

PLANNING STATEMENT (INCLUDING RETAIL ASSESSMENT)

Land to the south of Croft Retail Park, Caldbeck
Road, Bromborough

[Redsun Projects Ltd](#)

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1. Introduction

- 1.1. Broadgrove Planning and Development Limited have been instructed by Redsun Projects Limited to prepare a Planning and Retail Statement to support a hybrid planning application relating to development at land to the south of Croft Retail Park, Caldbeck Road, Bromborough.
- 1.2. The proposed development seeks both full and outline planning permission through a hybrid application. It is proposed to erect four commercial buildings (Use Classes E, B2 and B8, including ancillary trade counter and showroom) as part of the full application and the change of use of the land for a drive through café/restaurant as part of the outline element.
- 1.3. This Planning and Retail Statement details the proposals and addresses relevant issues and material planning considerations identified in national and local planning policy.

Content of Planning Statement

- 1.4. This Statement is structured as follows:
 - Section 2, Site and Surrounding Area: explains site-specific details and the context of the wider area.
 - Section 3, Planning History: outlines the relevant planning history from former applications on, and neighbouring, the site.
 - Section 4, Proposals: details the proposed development.
 - Section 5, Planning Policy: states the relevant local and national planning policy framework.
 - Section 6, Planning Considerations: assesses the proposed development against the policies identified in Section 5.
 - Section 7, Conclusion: summarises the contents of this Statement.
- 1.5. This Planning Statement should be read in conjunction with the following plans and reports which detail the proposals:
 - Drawings:
 - 19053-C4P-AV-ZZ-DR-A-0100 Site Location Plan P2 08.07.21
 - 19053-C4P-AV-ZZ-DR-A-0101 Site Plan as Existing P2 08.07.21
 - 19053-C4P-AV-ZZ-DR-A-0509 Site Plan as Proposed - Option 9 P13 08.07.21
 - 19053-C4P-B17-R1-DR-A-2002 Unit 01 Roof Plan P1 07.07.21
 - 19053-C4P-B17-XX-DR-A-2001 Unit 01 Indicative General Arrangement Plan P1 07.07.21 BE DC 19053-C4P-B28-R1-DR-A-2002 Unit 02 Indicative Roof Plan P1 24.02.21
 - 19053-C4P-B28-XX-DR-A-2001 Unit 02 General Arrangement Plan P2 08.07.21
 - 19053-C4P-B36-R1-DR-A-2002 Unit 03 Roof Plan P2 08.07.21
 - 19053-C4P-B36-XX-DR-A-2001 Unit 03 General Arrangement Plan P2 08.07.21

- 19053-C4P-B42-XX-DR-A-2001 Unit 04 Indicative General Arrangement Plan P4 16.7.21
 - 19053-C4P-B42-R1-DR-A-2002 Unit 04 Indicative Roof Plan P3 16.7.21
 - 19053-C4P-B17-ZZ-DR-A-2100 Unit 01 Elevations (A&B) P1 07.07.21
 - 19053-C4P-B17-ZZ-DR-A-2101 Unit 01 Elevations (C&D) P1 07.07.21
 - 19053-C4P-B28-ZZ-DR-A-2100 Unit 02 Indicative Elevations P4 08.07.21
 - 19053-C4P-B36-ZZ-DR-A-2100 Unit 03 Elevations P2 08.07.21
 - 19053-C4P-B42-ZZ-DR-A-2100 Unit 04 Indicative Elevations P5 16.07.21
- Preliminary Drainage Investigations prepared by Muir (18-1029-SK001 Rev P3)
 - Preliminary Drainage Layout & Surface Water Strategy prepared by Muir (18-1029-01-200 Rev P4)
 - Flood Risk and Drainage Strategy prepared by Muir (18-1029-REP001-P2)
 - Design and Access Statement prepared by C4 Projects
 - Transport Assessment prepared by Mode Transport
 - Phase 1 Habitat Survey prepared by E3P (80-472-R1-1)
 - Arboricultural Impact Assessment prepared by Tree Heritage Ltd
 - Phase 2 Geo-Environmental Site Assessment prepared by E3P (12-999-r1)
 - Utility Survey prepared by Powers and Tiltman Ltd (8181/02)
 - Detailed Unexploded Ordnance (UXO) Risk Assessment (DA7696-00) and Preliminary Report (EP7696-00) prepared by 1st Line Defence
- 1.6. All the information necessary to assess and determine the application should be found within these documents.

2. Site and Surrounding Area

Site

- 2.1. The application site measures 2.25 hectares. It is a broadly flat grassed area save for the boundaries which are slightly raised. The northern and southern boundaries are marked by semi mature trees.
- 2.2. There is currently no active vehicular access into the site, although the remnants of the access of the former industrial use are still visible on site, which has been demolished and has subsequently been grassed over.
- 2.3. The application site boundaries are bordered with Caldbeck Road to the south, Welton Road to the east, Welton Road to west and the car park to Asda supermarket to the north.

Surrounding Area

- 2.4. In terms of the immediate surrounding uses, these comprise the following.
- 2.5. To the east of the site and beyond Welton Road are a number of commercial and trade counter units with an element of retail included. Occupiers include Scaffolding Direct, Just a Bargain (retail) and a number of furniture outlets. To the north of the site is Asda Supermarket and then beyond this and its car park is Croft Retail Park, which is fully occupied by retail, leisure and dining uses.
- 2.6. To the north west of the site is McDonald's Restaurant. To the west of the application site and beyond Welton Road is another flat grassed area, of similar appearance to the application site. To the south of the site and beyond Caldbeck Road are a number of commercial units. The nearest, on Thursby Road has recently been granted permission, via appeal, for a food retail unit to be occupied by Lidl (discussed later).
- 2.7. The wider area is mixed in character. The wider area to the east and south is industrial/commercial in nature. To the north beyond Croft Retail Park and to the west beyond the A41 highway it is predominantly residential in nature.
- 2.8. The nearest centre is Bromborough to the south which is located approximately 0.5 mile from the application site. The nearest Bus Stop is approximately 0.3 mile from the application site located on Croft Avenue. The nearest railway station is Spital, located 1 mile away from the application site.

3. Planning History

Application Site

- 3.1. The Council’s online planning register indicates that the only application of note relating to the application site, was reference, OUT/97/05332, which was refused on 25.7.1997, for the following description of development:

‘Outline application for the erection of buildings to be used for non-food retail purposes (A1) together with ancillary car parking, landscaping and access.’

- 3.2. Unfortunately, the reason(s) for refusal are not available on the Council’s website. It does not appear that the applicant appealed the decision.

Surrounding Area

- 3.3. There are a number of relevant applications and appeals, that are of note to the consideration of the application.

Application Ref	Address	Description of Development	Decision and Date
APP/16/00543	LAND AT PORT CAUSEWAY, BROMBOROUGH, WIRRAL, CH62 4SQ	Demolition of existing buildings and the erection of a foodstore, car park, servicing, access and landscaping.	Approved 25.7.16
APP/16/00936	STRATTON COURT, THURSBY ROAD, CROFT BUSINESS PARK, BROMBOROUGH, CH62 3PW	Erection of retail unit with car parking and servicing areas, vehicular accesses and associated works following demolition of existing buildings	Refused 11.5.18
APP/19/00151	STRATTON COURT, THURSBY ROAD, BROMBOROUGH, CH62 3PW	Erection of Class A1 retail unit, car parking and servicing areas, access and associated works	Refused 8.8.19

		following demolition of existing buildings.	
Appeal relating to APP/19/00151 (appeal reference APP/W4325/W/20/3246431	STRATTON COURT, THURSBY ROAD, BROMBOROUGH, CH62 3PW	Erection of Class A1 retail unit, car parking and servicing areas, access and associated works following demolition of existing buildings	Appeal allowed 23.10.20
OUT/89/05066	Land south of (adjacent) 76, Fairway South and 577, New Chester Road, Bromborough	Erection of a fast food outlet and car parking, (outline).	Approved 20.4.89

3.4. Whilst the planning history at the application site does not have a material impact on the consideration of the application, other than a retail use was considered unacceptable in 1997, the planning history identified above, confirms the following:

- Typical 'town centre' uses (retail, food and drink) have been allowed in edge and out of centre locations;
- The Council and the Planning Inspectorate have accepted the loss of land set within Wirral International Business Park for non - employment uses, where material considerations are such that the site specific circumstances support the proposal;

4. Development Proposals

4.1. A hybrid planning application is submitted for the following description of development:

'Hybrid planning application, involving, a full application to erect four commercial buildings (Use Classes E, B2 and B8, including ancillary trade counter and showroom) and associated works and as part of the outline application (with access), the change of use of the land for a drive through café/restaurant.'

4.2. More specifically the application proposes the following breakdown of accommodation.

4.3. Unit 1 – commercial unit (Use Classes E, B2 and B8, including ancillary trade counter and showroom) is proposed in the south east corner of the site facing in an inward direction and is of rectangular configuration. The building will have a ground floor space of 2,325.28 m² and a small first floor of 202.91 m² creating a total floor area of 2,528.20 m² when measured externally.

4.4. The proposed building will have a pitched roof, with roof lights on both roof planes. All elevations will be fenestrated. The most populated elevation will be the northern one that faces on to the parking area. This proposes 2 no. loading docks and 8 no. separate doors and windows placed evenly across the elevation.

4.5. Externally this part of the site will accommodate 29 standard car parking bays and 2 disabled parking bays.

4.6. Unit 2 – commercial unit (Use Classes E, B2 and B8, including ancillary trade counter and showroom). Whilst one building this will be divided into 4 no. units set at single storey level only comprising the following floor space when measured internally:

- Unit 2a - 412.64 m².
- Unit 2b – 277.41 m²
- Unit 2c - 273.92 m²
- Unit 2d - 416.059m²

4.7. The total floor area for all units, 2a – 2d, will internally measure 1,380.07 m² and externally will measure 1,468.71 m².

4.8. The building will have roof lights on both elevations. The rear elevation (that facing Caldbeck Road) will 4 no. access doors (one for each unit). Elevation C will be blank and elevation B will have a window that turns the corner. The main elevation (elevation A), which faces the internal parking area will have 4 no. entrances (one for each unit), framed in a Norclad Timber cladding system,

4.9. Externally the application proposes the following parking schedule:

- Unit 2a - Standard car parking bay – 7; Disabled parking bay – 1 (8 total)
- Unit 2b - Standard car parking bay – 5; Disabled parking bay – 1 (6 total)
- Unit 2c- Standard car parking bay – 5; Disabled parking bay – 1 (6 total)
- Unit 2d - Standard car parking bay – 7; Disabled parking bay 1 (8 total)

- 4.10. Unit 3 – commercial unit (Use Classes E, B2 and B8, including ancillary trade counter and showroom) is proposed to the north of the internal access road facing in an inward direction and is of rectangular configuration.
- 4.11. The building will have a gross external area of 1,559.49 m² at ground floor and 126.58 m² at first floor, creating a total floor space measured externally of 1,686.07 m². The total gross area measured internally will be 1,596.07 m².
- 4.12. Elevations C and D will be predominantly blank, save for 2 no. fire doors. Elevation B will have window to one corner, surrounded by timber cladding, with a small canopy between ground and first floor. Elevation A will be the most detailed by continuing the corner window detail that is proposed for Elevation B and 2 no. loading doors and 1 no. fire door.
- 4.13. The building will have a shallow pitch roof with roof lights.
- 4.14. Externally this part of the site will accommodate 21 standard car parking bays and 2 disabled parking bays.
- 4.15. Unit 4 – commercial unit (Use Classes E, B2 and B8, including ancillary trade counter and showroom) is proposed to the north of the internal access road facing in an inward direction and is of rectangular configuration. The building will have a gross external area of 1,138.73 m² at ground floor and 117.40 m² at first floor, creating a total floor space measured externally of 1,256.14 m². The total gross area measured internally will be 1,176.11m².
- 4.16. Elevations C and D will be predominantly blank, save for 2 no. fire doors. Elevation B will have window to one corner, surrounded by timber cladding, with a small canopy between ground and first floor. Elevation A will be the most detailed by continuing the corner window detail that is proposed for Elevation B and 2 no. loading doors and 1 no. fire door.
- 4.17. Externally this part of the site will accommodate 15 standard car parking bays and 2 disabled parking bays.
- 4.18. The outline element of the application will be located in the north west corner of the site. It is a rectangular piece of land that measures 0.3 ha. Permission is sought in principle for a drive through restaurant/cafe.
- 4.19. The application seeks permission in principle, with access, for the use of this part of the site for a drive through café/restaurant.

5. Planning Policy Framework

- 5.1. Paragraph 47 of the National Planning Policy Framework requires (in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990), that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Adopted Development Plan

- 5.2. The statutory Development Plan for the Metropolitan Borough of Wirral currently comprises the 'saved' policies in the Unitary Development Plan for Wirral (UDP), adopted by the Council in February 2000 and the Joint Waste Local Plan for Merseyside and Halton, adopted in July 2013; together with Neighbourhood Development Plans for Devonshire Park and Hoylake.
- 5.3. The majority of the adopted Unitary Development Plan was 'saved', to remain in force by a direction issued by the Secretary of State on 18 September 2007. The UDP is supported by a number of Supplementary Planning Documents (SPDs).
- 5.4. On the UDP Proposals Map the application site is allocated as within a Primarily Industrial Area.
- 5.5. The following policies from the Unitary Development Plan are relevant to the proposals.
- URN1 – Development and Urban Regeneration
 - URN2 – Planning Agreements for Urban Regeneration
 - TRT3 – Transport and the Environment
 - EM6 – General criteria for new employment Development
 - EM7 – Environmental criteria for new employment development
 - EM8 – Development within Primarily Industrial Areas
 - EM9 – Non employment uses in Industrial Areas
 - LAN1 – Principles for Landscape
 - SH9 – Criteria for out – of – centre and edge of centre retail development
 - SH10 – Design and location of out- of-centre and edge of centre retail development
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- 5.6. Although not part of the Development Plan, the Council adopted Supplementary Planning Document 4 (SPD4) – Parking Standards (June 2007), which is relevant to the consideration of the application.

Emerging Development Plan

- 5.7. In replacing the UDP, the Council originally proposed a two-stage process of Local Plan preparation, initially focused on the preparation of a Core Strategy Local Plan (containing

mainly strategic policies, which would only partially replace the Unitary Development Plan) followed by a second stage to produce a site-specific Land Allocations and a Heritage Local Plan. The Council consulted on a Proposed Submission Draft Core Strategy Local Plan in December 2012.

- 5.8. However, the Council now intends to produce a single Wirral Local Plan, which will replace the Unitary Development Plan in its entirety. The Wirral Local Plan will include detailed policies including site allocations and development management policies, and a Policies Map to replace the Unitary Development Plan Proposals Map.
- 5.9. Public consultation previously took place on a Development Options Review between 3rd September and 26th October 2018. The consultation drew 3,221 responses from 2,989 individual respondents. A report setting out the background and results of the consultation along with three volumes of consultation responses was published on the Council's web site at the end of February 2019. The comments submitted to the Development Options Review have been taken into account in producing this Regulation 18 document.
- 5.10. The Development Plan in the future for Wirral will comprise the following documents:
- The Wirral Local Plan and Policies Map;
 - The Joint Waste Local Plan for Merseyside and Halton, adopted in July 2013;
 - The Spatial Development Strategy for the Liverpool City Region (to be produced by the Liverpool City Region Combined Authority, for which initial consultation began in October 2019); and
 - Neighbourhood Planning documents, including Neighbourhood Development Plans, prepared by the local community.
- 5.11. Wirral Local Plan 2020 – 2035 Issues and Options Consultation took place in January 2020.
- 5.12. On the Issues and Options draft proposals map the application site is to be retained and designated as a Proposed Employment Allocation (site reference ELPS 234, SHLAA 1724, Site Name - Caldbeck Road). There is then a link to the Employment Land Report, which is an evidence based document (summarised separately within this statement).
- 5.13. It is noted that the Local Plan is only at Issues and Options stage and therefore cannot be afforded any weight currently as part of the application consideration process and indeed the Council are not currently using Issues and Options document to determine planning applications.

Supplementary Planning Documents

- 5.14. Wirral Council adopted the Supplementary Planning Document – Parking Standards, in June 2007. The purpose of this Supplementary Planning Document is to provide advice on the maximum levels of parking provision for motor vehicles necessary to serve new development or changes of use for retail, residential, industrial, non-residential institutions, and assembly and leisure uses.

Evidence Base Documents

- 5.15. The Council have produced a number of evidence based documents to support the preparation of the previously withdrawn Core Strategy and the new Local Plan moving forward. Some of these are relevant materials considerations to the determination of the application.

Wirral Employment Land and Premises Study (February 2021)

- 5.16. Within the appendices to this document the application site is assessed (referenced as site 74, Former Spectrum Adhesives, Welton Road). The following assessment is of note.
- 5.17. With regard to, 'market attractiveness,' it states that, 'The site is undeveloped and is identified as being included within a Primary Industrial Area. The surrounding environment is a mix of employment and commercial development, characterised by modern high-quality units. The site is located within the urban area of Bromborough and benefits from good strategic road and local access. Given the site's location in proximity to the retail park, it is considered to be attractive for both B-Class use and commercial mixed-use development with retail or leisure uses.'
- 5.18. The site has an overall site rating of 'very good' and a site categorisation of '1 – highest quality sites.'

Wirral Retail and Centres Study 2019

- 5.19. Wirral Council commissioned White Young Green Planning to undertake a Retail and Centres Study for the Borough in December 2019 with the purpose of informing future land-use allocations and to assist in the determination of planning applications for potential retail and leisure uses.
- 5.20. The Study identifies Bromborough Village as one of Wirral's three District Centres. Overall, it is a relatively healthy district centre, with a variety of shops and low vacancy rate.
- 5.21. In the Bromborough study zone, 78% of participants stated that they frequented restaurants: the highest out of the leisure activities surveyed. Restaurants also scored highly in determining the preference for new leisure facilities, with 5% of respondents indicating they would like to see more of them (the joint second highest).
- 5.22. Against this backdrop, the number of restaurant visits by destination was surveyed. Despite being the most popular leisure activity, 45% of people stated they typically travelled outside of the Bromborough area to visit a restaurant, with 23% of trips made to Liverpool City Centre and 11% to Chester City Centre.
- 5.23. Comparably, Bromborough's District Centre performed well, with 22% of the trips made here for visiting a restaurant. However, the Croft Retail and Leisure Park only scored 9% on this front, suggesting there is clear scope for improving the restaurant offering to retain more visitors from the Bromborough area.

National Planning Policy Framework (February 2019)

- 5.24. The NPPF acknowledges that planning policies and decisions should play an active role in guiding development towards sustainable development solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.25. The updated National Planning Policy Framework (NPPF) sets out the Government's most up-to-date vision for future growth. The NPPF must be considered in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 5.26. Paragraph 8 states that there are three dimensions to sustainable development: economic, social, and environmental. As further set out in paragraph 9, these provide broad objectives to be delivered through planning decisions.
- 5.27. At the heart of the NPPF is a presumption in favour of sustainable development as set out in paragraph 11. This means that local planning authorities should *"approve development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*.
- 5.28. Paragraph 38 advises that LPAs should approach decisions on proposed development in a positive and creative way and seek to approve applications for sustainable development where possible.
- 5.29. Paragraph 80 states *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*
- 5.30. Chapter 7 of the NPPF relates to ensuring the vitality of town centres and states, in paragraph 86, that, *'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*
- 5.31. Paragraph 87 states that, *'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'*
- 5.32. Paragraph 89 states that, *'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:*

- a) *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'*
- 5.33. Within the Glossary to the NPPF, it confirms that, main town centre uses are, *'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'*
- 5.34. The Glossary also states that, edge of centre is defined as, *'For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.'*
- 5.35. Paragraph 90 states that, *'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.'*
- 5.36. Paragraph 109 states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 5.37. Paragraph 117 sets out, *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."*
- 5.38. Paragraph 124 states that *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve"*.
- 5.39. Paragraph 127 seeks developments that *"function well . . . add to the overall quality of the area . . . are visually attractive as a result of good architecture, layout and appropriate and effective landscaping [and] are sympathetic to local character and history, including the surrounding built environment and landscape setting"*.
- 5.40. Paragraph 130 states that *"permission should be refused for poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions"*.
- 5.41. Paragraphs 148-165 require development to mitigate against the effects of climate change. Development should not result in increasing the likelihood of flooding elsewhere.

National Planning Practice Guidance

- 5.42. The Government have produced a number of Planning Practice Guidance notes on specific issues. 'Town centres and retail,' PPG was last updated on 18 September 2020. This notes that it provides guidance on planning for retail and other town centre uses. The following is of note.

What is the sequential test?

The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

Paragraph: 009 Reference ID: 2b-009-20190722

How should the sequential test be used in decision-making?

It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority is expected to support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test will need to be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites will need to be discussed between the developer and local planning authority at the earliest opportunity.

The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.

is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

if there are no suitable sequentially preferable locations, the sequential test is passed.

In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what

a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.

Compliance with the sequential and impact tests does not guarantee that permission will be granted – all material considerations will need to be considered in reaching a decision.

Paragraph: 011 Reference ID: 2b-011-20190722

Revision date: 22 07 2019

How should locational requirements be considered in the sequential test?

Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.

Paragraph: 012 Reference ID: 2b-012-20190722

Revision date: 22 07 2019

The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority.'*

6. Planning Considerations

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The key planning issues are considered in turn below.

Principle of Business Uses

- 6.2. The site falls entirely within an area identified as Primarily Industrial by the adopted UDP policies map (Policy EM8). The Policy is clear that the former Use Classes B1, B2 or B8 will be permitted in such areas, subject to the considerations of policies EM6 and EM7.
- 6.3. Firstly, EM6 requires any new development to preserve neighbouring amenity and the operations of neighbouring uses. The application site is set within a wider area that is already characterised by commercial development.
- 6.4. The site is neighboured by trees and a car park to the north; Welton Road and commercial development to the east; trees, Caldbeck Road and commercial development to the south; and Welton Road and an area of open space to the west.
- 6.5. The introduction of seven commercial units spread across four buildings with associated parking areas in this area is therefore in harmony with its surroundings. They will operate within use classes E, B2 and B8 with ancillary trade counter and showroom: uses that are typically found on Welton Road and the wider industrial estate. This will enhance Wirral's business offering and will not compromise the operations of neighbouring uses.
- 6.6. Satisfactory access to the development is also required by EM6. A through road running east to west, connecting Welton Road at either side, will provide two access points to the development. This will ensure safe access and egress to the units without detriment to any businesses in the vicinity of the site.
- 6.7. New developments in the primarily industrial areas should respect their surroundings in terms of siting, scale, design, materials, boundary treatment and landscaping.
- 6.8. Naturally, the introduction of buildings to the site will change its immediate character and appearance. However, the development will not be visually intrusive and will feature an external appearance of differing greys, in keeping with the design of neighbouring units.
- 6.9. The siting and scale of the buildings has been informed by the wider industrial estate, which has historically featured agglomerations of smaller units with defined parking areas as opposed to larger built masses. Each of the four buildings are independent from each other with parking serving each unit.
- 6.10. Soft landscaping features around the boundary of the site will be retained, as will many trees that border the north and south of the development. This will be discussed in more detail overleaf.
- 6.11. Policies EM6 and EM7 also require highways, parking and ecological criteria to be sufficed for new employment development (to be discussed). Save for these considerations, the principle

of introducing business uses is clearly acceptable and an appropriate use for a vacant piece of land in this area.

Principle of Drive through Restaurant

- 6.12. Part of the site to the northwest corner of the site does not form part of the detailed application. It is the intention to provide a new drive-through café or restaurant in this area. Therefore, the principle of such a use with access is sought.
- 6.13. This part of the application site measures 0.3 hectare and although permission is not sought for siting and layout, it is envisaged that the proposed building will measure between 1500 sq. ft (139 sq. m) to 2800 sq. ft (260 sq. m).
- 6.14. This part of the proposal represents a 'town centre' use that is not within a town centre location.
- 6.15. As referenced previously, the application site is located to the north of Bromborough Village, which represents the nearest district centre. The northern edge of the district centre which is the Matalan car park is located 375 metres from the application site. The application site therefore represents an out of centre location.
- 6.16. In accordance with the NPPF and NPPG, it is imperative to consider more sequentially preferable sites that are either located in a district centre or in an edge of centre location.
- 6.17. In undertaking this assessment, the scope has been to exclude all sites designated for continued employment use due to the protection that such sites are afforded under local policy. In addition, existing residential areas have been excluded due to the potential noise and disturbance that is likely to be generated and the impact that this is likely to have upon residential amenity.
- 6.18. Furthermore, sites of approximately around 0.3 hectares only have been considered. Therefore, sites that are considerably smaller or larger than this would not be appropriate for *the proposed use*.

Bromborough District Centre

- 6.19. An assessment of existing buildings and land within the District Centre (that being the nearest to the application site) has been undertaken.
- 6.20. Allport Lane Surface Car Park. Whilst part of the site could be used for the drive through element of the proposed development as it does not contain built form upon it, it is not for sale and is an important parking area for patrons shopping within the District Centre.
- 6.21. Car Park to the rear of Coop Food Store. Again, whilst part of the site could be used for the drive through element of the proposed development as it does not contain built form upon it, it is not for sale and is an important parking area for patrons shopping with in the District Centre.
- 6.22. The WYG Retail Study 2019, indicated that 8 retail units within the shopping parade were vacant. However, none of these would be suitable for the proposed drive through use.

- 6.23. 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.

Edge of Centre

- 6.24. On the edge of the centre, it is assumed 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. No other appropriate sites are available.

Out of Centre

- 6.25. 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. As stated above, based on the policy protection that PIAs are afforded, it is considered unlikely that Wirral Council would accept the loss of such a designated site as part of a single standalone application. However, most of this land is fully occupied and is not available. Furthermore, none of the sites to the east of the A41 offer a particular sequential advantage over the application site due to the need to cross the A41 at one of the two existing signal controlled crossings i.e. there are all relatively equal in their ability to create linkages with the town centre.
- 6.26. It can, therefore, be concluded that there are no suitable and available opportunities on the edge of Bromborough Village that have greater potential to form connections with the town centre than the application site.
- 6.27. The NPPF requires an assessment of the impact of retail development proposal over 2,500m², unless a local threshold has been set for such assessments.
- 6.28. The adopted UDP does not set a local threshold, instead advising that the need for impact assessment will be at the Authority's discretion. Whilst the emerging Core Strategy intends to introduce local thresholds through draft Policy CS28, the draft policy has been subject to significant revisions and remains the subject to outstanding objections. Little or no weight can, therefore, be attached to the emerging threshold.
- 6.29. Therefore, an impact assessment is not required as it is not proportionate to the proposed development.
- 6.30. The final part of considering whether the drive through restaurant is acceptable in principle is consideration of a non-traditional employment use within an area designated for such.
- 6.31. Whilst this part of the application is not for a traditional employment use, it will still employ a number of people, which is a material consideration as part of the application process.
- 6.32. The following should also be noted from the evidence base to support the new Local Plan (Appendix 7, Site Proforma). In the site assessment it states the following in part:

Market Attractiveness - Given the site's location in proximity to the retail park, it is considered to be attractive for both B-Class use and commercial mixed use development with retail or leisure uses.

Viability - Viability for all types of office and industrial development is a challenge within Bromborough and Eastham.. The viability range for each development typology suggests that development is likely be occupier-led, and may require gap funding for the majority of scenarios. Alternatively, other higher value commercial uses and Sui Generis uses would improve the viability of delivering the site.'

- 6.33. The evidence base to support the proposed allocation clearly therefore recognises that either grant/gap funding or supporting commercial uses are necessary to bring forward a holistic development that is viable.
- 6.34. In terms of the case put forward regarding the loss of part of the site to a traditional non employment use, it is also important to consider the Planning Inspectorates Appeal Decision concerning the site immediately to the south of the application site (Appeal Ref: APP/W4325/W/20/3246431 Stratton Court, Thursby Road, Bromborough, CH62 3PW).
- 6.35. This was an application from Lidl for a new food store to replace a former office building. This was allowed by the Planning Inspectorate on 23 October 2020. Whilst it is not a directly comparable proposal in terms of use, it is worth noting the following:
- 6.36. In respect of the location, paragraph 12 of the appeal decision states that, *'It is asserted that the appeal site is of particularly high quality given its position at the entrance to the WIBP. However, Caldbeck Road is perceived more as a gateway and entrance point into the neighbouring retail park in my view. In this regard, a large sign advertising the occupiers of the retail park is positioned prominently at the junction with New Chester Road.'*
- 6.37. In respect of the sequential assessment and the impact assessment, the following is noted, *'The development proposes a main town centre use in an out-of-centre location. However, the appellant's sequential assessment was unable to identify any sequentially preferable alternative to the appeal site. Moreover, the proposal is below the national threshold of 2,500 square metres of gross floorspace and so an impact assessment is not required. Whilst I note that the Council intends to specify a lower threshold in its emerging Local Plan, that document is at an early stage of preparation and it is unclear whether this threshold is subject to unresolved objections. Accordingly, I attach only limited weight to it.'*
- 6.38. In respect of the overall balance and conclusion (paragraph 38), it states that, *'As set out above, the development proposes a retail use in a designated Primarily Industrial Area and would be contrary to the development plan in this regard..... Moreover, the development would create up to 40 jobs and would generate other economic benefits during the construction phase. It would also involve the redevelopment of a derelict brownfield site. I attach significant weight to these benefits.'*
- 6.39. Paragraph 39 continues stating that, *'Overall, there is conflict with the development plan, but no other significant harm would arise from the development. Moreover, significant benefits*

would be delivered. In this case, the conflict with the development plan would therefore be outweighed by other material considerations.'

- 6.40. It is clear therefore that despite the conflict with the development plan, the material considerations for the nearby appeal outweighed such conflict. It is considered that based on the evidence provided for this application and that it forms part of a much wider comprehensive employment led development, then the loss of a small part of the application site for a non-traditional employment use should not be a reason to resist the proposed development.

Design and Layout

- 6.41. The proposed layout and design responds appropriately to the context of the area being set within a commercial area and also on the periphery of a number of retail and leisure units.
- 6.42. The proposal will create an attractive environment for users, employees and passers by retaining the existing tree cover along the southern and northern boundaries.
- 6.43. The case is made therefore that the proposed development would be a visual improvement to the area in accordance with policy.

Highways and Parking

- 6.44. A Transport Assessment (TA) has been prepared by Mode Transport Planning to support the submission of this planning application. It assesses the proposed development with consideration to expected trip generation, accessibility, servicing/delivery arrangements, parking and local highway traffic impact.
- 6.45. The TA sets out the proposed access/egress arrangements, that will involve a one-way route running from the access on Welton Road (west of site) to Welton Road (east). Both junctions will comprise 12m corner radii, 5.5m carriageway width and 2m footways on both sides.
- 6.46. The proposed arrangements will be signposted accordingly to inform vehicles. This will also allow for 2.4m x 43m visibility plays to be achieved, in accordance with the guidance contained in Manual for Streets.
- 6.47. Swept path analysis of the proposed arrangements has also been completed. This has proven that both a 11.2m refuse vehicle and 16.5m articulated vehicle could safely enter and exit the site at both access and egress points in first gear.
- 6.48. The proposed parking arrangements have been informed by Wirral's adopted parking standards. For the full application, all proposed units are within the maximum standard for staff/operational parking and above the minimum for disabled and cycle parking. The outline planning application will comply with the standards at the detailed planning matters phase.
- 6.49. Continuing, the site's context in relation to neighbouring facilities and pedestrian, cycling and public transport links is set out in the TA. This highlights that the site is in a highly sustainable and accessible location for the proposed development, that will not result in overreliance on use of the private motor vehicle.

- 6.50. Modelling using the TRICS database has been completed to assess the trip generation resulting from the proposed uses on site. The uplift in trip numbers during both the AM and PM peak hours has then been judged against junction capacities in proximity to the site.
- 6.51. The analysis shows that New Chester Rd/Caldbeck Rd signalised junction and Welton Rd/Stadium Rd priority junction will be operating at capacity by 2026 in a scenario that captures current and committed developments. However, this is prior to the impact of the proposed development, which has been shown to only have a low impact at the junctions.
- 6.52. All other off-site junctions in vicinity of the site will operate within capacity in the same 2026 scenario. The proposed development trips will have a low impact at the junctions. The proposed egress from site onto Welton Road (east) is also forecast to operate comfortably within capacity and with negligible queueing in the 2026 future year scenario.
- 6.53. The junction capacity analysis shows that the proposed development will not have a severe impact on the local highway network as outlined at paragraph 109 of the NPPF. The development should therefore not be refused on any highway grounds.
- 6.54. In summary, the proposals have been formulated in accordance with the principles outlined in UDP Policy TRT3 – Transport and the Environment and are acceptable in highways terms.

Flood Risk and Drainage

- 6.55. With reference to the Environment Agency's Flood Map for Planning, the application site is located entirely within Flood Zone 1, meaning a low probability of flooding is likely. Additionally, the areas surrounding the site are also within Flood Zone 1. It is satisfied that the proposed development will not be at risk of flooding as set out within the Flood Risk and Drainage Assessment prepared by Muir Associates Ltd, which states that:

'From the inspection of site levels and following a site walkover the site may be at risk from inundation of flood waters from surface water runoff from higher land to the west. The effect of groundwater as a flood source is not considered to be an issue at this location.

From the inspection of site levels, the site does not appear to be at risk from the inundation of flood waters from overloaded public sewers adjacent the site as any such flood waters would tend to flow past the site along the adopted highways. Floor levels for the proposed buildings will be set as such to allow any overland flood water to pass without causing flooding within the buildings.'

- 6.56. A Surface Water and Drainage Strategy has been prepared by Muir Associates Ltd.
- 6.57. It notes that the existing ground conditions on site are generally dense sandstone beneath made ground. As a result, the use of soakaways for the site will unlikely be effective and the use of below ground attenuation will be required to satisfy the total required surface water discharge rate of each of the individual developments.
- 6.58. It also notes that attenuation of each individual development areas/units will be achieved by means of below ground storage to achieve the 1 in 100 year rainfall event + 30% Climate Change allowance with no offsite flooding or flooding of service yards due to the levels of the proposed site. The site drainage network and service yards will be utilized for rainfall events

above the 1 in 100 + 30% up to and including the 1 in 100 year + 40% rainfall event with no flooding off site.

- 6.59. The strategy continues stating that, the proposed sewer within the new road will be designed as oversized pipe to allow the flows to be restricted prior to final discharge into the existing public sewer, with each of the development areas each having individual restricted flows prior to discharge into the New Sewer within the Access Road. All of the proposed finished floor Levels will be set to mitigate any risk of overland flooding from sites upstream of the development site.
- 6.60. It is considered that it has been robustly demonstrated that an appropriate drainage strategy is proposed to support the proposed development and that the site can be designed so as to not be affected by sources of flooding.

Ecology

- 6.61. A Preliminary Ecological Appraisal has been prepared by E3P to accompany this planning submission. This utilised desktop information as well as an onsite appraisal (February 2021) to establish the current ecological baseline on site.
- 6.62. Although within the Impact Risk Zones for Brotherton Park and Dibbinsdale LNR and SSSI; The Mersey Estuary SPA, Ramsar site and SSSI; and New Ferry SSSI, it is deemed highly unlikely that the development will have an impact on the designated sites due to the distance and anthropogenic barriers that lay between them.
- 6.63. In the most part, the Appraisal found that protected and notable species were absent from the site with only limited areas suitable for their habitat and nesting requirements.
- 6.64. However, the site was assessed as having value for passerine bird species within the tree lines and introduced shrub around the boundary of the site. Four trees that are proposed for removal were also deemed to have “low potential” to support roosting bats.
- 6.65. A package of mitigatory measures, including removing vegetation out of the breeding bird season; post-development planting; the soft felling of trees; and maintaining dark areas within treelines are proposed that will ensure any risk to these species is kept to a minimum.
- 6.66. There are therefore no adverse impacts to either nationally designated sites or habitats and species in and around the site that should prevent the application being permitted on ecological grounds.

Trees & Landscape

- 6.67. An Arboricultural Impact Assessment has been prepared by Tree Heritage Ltd to support this submission. It has been carried out in compliance with British Standard 5837:2012 - Trees in relation to design, demolition and construction – Recommendations.
- 6.68. Along the north boundary of the site, all trees will be retained and protected throughout the development. Elsewhere on the site, felling of trees is necessary to accommodate the proposed units and parking areas, although none are subject to a Tree Preservation Order.

- 6.69. Adjacent to Welton Road, 2 trees (T1 and T2) will be removed to allow for the construction of unit 4. Both trees are category C, and their removal will not only allow space to facilitate the development but will also give T3 (a category B Alder) more space to grow into.
- 6.70. On the corner of Welton Road and Caldbeck Road is a group of 10 trees that will all require removal. This group consists of 5 category C trees, 3 category B trees, and 2 category A trees. In addition to this, 2 category U trees will be removed on the grounds of safety.
- 6.71. Along the site boundary with Caldbeck Road, 6 trees will require removal, including 3 category B trees and 3 category C trees. In addition, 10 category U trees will be removed on the grounds of safety.
- 6.72. The Assessment provides guidelines for the felling of the mentioned trees, and protection for trees that are to be retained, that will be strictly followed during the construction phase. It also notes how the offering of tree species may be enhanced and more suited to the location post-development.
- 6.73. Overall, the unavoidable loss of non-protected trees does not adversely affect the character of the site and the surrounding area.

Contamination

- 6.74. A Phase II Geo-Environmental Site Assessment has been prepared by e3p in support of the application.
- 6.75. The report offers the following conclusions and recommendations post planning approval.
- 6.76. With regard to human health, it notes that,

'A Tier I Human Health Risk Assessment has been undertaken using the chemical analysis results of the soils and comparing to the relevant Tier I criteria. This assessment has identified the presence of asbestos.'

Asbestos in the form of loose chrysotile fibres have been identified in the Made Ground topsoil (0.10m bgl) in WS110 at a concentration of at 0.029%.

A hotspot excavation will be required in the proximity of WS110 to remove the impacted topsoil with placement >1.00m beneath an area of low sensitivity such as public open space or the proposed car park to ensure the contaminant pose no unacceptable risk to the future site users. Site specific control procedures and appropriate validation monitoring will be required to demonstrate the absence of any unacceptable risk to construction workers.'

- 6.77. With regard to controlled waters, it notes that,

'A Tier I assessment has included a comparison of leachate analysis from samples of the Made Ground to Drinking Water Standards (DWS) and Environmental Quality Standards (EQS) which did not identify any elevated levels of contaminants. There is considered to be a low risk to controlled waters and the wider environment.'

6.78. With regard to ground gas, it states that,

'Ground gas monitoring thus far has indicated the site would be classed as Characteristic Situation 1, suggesting no gas protection measures will be required. However, the final ground gas regime will be confirmed.'

6.79. In respect of potable water, it notes that,

'This will need to be confirmed following the completion of a UKWIR Risk Assessment. Post remediation and enabling works ground conditions may be different from those identified during this site investigation.'

6.80. Finally with regard to geotechnical issues, the report concludes by stating that,

'At this time it is not possible to accurately define the foundation types due to the absence of a final development levels, however based on our extensive experience of similar sites we would anticipate that the final foundation solution would be a combination of shallow strip foundations bearing on medium dense to dense gravel (weathered SANDSTONE) or trench fill to support re-enforced strip foundations in areas of variable ground.'

6.82 The case is made therefore that there are no contamination matters that cannot be suitably addressed that would negatively affect the granting of planning permission.

7. Conclusions

- 7.1. Broadgrove Planning and Development Limited have been instructed by Redsun Projects Limited to prepare a Planning and Retail Statement to support a hybrid planning application relating to development at land to the south of Croft Retail Park, Caldbeck Road, Bromborough.
- 7.2. The proposed development seeks both full and outline planning permission through a hybrid application. It is proposed to erect four commercial buildings (Use Classes E, B2 and B8, including ancillary trade counter and showroom) as part of the full application and the change of use of the land for a drive through café/restaurant as part of the outline element.
- 7.3. The Planning Statement has set out a description of the site and the surrounding area; the planning history; the proposed development; and the planning policy context at a national and local level.
- 7.4. The Statement then makes an assessment of all planning considerations and technical considerations and concludes that there are no matters which conflict with the development plan when considering proposal holistically.
- 7.5. Overall, there are no reasons that should prevent the granting of planning permission in this instance. The proposals should be looked upon favourably and be recommended for approval without delay.