

**Planning Committee
24 May 2012**

**Reference:
APP/11/01418**

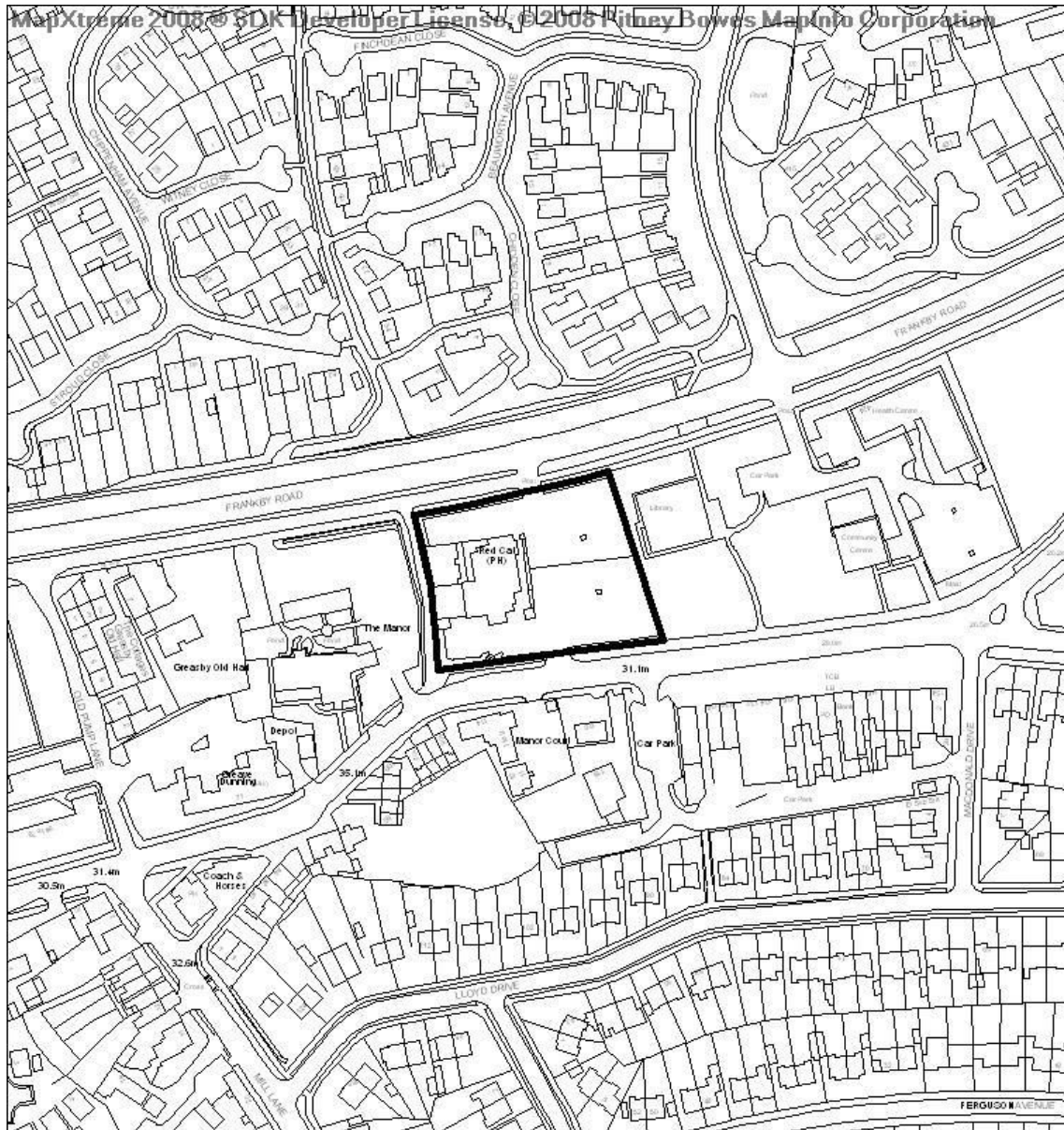
**Area Team:
North Team**

**Case Officer:
Mrs S Day**

**Ward:
Greasby Frankby
and Irby**

Location: Red Cat, GREASBY ROAD, GREASBY, CH49 3AT
Proposal: Erection of buildings for Retail unit (A1) and Vets surgery (D1)
Applicant: Greene King Brewing and Retailing Ltd
Agent : Signet Planning

Site Plan:



Development Plan allocation and policies:
Primarily Residential Area

Planning History:

APP/11/00508 - Erection of a building for A1/A2/A3 development - Withdrawn

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

In accordance with the Council's policy regarding publicity, individual letters were sent to 37 properties and a site notice displayed.

673 responses have been received in the form of letters, e-mails and online comments from residents and local businesses. Four of these responses expressed support for the scheme. Two qualifying petitions objecting to the proposal have also been received.

The reasons for objection to the proposal can be summarised as follows,

1. loss of open space
2. impact on existing shops/businesses
3. existing Sainsbury nearby
4. block view of existing shops
5. impact on play area/reading area
6. increase in traffic and accidents
7. will result in a rat run through car park
8. increase noise and disturbance to residents
9. increase on street parking with loss of available spaces
10. conflict with bus stop and visibility
11. affect setting of listed building
12. poor design – out of character
13. loss of community
14. local shops buy from local suppliers – Sainsbury won't
15. no need for new shops
16. ATM will draw people away from existing shops
17. Query amount of cycle parking
18. Height of building excessive
19. Plans are incorrect
20. Impact on archaeology
21. Effect of electromagnetic fields from new substation
22. Site not sustainable and contrary to PPS1
23. Contrary to PPS4
24. Lack of Car parking
25. Not part of shopping centre
26. Proposal will not lead to linked trips to existing businesses

CONSULTATIONS

Director of Technical Services (Traffic Management Division) No objection subject to conditions and a Section 106 agreement

Director of Law HR and Asset Management (Pollution Control Division) No objection

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application has over 600 objections and two qualifying petitions as such the Council's scheme of delegation require that it be considered at Committee. The application is now subject to an appeal against non-determination which means that the decision to allow or refuse the application rests with the Planning Inspectorate. However, the proposed recommendation for the Council to submit to the Inspectorate is included in this report & Members are asked to ratify the recommendation of the Council to the Planning Inspectorate.

INTRODUCTION

The Application is for the erection of two commercial units comprising an A1 retail store and a D1 Veterinary surgery on the eastern side of the car park to the Red Cat Public House. The access to the

development is from both Greasby Road and Frankby Road. The application has been submitted following withdrawal in 2011 of a similar proposal for Two units for A1/A2 /A3 development on the same site.

PRINCIPLE OF DEVELOPMENT

The application site is designated as a 'Primarily Residential Area' on the Proposals Map in the Wirral Unitary Development Plan (UDP). Therefore the proposed commercial use must be considered primarily against Policies HS15, TR9, SHO1, SH4, SH8, SH9 and SH10 of the UDP and advice given in the National Planning Policy Framework (NPPF)

SITE AND SURROUNDINGS

The application site is approximately 0.44 hectares in area and is comprised of the eastern side of the existing pub car park. The site is bounded to the north by Frankby Road and the south by Greasby Road where there are existing access points into the car park. The Red Cat Public House is situated to the west of the application site and Greasby Library to the immediate east of the car park. Although the site has a residential designation, the uses to the immediate south , east and west are predominantly commercial with the nearest houses to the north on Frankby Road and to the south west on Greasby road. The retail and commercial centre of Greasby is situated to the south of the site along this section of Greasby Road.

The land falls to the east and as such the library is at a slightly lower level than the existing car park. The library and adjoining community centre have a reading area and a children's play area adjacent to the car park which is separated by a hedge

POLICY CONTEXT

The Statutory Development Plan

The site is designated as a 'Primarily Residential Area' on the Proposals Map in the Wirral Unitary Development Plan (UDP), where Policies HS15, TR9, SHO1, SH4, SH8, SH9 and SH10 are directly applicable.

Policy HS15, seeks to ensure that non-residential uses within primarily residential areas are of a scale compatible with surrounding uses and do not cause nuisance or lack of amenity to surrounding residential uses. Whilst the proposed development is within a residential location, this is an area where the immediate uses surrounding the application site are commercial or community uses. There is therefore an existing level of activity, including evening activity from the pub and nearby A3 uses.

Policy TR9 provides guidance for the assessment parking provision for new development and is supplemented by SPD4 - Parking standards. The development will reduce the parking available to a total of 52 spaces. This is within the maximum of 60 recommended by SPD4.

The general approach of UDP Policy SHO1 is to sustain and enhance the vitality and viability of shopping provision in the Borough and ensure people have easy access to a wide range of shopping provision, whereas UDP Policy SH4 makes provision for small scale retail uses within Use Classes A1, A2 & A3 within shopping centres and parades in primarily residential areas subject to there being no nuisance or detrimental effect to the amenity of the area. Although this proposal is not within a shopping parade, the justification for retail development in small shopping centres makes it clear that development which is not small scale and intended to serve other than a local catchment is unlikely to be acceptable. Out-of-centre retail development can only be permitted under UDP Policies SH9 and SH10 if the Local Planning Authority is satisfied that the benefits outweigh the disadvantages when assessed against criteria, which seeks to ensure the vitality and viability of existing centres is not undermined.

RSS Policy W5 makes it clear that when considering proposals, investment should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in unsustainable shopping patterns. Although the Government intends to revoke RSS, subject to the outcome of consultation on Environmental Assessment, RSS will remain part of the statutory development plan until formally revoked.

In terms of the future, Greasby is being considered for designation as Local Centre under the

Preferred Options for the Core Strategy, which was subject to public consultation during November 2010 to January 2011. The Draft Core Strategy for further consultation and submission to the Secretary of State is due for publication by the end of the 2011. Independent examination in public is not scheduled to commence until next year. While the Preferred Options can be taken as a signal of the Council's intent, no significant weight can be accorded at this point in time. Greasby Community Association is also preparing a Neighbourhood Plan for this area, but this cannot be accorded significant weight at this stage.

National Policy

One of the Government's main objectives in planning for sustainable development in the National Planning Policy Framework (NPPF) is ensuring the vitality and viability of existing centres and that the overall "town centres first" approach from the former PPS4 is retained. Local authorities are required 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. The NPPF also seeks to safeguard against unnecessary loss of valued facilities and services. Practice Guidance on need, impact and the sequential approach (originally issued alongside PPS4 remains in force).

Sequential Approach

Paragraph 24 of the NPPF indicates that local planning authorities (LPA's) should require applications for main town centre uses (that are not in an existing centre and are not in accordance with an up-to-date local plan) to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered, with preference to given to accessible sites well-connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.

Greasby does not form part of the network of Key Town and Traditional Suburban Centres under UDP Policies SH1 and SH2: it is a small shopping centre within a Primarily Residential Area and within the shopping centre uses falling within A1-A3 will be permitted subject to criteria. Greasby is however being considered for designation as Local Centre under the Preferred Options for the Core Strategy for Wirral, which was subject to public consultation during November 2010 to January 2011 but no significant weight can be accorded to this intention at this point in time. As such this proposal is considered to be out-of-centre for the purposes of the sequential approach.

The applicant's revised assessment dated 15 November 2011, has considered the potential use of the former Ethel Austin Building in Upton Village Traditional Suburban Centre which is the closest designated centre (under UDP Policy SH2) to the application site. This has been discounted by the applicant who concludes that this building is outside the catchment of the proposed food store does not have dedicated parking and is not of a sufficient size to accommodate the proposal.

Impact 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 the impact tests under paragraph 26 of the NPPF cannot be applied to this application..

Nonetheless, paragraph 70 of the NPPF indicates that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs and ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community. In this regard, the applicant's impact assessment prepared on the basis of previous policy under PPS4 assists in the consideration of this issue.

The Council's retained retail consultants (GVA) were asked to review the applicant's PPS4 submission on retail impact. GVA identified a number of specific issues which serve to undermine confidence in the findings of the applicant's assessment as submitted. These suggest that the potential trading impact of the proposal on existing convenience provision in Greasby has been significantly underestimated. The proposed store is predominantly orientated towards top-up convenience shopping and will therefore compete on a like-for-like basis with existing provision (Co-Op etc.) rather than claw back expenditure from surrounding centres and principally larger stores..

GVA noted that Greasby has a strong convenience retail offer, including an existing Co-op store and a number of independent convenience retailers. In GVA's assessment, the provision of a new Sainsbury's Local would materially compete on a like for like basis with existing convenience provision without delivering any qualitative enhancement in terms of offer (the proposal will replicate the offer and range of goods in the existing Co-op store) and potentially other convenience retailers in Greasby including a butcher and greengrocer. These concerns are relevant in relation to consideration of the proposal against paragraph 70 of the NPPF.

Promoting Healthy Communities

Paragraph 70 of the NPPF indicates that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs and ensure that established shops, facilities and services are able to develop and modernize in a way that is sustainable and retained for the benefit of the community.

The conclusions of the Council's consultants in relation to the retail assessment support the contention that the application proposal could result in the loss of key services in the Greasby centre reduce the local community's ability to meet its day-to-day needs and prevent established shops being able to develop and modernize in a way that is sustainable and retained for the benefit of the community, thereby conflicting with the objectives of NPPF paragraph 70.

APPEARANCE AND AMENITY ISSUES

The current application seeks to resolve the concerns with the previous submission (APP/11/00508) which related to the physical impact of the building on adjacent uses, its integration with the existing commercial centre traffic issues and the retail assessment of the proposals. Since its initial submission in December 2012 the plans have been further amended

The application consists of two single storey units used for A1 retail and a D2 veterinary practice. The buildings will be constructed from red facing brickwork and a grey tiled roof. The western elevation will be predominantly glazed with cedar cladding.

The building is to be located adjacent to the eastern boundary of the site and the southern boundary of the site with Greasby Road. The layout provides a shared car parking area with the Red Cat and utilises the existing access points from Greasby Road and Frankby Road. The service area is to be located to the north of unit 1. The southern elevation of unit 2 is located close to Greasby Road to provide an active frontage and encourage visual and functional links with existing shops. Unit 1 has its main access and frontage from within the car park which is accessed from a pedestrian square immediately to the west of the unit. The repositioning of the units closer to Greasby Road is in response to concerns expressed in relation to the previous scheme.

The adjacent library and Community centre both have small outdoor areas immediately next to the car park which are used as a children's play area and a reading area. A hedge provides the boundary between these areas and the car park which is at a slightly higher level. The plans submitted both with the previous application and initially with this application proposed a layout and building design which could be detrimental to use of the reading and play areas. The proposals originally included a building with a pitched roof, which was amended to a flat roof. The current plans show the units staggered so that unit 1 is pulled further away from the eastern boundary to a distance of between 4.6 to 5.2 metres and the height of the flat roof reduced a further 0.4metres to 5.4metres high. Additional planting is proposed along this boundary to provide a screen and buffer. Given that the existing use of the land is cars parked in close proximity to the play and reading areas, the repositioned lower building is not considered to have a significant impact on the use of this area.

The amendments to the design of the building has resulted in a canopy detail to entrance to the units. This, together with improvements to the proposed square in front of the buildings help define the entrance to the development and link it to the remainder of the shopping area.

SEPARATION DISTANCES

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

HIGHWAY/TRAFFIC IMPLICATIONS

Concerns with the previous, withdrawn application related to the potential conflict between pedestrians and delivery and customer vehicles and the need to upgrade the existing crossing facilities to . The application is accompanied by a Transport Statement which has resolved the initial areas of concern by slight changes to the layout. A section 106 agreement to provide funding for an upgraded Puffin crossing and a condition limiting the size of delivery vehicles is supported by the applicant. These changes have removed previous traffic concerns.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The National Planning Policy Framework (NPPF) 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. Although the application site is accessible by public transport, paragraph 70 of the NPPF expects planning decisions to guard against unnecessary loss of valued facilities and ensure established shops can modernise in a sustainable way.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

While amendments have been made to the design/layout which improve these aspects of the proposal, integration with the rest of the centre arguably remains weak. The conclusions of the Council's consultants in relation to the retail assessment support the contention that the application proposal could result in the loss of key services in the Greasby centre. This in turn could reduce the local community's ability to meet its day-to-day needs and prevent established shops being able to develop and modernize in a way that is sustainable and retained for the benefit of the community, thereby conflicting with the objectives of NPPF paragraph 70.

Recommended Decision: **That the Council recommends to the Secretary of State that this application be REFUSED for the reason(s) set out below.**

Recommended Conditions and Reasons:

1. The Local Planning Authority considers that proposal would result in unsustainable development in that it could lead to the loss of valued facilities and services and prevent established shops facilities and services being able to develop and modernize in a way that is sustainable and retained for the benefit of the community. The proposed use would, therefore, be contrary to the National Planning Policy Framework” and UDP Policies SHO1 ‘Principles for New Retail Development’ and Policy SH9 ‘Criteria for Out of Centre and Edge of Centre Retail Development’.