

REPORT TO INFORM MEMBERS OF CHANGES TO NATIONAL PLANNING POLICY BROUGHT ABOUT THROUGH THE PUBLICATION OF PLANNING POLICY STATEMENT 4, AND TO OUTLINE THE IMPLICATION OF THESE CHANGES TO THREE PLANNING APPLICATIONS THAT HAVE PREVIOUSLY BEEN PRESENTED TO THE PLANNING COMMITTEE FOR WHICH A DECISION NOTICE HAS NOT BEEN ISSUED

1. Executive Summary

- 1.1 This report is to inform members of the publication of National Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), and to provide advice on the impact of this Policy Statement to three planning applications that have previously been presented to the planning committee.
- 1.2 Planning committee recommended approval of each of the planning applications, but the requirement for a s106 legal agreement for each application means that decision notices have not been issued to date.
- 1.3 The assessments and recommendations of each committee report originally presented to planning committee for the applications are otherwise considered to remain relevant and accurate, and are appended to this report for reference. The purpose of this report is to inform members of the publication of pps4 and that an assessment of its impact on the three applications raises no new material considerations which would affect the previous decisions of the planning committee.

2. Applications Affected

2.1 APP/2008/6821 – New Foodstore, Land at Bridge Road, West Kirby

The first application relates to the partial demolition of existing buildings and the construction of new foodstore and additional retail unit including the retention of existing façade with associated car parking and servicing on land at Bridge Road, West Kirby.

- 2.2 The application was registered in October 2008 and presented to the planning committee in January 2009. Members resolved to approve the application subject to conditions and the Local Planning Authority and the applicant entering into a 106 agreement. Following lengthy negotiations with the applicant, the terms of the 106 agreement have now been concluded and subject to member's decision on this report, completion of this agreement is imminent.

2.3 APP/2009/5109 and OUT/2009/5110 – Mixed Use Development, Dock Road, Seacombe

- 2.4 Members will recall these two applications, which went before the planning committee in August last year for mixed use development on Plots 1 – 5 Northbank East. APP/2009/5109 is a full application for 141 residential units, 2,025 sqm (gross) convenience retail floorspace (class A1 food), 263 sqm retail use (class A1), restaurants and cafes (A3), bars (A4), 1084 sqm amenity space (D2), car and cycle parking, landscaping and public realm works.

- 2.5 Application OUT/2009/5110 is in outline for a mixed use development comprising of a maximum of 1531 residential units (C3), 6037 sqm office development (B1A), 4601 sqm retail uses (Class A1)/ restaurants and cafes (A3)/ bars (A4), and 1450 sqm leisure use (D2), car and cycle parking, landscaping and public realm works.
- 2.6 Planning Committee resolved to grant permission for each application on 13th August 2009 subject to conditions, referral to Government Office and the requirement for the applicant to enter into a Section 106 Agreement.
- 2.7 Government Office made the decision not to call in the applications and subsequent negotiations have taken place to secure a satisfactory section 106 agreement.

3 The Adoption of Planning Policy Statement 4: Planning for Sustainable Economic Growth

- 3.1 At the time the planning applications were registered (October 2008 and February 2009 respectively) the Government had issued consultations on proposed changes to Planning Policy Statement 6: Planning for Town Centres (PPS6) and on a draft Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4). In preparing their submissions for the planning applications, the applicants were aware of the consultations and the retail office and leisure statement summarised the consultation documents that were available at that time. Rightly, in view of their draft status, little weight was attached to these consultation documents
- 3.2 After the applications had been registered, the Government took the decision to combine policy guidance on economic development and retailing/town centres, and a revised consultation draft of PPS4 was re-issued on the 5th May 2009. A consultation response on the revised draft PPS4 was agreed by the Cabinet Member for Regeneration and Planning Strategy in July 2009 under delegated powers.
- 3.3 As such the reports to Planning Committee on the 13th August (relating to the two Northbank applications) acknowledged the consultation draft PPS4 but noted that only limited weight could be given to those aspects of the proposed changes which differed from PPS6 and both reports assesses the applications in terms of their compliance with PPS6. Recommendations were made to the planning committee on that basis. PPS4 was published on 29th December 2009 and superseded PPS6.
- 3.4 It is considered that in order for the council to make an informed decision, all relevant, **current** policies must have been addressed and tested through the planning process at the point at which planning permission is granted (in this case, on the signing of the S106 agreements). It is clear that this is the intention of the Government when producing the document that assessment of proposals should be in line with such policies at determination stage. Paragraph 3 of PPS4 states: "the policies in this PPS are a material consideration which must be taken into account in development management decisions, where relevant".
- 3.5 The above applications have to be assessed in light of all current national, regional and local planning policy. In this instance, the relevant elements of the three applications have been reassessed against the provisions of the recently published PPS4 focusing in particular on those differences from PPS6.

4 Planning Policy Statement 4

4.1 The finalised PPS4 combines the policies previously set out in PPS6 and PPG4. It retains most of the policy changes proposed in the May 2009 draft. The overall 'town centres first' approach and emphasis on consumer choice, is retained, but the document is refocused and set out as a series of policies with additional advice provided in a separate practice guide. The PPS does not include a Competition Test (as recommended by the Competition Commission), but sets out positive guidance for the protection and fostering of local and independent traders, as part of competitive 'diversity and mix' to enhance consumer choice. Paragraph 9 of PPS4 states that the Government's overarching objective for prosperous economies is sustainable economic growth. To help achieve sustainable economic growth the Government's objectives for planning are to:

- Build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural;
- Reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation;
- Deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate changes;
- Promote the vitality and viability of town and other centres as important places for communities.

To do this, the Government wants:

- New economic growth and development of main town centre uses to be focused in existing centres with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities;
- Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups);
- The historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity;
- Raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.

4.2 Policies EC2 to EC9 are concerned with plan-making rather than development management but it is worth noting that the guidance emphasises an approach for councils to set priorities through proactive and positive policies, underpinned by a 'robust evidence base' (evidence base requirements are set out in Policy EC1). The test of need is retained for the plan-making process.

4.3 Policies EC10 to 19 are concerned with development management. Planning authorities are to adopt a positive and constructive approach to applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. An evidence based approach should be adapted to applications not in accordance with the development plan, weighing market and other economic data alongside environmental and social and taking full account of long term benefits and the wider objectives of the Local Development Framework. There is no longer a requirement for applicants for retail and certain other forms of development to undertake a separate assessment of quantitative and qualitative need for their proposal. Assessment of impact is now split between policies EC10 and EC16 and failure against any one of the criteria within the policies could result in refusal of planning permission, notwithstanding performance against all of the other criteria.

5 Assessment of Applications APP/2009/5109 and OUT/2009/5110, Dock Road Seacombe, Against The Policies of PPS4

5.1 **Policy EC10** applies to all applications relating to economic development proposals. EC10.1 identifies five criteria against which proposals are to be assessed:

- Whether the proposal has been planned over its lifetime to limit carbon dioxide emissions and minimise vulnerability and provide resilience to climate change;
- Accessibility by a choice of transport and impacts on traffic levels;
- Quality and inclusiveness of design;
- Impact on economic and physical regeneration including deprived areas and social inclusion objectives;
- The impact on local employment impacts.

5.2 In relation to sustainability, the applicant noted that in addition to potentially reducing commuting and travel time to out-of-centre food stores, the scheme proposes a number of energy saving benefits which are detailed in full in the applicant's sustainability statement. Flood risk impacts are addressed through the flood risk assessment. In terms of the accessibility of the site, this was considered in relation to the transport assessment and included the provision of local services and facilities on site to reduce the need to travel.

5.3 Design (and heritage) issues were addressed in the Committee Reports for both applications including the input from a CABE Design Review undertaken, and appropriate conditions have been attached to the permission.

5.4 In relation to economic/physical regeneration/social inclusion (EC10.2.d & e) it is considered that there are no significant changes and therefore no change to the policy position from the original assessment under PPS6 for the following reasons:

5.5 In terms of physical regeneration the applicants noted that the proposal would secure the redevelopment of a currently vacant and derelict site to create a mixed-use proposal that will act as a catalyst for further high quality mixed-use development within Inner Wirral. The applicant notes that the layout and position of the wider Northbank scheme starts to create a potential northern circuit that in the future will link Birkenhead town centre with the waterfront area.

5.6 With regards to employment, in addition to construction phase employment (183 full time equivalent), the applicant suggests that in the long term the supermarket and other retail and service business units for plot 1 will provide 95 full time equivalent

jobs. Some 580 jobs would be created in the development of plots 2-5 which would include an estimated 262 jobs in the retail and leisure businesses and 318 in the offices, giving an aggregate total of 675 jobs from plots 1-5, this will equate to a total of 858 new jobs inclusive of construction.

- 5.7 In relation to social inclusion, the applicant noted that a full socio-economic assessment has been undertaken as part of the baseline report for the Wirral Waters Strategic Regeneration Framework, highlighting in particular the levels of deprivation in east Wirral, population loss, high levels of economic inactivity, poor levels of educational attainment, relatively high numbers of people with a limiting long term illness and high levels of crime, and housing market failure. Significant economic and physical regeneration benefits from these two applications and the wider Wirral Waters project are anticipated given the project's location in a deprived area and within the housing market renewal pathfinder.
- 5.8 **Policy EC14** identifies the supporting evidence required for planning applications for main town centre uses and the floorspace thresholds that apply. As with PPS6 a threshold for impact assessments of 2,500 sqm gross floorspace is set for proposals which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres. The focus is on impacts during the first five years after scheme construction and the type of evidence and assessment should be proportionate to the scale and nature and its likely impact.
- 5.9 The applicant's submissions cover both impact and the sequential approach for both applications (the retail floorspace in the detailed application is below the 2,500 sqm threshold and are proportionate to the scale and nature of the proposal. The submitted retail assessment included a detailed assessment of the impact of the proposed supermarket on stores and centres. The assessment concluded that allowing the store to open and trade will not result in any short or long term impacts for any other stores/centres or those which have extant planning permission. There is no further requirement for additional information.
- 5.10 **Policy EC15** sets out the consideration of sequential assessments with reference to site selection, the requirement for developer and operator flexibility in relation to development proposals, and operator business model considerations. PPS4 attaches greater weight to the outcome of the sequential assessment compared with PPS6 as failure to demonstrate compliance with the requirements is grounds for refusal alone.
- 5.11 The applicant submitted a supplementary sequential assessment in relation to the supermarket proposal, which concluded that there were no sites in sequentially preferable locations that are suitable, viable and available to meet the identified need. The original committee report noted that the other retail and non-residential elements are proposed in these applications with the specific purpose of serving the local day to day needs of the growing Wirral Waters residential community in a location with no existing services and this need could not be met by locating these uses in a more distant centre. Conditions limiting the quantum of retail floorspace and unit size are attached to the outline application. As such the requirements of PPS4 Policy EC15 have been addressed.
- 5.12 **Policy EC16** applies only to main town centre uses (including retail proposals) and sets out the impact considerations applying to unplanned, edge and out-of-centre

developments (in addition to those criteria identified under Policy EC10). Policy EC16.1 sets out the criteria for the assessment of impact on centres –

- existing, committed and planned public and private investment in a centre or centres in the catchments area of the proposal
- town centre viability and vitality
- impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
- in-centre trade/turnover and on trade in the wider area, taking into account of current and future consumer expenditure capacity in the catchment area
- whether the proposal is appropriate in scale in terms of gross floorspace in relation to the size of the centre and its role in the hierarchy of centres

5.13 The applicant's retail office and leisure assessment includes a detailed assessment of the impact of the proposed supermarket on stores and centres. The report to Planning Committee noted that the assessment concluded that allowing the store to open and trade will not result in any short or long-term trading impacts for any other stores or centres or those which have planning permission (commitments). In relation to scale, the applicant notes that the proposal aims to provide a medium sized supermarket that will serve a new catchment area in which considerable new housing and businesses are planned. Gross convenience retail floorspace is limited to 1,316 sqm and the supermarket will not offer the wide range of goods and services of a large superstore. It is proposed to control the unit size of the comparison retail floor space by condition, ensuring that the retail units are small in size and restricted to providing a more local shopping function.

5.14 **Policy EC17** also applies to unplanned, edge and out-of-centre main town centre uses, setting out the basis on which applications should be considered with emphasis on sequential compliance and impact. 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 the requirements of the sequential approach or (b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in EC10.1 and 16.1, taking into account cumulative impacts. Where no significant adverse impacts are identified, applications should be determined by balancing the negative and positive impacts of the criteria in the two policies and cumulative impacts.

5.15 In this case, having had regard to the supporting documents submitted by the applicant, it is not considered that the developments would lead to significant adverse impacts in terms of the criteria listed in EC10.2 or EC16.1. Furthermore it is considered that the economic and physical regeneration, social inclusion and reducing deprivation benefits outlined above in relation to EC10.2 d & e remain significant positive material planning considerations as identified in the earlier Planning Committee reports.

5.16 **Policy EC19** identifies the use of conditions to proactively manage the impacts of development and implement policies, through a series of criteria to control the maximum size of units, limited internal alterations intending to increase the size of units, limiting the range of goods to be sold and timing of deliveries where applicable.

5.17 In this case, the outline application is subject to conditions limiting the overall quantum of retail floorspace and unit size. The retail floorspace permitted in the full application

is controlled through the scheme description. The conditions are consistent with the advice in EC19.

6 Assessment of Application APP/2008/6821, Land at Bridge Road, West Kirby, Against The Policies of PPS4

6.1 The application site is located within (the proposed store) and on the edge (the car park) of the defined West Kirby Town Centre in the Wirral UDP. The original report to Committee indicated that a sequential and need assessment was not required due to the UDP designations, which remain in place. As such the following policies of PPS4 are therefore applicable:

6.2 **Policy EC10** applies to all applications relating to economic development proposals. EC10.1 identifies five criteria against which proposals are to be assessed:

- Whether the proposal has been planned over its lifetime to limit carbon dioxide emissions and minimise vulnerability and provide resilience to climate change;
- Accessibility by a choice of transport and impacts on traffic levels;
- Quality and inclusiveness of design;
- Impact on economic and physical regeneration including deprived areas and social inclusion objectives;
- The impact on local employment impacts.

6.3 In relation to sustainability, the applicant noted that in addition to potentially reducing commuting and travel time to out-of-centre food stores, the scheme proposes a number of energy saving benefits which are detailed in full in the applicant's sustainability statement. These include a local-sourcing policy that reduces long distance transportation and the materials used in the construction and fit out of the store seek to maximise the use of renewable materials. The proposals will also conform to Building Regulations requirements to minimise heat loss/gain by creating airtight insulated buildings with controllable natural ventilation. In terms of the accessibility of the site, this was considered in relation to the transport assessment and included the provision of local services and facilities on site to reduce the need to travel. Design (and heritage) issues were considered in the Committee Reports and again appropriate conditions have been attached to the permission. In relation to economic/physical regeneration/social inclusion (EC10.2.d & e) it is considered that there are no significant changes in the following areas and therefore no change to the policy position from the original assessment under PPS6 for the following reasons:

6.4 In terms of physical regeneration the applicants noted that the proposal would secure a high quality development by retaining the façade of the existing cinema building, which will provide continuity and appropriate linkages with the town centre. The demolition of less attractive buildings and their replacement with a more contemporary structure will provide a significant visual enhancement to the street scene. This will contribute to the regeneration of West Kirby Town Centre and will provide significant investment and new employment.

6.5 With regards to employment, the applicant suggests that in the long term the supermarket will provide employment of up to 20 full and part time staff.

6.6 **Policy EC 18** relates to the application of car parking standards for non-residential development, and stresses that local parking standards should apply to individual planning applications unless –

- The applicant has demonstrated that a higher level of parking provision is needed and shown the measures proposed to be taken to minimise the need for parking
- The parking provision is consistent with any town centre parking strategy and facilities will genuinely serve the town centre as a whole
- The scale of parking is proportionate to the size of the centre

6.7 The application provided for 73 spaces, which represented approximately 60% of the parking provision allowed under the Councils SPD4 “Supplementary Planning Document 4 Parking Standards”. The site is well situated in terms of accessibility to public transport and there are a significant number of residential properties within two kilometres of the site. This is the maximum distance that PPG13 “ Planning Policy Guidance Note 13 Transport” reorganises as offering the greatest potential to replace short car trips. The car park will also be available free of charge to non-store users.

7 Conclusion

7.1 Overall it is concluded that there are no issues arising from the publication of the new PPS4 which give grounds for revising the original recommendations to planning committee in relation to these applications or the proposed planning conditions or s106 Agreements.

7.2 Members are requested to note the change in national policy PPS4 Planning for Sustainable Economic Growth.

8 Financial Implications

8.1 There are no financial implications arising directly from this report.

9 Staffing Implications

9.1 There are no staffing implications arising directly from this report.

10 Equal Opportunities Implications

10.1 There are no equal opportunities implications arising directly from this report.

11 Community Safety Implications

11.1 There are no community safety implications arising from this report.

12 Local Agenda 21 Implications

12.1 There are no local agenda 21 implications arising directly from this report.

13 Planning Implications

13.1 As detailed within the body of the report.

14 Anti-Poverty Implications

14.1 There are no anti-poverty implications arising directly from this report.

14 Human Rights Implications

15.1 There are no human rights implications arising directly from this report.

15 Social Inclusion Implications

16.1 There are no social inclusion implications arising directly from this report.

17 Local Member Support Implications

17.1 The proposed developments would be located within the wards of Seacombe and West Kirby and Thurstaston.

18 Background Papers

18.1 The committee reports relating to each of the applications are appended.

19 Recommendations

19.1 Members are requested to note the change in national planning policy brought about by the publication of PPS4: Planning for Sustainable Economic Growth.

19.2 Members are requested to endorse this report which concludes that there are no issues arising from the publication of National Planning Policy Statement 4: Planning for Sustainable Economic Growth that give grounds for revising the decision of planning committee in relation to applications APP/2008/6821 and APP/2009/5109 OUT/2009/5110 or the proposed planning conditions and associated s106 Legal Agreements.

D Green

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