

## Planning Committee

Reference:  
**APP/09/06344**

Area Team:  
**Deeside**

Case Officer:  
**Mr M Rushton**

Ward:  
**Leasowe and  
Moreton East**

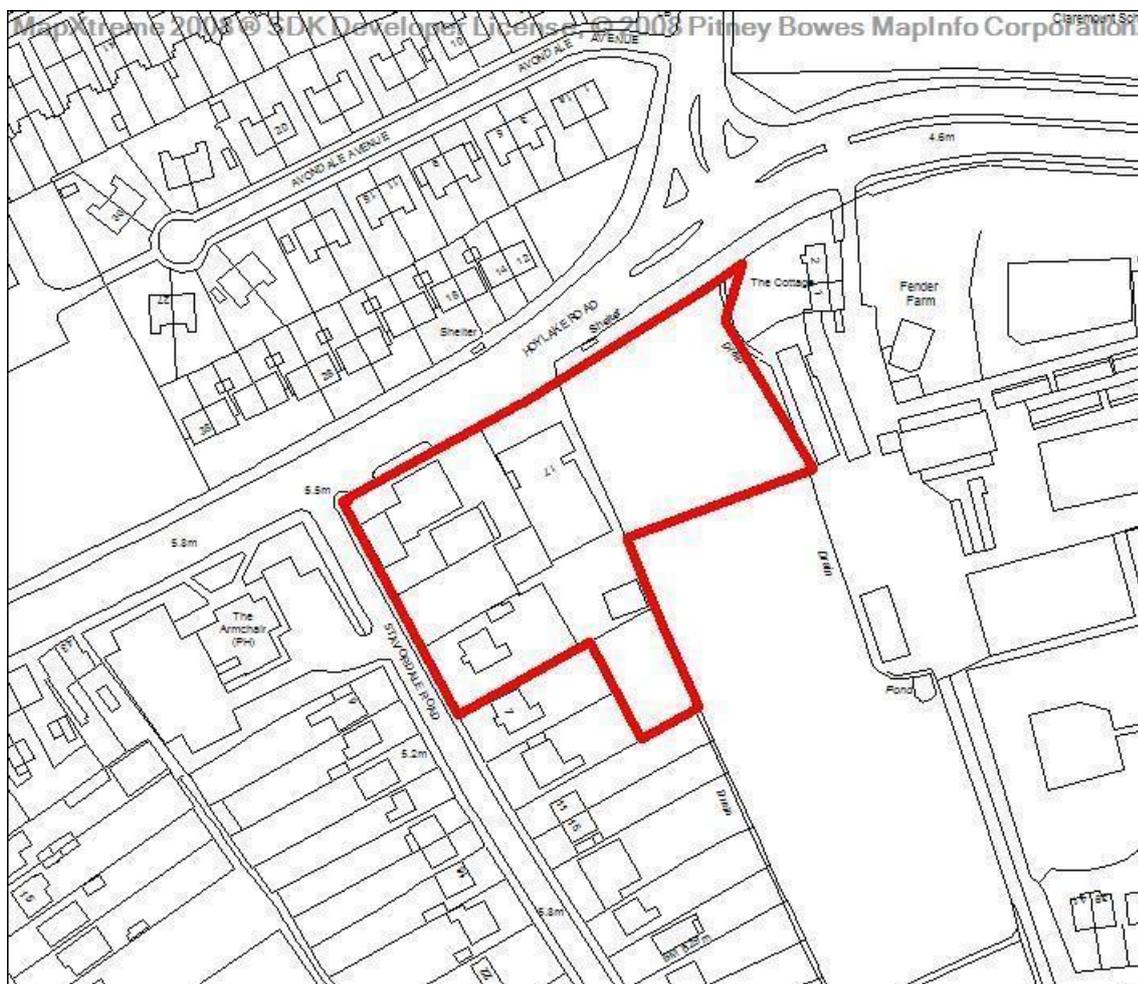
**Location:** Three Counties Car Sales, 17 HOYLAKE ROAD, MORETON, CH46 7PD

**Proposal:** Demolition of existing buildings and erection of new foodstore with associated access, parking and servicing facilities.

**Applicant:** Aldi Stores

**Agent :** Mr David Highton

### Site Plan:



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### Development Plan allocation and policies:

Recreation Development Site

Primarily Residential Area

Road Corridor subject to Environmental Improvement

Area Requiring Landscape Renewal

## **Planning History:**

APP/1990/5186 Erection of a shop, office, store building and extension to canopy - Approved conditionally 08/03/1990

APP/1998/6676 Removal of existing valeting building and replacement with a car repair workshop, change of use of part of domestic curtilage of no. 5 Stavordale Road for parking of vehicles and use of bungalow as offices in conjunction with existing garage premises - Approved conditionally 29/01/1999

APP/2001/7002 Erection of a car wash and amendment to APP/90/5106 for the construction of a pavement crossing - Approved conditionally 24/12/1991

APP/2000/7065 Change of use from filling station to car sales and use of shop as an office - Approved conditionally 01/01/2001

APP/2005/7926 Demolition of existing buildings and extension of car sales area including the erection of 2 x 5m high lighting columns - Refused 09/03/2006

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

### **REPRESENTATIONS**

A total of 40 neighbour notification letters were delivered and a Site Notice posted at the address. At the time of writing three individual letters of objection have been received. The objections can be summarised as follows:

- Concern at potential nuisance through noise, particularly from the service bay when HGVs service the site.
- The removal of no. 5 Stavordale Road as a buffer will create an intolerable nuisance to no. 7 Stavordale in particular.
- Devaluation to property values.
- Light pollution concern.
- Concern at the location of air conditioning units and their potential to cause noise nuisance.
- Smells and generally unpleasant atmosphere to be created by the waste disposal bins placed at the development.
- The development could be planned better to avoid impact to residential amenity – with 'nuisance' elements adjacent to the open Green Belt rather than residential properties.
- There is already congestion, supermarket traffic would just add to difficulties experienced by local residents.
- Noise from late night deliveries will be unacceptable.
- Having another large store will adversely impact to local small businesses, which will probably have to close.
- Concerns at any land that would be lost to the Riding School on the corner of Fender Lane.

A further objection has been received on behalf of Wm Morrison Supermarkets plc. making the following comments:

- PPS4 Policy EC10 requires assessment of applications against a number of general impact considerations, including criteria (b) relating to accessibility by a choice of means of transport. The site is located 1km from the town centre and on the edge of the built up area and as such is unlikely to create any linked trips, or encourage travel by sustainable forms of transport. The site's location will attract predominantly car borne customers.
- PPS4 Policy EC16: Retail Impact. The applicant's statement is not robust in its assessment of the likely trade diversion from existing stores in the area, underestimating the impact on Moreton Town Centre and specifically the trade diversion likely from Somerfield. Conversely, the applicant has overestimated the impact on existing out-of-centre stores, consequently under-estimating impact to Moreton, contrary to Policy EC14 of PPS4
- The 2009 Retail Study undertaken on behalf of the Council by Roger Tym and Partners identifies no local deficiencies in convenience provision in the Borough.
- The retail assessment submitted incorrectly refers to the Morrisons store in West Kirby as being out of centre – the store is clearly within the defined West Kirby Town Centre and acts

as an important anchor to that centre

17 representations have been received in support of the proposed development.

**CONSULTATIONS:**

Environment Agency – no objection to the proposed development, subject to conditions.

Director of Technical Services (Tree Protection) – no objection, subject to conditions.

Director of Regeneration (Housing and Environmental Protection) – no objection to the application, subject to conditions to secure the following:

- Delivery vehicles must arrive no earlier than 7.00am or after 10.00pm;
- Opening times should be restricted to the hours of 6.00am to 11.00pm;
- Commercial waste collection must not take place prior to 8.00am or after 9.00pm;
- To avoid noise nuisance from delivery vehicles when parked at the delivery dock, the vehicle refrigeration and reverse sounder units must be switched off prior to arrival on site;
- The position / type / insulation of external refrigeration and ventilation equipment shall be agreed in writing with the Local Planning Authority prior to building work commencing;
- Security lights should be positioned and adjusted so that any potential light nuisance is minimised at neighbouring houses.

Director of Technical Services (Traffic Management) – no objection, refer to Director's Comments.

**Director's Comments:**

**REASON FOR REFERRAL**

The application is for major development, exceeding 1,000 square metres gross floorspace.

**PROPOSAL**

The proposal is for the demolition of existing buildings within the site, comprising the Three Counties car sales showroom with associated garaging, Monster Hand Car Wash, and no.5 Stavordale Road. A new food retail store would be constructed, with associated access road, parking for 84 vehicles, and servicing facilities. The retail store would comprise 1342m<sup>2</sup> gross internal floorspace, 900m<sup>2</sup> net sales floorspace.

The food store would be located on the corner of the site, at the junction of Hoylake Road and Stavordale Road. The store would be oriented 'side-on' to Hoylake Road, with the main customer access being via the eastern elevation. Vehicular access would be to the east of the site, from a new access extending the existing traffic light controlled junction currently in place to serve the junction of Hoylake Road / Reeds Lane / Fender Lane. The main area of car parking would be adjacent to this access, east of the retail store, whilst secondary car parks would be located to the south of the site.

In terms of design, the store would establish a clear building line to Hoylake Road and Stavordale Road, elevations comprising painted render panels with aluminium canopy and flashing features, galvanised steel doors and glazing panels to the main facades, including continuous clear high glazing strips.

The store would be single-storey, with low, flat roof. Cross-sectional drawings provided confirm the store's height would not exceed the ridge height of the adjacent bungalow to Stavordale Road, nor the eaves height of properties to the north of Hoylake Road.

**SITE AND SURROUNDINGS**

The site currently supports the Three Counties car sales showroom, with associated garaging, sales forecourt, vehicle storage and parking, a car wash and associated advertising signage. The main showroom is housed in a two-storey pitched roof building fronting onto Hoylake Road, whilst garaging is located further south within the site in pitched-roof single-storey steel framed brick and metal clad structures. The car wash is a brick built pitched-roof facility close to the corner of Stavordale and Hoylake Road. Areas of hard standing within the site are poorly maintained, with tyre and vehicle storage to the south. In combination the buildings do not provide a consistent or coherent building

form and character to the site, and the spacing of buildings prevents the establishment of a clear building line, to the detriment of the street scene.

In addition to the Three Counties business, the site supports a dormer bungalow – no. 5 Stavordale Road – which is currently vacant, though well maintained. The bungalow would be demolished to allow establishment of car parking and landscape buffers to the car park perimeters.

Surrounding areas to the north and south are residential in character, consisting of a mix of bungalow and two-storey residential properties. Housing to the north side of Hoylake Road is two-storey in character, set back from the road, whilst Stavordale Road predominantly consists single or dormer (1.5-storey) residential properties.

The eastern portion of the site is currently open land owned by the Fender Farm (West Wirral) Riding School. Beyond the site to the east and south-east the land is open, supporting the Riding School, open agricultural land beyond, and a recent Redrow Homes residential development.

To the west of the site, set back from the Stavordale Road frontage is the two-storey Armchair Public House and associated car parking.

## **POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

### National Planning Policies

PPS 1 - Delivering Sustainable Development

PPS 4 - Planning for Sustainable Economic Development

PPG 13 - Transport

PPG17 – Planning for Planning for Open space, Sport and Recreation

### RSS Policies

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 7 Promote Environmental Quality

Policy W 5 Retail Development

Policy RT 2 Managing Travel Demand

Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

Policy EM 3 Green Infrastructure

### Wirral Unitary Development Plan

The western portion of the site currently occupied by the Three Counties Garage is designated as a Primarily Residential Area. The following policies are therefore relevant to this proposal:

Policy SH01 – Principles for New Retail Development

Policy SH9 – Criteria for Out of Centre and Edge of Centre Retail Development

Policy SH10 - Design and Location of Out-of-Centre and Edge-of-Centre Retail Development

Policy HS15 – Non Residential Uses in Primarily Residential Areas

Policy TR9 – Requirements for Off – Street Parking

Policy TR12 – Requirements for Cycle Parking

Policy GR5 – Landscaping and New Development

Policy GR7 – Trees and New Development

Policy WA1 - Development and Flood Risk

The eastern portion of the site is currently utilised by the Fender Farm Riding School and Stables, to which the following additional UDP policies are relevant:

Policy AG9 - Fender Farm Riding School and Stables, Moreton

Policy LA3 - Priorities for Areas Requiring Landscape Renewal

Policy LA4 - Areas Requiring Landscape Renewal

### Wirral Supplementary Planning Guidance/Documents

SPD4 - Parking Standards.

### Retail Considerations

The store would be used to sell primarily convenience goods. Amendments to the scheme have led to a reduction in the original proposed net trading floor from 1125m<sup>2</sup> to 900m<sup>2</sup>, which, according to the

applicant, would be one of Aldi's smaller outlets.

Unitary Development Plan Policies SHO1 and SH9 and RSS Policy W2 make it clear that proposals in such locations should not undermine the vitality and viability of existing centres. National Planning Policy Statement PPS4 'Planning for Sustainable Economic Growth' sets the most update approach for dealing with out of centre retail applications. This includes the 'sequential test' whereby existing town and edge of centre sites should be considered first, with policy EC15 setting out the requirements for the consideration of such sequential assessments: failure to demonstrate compliance with these requirements is in itself grounds for refusal. The applicant has submitted a retail assessment and a PPS4 addendum, outlining that they have searched for alternative sites in Moreton Town Centre and Upton Village Suburban Centre and that none were found. The sites of Iceland, Moreton and the Horse and Jockey Public House were considered, but the premises were either not for sale or were too small for the format of store required. Other out of centre properties such as the Moreton Arms Public House on Pasture Road and the Parkmere Auto Centre on the junction of Burnley Road were considered, but again rejected as being unavailable or too small. While it is noted that there is the prospect of attracting passing trade from those travelling to and from Meols, Hoylake and West Kirby, it would be expected that the main catchment for custom would come from customers in the Moreton and Upton area - where the applicant outlines more sequentially available sites have not been found or are available. An application by Tesco has recently been submitted for a store in Moreton town centre, on the site of the Plough Inn, which might, to some extent undermine the claim that there are no opportunities in the town centre. The floorspace of the Tesco proposal is, however, considerably smaller, at 370 square metres, and would not support the format of store proposed here (it would be consistent with the size of a Tesco Express unit). The Tesco application is not valid at this stage, and as it is considerably smaller than the application proposal it is not considered that the scale of reduction in the size of the Aldi which would be required to fit this site is reasonable. Given this, on the basis of the information submitted, it is not considered that there are defensible grounds for refusal of the application in terms of the sequential approach outlined within PPS4.

PPS4 also introduces an impact assessment applicable to schemes below 2,500m<sup>2</sup> which are likely to have a significant effect on designated centres. As this proposal has the propensity to affect nearby centres, the impact on investment, vitality & viability, allocated sites, trade, scale and existing centres are matters that need to be assessed in relation to this application. The applicant has assessed the proposal against the criteria listed in Policy EC16 of PPS4 and has taken into account the findings of the recently published Wirral Town Centres, Retail and Commercial Leisure Strategy prepared by Roger Tym & Partners (RTP) on behalf of the Council. RTP note that the convenience goods need in the period 2009 to 2026 is negative. They note that it is important that needs are met on as localised basis as possible. Their household survey identified some areas where residents are travelling outside the immediate area for convenience shopping, but RTP suggested that existing permissions in Birkenhead (Asda) and New Brighton (Morrisons) would address these. No deficiency in provision was noted in the Moreton area. RTP's health check of Moreton town centre noted that it had an above average proportion of convenience retailing, and that the centre meets the day to day retail needs of residents but lacks a major supermarket. The Strategy suggested that there was limited physical scope for additional retail floorspace in Moreton and limited operator demand. Notwithstanding the RTP conclusions in relation to need, the applicant outlines in their addendum that the rate of convenience spending retained in the Moreton area (38.2 per cent) is low and their proposal will reduce such outflows. In relation to the criteria listed in Policy EC16 of PPS4 it must be noted: that there is no evidence of planned investment other than the Tesco application (which remains invalid); while RTP considered Moreton to be a busy and stable centre, it is considered that there is a clear overlap between the application proposal and the role of Moreton as a centre which meets the day to day needs of local residents, and; there are no sites allocated for retail development outside existing centres in the UDP, so no adverse impact can be identified in this regard.

Criteria (d) of Policy EC16 requires an assessment of impact on in-centre trade/turnover (taking account of current and future expenditure capacity up to five years from the time the application is made). The applicant's retail assessment takes some account of the shopping patterns identified in the RTP study but there is limited assessment of the impact on expenditure capacity, beyond a reference to £0.51m expenditure growth in the five years to 2015 quoting from the RTP report. The RTP report suggests that growth in convenience goods spending up to 2026 in survey zone 2a is only £3.5m; the conclusions of RTP in relation to capacity are not challenged by the applicant; as such the turnover of the proposal will be drawn mainly from existing stores and centres. The applicant points to the lower levels of expenditure retention within the store catchment area, and argues the

proposal will serve to claw back this spending from neighbouring areas, mainly from large superstores, many assessed as overtrading in the RTP report. In terms of trading impact, the applicants study identifies the highest levels of trade draw from out of centre stores at Upton (Sainsburys) and Arrowe Park (Asda) which the RTP study suggests have lower market shares from the catchment than Tesco Bidston and the Moreton town centre stores which are indicated as experiencing a lower impact. No reference is made to the Netto store on Stanley Road (opened November 2009) or Lidl on Leasowe Road, but it should be noted that neither is protected by retail policy. While no comparative evidence of similar developments elsewhere is provided by the applicant in support of their study there are examples elsewhere in Wirral where existing supermarkets such as Somerfield, and Co-op have continued to trade following the opening of discount retailers within or adjacent to existing centres. Although the impact assessment is not comprehensive in its assessment, and there is no identified expenditure capacity for additional convenience retailing, given that Moreton is generally considered by RTP to be a reasonable healthy centre and the apparently limited impact other discount stores have had on the convenience offer in other centres, it is not considered that a claim that the Aldi would have a significant adverse impact on the town centre warrants refusal of the application or could be sustained on appeal.

### Equestrian Centre and Landscape Considerations

The eastern portion of the site upon which the vehicular access and car parking provision is proposed, is allocated for retention as an equestrian centre under UDP Policy AG9. The centre consists of a riding school, stables and ancillary buildings, including an indoor arena, outdoor arenas and ancillary dwellings required for the management of the equestrian centre. Land to the east of Fender Farm, Moreton, was allocated by the UDP (and has now been developed) for residential development under Proposal HS3, subject to the satisfactory re-location of the existing equestrian facilities. Proposal AG9 is intended to ensure that land sufficient to accommodate the re-location of the existing equestrian facilities is reserved within the existing farm complex. The land which would be lost contains a field fenced off as a paddock, with access from nearby stables. RSS Policy DP4 establishes a sequential approach whereby existing buildings and previously developed land should be considered first, whilst PPG17 makes it clear that recreational open space should not be built on unless it can be considered surplus to requirements.

In this instance, a Consultation Statement submitted by the applicant suggests that there may be general support for the proposal, with the majority of respondents being in favour of the proposed development. Whilst concerns about loss of greenspace were raised by a small number of respondents, correspondence has been received from the Riding School confirming that no objection is raised to the loss of the land, outlining that the business would not be adversely affected. The land to be developed represents a small portion of the total Riding School operation, and it is not considered that the current proposal affects its continuing existence – it has been ensured that sufficient land to accommodate the equestrian facilities is retained. Conflict with UDP Policy AG9 in this regard is not considered to present a reason for refusal of the application.

With regards RSS Policy DP4, the wider proposal includes the redevelopment of a previously developed site which is currently incoherently planned and poorly maintained - this represents the majority of the development site. In forming vehicular access to the site, the proposal includes a commitment to considerable highway works to improve the existing signalised junction on Hoylake Road for pedestrians and cyclists, and in the interests of highway safety. The proposed access necessarily involves the development of a presently vacant green field site, however it is considered that the benefits to the adopted highway and accessibility present a significant material consideration in this case.

The eastern portion of the site also forms part of an Area of Landscape Renewal associated with the M53 corridor. The Council's recently adopted Landscape Character Assessment places emphasis on restoring and creating a more distinctive character to this particular area, and reducing the prominence of the urban fringe. Amendments have been sought to the scheme design to this end, and the revised proposal includes significant commitments to landscaping and tree planting, the retention of existing hawthorn hedging and a number of trees to the eastern boundary of the site. Landscaping conditions are proposed to secure the retention and enhancement of an established tree belt which forms a field boundary to the east of the site and is at risk from the proposed access road. With regards the urban fringe, the development lies west of a recent residential development which acts as a buffer to the open green belt uses beyond, consequently the site reads as part of the built environment and the

potential impact to the wider landscape is duly lessened.

### **APPEARANCE AND AMENITY ISSUES**

The main issues for consideration are: the potential for increased noise and disturbance to the areas of residential property surrounding the premises; the appropriateness of the proposed development outside an identified Town Centre, and; the quality and acceptability of design proposed in this location.

UDP Policy HS15 - Non Residential Uses in Primarily Residential Areas, states that within such areas proposals for small scale built development and changes of use for non-residential development will only be permitted where the proposal will not be of an inappropriate scale to surrounding development, result in a change to the character of the area or have an impact on surrounding uses in terms of noise and disturbance, parking and deliveries. In this instance, the proposed development would replace an existing non-residential use, albeit extending the footprint of development and potential intensity of use. The permitted use of the site presents a material consideration, particularly given the absence of restrictions to vehicle deliveries and servicing of the site (opening hours are currently restricted to 08.00 to 21.00).

With regards the potential for detrimental impact to residential properties, the application makes provision for the retention and enhancement of boundary fencing to neighbouring properties. The location and orientation of the store within the site seeks to minimise potential conflict with nos 7 and 9 Stavordale Road - the store is set approximately 27m metres from no. 7 and a landscape buffer of approximately 4.5m would be located south of the car park to negate noise nuisance and protect visual amenity. Conditions are proposed to limit the hours of delivery and waste collection access to the site and to encourage access to the site by staff and customers by other means of transport than the car. Additional information has been provided in relation to the management of delivery vehicles within the site, indicating that articulated lorry deliveries would number one or two per working day, and confirming the design of the servicing bay to the store a docking system which encloses the delivery operation so that unloading and loading takes place internally within the vehicle/store. Correspondence from the Director of Logistics to Aldi Stores Limited outlines a delivery protocol, confirming that a procedure can be safely operated whereby prior to entering the store site or car park, all refrigeration plant and reverse sounder units will be switched off and deactivated. On this basis, no objection has been raised to the application by the Director of Technical Services (Housing and Environmental Protection). Given the above, it is considered that the application can be considered consistent with UDP Policy HS15.

In terms of design, a number of amendments have been secured to the design originally proposed. The principal concern was the orientation of the store, and the failure of the original design to present an active frontage to Hoylake and Stavordale Roads. The design now includes a number of measures to alleviate this problem, notably: panels of dummy glazing which repeat the glazing pattern chosen for the main entrance of the store; enhanced landscaping and paving to the highway corner; and the contribution of £10,000 to be secured through a s106 Legal Agreement allow commission of a sculpture which would be located on the corner of Hoylake Road/Stavordale Road. The measures are considered, in combination, to soften the impact of the retail store and to add interest and 'activity' to the main road frontage elevations of the store sufficiently to overcome concerns at the orientation of the store and the absence of a public entrance on the road frontage.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

Vehicle access to the store would be via a new access road to be constructed off Hoylake Road, opposite and slightly to the west of Reeds Lane. The signal junction would be amended to incorporate the new access along with improved pedestrian facilities, particularly across Hoylake Road. An 84 space car park is proposed, including 5 disabled bays, which is within the maximum permitted under the Council's Supplementary Planning Document SPD4: Parking Standards. Servicing of the store would take place wholly within the site and would not impact to the highway; this is supported by a vehicle track submitted within the Transport Assessment (TA) submitted in support of the application.

The TA models the impact of the traffic generated by the store and also the effect of the junction alterations on the flow of traffic, and concludes that the junctions of Hoylake Road / Reeds Lane / Fender Lane and Hoylake Road / Stavordale Road would both operate within capacity. Whilst the proposed store would generate additional traffic on the highway network, it is considered that the

alterations to the signalised junction would deal with this additional traffic, and would assist pedestrians to cross the road.

In addition to the highway alterations detailed in the TA, it will be necessary to carry out minor radii improvements to the junction of Stavordale Road, to assist buses when entering from Hoylake Road. It will also be necessary to relocate the existing speed camera to a more suitable location.

A Framework Travel Plan has been submitted with the application which outlines the commitments of the developer to support travel by sustainable modes, and suggests potential measures to be included in a Full Travel Plan to increase choice and uptake of travel options for customers and staff. The framework includes measures which can facilitate more sustainable transport and details information on existing transport services serving the site.

Lastly, to further encourage a shift to more sustainable modes of transport, it is considered appropriate to provide direct cycle access to the site from Stavordale Road and from Hoylake Road, and to provide enhanced cycle infrastructure at the junction of Hoylake Road / Reeds Lane / Fender Lane, and conditions are proposed to secure these elements.

In conclusion, there are no sustainable reasons to object to the proposed development on highway safety or highway congestion grounds, subject to the imposition of a number of conditions to secure the highway works to the satisfaction of the Director of Technical Services.

### **ENVIRONMENTAL/SUSTAINABILITY/HEALTH ISSUES**

The applicant has submitted a Sustainability Statement outlining how the store has been designed to achieve 10% of the predicted energy requirements from renewable sources. One of two solutions are proposed: either the inclusion of an air source heat pump, or a heat recovery system utilising waste heat energy from the refrigeration condensers at the site to provide heating to the store. The measure adopted would provide in excess of the required 46,352 kWh of energy per annum estimated to constitute 10% of energy consumption at a store of this size. A planning condition is proposed to secure the detail and the implementation of either of the proposed solutions.

A Geo-Environmental Assessment Report was submitted alongside the application, identifying no significant contamination or ground gas issues. The site was previously in use as a petrol filling station, and underground storage tanks remain on the site and require removal. It is anticipated that there will be some level of associated contamination, however, until demolition and site clearance works are undertaken it is not possible to evaluate. The Report outlines further investigation and remediation measures, the implementation of which would be the subject of a planning condition.

There are no significant health implications.

### **S106 LEGAL AGREEMENT**

A S106 agreement is proposed to secure a contribution of £10,000 to delivery a public art feature to the corner of Hoylake Road and Stavordale Road. The art feature would be a community project commissioned jointly with the Council.

### **CONCLUSION**

In conclusion, despite its out-of-centre location, it is not considered that the proposed development would have a significant adverse impact to a designated Town Centre, nor is conflict identified with UDP Policies AG9 or LA4 sufficient to warrant refusal of the proposed development. The retail store is considered acceptable in scale, design and the use of materials, and through the removal of the existing cluster of buildings of inconsistent design and scale would present benefits to the appearance and quality of the streetscene. The scale of development and the potential impacts to residential amenity are consistent with the criteria of UDP Policy HS15. The proposed enhancement of the signalised junction of Reeds Lane and Hoylake Road would provide for anticipated increases in traffic and as such there are considered no sustainable reasons to object to the proposed development on highway safety or highway congestion grounds, subject to the imposition of a number of conditions to secure the highway works.

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

The proposed development is considered acceptable with regards UDP Policies SH01, SH9, SH10, AG9, HS15 and LA4, appropriate in terms of scale, design and the use of materials, and through the removal of the existing cluster of buildings of inconsistent design and scale would present benefits to the appearance and quality of the streetscene. There are considered no sustainable reasons to refuse to the proposed development on highway safety or highway congestion grounds.

### **Recommended Decision: Approve subject to a S106 Legal Agreement**

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water disposal system has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detail

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

3. The development hereby permitted shall not be commenced until such time as a datum for measuring land levels has been submitted to and agreed in writing by the Local Planning Authority. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance and that the development is subject to a minimum risk of flooding.

4. Notwithstanding the details submitted, the development authorised by this permission shall not be commenced until the Local Planning Authority has approved in writing a full scheme of works to provide vehicle access from the highway into the development site, including:

- Alterations to the signalised junction of Hoylake Road / Reeds Lane / Fender Lane including pedestrian arrangements, cycle infrastructure and all necessary pedestrian guardrails, road markings and Traffic Regulation Orders;
- A full scheme of traffic signal control for the site access including phasing arrangements;
- Removal and reinstatement of existing vehicle accesses rendered obsolete by the development;
- Relocation of the existing Speed Enforcement Camera and associated markings on Hoylake Road to an agreed location;
- Relocation of the bus stop, and associated shelter and road marking on the south side of Hoylake Road fronting the development site, to a location to be agreed in writing by Merseytravel, to the appropriate standard.

The occupation or use of any part of the development shall not begin until those works have been completed in accordance with the Local Planning Authorities' approval and have been certified in writing as complete on behalf of the Local Planning Authority.

**Reason:** In the interests of highway safety, the prevention of congestion and delay on the highway, and the encouragement of cycling.

5. Notwithstanding the details submitted, the development authorised by this permission shall not be commenced until the Local Planning Authority has approved in writing a full scheme of works to improve herb radius to the east side of Stavordale Road at its junction with Hoylake Road, including:
- Retention of a minimum footway width of 2 metres at the radius;
  - All necessary tactile paving and dropped kerbs at the pedestrian crossing points on both sides of the junction;
  - All necessary road markings and traffic signs;

The occupation or use of any part of the development shall not begin until those works have been completed in accordance with the Local Planning Authorities' approval and have been certified in writing as complete on behalf of the Local Planning Authority.

**Reason:** In the interests of highway safety, the prevention of congestion and delay on the highway, and the encouragement of cycling.

6. Notwithstanding the details submitted, the development authorised by this permission shall not be commenced until the Local Planning Authority has approved in writing a full scheme of works to provide direct cycle access between the development site and Stavordale Road, including all signing, road markings, and Traffic Regulation Orders necessary. The occupation or use of any part of the development shall not begin until those works have been completed in accordance with the Local Planning Authorities' approval and have been certified in writing as complete on behalf of the Local Planning Authority.

**Reason:** In the interests of highway safety, the prevention of congestion and delay on the highway, and the encouragement of cycling.

7. Notwithstanding the details submitted, the development authorised by this permission shall not be commenced until the Local Planning Authority has approved in writing a full scheme of works to the development site and Hoylake Road, including all signing, road markings, and Traffic Regulation Orders necessary. The occupation or use of any part of the development shall not begin until those works have been completed in accordance with the Local Planning Authorities' approval and have been certified in writing as complete on behalf of the Local Planning Authority.

**Reason:** In the interests of highway safety, the prevention of congestion and delay on the highway, and the encouragement of cycling.

8. The development shall be implemented in accordance with the commitments contained within the submitted Framework Travel Plan (reference 782-01-02a dated 28<sup>th</sup> October 2009).

**Reason:** To ensure a sustainable form of development through the encouragement of access to a choice of means of transport to the site and to comply with UDP policy TR9.

9. A Full Travel Plan shall be submitted to and approved in writing by the Local Planning

Authority within 6 months of occupation of the development hereby approved. The provisions of the Travel Plan shall be implemented and operated in accordance with the programme and shall not be varied other than through agreement with the Local Planning Authority. For the avoidance of doubt a travel plan should include, but shall not be limited to:

- A commitment to the principals outlined in the Framework Travel Plan (reference 782-01-02a dated 28<sup>th</sup> October 2009);
- Any changes to the existing transport services to the site;
- Results of the initial staff travel survey;
- Details of visitor travel patterns;
- Revised targets for modal shift or split based upon the travel survey;
- Identification of a Travel Plan co-ordinator;
- An action plan of measures with a timescale for implementation;
- Detail of measures and resource allocation to promote the Travel Plan; and
- Mechanisms for monitoring (which include mode share and exact numbers of staff) and reviewing the Travel Plan, including the submission of an annual review and action plan to the Local Planning Authority.

**Reason:** To ensure a sustainable form of development through the encouragement of access to a choice of means of transport to the site and to comply with UDP policy TR9.

10. Notwithstanding the submitted details, the development authorised by this permission shall not begin until the Local Planning Authority has approved in writing the details of a cycle parking scheme. The occupation of any part of the development shall not begin until those works have been completed in accordance with the approved details.

**Reason:** To ensure a sustainable form of development through the encouragement of access to a choice of means of transport to the site and to comply with UDP policy TR9.

11. The premises shall be closed between 20.00 hours and 08.00 hours Monday to Saturday, and between 17.00 hours and 10.00 hours on Sundays and Bank Holidays.

**Reason:** In the interests of residential amenity, having regard to UDP Policy HS15.

12. All deliveries and servicing of the premises shall only take place between the hours of 07.00 and 22.00 Monday to Saturday. On Sundays and Bank Holidays, deliveries and servicing of the premises shall only take place between the hours of 10.00 and 17.00.

**Reason:** In the interests of residential amenity, having regard to UDP Policy HS15.

13. Commercial waste collection shall only take place between the hours of 08.00 and 21.00, and shall be carried out within the service area south of the store as indicated in approved drawing 0180NES100 Rev K, dated 18<sup>th</sup> February 2010.

**Reason:** In the interests of residential amenity, having regard to UDP Policy HS15.

14. Deliveries to the store shall be carried out in strict accordance with the Aldi Stores Ltd. letter submitted 23<sup>rd</sup> March 2010 and Servicing Regime Statement received by the Local Planning Authority 7<sup>th</sup> April 2010. For the avoidance of doubt servicing shall be undertaken in accordance with the following unless otherwise agreed in writing by the Local Planning Authority:

- All loading and unloading shall take place internally within a delivery vehicle

- 'docked' within the enclosed service bay canopy;
- No waste, products or pallets shall be stored externally;
- Prior to entering the store site or car park, all refrigeration plant and reverse sounder units shall be switched off and deactivated.

**Reason:** In the interests of residential amenity, having regard to UDP Policy HS15.

15. A scheme of works to be submitted to and agreed in writing by the Local Planning Authority showing details of all mechanical extraction/ventilation units, air conditioning units, chillers and cooler systems. The scheme should include the sound power levels for each piece of equipment. All works to be completed in accordance with the approved scheme prior to the commencement of business.

**Reason:** In the interests of residential amenity, having regard to UDP Policy HS15.

16. Notwithstanding the submitted details, and having regard to the submitted Design Out Crime Advice, the development authorised by this permission shall not begin until the Local Planning Authority has approved in writing the details of measures to be incorporated for the prevention of crime. The detail shall include the following measures:

- ANPR and CCTV cameras to be installed to the building and car park;
- Roller shuttering to be installed to glazed areas;
- A grade 2/3 European Standard alarm with grade 4 signalling system (Duel Comm).

The development shall be implemented in accordance with the approved details, and retained as such thereafter.

**Reason:** In the interests of crime prevention, having regard to Planning Policy Statement 1

17. Before any construction commences, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS15 of the Wirral Unitary Development Plan.

18. The remainder of the undeveloped land within the curtilage of the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to the first use of the the building hereby permitted and thereafter maintained to the satisfaction of the Local Planning Authority. Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species.

**Reason:** To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

19. Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to first use in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

**Reason:** To ensure a proper standard of separation from, and standard of amenity to

neighbouring properties with respect to UDP Policy HS15.

20. All existing trees which are not directly affected by the building(s) and works hereby approved shall be clearly located and described in the required landscaping scheme. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted without prior approval of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced with a tree of a species and size and in such position, as the Local Planning Authority may require, in conjunction with the general landscaping required herein.

Prior to the commencement of demolition/construction the trees to be retained on the site shall be protected by chestnut paling fences 1.5 metres high erected to the full extent of their canopies or such lesser extent as may be approved by the Local Planning Authority, the fencing to be removed only when the development (including pipelines and other underground works) has been completed; the enclosed areas shall at all times be kept clear of excavated soil, materials, contractors' plant and machinery.

**Reason:** To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition.

21. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risk arising from contamination at the site
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- 3) The site investigation results and the detailed risk assessment (2) and, based on remediation measures required and how they are to be undertaken
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To ensure a safe form of development that poses no unacceptable risk of pollution in accordance with UDP Policy PO5.

22. No development shall commence until details of the proposed measures to be incorporated within the building to achieve 10% of the predicted energy requirements of the site from renewable sources have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and operated as such thereafter.

**Reason:** In the interests of minimising the demand for energy from non-renewable sources in accordance with RSS Policy EM18.

23. Notwithstanding the provisions of the Town & Country Planning (General Development Procedure) Order 1995 (or any subsequent re-enactment) there shall be no creation of

additional floor space, including any mezzanine floor space, within the building hereby permitted as shown on the approved plans. The retail unit shall have gross internal floor space of no greater than 1,342m<sup>2</sup> with a net trading area no greater than 900m<sup>2</sup>, as shown in the approved drawings. Sub division of the unit to form smaller retail outlets is not permitted.

**Reason:** For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town centres. This enables the local planning authority to consider the implications of other formats as and when they may be put forward having regard to Wirral Unitary Development Plan Policy SH9 and National Planning Policy PPS4.

24. Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes Order) 1987 (or any subsequent re-enactment), only convenience goods (other than those ancillary to the principal use of the premise) shall be sold from the premises hereby approved.

**Reason:** For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town centres. This enables the local planning authority to consider the implications of other formats as and when they may be put forward having regard to Wirral Unitary Development Plan Policy SH9 and National Planning Policy PPS4.

**Further Notes for Applicant:**

The highway and street works identified in conditions no. 4 to 11 shall be delivered through a Section 278 agreement, and will need to include the provision of independent Stage 1 and Stage 2 Safety Audits.

**Last Comments By:** 17/02/2010 16:57:18  
**Expiry Date:** 25/03/2010