

Committee: **PLANNING**

Date of Meeting: **11 November 2009**

Title of Report: **S/2009/0828**
48 Stephenson Way, Formby
(Ravenmeols Ward)

Proposal: Change of use to a canine hydrotherapy centre to include a dog grooming salon

Applicant: Ms J Tumilty

Executive Summary

The proposal is for a change of use to a canine hydrotherapy centre to include a dog grooming salon within the Formby Industrial Estate. The main issue to consider is the principle of a non B1, B2 and B8 use within a Primarily Industrial Area. The proposed change of use is unacceptable as it would prejudice the availability of an adequate supply of land for business and industrial development and would not maintain an overall balance of uses and employment opportunities appropriate to a Primarily Industrial Area. The proposal therefore fails to comply with Unitary Development Plan policies EDT5 and EDT18.

Recommendation(s) Refusal

Reason

1. The proposed change of use is unacceptable as it would prejudice the availability of an adequate supply of land for business and industrial development and would not maintain an overall balance of uses and employment opportunities appropriate to a Primarily Industrial Area. The proposal therefore fails to comply with Unitary Development Plan policies EDT5 and EDT18.

Drawing Numbers

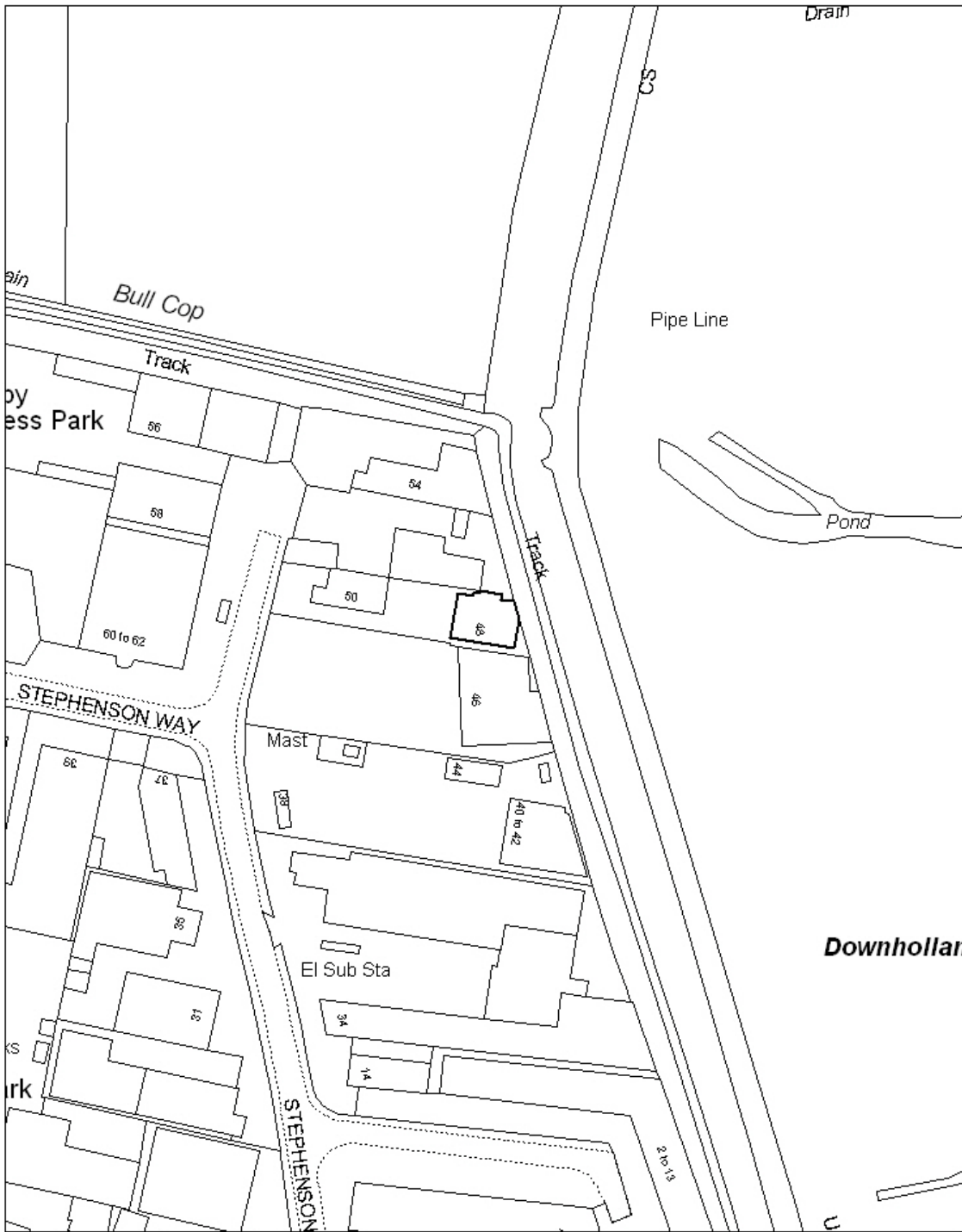
Drawing 1, 2

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
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 <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/0828 48 Stephenson Way Formby		Standard Site Plan Scale: 1:1250 Date: 28/10/2009 Drawn By: RO.BID on
	OSGR: 331170, 407071	Sheet(s): 2876	Area: 194 sqm

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S/2009/0828

The Site

A vacant unit within the Formby Industrial Estate.

Proposal

Change of use to a canine hydrotherapy centre to include a dog grooming salon

History

None within 25 Years.

Consultations

Environmental Protection Director – No objections to the proposal.

Highways DC – No objections to the proposal.

United Utilities – No objections to the proposal.

Neighbour Representations

Last date for replies: 29th October 2009

Representations received: None as of 28th October 2009. Any representations after this date will be addressed within late representations.

Policy

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

CS3 Development Principles
EDT5 Primarily Industrial Areas
EDT18 Retention of Local Employment Opportunities

Comments

The main issue to consider in respect of this application is the principle of a non B1, B2, and B8 use within a Primarily Industrial Area (PIA).

Unitary Development Plan policy EDT 5 'Primarily Industrial Areas' states that Primarily Industrial Areas will continue to be the preferred location for new business, industrial, storage and distribution (Class B1, B2 and B8 uses). Other uses will only be permitted where it can be demonstrated that it would not prejudice the availability of an adequate supply of land for business and industrial development; it cannot be located on any other more appropriate site; it would

maintain an overall balance of uses and employment opportunities appropriate to a PIA, and; it would assist urban regeneration.

Exceptional circumstances are needed to justify departing from EDT5 and these have not been demonstrated.

In addition, the Council's emerging Employment Land & Premises Study, which is now nearing completion after a 6 week public and stakeholder consultation and some weight can be attached to it, makes clear that there constrained employment land supply in Sefton and there is a need to maintain all Primarily Industrial Areas in B1, B2 or B8 employment uses. With respect to the Formby Industrial Estate the draft study states that the Council should "consider more protection of B1/B8 uses" rather than other uses.

The draft study on page 267, para 10.67 states that "as a consequence of the limited land availability within the Borough, Sefton needs to take a robust stance to the protection of existing employment sites and premises, even where individually these may represent small opportunities".

Furthermore, the Council's approach to resisting non B1, B2 or B8 uses on the Formby Industrial Estate has been supported by the Planning Inspectorate through a recently dismissed appeal.

The Council refused a planning application for a change of use of a 0.08 ha site at Formby Business Park from B1/B2 to 'a soft based family entertainment centre' (D2), reference N/2007/0019. The refusal of consent was appealed (Appeal ref: APP/M4320/A/07/2053962) with Planning Inspector dismissing the appeal on the grounds that the "proposal would result in a harmful loss of employment land, contrary to policy EDT5 of the development plan". The Inspector's conclusion provides strong independent support for the need to retain all Primarily Industrial Areas in North Sefton, irrespective of size, in B1, B2 or B8 employment use.

After considering the above, and after giving weight to the Inspector's decision and the requirements of Unitary Development Plan policies EDT5 'Primarily Industrial Areas' and EDT18 'Retention of Local Employment Opportunities', the proposal would prejudice the availability of an adequate supply of land for business and industrial development and would not maintain an overall balance of uses and employment opportunities appropriate to a Primarily Industrial Area.

As the existing access and parking arrangements within the site will remain unchanged there is no highway safety implications, while any noise generated by the proposal would not be detrimental by virtue of the existing operational noises connected to industrial uses within the PIA.

For the reasons set out above, it is recommended that the application be refused consent.

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