

Planning Committee

20 July 2017

Reference:
APP/16/00936

Area Team:
South Team

Case Officer:
Mr K Spilsbury

Ward:
Bromborough

Location: STRATTON COURT, THURSBY ROAD, CROFT BUSINESS PARK,
BROMBOROUGH, CH62 3PW

Proposal: Erection of retail unit with car parking and servicing areas, vehicular accesses and associated works following demolition of existing buildings.

Applicant: Lidl UK GmbH
Agent : Plan A (North West) Limited

Site Plan:



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Development Plan allocation and policies:

Primarily Industrial Area
Primarily Residential Area
Road Corridor subject to Environmental Improvement

Planning History:

- Location: Eagle Electrical 4, Thursby Road, Bromborough. L62 3PW
Application Type: Advertisement Consent
Proposal: Erection of 2 internally illuminated fascia signs and 1 internally illuminated projecting box signs.
Application No: ADV/85/05815
Decision Date: 20/06/1985
Decision Type: Approved
- Location: Phoenix Chemicals, Land at the junction of, New Chester Road and Welton Road, Bromborough, Wirral, CH62 3PN
Application Type: Full Planning Permission
Proposal: Removal of existing water feature and alterations to levels
Application No: APP/02/05018
Decision Date: 01/03/2002
Decision Type: Approved
- Location: Croft Industrial Estate, south of Thursby Road and Bassendale Road, Bromborough.
Application Type: Full Planning Permission
Proposal: Planting of trees, erection of water feature and mounding.
Application No: APP/88/06796
Decision Date: 27/10/1988
Decision Type: Approved
- Location: Croft Industrial Estate, south of Thursby Road and Bassendale Road, Bromborough.
Application Type: Full Planning Permission
Proposal: Extension of estate roads to serve industrial land.
Application No: APP/88/06779
Decision Date: 27/10/1988
Decision Type: Approved
- Location: Phoenix Chemicals, Land at the junction of, New Chester Road and Welton Road, Bromborough, Wirral, CH62 3PN
Application Type: Advertisement Consent
Proposal: Erection of 1 no. free standing sign.
Application No: ADV/02/05281
Decision Date: 03/04/2002
Decision Type: Approved
- Location: Land west of Thursby Road, south of Caldbeck Road, Bromborough. L62 3PW
Application Type: Full Planning Permission
Proposal: Erection of three single storey industrial units.
Application No: APP/88/06597
Decision Date: 06/10/1988
Decision Type: Approved
- Location: Croft Industrial Estate, New Chester Road, Caldbeck Road Thursby Road, etc., Bro
Application Type: Advertisement Consent
Proposal: Erection of nine non-illuminated free standing signs.

Application No: ADV/88/06795
Decision Date: 27/10/1988
Decision Type: Approved

Location: Croft Industrial Estate, New Chester Road ,Bromborough,Wirral,L62 3
Application Type: Full Planning Permission
Proposal: Extension of existing permitted use of Industrial Estate to include Class X of the Town and Country Planning (Use Classes) Order 1972 for warehousing.
Application No: APP/82/20984
Decision Date: 23/09/1982
Decision Type: Refused

Location: Ashworth Mairs Accountants, 10C THURSBY ROAD, BROMBOROUGH, CH62 3PW
Application Type: Full Planning Permission
Proposal: Change of use from an office unit to a coffee shop to serve the workers of Croft Business Park only
Application No: APP/10/01353
Decision Date: 10/01/2011
Decision Type: Refused

Location: Croft Industrial Estate, Land to the west of Stadium Road, and to the east of Thursby Road,Bromborough,Wirral,L62 3N
Application Type: Full Planning Permission
Proposal: Extension of existing permitted use of industrial estate to include Class 10 of the Town & Country Planning (use classes) Order 1972 for warehousing.
Application No: APP/83/22380
Decision Date: 14/04/1983
Decision Type: Approved

Appeal Details

Application No	APP/82/20984
Appeal Decision	Withdrawn
Appeal Decision Date	07/06/1983

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Councils Guidance on Publicity for Applications, notifications were sent to 59 adjoining properties. A site notice was also displayed. At the time of writing this report, 339 individual letters of support have been received in favour of this application and 14 letters of objection (including one from the Bromborough Society).

The objections can be summarised as follows:

1. The development will cause traffic congestion and parking will increase in the area (already inadequate)
2. There is already heavy traffic in the area (junction of A41 & Caldbeck Road/Welton Road & Caldbeck Road), this will exacerbate the situation, make life difficult for emergency vehicles.
3. Careful consideration must be given to landscaping as the current arrangements are a welcome scene.
4. This is an industrial park not a retail area. Contrary to UDP
5. There are already supermarkets in the area and as such no need for this store.
6. The in and out access is unsuitable and will make an already chaotic traffic situation worse.
7. Transport assessment inadequate.
8. Will street lighting be reinstated with this scheme, can the post box be moved to a safer junction?
9. Due to a change in the nature of the site other businesses may need to change their security measures.

JLL have objected to the development on behalf of Aldi as no evidence has been presented by the

applicant to demonstrate that the site is no longer suitable for employment use.

Councillor Gilchrist has set out concerns relating to how the traffic flow might work at peak times.

CONSULTATIONS:

Highways - No objection

Environmental Health - No objection

Lead Local Flood Authority - No objections subject to conditions

Merseyside Fire and Rescue - not planning related comments

United Utilities - No objections subject to conditions

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

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

INTRODUCTION

The application is submitted in full and comprises the erection of retail unit with car parking and servicing areas, vehicular accesses and associated works following demolition of existing buildings. The application has been amended at the request of the Local Planning Authority following concerns over major highway safety issues relating to the proposed access and egress onto Caldbeck Road. This has now been deleted from the scheme and as such access and egress into the site is gained via Thursby Road.

The Council's 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 concluded: A comprehensive consultation exercise has been undertaken in support of this planning application, producing responses from 352 people to date. The public exhibition was widely publicised and well attended. Appropriate materials were made available so those who wished to do so had the opportunity to provide their feedback in person, by post and via email. Members of the project team have made themselves fully available to stakeholders, residents and local businesses to discuss the plans further. The Community Consultation has demonstrated support for the proposals with 84% of respondents stating they agree with Lidl's proposals. A majority of people welcomed the prospect of a new Lidl supermarket in Bromborough. Feedback is still being received and engagement with the community and stakeholders will continue throughout the planning process

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 site is located off Caldbeck Road to the North, Thursby Road is to the East and New Chester Road to the West. The site is located approx. 0.4 mile North-East of the Bromborough town centre and just across the road (Caldbeck Road) from the Croft Retail park.

The site is bounded by mature trees and forms an attractive entrance landscaped entrance to the Croft Business Park.

The site is currently occupied by 2 purpose built B8 office buildings that are split into smaller units. The buildings are single storey and currently lie vacant with vehicle parking to the South, East and West of the existing buildings.

The application site extends to approximately 2.4 Acres/0.9 Hectares. The site levels fall slightly from West to East with an increased change in level along the Western boundary.

The principle frontage is to Caldbeck Road, however the application site is visible from all aspects.

POLICY CONTEXT

Development Plan Allocations and Policies

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.

The Council has also 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.

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. The proposal is for the erection of a supermarket on land that is designated for Primarily Industrial use. Material considerations that could weigh in favour of this application include:

- Principle of Retail Development on this site
- prospects of the site being used for employment uses
- the suitability of the site for new retail development

- Amenity issues (Design, Access and Landscaping)

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.

The National Planning Policy Framework sets out the Government's Planning Policies for England and how these are expected to be applied. One of the key principles at the heart of the framework is the presumption in favour of sustainable development.

The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

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 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.

It is also a key priority of the Council's Investment Strategy to increase the number of jobs and employment opportunities for Wirral residents.

Policy CS17 Protection of Employment Land of the Core Strategy advises that land within designated employment areas will be to maintain and create local employment and provide a range and choice of sites and premises in terms of quality, accessibility, type and size to meet strategic priorities. Where

alternative uses are proposed, the following set of criteria would need to be satisfied:

- the site would not be suitable for the priority sectors identified in Policy CS14
- the site has been continually marketed for employment uses at realistic prices for a period of at least 12 months and there is no reasonable prospect of the site being re-used for employment uses.
- an ongoing supply of available, suitable, developable land sufficient to meet the needs identified in Policy CS13 would still be retained and in the case of main town centre uses, the proposal has been the subject to an impact and sequential test under National policy and meets the requirements of Policy CS29

In considering the first issue relating to safeguarding of employment land, the applicants advise that the units were last occupied in 2014 and has been under the ownership of Hansteen up until 2015 and latterly Dunedin from 2015 to the present. The applicant states that Hansteen marketed the site from December 2013 up to the disposal of the site for B1/B2/B8 use as part of a wider collection of sites and premises owned by Hansteen at the time across the business park.

They state that the vacancy rate at the estate had been 80% with now lettings being completed for several years and when acquiring the site and that the previous owner to Hansteen had reduced the rental levels to attract interest. They state that Hansteen had an in house marketing team who continually marketed properties through a variety of channels including websites, a marketing board on the site and brochure material produced. Examples have been provided. Then in 2015 acquired the site and continually marketed the units (8 and 10) via the website, a marketing board outside the site They claim to have sought comparable rents to surrounding units (£8.50 per square ft plus service charge of £1 or capital value at £100 per sqft).

It is stated that during the 12 month period Jan - Dec 2014 a total of 38 enquires were received by Hansteen with 6 resulting in viewings. Since Dunedin acquired the site a total of 9 enquires were received, one resulting in a viewing. The reasons for the withdrawal in interest has also been put forward and include: Lack of security, unsuitable configuration of units, short term flexible leases being sort by tenant, unsuitable location for office accommodation and unattractive rental package

In addition other enquires have been received for non-employment uses including dog day care and a gym, however these would have required planning permission and a loss of traditional employment use.

In this particular case, it can accepted that the site has been marketed for since they became vacant in 2014 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 20 full time jobs adds weight to this view.

In terms of compatibility with other uses the application site is located in an area that is characterised by employment uses, including trade counters, areas of undeveloped land and an out-of-centre retail park. The premises will trade between 7am and 10pm. As such the applicant claims noise, disturbance and activities associated with the proposal will generally occur during the day time. Such activities will generally comprise the coming and going of customers and service vehicles and the operation of plant and equipment.

In terms of noise impacts, the proposed development will not generate noise or activities that would be discordant with the location of the site within a mixed commercial area. Environmental health have raised no objection to the proposed scheme and as such neighbouring uses are highly unlikely to experience unacceptable amenity impacts. In addition Lidl seeks to specify low noise generating plant and equipment and does not engage in activities or processes that generate unacceptable noise. In this instance the Council considers that it is highly unlikely that the proposed development will unacceptably harm the amenity of neighbouring uses.

In terms of supporting market renewal it is considered that a retail use on this site would bring a vacant brownfield site into a beneficial employment generating use at the entrance to Wirral International Business Park. The applicant states that without interest from other commercial operators the site would remain vacant and the buildings condition detracting from the gateway to the business park.

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 floor space of 2,500m² gross. The proposed Lidl store has a gross external floor area of 2460m². Although the emerging Core Strategy will require the impact of this to be assessed, Policy CS28 is subject to modification and is unlikely to carry significant weight at this stage.

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.

In terms of the sequential assessment the area of search primarily encompasses the urban area to the east of the railway line between Port Sunlight and Eastham. This was extended to include the vacant and cleared premises in the south western area of New Ferry Town Centre at the request of the Local Planning Authority.

The applicant has identified the area of search as Bromborough Village and the surrounding area as this is the closest defined town centre. Consideration of opportunities within and on the edge of other town centres located just beyond the area of search include a review of in-centre and edge-of-centre opportunities in New Ferry, Dacre Hill and Lower Bebington as well as Eastham.

The applicant contends that as the application site is located within 250m/less than 5 minutes walking distance from the edge of Bromborough Village, with the town centre being clearly visible from the application site and an existing signal controlled pedestrian assisting movements across the A41. The application site, therefore, represents an edge-of-centre location. Accordingly, the search for alternative sites has sought to identify in-centre opportunities and alternative edge-of-centre locations that have greater potential to form connections with a town centre when compared with the application site.

The results of the search are summarised as :

Bromborough Village

A survey of the town centre identified a number of units that were being marketed by commercial agents, to include: 1 Allport Lane - 27m², 4 The Rake Precinct- 80m², 5-7 Allport Lane -147m², 6 The Rake Precinct - 72m², 33 Allport Lane - 104m², 13 The Rake Precinct - 94m² & 35 Allport Lane - 83m².

The applicant states; it is evident that none of the available units are of a suitable scale to accommodate a Lidl food store of a similar scale to that proposed (2,460m² gross). It is also evident that, whilst there may be opportunities to amalgamate units to assemble a larger development opportunity, this would still not deliver a site capable of accommodating the proposed development.

No other potential development opportunities were identified within the town centre boundary and, therefore, it can be concluded that there are no suitable and available in centre opportunities to deliver the proposed development.

No edge of the centre sites have been investigated on the ground that the redevelopment of designated Urban Greenspace would be strongly resisted and that Saint Barnabus Church and its environs would not be suitable or available for redevelopment. On this basis, the only edge-of centre opportunities that have redevelopment potential in principle, therefore, comprise land within the Primarily Industrial Area to the east of the A41. However, most of this land is fully occupied and is not available.

The only available opportunity to deliver the proposed development on the edge of the town centre comprises existing industrial floor space located adjacent to Beer's Timber and Building Supplies, where 3,6716m² gross is currently being marketed 'to let'. However, this available floor space is spread across 8 separate units, not all of which adjoin. The largest block of adjoining units extends to 1,858m² gross, which, without sufficient adjoining customer car parking, is not of a sufficient scale to represent a viable alternative to the application site. Furthermore, the site also shares a single access from Thursby Road with the Beer's unit, which would not be acceptable to Lidl. Accordingly, the only alternative available opportunity on the edge of Bromborough Village is not suitable and available to deliver the

proposed development.

New Ferry

New Ferry is outside the area of search and the existing Lidl store in Tranmere Urban Village is located 1.8km to the north west of New Ferry and as such it would not be viable for Lidl to deliver the proposed new store in such close proximity to an existing store. Accordingly, New Ferry does not represent a suitable location to deliver the proposed development.

Dacre Hill

Dacre Hill is located outside the area of search. The existing Lidl store in Tranmere Urban Village is located 1km to the north of Dacre Hill and as such it would not be viable for Lidl to deliver a new store in Dacre Hill given its close proximity to an existing store. Accordingly, Dacre Hill does not represent a suitable location to deliver the proposed development.

Lower Bebington

Lower Bebington is located outside the area of search. A survey of the town centre found there to be no vacant units and no opportunities to deliver a Lidl store within the tightly defined town centre boundary.

On the edge of the defined centre, there are a number of civic and community uses located along Civic Way that accommodate large sites that may have potential, in principle, to deliver the proposed food store. These potential opportunities currently accommodate a library, medical centre, One Stop Shop, Victim Support centre, Bebington Civic Centre, Town Hall and Town Hall Annex. With the exception of the Town Hall, all of the buildings appear to be in active occupation at the time of survey. In 2013 the Council indicated an intention to make various buildings on Civic Way available for re-use or redevelopment. However, there is no current evidence of any building being available and no opportunities within Lower Bebington have been highlighted by the Council through pre-application discussions. With the NPPF test simply requiring a site to be available, it is clear that the majority, if not all, of the above buildings are not available.

There are no other sites on the edge of the town centre that have potential to accommodate a development of a similar nature and scale to that proposed.

Eastham

The proposed Local Centre at Eastham is located 3km to the south of the application site and there are no development opportunities of scale that are currently available to deliver a development of a similar scale to the proposal.

The largest in principle opportunity comprises Eastham Library and One Stop Shop and its adjoining car park. However, this opportunity extends to 0.46ha and is, therefore, approximately 52% of the scale of the application site. The Secretary of State has confirmed that it is not the intention of the sequential approach to require proposals to be significantly reduced in scale so that they can be made to fit on an alternative site. On this basis, this potential opportunity is not suitable to accommodate the proposed development. The site is, nevertheless, unavailable. There are no sequentially preferable in-centre sites at Eastham.

IMPACT ASSESSMENT

The submitted impact assessment indicates the turnover of the proposed development and the convenience impact of the proposed development in 2019 utilising data set out in the 2012 Wirral Retail Study Update.

The applicant states that the proposed development is expected to bring about limited impacts on a number of town centres as a result of the increased competition the proposed Lidl store will represent to the main convenience retailers located within those centres.

The magnitude of the impact is limited in each instance, with the highest being a -7% impact on Bromborough Village. This level of impact is not significant and will not place any undue trading pressures on any individual retailer. Indeed, the level of trade diversions likely to be fully mitigated by Lidl customers undertaking linked trips with shops and services in the Village centre.

The applicant goes on to claim that whilst the proposed development will not be significantly adverse, policy requires the adverse effects, however marginal, to be balanced against the positive impacts of

the proposal. These positive impacts include:

1. Enhancing accessibility to local shopping facilities for all sectors of the local community;
2. Enhancing choice and competition;
3. Offering residents easy access to high quality products at discount prices, which can make a notable contribution to an enhanced standard of living;
4. Reducing reliance on the car and encouraging more sustainable shopping patterns, especially trips made on foot;
5. Reducing emissions and car journeys associated with shopping trips;
6. Redeveloping a long-term vacant brownfield site;
7. Creating up to 40 new employment opportunities for local people in a variety of roles at the stores with further job creation during the construction phase; and
8. Providing a quality development that will make a positive contribution towards the character and appearance of the local area.

As such the proposed development will not, therefore, have a significant adverse impact on the vitality or viability of any town centre and passes this aspect of the impact test.

APPEARANCE AND AMENITY ISSUES

At the time of writing this report, 339 individual letters of support have been received and 14 letters of objection (including one from the Bromborough Society).

As discussed above the access and egress arrangements have been amended at the request of the Local Planning Authority. The in/out arrangement has been deleted from Caldbeck Road and access is now provided at Thursby Road only. The Engineers department has been consulted and raised no objection to the scheme having regards to highway safety, parking or the capacity of the existing network.

The landscaping scheme has been improved at the request of the Local Planning Authority and should members be minded to approve the application a condition securing details will be attached.

Issues relating to the siting of the development outside a town centre location have been dealt with above. The original submission did not include marketing evidence to suggest that the site was no longer suitable for employment use, however following discussion with the Local Planning Authority, detailed evidence has been put forward by the applicant as discussed above under the heading loss of employment land.

The surrounding area is characterised by a mix of commercial, waste, community and residential uses. with no set style or pallet 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 retail unit with car parking and servicing areas, vehicular accesses and associated works following demolition of existing buildings. The proposed store is set in from New Chester Road with the car parking to the north and West. Following a request from the Local Planning Authority due to concerns over highway safety access to the site will be solely from Thursby Road.

The proposal retains some of the landscaped area along the New Chester Road frontage and Caldbeck Road. Officers have requested amendments to the landscaping scheme to include additional trees to be planted within New Chester Road frontage and as such the parking arrangements have been altered and increased tree planting implemented along the current A41 corridor.

The scale of the building is single storey and sits comfortably with the surrounding built form. The proposed design is contemporary with la large glazed frontage, white render walls and silver cladding.

SEPARATION DISTANCES

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

HIGHWAY/TRAFFIC IMPLICATIONS

The original proposal included an access and egress onto Caldbeck Road. Following concerns by the Engineers department, the layout was amended with access and egress into the site by vehicle, restricted to Thursby Road. The Engineers department has been consulted and raised no objection to the scheme having regards to highway safety, parking or the capacity of the existing network.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no environmental or sustainability issues related to this application.

HEALTH ISSUES

There are no health issues related to this application.

CONCLUSION

This application proposes a retail development in an out of centre location on a site that is designated as a primarily Industrial Area and as such is a departure from the adopted development plan. In light of this the applicant has undertaken an Impact Assessment and Sequential Test. The loss of the site of its existing employment use also has to be considered. In considering the loss of the site from its existing employment use, the site has been marketed for well over 12 months with no interest from occupiers or developers for B1, B2, or B8 uses. The impact of the proposed use on existing centres, most notably, Bromborough Village is considered to fall within acceptable tolerances and within these centres and Croft retail Park the existing supermarkets can more readily absorb the impact. Following amendments to the site layout the Engineers Department has raised no objection to the proposal and therefore it is considered that the traffic impact can be safely accommodated within the Local Highway network.

It is considered that the proposed design of the building and landscape proposals are acceptable. The proposal therefore accords with the provisions of both the National Planning Policy Framework and Wirral's Local Plan Policies and 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:-

This application proposes a retail development in an out of centre location on a site that is designated as a primarily Industrial Area and as such is a departure from the adopted development plan. In light of this the applicant has undertaken an Impact Assessment and Sequential Test. The loss of the site of its existing employment use also has to be considered. In considering the loss of the site from its existing employment use, the site has been marketed for well over 12 months with no interest from occupiers or developers for B1, B2, or B8 uses. The impact of the proposed use on existing centres, most notably, Bromborough Village is considered to fall within acceptable tolerances and within these centres and Croft retail Park the existing supermarkets can more readily absorb the impact. Following amendments to the site layout the Engineers Department has raised no objection to the proposal and therefore it is considered that the traffic impact can be safely accommodated within the Local Highway network.

It is considered that the proposed design of the building and landscape proposals are acceptable. The proposal therefore accords with the provisions of both the National Planning Policy Framework and Wirral's Local Plan Policies and is recommended for approval.

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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 2nd September 2016 & 3rd July 2017 and listed as follows: AD 110 - REV H (Dated 30.06.17), AD 119 - REV B (Dated 30.06.17), AD 118 - REV B (Dated 30.06.17), AD 116 - REV B (Dated 30.06.17), AD 115 - REV B (Dated 30.06.17), AD 114 - REV B (Dated 30.06.17), AD 113 - REV C (Dated 28.04.17), AD 112 (Dated 03.16)& AD 111 (Dated 03.16)

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

3. 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 SH10 of the Wirral Unitary Development Plan.

4. No removal of any trees, shrubs or hedges or any ground clearance or building work shall be carried out on site between 1 March and 31 August inclusive in any year unless otherwise approved in writing by the Local Planning Authority. If it is necessary to undertake works during the bird breeding season then all trees, shrubs and hedges shall first be checked by an appropriately qualified/experienced ecologist, as agreed with the Local Planning Authority, to ensure no breeding birds are present. In the event of breeding birds being present, full details of mitigation and protection measures shall be submitted to and approved in writing by the Local Planning Authority before any such works commence.

Reason: To ensure that nesting opportunities for breeding birds are protected.

5. No development shall take place (excluding demolition works) until details of the level and intensity of lighting within the development, including inside the store hereby approved, shall be submitted to and approved in writing by the Local Planning Authority.

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

6. Surface water sustainable drainage works, comprising all components of the surface water drainage system, shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment & Detailed Drainage Strategy (2 August 2016 Ref : 09-85-DOC-001) approved in writing by the Local Planning Authority, in conjunction with the Lead Local Flood Authority.

The surface water sustainable 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.

Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework, Paragraph 103 and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

7. No development shall commence until full details of a scheme for a surface water sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Details of a scheme for a surface water sustainable drainage system, comprising all

components of the surface water drainage system, should include:

- a. Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year +20% to 40% allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
- b. Demonstrate that the surface water run-off would not exceed the pre-development greenfield runoff rate for an existing greenfield site or show how surface water run-off would be reduced by at least 30% on previously developed sites;
- c. Include details of a site investigation and test results to confirm infiltrations rates;
- d. Include details of how any flood water, including depths, will be safely managed in exceedance routes so as not to cause flooding to buildings within the site or elsewhere outside the site boundary;
- e. Secure arrangements for adoption by an appropriate public body or statutory undertaker or, management and maintenance by a Residents' Management Company through an appropriate legal agreement;
- f. Secure arrangements, through an appropriate legal agreement for funding on-going maintenance of all elements of the sustainable drainage system including:
 - i. mechanical components;
 - ii. on-going inspections relating to performance and asset condition assessments and;
 - iii. operational costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- g. Secure means of access for maintenance and easements, where applicable.
- h. Include a timetable for implementing the scheme.

Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework, Paragraph 103 and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

8. No development shall commence until details of an appropriate management and maintenance plan for the surface water sustainable drainage system, comprising all components of the surface water drainage system, for the lifetime of the development have been submitted to the Local Planning Authority, in conjunction with the Lead Local Flood Authority.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved details.

Details shall include:

- i. the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company
- ii. arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - a. on-going inspections relating to performance and asset condition assessments
 - b. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- iii. means of access for maintenance.

Reason: 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.

9. Foul and surface water shall be drained on separate systems.

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

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 23 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

11. 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.

12. 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 2,460 square metres with a net trading area no greater than 1,366.4 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.

13. The supermarket shall be closed for trade between 22.00 and 07.00 hours Monday to Saturday and between 17.00 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.

14. 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 Policy WM8 of the Joint Merseyside and Halton Waste Local Plan.

15. 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 SH10 of the Wirral Unitary Development Plan.

16. No development shall take place (excluding demolition works) 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.

17. 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.

18. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The detailed landscaping plans shall include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) a schedule of implementation

Reason: In the interests of visual amenity and to ensure that the development complies with Policy SH10 of the Wirral Unitary Development Plan

19. No development shall commence until details of work to amend the existing vehicle crossing onto Thursby Road have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to first use of the development hereby authorised.

Reason: In the interest of highway safety and to comply with UDP Policy SH10

20. No development shall commence until details of work to construct a pedestrian refuge on Thursby Road at its junction with Caldbeck Road have been submitted to and approved in

writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to first use of the development hereby authorised.

Reason: In the interest of highway safety, to assist pedestrians crossing at this junction given the additional traffic turning at this junction that would be generated by this proposed development and to comply with UDP Policy SH10.

21. No development shall take place until works to introduce waiting / loading restrictions on Caldbeck Road and Thursby Road have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to first use of the development hereby authorised.

Reason: In the interest of highway safety & congestion – to remove the possibility of customers parking on these roads when the car park is full or during short visits in accordance with policy SH10

22. No development shall take place until works to improve the UTC traffic signals equipment and communications systems at the junction of Spital Road / Croft Avenue East have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to first use of the development hereby authorised.

Reason: In the interest of highway safety and ensuring that this linked junction continues to operate at optimum efficiency given the additional traffic that will be generated by the proposed development having regards to UDP Policy SH10

23. No development shall take place until works to provide CCTV coverage at the junction of Spital Road / Croft Avenue East and New Chester Road / Caldbeck Road junctions have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to first use of the development hereby authorised.

Reason: In the interest of highway safety and the ability to monitor these linked junctions and ensure that they continue to operate at optimum efficiency given the additional traffic that will be generated by the proposed development. Having regards to UDP Policy SH10

24. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy HS10 in the in the Wirral Unitary Development Plan.

25. Prior to first occupation details and the siting of the proposed electric vehicle charging points shall be submitted to and agreed in writing with the local planning authority. The agreed details and siting shall be implemented in full prior to first occupation and retained as such thereafter.

Reason: In the interest of sustainable transport having regards to UDP policy SH10

Last Comments By: 05/10/2016

Expiry Date: 16/11/2016