

Planning Committee

21 July 2016

Reference: APP/16/00543	Area Team: South Team	Case Officer: Ms J Storey	Ward: Bromborough
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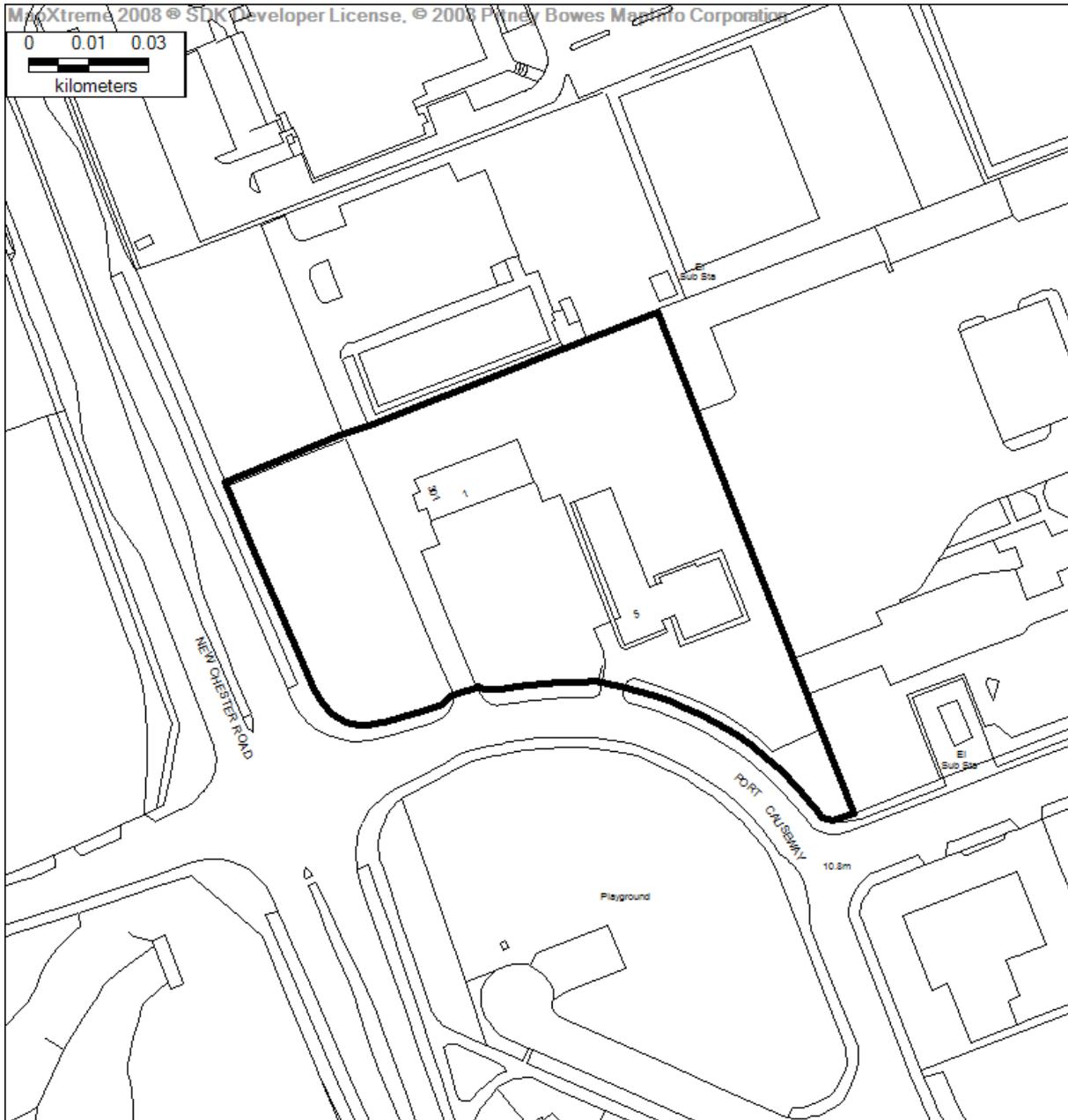
Location: LAND AT PORT CAUSEWAY, BROMBOROUGH, WIRRAL, CH62 4SQ

Proposal: Demolition of existing buildings and the erection of a foodstore, car park, servicing, access and landscaping.

Applicant: Aldi Stores UK Limited

Agent : JLL

Site Plan:



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Development Plan designation:

Primarily Industrial Area

Planning History:

Location: Municipal Depot, Dock Road South, Bromborough. L62 4S
Application Type: Work for Council by outside body
Proposal: Change of use to classes B1, B2 and B8 uses,- business, industrial, storage and distribution.
Application No: APP/89/07165
Decision Date: 14/12/1989
Decision Type: Approve

Location: Land and Marine, Port Causeway, Bromborough. L62 4TG
Application Type: Full Planning Permission
Proposal: Erection of an office and canteen.
Application No: APP/89/07217
Decision Date: 28/11/1989
Decision Type: Approve

Location: Municipal Depot ,Dock Road ,South ,Bromborough ,L62 4S
Application Type: Full Planning Permission
Proposal: Erection of radio antenna mast.
Application No: APP/83/23190
Decision Date: 25/08/1983
Decision Type: Approve

Location: Port Causeway Bromborough
Application Type: Full Planning Permission
Proposal: Office extension.
Application No: APP/74/01168
Decision Date: 29/10/1974
Decision Type: Approve

Location: Port Causeway, Bromborough
Application Type: Full Planning Permission
Proposal: Alterations and extensions to existing offices and car parking.
Application No: APP/75/02285
Decision Date: 15/04/1975
Decision Type: Conditional Approval

Location: Ld&mrine Pt Causeway Bromborough L624tg
Application Type: Full Planning Permission
Proposal: Temporary use of land as a car park.
Application No: APP/76/05878
Decision Date: 03/12/1976
Decision Type: Conditional Approval

Location: S Pool Lane New Chester Rd Bromborough L624tg
Application Type: Full Planning Permission
Proposal: Erection of two storey office block and car park
Application No: APP/76/06436
Decision Date: 10/02/1977
Decision Type: Conditional Approval

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Councils Guidance on Publicity for Applications, notifications were sent to 30 adjoining properties. A site notice was also displayed. At the time of writing this report, 88 individual letters of support have been received in favour of this application and 1 letter of objection from 2 Port Causeway.

The objection can be summarised as follows:-

1. proposal is right opposite a children's playground and my house is number 2
2. the amount of traffic will be horrendous plus all the associated problems.
3. Noise pollution will go 100% up
- 4 the value of my property will be drastically affected
5. risk of increase of crime on a daily basis security from the store is NOT going to be interested outside the store boundaries

Letters of support can be summarised as follows:-

1. proposal would generate jobs
2. could walk to supermarket
3. relieve pressure on existing store
4. good central location
- 5 good access from New Chester Road
6. co-op is closing down need a new store
7. assist to the community
8. with new residential development coming forward, need a new store
9. croft retail park is too busy
10. New houses in Brombrough Pool and no shops nearby
11. convenient for Public Transport
12. site has been vacant for some time, new store will create new jobs
- 13 Closer to people in the area
14. New building much better designed than the existing eye sores

CONSULTATIONS

Head of Environment & Regulation (Traffic & Transport Division) – No objection

Head of Environment & Regulation (Pollution Control Division) – No objection

Lead Local Flood Authority - No objections

Director's Comments:

Consideration of this item was deferred from Planning Committee on 22 June 2016 to allow for a formal Members Site Visit to take place.

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application is referred to the Planning Committee as it represents a departure from the adopted development plan in that it proposes a new foodstore (retailing A1) on land designated for B1, B2 and B8 uses

INTRODUCTION

The application is submitted in full and comprises of the demolition of the existing buildings and the erection of 1 foodstore (use class A1) with an external gross external area of 1,812m² and a gross internal area of 1,254m². The proposal also includes for the provision of 122 space car park, including 8, disabled spaces, 8 cycle spaces and 6 dedicated staff spaces. The supporting plans and design and access statement reflect the above quantum and propose to locate the store at the rear of the site with a frontage to New Chester Road. The store entrance will be located on the western elevation by way of an external lobby into the customer car park. The applicants have advised that the proposed layout is informed by the design parameters at the site which include the position of the adjacent properties and boundaries, an existing pipeline easement and site access including the internal access Road.

The Council adopted Statement of Community Involvement strongly encourages landowners and developers to undertake pre-application community consultation, especially for large, complex or controversial proposals such as this.

A consultation programme was undertaken by the applicant that included a free phone information line number and dedicated project website, a press release in local newspapers, and a public exhibition was held at The Village Hotel Bromborough. The main exhibition was preceded by a preview session for members of the Council. The submitted community consultation statement indicates that up to 67 people attended the event and 246 feedback forms were returned, equating to an 83% supporting the proposal, which can be summarised as:

- New store would be beneficial to the area
- Reduced travel times for residents who travel out of the area to complete their shopping
- In terms of objections, concerns raised related to traffic and that the Borough is sufficiently served by food stores

PRINCIPLE OF DEVELOPMENT

The proposed development is a departure from the Wirral Unitary development plan, as the site is identified as a Primarily Industrial Area on the UDP Proposals Map and UDP Policy EM8 only makes provision for employment development within Use Classes B1,B2 and B8 and alterations to existing businesses to protect employment land from other forms of development. Material considerations must be identified to outweigh the provisions of the statutory development plan in favour of the application before planning permission could be granted.

SITE AND SURROUNDINGS

The application site is located at the junction of New Chester Road and Port Causeway at the entrance to Wirral International Business Park. The site contains two office blocks with associated car parking and extensive landscaping. The site has been vacant since November 2014, prior to that, the site was occupied by the Wirral Community NHS Trust.

To the north of the proposed development, there is an existing access road within the site that provides access to the Job Centre and Council offices. The access road separates the main part of the site from a landscaped area on the New Chester Road frontage. This land has remained undeveloped due to a gas pipeline and associated easement runs along this stretch, parallel to the highway.

The southern boundary of the site is formed by Port Causeway, beyond which is Port Causeway Park and residential development. A waste management depot is located to the east of the site and a hotel and leisure complex is located beyond the job centre to the north. The western boundary is bounded by New Chester Road.

POLICY CONTEXT

The statutory development plan consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan (adopted 18 July 2013). UDP policies relevant to this application include:

Policy URN1	Development and Urban Regeneration
Policy EM8	Development within Primarily Industrial Areas
Policy GR5	Landscaping and New 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 TRT1	Provision for Public Transport
Policy TRT3	Transport and the Environment
Policy TR8	Criteria for the Design of Highway Schemes
Policy GR5	Landscaping and New Development
Policy TR9	Requirements for Off-Street Parking
Policy TR11	Provision for Cyclists in Highway and Development Schemes
Policy WA1	Development and Flood Risk
Policy WA2	Development and Land Drainage
Policy WA5	Protecting Surface Waters

Policy PO4 Noise Sensitive Development.

Relevant Policies in the Joint Waste Local Plan (adopted 18 July 2013) include:

Policy WM8 – Waste Prevention and Resource Management

Policy WM 9 – Sustainable Waste Management Design and Layout for New Development,

The site is designated as part of a Primarily Industrial Area as shown on the Unitary Development Plan (UDP) Proposals Map. Strategic UDP Policy URN1 seeks to ensure full and effective use of land is made within urban areas. This should be read in conjunction with UDP Policy EM8, which makes provision for uses within Use Classes B1, B2 and B8 and proposals for the reconstruction, extension or expansion of existing business. Thus the proposal for retail development is a departure from the UDP and has been advertised as such.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy

The National Planning Policy Framework (NPPF) became a material planning consideration on 27th March 2012. This indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and that paragraphs 18 to 219 taken as a whole constitute the Government's view of what this means in practice for the planning system.

Emerging Core Strategy Local Plan

The Council has resolved that the Core Strategy Local Plan - Proposed Submission Draft (December 2012) and its supporting documents including the Wirral Employment Land and Premises Study Update (BE Group, 2012) and will be material considerations for the purpose of determining planning applications.

Wirral International Business Park is identified as a primary focus for new jobs to support the economic revitalisation of the Borough in the Broad Spatial Strategy of the emerging Core Strategy (Policy CS2) and for large and medium scale business, manufacturing, digital, bio-medical, advanced technology, research and development and storage and distribution (Policy CS7). It has also previously been identified as a Regional Investment Site.

The Council published a series of initial proposed modifications to the Proposed Submission Draft in July 2013, which should also be considered, although these have not yet been confirmed as Council policy.

Weight can be given to the emerging Core Strategy according to its stage of preparation, the significance of unresolved objections and the degree of consistency with NPPF (paragraph 216 refers).

Whilst full or significant weight cannot yet be accorded to the Core Strategy, insofar as the Proposed Submission Draft Core Strategy has been prepared in accordance with the NPPF and is at the final stage of public consultation before submission for examination in public, it should be given some weight as material consideration in the determination of this application, including the continued focus on Wirral International Business Park.

The principal material considerations in relation to this application include:

- the need for industrial development;
- the prospects of the site being used for employment uses;
- the consequences of the proposed development for existing centres,
- the potential impact on the character of the area and amenity issues (Design, Access and Landscaping).

Proposal for retail development on this site

Consideration of this issue falls within two parts. The first relates to the loss of an existing employment site and how this relates to the Council's overall strategy in terms of maintaining an adequate supply of employment land across the Borough in accordance with both National and Local Policy guidance. It is

then necessary to consider why the proposal cannot be located in one of the existing centres within the catchment area for the new supermarket in accordance with the Sequential test set out in NPPF paragraph 24.

Loss of employment land

In terms of building a strong competitive economy the Government wants the planning system to do all that it can to support sustainable economic growth, and recognise that businesses should not have unreasonable restrictions put on them because of changes in nearby land use, but expects planning policies to avoid long term protection of employment premises where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities (NPPF paragraphs 18-22 & 123 refer).

Although UDP Policy EM8 only makes provision for industrial uses within Use Classes B1, B2 and B8, draft Core Strategy Policy CS17 as amended following representations, proposes, in line with national policy, to continue to safeguard designated employment areas, with provision for compatible alternative uses:

- where the site is not suitable for one of the priority sectors;
- there has been continuous marketing at realistic prices and there is no reasonable prospect of the site being re-used for employment purposes;
- the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses,
- contribute to more sustainable patterns of development and meet Development Management Policy CS42; and an ongoing supply of available, suitable, developable employment land would be retained;

and the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development.

Priority is to be given to protecting high scoring sites capable of providing employment and training in areas of greatest need. Agents for the applicant have given the site a score of 52 (out of 100) using the assessment criteria for attractiveness in the Council's Employment Land and Premises Study. High marks were given for the prominence of its location, services and availability, flexibility and environmental setting. Lower marks were attributed due to the proximity to the M53 Motorway and constraints from access to the adjoining job centre and an oil pipeline that can reduce area for development. Nevertheless, the Local Planning Authority could reasonably contend that the site can rank as one of the highest scoring sites in this part of the Borough. It has one of the better landscaped settings along the A41 corridor and development could obviously take place despite the constraints that have been listed, as evidenced by the interest for out of centre retail development.

One of the main priorities in draft Policy CS17 is to maximise the economic contribution of the Wirral International Business Park for large and medium scale businesses. It is also a key priority of the Councils Investment Strategy to increase the number of jobs and employment opportunities for Wirral residents.

The Council's Employment Land and Premises Study found a serious shortage of immediately available, serviced, developable employment land with utilities and road access already in place and found that a large proportion of the existing potential supply was already being considered for alternative uses, which could seriously affect the Borough's ability to maintain a credible future supply of employment land.

UDP Policy SH9, which needs updating to include the national retail tests, make it clear that out of centre retail development can only be permitted where the local Planning Authority is satisfied that the benefits outweigh the disadvantages.

Continued loss of employment sites could undermine the Borough's ability to accommodate new employment over the next 15 years. Issues related to the size type and location of a suitable employment land supply would need to be addressed through the Core Strategy Local Plan public examination next year. Whilst it can be contended that the site should be retained for employment uses

permitted in UDP Policy EM8, long term protection should be avoided where there is no reasonable prospect of the land being used for those purposes under the of NPPF, paragraph 22 and the Policy CS17 in the emerging Core Strategy Local Plan. In considering the market signals in this particular case, the applicants have indicated: that. the site was occupied by the Wirral Community Trust until November 2014, the premises then were vacated and the site marketed or employment uses by joint agents Legat Owen and Matthews and Goodman who advertised it on a "To Let, may sell and For Sale basis. An all enquires board was placed on the site.

The applicants have further stated that there has been no market interest from occupiers or developers for either B1, B2 or B8 uses, as these are not considered to be viable in this location, even if grant funding could be secured. However, there has been interest for the redevelopment of the site for retail and leisure uses, including as a public house, a coffee shop and Aldi, which are employment generating uses that will create jobs for the local community.

The arguments put forward by the developer for a retail use on this site are that the development of the site by Aldi would bring a vacant brownfield site into a beneficial employment generating use at the entrance to Wirral International Business Park. It is claimed that without interest from other commercial operators the site would remain vacant and the buildings deteriorate detracting from the gateway to the business park. In addition, the applicants contend that the development will provide an amenity that would serve both the local residential and working community.

In this particular case, it can accepted that the site has been marketed for approximately 2 years without attracting interest for the industrial uses permitted under UDP Policy EM8 which is unlikely to be viable without grant funding in the longer term. It is considered that the proposed end use could sit comfortably alongside the existing employment activities so would not compromise their operation going forward and that the proposed scheme is will create a total of 50 full and part time jobs adds weight to this view.

Retail assessment

With regard to retail development, para 24 of the NPPF sets a sequential test for applications for proposed town centre uses in out of centre locations. Para 26 sets the threshold for the requirements for an impact assessment. NPPF states that an impact assessment should be provided for proposals with a floorspace of 2,500m² gross. The proposed Aldi store has a gross external floor area of 1,812m².

The applicants have submitted a sequential and impact assessment (without prejudice) of the centres falling within a catchment area which is determined by a five minute drive time.

The applicant indicates that the closest defined centres to the proposal site are New Ferry at approximately 1.6km to the north and Bromborough Village at approximately 1.8km to the south. The search also considered Croft Retail Park to establish if there are any existing units available and suitable and the wider catchment area.

The submitted documentation states that Aldi requires a minimum site area of 0.7 ha (1.75 acres). This allows for accommodation of the proposed foodstore, servicing arrangements and at least 100 car parking spaces. It is claimed that a site must be regular in shape to provide the most efficient use of land and that a prominent position on the highway is required because lack of visibility from the highway detracts from a viable business. The search criteria for the assessment undertaken by the applicants was for buildings over 900m² floorspace; and/or land over 0.4ha (1 acre).

The applicant's assessment found limited availability of alternative sites which were generally smaller vacant units and none were considered suitable for the size of development proposed.

One potential site within New Ferry centre is the CO-OP. The applicants have contended that due to the irregular shape of the premises; the lack of connectivity between the store entrance and the car park; and inefficient layout of existing floorspace ,the building is unsuitable for the proposed development which seeks to deliver a modern, fit for purpose operation.

It is also contended that Aldi already serves and will continue to serve New Ferry district centre from its Bebington Road store with a direct pedestrian route which encourages linked trips. A second Aldi store is not viable to serve the same town and catchment. The proposed development seeks to serve a new catchment area further south in Bromborough.

The results of the search can be summarised as:

New Ferry Centre and Edge of Centre

- Unsuitable vacant units within and edge of New Ferry centre.
- No land over 0.4 ha was being marketed in New Ferry centre or edge of centre.
- Bromborough Village Centre and Edge of Centre
- No buildings over 900sqm were being marketed in Bromborough Village or identified as vacant.
- No land over 0.4 ha is was being marketed in Bromborough Village or identified as vacant land.

Out of Centre – Croft Retail Park

- No suitable vacant units were identified at Croft Retail Park
- No units are known to be on the market at Croft Retail Park.

The applicants assert that there is limited availability of sites within existing centres and none were considered suitable for the development proposed.

In terms of the sequential test, the application site is located in an out-of-centre location and the applicants' claim that is the most sequentially preferable site within the defined catchment to provide the proposed amount of retail floorspace which is accessible by foot and bicycle and users of public transport.

The submitted impact assessment indicates that the proposed store would draw 55% (£4.58m) of its trade from the existing Aldi at New Ferry and Asda in the Croft Retail Park by 2019. The applicant has calculated the 8% (0.67m) would be drawn from other stores in New Ferry and 6% (0.5m) from Bromborough Village. The existing Aldi store is to continue trading and most of the proposed trade would therefore be diverted from their existing store and the Asda store at the Croft Retail Park.

The applicants have stated that the store will create up to 50 jobs, employing generally local people resulting in approximately £1m of wages. All stores operate apprentice and graduate positions.

APPEARANCE AND AMENITY ISSUES

The surrounding area is characterised by a mix of commercial, waste, community and residential uses. with no set style or palette of materials. There are two existing buildings on the site which are to be demolished. It is not considered that the existing buildings contribute visually to the area. The main attractive feature of this site is the open, landscaped area along the A41 New Chester Road frontage.

This application is for the development of a foodstore with warehouse, staff and toilet facilities and associated car parking for 122 spaces. The proposed store is set into the site from New Chester Road with the car parking to the front. The rear of the store positioned against an existing brick wall and the glazed front of the store will face out onto New Chester Road across the car park. Access to the site will be from the existing access from Port Causeway.

The proposal retains come of the landscaped area along the New Chester Road frontage. However, it is proposed to develop much of that area for car parking Whilst there are no specific trees to be removed except for the mature bushes and shrubs, officers have requested amendments to the landscaping scheme to include additional trees to be planted within the car parking area.

The scale of the building is single storey and sits at a lower level than the existing buildings. The proposed design is contemporary and applicants have stated that the materials to be used in the construction of the store will be a combination of Terracotta, grey and metallic silver coloured cladding with a contrasting charcoal, brick plinth. The majority of the front of the store will be glazed.

With regards to the landscape and boundary treatment, the western side boundary to New Chester Road currently contains palisade fencing which will be replaced by a timber knee rail along the boundary to Port Causeway with existing and proposed trees providing a landscaped buffer and a more

open aspect.

The northern boundary contains a mixture of boundary treatments including a low timber knee rail near the New Chester Road and a close boarded timber fence adjacent to the Job Centre. Existing trees along the boundary in front of the site are to remain. Along the eastern boundary, the existing brick wall will be retained with additional proposed trees to provide a buffer to soften the edge of the car park.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Both national and local planning policy seeks to direct supermarket stores and other town centre uses towards existing centres in order to facilitate and promote sustainable development.

In terms of renewable energy, the applicants have stated that the proposed store will contain 200 solar panels which will provide an output of 44,000KW hours per year. This equates to between 13% and 15% of energy consumption across the store per annum. In addition a heat recovery system using a refrigerant-to-air-heater-exchanger is used to heat the sales area of each store by using the heat removed from the stores refrigeration plant.

The applicants have undertaken a bat roost survey of the existing building which found no evidence of bats.

HEALTH ISSUES

There are no health issue related to this application

CONCLUSION

Approval of this application can result in retail development in an out of centre location on a site that is designated as a Primarily Industrial Area contrary to the adopted development plan. The loss of the site for general employment use at one the prominent gateways to the Wirral International Business Park and the consequences for existing town centres need to be considered against the benefits that may be accrued from the proposed development.

In light of this, the applicant has referred to estate agent marketing and produced a viability appraisal on the prospects of securing industrial uses, a retail impact assessment and results of sequential test. The site has been marketed for over 12 months and there is no evidence of market interest from occupiers or developers for B1, B2 or B8 uses on the site. In the current circumstances, it is considered that the site is unlikely to attract interest for speculative redevelopment for employment uses without grant funding.

The applicant has demonstrated that there are no suitable alternative and available premises at New Ferry Town Centre and Bromborough Village Traditional Suburban Centre within the terms of their business model.

While the proposed development is recognised as a generator of traffic, the Director of Traffic and Transportation has raised no objection to the proposal and it can, therefore, be considered that the developments traffic impact can be safely accommodated within the Local Highway network without severely impacting on the capacity of the proposed access arrangements.

The proposed foodstore would form part of frontage which contains other non-industrial uses, e.g. a hotel, job centre and car showroom. It is considered that the proposed design of the building and landscape proposals are acceptable. On balance, taking the context of the site in relation to neighbouring uses into account alongside the requirements of local and national policy for employment and retail development it can be concluded in this particular case that the benefits from the development such as bringing the site back into use and the prospects of local job creation can be weighed in favour of the application, which is recommended for approval.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the site is unlikely to attract interest for speculative redevelopment for employment uses, The applicant has demonstrated that there are no suitable alternative and available premises at New Ferry Town Centre and Bromborough Village Traditional Suburban Centre within the terms of their business model. Furthermore, the proposed design of the building and landscape proposals are considered acceptable. There are there material considerations that weigh in favour of granting planning permission having regard to policies the statutory Development Plan and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. Before any construction commences, samples of the facing/roofing/window 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 [S] of the Wirral Unitary Development Plan.

3. No development shall take place until a full scheme of works and timetable for the construction of the new highway and/or amendment of the existing highway made necessary by this development, including foot ways, street lighting, surface water drainage, traffic signs, road markings, tactile paved pedestrian crossings, street furniture and access onto the adjacent highway has been submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the LPA 's written approval prior to the commencement of the development.

Reason: In the interest of highway safety and to comply with UDP Policy HS4- Criteria for new housing development.

4. Surface water drainage works shall be carried out in accordance with the details contained within the submitted documents listed below and approved in writing by the Local Planning Authority, in conjunction with the Lead Local Flood Authority:

"Email from P. Starbutts to L. Makeating on 27/05/2016 at 09.16 regarding surface water management arrangements

"Email from P. Starbutts to L. Makeating on 27/05/2016 at 09.56 regarding maintenance arrangements

"GeoEnvironmental Investigation, Port Sunlight, Bromborough, December 2014, REF: A0680/R1/V1

"Aldi - Bromborough Rainfall Profiles (8295 Discharge Calculations)

"Aldi Store, Chester New Road, Bromborough - Existing Drainage Drawing, Job No. 8295/D/101 Revision. P1, Date: August 2015

"Aldi Store, Chester New Road, Bromborough - Proposed Drainage Drawing, Job No.

The surface water drainage scheme shall be fully constructed prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the approved Surface Water Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The sustainable drainage system management and maintenance plan shall be implemented in accordance with the approved details upon completion of the development. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details for its lifetime as agreed under the details of this planning permission.

Reason: To ensure satisfactory drainage facilities are provided to serve the site and to ensure satisfactory management and maintenance of the approved surface water drainage facilities is provided for the site for the lifetime of the development in accordance with the National Planning Policy Framework, Paragraph 103 and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

5. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

6. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties and to accord with Policies of the Wirral Unitary Development Plan.

7. The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy DQ3 of the Wirral Unitary Development Plan.

8. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies of the Wirral Unitary Development Plan.

9. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local

Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policies of the Wirral Unitary Development Plan.

10. The supermarket shall be closed for trade between 22.00 and 08.00 hours Monday to Saturday and between 18.00 and 10.00 hours on Sundays and Bank Holidays.

Reason: In the interests of amenity having regard to Policy SH9 of the Wirral Unitary Development Plan.

11. Servicing and deliveries shall not take place between the hours of 22.00 hours and 06.00 hours Monday to Saturday and 18.00 hours and 10.00 hours on Sundays and Bank Holidays. No vehicle shall arrive before the start time or leave after the finish time.

Reason: In the interest of amenity having regard to Policy SH9 of the Wirral Unitary Development Plan

12. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th May 2016 and listed as follows: 1555NES-100,V1506 LO1, NES 1555NES-V102D,1555NES-CG101A, 1555NES-V104C, 8295/D/002-P2, 8295/D/101-P1, 8295/D/0002-A1 and V1566LO1B received by the Local Planning Authority on 2nd June 2016

Reason: For the avoidance of doubt and to define the permission.

13. Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 (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 no greater than 1,817 square metres with a net trading area no greater than 1,254 square metres, as shown in the approved drawings. There shall be no sub-division of the building 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 the National Planning Policy Framework.

14. Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (or any Order revising, revoking or re-enacting that Order) the premises shall only be used for the sale of convenience goods, cold food and drink for consumption off the premises other than ancillary to the principal retail use of the premises. For the purposes of this condition, "ancillary" is defined as not exceeding 20% of net retail floor space for the building 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 the National Planning Policy Framework.

15. Foul and surface water drainage shall be drained on separate systems.

Reason: To ensure proper drainage and to manage the risk of flooding and pollution.

16. NO DEVELOPMENT SHALL TAKE PLACE until details of the level and intensity of lighting within the development, including inside the store hereby approved, has been submitted to

and approved in writing by the Local Planning Authority.

Reason: To satisfactorily protect the residential amenities of nearby occupiers.

Further Notes for Committee:

1. In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new footways works, street lighting alterations, reinstatement of the existing vehicular crossing made obsolete due to the development, any necessary surface water drainage alterations, any necessary traffic sign relocations, proposed road markings, proposed tactile pedestrian paved crossings, street furniture amendments and details of the access onto the adjacent highway.
2. Noisy work on construction and demolition sites is restricted (in most circumstances) to the following hours:
 - Monday to Friday: 8.00am to 6.00pm
 - Saturday: 8.00am to 1.00pm
 - Sunday: No noisy work
 - Public Holidays: No noisy work

Should the construction/demolition contractor need to carry out noisy work outside of the permitted hours they can apply for permission from Environmental Health via an online application form that can be accessed at: -

<https://www.wirral.gov.uk/environmental-problems/pollution-control/construction-site-noise>

Additionally, during the construction and/or demolition phases of the project effective dust suppression measures must be employed where the work is likely to liberate significant amounts of dust.

Last Comments By: 21/06/2016

Expiry Date: 29/06/2016