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WIRRAL

Planning Committee

Supplementary Agenda

Date:	**Tuesday, 24 April 2012**
Time:	**6.00 pm**
Venue:	Committee Room 1 - Wallasey Town Hall

Contact Officer: Pat Phillips
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8. APP/11/00874 - THE CROFT RETAIL AND LEISURE PARK, WELTON ROAD, BROMBOROUGH, CH62 3PN - RECONFIGURATION OF THE FORMER BOWL UNIT, EXISTING IN-LINE UNITS AND PART OF THE EXISTING CINEMA UNIT TO CREATE A1 NON-FOOD RETAIL SPACE, AN A3 RESTAURANT AND A RECONFIGURED CINEMA UNIT (D2 USE), ALONG WITH REPLACEMENT OF THE FOUR IN-LINE UNITS BY THREE NEW UNITS WITHIN THE CAR PARK (A1(D) (THE SALE OF SANDWICHES AND COLD FOOD FOR CONSUMPTION OFF THE PREMISES), A3 AND A5 USE) AND ONE NEW UNIT AT THE SOUTHERN E (Pages 1 - 16)

9. APP/11/01194 - 1 BASSENDALE ROAD, BROMBOROUGH, CH62 3QL - CHANGE OF USE TO BOWLING CENTRE FROM B2 TO D2. (Pages 17 - 22)

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Planning Committee
24 April 2012

Reference:	Area Team:	Case Officer:	Ward:
APP/11/00874	South Team	Mr K Spilsbury	Bromborough

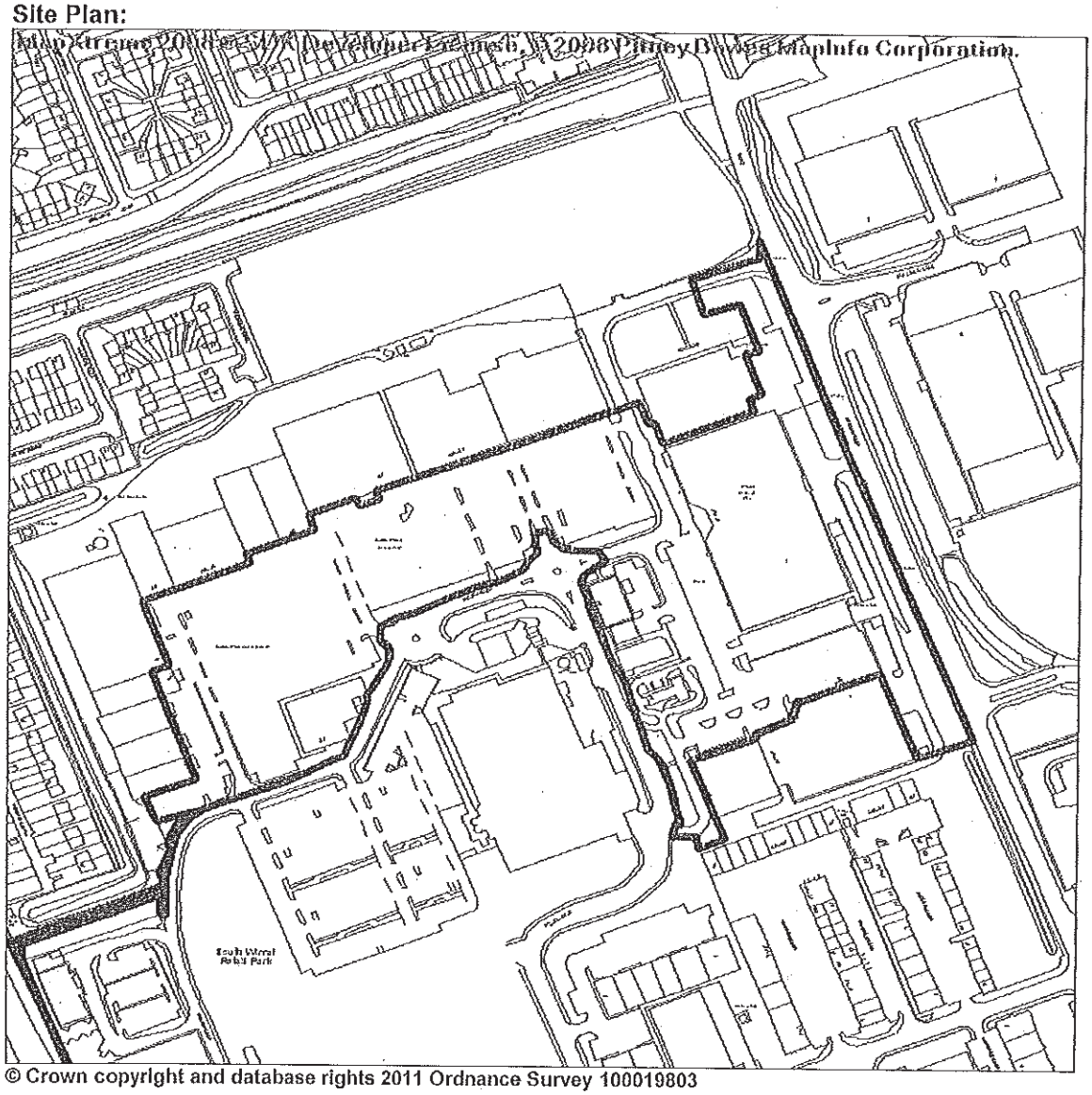
Location: The Croft Retail and Leisure Park, WELTON ROAD, BROMBOROUGH, CH62 3PN

Proposal: Reconfiguration of the former bowl unit, existing in-line units and part of the existing cinema unit to create A1 non-food retail space, an A3 restaurant and a reconfigured cinema unit (D2 use), along with replacement of the four in-line units by three new units within the car park (A1(d) (the sale of sandwiches and cold food for consumption off the premises), A3 and A5 Use) and one new unit at the southern end of the western terrace (A1 non-food use) along with selected car park reconfiguration and improvements to existing pedestrian and cycle access routes from New Chester Road.

Applicant: Universities Superannuation Ltd

Agent : Drivers Jonas Deloitte.

Site Plan:



Executive Summary
The site is a popular out of town centre retail and leisure destination and the owners propose to downsize the leisure area by replacing the existing ten pin bowling facility and reducing the number of screens at the Odeon Cinema to create 5,916m^2 of non-food retail floorspace, new restaurants/takeaways and a new retail unit.

The applicant has provided assessments addressing the requirements of the sequential approach and impact on existing centres (which have been retained in the new National Planning Policy Framework (NPPF)). In relation to the sequential approach the applicant has not demonstrated in relation to the proposed bulky goods floorspace that the tests in relation to more central sites in Birkenhead can be satisfied. In terms of retail impact, as this report demonstrates, Birkenhead town centre is continuing to decline. While the applicant claims that the impact of their proposal on Birkenhead is low, in a situation where the centre experiencing falling levels of rents, high levels of vacancy and declining footfall, even modest levels of trade diversion can have significant adverse impacts. The loss of any one of the key anchor stores in Birkenhead could have a significantly adverse effect on the vitality and viability of the Town Centre and on local consumer choice plus the range and quality of the comparison retail offer.

In relation to the potential loss of the Bowl, the Bowl operator initially claimed in their application for a new bowling facility at Bassendale Road (considered elsewhere on this agenda) that the applicant announced closure of the ten pin bowling facility without consultation. However since that submission the Bowl operator has advised the Council that their position has changed. They indicated that it is a successful business with regular customers including competitive leagues and community groups with special needs and would like to stay in the leisure area of park, but is unable to pay a rent below the market level for a leisure operator in this particular location. Consequently, the bowl operator does not wish to remain trading at the Croft Retail and Leisure Park, is supportive of the planning application and has made a separate application to change the use of a nearby industrial building in the Wirral International Business Park. Wirral International Business Park is key employment asset for the Borough, which the Council intends to reserve for large and medium scale industrial and campus style offices and resist the loss of designated employment land in its Core Strategy Preferred Options Report (November 2010).

The National Planning Policy Framework makes it clear that existing sports and recreational building should not be built on unless an assessment shows it is surplus to requirements or replacement with an equivalent or better alternative facility in terms of quantity and quality can be secured in a suitable location. In view of the desirability, in land use terms, of retaining the ten pin bowl within the established leisure area, officers have sought alterations to the proposed development, through a number of discussions with the applicant, which would have retained the ten pin bowling facility in a modified form in its existing location with a reduced amount of 'enabling' retail floorspace. However, retention of the Bowl within the Leisure Park in situ in any form has been rejected by the applicant on the grounds of viability.

The proposal has the potential to adversely affect investment, regeneration and employment prospects and the vitality and viability of Birkenhead Town centre and would conflict with national, regional and local planning policy relating to town centres and sport and recreation. The application is therefore recommended for refusal due to, the potential impact on the vitality and viability of Birkenhead town centre investment and harm to the prospects for regeneration and employment within Birkenhead, which conflicts with the aims of national and local planning policy and the loss of the indoor bowl from the leisure area.

Members should also be aware that further adverse economic/employment implications for the Croft and Junction 1 Retail Park could arise. While it is accepted that these areas are not protected under town centre policies, the applicant is claiming that the greatest impacts would be on the existing retail area within Croft and Junction One, Bidston. There will be costs in moving specialised bowling equipment, which have not been quantified, and whilst such a move will reduce The Bowl's operating costs thereby improving its future trading prospects Members need to be aware that there is no guarantee that can be given concerning their future viability because this will depend on competitive market forces..

Development Plan allocation and policies:

The site is designated as an Out of Centre Retail Development location on the Wirral Unitary Development Plan (UDP) Proposals Map under Policy SH11 which indicates that proposals for redevelopment or expansion of these sites for retail use will be assessed using UDP Policies SH9 and SH10.

In addition, UDP Policy URN1 and Regional Spatial Strategy Policies W5, RDF1, LCR1, LCR2 & LCR3 and National Policy in the National Planning Policy Framework (NPPF) are relevant to the assessment of the proposed development.

Planning History:

OUT/89/06970 - Cinema & associated leisure development - Approved 04.05.1990

APP/90/06485 - Erection of Cinema. ten pin bowling alley, night club and amusements centre & car parking - Approved 24.07.1990

APP/01/06563 - Erection of 7 non-food retail units (Use Class A1), extensions to existing leisure complex to provide 3 restaurants (Use Class A3) & new access onto Stadium Road - Withdrawn

APP/09/06048 - Change of Use of Unit 9F to incorporate A1 Use (non-food) bulky good retail - Approved 03.02.2010

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, 121 notifications were sent to adjoining properties. A Site Notice was also displayed and the application was advertised in the Wirral Globe. At the time of writing this report the following representations have been received:

Merseyside Cycling Campaign - no objections

The Bromborough Society - have concerns in relation to the loss of car parking spaces and the relocation of the ten pin bowling facility.

Odeon Cinemas - support the proposals as they believe the proposals will improve business for the eastern section of the retail park (this is expanded on later in the report).

Sport England – have lodged a non-statutory objection to the application which they consider to be at variance to the advice in PPG 17 and that the applicant has not demonstrated that the bowl sporting use is surplus to requirements. Sport England would be minded to withdraw their objection if a replacement bowl facility can be secured and brought into use, before the existing facility is lost; or that the applicant can demonstrate that the bowl use is surplus to requirements in accordance with the advice in PPG 17.

Dominic Finnigan – President of Bromborough Bowling Club supports application for changes to the Croft Retail and Leisure Estate and retention of the Bowl facility in Bromborough

Councillor Irene Williams supports the application stating:

> "There has been a cinema and bowing alley in Croft Retail Park for many years. They merely want to reduce the number of cinema screens and move the bowling alley to a smaller, cheaper unit to reduce their rents. It would be a great shame if Bromborough were to lose these facilities altogether and I can't see what benefit this would be to other areas in the borough".

Councillor Steve Niblock has requested that the application be taken out of delegated powers for the following reasons:

"The proposal will result in a net increase of 66 full time equivalent jobs which in the current economic climate Wirral is in desperate need of.

The provision of the additional 'bulky goods' space will mean that local residents, particularly those in this part of the Borough, will not need to travel out of Borough for the goods that will be provided thus reducing the congestion on our roads.

In addition this application is linked inextricably to a separate application for the provision of ten pin bowling facilities in the south of the Borough. This is because the Applicant and the Bowl operators have come to an agreement with regard to these applications.

The application will also result in modern enhanced facilities in the cinema which will also benefit the local community.

I feel that these are sufficient grounds for the Planning Committee to step outside policies for the benefit of the local community and the people of Wirral"

CONSULTATIONS

Director of Law, HR and Asset Management (Pollution Control) - no objections

Director of Technical Services (Traffic Management Division) - no objections subject to conditions and a Section 106 agreement (this is referred to later in this report).

Environment Agency - no objections

Merseyside Police (Crime Reduction Officer) - no objections subject to the recommendations of the Designing Out Crime Assessment.

Director's Comments

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Steve Niblock requested that the application be taken out of delegation and reported to the Planning Committee as outlined in his representations above.

INTRODUCTION

The proposed scheme has two main elements. The first involves the relocation of the existing A3/A5 units (currently occupied by Subway, Greggs and KFC) to 3 freestanding "pod" units within the existing main car park as well as the relocation of the existing A1 unit occupied by Sharps Bedrooms to a new unit adjacent to the existing Carpet Right unit at the western end of the retail park from the existing terrace adjacent to the ten-pin bowling.

The second element is for the creation of 5,916 sqm of retail floorspace for the sale of non-food goods which would replace the existing ten-pin bowling facility and reconfiguration of the Odeon Cinema, including a new entrance, modernisation of the front and side elevations and a reduction in the number of cinema screens. (While the applicant's description of development refers to the 'former' bowl, it is still trading in its existing location). An additional A3 restaurant unit would also be created adjacent to the new cinema entrance. The applicant states that the retail floorspace may be sub-divided into up to four individual retail units with a minimum unit floorspace of 604 sqm. There are no named operators in the planning application, but the applicant has indicated in discussion with officers that potential occupiers such as Next Home, Hobbycraft, BHS Home, DFS, SCS, CSL, Harveys, Wren Kitchens have expressed an interest.

PRINCIPLE OF DEVELOPMENT

Out of centre retail development can only be permitted under UDP Policies SH9 and SH10 if the Local Planning Authority is satisfied that the benefits outweigh the disadvantages when assessed against criteria, which seeks to ensure the vitality and viability of existing centres is not undermined, take account of regeneration and environmental benefits and ensure the Borough's requirement for

industrial land or premises is not prejudiced. More recent policies are included in the Regional Spatial Strategy (RSS), specifically Policy W5, and the National Planning Policy Framework (NPPF) which came into effect on the 27th March 2012 and replaces the majority of existing planning policy guidance, including PPS4 (but not the Practice Guidance on need, impact and the sequential approach). It should be noted that the Government intends to abolish RSS, subject to the outcome of consultation on Strategic Environmental Assessment. RSS will remain part of the statutory development plan until formally revoked.

RSS Policy W5 indicates that comparison retail facilities should be enhanced and encouraged in centres such as Birkenhead and sets a presumption against new out of centre regional or sub-regional comparison retailing facilities and a presumption against large scale extensions unless fully justified in line with the sequential approach.

The main 'town centres' first emphasis in the former Planning Policy Statement PPS4 has been carried forward into the NPPF, which makes it clear that out of centre retail development should be refused where applicants have not demonstrated compliance with the sequential test or where there is clear evidence that the proposal will lead to significant adverse impacts on town centre investment and/or vitality and viability.

Retail Development and indoor bowling centres are clearly included in the definition of main town centre uses in NPPF Annex 2 and the NPPF section 8 - Promoting Healthy Communities also continues to protect sport and recreational facilities and the redevelopment of the indoor bowl centre should only be permitted if the facility is declared surplus to requirements or alternative facilities of the same or better quality can be secured in a suitable location.

SITE AND SURROUNDINGS

The Croft Retail and Leisure Park is a large popular out of town shopping and entertainment complex located off New Chester Road (A41). Retail uses such as Mothercare/Early Learning Centre, Boots, Next (clothes for men, women and children), Brantano (shoes) and Argos wrap around the northern perimeter with a car park and Boots store are located centrally within the park's core. An ASDA superstore and petrol station in separate ownership is located south of Welton Road. The proposed new food and drink "pod" units would be located on the existing main car park north of the ASDA petrol station directly in front of existing retail units. The new unit for Sharps Bedrooms would be located on the western edge of the site adjacent to the existing Carpet Right Unit.

The proposed new retail floorspace and new restaurant would be located in the eastern end of the park, which is predominantly in use for leisure purposes, including the existing cinema site, bowling alley, health and fitness, restaurants and hot food outlets.

POLICY CONTEXT

The Statutory Development Plan

Unitary Development Plan (UDP) Policies SH9 'Criteria for Out of Centre and Edge of Centre Retail Development' & SH10 'Design and Location of Out of Centre and Edge of Centre Retail Development' seek to ensure that proposals will not undermine the vitality and viability of existing centres, ensure the Borough's requirement for industrial land or premises is not prejudiced and that siting, scale and design is appropriate to the character of the surrounding area. The criteria are also applicable to proposals for the redevelopment or expansion of out of centre retail development under the terms of UDP Policy SH11.

In detail, UDP Policy SH9 indicates that out of centre retail development could only be permitted if the Local Planning Authority is satisfied that any benefit outweighs the disadvantages when assessed against the criteria in UDP Policy SH9 and all the additional criteria in SH10 can be satisfied. Matters for consideration in SH9 include:

(i) That the vitality and viability of existing centres would not be undermined;
(ii) The extent that regeneration and environmental benefits would be accrued when compared with alternative uses for the site; and alternative sites capable of accommodating the

development elsewhere;

(iii) Accessibility by a choice of transport and effect on overall travel and car use and ensure the Borough's requirement for industrial land or premises are not prejudiced.

In addition to criteria relating to design amenity, traffic and servicing UDP Policy SH10 requires that the supply of employment land is not undermined. URN1 'General Principles and Urban Regeneration' makes it clear that the Local Planning Authority will be concerned to secure full and effective use of urban land and that neglected and unused sites are brought back into use and that new services are minimised through the use of spare capacity.

The Regional Spatial Strategy (RSS) is the most recent part of the statutory Development Plan. This will remain in force until formally revoked, subject to the outcome of the Government's consultation on environmental effects. RSS Policy W5 indicates that retailing facilities should be enhanced and encouraged in Birkenhead. Proposals should not undermine the vitality and viability of any other centre or create unsustainable shopping patterns. This sets a presumption against new out of centre regional or sub-regional comparison facilities and indicates there should also be a presumption against large scale extensions to such facilities unless justified in line with the sequential approach. RSS Policies RDF1 'Spatial Priorities', LCR1 'Liverpool City Region Priorities' and LCR2 'The Regional Centre and Inner Areas of Liverpool City Region' make it clear that priority for growth in Wirral should be focussed on the inner area of Birkenhead to promote urban renaissance, social inclusion and provide employment. Policy LCR3 'Outer part of the Liverpool City Region' for the outer part of the Borough, where the site is located, also makes it clear economic development should be focussed in the towns and cities identified in RDF1.

National Planning Policy Framework (NPPF)

The NPPF makes it clear that the purpose of the planning system is to contribute the achievement of sustainable development and paragraphs 18 to 219, taken as a whole constitutes the Government's view of what this means in practice. Local planning authorities are expected, at paragraph 23, to pursue policies which support the viability and vitality of the town centres and plan positively to encourage economic activity where town centres are in decline. Policies relating to applications for main town centre uses including the sequential and impact tests set out within paragraphs 24 and 26 are applicable to this application. The Practice Guidance on Need, Impact and the Sequential Approach (which was issued alongside the former PPS4) remains extant and can still be used where relevant, although in the case of any conflict, the NPPF takes precedence.

The applicant has submitted a Town Centre Assessment under the terms of the previous PPS4, which can be utilised for considering the application against the new NPPF.

This, together with supplementary reports provided in response to requests by officers for further information and clarification and the separate planning statement, has been analysed by Officers for the Local Planning Authority and the conclusions are set out below.

Consideration of sequential assessments

Paragraph 24 of the NPPF and Part 6 of the Practice Guidance set out the issues which local planning authorities should consider in reviewing the sequential assessments produced. Local Planning Authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

The applicant has considered alternative sites within existing centres on the Borough with a minimum size that would be capable of accommodating the following:

- New non-food floorspace - 604 sqm gross;
- A new restaurant - 372 sqm gross;
- Sharps - 175 sqm gross; and
- Relocated In line units 74 sqm

The applicants' sequential assessment has considered what might be available over a 2 year period

on the basis that the proposed development could be complete by end of 2012. However, given that the evidence in Wirral Council's Strategy for Town Centres, Retail, and Commercial Leisure (December 2009) produced on behalf of the Council by Roger Tym & Partners ("the RTP report") shows there is a lack of quantitative need for comparison retail floorspace in the short term; a five year time-frame has been considered by officers to be more appropriate. The applicant has therefore provided at the request of officers a further assessment of selected sites (agreed with officers) on this basis. The applicant has also, at the request of officers' contacted landowners of the sites assessed in Birkenhead Town Centre to establish current intentions. Although the assessment pre-dates the issuing of the NPPF, given the retention of the Practice Guide which outlines the main considerations for sequential assessments, the application can be considered against the requirements of the NPPF on the basis of the information already provided.

Sequential analysis

Cinema reconfiguration

Cinemas are listed as one of the main town centre uses in Annex 2 of NPPF which are subject to the requirements of the sequential approach, but it is accepted that the nature of the works proposed to the Odeon (which involves a contraction in size, rather than an extension of floorspace) means that the requirements of the sequential approach do not apply to the cinema element of the proposals.

In-line A1(d)/A3/A5 units

The applicant considers that sequential assessment of the new in-line units is not strictly required because it is a like for like relocation of the existing units and relocation elsewhere in the Borough is not possible because of existing lease agreements. Notwithstanding this the applicant has considered a lengthy list of sites/premises in Birkenhead (including Hind Street), Bromborough, Heswall, New Ferry, and Prenton. The restaurant proposed adjacent to the Odeon is effectively new A3 floorspace and is considered separately in the sequential assessment.

The reason that vacant units in Birkenhead town centre can only be used for A1 retail is not convincing, when current planning policy makes provision for A3 or A5 uses within the town centre. However it is accepted that the relocated 'in line' units and proposed restaurants are not in themselves likely to cause undue harm to local town centres, given that these would be like-for-like replacements within the Croft site.

The additional restaurant, however, could be accommodated within established centres, notably within those units in the Grange and Pyramids in Birkenhead identified as being of suitable size but incorrectly ruled out on grounds that A3 uses would not be permitted. A small number of units in Birkenhead, which would be large enough to accommodate the 372 sq m restaurant, are incorrectly discounted by the applicant as being too small. It can, however, be accepted - on the sole grounds that the restrictive opening hours would render vacant units in the Pyramids and Grange Shopping Centre unsuitable and unviable as a location for the restaurants - that they are not considered sequentially preferable alternatives in these specific circumstances.

Bulky goods floorspace

The alternative sites assessed by the applicant include Hind Street, Oliver Street, former Rank Bingo Hall (Conway Street), land adjacent to the Vue Cinema, Europa Boulevard, 139-141 Telegraph Road (former Kwik Save), and a site adjacent to Kwik Fit, Prenton. A number of vacant units are also considered in Birkenhead, Prenton, Bromborough, Bebington, Wallasey and Heswall.

In the case of Hind Street, the applicant suggests that this is not a sequentially preferable location as its poor connectivity with Birkenhead could lead to it being classified as out of centre under the terms of national policy. The applicant considers that Hind Street is unlikely to come forward in the short term as soft market testing, remediation work and approval of matters held in reserve with the outline planning permission is yet to be achieved. and, therefore, contends that the job creation potential of bulky goods operators with requirements now should not be 'postponed' on the basis that Hind Street could come forward at the end of the assessment period.. The applicant, however, accepts that the

tasks yet to be carried out do not categorically mean the site will not be available or viable for development.

However, Hind Street is an important regeneration opportunity for Birkenhead. The Integrated Regeneration Strategy for Birkenhead and Wirral Waters, adopted by the Council as a material planning consideration, identifies the Hind Street Regeneration Area as offering potential to improve links with the town centre as part of a wider mixed-use proposal (Council, 12 July 2010, item 16 refers).

Bulky goods retailing would be a key element in securing a critical mass of uses in the Hind Street Regeneration scheme, where outline permission has recently been renewed by the Planning Committee on 3 January 2012 (APP/11/01118 refers). The restriction of the retail element to bulky goods aims to ensure that the development of Hind Street would be complementary to and reinforce the continued vitality and viability of the Core Retail Area in Birkenhead Town Centre. A number of the indicative occupiers identified in the applicant's supplementary report of December 2011 could potentially be accommodated at Hind Street under the terms of the goods restriction condition on the current outline permission. The scheme would also include the provision of the Mollington Link Road and enhanced pedestrian links to Birkenhead town centre. This in effect, together with the mix of public transport connections, would render Hind Street a more sequentially preferable edge of centre site. Given that the retail element of the current Croft proposals is also for bulky goods retailing, the scale of development proposed could have an adverse affect on securing operator interest in the bulky goods retail floorspace which underpins the Hind Street development.

The Practice Guidance on need, impact and the sequential approach indicates (paragraph 6.8 refers) indicates that where locations in existing centre or edge of centre locations are not available, preference should be given to out of centre sites well served by a choice of transport, which are close to a centre and have a higher likelihood of forming links with the centre. Even in its current state as an out of centre site, Hind Street, in addition to being accessible by a choice of transport mode, is closer to a town centre (Birkenhead) and has a higher likelihood of forming links with that centre (through implementation of the regeneration proposals discussed above) than the Croft Retail Park and therefore, can be regarded as being sequentially preferable to the application site and as a location that could come forward within the five-year assessment time-frame.

Oliver Street is clearly no longer an option due to the completion of Asda. However, the Rank Bingo Hall and Europa Boulevard sites are still suitable for retail development and these sites are likely to remain vacant if retail development continues to be promoted in out of centre locations.

The applicant contends that the adjacent Grange Shopping Centre Car Park could not accommodate demand if bulky goods retailing was introduced at the Rank Bingo Hall site, but no evidence is provided about the actual levels of usage to demonstrate this is the case. It is also suggested that there would be little direct custom because there is limited retail footfall and poor legibility with the main shopping area.

The applicant also contends that land adjacent to the Vue cinema on Europa Boulevard could not accommodate the disaggregated bulky goods retailing (604 sqm) because it is not in an established retail location; it has no similar retailers in close proximity and would not create the level of on-site car parking that a bulky goods retailer would want. Although footfall is generated by Conway Park Station and it is close to the cinema, it does not according to the applicant have main road prominence or the critical mass of retailers/leisure operators to support sustained trade.

It is considered that the applicants case for rejecting the former Rank Bingo and Europa Boulevard sites is not convincing – disaggregation could take place in a different way (especially as the proposal is not tied to a specific operator's requirements at this stage). The former Rank Bingo site is part of a main road frontage facing the commercial area of the town centre and the sites are capable of attracting footfall from Birkenhead Bus Terminus, the multi-storey car park and the commercial part of the Town Centre. While the applicant has indicated that neither site is being actively marketed at present, this does not prevent these sites from coming forward within a five-year assessment time frame.

Other Town Centre Sites/premises Considered by the Applicant

Former Kwik Save/Italia lighting – Heswall has been rejected on basis of availability and unsuitability because the units are too small and the lack of on-site parking. Officers accept this position.

The applicant claims the site adjacent to Kwik Fit - Prenton would not meet the requirements of bulky goods retailers due to the lack of similar retailers alongside, and lack of footfall despite the fact that the Rightway DIY store next door to the site is arguably bulky goods. The applicant contends, however, that as this mainly serves a local market it would not be an attractor to potential operators. Officers accept this position

A number of other alternative sites are considered in table 5.1 of the applicants own assessment. It can be accepted that none of these are suitable viable or available in sequential terms.

Retail Impact Assessment for Planning Applications for main town centre uses that are not in a centre and not in accordance with an up to date Development Plan.

NPPF Section 2 Paragraph 26 states; 'when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). As the retail floorspace proposed in this application exceeds 2,500 sq m, the impact on existing centres remains a consideration.

The applicant has made a number of changes to the assessment submitted with the application, following discussions with officers, including a separate sensitivity test which takes account of the potential indicative occupiers. Although the assessment pre-dates the issuing of the NPPF, and given the retention of the Practice Guide which outlines the main considerations for assessing impact, the application can be considered against the requirements of the NPPF on the basis of the information already provided.

Paragraph 26 of the NPPF indicates that impact assessments should consider two issues: firstly

- *The impact of the proposal on existing committed and public and private investment in a centre or centres in the catchment area of the proposal.*

It can be contended that the Croft proposal could undermine attempts to bring forward sites in Birkenhead such as Rank Bingo Hall and Europa Boulevard. Although in relation to this specific criterion it is accepted that none of the schemes are being actively marketed at the time of writing this in itself would not prevent the sites from coming forward in the event serious proposals were made.

Secondly NPPF paragraph 26 requires consideration of:

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

In relation to current/future expenditure capacity, the starting point is that the RTP report (paragraph 5.92) concluded, even under the most optimistic scenario, that there was a negative residual floorspace requirement in the comparison sector in the period to 2016 and that the identified growth in retained retail expenditure is not sufficient to support prior 'claims' on that growth, i.e. an improvement in the sales densities of existing centres and stores and the turnover requirements of existing commitments (which included the additional floorspace at Croft now occupied by PC World/Currys). A positive residual floorspace requirement only emerges in the longer-term period to 2021. In considering options for growth which emerges in the longer term, RTP considered that growth should be channelled to a combination of Birkenhead Town Centre and Wirral Waters. Direction of future growth to the Croft (or Junction 1 Retail Park) was not considered as these sites did not offer the same wider regeneration potential as Wirral Waters and would not represent a 'reasonable alternative' (in the context of the justified soundness test for plan preparation).

Revised expenditure growth forecasts produced by Experian since the completion of the RTP report indicate that (in light of the recession) the baseline position has deteriorated since then (as acknowledged in the applicant's retail assessment). In a situation where none of the proposed retail floorspace can be supported by future growth in consumer spending in the short to medium term, judgements as to which existing stores and centres the turnover of the proposed floorspace will be diverted from is a key consideration.

Although nominally the new floorspace proposed in this application is for bulky goods, a condition initially suggested by the applicant would not exclude electrical items and allows a percentage (up to 15%) of the 'town centre' goods listed (clothing etc), which can be significant due to the large area of retailing floor space sought. The applicant was at first unwilling to consider a reduction in the amount of unrestricted ancillary retail floorspace on the basis that 15% would not materially affect the way the units would trade as predominantly bulky goods retail operations. The applicant has however now proposed that the percentage of ancillary goods that could be sold in addition to the defined bulky goods is set at 10% rather than 15% as permitted in previous permissions elsewhere at the Croft.

The applicants' original assessment considers impacts in terms of average turnover assumptions for the bulky goods retailers while the sensitivity test more closely reflects the company average turnovers of four of the potential occupiers of the new floorspace, all of which would be new to the Borough. An indicative assessment of direct impacts on anchor retailers in Birkenhead town centre is also presented and the impact of the proposals alone and cumulatively with other proposals is considered. The applicant concludes in both their original impact assessment and the additional sensitivity tested scenario, that their proposals would have minor impacts on Birkenhead and other established town centres and therefore not have a significant adverse effect on defined centres in the Borough. In relation to the cumulative impact, the sensitivity tested scenario identifies a cumulative impact on Birkenhead town centre as a whole of 0.20% and the applicant contends that the majority of stated impacts upon centres arise as a result of other already approved commitments, not the application proposals.

Their assessment also suggests the greatest impacts would be on the turnover of the existing retailers of the Croft retail park and also those at Junction One Retail Park on the basis that "like attracts like" – i.e. bulky goods retailers would tend to draw much of their trade from other bulky goods retailers. However, this argument can only be taken so far given that the composition of the Croft Retail Park now includes representation by significant 'high street' retailers. In addition to this, the current limited offer at the Junction One Retail Park - apart from B&Q, duplicates existing provision at Croft - and its location at the outer boundary of the applicant's own primary catchment area (supported by the findings of RTP's household survey), suggests that the likely trade diversion is also overstated. Although the Croft and Junction One Retail Parks are not 'protected' by town centre planning policies, the significant trading impact of the new floorspace on these locations identified by the applicant may nonetheless have consequential impacts on employment levels in other businesses within the retail parks.

Notwithstanding the applicant's suggested change to the proportion of ancillary sales in the proposed floorspace, the main concern in relation to this proposal is the potential impact of the proposed development on Birkenhead. While the impact of the proposal alone (solus impact) on key stores in Birkenhead is low, their figures as presented do indicate that the cumulative impact with existing commitments on key town centre stores would amount to a trade diversion of -7.33% on House of Fraser (-1.72% solus impact), -10.6% on Next (-1.90% solus impact), -9.25% on Marks & Spencer (-0.63% solus impact), -9.19% on Wilkinson (-0.27% solus impact),-7.74% on Argos Extra (-0.69 solus impact) and -5.05% on TK Maxx (-0.55% solus impact). While there is also a suggested -9.71% impact on Asda, the potential impact on the key comparison anchor stores is a matter of concern (Next Home is one of the potential occupiers for the new floorspace at Croft). While the cumulative figures are at the lower end of the impact scale, given the circumstances of Birkenhead discussed below these figures are considered to be significant and furthermore, potentially understated.

There is significant evidence that Birkenhead's overall vitality and viability is continuing to decline. The Integrated Regeneration Strategy for Birkenhead and Wirral Waters and the RTP report both acknowledge that Birkenhead has declined as a retail centre, whereas the Croft Retail and Leisure Park has become more popular than other centres within the Borough for comparison goods retailing. The RTP report noted that Birkenhead's vitality and viability had declined since their last retail study

for the Borough in 2004 (which at that time also indicated concern that Birkenhead was under-performing). The comparison goods catchment of Birkenhead had shrunk slightly between 2008 and 2009. RTP noted, in particular, a fall in the shopping centre rankings, relatively low Zone A rents, a steady reduction in footfall, increasing predominance of "value" fashion retailers; a high vacancy rate, only one department store (House of Fraser), poor environmental quality and a disappointing food and drink offer.

The applicants own health check of Birkenhead (in Appendix 3 of their initial PPS4 assessment) indicates that Birkenhead's position in terms of retailer representation, retailer requirements and rental levels has continued to deteriorate.

In relation to vacancy levels, Goad survey data (from the RTP report) indicated that within the Core Shopping Area (Grange Road, the Pyramids and Grange Shopping Centres) there were 26 vacant units recorded in 2008. while the Asda Superstore and redevelopment of the vacant Woolworths store has been completed, since the RTP report, there have been further notable closures of TJ Hughes, Topshop/Topman, and most recently Currys electricals and the Game store, evidenced by, The most recent survey undertaken by the Council in February 2012 identified 27 vacant units (post opening of Asda but before the closure of the Currys and Game stores).

As such given the vulnerability of Birkenhead town centre, the loss of any one of the key anchor stores listed above could have a significantly adverse effect on its vitality and viability and on local consumer choice plus the range and quality of the comparison retail offer in the town centre. While the applicant contends that their proposal comprises only a small proportion of the cumulative impacts, the Local Planning Authority consider that where a centre is experiencing falling levels of rents, high levels of vacancy and declining footfall, even modest levels of trade diversion can have significant adverse impacts (as acknowledged in paragraph 7.32 of the Practice Guidance on Need, Impact and the Sequential Approach)

The household survey undertaken as part of the RTP study in 2009 indicated that the Croft Retail and Leisure Park is the clear second most popular destination for overall comparison goods purchases within Wirral's administrative area (after Birkenhead), it is the number one destination within Wirral for electrical goods purchases and has significant market share within survey zones which form part of Birkenhead Town Centre's Primary Catchment Area.

Since the RTP survey was undertaken, further improvements have been undertaken at the Croft Retail Park, in particular the opening of the Currys/PC world superstore and the backfilling of the original Currys store with three additional retailers, Peacocks, Bank and Smyths Toys. These changes follow on from other changes made over the last decade which have seen the retail park change in character from a predominantly bulky goods retail destination to one which includes representation by significant 'high street' retailers, including Tesco Homeplus, Next, and Argos, in addition to those operators listed above. Taken together, the catchment and retail offer overlaps between the Croft Retail Park and Birkenhead suggests that the applicant's assessment of the impact of the application proposals on Birkenhead is understated.

While previous permissions (which predate the RTP report findings) have largely focused on modernising the existing provision in the retail park and facilitating improvements to access, the current proposals constitute a significant expansion of the retail floorspace into the leisure side of the park. While described by the applicant as bulky goods retailers some of the operators identified by the applicant as potential occupants of the new floorspace such as BHS Home, Next Home and Hobby Craft would (while moderated by the suggested variation to the proportion of ancillary sales) serve to reinforce the change in character of the Croft away from its original role as a traditional bulky goods retail destination, at the likely expense of the choice and diversity of the retail offer in Birkenhead Town Centre.

NPPF Section 2, Paragraph 27 states; Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused. It is therefore considered that the application should be refused because the proposed non food retail uses at this site would have a significant adverse effect on the vitality and viability of existing town centres and regeneration within the Borough.

The leisure elements

Cinema

The applicant indicates that the current proposals are intended to facilitate the reconfiguration of the existing Odeon Cinema to reduce its costs and create a more competitive operation following the opening of other cinemas at Cheshire Oaks, New Brighton and Liverpool One - the applicant has indicated the Cinema as currently configured has too many screens for the level of demand from the catchment. The Cinema operator (Odeon) has written in support of the proposals. The new proposed elevations represent a significant improvement on the increasingly dated appearance of the existing cinema.

Impact on the future of the Ten Pin Bowl

The applicant has demonstrated that the bowling operation has historically struggled to be viable and there have been a number of leaseholders/operators in recent years. They suggest that there is no prospect of the current operators of the Bowling alley being able to make the current operation economically viable, even on a subsidised rental basis. The Bowl is operating from a dated building (23 years old), with shared, old and inefficient plant. This it is argued, results in expensive running costs and substantial rent and service charge arrears have already been accrued. It is also indicated that marketing has not generated interest in identifying a new leisure user for the bowl unit. It is therefore claimed by the applicant that unless The Bowl is able to move to more affordable premises, it is likely to close.

In relation to the potential loss of the bowl, the Bowl operator initially claimed in their application for a new bowling facility at Bassendale Road (considered elsewhere on this agenda) that the applicant announced closure of the ten pin bowling facility without consultation. However since that submission the Bowl operator has advised the Council that their position has changed. They have subsequently indicated that it is an important local business which provides coaching to international standards and has regular customer base from league teams (youth and senior), disabled persons and special needs groups, and the police including the Wirral Youth Inclusion Programme, but is unable to pay a rent below the market level for a leisure operator in this particular location. Consequently, the bowl operator does not wish to remain trading at the Croft Retail and Leisure Park and is now supportive of the planning application. The operator of the indoor bowl centre has submitted a planning application to change the use of an industrial unit at 1 Bassendale Road, where they believe they would incur considerably cheaper operating costs and this is considered as a separate item elsewhere on tonight's agenda.

The NPPF Section 8 paragraph 74 indicates that a sports and recreational building such should not be built on unless an assessment clearly shows it is surplus to requirements. Currently, the Council does not have a complete audit of public and private recreational facilities and the information provided so far indicated that a demand for the bowl facility still exists for both competitive sport and recreational purposes. The results of the Statement Community Involvement on the redevelopment of the leisure facility as submitted by the applicant indicate that 54 out of 66 written responses were against the bowl closure, which suggests that any independent assessment would be unlikely to demonstrate widespread support for the proposal. Sport England lodged a non-statutory objection to the application which they consider to be at variance to the advice in PPG 17 and that the applicant has not demonstrated that the bowl sporting use is surplus to requirements. Although their objection predates the publication of the NPPF, the principles of PPG17 in this regard have been carried forward into the NPPF.

Planning Officers have sought to obtain amendment to the layout of the of the proposed retail floorspace at Croft, through discussions with the applicant, which would have facilitated retention of ten pin bowling in a modified form within the leisure area of the park. However, retention of the Bowl within the leisure area was rejected by the applicant on the grounds of viability. NPPF paragraph 74 enables alternative substitute facilities in a suitable location to be considered. However, indoor bowling facilities are identified as a main town centre use and it is reasonable to expect that any new facility should be as accessible to current and new users as the existing bowling centre. Sport England indicate that they would be minded to withdraw their objection if a replacement bowl facility can be secured and brought into use, before the existing facility is lost.

Although the proposed new location for the bowl will be considered separately on tonight's agenda, the consequences of approving the retail use could result in the existing indoor bowl facility being displaced and further erosion of the leisure character of this part of the park. There are no other alternative replacement sites or premises identified within the Croft Retail and Leisure Park to accommodate the Bowl. The proposed alternative location at Bassendale Road is contrary the designation in UDP as a Primarily Industrial Area and not as accessible as the existing ten pin bowl facility. Wirral International Business Park is identified as key employment asset for the Borough, which the Council intends to reserve for large and medium scale industrial and campus style offices in the Core Strategy for Wirral Preferred Options Report (November 2010). With a floor space of 1,300m^2 this building would be capable of accommodating 36 jobs if used for general industry (B2) or 130 jobs if used an office (B1) according to the HCA employment density guidelines. This area was also identified by the North West Regional Development Agency as a Strategic Regional Site. RSS Policy W2 indicates that sites for regionally significant economic development should not be used for development that could be accommodated elsewhere and they should not be developed piecemeal. The latest evidence shows there is likely to be a future shortfall of employment land within the Borough and the Council's Preferred Option for the future Core Strategy is to resist the loss of industrial premises to uses such as this.

Members may recall that Planning Committee granted planning permission with the neighbouring industrial area for an indoor cricket centre with courts to accommodate hockey, bowls volleyball and football at Candy Park on 12 March 2010 (09/06553 refers) and an indoor football academy adjacent to 6 Bassendale Rd on 27 October 2009 (09/05686) against officers recommendation. The indoor cricket centre is the only permission implemented to date.

Other Considerations

Building a Strong and Competitive Economy (NPPF Section 1)

Paragraph 19 of the NPPF indicates that significant weight should be placed on the need to support economic growth through the planning system and that local plans should identify priority areas for economic regeneration.

Impact on Regeneration & Local Employment

The applicant also indicates that 5,916m^2 of new bulky goods floor space could create between 18 and 173 jobs. Their best estimate suggests 66 new full time jobs could be created as a mid point of this range. It is acknowledged by the applicant that the rate of jobs could be higher or lower and it also claimed that the existing 24 jobs at the Bowl would not be lost if it was moved to the industrial area.

The applicant claims that if approval is not granted the bowl operation will almost certainly close (through no precipitate action of USS) whereas, if planning is granted, it is highly probable that the bowl will have a sustainable future in Bromborough. At stake - in the applicants view - are the 24 existing jobs in the bowl operation, along with the facilities it provides for the community, together with the best estimate of 66 new jobs which the redevelopment of the Croft can deliver and the financial underpinning of the Odeon cinema operation.

The estimate for 66 jobs can be verified by using the equation for superstores/retail warehouses in the Table 3 (12) of the 'Employment Densities Guide' (HCA, 2nd Edition 2010, p6) which can be viewed at: http://www.homesandcommunities.co.uk/sites/default/files/employ-den.pdf. By way of contrast, calculations taken from the same table suggests that 5,916m2 might deliver:

a) 311 jobs from A1 retail uses in the high street;
b) 84 jobs from D2 amusement and entertainment centres; or
c) 591 jobs from B1 offices in a business park.

Nevertheless, the precise number of new jobs estimated by the applicant should be treated with some

caution since it could be less or more than this number as the calculations are based on a national guide and new end users for the proposed retail floorspace have not been confirmed. The applicant indicates that potential users such as Next Home, Hobbycraft and BHS Home would have staffing requirements similar to a high street retailer, whereas DFS or SCS are likely to employ less staff. Other potential users include Wren Kitchens, CSL and Harveys. Figures provided by the applicant show that some of the bulky goods stores located at Croft have low staffing levels. For example Carpet Right has 4 employees, Bensons for Beds have a total of 3 staff and Ponden Home employ 6 people. At the other end of the spectrum, Currys/PC World employs 57 staff and Tesco 120. It could be contended that out of centre retail development of the magnitude proposed would have an adverse impact on investment and regeneration in Birkenhead Town Centre and it surrounding area. The RTP report and evidence for the forthcoming Local Development Framework indicates that there is currently a negative floorspace requirement for comparison retailing within the Borough and the vacancy rate in Birkenhead Town Centre has already been highlighted elsewhere in this report.

Members will be aware of the mixed use regeneration scheme at Hind Street, which was approved by the Planning Committee on 3 January 2012 (APP/11/01118 refers). This is intended to reinforce and safeguard the role of Birkenhead as a sub-regional centre and as the main shopping centre for Wirral. Approval of 5,916m^2 of new bulky goods floor space at Croft could undermine the Council's and partners attempts to deliver significant edge of centre regeneration benefits with improved linkages to the town centre through a scheme that has the potential to create 550 jobs, according to the HCA guidelines, in one of the most deprived areas in the Borough. Any loss of key stores in Birkenhead could also have an adverse impact on employment.

Members should also note that there could be other adverse economic and employment implications. The applicant is claiming that the greatest impacts would be on the existing retail area within Croft and Junction One, Bidston. There will be costs in moving specialised bowling equipment, which have not been quantified, and there is no guarantee that The Bowl could operate on a viable basis by relocating to industrial property.

RSS Policies RDF1, LCR1 and LCR2 make it clear that that plans and strategies should focus development to the inner area of Birkenhead where there is an urgent need for regeneration to deliver urban renaissance and social inclusion with community facilities, services and employment. This supported by UDP Policy URN1, which seeks to ensure neglected, unused or derelict land or buildings are brought into use.

If retail development continues to become established in out of centre locations, it would become increasingly difficult to secure regeneration in more deprived parts of the Borough.

Resilience to Climate Change & Design

The application is accompanied by a sustainability statement. The applicant indicates that the bulky goods floorspace would make use of an existing building reducing the need for additional materials and new build elements of the scheme would achieve a minimum BREEAM rating of very good and wishes to create a high street feel through the location of the pod units.

Accessibility

It is accepted that the site is accessible by bus, cycle and to walk in custom from the nearby residential area. The application proposes a number of improvements to pedestrian and cycle facilities (listed below under traffic implications) intended to benefit access to the whole of the retail and leisure park and address concerns of the Merseyside Cycling Campaign and others.

It could, however, be contended that Birkenhead Town Centre and surrounding sites with its bus and railway connections are in a more accessible location. Moreover, the propensity for linked trips by customers of the Bowl could be diminished if it left its current central location in the leisure area and relocated into the industrial area.

SEPARATION DISTANCES

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

proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS
The Director of Technical Services - Traffic Management Division has no objection to the proposed scheme subject to conditions for highway improvement measures including a puffin crossing on Welton Road, improved crossing facilities on Caldebeck Road at its junction with New Chester Road for pedestrians and cyclists, a segregated cycleway/footway access to the retail/leisure park including widening the existing pedestrian access from New Chester Road to 3 metres, Widening of the existing footway on the western side of Welton Road between the pedestrian access and the southern boundary of the western retail terrace to 3 metres to provide segregated cycleway/footway, A pedestrian /mobility impaired user route from Welton Road (adjacent to Boots) to the retail terrace(adjacent to Mothercare), a full travel plan and a Section 106 Agreement to include a commuted sum of £5,000 to provide appropriate direction signing to direct traffic in to and out of the retail/leisure park via the alternative access from Stadium Road via New Chester Road/Pool Lane and Old Chester Road.

ENVIRONMENTAL/SUSTAINABILITY ISSUES
The NPPF makes it clear that the purpose of the planning system is to contribute the achievement of sustainable development and paragraphs 18 to 219, taken as a whole constitutes the Government's view of what this means in practice. This report has highlights a number of conflicts with the objectives of the NPPF in relation to town centre and sport/recreation policies.

HEALTH ISSUES
The loss of a sport and recreational facility could have an effect on health. The proposal could also have an indirect impact through the effect on regeneration and employment in one of the most deprived parts of the Borough.

Recommendation: **Refuse**

Reasons:

1. The Local Planning Authority consider that the proposal would have a significant adverse effect on the vitality and viability of Birkenhead Town Centre and regeneration in its surrounding area. The applicant has not demonstrated that the tests in relation to the use of a more central site and the impact on existing centres can be fully satisfied having regard to paragraph 24, 26 and 27 of the National Planning Policy Framework ; the Regional Spatial Strategy for the North West Policies: W5 "Retail Development"; RDF1 "Spatial Priorities" LCR1 "Liverpool City Region Priorities" and LCR2 "The Regional Centre and Inner Areas of Liverpool City Region" and the Wirral Unitary Development Plan Policies: SH9 "Criteria for Out of Centre & Edge of Centre Retail Development" and URN1 "General Principles and Urban Regeneration.

2. The proposed development would result in the loss of an indoor bowl sport and recreational facility without ensuring provision is made for an alternative facility of comparable quantity and quality in a suitable location . No evidence is available to clearly indicate the indoor bowling facility is surplus to requirements. The proposal is therefore contrary to paragraph 74 of the National Planning Policy Framework.

Further Notes for Committee:

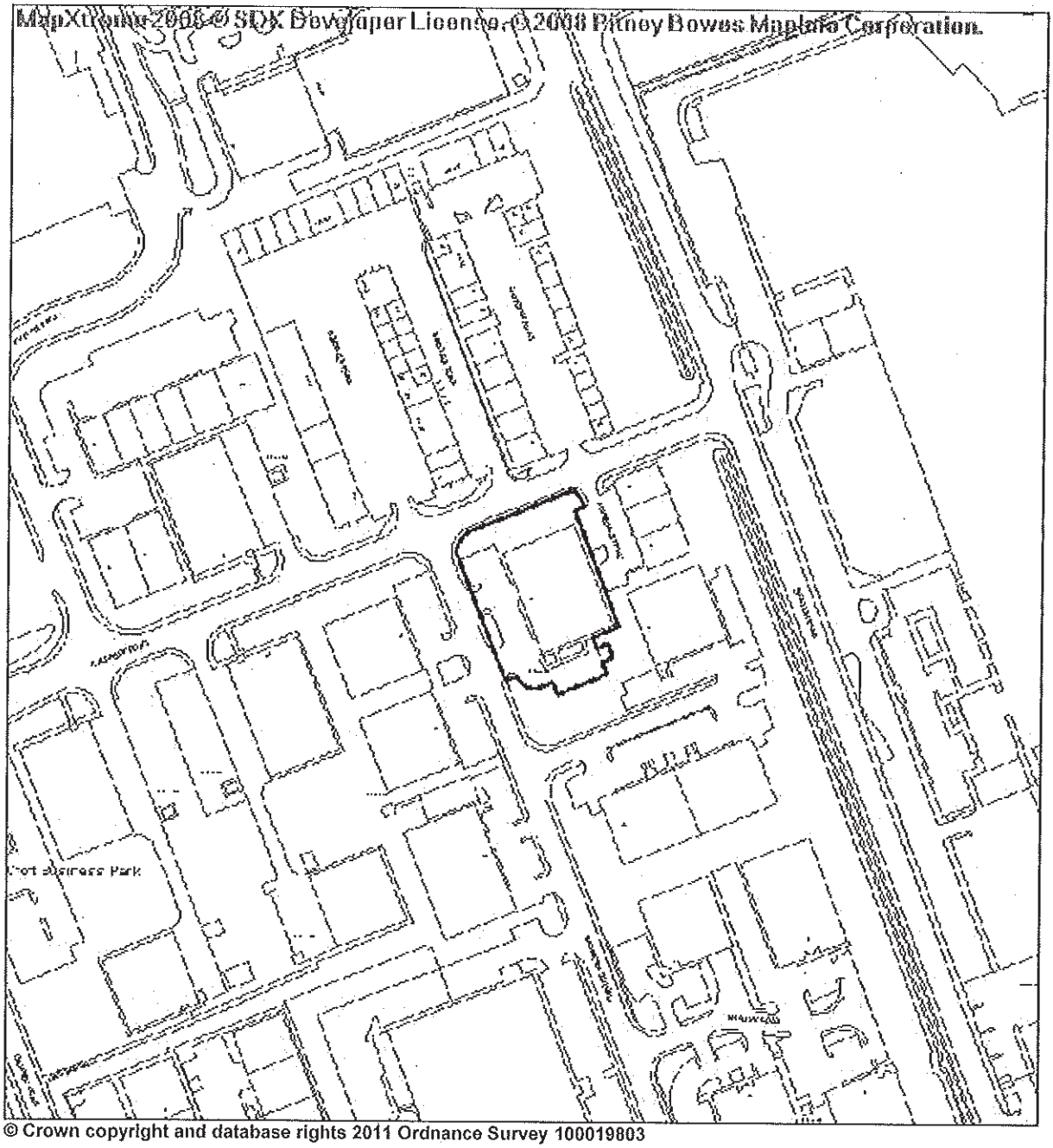
Last Comments By: 07/09/2011 11:03:27
Expiry Date: 28/10/2011

Planning Committee
24 April 2012

Reference:	Area Team:	Case Officer:	Ward:
APP/11/01194	**South Team**	**Mr K Spilsbury**	**Bromborough**

Location: 1 BASSENDALE ROAD, BROMBOROUGH, CH62 3QL
Proposal: Change of use to bowling centre from B2 to D2
Applicant: Bowl 300 Ltd
Agent : C W Jones

Site Plan:



Development Plan allocation and policies:
Primarily Industrial Area

Planning History:

APP/93/06492 Erection of a single storey building, approved 12/11/1993

APP/04/06035 Alterations to existing building including cladding and roller shutters, approved 12/7/2004

Summary Of Representations and Consultations Received:
REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, 14 notifications were sent to adjoining properties. A Site Notice was also displayed and the application was advertised in the Wirral Globe. At the time of writing this report the following representations have been received:

131 emails/letters of support.

A qualifying petition of support containing 844 signatures has also been received.

Merseyside Cycling Campaign - objection on the grounds that there is no cycle parking provision

Councillor Steve Niblock has requested that the application be taken out of delegated powers for the following reasons:

1. The building has been under used for some time and given the current economic climate is unlikely to provide employment given its current B2 designation.

2. The application to change to D2 use will result in the protection of jobs with the possibility of additional jobs being created.

3. The current bowl provision which is due to close would result in the loss of amenity to the Bromborough community and the loss of a number of jobs.

4. The current provision is also regionally recognised and has hosted international competitions. Indeed I had the honour to hand out medals for part of the bowling competition as part of the World Firefighter Games.

5. Many young people use the current site and would continue to use the Bassendale Road site as it is only a very short distance away. The provision of bowling in Bromborough provides young people with a physical activity and also engages them in a sport which if not available would reduce their health and wellbeing and could result in more anti social behaviour in the area.

6. I understand that a number of other vacant premises have been considered and discounted and therefore I believe that this application passes the sequential test.

7. I ask that the Planning Committee approve the application on the grounds that it will increase employment prospects, protect current jobs and ensure that the amenity continues to be available the local, Wirral and regional communities.

8. Suitable conditions can thus be applied to the application to return the building to B2 use should the business fail or change.

Councillor Irene Williams states: I have a copy of a letter to you from the operators of the Bowl in which it is clear that contrary to what is said in the report, the Bowl operators do not wish to remain trading at Croft Retail and Leisure Park, as it is not financial viable. They want to move to the site in Bassendale Road, where their overheads would be cheaper and they may be able to turn over a small profit, whereas now they are running at a loss. I would support this as I have seen the calculations.

CONSULTATIONS
Director of Law, HR and Asset Management (Pollution Control) - no objections

Director of Technical Services (Traffic Management Division) - Concern raised over the potential overspill parking associated with the change of use to a Bowling Alley in an existing industrial/business area, however no objection subject to a condition.

DIRECTORS COMMENTS:

REASON FOR REFERRAL:
Councillor Niblock has requested that the application be taken out of delegation.

INTRODUCTION
The proposed development is for the change of use of the vacant industrial unit at 1 Bassendale Road from its current B1, B2, B8 Use to a bowling centre (D2 Use), as an alternative premises for the existing ten pin bowling centre presently located at the Croft Retail and Leisure Park.

The applicants have indicated that it is not viable to remain trading at the Croft Retail and Leisure Park, where the site owners are seeking to gain planning permission for additional retail outlets, which is subject to a separate application on tonight's Planning Committee agenda (see APP/11/00874).

PRINCIPLE OF DEVELOPMENT
The National Planning Policy Framework makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The economic aim is to ensure sufficient land of the right type is available in the right place at the right time to support growth and innovation. Indoor bowling centres are identified as a main town centre use and are subject to a sequential test whereby preference should be given to accessible sites that are well connected to a town centre only if suitable town or edge of centre sites are not available.

The site is designated as a Primarily Industrial Area in the Unitary Development Plan (UDP) and there is no provision D2 uses under UDP Policy EM8. The area was also previously identified by the North West Regional Development Agency as a Strategic Regional Site. Regional Spatial Strategy (RSS) Policy W2 indicates that sites for regionally significant economic development should not be used for development that could be accommodated elsewhere and they should not be developed piecemeal. It should be noted that the Government intends to abolish RSS, subject to the outcome of consultation on Strategic Environmental Assessment. RSS will remain part of the statutory development plan until formally revoked. The proposal is a departure from the Development Plan and as such the principle of this development is not considered to be acceptable.

SITE AND SURROUNDINGS
The site is a large clad industrial unit with parking provision for 39 cars.

The site is located within an established industrial area where similar units are used for industrial purposes within Use Classes B1, B2 and B8.

POLICY CONTEXT
National Planning Policy Framework (NPPF), paragraph 21indicates that Local Plans should identify strategic sites for local and inward investment and identify priority areas for regeneration.

This application is contrary to UDP Policy EM8 (Development within Primarily Industrial Areas), which only makes provision for industrial development within Use Classes B1, B2 and B8 uses and for expansion of existing businesses.

It is also contrary to RSS Policy W2 (Locations for Regionally Significant Development), which seeks to protect strategically important land for significant economic development.

The Wirral Employment Land and Premises Study 2009, approved by the Council on 2nd November 2009 (minute 49 refers) for use in planning decisions indicates that this industrial area is fit for purpose and will have a clear economic role now and over the next 20 years. However, the study

concluded that Wirral International Business Park has finite boundaries and recommended that the Council accepts that there will be a need to identify a replacement location in the medium to long term.

The latest evidence suggests that Borough faces a shortfall in the future supply of employment land and in terms of future local planning policy, the Council's Preferred Option for the Local Development Framework Core Strategy is to resist the loss of designated employment land to non employment uses, unless a Borough wide review shows it is no longer viable and surplus to requirements.

The Applicant's Case

The applicant states the proposed relocation of the bowl is a direct response to the proposed closure of the existing ten pin bowling facility by the owners of Croft Retail and Leisure Park and their desire to maintain the existing customer base who use the current bowling facilities.

The prospects of using town centre sites were considered by the applicants, but they were unable to find suitable premises in the centres of Bromborough or Bebington and concluded that any significant move to the north or south of Borough would have a negative effect on their existing customer base and on the other bowling facilities at New Brighton, Cheshire Oaks and Chester.

In addition to this, the applicant contends that are a number of special circumstances that weigh in favour of the proposed scheme, these include:

- The Bowl facility provides coaching to international standards and has a regular customer base from league teams (youth and senior), disabled persons and special needs groups, and the police including the Wirral Youth Inclusion Programme and would wish to stay in the leisure area, but it cannot afford rental levels, which a large commercial retail business would be prepared to pay
- A new build development would be beyond the means of the applicant and as such the bowl would need to be an existing industrial/commercial unit.
- UDP Policy EM8 & 9 do not rule out other uses.
- Two other planning applications for D2 uses have been approved by Planning Committee within Primarily Industrial Areas.
- The relocation of the bowling business will ensure 25 jobs are saved in a period of high youth unemployment
- The site has been marketed in excess of 6 years with no serious interest
- The high number of vacant premises in the immediate area for employment use in addition to the fact that there is no evidence base to demonstrate that these current circumstances are likely to change.
- Since the Employment Land Study Report, changes within National and Global economic situations in recent years have resulted in further vacant premises within the area as well as a further decline in manufacturing employment.

Officer Comments

Although there are number of sites in and around the edge of the Birkenhead Town Centre, such as land at Europa Boulevard, capable of accommodating a new bowling facility, it is accepted that these are not viable prospects for this particular applicant. Submissions by the applicant, and in the separate application to convert the existing bowling facility to retail outlets (APP/11/00874), indicate that there is no prospect of the current operators of The Bowl being able to make the current operation economically viable, even on a subsidised rental basis and relocation of the bowling business could save 25 jobs. However, members should be aware there will be financial implications for the applicant in moving or installing specialised bowling equipment, which have not been quantified, and there is no guarantee that The Bowl could operate on a viable basis by relocating to industrial property.

Members may recall that Planning Committee granted planning permission with the neighbouring industrial area for an indoor cricket centre with courts to accommodate hockey, bowls volleyball and football at Candy Park on 12 March 2010 (09/06553 refers) and an indoor football academy adjacent to 6 Bassendale Rd on 27 October 2009 (09/05686) against officers recommendation. The indoor cricket centre is the only permission implemented to date.

There is support for the proposal in letters submitted with the application in addition to the letters received during the consultation process and a further petition containing 844 signatures from across the Borough, Liverpool, Cheshire and the North West. However, the local consultation carried out prior to the separate application to convert the existing bowling facility to retail outlets (APP/11/00874) showed 54 out 66 responses were against the bowl closure at Croft.

National Planning Policy Framework, paragraph 74 enables alternative substitute facilities in a suitable location to be considered. However, it is reasonable to expect that any new facility should be as accessible to current and new users as the existing bowling centre.

Planning Officers have sought to obtain an amendment to the layout of the proposed retail floorspace in the separate application at Croft (APP/11/00874), which would have facilitated retention of ten pin bowling in a modified form within the leisure area of the park. However, retention of the Bowl within the leisure area was rejected by the owners of Croft.

While the applicant claims the site has been marketed since 2006, it is considered that this and the presence of vacant units elsewhere does not in itself set a precedent for non-conforming development. This proposal would result in the loss of an industrial unit for employment uses, which can have a detrimental impact on the industrial nature of the area and could set a precedent that could lead to the erosion of the Council's employment land supply.

The proposed relocation of The Bowl to the site at Bassendale Road is contrary the designation in UDP as a Primarily Industrial Area and not as accessible as the existing ten pin bowl facility. With a floor space of 1,300m^2 this building would be capable of accommodating 36 jobs if used for general industry (B2) or 130 jobs if used an office (B1) according to the HCA employment density guidelines. Wirral International Business Park is identified as key employment asset for the Borough, which the Council intends to reserve for large and medium scale industrial and campus style offices in the Core Strategy Preferred Options Report (November 2010) and it should not be used for development that could be accommodated elsewhere and should not be developed piecemeal.

APPEARANCE AND AMENITY ISSUES
There would only be minor changes to the exterior of the building which include the change of one roller shutter loading door on the front elevation to a glazed double door, with glazed surround and two fire escape doors to the south and east elevations. All other alterations would be internal, with exception of signage that would require separate advertisement consent.

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

HIGHWAY/TRAFFIC IMPLICATIONS
The Director of Technical Services - Traffic Management has raised a number of concerns with regard to the additional traffic movements at the junction of Caldbeck Road/Bassendale Road, pedestrian movements between the application site and the main retail leisure area and possible over spill parking in the industrial area creating a highway safety issue. As a result a transport statement was prepared by the applicant. Following review of the document the Director of Technical Services - Traffic Management states; I have considered the Transport Statement submitted with the application and, whilst I am now satisfied that vehicle and pedestrian movements associated with this development will not have a demonstrable negative impact on highway safety, I still have some concern that there is likely to be some over spill parking associated with the change of use to a Bowling Alley in an existing industrial/business area. The site car park accommodates 19 spaces less than the maximum allowed under SPD4 and it is considered that this will contribute to additional parking taking place a the junction of Caldbeck Road with Bassendale Road extending past the proposed site accesses. This overspill of parking would be detrimental to highway safety at this location but could be mitigated through a condition to ensure waiting restrictions are introduced around the junctions and accesses at and by the site.

ENVIRONMENTAL/SUSTAINABILITY ISSUES
The National Planning Policy Framework makes it clear that the purpose of the planning system is to

contribute to the achievement of sustainable development. Paragraphs 18 to 219 taken a whole constitute the Governments view of what sustainable development in England means in practice for the planning system. This report has highlights conflict with policies for town centres and employment, sport and recreational buildings.

HEALTH ISSUES
There are no health implications relating to this application.

Recommendation Decision: **Refuse**

Recommended Reason:

1. The Local Planning Authority considers that the site is in an unsuitable location for the proposed use; it is designated as a Primarily Industrial Area in the Wirral Unitary Development Plan (UDP), and was identified as a Strategic Regional Site by the Northwest Regional Development Agency. The application is contrary to UDP Policy EM8 – Development with Primarily Industrial Areas, which only makes provision for development within Use Classes B1, B2 or B8 of the Town & Country Planning (Use Classes) Order 1987 and Policy W2 – Locations for Regionally Significant Development in the Regional Spatial Strategy, which indicates that site should not be used for development that can be accommodated elsewhere and should not be developed in a piecemeal manner. It also contrary to the National Planning Policy Framework, paragraphs 24, 27 and 74. No material considerations have been identified sufficient to warrant overriding the statutory development plan designation and the proposal would have a detrimental impact on the purpose and character of the Primarily Industrial Area.

Last Comments By: 31/12/2011 11:49:51
Expiry Date: 02/12/2011