

Planning Committee

24 May 2012

Reference:
APP/11/00461

Area Team:
North Team

Case Officer:
Mrs S Lacey

Ward:
**Greasby Frankby
and Irby**

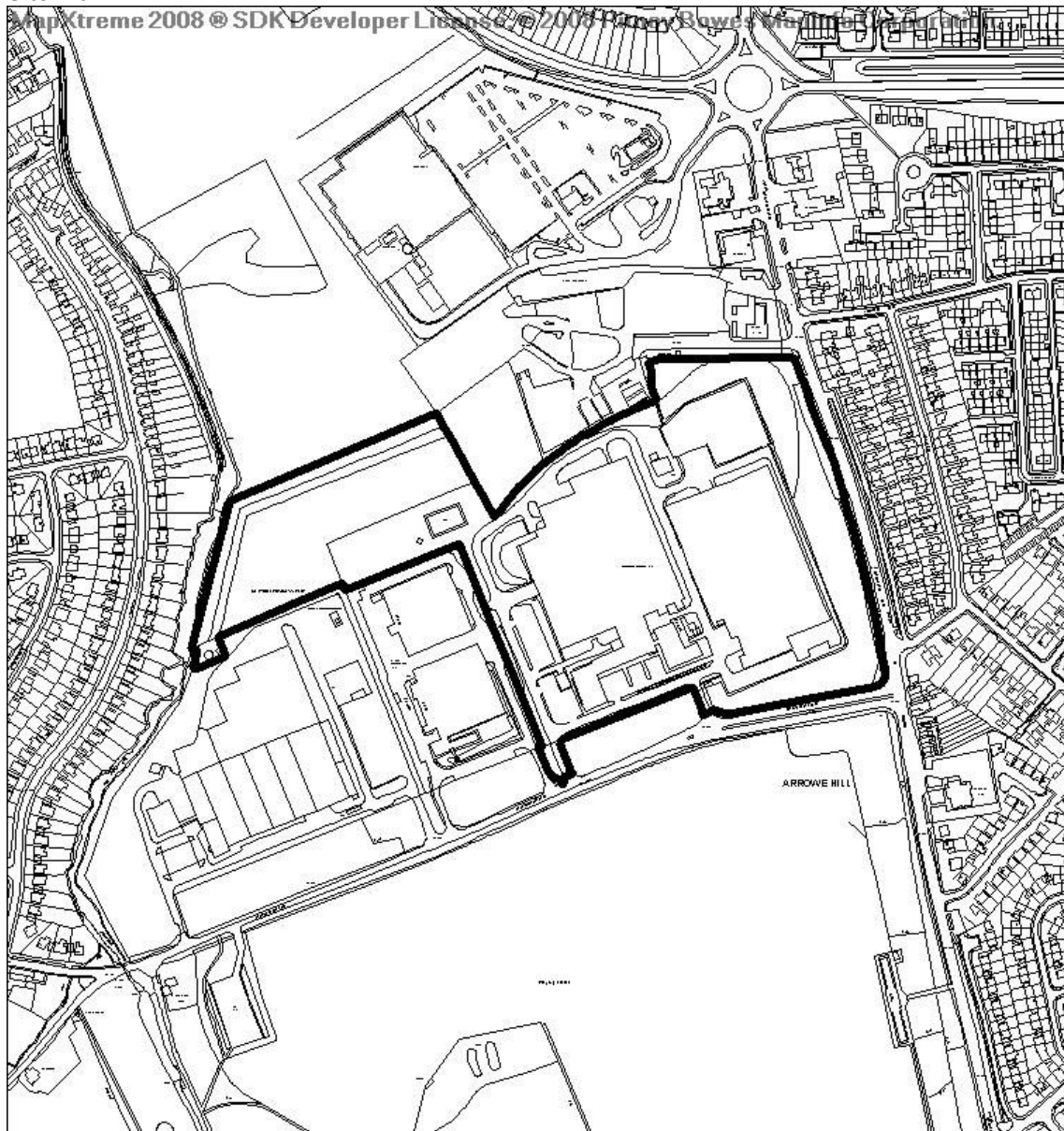
Location:
Proposal:

Champions Business Park, ARROWE BROOK ROAD, UPTON
Retention of the former Champion Spark Plugs site for mixed
business, industrial, recording studio and distribution purposes (with
trade counter) (Use Classes B1, B2 and B8), and caravan storage (sui
generis).

Applicant:
Agent :

Hawtin Developments LLP
Alyn Nicholls & Associates

Site Plan:



Development Plan Designations and Allocation:

Primarily Industrial Area
Employment Development Site
Green Belt

Planning History:

21748 Administration office block and extension of car park A/C 20/01/1983

APP/87/05053 Close existing exit, provide new exist and install windows A/C 27/03/1987

APP/09/05484 Erection of non-illuminated totem sign A/C 19/06/2009

APP/08/06828 Retention of former Champion Spark Plugs site for mixed business, industrial, recording studio, storage and distribution purposes (Use Classes B1, B2 & B8); retail (Use Class A1); fitness centre and gym (Use Class D2); retail warehouse Withdrawn 07/12/2010

Summary Of Representations and Consultations Received:**REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications, 45 letters of notification were sent to neighbouring properties and two site notices were displayed on Arrowe Park Road and Arrowe Brook Road. One non-qualifying petition of 16 signatures from separate households was received. The concerns cited are as follows:

1. Loss of more trees within the site which affects the appearance of the site and the ground level within the site is higher than road level, leading to overlooking and loss of privacy to the houses on Arrowe Park Road;
2. Many modern industrial estates are now planned with green space, trees and shrubs;
3. Trees absorb carbon dioxide and deaden the noise of a busy thoroughfare, and are the habitat of many birds (including at least one owl), foxes and small mammals.

CONSULTATIONS

The Director of Law, HR and Asset Management (Housing & Environmental Protection Division): No objection.

Director of Technical Services (Traffic Management Division): No objection subject to an interim and full travel plan and cycle parking conditions.

Merseyside Cycling Campaign objected on lack of secure cycle storage for staff and visitors.

The Wirral Society suggested conditions relating to a landscaping scheme and all advertising should be via a totem sign.

Director's Comments:**INTRODUCTION**

The application is to retain some of the existing uses at the site, which include mixed business, industrial, recording studio, storage and distribution purposes (with trade counter) (Use Classes B1, B2 and B8); vehicle hire and caravan storage (sui generis).

The application arises after protracted enforcement proceedings and negotiations relating to retail and gymnasium uses at the site.

While the gymnasium has ceased to operate, part of the premises were still used for the sale of furniture, kitchen units and associated goods to members of the public at the time of the officers' site visits.

The current application is for the retention of mixed business, industrial, recording studio, storage and distribution uses (with trade counter) (Use Classes B1, B2 and B8); together with caravan storage (sui generis) uses at the site. The applicant has identified a number of activities on the site which include some element of trade/retailing including:

- a) Home Outlet, which is said to comprise some 7,710 sqm for storage, assembly and distribution of furniture manufactured in the Far East and a 440 sqm trade counter.
- b) Arrowe Kitchens, which is said to have 420 sqm for a showroom, workshop and storage.
- c) TFW furniture wholesaler is to be relocated to the site.

A further application is yet to be made for 1,030 sqm for Pine and Oak, which imports, assembles and sells furniture direct to the public.

PRINCIPLE OF DEVELOPMENT

Mixed business, industrial, recording studio and distribution purposes within Use Classes B1, B2 and B8 (including ancillary trade counter with sales to the trade only) would be acceptable in principle under the terms of UDP Policies EM6 and EM8. There is no provision in these policies for caravan storage: however, this use is considered compatible with the industrial use of the site.

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. Retail development (including warehouse clubs and factory outlet centres) is a main town centre use and 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.

SITE AND SURROUNDINGS

Champions Business Park was originally developed to provide premises for the manufacture of spark plugs and the site is designated as a Primarily Industrial Area under the Wirral Unitary Development Plan. The site comprises of industrial units set back from Arrowe Brook Road and partially screened by vegetation. There is open grassed land between. There is open Green Belt to the south (used as football pitches). There are residential properties to the east, the nearest is approximately 160m away from the entrance of the site and 64m from the building.

POLICY CONTEXT

The Development Plan

The site is located within an area designated for primarily industrial purposes in the Wirral UDP. Development within this area is subject to UDP Policies EM6, 7 & 8. UDP Policies SHO1, SH9, SH10, GR5, TR9 and TR12 alongside SPD4 are also relevant.

The application site is within the Rural Area as shown on the map with Policy LCR1 of the Regional Spatial Strategy (RSS), this along with RSS Policies DP1, W5, RDF2 and LCR4 are relevant to this application. The Government intends to abolish RSS, subject to the outcome of consultation on Strategic Environmental Assessment. However, RSS will remain part of the statutory development plan until formally revoked.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Policies in paragraphs 18 to 219 taken as a whole constitute the Government's view of what this means in practice. 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.

POLICY CONSIDERATIONS

Use of the premises for mixed business, industrial, recording studio and distribution purposes within Use Classes B1, B2 and B8 and vehicle hire, which has no fixed Use Class, is acceptable under UDP Policies EM6 and EM8. Whilst there is no provision for the storage of caravans under these policies, the use in this particular case is considered compatible with the industrial character of the site. Conditions for landscaping, and specifying the external areas for caravan storage are considered necessary in the interests of visual amenity and avoidance of doubt.

1). Retail Considerations

The principle concern relates to the existing "Home Store Outlet" building where, according to the applicant, 7,710 square metres is used for storage, assembly and distribution of furniture and 370 square metres (net) is used as a trade counter/showroom. Information provided with the application indicates that some 6% (£7.2m in 2009) of the turnover was derived from direct sales to the public, the remaining 8% from internet sales and 88% from wholesale. The agent states that permission is not sought for A1 use and claims sales to the public are ancillary to the main activities at the site and will become lower when a new company named TFW becomes established.

Having visited the premises, Officers view is that the nature of sales activities to visiting members of the public goes beyond the characteristics of a genuine trade counter. Retail development, including warehouse clubs and factory outlet centres, is a main town centre use and the NPPF (paragraph 24) and sets a sequential test whereby the Local Planning Authority is expected to require such a use to be located in a town centre. Out of centre sites should only be considered if suitable sites are not available in or at the edge of an existing town centre.

Although the applicant considers that the nature of the operation on site means that sequential and impact assessments are unnecessary and inappropriate, a retail assessment under the terms of former national policy PPS4 was submitted without prejudice. Under the NPPF, assessment of impact is no longer needed for retail floorspace under 2,500 square metres. The sequential assessment has identified a list of alternative sites or premises in and around Birkenhead including empty units in Milton, Princess and St John Pavement (see appendix 3). However, the applicant claims that sales to the public is genuinely ancillary to the other activities at Champions and cannot be divorced from the main warehouse site.

NPPF, para 24 continues to indicate that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. However, the evidence provided by the applicant is not convincing and does not show why, what they claim to be, a small (and declining) direct sales element to the general public could not be undertaken from a town centre location (such as in Birkenhead) with arrangements for delivery to take place from the main warehouse, as is the case with other furniture retailers.

In line with the NPPF, UDP Policy SHO1 seeks to sustain and enhance the vitality and viability of the town centres. Out of centre retail development could 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.

It is considered that approval, without controls to restrict the activity on site to a trade counter operation and prevent sales direct to the public, would set a precedent that could lead to unsustainable retail development which would undermine town centre vitality and viability.

2). Employment Considerations

One of main economic objectives set out in the Regional Spatial Strategy is to make provision for a supply of employment land to ensure economic development is not constrained. RSS Policy W3 expects Wirral to contribute to a supply of at least 1728 hectares across the Merseyside Sub Region for the period 2005-21 and shows the need for an additional 494 hectares to be provided. The annual take up rate of employment land on Wirral has averaged over 9 hectares per annum since 1986. This takes account of the peaks and troughs of the general economy. The Annual Monitoring Report for 2011 shows that there was 176.25 hectares of land available for employment use.

The Employment Land and Premises study undertaken by independent consultants, approved by Council 2 November 2009 as material consideration (item 49), found that employment opportunities are constrained by the lack of development sites and premises in West Wirral and recommends that all of the employment land in this area is retained and consideration be given to identifying additional sites. Since the completion of the study, no further sites for employment uses have come forward in

West Wirral. The latest evidence suggests that Borough faces a shortfall in the future supply of employment land and in terms of future local planning policy and 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 evidence will be updated to inform the publication of the Draft Core Strategy for submission to the Secretary of State, which is scheduled for public consultation in Autumn this year.

The Champion site is in a location where Assisted Area status will remain in force to 2013 and the latest Annual Monitoring Report shows that there are insufficient jobs within Wirral to employ the resident population. This site represents one of the very few possibilities to provide new employment development for the communities to the west of the M53 Motorway.

The applicant has indicated the uses at the site have introduced economic activity into premises that would otherwise be vacant and have had a significant impact on local employment by providing approximately 170 jobs. There is, however, no breakdown on how the jobs are distributed between the different uses.

APPEARANCE AND AMENITY ISSUES

The application does not propose any physical alterations and as such the appearance of the buildings remain relatively unchanged. The nearest residential property is 64m away and as such there are no issues of overshadowing, overlooking or loss of privacy. The scale of the proposed activity is not considered to have a detrimental impact in relation to the previous industrial use. The proposal is not considered to significantly affect the amenity which neighbours should reasonably expect to enjoy.

A non-qualifying petition was received citing concerns regarding the loss of trees which screened the site. A site visit confirmed that a number of leylandi trees have been removed. Permission was not required for the removal of the trees as they were not protected by a Tree Preservation Order, and as such the removal was outside the remit of the Local Planning Authority. It is considered the proposal which incorporates no extensions to the buildings will not result in overlooking or loss of privacy to neighbouring properties, the nearest of which is 64 metres away. However a landscaping condition would improve the appearance of the southeast corner of the site.

SEPARATION DISTANCES

Objections were received regarding overlooking from the site. There are no external alterations proposed. The nearest residential property is 64m away and as such there are no issues of overshadowing, overlooking or loss of privacy.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications relating to this proposal. It is considered reasonable and necessary to condition a travel plan and cycle parking.

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.

While there are bus stops within the vicinity of the site it is considered that this site is not in a highly accessible location for retailing purposes to the general public and pedestrians and cyclists would need to travel along an isolated road into an industrial complex. Therefore retail customers are more likely to travel to the site by car.

The site is physically isolated from the main centres of population on either side of the industrial complex. This in turn could make this proposal all the more conducive to promoting car usage.

However, it is considered that the mixed business use, with a condition to ensure sales are to the trade only rather than to visiting members of the general public, would be a sustainable use of this industrial site.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Mixed businesses within Use Classes B1, B2, B8 along with vehicle hire and caravan storage facilities are considered to be an acceptable use of the industrial site at Champions Business Park. However, unconstrained approval would permit 630 square metres of retail space in an out of centre location and could set a precedent for further and pending retail applications to follow. There are 2 main issues arising from this proposal:

- (i) Whether part of the site should be released from the statutory plan designation for B1, B2 and B8 uses to allow retail use on the basis that it is not likely come forward for the employment uses permitted by UDP Policies EM6 and EM8. The fact that other conforming uses have become established at the site would weigh against this reasoning.
- (ii) Whether the retail use of the site would undermine existing centres. No convincing justification has been put forward to show why more centrally located sites cannot be utilised. NPPF paragraph 24 expects proper consideration to be given to flexibility over scale and format, but while the applicant indicates that sale to the general public cannot be disaggregated no convincing reason has been put forward to show why direct sales to the general public could not be undertaken from a town centre location, with deliveries on offer from the main warehouse, as is the case with other furniture retailers.

A proposal by officers to rectify these issues through a planning condition to prevent sales to visiting members of the general public has been rejected by the applicant who contends this element is ancillary to the principal use. However, Officers consider that it is necessary, for the avoidance of doubt, to ensure that the trade counter activity on the site is not used for unrestricted sales to the general public to avoid setting a precedent for unsustainable retail patterns of development to follow; which could perpetuate town centre vacancy rates and undermine a major objective of national policy within the Borough as a whole.

Summary of Decision:

Having regards to the individual merits of this application the recommendation to grant Planning Permission subject to conditions 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:-

The proposal complies with Policy EM8 of the adopted Wirral Unitary Development Plan and National Planning Policy Framework (2012). The proposal is deemed not to have an adverse impact on the character of the area, the amenity of nearby residential properties, or the viability of the Primarily Industrial Area.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 27 May 2011 and listed as follows: 401/03B dated 15 February 2011; 401/04 dated 23 February 2011; 401/04A dated April 2009; 401/05A dated 23 December/April 2009, 401/06 dated April 2009; 401/07D dated April 2009 amended October/November 2009, 401/07A dated April 2009; 401/08 dated April 2009.

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

2. Any sales from the development hereby approved to those physically visiting the site shall be to representatives of established businesses and to the trade only and not to visiting

members of the general public.

Reason: For the avoidance of doubt, to maintain the character of the industrial area and because an alternative format could have the potential to harm the vitality and viability of existing town centres with the Borough, having regard to Section 2 of the National Planning Policy Framework, Policies EM8, SHO1, SH9 and SH10 in the Wirral Unitary Development Plan and Policy W5 in the Regional Spatial Strategy.

3. The trade counter area(s) shall not exceed a total of 190 square metres gross floorspace in the area annotated as 'Arrowe Kitchens' and 440 square metre gross floorspace in the area annotated as 'Home Outlet Limited' as shown on the approved plan drawing no. 401/07D and shall not be located in any other part of the site. Use of the trade counter areas shall permanently cease if the remainder of those units cease to be used for the assembly, storage and distribution of kitchen units/furniture.

Reason: For the avoidance of doubt and to maintain the character of the industrial area, having regard to Policy EM8 in the Wirral Unitary Development Plan.

4. Full details of the space and facilities for cycle parking within the site shall be submitted for approval in writing by the Local Planning Authority within 6 months of the date of this planning permission. The approved facilities shall be installed within 3 months of the written approval from the Local Planning Authority and shall be permanently retained thereafter.

Reason: In the interests of highway safety and to accord with Policy TR12 in the in the Wirral Unitary Development Plan 2000

6. Within 3 months of the date of this decision Full Travel Plans for each occupier shall be 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 timetable contained therein unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt the Travel plan shall include:

- Access to the site by staff;
- 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: In the interests of highway safety.

7. Full details of a landscaping scheme for the external area in the south east corner of the site fronting the Home Outlet building between Arrowe Park Road and Arrowe Brook Road shall be submitted for approval in writing by the Local Planning Authority within 6 months of the date of this planning permission. The landscaping scheme shall detail the positions, species and heights of existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

Following written approval from the Local Planning Authority, all landscaping works shall be carried out within the first planting season in accordance with the approved scheme,

which shall be maintained as such thereafter and any trees or plantings which are removed, die or become seriously damaged or diseased within a period of 5 years after the date of planting shall be replaced in the following planting season.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) and Policy EM7 (Environmental Criteria for New Employment Development) of the Wirral Unitary Development Plan.

8. The caravan and vehicle storage shall only be located within the areas shown on the approved plan drawing no. 401.03B and no other part of the site. For the avoidance of doubt, the caravan storage area shall have a gross floor space of no greater than 4360 square metres.

Reason: For the avoidance of doubt and because an alternative format could have the potential to harm the amenity of residential properties. This enables the local planning authority to consider the implications of other formats as when they may be put forward having regard to Unitary Development Plan Policies.

9. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 27 May 2011 and listed as follows: 401/03B (dated 15.02.2011); 401/04 (dated 23.02.2011); 401/04A (dated April 2009); 401/05A (dated April 2009); 401/06 (dated April 2009); 401/07D (dated April 2009); 401/07A (dated 22.04.2009) & 401/08 (dated April 2009).

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

Last Comments By: 15/07/2011 17:43:26
Expiry Date: 26/08/2011