
Report to: Planning Committee **Date of Meeting:** 29 June 2011

Subject: **S/2011/0636**
Units 6-10 Sherwood House 54-58 Station Road, Ainsdale

Proposal: Alterations to Units 6-10 Sherwood House (to form a single retail unit) comprising - the installation of a new shopfront with ATM, air-conditioning and chiller units plus a 2.4 metre high fence to the rear and external works

Applicant: Mr Keith Knight **Agent:** GL Hearn

Report of: Head of Planning Service **Wards Affected:** (Ainsdale Ward)

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Recommendation(s)

Approval

Reasons for the Recommendation:

The proposed external alterations to the unit are acceptable in visual terms and the potential for harm to amenity resulting from the use is fully capable of being controlled by appropriate planning conditions. The use of the building for retail purposes is acceptable in principle.

The scheme complies with the aims and objectives of the Sefton UDP and in the absence of all other overriding material planning considerations, the granting of planning permission is therefore justified.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

Contact Officer: **Mrs S Tyldesley** Telephone 0151 934 **3569**

Case Officer: **Steve Faulkner** Telephone 0151 934 **3081**

Email: planning.department@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

Three storey building on north side of Station Road, with parking to the front, retail units at ground floor level and residential units on the two floors above. The building reads as a construction from the early 1970s.

Proposal

Alterations to Units 6-10 Sherwood House (to form a single retail unit) comprising - the installation of a new shopfront with ATM, air-conditioning and chiller units plus a 2.4 metre high fence to the rear and external works

History

Numerous applications in 70s and 80s relating to advertisements and other minor works, but some of particular relevance as follows. The most recent application was as follows:

S/1031 – Installation of new shop front (Units 1-4) – approved 4 September 1974.

N/1987/1007 – New shop front (Units 9-10) – approved 3 March 1988.

N/2006/0607 – Retention of roller shutters to the front entrance of the premises (1-4 Sherwood House) – approved 15 August 2006.

Consultations

Highways Development Control – There are no objections to the proposed alterations to units 6-10 Sherwood House.

Given the consolidation into a single retail unit, the implications for vehicular and pedestrian access, servicing and car and cycle parking have been considered in detail.

Vehicular access is generally acceptable, although the provision of improved traffic signs and carriageway markings would reinforce the existing IN and OUT arrangement off Liverpool Road and minimise any potential for vehicle/vehicle conflict.

Pedestrian access between the footway on the north side of Liverpool Road and the entrance to the consolidated retail unit is less than satisfactory. There are no flush kerbs and tactile paving at points where the pedestrian route would cross the internal access road, the flagged footway areas adjoining the site boundaries are in a very poor state and there are items of street furniture that block the routes for pedestrians.

The servicing arrangements for a unit of this size (typically convenience food retail) would be significantly different to those that one could expect for five much smaller units. Given the significant changes in the way in which this larger single retail unit is likely to be serviced, a Traffic and Delivery Management Plan will be required. This will detail the hours during which deliveries will take place and the frequency of deliveries, the size and type of vehicles used for servicing the premises, the routing and tracking of said vehicles, and the identification, management and control of the servicing areas. In addition, some controls to prevent obstructive parking taking place within the service area to the rear

(and sides) of Sherwood House should be introduced. A condition will be required to secure this.

Parking for approximately 20 cars (including 2 spaces which are accessible for disabled persons) is available to the front of Sherwood House and this is considered to be adequate, especially as any stay is limited to a maximum of one hour. In addition, some on street parking is generally available on Liverpool Road with any stay limited to a maximum of two hours.

There are a few 'Sheffield' cycle stands in the vicinity of Sherwood House which would be appropriate for use by customers of the retail units on the ground floor of the building; however, there is no specific provision for staff of the consolidated retail unit. Cycle parking for staff should be in an enclosed lockable shed and for a unit of this size should be designed to accommodate a minimum of two bikes. A condition will be required to secure this.

In order to ensure that the site is accessible by a range of sustainable travel modes, a modest package of highway improvements will be required. This will consist of some improvements to two existing bus stops, the improvement of some areas of footway and the provision of flush kerbs and tactile paving at key locations.

Head of Services (Environment) – concern relating to noise impact of proposal on above and nearby dwellings, no details of proposed opening/delivery times. Information has been provided on external plant and equipment for chiller, freezer and an air conditioning condenser.

Police Architectural Liaison Officer – No objection subject to sharing of guidance of ATMs and security measures with the applicant. Proposal would bring no greater opportunity for crime and anti-social behaviour than may occur at other nearby retail premises.

Neighbour Representations

Last date for replies: 16 June 2011.

110 adjoining residents were notified of the proposals. A total of 46 representations have been received (6 containing no full postal address).

37 objecting

Ainsdale Civic Society, 11 Broadway Close, 59 Burnley Road, 1 Chesterfield Close, 7, 47 Easedale Close, 3, 8, 15, 23 Fairfield Close, 26 Gleneagles Drive, 26 Grafton Drive, 30 Halbury Road, 21, 27 Hatfield Road, 151 Kenilworth Road, 12 Keswick Close, 24, 57 Leamington Road, 20 Limont Close, 580, 703, 64 Liverpool Road, 6 Oakwood Avenue, 10a Osborne Road, 70 Pinfold Lane, 3, 23, 50 Station Road, 1, 6, 11 Sherwood House Station Road, 21 Shirdley Crescent, 5 Stourton Road, 15 Trevor Drive, 18 Unit Road, 16 Upton Avenue, 22 Windermere Crescent.

1 raising no objection but comment
22 Grafton Drive

2 in support

1 Leamington Road, 4 Mossgiel Avenue

Issues of objection and/or concern raised:

- Increased noise and traffic from deliveries and general shopping activity,
- Disturbance to flats above from retail and plant and equipment,
- Need for clarification of intended opening hours,
- Noise from nearby ATMs,
- Potential for traffic calming measures,
- Need for pedestrian crossing as part of proposals,
- Request for security lighting to the rear,
- Need for improved accessibility on site frontage,
- We would like to renew our lease on the existing premises,
- Loss of small businesses,
- Loss of employment,
- Potential for anti-social behaviour to rear of flats,
- Threat to balance of retail environment,
- Damage to character of village,
- No need for any further supermarkets,
- Query over discrepancy relating to condenser unit.

The comment in support of the proposal points to the presence of some existing vacant premises, the running down of the centre over the last 35 years, and a lack of complaint over problems relating to deliveries from a former supermarket on Station Road which is now closed.

Policy

The application site is situated in an area allocated as Ainsdale Local Centre on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
EP6	Noise and Vibration
MD5	Commercial Frontages and Security Shutters

Comments

The application seeks a range of alterations to form a single retail unit, with external works to the rear elevation including new plant and equipment enclosed by timber fencing. A new ATM cash dispenser is also proposed. The existing main parade is set back from the top two floors behind an arched walkway.

The physical works to the building are in their own right acceptable. As may be noted from the planning history, there are precedents for accepting the consolidation of the ground floor through the provision of new shop fronts.

The proposed shop front affords a door of width affording access to people of all abilities and will be flush. Internal roller shutters are proposed. The colouring would be a 'dusty

grey' powder coated finish. It would be of a standard generally in keeping with the remainder of the parade and generally as expected of a modern retail frontage.

Though the end user is not identified by the applicant, the use of two frosted pieces of glass, reference to a 'back of house' area, and internal works to create a single unit, imply a layout attractive to a convenience retail operator. No controls can be exercised over the internal works and there are no specific planning grounds to object to the external works.

The application has drawn a large number of representations, as commented above. In particular, concern has been expressed over the loss of small retail units in the village. However, I am unable to prevent this using existing planning legislation or policy. This is a business decision.

The applicants have confirmed ownership of the building, and issues of morality and the content of tenancy agreements are also not matters for planning consideration. This must be judged as a proposal to facilitate an enlarged retail unit in a local centre and cannot be legitimately refused on the loss of smaller units – something accepted previously by the Council in this very parade. The need for retail and relationship to nearby competitors cannot be questioned under PPS4 as it is within a local centre location.

It must also be emphasised that units 9 and 10 are currently vacant and would be afforded the chance to be brought back into beneficial use in a manner entirely compliant with retail policy.

This said, whilst there is no material change of use to the ground floor of the building, there is a very different retail character, best exhibited by the fact that there would be four separate shop fronts consolidated into one, and the application is accompanied by an internal layout plan confirming a single retail unit.

It is therefore clear that this change in character brings a new chapter in the site's planning history, and in effect, a new planning unit. This presents the opportunity for planning conditions to be added as appropriate to mitigate any potential harm arising from the proposal as presented.

Looking at case law and Inspector's decisions, it is clear that previous use of the building for retail purposes should not be relied on to avoid planning conditions being added in the event that there is a clear change in the character of intended operations.

A series of clarifications have been sought from the applicant relating primarily to confirmation of opening hours and the relationship of ceilings to upper floor units. They express the comment that *"it is not uncommon for retail units to open between the hours of 6am – midnight or even 24 hours a day, to provide a service for customers who are unable to shop within daytime business hours"*.

Whilst I agree with this as a general observation, I must balance that against the right of residents to expect to enjoy some degree of peace and quiet at later times.

The applicant has also referenced later opening of other units, and the specific absence of planning controls, but I find the prospect of the existing smaller units opening for 24 hours a very unlikely 'fall back' position. The applicant has quoted opening hours

extending to 10pm elsewhere including a restaurant (with no residential above) and an off licence, and also reference to a public house open until 11pm.

These examples do not suggest the local centre offers a late night economy and introduction of a larger retail store open until midnight would unquestionably have some impact.

It is therefore right and proper for the relationship of the proposals to nearby residential development to be considered. Though Station Road is a local centre for the purpose of planning policy, it maintains a healthy, comfortable balance at present between residential and commercial activity which must be seen to continue.

The planning conditions therefore recommend the opening of the unit between the hours of 0800-2200, with no servicing of the unit taking place to the front or rear outside the hours of 0700-2100. These conditions are considered reasonable to reflect the balance described above.

I consider a 0600 opening as reference by the applicant very likely to give rise to demand for servicing of the unit at even earlier hours, at a time when most residents can reasonably expect peaceful sleep, and late night closing and activities associated with those leaving the premises will result in an unreasonable impact.

Additionally, a full noise assessment covering the impact of uses on the residents above the premises, and the effect on them resulting from noise from external chiller units, refrigeration measures, and bleeping checkouts, would be required. In particular, the removal of internal walls will as pointed out by the Head of Service (Environment) alter the acoustic characteristics of the ground floor considerably. A scheme for the provision of refuse storage is also required.

It is also considered given the necessary to remove permitted development rights for the provision of outdoor trolley storage in view of the potential for their rattling, and a condition is attached accordingly.

I consider restriction of the ATM operation inappropriate given the frustration likely to occur when a possible user finds it inoperative. There are other similar machines nearby, for example, at the junction with Liverpool Road, at the Post Office at no. 74, and the bank on the opposite side of the level crossing.

Accepting that the ATM would be under a covered walkway, there is no evidence to suggest that these are a magnet for anti-social activity and no evidence of reported incidents in association with those existing. These are accepted and common features of local centres and should not give rise to objection.

Comment has been made to minimal gap of 100mm between an external condenser and the fence enclosure, however, the upward orientation of the external fans affords the 1 metre clearance required on three sides for it to work properly with no need for the fencing to be extended outwards.

Concern over parking and highway safety is picked up and the level of parking available is considered acceptable. The applicant will be required to provide a scheme of accessibility improvements for the frontage car park and in this sense, the the comments

made by a number of objectors in respect of the need for improved accessibility on the site frontage are fully agreed.

The overall package of conditions is regarded as proportionate to the potential end use and sufficient to overcome the potential objections that might otherwise lead to a refusal.

Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. H-5 Off-site Highway Improvements
4. H-6 Vehicle parking and manoeuvring
5. H-7 Cycle parking
6. The development shall not be commenced until a Traffic and Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Traffic and Delivery Management Plan shall be implemented and strictly adhered to and shall not be varied other than through agreement with the Local Planning Authority.
7. B-2 Opening hours
8. B-3 Delivery hours
9. P-4 Soundproofing residents above
10. N5 Noise - chillers and extraction
11. R-2 PD removal trolley store
12. X1 Compliance

Reasons

1. RT-1
2. RM-2
3. RH-5
4. RH-6
5. RH-7
6. RH-2
7. RB-2
8. RB-3
9. RP-4
10. RN4
11. RR-2
12. RX1

Notes


1. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@technical.sefton.gov.uk for further information.
2. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.

Drawing Numbers

Location plan, P103-B, P202, P203B, plant and equipment schedule.

Existing Site Plan



 Sefton Council Department of the Built Environment Jane Gowing Head of Planning Services	S/2011/0636 Units 6-10 Sherwood House 54-58 Station Road Ainsdale PR8 3HW OSGR: 331409, 412269		Standard Site Plan Scale: 1:2250 Date: 16/08/2011 Drawn By: BBRT/ton	
	Sheet(s): 387B	Area: 460 sqm	Ward(s): Ainsdale Postcode Sector(s): PR8 3 Poling District(s): R2 Parish(es): None Found	

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Proposed Site Plan

