

Planning Committee

24 May 2012

Reference:
APP/11/01365

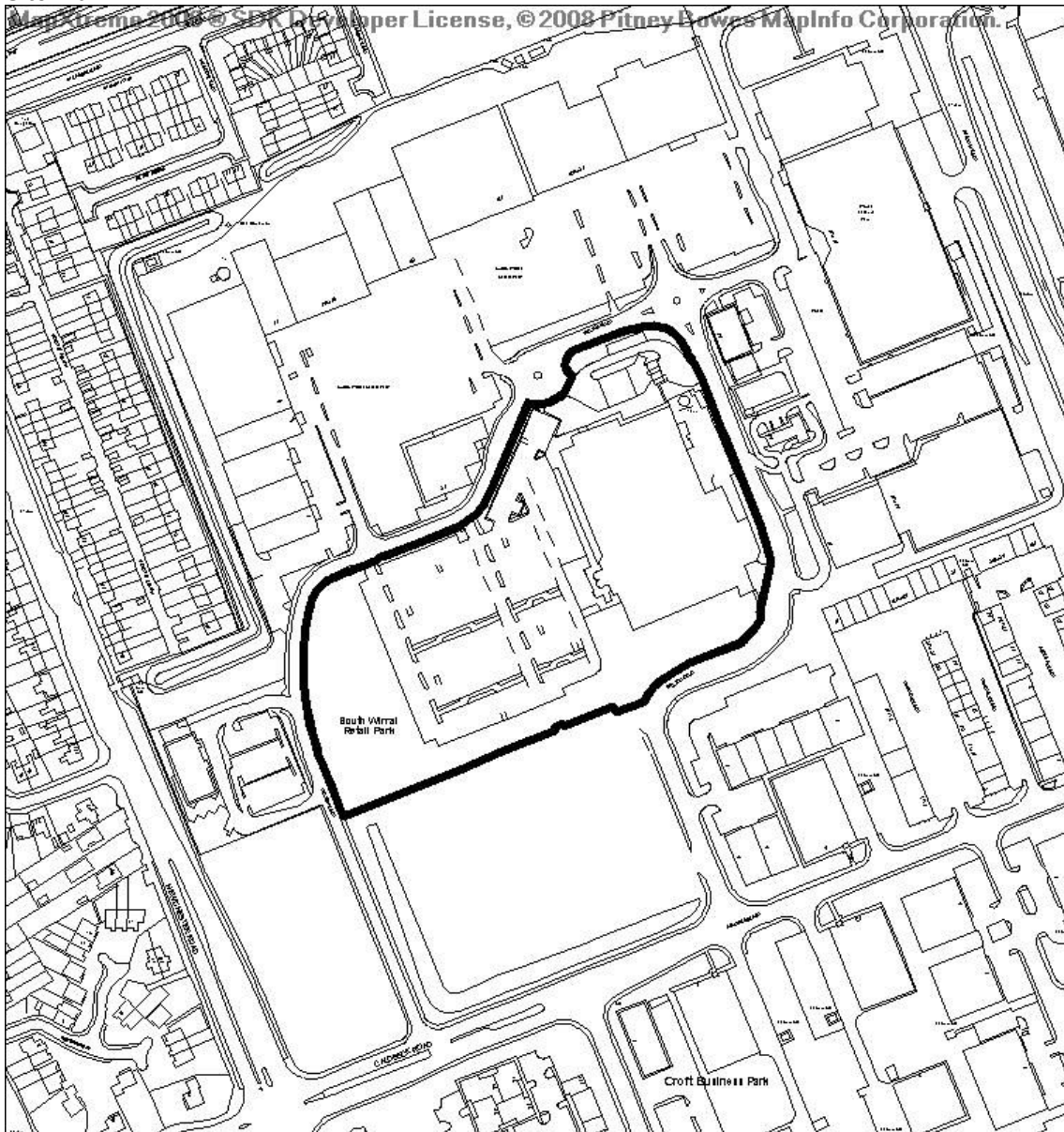
Area Team:
South Team

Case Officer:
Mr K Spilsbury

Ward:
Bromborough

Location: Asda Superstore, WELTON ROAD, BROMBOROUGH, CH62 3PN
Proposal: Application to replace an extant approved planning application (08/5084)- Construction of Mezzanine Floor
Applicant: Asda Stores Ltd
Agent : Planning Potential

Site Plan:



© Crown copyright and database rights 2011 Ordnance Survey 100019803

Development Plan Designation:
Primarily Industrial Area

Out of Centre Retail Development

Planning History:

Various, but most relevant include:

1987/6990 - Retail park development including superstore, non-food units, restaurant, garden centre, petrol filling station, car parking, servicing, access roads, landscaping and ancillary facilities - Approved 12/07/1988

1998/6974 - Erection of single storey extensions to front and side, erection of canopy at rear, enclosure of existing rear canopy to form warehouse, formation of car parking spaces and realignment of existing road (Welton Road) - Approved 28/07/1999

2000/5198 - Erection of extensions - Approved 16/03/2000

2008/5084 - Construction of a mezzanine floor - Approved 02/02/2009

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, neighbour notification letters were issued to 41 adjoining properties, and a site notice erected at the site. At the time of writing this report no representation have been received

CONSULTATIONS

Director of Technical Services (Traffic and Transportation Division) – no objection subject a section 106 agreement and conditions for a travel plan and cycle parking.

Director of Law, Human Resources and Asset Management (Environmental Health Division) – no objection.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application seeks permission for a mezzanine floor over 1000 square metres in size which is defined as a major development within Wirral's adopted scheme of delegation for determining planning applications and is therefore required to be considered by the Planning Committee.

INTRODUCTION

This is an application to renew an existing permission (APP/2008/5084) for a proposed a mezzanine with a net floorspace of 1,571m² at the Asda superstore adjacent to the Croft Retail Park in Bromborough. Planning permission was granted in February 2009. Asda are seeking to renew the application under the simplified procedure for renewing extent permissions which was introduced by an amendment to the GDPO in 2009.

PRINCIPLE OF DEVELOPMENT

Guidance on Greater Flexibility for Planning Permissions, issued by the Department for Communities in updated form in October 2010 states: "In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

The applicant has submitted a new Planning and Retail Statement with the application to take account of changes in circumstances since the original planning permission was issued, with a supplementary submission on the sequential approach.

SITE AND SURROUNDINGS

The Croft Retail and Leisure Park at Bromborough is an established retail and leisure site, located east of the A41 (New Chester Road). It forms part of the wider Wirral International Business Park, recognised within the RPG13 as a regionally important location for employment development. Indeed the adjoining Croft Business Park is owned and managed by the North West Development Agency. The site is reasonably located with respect to public transport, New Chester Road being a major bus route and two services passing through the park itself at peak times. To the north of the site is a disused railway which is now a pedestrian and cycle way - this separates the retail site from residential and industrial uses to the north.

POLICY CONTEXT

The applicant indicates that the effect of the mezzanine floor would be to increase the overall net retail floorspace in the store from 4,386 square metres to 5,967 square metres. There would be no increase in the floorspace given over to convenience retailing, with the additional floorspace used for non-food sales, with the resultant food/non food split approximating to 50:50. The applicant indicates that the mezzanine is required to improve the internal layout of the store and reduce the effects of over-trading, increasing circulation space and reconfiguring the ground floor including provision of additional 'back of house' services. The applicant indicates that as the store already stocks a range of non-food goods and George clothing, the mezzanine would not introduce a new category of goods into the store, but enhance the existing offer.

Relevant Planning Policies

The local Development Plan position has not changed significantly since the 2008 permission: while the Core Strategy has progressed to Preferred Options stage, only limited weight can be attached to it. While the Government has announced its intention to revoke the North West Regional Spatial Strategy (RSS), this has yet to take place pending conclusion of the Strategic Environmental Assessment Process. As such local planning policies of relevance include SH9, 10 & 11, in the UDP and RSS Policy W5.

Nationally, town centre policy in PPS6 was replaced by PPS4 in December 2009, which in turn has been replaced by the National Planning Policy Framework (NPPF) issued in March 2012. The NPPF retains the 'town centres first' approach established through previous policy guidance and a requirement for local authorities to apply a sequential approach for all out of centre development and consider impact, where floorspace exceeds 2,500 sq m or a locally set threshold.

UDP policies SH9, 10 & 11 are supplemented by both RSS Policy W5 and the NPPF, which indicate that a sequential approach should now be applied when identifying sites for retail use. RSS Policy W5 which reinforces existing retail planning policy by setting a presumption against large scale extensions to regional/sub-regional comparison facilities, unless fully justified against the sequential approach.

The sequential approach

The sequential assessment with the original application considered various alternative sites in and on edge of Birkenhead Town Centre including Hind St, Oliver St, Birkenhead Market, the Former Rank Bingo Hall site, former St Lawrence's Parish Centre, and the then proposed redevelopment of St Johns St and St Johns Pavement.

The assessment has been updated to reflect changes in circumstances (such as the completion of the Asda store on Oliver Street) and additional sites and premises coming forward including the former TJ Hughes and Netto stores, the basement unit below Boots on Grange Road and the vacant land on Europa Boulevard either side of Conway Park station. The assessment considers the current formats operated by Asda, the NPPF and appeal decisions on disaggregation.

While accepting that the former Netto, TJ Hughes and the basement unit under Boots are considered available, the applicant concludes that they are not suitable or viable (all are judged too small to accommodate the quantum of development proposed); the sites at Europa Boulevard are discounted on grounds of suitability viability and availability. The assessment considers that operating a stand alone separate store to provide the additional floorspace would not represent a viable business model.

As accepted by officers in the original application, weight should be given to the fact that the additional floorspace would be located within an existing established store which has been trading for some considerable length of time and the intention is to target existing customers for additional sales within the same categories of goods already sold at the store. While additional potential sequentially preferable locations have come forward in Birkenhead since the original permission was granted, it is recognised that following the recent opening of Asda in Birkenhead, a requirement to disaggregate of the additional floorspace proposed into a separate standalone store in the town centre is unlikely to be seen as reasonable even if it could be considered a viable option. Officers are not aware of any sites or premises within other centres in the catchment which could accommodate the proposed floorspace in disaggregated form.

Impacts on Existing Centres

The NPPF requires consideration of impact, where floorspace exceeds a 2,500 sq m default or a locally set threshold. No local threshold has yet been set pending adoption of the Core Strategy and as such consideration of impact under the NPPF is no longer a requirement for this application. Nonetheless the applicant prepared an assessment on the basis of previous policy under PPS4

The applicant anticipates that there would be no adverse impact on existing centres as the proposal is intended to capture an element of the forecast growth in expenditure through increasing the amount purchased by existing customers rather than by attracting significant numbers of new customers to the store from the existing centres, supported by evidence from other Asda stores.

The assessment utilises the Council's Town Centres, Retail and Commercial Leisure study prepared by Roger Tym & Partners in 2009 ("the RTP Report") updated to take account of more up to date expenditure growth forecasts which reflect the economic downturn. The RTP report factored the original mezzanine proposal as an existing commitment in its analysis. The proposed mezzanine is assumed to be trading within a five year period and forecast to have a turnover of £6.3m in 2016. On the basis of the applicants amended table 8, most of the turnover is expected to be drawn from RTP survey zones 5a and 5b with the remainder coming from a wider area, taking in the rest of the Borough plus Chester and Liverpool. Within the immediate catchment the largest impacts are identified on the Croft Retail Park followed by Bromborough Village and New Ferry Town Centres in both cases with impact levels less than one percent.

Accessibility

It has been accepted in previous applications that the retail park is accessible by various modes of transport.

Other Factors

The applicant anticipates that the proposal would create approximately 100 jobs (70 part time and 30 full time), which would be advertised through local job centres, which in turn may contribute to economic growth and social inclusion.

Road safety, traffic management issues, availability of different modes of transport likelihood of cars parking on street and the operation of and maximum parking levels are considerations for assessing off street car parking provision at this site under Policy TR9 and SPD4. Policy TR12 and SPG 42 set out the cycle parking requirements.

APPEARANCE AND AMENITY ISSUES

The appearance of the existing store will essentially remain unaltered by the proposal. The only visible external alterations will be the new escape doors and the need to relocate the existing escape doors as a result. The visual impact of these proposals on the south eastern gable elevation of the store will be minimal.

SEPARATION DISTANCES

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

HIGHWAY/TRAFFIC IMPLICATIONS

As with the previous application, a transport assessment has been submitted to accompany the application, which has considered car parking, non-car accessibility and traffic conditions in the vicinity of the site. Based on surveys of store extensions elsewhere, a small increase in traffic flows would be expected - in the region of 65 vehicle movements during the Friday and Saturday peak hours. No alterations are proposed to the existing car parking layout. The existing car park has a large capacity and is compliant with the Council's maximum parking standards as set out in Supplementary Planning Document 4: Parking Standards (SPD4). Good pedestrian routes between the store entrance and bus stops located on Croft Avenue East are provided, however to further enhance accessibility for pedestrians the applicants have agreed to fund the provision of a puffin crossing facility on Welton Road to link the store to the existing footway/cycleway through to New Chester Road. The applicant has also agreed to fund the provision of a variable message sign on Welton Road to advise drivers of the alternative route out of the retail/leisure park at the busiest periods. Both these measures, and a commuted sum for their subsequent maintenance, will be achieved by means of a Section 106 Agreement.

A Draft Travel Plan has also been submitted by the applicant, which outlines a number of measures to be undertaken to encourage walking, cycling, use of public transport and car sharing. In particular it is indicated that the applicant will provide an additional 10 secure cycle parking spaces located close to the store entrance. The Draft Travel Plan represents a commitment to encourage use of alternative modes of transport, focussed particularly upon staff travel. A planning condition would secure submission of a final version of the Travel Plan and its subsequent implementation, whilst a further condition is proposed to secure submission of a scheme of works for the proposed cycle parking and its subsequent implementation. It can be concluded that the minimal increase in traffic movements generated by the proposal can be accommodated at the junction of New Chester Road and Caldbeck Road. Highway gain will be achieved by the proposal to provide a Puffin Crossing and Variable Message Sign. Therefore there are no traffic or highway safety reasons why the proposed development should not proceed, subject to conditions and a Section 106 Agreement.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

SECTION 106 LEGAL AGREEMENT

As outlined above, the agreement will secure the provision of a puffin crossing facility on Welton Road to link the store to the existing footway/cycleway through to New Chester Road and to fund the provision of a variable message sign on Welton Road to advise drivers of the alternative route out of the retail/leisure park during the busiest periods.

CONCLUSION

Information provided by the applicant seeks to address the requirements set out in the former PPS4 (now superseded by the NPPF) which retains the requirement of the sequential approach and the need to consider impact on existing centres. Given that this is a renewal of an existing permission and mindful of the Government Guidance on the consideration of renewals, the main policy considerations have focused on potential changes in circumstances which might call into question the conclusions in relation to the original permission. In this case, there is no change to the previous conclusions in relation to the sequential approach or impact. As such it is considered that the application is in accordance with policies SH9, SH10 and SH11 of the UDP, policy W5 of Regional Spatial Strategy, and in accordance with the requirements of the National Planning Policy Framework. The scheme can therefore be supported, subject to a section 106 Agreement to provide a Puffin Crossing and Variable Message Signs.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is for the reason of the proposal having no detrimental impact to the amenity of adjoining land uses, and according with policies SH9, SH10 and SH11 of the adopted Wirral Unitary Development Plan; Policy W5 of Regional Spatial Strategy, and; National Planning Policy Framework, that it is recommended the application be approved.

Recommended Decision: **Approve subject to a Section 106 Legal Agreement**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The net retail sales and display floorspace within the store shall not exceed 5,960 square metres, of which the net sales and display floorspace for non-food comparison goods shall not exceed 2,900 square metres unless agreed otherwise in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town centres. This enables the local authority to consider the implications of other formats as and when they may be put forward having regard to Policy SH9 of the Wirral Unitary Development Plan and NPPF.

3. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the programme contained therein for as long as any part of the development is occupied and shall not be varied other than through agreement with the local planning authority. For the avoidance of doubt, such a plan shall include:

- Access to the site by staff, visitors and deliveries
- Information on existing transport services to the site and staff travel patterns;
- Travel Plan principles including measures to promote and facilitate more sustainable transport;
- Realistic targets for modal shift or split;
- Identification of a Travel Plan co-ordinator and the establishment of a travel plan steering group;
- Measures and resource allocation to promote the Travel Plan; and
- Mechanisms for monitoring and reviewing the Travel Plan, including the submission of an annual review and action plan to the local planning authority.

Reason: To promote the use of more sustainable forms of transport.

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

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

5. The development hereby permitted shall be carried out in accordance with the approved plans and supporting documents received by the local planning authority on 28 November, 2011 and listed as follows: Job 07/409 Drw No P001 (dated 14.11.2011); Job AAR4775

Drg No PL01 (dated 26.09.2007); Job AAR4775 Drg No PL02 (dated 26.09.2007); Job AAR4775 Drg No PL03 (dated 26.09.2007); Job AAR4775 Drg No PL21 (dated 30.11.2007); Job AAR4775 Drg No PL22 (dated 30.11.2007); Job AAR4775 Drg No PL23 (dated 30.11.2007) & Job AAR4775 Drg No PL24 (dated 19.12.2007)

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

Last Comments By: 11/01/2012 11:13:48
Expiry Date: 13/03/2012