

## Planning Committee

20 June 2019

**Reference:**  
**APP/19/00403**

**Area Team:**  
**Development  
Management Team**

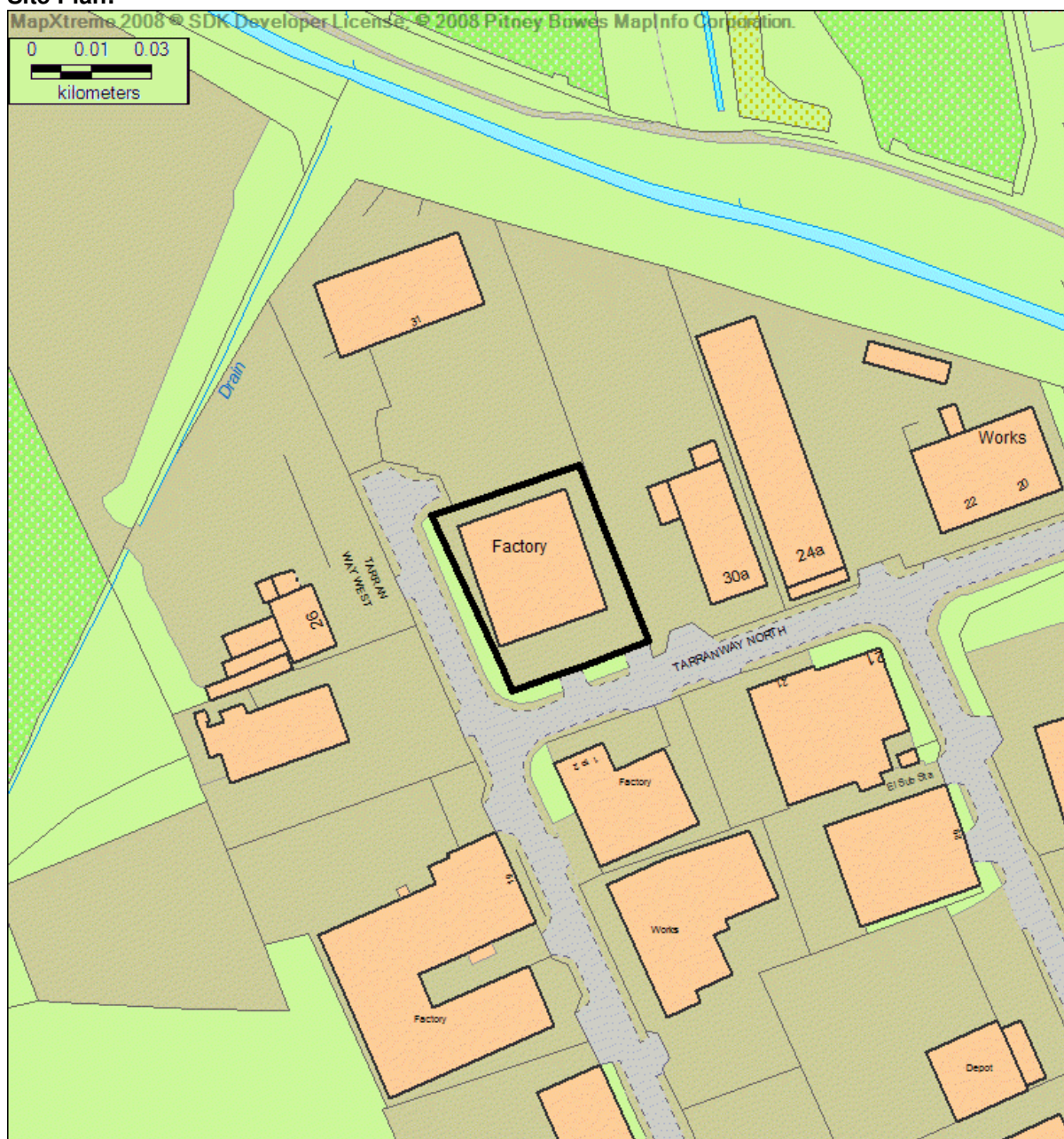
**Case Officer:**  
**Miss A McDougall**

**Ward:**  
**Moreton West and  
Saghall Massie**

**Location:** 27 TARRAN WAY NORTH, MORETON, CH46 4TT  
**Proposal:** Change of use of industrial unit 27 Tarran Way North from use class B1 to sui generis to enable us to open a dog day care centre.  
**Applicant:** PETWISE LTD  
**Agent :** N/A

**Qualifying Petition:** No

### Site Plan:



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**Development Plan designation:**  
Primarily Industrial Area

**Planning History:**

Location: 27 TARRAN WAY NORTH, MORETON, CH46 4UA  
Application Type: Full Planning Permission  
Proposal: Change of Use to from industrial use to a skate park (Use Class D2)  
Application No: APP/16/01642  
Decision Date: 07/03/2017  
Decision Type: Withdrawn

**Summary Of Representations and Consultations Received:**

**1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS**

REPRESENTATIONS

One comment received addressing concerns with parking within the industrial estate.

CONSULTATIONS

**Highways** - No Objection

**Environmental Health** - No Objections

**3.1 Site and Surroundings**

3.1.1 The premises is a large vacant industrial unit that is located on the corner Tarran Way North and Tarran Way West. There is vehicle access points off Tarran Way North, security fencing around the site as well as hard and soft landscaping.

3.1.2 The surrounding area is industrial in character and it is noted that there are similar types of businesses within the locality, two established dog day care centres; APP/16/00489 & 16/01607.

**3.2 Proposed Development**

3.2.1 The proposal is to change the use of an existing industrial unit to Sui Generis - in this instance a dog day care centre.

3.2.2 The applicants currently own and run a dog day-care centre at 28a Tarran Way West which they propose to vacate if they gain planning approval on this unit.

**3.3 Development Plan**

3.3.1 EM6 General Criteria for New Employment Development Policy

Applications for all new employment development, on sites allocated for employment use or within Primarily Industrial Areas, including proposals for the conversion, re-use or extension of existing premises, will be permitted subject to Policy EM7 and all the following criteria:

(i) the proposal does not lead to an unacceptable loss of amenity, have an adverse effect on the operations of neighbouring uses or compromise the future development of land in the vicinity for employment or other uses - visually intrusive activities, or those involving the handling of wind-blown materials, will be required to carry out all operations, including loading, within a building;

(ii) satisfactory access to the development can be provided, before it comes into use, in a way which is not detrimental to the amenity of the area;

(iii) the proposal does not generate traffic in excess of that which can be accommodated by the existing or proposed highway network;

(iv) adequate off-street car and cycle parking is provided - servicing for vehicles should be to the rear of the premises, or where the site lies near residential property, situated at the far side of the building;

(v) the siting, scale, design, choice of materials, boundary treatment and landscaping is of a satisfactory standard and is in keeping with neighbouring uses - temporary buildings or structures will only be permitted in exceptional circumstances and only for a period not exceeding five years; and

(vi) where appropriate, the proposal also complies with the policies set out within Section 21 of the UDP.

For the purposes of Policy EM6 "employment development" is defined as that falling within Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987, together with the following uses which are specifically excluded from the Use Classes Order:

- (i) land or buildings used for motor vehicle sales, display, hire or repair;
- (ii) scrapyards, or yards used for the storage or distribution of minerals or the breaking of motor vehicles; and
- (iii) uses involving the manufacture, processing, keeping or use of a hazardous substance above its controlled quantity.

#### EM7 Environmental Criteria for New Employment Development Policy

Proposals which satisfy the requirements of Policy EM6 will be permitted when the Local Planning Authority is satisfied that the benefits of the proposal outweigh the disadvantages when assessed against the additional criteria set out below:

(i) the extent to which the proposal will lead to an increase in the volume of traffic, especially heavy goods vehicles, passing through residential areas, particularly where the roads used are not already identified as part of the main road network;

(ii) the extent to which existing natural features and vegetation have been incorporated into the proposal;

(iii) the impact of the proposal on any site carrying nature conservation designations; and

(iv) the extent to which the proposal is accessible by a choice of means of transport.

#### EM8 Development within Primarily Industrial Areas Policy

Within the Primarily Industrial Areas indicated on the Proposals Map, proposals for the following uses will be permitted, subject to Policy EM6 and Policy EM7:

(i) uses falling within Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987; and

(ii) proposals for the reconstruction, extension or expansion of existing businesses, including those involving the introduction of a notifiable hazardous substance above its controlled quantity subject to Policy PO8.

### **3.4 Other Material Planning Considerations**

#### **3.4.1 The Emerging Core Strategy Policy CS17**

Policy CS17 - Protection of Employment Land

Land will be safeguarded within designated employment areas to maintain local employment and provide a range and choice of sites and premises in terms of quality, accessibility, type and size to meet the priorities identified in Policy CS2 and Policies CS4 to CS11.

Alternative uses will only be acceptable on land designated for B1, B2 or B8

uses where:

1. the site would not be suitable for the priority sectors identified in Policy CS14; and
2. the site has been continuously marketed for employment uses at realistic prices for a period of at least two years and there is no reasonable prospect of the site being re-used for employment uses;
3. an ongoing supply of available, suitable, developable land, sufficient to meet the needs identified in Policy CS13 would still be retained; and
4. the uses proposed are compatible with the character of the surrounding area, would not restrict the operation of existing employment uses, would contribute toward establishing a more sustainable pattern of development and would meet the requirements of Policy CS42; and
5. in the case of residential development, that additional housing is needed to demonstrate an ongoing 5-year housing land supply, in line with Policy CS19; and
6. in the case of main town centre uses, that the proposal has been subject to an impact and sequential test under national policy and meets the requirements of Policy CS29; or
7. the development is necessary to secure additional employment development that would not otherwise be viable to provide and criteria 4, 5 and/or 6 (above) would also be met

#### 3.4.2 The NPPE Paragraph 120;

Planning policies and decisions need to reflect changes in the demand for land.

They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

### 3.5 **Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways;
- Ecology; and
- Amenity

#### 3.6 Principle of Development:

3.6.1 The proposed use is Sui Generis and does not fall into any of the established Use Classes, therefore the principle of development could be acceptable subject to the type of business and its location.

#### 3.7 Design:

3.7.1 The proposal is for a change of use and the application plans show limited information in terms of alterations to the building other than to the internal layout to provide appropriate/suitable areas for dog day care.

#### 3.8 Highways:

3.8.1 There are no Highway Implications relating to this proposal.

#### 3.9 Ecology:

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

#### 3.10 Amenity:

3.10.1 A dog day care centre is a sui generis use and therefore not strictly an industrial use.

However, it is unlikely that such a use would be suitable within a residential or more commercial/retail area and therefore in this sense the proposed site is considered suitable, especially as a large warehouse-type unit is required for the use. In addition to this, the applicant has submitted information to show that the premises has been vacant since 2014. It would therefore appear that there is currently no need for a use set out in EM8 coming forward in the immediate future for this site, and its use for a sui generis dog day care centre would bring back into use a vacant unit, providing employment and benefiting the local economy.

- 3.10.2 The site is located within an established industrial area, with no residential properties in close proximity. The area contains various uses which fall into the B1, B2 and/or B8 Use Classes, some of which could be considered noisy uses which is to be expected and in keeping with the nature of an industrial estate. In addition to noise levels from existing businesses, it should also be noted that other, even noisier industrial uses would likely be acceptable in this location, many of which would not even require planning permission given the provisions of the General Permitted Development Order. The nature of industrial estates is that a degree of noise and activity is to be expected, and it is not considered that the proposed use would introduce an unacceptable level of noise which would be out of character, or indeed harmful to the general character and integrity of this area.
- 3.10.3 It is considered that the use proposed which is designated as Sui Generis and thereby not falling into a Use Class set out within the Use Classes Order would be compatible in character with the surrounding area, given the established neighbouring uses and the continuation of a use that provides employment. With regards to the guidance set out within the emerging Core Strategy Policy CS17 point 4, the proposal is considered appropriate.

#### **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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed change of use is considered acceptable in this instance given the type of development proposed and its compatibility with the character of the surrounding area and having regard to Wirral's UDP Policy EM6 and the NPPF.

**Recommended Decision:** **Approve**

#### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 1 April 2019.  
**Reason:** For the avoidance of doubt and to define the permission.
3. No more than 60 dogs shall be allowed on the premises at any time.  
**Reason:** To protect the amenities of neighbouring premises

**Last Comments By:** 30/04/2019  
**Expiry Date:** 27/05/2019