

Committee: **PLANNING**

Date of Meeting: **9 March 2011**

Title of Report: **S/2011/0072**
Unit 14 & 15 Vesty Business Park Vesty Road,
Netherton
(Netherton & Orrell Ward)

Proposal: Change of use to form a mixed use unit incorporating, Office (B1), Childrens Play area (D2), Childrens Day Centre (D1), Café (A3) and ancillary uses together with the installation of two mezzanine floors, alterations to the elevations, layout of 56 space car park and the layout of a external play area to the side with associated landscaping

Applicant: Spaceworld Ltd

Executive Summary

This application is for use of two of the hybrid commercial units on the Vesty development to create a mixed development of play centre, offices and day centre. Whilst the play centre would not normally be permitted in a primarily industrial area the particular circumstances of this proposal are examined in the report to conclude that this mixed development is a special case. The details of the proposals are assessed and found acceptable.

Recommendation(s) **Approval**

Justification

The proposed mixed use is considered acceptable in principle in this location on account of the combination of factors including the lack of alternatives, the incorporation of genuine B1 employment use, the synergy with the business park and the level and quality of employment. The details of the proposals meet UDP policies.

Conditions

1. T-1 Full Planning Permission Time Limit
2. The development shall incorporate a minimum of 300m² B1 (office) and upon such use ceasing to exist, the use as a play centre shall be discontinued.
3. The provision of food and drink shall remain ancillary to the use as a play centre and shall not be operated as an independent A3 or A5 use.
4. Before the garden area is bought into use
(a) a scheme and programme of testing for soil quality has been submitted to and agreed in writing with the Local Planning Authority
and

(b) the testing has been carried out and any remedial works undertaken to the satisfaction of the Local Planning Authority.

5. P-5 Plant and machinery
6. P-8 Kitchen Extraction Equipment
7. H-6 Vehicle parking and manoeuvring
8. H-7 Cycle parking
9. The development shall provide at least 10% of its energy requirements from on-site renewable energy sources, unless otherwise agreed in writing by the Local Planning Authority.
10. X1 Compliance

Reasons

1. RT-1
2. In order to retain the balance of uses in accordance with UDP Policy EDT5
3. To retain the balance of uses in accordance with UDP Policy EDT5
4. To ensure that risks from land contamination to the future users of the land and are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers and children in accordance with policy EP3 of the Sefton Unitary Development Plan.
5. RP-5
6. RP-8
7. RH-6
8. RH-7
9. RD-5
10. RX1

Drawing Numbers

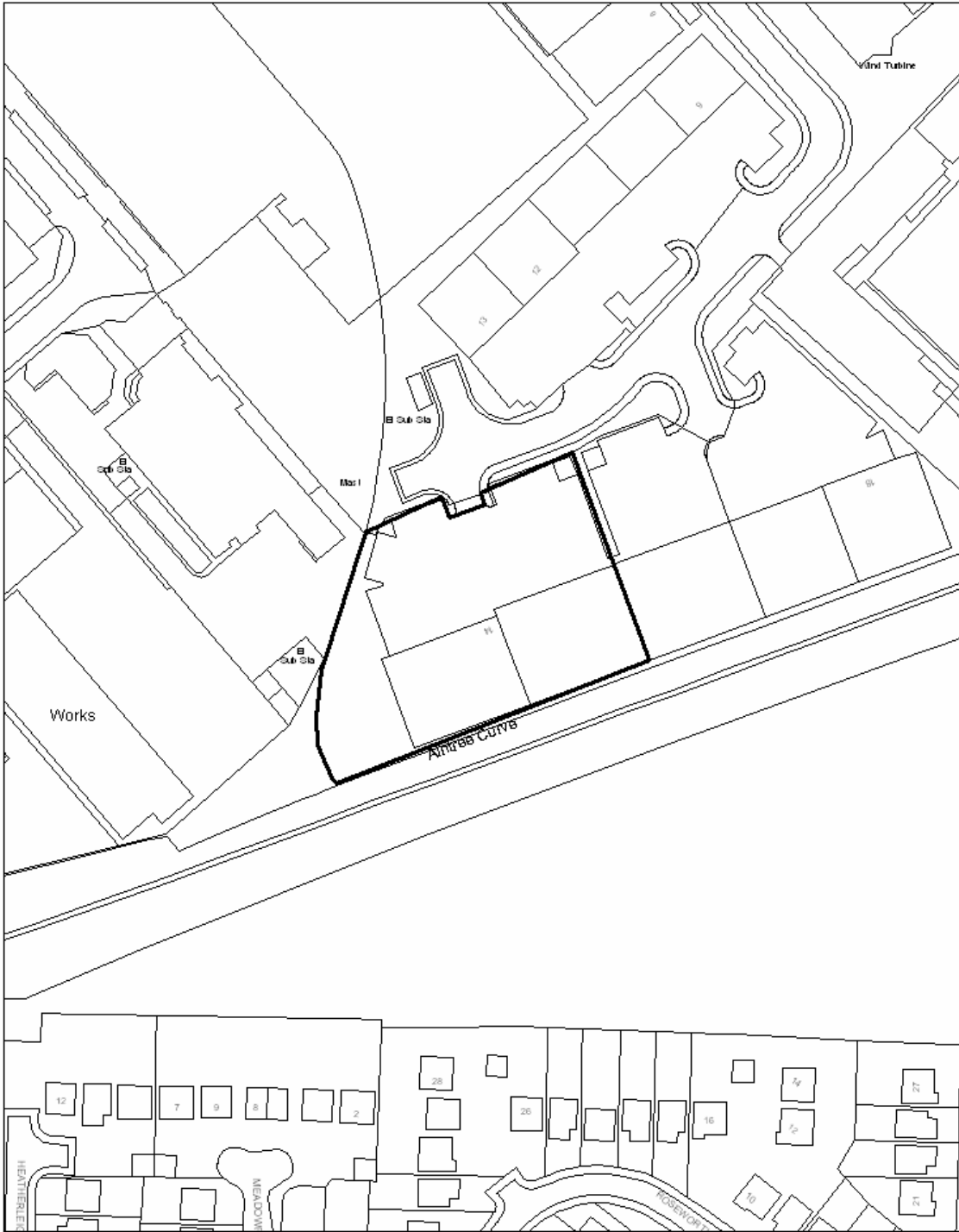
14210 SK02B,SK03, SK04, SK05A, SK06,SK07

Financial Implications

CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council
Planning & Economic
Regeneration Department
 Andy Wallis - Director
Planning & Economic Regeneration is part of the
 Regeneration & Environmental Services Directorate

S/2011/0072
 Unit 14 & 15
 Vesty Business Park Vesty Road
 Netherton
 L30 1NY
 OSGR: 336176, 397507 **Streets:** 926, 92A **Area:** 4209 sqm

Standard Site Plan
 Scale: 1:1250
 Date: 24/2/2011
 Drawn By: *BBERT on*

Ward(s): *Netherton & Orrell*
 Postcode Sector(s): *L30 4*
 Polling District(s): *DS*
 Parish(es): *None Found*

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The Site

This application relates to two recently constructed units on the Vesty Business Park which remain vacant. These units are the end units and adjoin the disused Aintree Curve to the rear and commercial premises on all other sides.

Proposal

Change of use to form a mixed use unit incorporating, Office (B1), Childrens Play area (D2), Childrens Day Centre (D1), Café (A3) and ancillary uses together with the installation of two mezzanine floors, alterations to the elevations, layout of 57 space car park and the layout of a external play area to the side with associated landscaping.

History

The most significant applications are

S/2003/0411 outline for B1, B2 B8 units –approved 01/10/2003

S/2005/0936 commercial development comprising 4 , 2storey units and 12 single story units in phase 1 and 4 single story units in Phase 2 - Approved 17/11/2005

S/2006/0942 - variation of conditions 4,6,9,10,14,15,17 and removal of conditions 12,13,16 and 22 on S/2005/0936 - Approved 05/12/2006

Consultations

Highways Development Control - reference to the revised car parking and pedestrian access arrangement:-

There are no objections to the proposal to change the use of the premises to office/children's play area/children's day centre/café as there are no highway safety implications.

The applicant has now submitted an amended site layout plan which shows a safe and direct pedestrian route (a new section of footpath and 'zebra' type road markings) from the footway on Vesty Road to the main entrance to the children's play area, a dedicated pick-up/drop-off area outside the children's day centre and 56 car parking spaces (including 4 marked out for use by disabled persons). Some cycle parking is also proposed.

On-street parking will be prohibited through the introduction of a Traffic Regulation Order (TRO) in the form of double yellow lines on both sides and for the full length of Vesty Road. This was secured as part of a previous planning permission for an adjacent site, but has not yet been implemented.

Environmental Protection – no objections – standard conditions required.

The proposed application is for a land use that would be particularly sensitive to contamination on a site that has previously been remediated for a commercial end use. Development proposals will include internal alterations to the existing building and provision of landscaping for an external play area.

The validation report for S/2006/0942 states that the imported topsoil was placed to provide a minimum cover of 300mm in all areas of landscaping. Validation testing of imported material was undertaken at a frequency of 1 sample per 500m³. The results of the chemical testing frequency is not sufficient for the proposed end use. We advise that details of the proposed landscaping scheme will be required, including proposals for chemical testing of the soil, including any imported to site, to ensure it is suitable for use.

Areas of existing landscaping compromise a minimum of 300mm of topsoil, but it is not clear whether this is underlain by a geotextile or other separation layer such as engineered hardcore. We advise that clarification is required as to whether the existing topsoil has been placed over a demarcation layer and details of the methodology to avoid intermixing of the clean cap with underlying soils should be provided (if necessary).

The existing building incorporates gas protection measures and the proposed development includes internal alterations. We advise that the proposed works must not compromise the existing gas protection measures and that consultation with Building Control will be required to ensure that the proposed alterations are appropriate to maintain the integrity of the existing protection measures.

I recommend that the above issues are addressed and that remediation strategy for the proposed works be submitted for approval. On the basis of the available information, further site investigation and assessment should not be required.

Neighbour Representations

Last date for replies: 14/2

None received

Policy

The application site is situated in an area allocated as primarily industrial on the Council's Adopted Unitary Development Plan.

AD2 Ensuring Choice of Travel
CS1 Development and Regeneration
CS3 Development Principles
DQ1 Design
DQ2 Renewable Energy in Development
EDT18 Retention of Local Employment Opportunities
EDT2 Provision of Employment Land
EDT5 Primarily Industrial Areas

Comments

The planning issues in respect of this application concern the principle of the use and the details of the proposal

Principle of use

Units 14 and 15 of the Vesty Business Park fall within an area of land shown on the adopted UDP as an allocated employment site which is covered by *UDP* Policy EDT 6.4 : Former Vesty Site, Bridle Road, Netherton, where the policy is clear that the use for Class B1, B2 or B8 use is acceptable and, by implication, uses falling outside this range are not acceptable except under the exceptional circumstances set out in the policy at (a), (b), (c) and (d). Subsequently the importance of maintaining these sites in employment use has been firmly reinforced by the Employment Land and Premises Study 2008, albeit that the pressure to maintain employment sites in genuine B1/B2/B8 employment use is greatest in the North of the Borough, where the employment land supply is most severely constrained.

Given the above policy context, non B1, B2 or B 8 uses would normally not be acceptable in primarily industrial areas. However, given the current depressed economic climate with a slow take-up of employment land and the need to ensure that the most is made of genuine local employment opportunities (and especially those offering good quality jobs), a degree of flexibility might be considered acceptable in the south of the Borough providing the development delivers a core element of genuine B Uses.

In this case the application proposes a mixed use unit incorporating 307 sq m of (B1) offices, 387 sq m for a day care nursery centre and admin space and 855 sq m for the Spaceworld Concept function play zone, related kitchen space and café zone.

Taking into account the normal presumption against non-B1/B2 B8 uses on business parks, the present proposal presents a special case in that :

- no more suitable site has been found despite a long search. The applicant requires a building with high headroom, accessibility and sufficient floorspace in the local area at an affordable cost.
- the proposal is more than a play centre-it incorporates essential elements of business floorspace. Spaceworld currently has premises in Knowsley which have proved very successful. The company now wishes to roll out the business concept across the UK and wishes to use the current application site as the national headquarters and training centre. A self-contained business centre would be created to promote the business concept. This element is small in size but provides an element which is appropriate to a business park and which needs to be associated with play facility. A marketing suite/viewing zone is incorporated on the upper floor. The proposal also includes a business suite/training academy offering conference facilities to other users in the business park.

- the day care element of the proposal would provide a facility for local employers. The applicant has been in touch with Santander and the Fire Service and has received a significant degree of interest.
- the proposal offers 37 full time jobs and 33 part time jobs, equivalent to 53 full time jobs. It is understood that only two jobs will be transferred from the other Spaceworld facility and all other jobs will be new jobs, backed by a quality training programme. Using employment outputs for typical B1, B2 and B8 use we might expect 42 jobs in this size of unit. The employment generation is therefore high and of good quality.
- it allows a growing and successful local company to locate in Sefton, in the current economic climate where new jobs are at a premium.

This is a set of circumstances which taken together are considered sufficiently exceptional to justify this use in this particular location. It is the combination of factors, the lack of alternatives, the incorporation of genuine B1 employment use, the synergy with the business park, the level and quality of employment and the location in South Sefton which combine to make a special case. It is not expected that this set of circumstances would be repeated and it is certainly different from a proposal simply for a leisure/play facility on a business park which would not be acceptable. Conditions are required to ensure that the business operates as set out in the justification.

Details of the proposal

The proposals involve very minor external change to the building – a new entrance located behind the existing shutter and installation of 4 sets of doors (one within an existing glazed area) to the garden. These changes have little visual impact and are acceptable.

The access and parking arrangements have been amended to meet Highways Development Control recommendations. 56 parking spaces (including 4 disabled bays) and bike parking are proposed within the existing car park.

A garden area would be provided on the landscaped area to the side of the building to provide a facility for the day care centre. Existing trees would be retained. The principle of this garden is acceptable but conditions are required in respect of any proposed fencing. In addition the Environmental Protection Director is concerned about the quality of fill used in this area as the proposed use as a play area is more sensitive than the existing use as ancillary landscaping. This can be dealt with by condition.

With regard to UDP policies requiring contributions for trees and greenspace, there is no tree requirement as the car park area is not changed. With regard to UDP Policy DQ4 there is normally a requirement for a public open space contribution for change of use to leisure development of more than 1,000m². However since the use is mixed and the leisure element amounts to only 855m², a contribution is not

considered necessary in this case.

Policy DQ2 in relation to renewable energy applies in this case, but provision has already been made with wind turbines on the unit. A condition is required to ensure that use is made of the renewable technologies.

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