/19/01342

Area Team:
**Development
Management Team**

Case Officer:
Mr P Howson

Ward:
**Moreton West and
Saughall Massie**

Location:
Proposal:

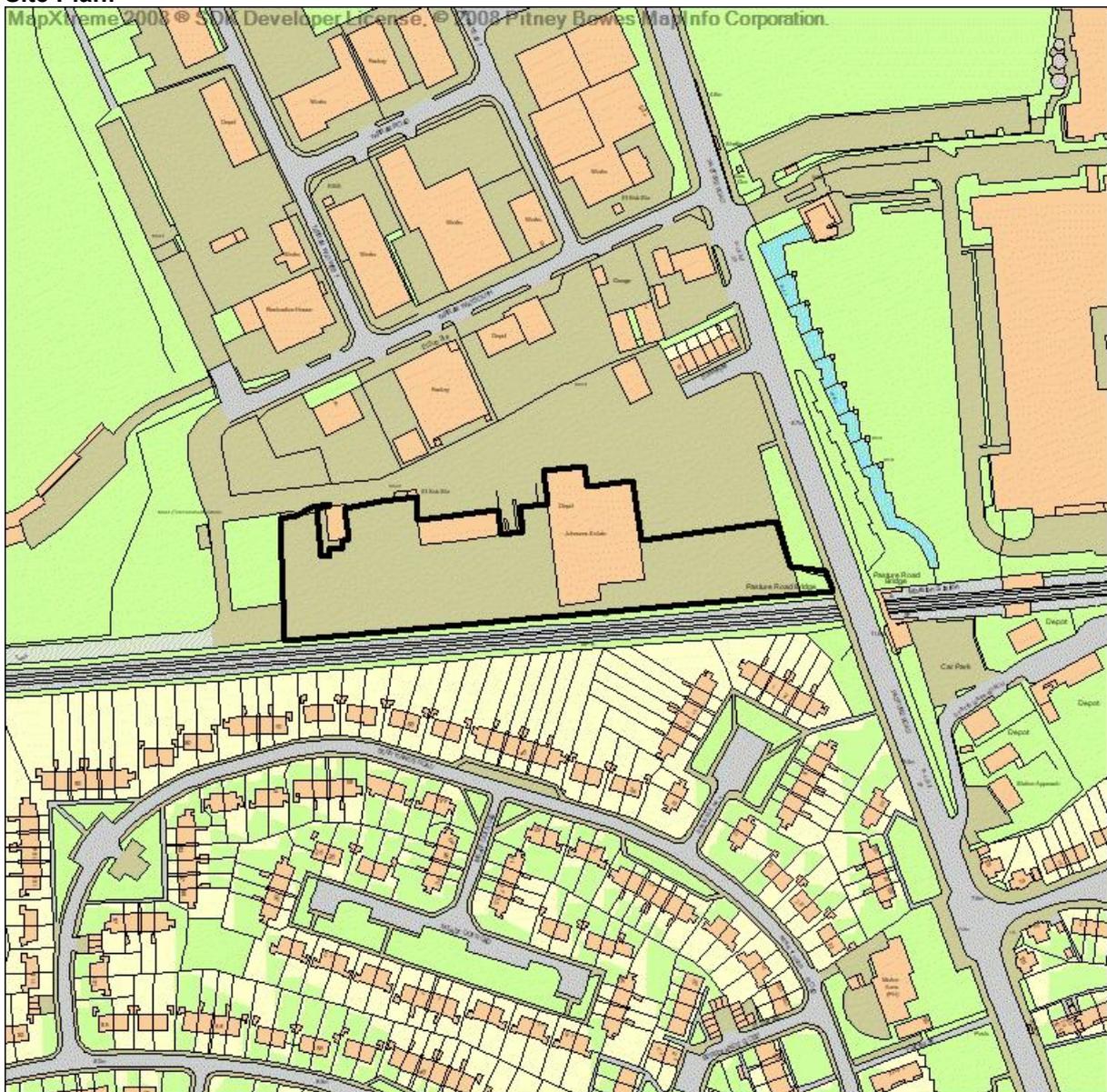
5 JOHNSONS ESTATE, TARRAN WAY SOUTH, MORETON, CH46 4TP
Addition of 4 new small buildings: 1. To house a dust extractor on the external of the factory building, 2. A porta-cabin to act as the site workers canteen, 3. A porta-cabin to act as the site workers changing and drying room & 4. A small wooden shed to house a table saw that in turn has its own dust extraction. Change of operating Hours to run 24 hours a day 7 days a week.

Applicant:
Agent:

Mr Wright
Paddock Johnson Partnership

Qualifying Petition: Yes, Number of Signatures: 55

Site Plan:



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Development Plan designation:

Primarily Industrial Area

Planning History:

Location: Johnsons Yard, Tarran Way South, Moreton, Wirral, L46 4TP

Application Type: Full Planning Permission

Proposal: Erection of a portal steel framed metal clad production unit (amendment to original consent APP/95/6055/D - roof height raised by 1.6 metres)

Application No: APP/98/05152

Decision Date: 06/03/1998

Decision Type: Approve

Location: Johnsons Yard, Tarran Way South, Moreton, Wirral, L46 4TP

Application Type: Full Planning Permission

Proposal: Retention of a cement silo on steel/concrete base, storage container, sand store and hardcore store

Application No: APP/05/05342

Decision Date: 29/04/2005

Decision Type: Approve

Summary of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

- 1.1 Councillor Berry has requested this item be taken out of delegation citing concerns the amenity of the adjacent residences.

2.0 SUMMARY OF REPRESENTATIONS**REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 60 notifications were sent to neighbouring properties. At the time of writing 6 letters of representation been received objecting to the proposal. A qualifying petition signed by 55 signatures has also been received against the proposal. The objections can be summarised as follows:

1. Noise and disturbance
2. Pollution

CONSULTATIONS

Highways – no objection

Environmental Health – no objection subject to conditions

United Utilities – no objection

3.1 Site and Surroundings

- 3.1.1 The development site and the land to the north, east and west all lies within a Primarily Industrial Area under the current Wirral Unitary Development Plan. The West Kirby to Liverpool rail line runs west to east along the southern axis of the site and severs the Primarily Industrial Area from the adjacent Primarily Residential Area.

3.2 Proposed Development

- 3.2.1 The application seeks consent for four buildings associated with an existing industrial enterprise and to extend the hours of operation to 24 hours a day seven days per week.

3.3 Development Plan

- 3.3.1 The Wirral Unitary Development Plan 2000

- EM6 General Criteria for New Employment Development
- EM7 Environmental Criteria for New Employment Development
- EM8 Development within Primarily Industrial Areas
- PO1 - Potentially Polluting Development
- PO3 - Noise
- TR9 Requirements for Off Street Parking
- WA1 Development and Flood Risk

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework (2018)

- Achieving sustainable development
- Decision-making
- Building a strong, competitive economy
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways;
- Ecology; and
- Amenity

3.6 Principle of Development:

3.6.1 UDP Policy EM8 permits Use Classes B1, B2 and B8 within the designated Primarily Industrial Areas subject to proposals complying with UDP Policies EM6 and EM7 as well as all other material planning considerations.

3.7 Design:

3.7.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. Section 12 of the Framework sets out the Government's policies in achieving well-designed places.

3.7.2 Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit (Paragraph 127 of the Framework refers).

3.7.3 Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.7.4 The proposed structures would be situated forward of the existing warehouse building within the service yard and away from public vantage points. The proposed buildings are utilitarian in their appearance and suited to their industrial context and acceptable in this respect.

- 3.8 Highways:
- 3.8.1 The requirements for off-street vehicle parking are set out as maximums under Policy TR9 of the UDP and the accompanying Supplementary Planning Document on Parking Standards.
- 3.8.2 Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should give priority first to pedestrian and cycle movement, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places whilst minimising the scope for conflict between different users and allowing for the efficient delivery of goods and emergency access.
- 3.8.3 The Highways Engineer has raised no objection on the basis that the structures are within the private boundary. Consequently, they do not impact the highway.
- 3.9 Ecology:
- 3.9.1 There are no Environmental/Sustainability issues relating to these proposals.
- 3.10 Amenity:
- 3.10.1 UDP Policy EM6 requires new employment development to not lead to unacceptable losses of amenity or have an adverse effect on neighbouring uses where appropriate, comply with policies in Section 21 of the UDP, which include PO1 and PO3 which contain criteria to protect the neighbours amenity when considering potential nuisance from noise, smells or dust etc.
- 3.10.2 Paragraph 127 of the revised National Planning Policy Framework states that planning decisions should create places that provide a high standard of amenity for existing and future users. NPPF paragraph 180 decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment
- 3.10.3 The development site abuts a Primarily Residential Area; however, an active rail line lies between the proposal site and the adjacent residences. The nearest residential dwelling is approximately 56 metres away as it sits behind a deep landscaped garden. The application proposes to operate twenty-four hours per day seven days per week which is not without concern. The Environmental Health officer considered the submitted details and initially requested that the applicant submit a noise report. The submitted noise report was considered by the Environmental Health Officer who raised no objection subject to conditions restricting the use of vehicles using health and safety beepers and the roller shutter doors being in the closed position during anti-social hours. Conditions have been imposed to this effect.
- 3.11 Other:
- 3.11.1 No other matters.

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 development relates to an existing industrial enterprise within a designated Primarily Industrial Area under the current Development Plan and is therefore acceptable under UDP Policy EM8. The proposed buildings are utilitarian and there are no concerns

over visual amenity given the development sites location. The application proposes to operate twenty-four hours a day seven days per week which has raised no objection from the Environmental Health Officer and is considered acceptable subject to conditions.

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 19 December 2019 and listed as follows: Site Plan, 19148-100, 19148-101, 19148-102, 19148-103

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

3. Deliveries shall be taken at or despatched from the site only between hours of 0800 and 1800 Monday to Friday 0900 and 1700 Saturdays and not at any time on Sundays or on Bank or Public Holidays.

Reason: In the interests of amenity

4. There shall be no use of vehicles requiring the operation of audible reverse alarms within the site before 0800 and after 1900 hours Monday to Friday, before 0900 and after 1800 Saturdays and before 1000 and after 1600 Sundays and Public Holidays

Reason: In the interests of amenity

5. All doors, roller shutters and windows shall be in the closed position up to 0700 hours and after 1800 hours Monday to Friday and up to 0800 and 1800 hours weekends and bank holidays other than when opened to allow staff to enter and leave the building.

Reason: In the interests of amenity

Further Notes for Committee:

Last Comments By: 03/03/2020

Expiry Date: 02/04/2020