

## Planning Committee

16 February 2012

**Reference:**  
**APP/11/00874**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mr K Spilsbury**

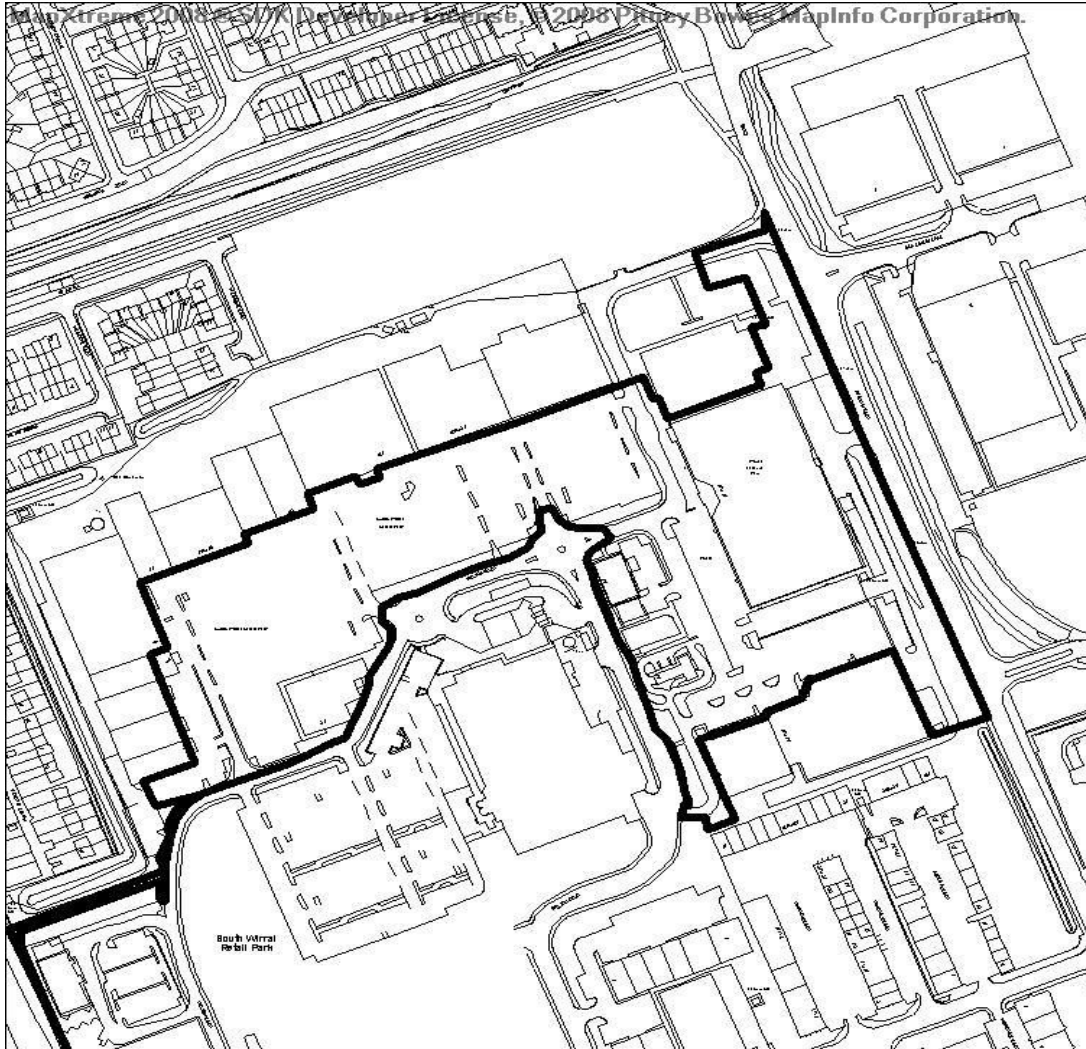
**Ward:**  
**Bromborough**

**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 where the owners propose to downsize the existing leisure area by replacing the existing ten pin bowling facility and reducing the number of screens at the Odeon Cinema to create 5,916m<sup>2</sup> of non-food retail floorspace, new restaurants/takeaways and a new retail unit. The proposal has the potential to adversely affect investment, regeneration and employment prospects in Birkenhead and would conflict with national, regional and local planning policy.

Tenants of the indoor bowl sport and recreation facility claim that applicant announced closure of the ten pin bowling facility without consultation. The tenants indicate that they operate 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 are unable to pay the rents which a large commercial retailer would be prepared to pay. Consequently, the bowl operator considers there is no alternative but to seek alternative premises and has made a separate application to change the use of a nearby industrial building in the Wirral International Business Park.

National Planning Policy PPG17 (Planning for Open Space, Sport and Recreation) makes it clear that a sports and recreational building should not be built on unless an assessment shows it is surplus to requirements or a suitable alternative, which has comparable quality and accessibility, can be secured via a planning obligation. 54 out of 66 responses to the applicant's community consultation were against the bowl closure.

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 and 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 application is recommended for refusal due to the loss of the indoor bowl sport and recreation facility from the leisure area, the potential impact on investment and harm to the prospects for regeneration and employment within Birkenhead, which conflicts with the aims of national and local planning policy.

### **Development Plan allocation and policies:**

The site is designated as an Out of Centre Retail Development on the 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 PPS4 - EC10 and EC14-19 and PPG17 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 will improve business for the eastern section of the retail park.

Councillor Irene Williams supports the application stating:

"There has been a cinema and bowling 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.

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. However the application is also categorised as Major Development and is also required to be determined by the Planning Committee under the Council's Scheme of Delegation for Determining Planning Applications.

#### **INTRODUCTION**

The proposed scheme has two main elements. The first involves the relocation of the existing A3/A5 café/hot-food takeaway 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 retail unit occupied by Sharps Bedrooms to a new shop unit adjacent to the existing Carpetright 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 involve the closure of the existing ten-pin bowling facility and reconfiguration of the Odeon Cinema, including a new entrance and a reduction in the number of cinema screens. 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 or up to four individual retail units with a minimum unit floorspace of 604 sqm. There are no named operators, but the applicant has indicated that potential occupiers such as Next Home, Hobbycraft, BHS Home, DFS, SCS, CSL, Harveys and Wren Kitchens have expressed an interest.

## **PRINCIPLE OF DEVELOPMENT**

Out of centre retail development can only be permitted under 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' 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 'Retail Development', and National Planning Policy Statement PPS4 'Planning for Sustainable Economic Growth'. 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 'Retail Development' 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 in PPS6 (now PPS4).

National Policy in PPS4, Policy EC17 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.

Redevelopment of the indoor bowl centre should only be permitted if the facility is declared surplus to requirements or alternative facilities of the same quality, that are as accessible to current and new users, can be secured through planning obligations under the terms of National Planning Policy Guidance PPG17 'Planning for Open Space, Sport and Recreation', paragraphs 10 and 13.

The current status of the National Planning Policy Framework (NPPF) as a consultation draft means that it carries limited weight, but it does indicate that the "town centres first" approach and protection for sport and recreational facilities are likely to be retained.

## **SITE AND SURROUNDINGS**

The Croft Retail and Leisure Park is a large popular out of town shopping and leisure 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), Argos etc wrap around the northern perimeter with a car park and Boots store 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 Carpetright 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, 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 is 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 'Retail Development' 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 focused 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 where the site is located, also makes it clear economic development should be focused in the towns and cities identified in RDF1.

#### ***National Planning Policy Statement PPS 4***

One of the Government's main objectives, in PPS4, for achieving sustainable economic growth is to promote the vitality and viability of existing centres. Development management policies relating to town centre uses include the sequential and impact tests set out at Policies EC15 and EC16, which are applicable to this application. The 'town centre first' approach is retained in the draft National Planning Policy Framework (NPPF)

The applicant has submitted a Town Centre Assessment and separate planning statement as required by PPS4, Policy EC14. These, together with further supplementary reports, provided in response to requests by officers for further information and clarification, have been analysed and the conclusions are set out below.

#### ***Policy EC15 Consideration of sequential assessments***

Policy EC15 sets out the issues which local planning authorities should consider when reviewing sequential assessments produced under Policy EC14.

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. Further assessment has been provided by the applicant for some alternative sites on this basis. The applicant has also, at the request of officers' contacted landowners of some sites assessed in Birkenhead Town Centre to establish current intentions.

### ***Sequential analysis***

#### Cinema reconfiguration

Cinemas are listed as one of the town centre uses in paragraph 7 of PPS4 and 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.

It is claimed that vacant units in Birkenhead town centre could only be used for A1 retail purposes, but is not convincing when current planning policy makes provision for A3 or A5 uses within the town centre. Nevertheless, it could be contended 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 that restrictive opening hours would render vacant units in the Pyramids and Grange Shopping Centre unsuitable and unviable as a location for the restaurant.

#### 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. They are sceptical of the proposal coming forward within 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. 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.

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 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 the 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, it is considered that the scale of development proposed could have an adverse affect on securing the public/private investment needed to bring forward Hind Street (a test under PPS4, Policy EC16). Even in its current state, Hind Street, which is closer to a town centre and accessible by a choice of transport modes, can be regarded as being sequentially preferable to the application site and as a location that could come forward within a five-year assessment time-frame.

Oliver Street is clearly no longer an option due to the completion of Asda. However, proposals for the Rank Bingo Hall and Europa Boulevard sites have not materialised, 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 poor legibility with the main shopping area.

The applicant also contends that land adjacent to the Vue cinema on Europa Boulevard could not accommodate disaggregated bulky goods units (604m<sup>2</sup>) 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 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***

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.

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 site is arguably bulky goods.

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.

***Policy EC16 - 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.***

The criteria in PPS4, Policy EC16 sets out the impact considerations applying to unplanned, edge and out of centre developments (in addition to those criteria identified under Policy EC10). The applicant has made a number of changes to the assessment submitted with the application, including a separate sensitivity test which takes account of the potential indicative occupiers. The criteria in Policy EC16 relevant to this application are: EC16.1a, EC16.1b and EC16.1d. Each is considered in turn below

***EC16.1a - The impact of the proposal on existing committed and public and private investment in a centre/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, plus the proposed edge of centre scheme at Hind Street especially as bulky goods retail is the key element of the latter proposals. 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 it's self, would not prevent these sites from coming forward for their planned purpose.

***EC16.1b - Impact on town centre vitality and viability including local consumer choice and the range and quality of the comparison and convenience retail offer.***

The PPS4 Practice Guide notes that consideration of the effects on the development plan, committed and planned investment and impacts on town centre turnover are relevant considerations in considering overall effects on vitality and viability, but that it will also be appropriate to consider the implications of a proposal on retail diversity, particularly the range, type and quality of goods available. It notes that in most cases impacts on vitality and viability are more gradual and that it is the cumulative effects of developments over time (often compounding wider trends) which can result in a decline in vitality and viability.

Although nominally the new floorspace proposed in this application is for bulky goods, a condition 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. Officers asked the applicant to reconsider the amount of unrestricted ancillary retail floorspace; however, this was rejected by the applicant who claims that 15% would not materially affect the way the units would trade as predominantly bulky goods retail operations.

The main concern in relation to this proposal is the potential impact of the proposed development on Birkenhead. 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). 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. While the Asda Superstore and redevelopment of the vacant Woolworths store has been completed, since the RTP report, these have to some extent been counterbalanced by the closure of TJ Hughes, Topshop/Topman, and the imminent closure of Currys electricals.

In contrast to Birkenhead, 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 has evolved to become 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 significant 'high street' retailer representation, including Tesco Homeplus, Next, and Argos, in addition to those operators listed above. While previous permissions (which predate the RTP report findings) 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 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.

*EC16.1d - Impact on in centre trade/turnover in the wider area, taking account of current and future consumer expenditure capacity up to five years from when the application is made.*

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 not have a significant adverse effect on defined centres in the Borough. In relation to the cumulative impact, the applicant contends that the majority of stated impacts upon centres arise as a result of other already approved commitments, rather than their own proposals.

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. 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 would be diverted from is a key consideration.

In this case, the applicants contend that there will be minor impacts on Birkenhead and other established town centres. Their assessment also suggests the greatest impacts on 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, given that the composition of the Croft Retail Park now includes significant representation by 'high street' retailers it is considered that this is overstated. 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, suggests that the likely trade diversion is also overstated.

By contrast it is considered that their assessment of impacts on Birkenhead is under stated. The assessment of cumulative impact (under PPS4, Policy EC17) with the rest of the retail park on Birkenhead also appears too low given the overlap of the catchments and increasing overlap between the function of the retail park and Birkenhead (through the increasing representation of town centre operators discussed above). However, their figures 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, -10.6% on Next, -9.25% on Marks & Spencer, -9.19% on Wilkinson, -7.74% on Argos

Extra and -5.05% on TK Maxx. 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). The loss of any one of the key anchor stores could have a significantly adverse effect on the vitality and viability of Birkenhead Town Centre 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 PPS4 practice guide (paragraph 7.32) notes 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.

***EC17 – consideration of applications for out of centre uses not in accordance with up to date development plan***

Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:

- a) the applicant has not demonstrated compliance with sequential approach; or
- b) there is clear evidence of significant adverse impact in terms of any one of the impacts set out in EC10.2 and 16.1, taking account of likely cumulative effect of recent permissions, developments under construction and completed developments.

It is therefore considered that the application should be refused because the proposed non food retail uses at this site would not promote the vitality and viability of existing town centres and regeneration within the Borough.

***Policy EC10 – Determining Planning Applications for Economic Development.***

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 also contends that the bowling facility 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 tenants of 'The Bowl' being able to make the current operation economically viable, even on a subsidised rental basis. 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 indoor bowl centre.

A positive and constructive approach should be taken towards proposals that secure sustainable economic growth under terms of Policy EC10.1. This is subject to a number of tests in Policy EC10.2 relating to resilience to climate change, accessibility by choice of transport, design, and the impact on regeneration; deprived areas and employment.

***Resilience to Climate Change & Design***

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 site is accessible by bus, cycle and to walk in custom from the nearby residential area. 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 was forced to leave its current central location in leisure area and relocate into the industrial area.

***Impact on Regeneration & Local Employment***

The applicant has indicated the Cinema has too many screens for the level of demand from the

catchment and has expressed a view that the tenants of 'The Bowl' are unable to make the current use economically viable even on a subsidised rental basis. It is also indicated that marketing has not generated interest in identifying a new leisure user for the indoor bowl centre. The current proposals are intended to facilitate the reconfiguration of the existing Odeon Cinema to create a more competitive operation.

The applicant also indicates that 5,916m<sup>2</sup> 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. 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 indoor bowl centre 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, 2<sup>nd</sup> 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 5,916m<sup>2</sup> 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 number of new jobs estimated by the applicant should be treated with some caution 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 has a total of 3 staff and Ponden Home employ 6 people.

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 its surrounding area. The RTP report and evidence for the forthcoming LDF indicates that there is currently a negative floorspace requirement for comparison retailing within the Borough and the vacancy rate in Birkenhead Town Centre recorded at 16% in May 2008 was higher than the UK average. The position does not appear to be improving as evidenced by the recent closure of TJ Hughes.

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 safeguard the role of Birkenhead as a sub-regional centre and as the main shopping centre for Wirral. Approval of 5,916m<sup>2</sup> of new bulky goods floor space at Croft could undermine the Council's and its 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.

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 is 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.

### **Impact on the future of the Ten Pin Bowl**

The tenants have indicated that The Bowl is a successful business, which 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.

National Planning Policy Guidance PPG17, paragraph 10 makes it clear 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 of Community Involvement on the redevelopment of the leisure facility, as submitted by the applicant, indicates 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 as required under by PPG17.

PPG17, paragraph 13 enables alternative substitute facilities to be considered. However, any new facility should be as accessible to current and new users as the exiting facility and the Local Planning Authority are expected to make use of a condition or planning obligation to ensure the exchange takes place.

Planning Officers have sought to obtain amendment to the layout of the proposed retail floorspace at Croft, through a number of 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.

The operator of the indoor bowl centre has subsequently submitted a planning application to change the use of an industrial unit at 1 Bassendale Road, which 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<sup>2</sup>, this building could be capable of accommodating 36 jobs if used for general industry (Use Class B2) or 130 jobs if used an office (Use Class B1) according to the HCA employment density guidelines. This area is 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.

Although, this will be considered separately, 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 and the latest evidence shows there is likely to be a future shortfall in the supply of employment land within the Borough. RSS Policy W2 indicates that the site in Bassendale Rd should not be used for development that could be accommodated elsewhere and the Council's Preferred Option for the future Core Strategy is to resist the loss of industrial premises to uses such as this.

### **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 proposal could have an adverse effect on sustainable regeneration in Birkenhead.

#### **HEALTH ISSUES**

The loss of a sport and recreational facility could have an effect. 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.

#### **CONCLUSION**

The proposed development would replace an indoor bowl centre and the new retail facilities have the propensity to adversely affect the vitality and viability of existing town centres and regeneration within the Borough, which is contrary to national, regional and local planning policy.

**Recommended            Refuse**  
**Decision:**

#### **Recommended Reasons:**

1. The Local Planning Authority considers 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 Policies EC10, EC15, EC16 and EC17 of National Planning Policy Statement PPS4 "Planning for Sustainable Economic Growth" (29 December 2009). The development would, therefore, conflict with the intentions of National Planning Policy Statement PPS 4 "Planning for Sustainable Economic Growth", Policy EC17; 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 a suitable alternative facility of comparable quality and accessibility. No evidence is available to clearly indicate the indoor bowling facility is surplus to requirements. The proposal is therefore contrary to National Planning Policy Guidance PPG17 (paragraphs 10 and 13 in particular).

#### **Further Notes for Committee:**

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