

Committee: **PLANNING**

Date of Meeting: **09 March 2011**

Title of Report: **S/2010/1157**
Netto, Orrell Lane, Bootle
(Netherton & Orrell Ward)

Proposal: 1. Full Planning Permission for the erection of a retail foodstore including the layout of car parking spaces and landscaping.
2. Outline Planning Permission for the erection of four units, (three retail and one unit for Business and/or Storage & Distribution) including the layout of car parking spaces and landscaping

Applicant: Netto Foodstores Limited Netto Foodstores Limited / Stockland Ventures (Brook) Ltd

Executive Summary

This is a hybrid application which seeks full planning permission for a replacement Netto foodstore together with outline planning permission for three retail units and one business unit. Access, landscaping and layout of the 4 units are to be considered at this stage with details of scale and appearance reserved for future consideration.

The main issues to consider include compliance with planning policy, the visual impact of the proposal, impacts on residential amenity and highway safety, as well as security, ecological, flood risk, contaminated land, renewable energy, public greenspace and tree issues.

Recommendation(s) That the Planning & Economic Development Director be authorised to grant planning permission subject to the completion of a S106 Agreement that the three non-food retail units will not be occupied until the employment unit is built and available for occupation.

Justification

The proposals are considered acceptable in principle and in terms of their scale, design and visual impact and their impacts on residential amenity and highway safety. Issues relating to security, ecology, flood risk, contaminated land, renewable energy, public greenspace and trees have also been satisfactorily addressed therefore approval is recommended.

Conditions

1. X1 Compliance

2. S-106 Standard S106
3. M-2 Materials (sample)
4. L-4 Landscape Implementation
5. P-5 Plant and machinery
6. M-6 Piling
7. The boundary fencing hereby permitted shall be erected/made good as indicated on the approved plans prior to the occupation of the buildings hereby approved.
8. NC-3 Biodiversity enhancement
9. Con-1 Site Characterisation
10. Con- 2 Submission of Remediation Strategy
11. Con-3 Implementation of Approved Remediation Strategy
12. Con-4 Verification Report
13. Con-5 Reporting of Unexpected Contamination
14. E-2 Sealed surface car parking
15. T-1 Full Planning Permission Time Limit
16. a) Before the development is commenced, full details of recycling facilities shall be submitted to and approved in writing by the Local Planning Authority.
b) This scheme shall then be implemented in accordance with the details approved under a) above.
17. S-2 Renewable Energy
18. T-2 Outline planning permission (Time Limit)
19. T-3 Reserved Matters (Time Limit)
20. D-5 Renewable Energy (Outline)
21. R-1 Use Classes Limitation
22. R8 Restrict to Bulky Goods
23. B-3 Delivery hours
24. H-1 Remove existing vehicular/pedestrian access
25. H-2 New vehicular/pedestrian access
26. H-5 Off-site Highway Improvements
27. H-6 Vehicle parking and manoeuvring
28. H-7 Cycle parking
29. H-9 Travel Plan required
30. H-10 Mud on carriageway
31. H-11 Construction Management Plan
32. H-12 Servicing Areas
33. X12 Local Labour

Reasons

1. RX1
2. RS-106
3. RM-2
4. RL-4
5. RP-5
6. RM-6
7. RM-7
8. RNC-3
9. RCON-1

10. RCON-2
11. RCON-3
12. RCON-4
13. RCON-5
14. RE-2
15. RT-1
16. To secure appropriate recycling facilities in accordance with UDP Policy EMW9.
17. RS-2
18. RT-2
19. RT-3
20. RD-5
21. RR-1
22. RR1
23. RB-3
24. RH-1
25. RH-2
26. RH-5
27. RH-6
28. RH-7
29. RH-9
30. RH-10
31. RH-11
32. RH-1
33. RX12

Notes

1. Bats may be present in your building. Bats are protected species. If you discover bats you must cease work immediately, contact Batline on 01704 385735 for advice.
2. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 13 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 13 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.
3. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
4. The applicant/developer should be advised to contact the Highways Development Control Team (0151 934 4175) in respect of the requirement for an agreement under Section 278 of the Highways Act 1980 to ensure the implementation of the

off-site highway improvements.

5. In respect of the requirement for a Travel Plan, the applicant/developer should be advised to contact the Sefton Travel Team on 0151 934 2147.

Drawing Numbers

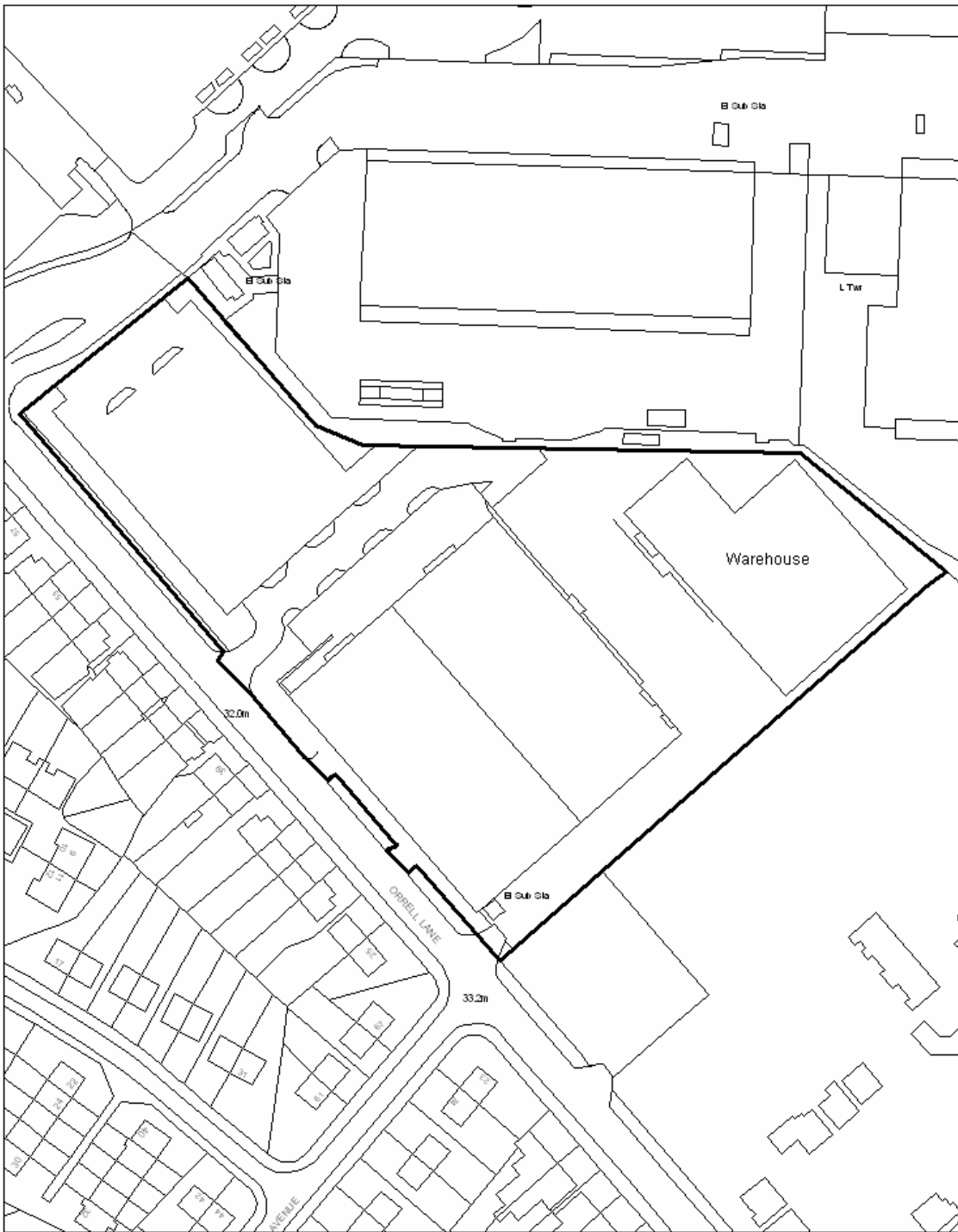
1299-LD-01A rec 14/2/11, 1299-LL-01D rec 22/2/11, 220D LP01 & DT02 rec 2/8/10, 220D EL01A, EL02A, PL01B, RP01A & SP01A rec 2/2/11, 220D SE01B rec 14/2/11 & 220D DT03 rec 15/2/11.

Financial Implications

CAPITAL EXPENDITURE	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council
Planning & Economic
Regeneration Department
 Andy Wallis - Director
Planning & Economic Regeneration is part of the
 Regeneration & Environmental Services Directorate

S/2010/1157
 Netto,
 Orrell Lane
 Bootle
 L20 6HX
 OSGR: 335615, 397210 Sheets: 910, 918 Area: 17932 sqm

Standard Site Plan
 Scale: 1:1250
 Date: 24/2/2011
 Drawn By: BBERT on

Ward(s): Metheron & Orrell
 Postcode Sector(s): L20 6
 Polling District(s): DB
 Parish(es): None Found

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The Site

The site is located on the north east side of Orrell Lane and comprises a Netto store and vacant MFI unit at the front of the site together with a vacant storage building at the rear. There is also a large car parking area to the north west of the buildings.

The site is bounded by Peoples service and repair centre to the north and the Bellway housing site (under construction) to the south east. There are also residential properties along Orrell Lane opposite the site.

Proposal

1. Full Planning Permission for the erection of a retail foodstore including the layout of car parking spaces and landscaping.
2. Outline Planning Permission for the erection of four units, (three retail and one unit for Business and/or Storage & Distribution) including the layout of car parking spaces and landscaping

History

S/2008/0089 (adjacent site) – erection of 96 dwellings, layout of new access and associated landscaping. App 21/04/09

S/1992/0286 - Application to remove condition 2 on S/17076 to allow the building to be used for the retail sale of foodstuffs and associated goods. App 25/06/92

S/25431 - Variation of planning permission to permit an extended range of goods. App 13/11/85

S/20086 - Erection of 2 buildings for retail sale of a specified range of products. Ref 11/05/83

S/12237 - Change of use to trade and retail storage warehouse sales and showroom
- App 25/06/80

S/09574 - Change of use to building and decorating warehouse - App 07/02/79

S/07056 - Erection of warehouse with showroom, etc App 07/03/78

Consultations

Retail Consultants - I can confirm that the letter now provided by the agents addresses the key points that we had previously raised. Whilst the development would involve the creation of a larger foodstore in an out of centre location, I would agree with the agents that the scale of the store is unlikely to challenge the dominance of the main supermarkets in South Sefton and therefore, radically change shopping patterns locally. The facility in our view would still function as a local foodstore providing for the needs of the immediate community. As a result, the size

of the development proposed will not have any significant impact on established centres within South Sefton. Furthermore, we note that the development would also result in a reduction in total amount of retail floorspace that is currently located on the site – albeit it would operate in a different form once implemented.

In terms of the sequential approach, we accept that the site is already an established retail location. In addition, whilst there are proposals for development within established centres in South Sefton, it is evident that there are site specific benefits (such as the regeneration of the site) associated with the scheme which, if located elsewhere would not address these issues.

Therefore, based on the evidence now received and applying the appropriate planning balance, any impact created by the increased size of foodstore would, in our view, be more than outweighed by the regeneration benefits and the fact that the overall amount of out of centre retail floorspace would be reduced following the implementation of the development.

MEAS – the bat survey demonstrates no evidence of bats therefore the Council does not need to undertake an assessment against the 3 tests set out in the Habitats Regulations 2010; bat informative required on any grant of planning permission; landscaping scheme and bird boxes should be secured by condition; no requirement for SWMP condition; recycling facilities required; renewable energy report acceptable for full planning application although details for outline component are required.

Environment Agency – objected initially due to the surface water discharge rate for the proposed development being excessive for the size of the site. The applicant submitted an amended Flood Risk Assessment resulting in the Environment Agency withdrawing their objection. They recommend the imposition of a condition requiring the submission of a surface water drainage scheme based on sustainable drainage principles as well as contaminated land conditions.

Environment & Technical Services Director – no objection in principle; standard contaminated land conditions required; proposal should be restricted to Use Classes A1, A2, B1 and B8 to minimise impact on adjacent residential properties; condition required for retention and improvement of fence between site and adjacent housing site; standard conditions P-5 and M-6 required. Delivery hours to units 1-4 should be restricted to 0730 – 2200 hours to protect residential amenity; not necessary to restrict delivery hours to Netto due to the position of the loading bay; no reason to restrict general hours of operation as the adjoining commercial/industrial park has unrestricted use.

Police ALO (on original scheme) - knee rail fence could be used as climbing aid and compromise security; service access gate should be access controlled or locked; recommend installation of suitable CCTV system; concerned about location of store so close to corner as other supermarkets have suffered criminal damage to glazed elevations in similar locations; concerned about lack of dedicated parking bay for cash in transit deliveries/ pickups and ATM replenishments; concerned by the siting of the ATM machine close to the entrance/exit if replenishments are to take place when the store is open.

Police ALO (on amended scheme) – amended plans have addressed most of my concerns although still slightly concerned about the glazing on the Orrell Lane elevation.

Merseytravel – Council should be satisfied that local highway network can satisfactorily accommodate traffic likely to be generated by the proposal; Travel Plan should be developed and implemented; appropriate arrangements required for access by dial-a-ride vehicles; enhancement of bus stops and walking routes to bus stops required.

Highways DC –

Traffic Generation and Impact

The Transport Statement submitted with this application includes an assessment of the levels of vehicular traffic likely to be generated as a result of this development, established by analysing the TRICS 2010(a) database.

A comparison of the levels of vehicular traffic generated by the existing permitted uses on the site and the proposed development has been undertaken. During the 'Saturday peak hour' the proposed development will generate lower levels of vehicular traffic than would be generated by the existing permitted uses. In the 'weekday AM peak hour' and 'weekday PM peak hour' the proposed development will generate 112 and 124 extra vehicle trips respectively than would be generated by the existing permitted uses. However, this only equates to an average of approximately 2 additional vehicles entering or leaving the site per minute. As such, the proposed development will not result in any significant impact on the operation of the surrounding highway network.

Vehicular and Pedestrian Access

The new single vehicular access off Orrell Lane is proposed to serve the car parking areas for the 'convenience retail' and 'bulky goods' units and the office accommodation. The existing commercial vehicular access to the south-east corner of the site will be retained for servicing/delivery vehicles to the non-food retail units.

All other existing vehicular accesses will be closed off and the footway reinstated to match the existing footway either side.

Two separate pedestrian accesses directly off the footway on the north-east side of Orrell Lane and a network of routes throughout the site provide direct, safe and convenient access for pedestrians.

Parking

A total of 70 car parking spaces (including 5 marked out for use by disabled persons and 2 'parent & child' spaces) are proposed in the customer car park for the food retail unit. Staff cycle parking is provided in the form of two 'Sheffield' stands (4 spaces) within a secure cycle shed and cycle parking for customers is provided in the form of five 'Sheffield' stands (10 spaces) outside the main entrance to the store.

A total of 101 car parking spaces (including 11 marked out for use by disabled persons and 5 'parent & child' spaces) are proposed in the customer car park for the 'bulky goods' retail units. Staff cycle parking for each of the three units is provided in the form of two 'Sheffield' stands (4 spaces) within a secure cycle shed and cycle parking for customers is provided in the form of two groups of five 'Sheffield' stands (20 spaces) in front of the units.

A total of 13 car parking spaces (including 1 marked out for use by disabled persons) are proposed in the car park for the employment (B1/B8) unit. Staff cycle parking is provided in the form of two 'Sheffield' stands (4 spaces) within a secure cycle shed.

The overall level of car and cycle parking is within the standards for a development of this type and size as set out in the Supplementary Planning Document "Ensuring Choice of Travel".

Servicing

A dedicated service yard adjacent to the food retail store is provided to accommodate all deliveries to the store. Whilst access is achieved via the main car park access road, there is adequate space for vehicles to turn around within the site which eliminates any potential difficulties that servicing traffic would cause by manoeuvring within the customer car park.

The three proposed 'bulky goods' units and the employment (B1/B8) unit will be serviced from the rear via the service yard/access road, again with adequate space to enable both articulated and rigid delivery vehicles to turn around.

Accessibility for non-car modes

Pedestrians

Whilst there are flush kerbs and tactile paving across all arms of the junction of Bailey Drive/Netherton Way/Orrell Lane/Park Lane pedestrians have to cross the road 'with traffic'. Given the large and fairly dense residential areas to the west of Netherton Way and south of Orrell Lane and the assertion that "Netto food stores are primarily seen as 'local stores'.... for local people. As such residents from the surrounding area are more inclined to access the site by sustainable modes." there is a need to provide improved (and safer) crossing facilities by incorporating push button units and 'Green/Red man/cycle' aspects into the existing traffic signal apparatus/infrastructure'. In addition, the existing access which will be retained for servicing the 'bulky goods units and employment (B1/B8) unit must be altered to incorporate flush kerbs and tactile paving either side of the access. These measures will further enhance pedestrian accessibility.

Cyclists

Bailey Drive and Netherton Way forms part of the strategic cycle network and has off-carriageway provision for cyclists on each side of the road. As indicated above, adequate cycle parking will also be provided as part of the development.

Public Transport (including Taxies)

The location of the proposed development provides excellent access to public transport facilities. There are four bus stops, two outside the development site on

Orrell Lane and two on Bailey Drive, which provide access to a range of bus services. However, none of the bus stops meet the current standards and as such a comprehensive scheme to upgrade each of the four bus stops will be required. The works will involve the provision of access kerbs, raised footway areas, shelters/CDU's (where appropriate) and enhanced carriageway markings incorporating a bus stop clearway.

The provision of facilities for taxis is welcomed with a dedicated area for taxis/drop off within the customer car park close to the food store entrance.

Travel Plan

A Travel Plan has been submitted and with some amendments would be generally acceptable. It includes specific measures to encourage sustainable travel choices by both employees and customers. The implementation and development of the Travel Plan will be secured by condition.

In view of the above, there are no objections to the proposal, subject to the following conditions and informatives being added to any approval notice.

Neighbour Representations

Last date for replies: 13/9/10 (neighbours)
23/9/10 (site notice)
23/9/10 (press notice)

Letter received from the Peoples Dealership raising no objections to the erection of the buildings but expressing major concern with the landscaping. Peoples are concerned that this will cause major security problems and reduce their storage area by sap falling onto their stored vehicles and damaging paintwork.

Objection also received from 88 Ennerdale Drive concerned about the sale of Netto to Asda potentially giving Asda total domination of food retailing in south Sefton; also concerned whether there is a need for the small proposed retail units, whether these will become fast food outlets causing harm to local residents and drawing trade from nearby shops many of which are vacant.

Further objection written on behalf of the owners of The Strand Shopping Centre in Bootle. This expresses concern that the proposal is contrary to local and national planning policy and will have an adverse impact on the vitality and viability of Bootle town centre and surrounding centres. In particular, concern is expressed about proposals to allow the sale of unrestricted range of goods and the detrimental impact on Bootle town centre which is currently experiencing a high vacancy rate; it is also pointed out that a vacant open A1 retail unit has been identified at Cavendish Retail Park which would be sequentially preferable to accommodate comparison retail.

Policy

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

AD2 Ensuring Choice of Travel
CS3 Development Principles
DQ1 Design
DQ2 Renewable Energy in Development
DQ3 Trees and Development
DQ4 Public Greenspace and Development
EDT18 Retention of Local Employment Opportunities
EDT5 Primarily Industrial Areas
EP2 Pollution
EP3 Development of Contaminated Land
EP8 Flood Risk
NC3 Habitat Protection, Creation and Management
R1 Retail Development Strategy
R9 Edge-of-Centre and Out-of-Centre Retail Developments and Key Town Centre Uses

Comments

The main issues to consider include compliance with policy, involving retail and employment considerations, the scale, design and visual impacts of the proposal, impacts on residential amenity and highway safety, as well as security, ecological, flooding, contaminated land, renewable energy, public greenspace and tree issues.

Policy

The site is within an area designated for industrial development in the adopted Sefton UDP although it is presently occupied by two retail units and a warehouse.

The proposals involve a replacement Netto foodstore together with three additional retail units and one unit for employment use (B1 or B8). There is an overall reduction in retail floorspace on the site and the non-food element will be restricted to bulky goods as at present.

The Council's retail consultants have assessed the proposals against advice contained in PPS4 Economic Growth December 2009. They have concluded that the replacement foodstore, albeit larger than the existing store, will still function as a local foodstore providing for the needs of the immediate community and, as a result, the proposed development will not have any significant impact on established centres within South Sefton. They also advise that any impact created by the increased size of foodstore would be more than outweighed by the regeneration benefits brought about by this specific scheme in this particular location.

The site presently contains a warehouse and is designated as an employment site. It is therefore important that the unit proposed for employment uses (unit 4) is delivered as such and this can be secured via a S106 agreement.

The proposal is therefore considered to satisfy relevant retail and planning policy.

Visual Impact

The new Netto store is to be located on the corner of Orrell Lane and the entrance to the Peoples site whilst the 4 additional units are to be situated in a similar position to

the existing units on the site. This layout is considered acceptable in respect of its relationship with the street scene and with adjacent uses.

The scale of the proposed units is also considered appropriate for the site and its surroundings. The detailed design of the new Netto store forms part of this application with red facing brick and glazing forming the principal elevations to the front and Orrell Lane frontages with red brick and grey cladding panels to the Peoples entrance side and rear elevations. Revised plans have been received showing that the glazing is to be roller shuttered in a perforated powder coated design. The detailed design of the store and its visual impact in the street scene are considered acceptable.

The detailed design and external appearance of the 4 additional units will be considered at reserved matters stage and do not form part of this application.

Residential Amenity

The site is adjacent to a new residential development (Orrell Gardens) and there are existing residential properties along Orrell Lane opposite the site. The impact of the new scheme on adjacent residential properties is unlikely to be significantly different to the impact caused by existing uses on the site. This is provided that suitable conditions are imposed to control the delivery hours of the 4 units adjacent the new Bellway housing site and to restrict the use of the units to A1, B1 and B8 as B2 (industrial) uses could cause unacceptable impacts on adjacent residential properties.

Highway Safety

Highways Development Control have assessed the amended proposals and have concluded that the development will not result in any significant impact on the operation of the surrounding highway network. In addition, they are satisfied with access, manoeuvring, car parking and cycle parking provision. There are therefore no objections to the proposal on highway safety grounds although conditions are recommended. These include off-site highways improvements including the upgrading of 4 existing bus stops and the provision of 'green man' pedestrian facilities at the nearby traffic signal controlled junction.

Security

The Police ALO has made comments in respect of security on the site and amended plans have been submitted which take account of these comments.

Ecology

MEAS have commented on ecological issues and advise that survey work in respect of bats is acceptable as no evidence of bat use or presence was found. The Council therefore does not need to undertake an assessment against the 3 tests set out in the Habitats Regulations 2010.

MEAS recommend a condition to secure the provision of a small number of bird boxes on buildings closest to the proposed woodland.

Flood Risk

The Environment Agency initially raised an objection to the proposal because the surface water discharge rate for the proposed development was excessive for the size of the site. The applicant prepared an amended Flood risk Assessment which resulted in the Environment Agency withdrawing their objection. A condition is recommended to ensure the submission and implementation of a satisfactory surface water drainage scheme based on sustainable drainage principles.

Contaminated Land

A Phase I Desk Top Study has been submitted with the application. The Environmental and Technical Services Director has reviewed this report and recommends that the standard contaminated land conditions and informative should be attached to any approval.

Renewable Energy

Sefton UDP Policy DQ2 requires all proposals for major non-residential development to incorporate renewable energy production equipment to provide at least 10% of their predicted energy requirements from renewable sources. A report has been submitted with the application which proposes to use a combination of heat recovery equipment and photovoltaic cells for the Netto store to achieve 17.3% contribution to the foodstore's predicted energy requirements. MEAS advise that this is more than sufficient to satisfy Policy DQ2. It is indicated that the 10% renewable requirement for the outline component will be met through the provision of ground source heat pumps and this can be controlled through condition.

Public Greenspace

Policy DQ4 and the SPD on Green Space, Trees and Development require public greenspace provision for major new commercial, industrial or leisure developments where a clear shortage of greenspace has been identified in the locality in a Council approved green space strategy.

In this case, there is a clear shortage of public greenspace in the locality of the development specifically in relation to the quality target set out in the Council's approved Green Space Strategy. In line with the SPD, a commuted sum payment of £69,380 will be required. This is based on 4026 sqm of retail floorspace at £1,734.50 (2010/11 prices) for each 100 sqm floorspace. The commuted sum payment can be secured via a condition requiring a S106 legal agreement.

Trees

Policy DQ3 requires the provision of one new tree per parking space or for every 50 sqm of gross floorspace, whichever is the greater, plus 2 new trees for each tree lost through the development. In this case, 184 new trees are required based on 184 car parking spaces. The proposals involve the provision of 191 new trees on the site and Policy DQ3 is satisfied.

Other Issues

The Peoples car dealership at the rear of the site has raised concerns about the landscaping proposed adjacent to their site as they believe it will present a security risk and cause damage to parked cars. There is already some tree planting along this rear boundary and it is considered that the visual and environmental benefits associated with tree planting outweighs any potential disbenefits although possible damage to cars is not considered to be a planning issue which can affect the decision on this application.

The concerns raised by a nearby resident about the Netto store being owned by ASDA cannot be controlled by a planning condition and retail food stores cannot be prevented from changing their owners. However, a condition can be imposed to prevent the units from becoming hot food takeaways without the submission of a further planning application. The proposals are considered to bring about regeneration benefits and the site is already an established retail location therefore the comments raised about nearby vacant shops are not considered relevant in this case.

Objections raised on behalf of the owners of The Strand shopping centre have been addressed as retail sales from the 3 additional units will be restricted to bulky goods only.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Mrs D Humphreys Telephone 0151 934 3565
(Tue, Thu & Fri)**