

**Late Representations/Information**

**Part 2**

**APPENDIX 4**

**Item 4A**

**S/2010/0350 : Sainsbury's, 1-3 Liverpool Road, Crosby**

**Report**

Members are advised that the application site lies within the three wards of Manor, Victoria and Blundellsands.

The Regional Spatial Strategy is no longer formally in place. As such, the regional policies referred to in the report are not relevant.

**Further Representations received**

A significant number of further representations have been received; these are referred to within Late Representations 1 and generally comment on the Planning Committee report.

The letter sent from ABetterCrosby dated 17 August 2010 is attached in full.

18 Rossett Road and 'Brookside Cottage', Little Crosby Road have written objecting further, Flat 35 of Sandalwood, 83 Coronation Road, has also objected further to the multi-storey car park at Islington, and the 28 Endsleigh Road writes in support of the proposal.

**Director's observations on further representations**

As mentioned in the main report, a total of 698 properties were notified of the proposals. Site notices and press notices were placed and the Council's notification process has far exceeded that required for the development in the interests of ensuring that all parties have an opportunity to express their views.

There have been further representations which relate to concern over the advice of PlacesMatter!, the lack of consideration given to the views of local traders, queries over traffic provision, the competition of the increased foodstore against other retailers in the village, design and the loss of historic buildings, and the use of the community building.

Consultation has taken place with local ward members, North West Regional Development Agency, Liverpool Chamber of Commerce and Industry, Merseyside Civic Society, Liverpool Vision, The Mersey Partnership, Existing tenants on Moor Lane, and Residents and businesses on Richmond Road, Moor Lane, De Villiers Avenue, Vale Road, Vermont Avenue, Kings Road, Alexandra Road, Alexandra Court and Coronation Road.

The proposals are largely to the edge of the developed historic core of Crosby Village and the

report acknowledges the loss of locally distinctive buildings, most notably the Glenn Buildings.

The proposals will bring significant employment benefits both in respect of the applicant's proposal and the refresh of the existing retail offer.

The current foodstore overtrades and this view is based on expert retail appraisal and for reasons set out below under "Retail Issues" it is not possible to expect the applicant to reprovide a foodstore of the same size and scale. The same assessment comments specifically on the requirement to assess retail need.

The planning recommendation is based around the approved policy framework, but the operational and commercial concerns of an applicant must all the same have to be regarded as material planning considerations. Both the report and many of those with objection clearly recognise the need for investment.

The multi-storey is necessary to serve the parking requirements of the scheme proposed and its design has been enhanced with the use of coloured panels.

The restriction on hours is a recognition of an otherwise unrestricted opening giving rise to amenity issues for adjoining residents. Service deliveries are not considered to cause issues for nearby residents due to the acoustic walling and the ungated access avoiding vehicles waiting or having to undertake reversing on or around the highway. The applicant has agreed to the prohibition of the following activities between 2200 and 0700:

- use of vehicle mounted refrigeration units within the service yard/on the access ramp,
- stock or waste movement in the service yard using metal roll pallet trucks,
- waste collections, and
- use of the compactor.

There will be no direct harm to outlook or loss of light for residential properties albeit the views will be different. There will be landscaping around the edge of the car park to ensure visual amenity.

There are provisions to be agreed via Section 106 Agreement to ensure a full review of a Residents Privileged Parking scheme (RPP) to cater for the before and after parking around the centre and inform on measures considered necessary to prevent parking on surrounding residential streets by town centre users and there would also be a need for this to be subject to further specific consultation.

Concerns have been raised regarding the range of goods on offer in Sainsbury's but this is protected by condition as far as may be considered reasonable given the site's town centre location. Competition is not an issue though the proposals make provision for existing traders being relocated as far as is possible.

## **VIEWS OF PLACESMATTER! ON THE APPLICATION**

PlacesMatter! have made significant valuable contributions to the design process. They have indicated in their (attached) letter of January 26 2010 that the applicant has done "a good deal of work exploring different store configurations". They also indicate that "in terms of scale – height and massing – the proposed scale of new buildings seems generally acceptable for this town centre location".

It acknowledges that many of the issues relating to urban edge and retention of existing fabric

could only be achieved through the construction of a “smaller store”, which is identified as being unsuitable for the future of Crosby in separate advice from the Council’s retail consultants, White Young Green.

The provision of a store on the Islington site is discussed but has been discounted for reasons explained in the original Planning Committee report. Overall PlacesMatter! comment that “the planned investment in Crosby must be embraced and welcomed”, and that the alternative is “a failing centre with more people using the out of town alternatives in an increasingly unsustainable way”.

Though discussing the alternative option in their submission, and making observations on a number of difficulties associated with town centre redevelopment, they do not specifically object to the positioning of the store as proposed.

It is considered that this range of comments is sufficient to justify the comment contained in the original report stating that the panel offer “broad support” to the proposals. The report also makes specific reference at 8.14-8.20 that they have expressed reservations over the proposals.

It is considered that as far as is possible to do within the consideration of this planning application that the views of PlacesMatter! have been considered fully and reported fairly and accurately, to correctly reflect their acknowledgement of the issues connected to regeneration as a whole as well as the specifics of individual design.

## **RETAIL ISSUES**

Following a series of concerns raised by objectors relating to size and amount of retail proposed, further discussion has been undertaken with the Council’s retained retail consultants, White Young Green, who respond as follows:

### **“Does The Development Have to Assess ‘Need’?”**

In dealing with the need point first, reference has been made to our Retail Strategy Report re need for foodstore provision in the south of the Borough. As you will appreciate, the study seeks to assess the future need for retail development within Sefton and whether or not there is a need to identify sites beyond established centres to meet that need.

In terms of South Sefton, the study clearly concludes that there is no need for further foodstore development outside of established centres following the completion of the edge of centre Asda at Bootle and the out of centre Tesco at Litherland.

Whilst the conclusions are unequivocal, it does not mean that there should be no more investment in established centres in the south of the Borough. Furthermore, the study also confirms that the Sainsbury’s store in Crosby is significantly overtrading and is under significant pressure for expansion.

As you are aware, the key objective of national policy is to secure investment within established centres so they can prosper. As a result development ‘within’ established centres has never had to demonstrate that there is a need for that development in the first instance, unlike edge of centre or out of centre schemes under the previous PPS6. PPS4 has now removed the need test for developments completely on the basis that it was restricting competition and choice. Therefore, the conclusions of the RSR are effectively irrelevant when considering the Sainsbury’s proposals. The only bearing that the conclusions will have is when judgements are formed about the impact of the development once it is completed.

Therefore, any reference to the findings of the RSR in relation to 'need' (or the lack of) and how this should influence the scale of the development proposed is misleading and does not reflect the approach advocated by government guidance.

### **Why Will Not A Smaller Store Work?**

Sainsbury's already operate a small and compromised supermarket within Crosby which as a result, significantly constrains the range of goods that can be sold and the overall quality of the shopping environment. The store is also too small to serve the needs of the local community and as a result is extremely busy at peak times. Therefore, Sainsbury's have an opportunity to resolve these problems by providing a modern store that will not only enable them to stock a wider range of products but will given them the space to create a much more pleasant environment for the customer including wider aisles, less congestion, specialist food counters, and more natural light.

The approach by many operators is to create as much space as possible to enhance the internal quality of the environment – therefore, in an ideal world Sainsbury's would probably prefer a bigger store than can be achieved in Crosby.

The quality of the shopping experience is exactly what the customer expects from a modern foodstore and therefore, if the store is to compete effectively within other stores elsewhere in Sefton it must be able to offer a similar choice and experience. All of our previous survey research has demonstrated that the Asda store at Aintree has dominated shopping patterns in the South of the Borough because of its size, range of goods and its location.

The same applies to the Tesco in Southport [in north Sefton](#) which again dominates shopping patterns because of its size, range of goods and location. Therefore, size is a critical factor in ensuring that a foodstore can be competitive when trying to capture market share and meet the needs of its customers. As a result, if the size of the store was to be reduced, then so would the range of goods, the quality of the shopping experience and the ability of the store to compete with others.

Furthermore, the foodstore will act as the anchor to draw people into the centre. Therefore, the stronger the anchor the stronger the future vitality of the centre. Good examples of this include the Asda redevelopment at Huyton where a compromised Asda store (which was overtrading) was redeveloped to provide a bigger Asda store to meet the needs of the community and act as the key anchor for Huyton.

Once developed, the Asda (which is much bigger at 14,795 sqm) brought about significant improvements in the rest of Huyton Town Centre and the old store was redeveloped to deliver a scheme known as Cavendish Walk. This attracted key operators such as Wilkinsons, New Look, Select, Claires, Costa Coffee, Carphone Warehouse. etc. All of these operators would not have come without the redevelopment of Asda and the fact that the new store acts as a key anchor and attractor.

Another major factor to consider is the significant costs involved in developing town centre sites including land assembly, demolition, highways improvements, etc. In order to support these significant costs, there has to be a significant improvement in the quality of the store for the operator.

Therefore, if the store is significantly reduced in size (say by a third) then the operator would have to assess whether it was worth the significant investment for such a small gain and the fact that they will end up with what they consider to be a compromised store. In this case I think there would be little benefit in Sainsbury's improving the size of their store slightly given the

significant investment required to deliver the scheme. Any simple 'cost/benefit analysis' would lead Sainsbury's to conclude that the significant investment was not worth the return.

Comprehensive redevelopment within centres (such as Crosby) only tends to come along once in a generation. Therefore, the store that Sainsbury's are seeking to achieve is not just to serve the needs of the community today but to ensure that it is viable and attractive for the next 20 to 30 years.

If a store is built that is too small to meet those needs then further development will need to take place to resolve this in the future either through an extension or reconfiguration of the store. Such an ad hoc approach would not benefit the future vitality and viability of the town centre as a whole and would not deliver a comprehensive solution for the redevelopment of Crosby."

The Planning and Economic Development Director would fully endorse this assessment and it is considered that the approach to providing a foodstore is entirely appropriate and compliant with the key policies of the Sefton UDP and advice contained in PPS4.

The original comments of the retail consultants are also attached.

## **HIGHWAYS MATTERS**

### **Highways Development Control comment further as follows:**

Following a series of meetings and discussions between Savell, Bird & Axon and Sefton Council, a number of issues were highlighted with regards to the previously submitted comments from the Assistant Director of Transportation and Development and amendments have now been suggested as follows.

#### **Richmond Road Access**

A further extensive analysis of the proposed vehicular access on Richmond Road has been undertaken, following the suggestion within the original comments for this junction to be signal controlled. The analysis clearly highlights that the introduction of a signal controlled junction on Richmond Road would result in queue lengths encroaching onto the roundabout junction. As it has been previously demonstrated that the introduction of an uncontrolled vehicular access on Richmond Road allows the highway network to operate within its capacity, it has been agreed that the proposed vehicular access on Richmond Road is to remain as a priority junction in accordance with the submitted drawings. The left turn egress onto the by-pass is also to remain as shown upon the original drawings.

#### **Islington/Coronation Road/Church Road Junction**

It is agreed that there will be a controlled pedestrian crossing in this location.

Further modelling work by the applicant's advisors of this part of the network has indicated that retention of the roundabouts with partial signalisation on the Islington approach, including the incorporation of facilities for pedestrians and cyclists, may result in a more efficient overall operation on this part of the network than a scheme of full signal control. An appropriate amendment to the schedule of highway improvements is

therefore required which also provides flexibility for the Highway Authority to optimise these improvements as part of the detailed design process.

### **Residents Only Parking Scheme**

It has been agreed with the applicants and their transport advisors that the S.106 Agreement will need to deal with the introduction of a residents only parking scheme. The study will extend over a large residential area around the village. The proposed streets are listed under the heading 'Section 106 Requirements'.

Such a scheme should only be implemented where it can be fully justified that the proposed development has become a direct catalyst for the material increase in the level of on street car parking within the surrounding streets and therefore, a pre and post development study of on-street parking will be undertaken in the surrounding area. Sefton Council has identified and agreed the extent of the study area. The study would be funded by the S.106 Agreement. The S.106 Agreement would also make provision for the funding of a residents only parking scheme if as a result of the study material, increases in on-street parking arising from the redevelopment.

### **Cycling**

Following a further review of the conditions relating to cycling, it has been agreed to remove the proposal to allow cycling within the pedestrian area and the contra flow cycle facility along Alexandra Road on the grounds of highway safety.

However, a number of other suggested measures are to be implemented to improve cycle access to and from the site as follows:

- \* A cycle parking strategy such that cycle parking is available at all off the entrance points to the town pedestrianised area, including the pedestrian entrance on Richmond Road;
- \* Undercover cycle parking is already indicated on HCD's layout these being located beneath the store building;
- \* Improved crossing facilities and links between Cooks Road and Alexandra Road and the pedestrianised Liverpool Road (dropped crossings);
- \* Provision of access from the Liverpool Road/The Bypass junction to the pedestrian section of Liverpool Road (dropped crossing);
- \* Toucan crossing facilities at Islington as indicated in SBA dwg no. N81418/SK19A linking to a contra flow cycle facility along Church Road linking to the town centre pedestrianised area;
- \* Provision of a shared use cycle route along the development side of The Bypass between the Moor Lane roundabout and the proposed new signal controlled crossing - this is currently being looked at in liaison with the landscape consultants;
- \* Secure staff cycle parking adjacent to Unit 7 of the proposed development.

### **Taxi Provision**

With regards to the provision of taxis to the development, Sainsbury's have now submitted revised drawings (plans P60 Rev N Ground Floor and P61 Rev H First Floor)

showing the provision of both hackney and private hire provision, which is acceptable. These plans include : -

- \* A hackney carriage taxi rank for 4 cabs within the First Floor car park area close to the store customer entrance to directly serve the store;
- \* A hackney carriage taxi rank for 4 cabs (as extended) on Richmond Road to serve the store and rest of the town centre during the daytime;
- \* A hackney carriage evening taxi rank on the proposed service access road for 4 cabs, which will also assist night time surveillance and therefore security;
- \* A drop off/pick up area for mini-cabs adjacent to the main customer entrance at the bottom of the travelators (the plan indicates that a car can reverse out of the affected disabled bays without affecting the bay).
- \* Retention of the existing 2 cab taxi rank on The Green.

### **A565 Route Management Strategy**

The total cost of implementing the proposed recommendations within the A565 Route Management study corridor amount to £1.2M (estimated) plus 10% fees, totalling £1.32M. Generally, all of the proposed improvements are within a 2-3 mile radius of the proposed Sainsbury's development.

The effect of the additional traffic upon the highway network associated with the proposed Sainsbury's development, whilst minimal but nonetheless utilising the existing capacity in broad terms is in the region of 6 percent and as such, a s106 contribution of £79,200 should be sought from the developer to contribute towards the works.

For clarity, Schedule 1 which relates to condition 13 for the off-site highway improvements is amended and condition 14 is altered as per the heading "Amendments to Planning Conditions".

### **Section 106 Requirements**

A565 Corridor Improvement Strategy - a £79,200 contribution towards the implementation highway works identified within the strategy.

Residents Privileged Parking Scheme - subject to the results of pre and post development surveys (to be undertaken in accordance with an agreed methodology), the applicant will be required to fund the implementation of a Residents Privileged Parking Scheme (including legal procedures, advertising, traffic signs and carriageway markings and enforcement for at least 10 years. The area provisionally identified includes the following roads:-

Albert Grove, Alexandra Road, Cambridge Avenue, Carlton Terrace, Century Road, Church Road, Claremont Terrace, Cooks Road, Coronation Road (part), De Villiers Avenue (part), Durban Avenue, Enfield Avenue, First Avenue, Harrington Road, Hornby Street, Islington, Kilnyard Road, Kings Road, Little Crosby Road (part), Liverpool Road (part), Liverpool Road (part)  
Lune Street, Manor Road (part), Mayfair Avenue, Miller Avenue, Moor Drive, Moor Lane (part), Moorland Avenue, Princes Avenue, Queens Road, Richmond Road, Scape Lane,

Second Avenue, Shaftesbury Road, St. Luke's Road, The Bypass, The Byway, The Northern Road (part), Third Avenue  
Vale Road, Vermont Avenue, Vermont Road, Victoria Road, Willow Way,  
Windsor Road, York Avenue, York Road.

18 Rossett Road has written commenting further on the Transport Assessment and technical note, but the comments raised relating to a perceived inadequacy in the level of survey work are not considered to give rise to further requirements in respect of detailed assessment and the Highways Development Control team confirm that the submitted assessments are acceptable and have further been subject to independent appraisal on behalf of the Council's own transport consultants.

## **DESIGNING OUT CRIME**

The Council's Community Safety team have commented on CCTV provisions.

The Council made existing CCTV investment in the year 2000. The system comprises of six pan tilt & zoom colour cameras with an original operational requirement primarily to deter car crime from the three Council owned car parks, and incidence of disorder in the pedestrianised area.

The capital cost of the scheme was in the region of £150,000 which included a certain amount of infrastructure in the provision of a private fibre circuit connecting the cameras to a hub collector by the George P/H and thereon by BT fibre to Sefton Security Hq's and the Police Control Room at Marsh Lane, Bootle. As you must appreciate a considerable amount of revenue has also been expended since the system became live in May 2000 in terms of maintenance, BT line rental and not least monitoring.

It is agreed that this investment is worthy of continuing within the scope of the new development and for it to be complementary to any security requirements/systems Sainsbury's specify.

However it is unfortunate that this scheme is due to go ahead when budgetary constraints and funding within the Local Authority is under such intense pressure that any match or support funding to contribute to any proposed works would be extremely difficult to find or justify. Clearly, within the plans, certain car parking provision is being relocated which will require the repositioning of at least two cameras.

I would consider that to replicate the Crosby CCTV system at today's costs would be in the region of £200,000. My opinion would be that a sum of £50,000 would not be unrealistic in order to facilitate the relocation, repositioning or remounting of existing identified cameras together with any remedial work required to ducting, fibre provision, power supplies and other contingencies to meet a 2010/11 operational requirement."

In the light of the above, it is considered that whilst this issue has arisen late in the day, the Draft Heads of Terms should be amended to require that the applicant provides a separate commuted sum payment of £50,000 to be offset towards the meeting of immediate operational requirements as set out above.



## **HEADS OF TERMS**

The recommendation to approve is subject to the completion of a Section 106 Agreement to secure the following:

- Tree contribution of £196,019,
- Public greenspace contribution of £143,450,
- A mosaic to the south elevation of retail unit 6 (overall value £30,000), to be subject of organised design competition,
- Contribution of £50,000 towards relocation, repositioning and remounting of existing cameras as a result of the proposed development,
- Contribution towards A565 Corridor Improvement Strategy - a £79,200 contribution towards the implementation of highway works,
- Scheme to secure Residents Privilege Parking (RPP) as necessary following pre-development and post-development surveys, and
- Agreement that the applicant to manage community building for minimum 5 year period and that the Council will assume no liability following that period.

A separate Section 278 Agreement will also be required for other off site highway works.

## **AMENDMENTS TO PLANNING CONDITIONS**

### **Conditions 9, 10 and 11**

Delete from the first sentence of each condition “In the event that contaminated land is identified”.

### **Condition 13**

#### **Schedule 1 to which the condition relates is amended as follows:**

- a. Closing off the redundant vehicular accesses on Richmond Road and reconstruction of the footway/verge;
- b. Alteration of the existing vehicular access on Little Crosby Road and reconstruction the footway/verge as necessary;
- c. Construction of new vehicular accesses on Richmond Road and a scheme of works to alter, realign and widen Richmond Road, to allow the introduction of a designated right turn lane into the proposed main vehicular access;
- d. Construction of uncontrolled pedestrian crossing facilities and the improvement of the pedestrian refuge at the junction of Richmond Road and Little Crosby Road;
- e. Reconstruction of the footway on the south side of Little Crosby Road between the vehicular service entrance and the roundabout junction with Islington and Cooks Road;

- f. Alteration and improvement of the existing bus facilities on Islington to accommodate provision for bus layover and new bus stop facilities including new bus shelters, access kerbs, footway improvements with uncontrolled pedestrian crossing facilities, and enhanced 'bus stop' carriageway markings;
- g. Introduction of improvements to the junction of Islington/Coronation Road/Church Road, including the provision of traffic signals designed to enhance facilities for pedestrians and cyclists;
- h. Introduction of traffic signal controlled pedestrian and cyclist facilities north of the existing vehicular service access on The By-Pass;
- i. Introduction of a vehicular access on The By-Pass designed to allow vehicles leaving the site to turn left only and the introduction of pedestrian facilities in the form of flush kerbs and tactile paving;
- j. Construction of a new vehicular access on The By-Pass designated for service vehicles only, with pedestrian facilities either side of the access in the form of flush kerbs and tactile paving and a designated pedestrian route across the vehicular access;
- k. Introduction of uncontrolled pedestrian facilities in the form of flush kerbs and tactile paving at all the arms of the roundabout junction of The By-Pass/Richmond Road/Moorland Avenue/The Northern Road/Moor Lane;
- l. Introduction of two bus stops, one on each side of The By-Pass adjacent to the site, including 'half laybys', access kerbs, new footway areas, enhanced 'bus stop' carriageway markings and bus shelters;
- m. Introduction of a bus stop on the south side of Richmond Road adjacent to the site, including access kerbs, new footway area, enhanced 'bus stop' carriageway markings and bus shelter;
- n. Introduction of uncontrolled pedestrian facilities in the form of flush kerbs and tactile paving across Cooks Road and Alexandra Road;
- o. Introduction of a shared use pedestrian/cycle route along the north side of The Bypass between the new traffic signal controlled pedestrian and cyclist facilities and the roundabout at The By-Pass/Richmond Road/Moorland Avenue/The Northern Road/Moor Lane;
- p. Introduction of a lay-by for use by 'hackney carriage vehicles' on the south side of Richmond Road adjacent to the site including associated traffic signs and carriageway markings;
- q. Introduction of traffic signal controlled pedestrian facilities across Richmond Road in the vicinity of Avon Court;

**Condition 14 is amended as follows:**

Unless otherwise agreed in writing, the development shall not be brought into use until the following Traffic Regulation Orders (TRO's) :-

- to prohibit 'right turns' out onto the Bypass at the exit from the car park
- to prohibit U-turns on the Bypass;
- to introduce waiting/loading restrictions on all roads in the immediate vicinity of the development site;
- to introduce taxi ranks within the development site and the immediate vicinity;
- to introduce controls on all off-street car parking areas within of the development site; and,
- to introduce bus stop/lay-over facilities on roads in the immediate vicinity of the development site;

have been implemented in full.”

**Condition 20:** The plan number is P66H.

**Condition 32:** The plan number is P77A.

**Condition 41:** The FRA reference is Risk Assessment Release 4.0 received by the Council on 2 August 2010.

**Condition 43:** The plan number is P60N.

**Condition 44:** The plan number is P77A.

**Add conditions as follows:**

- a) Prior to the commencement of development, full details of the proposed measures to ensure that all mud and other loose materials are not carried on the wheel and chassis of any vehicles leaving the site and measures to minimise dust nuisance shall be submitted to an agreed in writing with the Local Planning Authority.
- b) The approved details shall be implemented throughout the period of construction unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

- a) Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
- b) The provisions of the Construction Traffic 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 CS3 and AD2 in the Sefton Unitary Development Plan.

- a) Development shall not begin until a surface water drainage scheme for the site including details of how the scheme shall be maintained and managed after completion, has been

submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

- b) The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system pursuant to EP7 - Flood Risk of the Sefton UDP.

### **APPROVED PLAN NUMBERS, ACCOMPANYING DOCUMENTS**

ARCH/2008-023 P51C, P52B, P53\*, P54\*, P60N, P61H, P62A, P63E, P64B, P65\*, P66H, P67C, P68A, P69B, P70F, P71B, P72, P73B, P74\*, P75\*, P76\*, P77A, P78A, P80E, Multi Storey Car Park elevation received 17 June 2010.

Tree Survey and landscaping plans 735-01 (2 parts), 02E, 03\*, 04B, 05\*, 06\*.

Air Quality Assessment received 12 March 2010 and addendum report

Design Appraisal received 12 March 2010

Development Framework received 12 March 2010

Drainage Strategy Statement received 12 March 2010

Ecological Assessment received 22 March 2010 and update received 17 June 2010

Environmental Noise Impact Assessment received 17 June 2010

External Lighting Assessment received 12 March 2010

Flood Risk Assessment (Risk Assessment Release 4.0) received 2 August 2010 (electronic copy)

Keeping Crosby Trading report received 12 March 2010

Planning and Retail Statement received 12 March 2010

Renewable Energy and Energy Efficiency Statement received 12 March 2010

Transport Assessment and appendices received 12 March 2010, supplementary technical appraisal June 2010.

Utilities Statement received 12 March 2010.

Received by Sefton Council Planning & Economic  
Regeneration Department - Bootle Office  
Date  
Scanned by: 17 AUG 2010

2 Marine Terrace,  
Waterloo,  
Liverpool,  
L22 5PR

16<sup>th</sup> August 2010

Mr. Andy Wallis,  
Planning and Economic Regeneration,  
Magdalen House,  
30 Trinity House,  
Bootle,  
L20 3NJ

Dear Mr Wallis,

**Sainsbury's Planning Application S/2010/0350 and Scale and Design Quality**

On behalf of the 'ABetterCrosby' group, we write to notify you of our disagreement with your department's Recommendation to Approve application S/2010/0350.

The Justification states **'The proposals are fully compliant with the development plan and with national planning policy...'**

As described in my letter of 14<sup>th</sup> April, we do not accept the proposal is in accordance with certain Unitary Development Plan policies.

UDP policy R6, [http://www.sefton.gov.uk/pdf/PERD\\_UDP%20-%20Chapter7.pdf](http://www.sefton.gov.uk/pdf/PERD_UDP%20-%20Chapter7.pdf) states that;

**'Development will be permitted provided that (c) the proposal is appropriate to the scale, role and function of the Centre'.**

Additionally Policy R1 states;

**'All retail development....should provide ...(b) a choice of convenience shopping in District and Local Centres appropriate in scale and kind to the role and function of each'.**

Policy DQ1 [http://www.sefton.gov.uk/pdf/PERD\\_UDP%20-%20Chapter16.pdf](http://www.sefton.gov.uk/pdf/PERD_UDP%20-%20Chapter16.pdf) states that;

**'Development will not be permitted unless: In relation to site context:**

- (a) the proposal responds positively to the character and form of its surroundings**
- (b) in areas of lesser quality the development enhances the character of the area rather than preserves or reproduces the negative aspects of the existing environment. In relation to site design, layout and access:**
- (c) the arrangement of buildings, structures and spaces within the site relates positively to the character and form of the surroundings, achieves a high quality of design and meets all of the following criteria:**
  - (i) ensures safe and easy movement into, out of and within the site for everyone, including those with limited mobility;**
  - (ii) protects the amenity of those within and adjacent to the site;**
  - (iii) promotes the safety and security of those within the site whilst the safety and security of those outside it should be promoted through natural surveillance;**

**(iv) creates attractive outdoor areas which fulfil their purpose well;  
(v) follows sustainable development principles in design and construction  
wherever practicable.'**

This policy is further reinforced by SPG 'Design', which explains the importance of good design, and in paragraph 7d) notes that you may refer significant applications to the Commission of Architecture and the Built Environment (CABE).

Within the Report to Committee for the current application paragraph 6.29 'Design Concerns' makes little meaningful contribution to the matters of policy.

Paragraph 8.14 notes that the scheme has been put to the North West Design Review Panel 'Places Matter', a regional organisation affiliated with CABE. In this case we understand a 'Design Review' formal report was produced. In the interests of accountability and transparency we would request any such 'Design Review Report' be published and made available at Planning Committee on 18<sup>th</sup> August, as we would expect it to directly address the policy issues identified, with expert independent opinion.

Paragraph 8.14 states

**'The scheme has also been put to .... 'Places Matter', who following consideration of a series of options, have offered broad support to the scheme on the basis of their understanding that the scheme has a range of wider objectives that go beyond the sheer scale of the proposals in their own right.'**

We dispute this statement.

Case officer Steve Faulkner provided myself with a copy of the Places Matter Report 'Sainsbury's, Crosby Enabling Report' dated 26<sup>th</sup> January 2010, and reading it, we do not believe it 'offers broad support to the scheme'.

Rather, as an 'Enabling Report' it attempts to suggest positive ways forward with what is a very difficult application. Rightly the report supports the principle of investment by Sainsbury's in a major new supermarket, as ABetterCrosby also does, but it clearly identifies areas of difficulty with planning policy. Rather than rely on the interpretation of the Planning Department, we would request the Enabling Report, along with any Design Review Reports are copied to Planning Committee members for their own appraisal.

Referring to the previous Design Review the Enabling Report states –

**'Fundamental concerns were raised through the design review process regarding the size of the store. If addressed, these concerns would result in amendments to the proposal which would not be operationally or therefore commercially acceptable to Sainsbury's'**

We would note that neither operational nor commercial matters are material considerations for planning, and whilst overall economic benefit is an issue a slightly smaller new store would still provide the economic benefit, without the negative impacts which conflict with UDP policy. It is only Sainsbury's very firm approach which is forcing the issue to the unfortunate position we are now all in. We remain of the view that policy takes priority over Sainsbury's statement of operational/ commercial acceptability, which looking at the range of Sainsbury's current developments across the UK can be strongly disputed.

We highlight other relevant paragraphs of the Places Matter Enabling Report –

**Whilst the proposal is generally in the spirit of this policy and will play a crucial role in improving the viability of the centre, a view will need to be taken on whether the scale of the proposal is appropriate for the centre. This is one of the key tests under Policy R6.**

**The principal design policy against which the proposal will be assessed is Policy DQ1. Emphasis is placed here on the need to respond positively to local context in terms of character and form. Emphasis is also placed, in areas of lesser quality, on the need to improve the quality of the local environment. Whilst there are more detailed criteria under this policy, it is the scale and form of the proposed development when viewed against the existing structure of the centre and the arrangement of streets and routes that seems to be the principal issue.**

**The proposed store will sit over the long established alignment of Moor Lane..... This change to the urban morphology of Crosby would be a very significant development in its evolution and one that cannot be said to represent an improvement in terms of its urban form. The negative impact this proposal will have on the form of the centre will therefore need to be balanced against the wider benefits the new store will bring to Crosby centre.**

**Richmond Road remains an environment dominated by vehicular access and parking. The bulk of the store will be positioned over ground floor parking which is unlikely to create a pleasant pedestrian environment along Richmond Road although proposed landscaping measures may help a little.**

**With the townscape analysis identifying such large areas of poor quality environment, it is unfortunate that the proposal involves the loss of some of Crosby's best townscape assets through demolition and yet does not address some of the key weaknesses of the centre identified in the supporting analysis.**

**However, given the constraints of the centre, it seems these issues can only be addressed through a smaller store.**

**If the investment was not secured, the centre's future would be bleak. With the planned investment, the sustainability of the centre's future is far more secure. The economic benefits of the proposed investment cannot be underestimated. It is here that the relative importance of relevant shopping and design policy clash – a view must be taken on their relative and respective importance.**

**In reviewing the proposals, one must assess whether there are other solutions to the need to accommodate a much larger store in the centre.**

We understand that the proposal made by Places Matter is considered unacceptable to Sainsbury's, and we can understand why. However the proposal we have put forward, and discussed with you at some length when we met last week, is a robust and viable option, and one that, considering the vast array of very negative impacts of the current proposals, we believe should be considered before determining the current application.

Key among the negative impacts of the current proposal is the removal of at least 16 active businesses from Moor Lane, including many independent local businesses, with the loss of about 100 existing jobs, plus 20 volunteering positions. As many of the affected businesses are local and include managers and directors jobs, the economic

benefit of these businesses is notable as they keep money in the local economy. This loss of employment is not addressed in your report, and negates your justification statement –**'It will provide a much needed .. boost to the local employment sector.'**

Returning to our suggested alternate proposals, we understand they are not a directly relevant consideration to the current application. However they provide important context as we believe the current application is not UDP policy compliant and any approval of it could be subject to Judicial Review, primarily, but not only, against policies R6 and DQ1. We are seeking legal advice on these matters.

On this basis, and with reference to our previous letter regarding Core Strategy / Emerging Policy, we continue to seek the deferment of the current proposals to seek a solution that will still greatly benefit Sainsbury's, but also independent local traders and the wider community of Crosby for many years to come.

I look forward to your reply.

Yours sincerely

Jamie Scott  
ABetterCrosby

Cc  
Mr Jim Alford, Planning  
Mr Steve Faulkner, Planning  
Cllr Papworth – S & O (Regeneration) Committee  
Cllr Maher – Regeneration  
Cllr Robertson – Leader  
Ms Margaret Carney – SMBC Chief Executive  
Mr Bill Esterson, MP



Sue Tyldesley  
Planning & Economic Regeneration Department  
Magdalen House  
30 Trinity Road  
Bootle  
L20 3NJ

26<sup>th</sup> January 2010

Dear Sue

**RE: Sainsbury's, Crosby Enabling Report**

***Purpose of these comments and the wider context***

Sainsbury's redevelopment proposals for Crosby Centre have been prepared in partnership with Sefton Council. There have been two stages of formal design review with Places Matter! – initially at a pre-application stage and more recently associated with a more advanced design scheme. In addition, from the information provided it is clear that there has also been some public consultation. Fundamental concerns were raised through the design review process regarding the size of the store. If addressed, these concerns would result in amendments to the proposal which would not be operationally or therefore commercially acceptable to Sainsbury's. This third stage input from Places Matter! seeks to embrace the planned investment in Crosby that a new Sainsbury's store would deliver and looks at the issues associated with accommodating a store of this size in a centre the size of Crosby.

Crosby residents have a wide choice of supermarkets within a 15 minute drive of their centre. Tesco have traded from a large store on the outskirts of Formby (approx 6 miles to the north) for a number of years following a move out of Formby Village centre itself. Their former town centre store is now occupied by Waitrose. Tesco have also recently opened a very large 24 hour out of centre store on a former industrial site in Litherland (approx 4 miles south-east). ASDA have a large format out of centre store in Aintree (approx 5 miles east) and have also recently opened a large new 24hr store on a site adjacent to Bootle town centre. Tesco have recently reformatted their town centre store within the Bootle New Strand shopping centre (both approx 4 miles south). Sainsbury's also have a long established store in the heart of Southport town centre.

In this context, every effort should be made to support Sainsbury's desire to invest in Crosby town centre and retain their position as the anchor food retailer serving the local communities of Crosby, Great Crosby, Blundellsands, Waterloo and Thornton.

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Should Sainsbury's not be able to expand within the town centre, there is a danger that the investment Sainsbury's are planning to make will be directed elsewhere. Such an outcome would undoubtedly harm the vitality and viability of Crosby centre.

### ***The policy position***

The viability of the commercial centre of Crosby is crucial to the sustainability of the wider village and neighbourhood as a whole. Crosby is identified as a District Centre in the Sefton UDP – and therefore at the same level in the retail hierarchy as Formby, Waterloo and Maghull. Southport and Bootle are designated as larger Town Centres. The proposal will be considered against retail Policy R6. Whilst the proposal is generally in the spirit of this policy and will play a crucial role in improving the viability of the centre, a view will need to be taken on whether the scale of the proposal is appropriate for the centre. This is one of the key tests under Policy R6.

The principal design policy against which the proposal will be assessed is Policy DQ1. Emphasis is placed here on the need to respond positively to local context in term of character and form. Emphasis is also placed, in areas of lesser quality, on the need to improve the quality of the local environment. Whilst there are more detailed criteria under this policy, it is the scale and form of the proposed development when viewed against the existing structure of the centre and the arrangement of streets and routes that seems to be the principal issue.

It is clear that the key tests under both Policy R6 and Policy DQ1 (ie, that the scale of the proposal is appropriate for the centre and that the scale and form of the proposal relates positively to the character and form of the existing environment respectively) are linked. One relates principally to the quantum of retail floorspace proposed and the other to the physical form this volume will take.

The Council is preparing their LDF Core Strategy and the initial consultation papers associated with this indicated that the future of the Sainsbury's store within the centre is the single biggest issue facing Crosby centre. Some work has been done to assess the need and capacity for new retail development across the Borough which will inform the LDF. It is also relevant that the Council are in the process of commissioning a detailed retail study as part of the evidence base work associated with the preparation of the Core Strategy. White Green Young Planning have recently undertaken a series of studies seeking to assess the relative health of the Borough's commercial centres. Key messages that emerge from this work include the fact that Crosby centre has suffered significant loss of trade since the opening of two large out of centre stores (Asda in Aintree and Tesco in Formby). Notwithstanding this, the store remains popular locally and is still overtrading at a very considerable level.

### ***The size of the retail store***

The Development Framework document prepared by Turley Associates in support of the development proposals states that the core requirement is for a new store of a minimum size of 50,000sqft. This is likely to result in a store of approximately 75,000sqft gross. It is understood that the current store has an approximate net sales area of 17,000sqft and an approximate gross floor area of 36,000sqft. The new store therefore represents a radical uplift in the total sales area of the store and is likely to represent a relatively large store for Sainsbury's in terms of their typical store formats.

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### *The analysis*

The analysis accompanying the proposals looks generally well considered and demonstrates a good understanding of the main issues facing the centre generally and the proposal specifically. The weak edges and poor environmental qualities along Richmond Road, The By-pass and Islington are identified.

The centre does have some qualities which are directly relevant to the proposal. The substantial Victorian villas and associated mature trees at the eastern end of Moor Lane have historic townscape value which, notwithstanding their current poor state of repair, contribute positively to the character of the area. In addition, the townscape quality created by the streets and buildings in the heart of the centre and most particularly at the Liverpool Road approach is also an asset.

In controlling the quality of major redevelopment proposals, it seems reasonable to seek to ensure that change on the scale proposed should address these characteristics of the centre – both positive and negative.

Informed by a review of the analysis supporting the proposal and a site visit, a number of issues emerge which should be addressed by any major redevelopment:

### *The Edges*

**Richmond Road** – this is a very poor urban environment with no activity or address along its length. The street is over-scaled with very wide carriageways, no grass verges and no enclosure or built edges. There are significant opportunities to narrow the width of the road either visually or physically. This could be done in a number of ways – through the creation of built and active frontage, through the actual narrowing of carriageways and other landscaping improvement such as tree planting and improved crossing facilities.

**Islington** – whilst hosting a number of key community uses, Islington is an environment dominated by and designed specifically for the cars and buses. It is a hostile and unwelcoming place for pedestrians. There is an awkward double roundabout at the southern end and an over-sized roundabout at the northern end.

**The By-pass** – this is part of the main route between Liverpool and Southport and is a busy road. Travelling north on Liverpool Road is perhaps the key approach to the centre leading to a signal controlled junction. The By-pass itself has no crossing facilities along its length between the lights and the Moor Lane roundabout. The Crosby centre side of the road presents an unattractive backland scene of parking and service yards. However, the environment is softened by grass verges along the roads length and views across the neighbouring cemetery.

### *The Centre*

The pedestrianised core of the centre is pleasant although the public realm is generally in need of investment and upgrading. The buildings are not special in themselves but they create and define a pleasing townscape. The busiest part of the centre is near the entrance to Sainsbury's although the townscape quality and form of the store itself is very poor. The current store terminates Liverpool Road across the

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historic alignment of the link with Manor Road to the north. However, the store contributes no ground floor street activity other than the footfall it generates.

Moor Lane is host to a variety of small independent and national stores in low key commercial terraces of variable character and quality. Victorian terraces give way to later lower terraces with some pleasing art-deco qualities. Further east, more modern retail and office accommodation prevail with very little townscape quality other than the active street frontage that they respect. The large Victorian Villas sit adjacent to but separate from the main centre. Whilst in a poor state of repair, these properties do have considerable townscape qualities. A similar villa on the opposite site of Moor Lane is in good condition and in use as a vets'.

### ***Townscape assessment of development proposals***

It is clear that a good deal of work has been done exploring different store configurations. This analysis has led to the conclusion that the proposed store location is the only one that results in a viable store size and layout. Urban form and context are the key design issues to be addressed under adopted development plan policy.

### ***Urban form and structure***

The proposed store will sit over the long established alignment of Moor Lane. This results in the eastern side of the centre being amalgamated to form one much larger development parcel. This change to the urban morphology of Crosby would be a very significant development in its evolution and one that cannot be said to represent an improvement in terms of its urban form. The negative impact this proposal will have on the form of the centre will therefore need to be balanced against the wider benefits the new store will bring to Crosby centre. An ungraded route across the centre between The By-pass to Richmond Road is created. However, this route is principally a function of the size of the store rather than a response to the opportunity to make a useful and beneficial connection. In terms of scale – height and massing – the proposed scale of new buildings seems generally acceptable for this town centre location.

The new store would require considerable demolition within the centre. Whilst the modern buildings at the eastern end of Moor Lane have the least townscape merit of any in the centre, the Victorian villas do positively contribute to the character of the area, as do the art-deco commercial buildings. It is also notable that the existing store will be required during construction to ensure continuity of trade. The store will then be converted to other commercial uses.

### ***Urban edges***

In terms of the impact of the new development on the key edges to the centre, The By-pass will be marginally improved through the creation of some enclosure and at the eastern end and the potential for a new pedestrian crossing. The informal areas of car parking and service yards will be replaced by the side elevation of the store, an improved service area and the creation of an upgraded pedestrian route to Moor Lane.

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Richmond Road remains an environment dominated by vehicular access and parking. The bulk of the store will be positioned over ground floor parking which is unlikely to create a pleasant pedestrian environment along Richmond Road although proposed landscaping measures may help a little. A new route lined with small retail units will improve the accessibility to the centre from this side of Crosby although the alignment of this new route is a function of the shape of the store rather than any desire line. Islington remains a location for buses and cars with improvements in bus stop facilities and a multi-storey car park on the site of the surface car park.

With the townscape analysis identifying such large areas of poor quality environment, it is unfortunate that the proposal involves the loss of some of Crosby's best townscape assets through demolition and yet does not address some of the key weaknesses of the centre identified in the supporting analysis. Richmond Road and Islington will remain car dominated environments lacking in any sort of activity at ground floor level.

However, given the constraints of the centre, it seems these issues can only be addressed through a smaller store. Keeping Moor Lane open has been explored in the evolution of the proposal and does not result in a workable store format. Providing activities to Richmond Road would also compromise the size of the store and reduce the space given over to parking. The Richmond Road frontage is north facing and not suited to single aspect residential accommodation. The most suitable uses for this frontage would be small scale offices or community uses, with the latter perhaps being most suitable in the context of this proposal. The retention of the Victorian Villas would also impact directly on the size of the store and the car parking provided although many of the options considered looked at other replacement uses in this location so their retention may be possible. In the right hands, these buildings would appear to have more life in them and would be suitable for conversion into a variety of uses. However, an independent assessment has been made of the contribution they make to the town centre which has concluded that they have an awkward relationship with the commercial centre. If the store is to be developed in the proposed location and the alignment of Moor Lane shifted as proposed it could be argued that this land will only become more marginal. This parcel of land is effectively being used to screen the service yard. This approach has some merit, but great care will need to be taken in ensuring the quality of the replacement buildings proposed are appropriately high. Richmond Road should benefit from some frontage from the redevelopment of this site and important trees should be retained where possible.

### ***Policy priorities***

These important townscape issues must be assessed against the shopping policy objectives of needing to improve the vitality and viability of the centre through investment and improvement in the quality of the shopping offer. If the investment was not secured, the centre's future would be bleak. With the planned investment, the sustainability of the centre's future is far more secure. The economic benefits of the proposed investment cannot be underestimated. It is here that the relative importance of relevant shopping and design policy clash – a view must be taken on their relative and respective importance. Given the fundamental viability issues at stake, it seems that the need to secure investment must prevail, and then that all is done to ensure that new development is of the highest quality possible in its context.

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### **Alternative approaches**

In reviewing the proposals, one must assess whether there are other solutions to the need to accommodate a much larger store in the centre. The wider area around Islington might have presented a location worthy of consideration for the new store although such an approach would require considerable highways work and potentially the use of adjacent land parcels. However, the existing surface car park, very wide carriageway and over-sized roundabout together with the adjacent land parcels look capable of accommodating a store of comparable size to that proposed. If the loss of the roundabout would have caused problems to bus routing, the reopening of Liverpool Road within the centre to one way bus operation could be considered. This would improve service penetration into the centre, although there would naturally be drawbacks for the pedestrian environment. The advantages of a new store in this location would have been that the structure and form of the centre would have remained in place and the car dominated environment of Islington would have been addressed and improved.

### **The benefits of a development brief**

The application site is clearly a key strategic site for Crosby and the Council. Whilst there has been some quite detailed masterplanning done on the site initiated by the previous owners, ideally the Council themselves would have a more refined policy and development position on the future of the site. This could be achieved through the preparation of a development brief for the site, particularly given the significant land ownership interest the Council holds in Crosby centre.

A development brief for this key site would have helped in fully engaging all the relevant and key stakeholders. It could have been prepared in partnership with Sainsbury's and the local community. It could have been adopted by the Council and supplemented the relevant planning policies. It would have helped ensure that the approach and options development were driven by the assets and opportunities presented by the site and the appetite to invest in the centre. It would also help with the application of the sequential test in terms of retail planning and make it more difficult for retailers to justify the need to go off centre. In doing so, it would help in the preparation of the Core Strategy and wider LDF.

It may however not be considered appropriate at this point in time to resolve to prepare a brief for the site. Indeed many of the key steps that would have taken place in the preparation of such a brief have been progressed as part of the preparation of the planning application. However, this approach is not led by the public sector and, however robust, will always therefore be open to criticism that it is designed to deliver a pre-determined outcome.

### **Conclusions**

Generally, the planned investment in Crosby must be embraced and welcomed – and that must be the overriding response to these proposals. The alternative is a failing centre with more people using the out of town alternatives in an increasingly unsustainable way.

However, there are a number of concerns regarding the approach taken which should be considered and, ideally, addressed. These are outlined below:

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- **Islington area** - before detailed comments are given on the proposal as submitted, there may be some merit in exploring the opportunity to locate the new store on the land between Islington and Liverpool Road. Such an approach would require reconfiguration of the highways and additional land currently used by the church, but too much land here is given over to highways, including the over-sized roundabout. A prominent Liverpool Road frontage for a new store could be secured if movement and bus service issues were addressed. There may also be some merit in considering opening Liverpool Road up to one-way bus services.
- **Richmond Road** - in terms of the proposal itself, the Richmond Road edge is not being improved. Whilst there will be some enclosure from the built edge of the store, all that will be visible will be a parking area beneath the store. Given the fundamental changes to the urban structure being proposed and the depth of the new block being created, there is scope to introduce new non-residential uses (community) to provide ground floor activity. The newly introduced non-food retail units along the proposed New Moor Lane shows the minimal impact new frontage to public routes can have. In addition, the junction between Richmond Road and Little Crosby Road results in left over land that will be of limited townscape value. The retention of the existing store may be an important issue here, but this amenity land would be better provided elsewhere in the centre where it could be a far more valued resource.
- **The existing store** - the retention and conversion of the existing store should be reviewed. Whilst the job this building will do in terms of securing continuity of trade is an important component of the proposals, beyond that the building has an awkward relationship with its hinterland. The link between Liverpool Road and Manor Road to the north could be greatly improved if this site were to be redeveloped. The very poor Little Crosby Road frontage could also be improved in any redevelopment proposal.
- **The Victorian Villas** – in view of the townscape qualities these buildings have, their demolition is unfortunate, especially when other buildings which detract from the character of the centre (such as the existing store) are being retained. However, if the location of the store is to remain then great emphasis must be placed on the quality of their replacement and the important job they do on the main approach to the centre from the east.
- **Islington** - there is no attempt to improve the car and bus dominated environment that has evolved along Islington. There is an opportunity to tighten the road network up on this location but a multi-storey car park in this location will undermine any such opportunity.

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This work was undertaken by Anthony Benson of Urban Practitioners (Places Matter! panel member) on behalf of Places Matter!

Yours sincerely



Charlotte Myhrum  
Design Review Manager

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Ref: A064407

Date: 17<sup>th</sup> May 2010

Alan Young  
Sefton MBC  
First Floor  
Magdalen House  
30 Trinity Road  
Bootle  
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Dear Alan

**PROPOSED SAINSBURY'S SUPERMARKET, CROSBY**

Further to your request to provide an appraisal of the suitability and acceptability of the proposed Sainsbury's foodstore at Crosby, our advice in relation to the development is set out below.

**Introduction**

Sainsbury's Supermarkets Limited have applied for full planning permission on land at Crosby District Centre for a new foodstore with associated car parking, a new multi-storey car park, public transport interchange, new retail units, conversion of the existing Sainsbury's store into new retail units, and the erection of a building for community uses. The scheme is identified as a major regeneration project which would transform the eastern gateway to Crosby District Centre, making use of an under-utilised brownfield site which would allow for the development and integration of a new Sainsbury's foodstore.

The proposed development can be summarised below:

	Existing Commercial Floorspace (GIA)	Commercial Floorspace Lost (GIA)	New Commercial Floorspace to be Developed (GIA)	Net Increase in Floorspace (GIA)
<b>Existing Sainsbury's</b>	3,576 sqm	3,576 sqm	0 sqm	-3,576 sqm
<b>New Sainsbury's</b>	0 sqm	0 sqm	8,802 sqm	+8,802 sqm
<b>Small Retail Units</b>	4,189 sqm	4,189 sqm	4,320 sqm	+131 sqm
<b>Office Space</b>	1,204 sqm	1,204 sqm	0 sqm	-1,204 sqm
<b>Community Use</b>	552 sqm	552 sqm	636 sqm	+84 sqm
<b>Total</b>	<b>8,969 sqm</b>	<b>8,969 sqm</b>	<b>13,122 sqm</b>	<b>4,237 sqm</b>

In seeking to justify the proposed redevelopment, Turley Associates (TA) have prepared a planning and retail statement in support of the application which sets out the key arguments as to why planning permission for the development should be granted. WYG have reviewed this document and have used this as the basis against which the acceptability of the proposal in retail planning terms has been tested.

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In dealing with the proposed development, WYG have also reflected upon the key findings of previous retail research undertaken on behalf of the Council, most recently set out in the 2009 version of the retail strategy review. This document is also referred to at length by TA within their planning and retail statement.

Although a key starting point in the determination of any planning application should be the Development Plan, it is important to note that new guidance has been recently issued by Central Government in the form of PPS4. Whilst the Development Plan including the adopted Regional Spatial Strategy and the adopted UDP will guide the overall suitability of the proposed scheme, it is important to note that neither of these Development Plan documents have benefited from the most recent guidance set out in PPS4. Therefore, in preparing this advice, significant weight has been given to PPS4 in this appraisal process.

The most significant change set out in PPS4 in relation to retail development is the removal of the needs test. However, it is evident that the proposed development falls within the defined boundary of Crosby District Centre and therefore, any assessment of need under previous PPS6 guidance would also not have been necessary. More importantly, PPS4 confirms that if a development is located within an established centre, then it is not necessary for the applicant to satisfy the sequential approach.

However, as set out in paragraph EC14.6, PPS4 makes it quite clear that an impact assessment is required for planning applications in an existing centre which are not in accordance with a Development Plan and which would substantially increase the attraction of the centre to an extent that the development could have an impact on other centres. Given that the proposed Sainsbury's store represents a significant increase in the overall net sales area compared to the existing store, WYG believe that it is important to test the impact of the development. Therefore, we believe that it is necessary to satisfy the impact tests as set out in Policy EC16. In addition, it is evident that all planning applications for economic development should also satisfy the impact considerations set out in Policy EC10.2.

**The Principle of Retail Use**

As highlighted above, the proposed development involves the re-use of an existing brownfield site within the defined boundary of Crosby District Centre. Given that both the Development Plan and PPS4 seek to enhance the vitality and viability of established centres, the principle of the type of development proposed is clearly acknowledged.

In understanding the background to this planning application, it is important to note that research undertaken by Sefton Council since 1997 has identified that the existing Sainsbury's foodstore within Crosby has been significantly overtrading as it is not large enough to satisfy the needs of its local catchment. The overtrading of the store has led to in-store congestion at peak times and in some cases will force other people to travel further distances to access foodstores elsewhere. Therefore, the need for a new and enlarged Sainsbury's foodstore within Crosby is well established and would help address significant qualitative deficiencies with the current store. The new store will not only provide a more attractive environment for shoppers but it will also enable the full range of convenience goods to be stocked which will again benefit consumer choice.

Furthermore, it is evident that the proposed development will deliver more than just a new foodstore at the heart of Crosby District Centre. The development will allow the re-use of the existing Sainsbury's store for approximately five retail units which would form part of the primary shopping area. In addition, a new multi-storey car park will also be provided serving both the foodstore and the District Centre as a whole. Clearly, there are strong arguments in favour of the comprehensive development proposed, particularly in terms of reinforcing the vitality and viability of the primary shopping area and securing a new anchor

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foodstore which would underpin the future attractiveness of the centre and secure significant footfall for other facilities.

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**Assessment of Potential Impact**

As outlined previously, PPS4 states that all applications for economic development (including retail) must be assessed against the requirements of both Policy EC10.2 and Policy EC16.1. Policy EC10.2 effectively deals with the key sustainability issues such as accessibility and carbon emissions, as well as the overall quality of design and the impact on local employment. As WYG have been asked to assess the retail implications only, we have not commented on the quality of design or the opportunity to limit carbon emissions. However, it is evident that in terms of accessibility, given the sites in-centre location, the site is clearly accessible by all forms of transport and will also benefit from a local walk-in catchment. This in turn will have positive impacts on carbon emissions whereby the need to travel by private motor vehicle will be reduced.

It is also important to note when assessing the development against Policy EC10.2, the new enlarged foodstore will create significantly more employment than the constrained store at present. In fact, TA assumes that an additional 150 jobs will be created by the new development which, although it is unclear how many of these will be full-time equivalents, appears to be a reasonable assessment. Therefore, in assessing the proposed development against Policy EC10.2, it is evident that the scheme would have significant positive impacts in terms of providing resilience to climate change, being accessible by a choice of means of public transport, securing economic and physical regeneration within the established centre, and providing local employment. Whilst we have not commented on the quality of the design, we believe that the proposed development more than satisfies the requirements set out in Policy EC10.2.

**Policy EC16**

As highlighted previously, it could be argued that as the development is located within an established centre, it should not be necessary to assess the impact of the scheme on the vitality and viability of that centre. However, given that the proposed development is of a significant scale that will substantially increase the attractiveness of the centre; we believe it is necessary to test the development against Policy EC16 as set out in paragraph EC14.6 of PPS4. Whilst this impact test is not focussed on Crosby District Centre, it must consider the implications for other centres within the local hierarchy that may be adversely affected by the development.

In dealing with the six criteria set out under paragraph EC16.1, our conclusions on each matter are as follows.

**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**

It is evident that the scheme proposed for Crosby represents a significant private sector investment within the primary shopping area which will transform the overall attractiveness of Crosby as a main food shopping destination as well as meeting the needs of the local community.

With regard to other centres in the catchment area, it is evident that the provision of a new enlarged foodstore within Crosby would not have an adverse impact on investment in other centres throughout the Sefton area. As highlighted previously, the existing foodstore within Crosby has been compromised for a significant period of time and, as a result, has been trading well above its company benchmark average. Therefore, the primary role of the new enlarged foodstore will be to alleviate this over trading and the symptoms (including in-store congestion) which are associated with that. Clearly, we would anticipate that people currently not shopping within Crosby may be attracted to the new development who may shop at other foodstores elsewhere. However, given that the majority of the competing provision surrounding Crosby is located on out-of-centre sites, any impact on these stores, including the existing Tesco at Formby and the new Tesco store at Lanstar, are not afforded any policy protection. In addition, given the overall

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shortfall of convenience provision in the South of the Borough in the past, there is a need for further investment within Crosby to relieve over-trading and help meet the day-to-day needs of the local community.

Although new investment has been secured recently within Bootle including the provision of a new Asda foodstore, this foodstore will be competing directly with the new Tesco at Hawthorne Road and would not be drawing from the same primary catchment from which the proposed Sainsbury's at Crosby will draw the majority of its trade. Therefore, whilst there may be some concerns about the potential impact on Bootle created by the new development in Crosby, WYG do not believe that this will be an issue at all, given that the Sainsbury's in Crosby has historically been over-trading and therefore any additional trade drawn to the store will not be significant enough to create any adverse impact.

**Impact of the Proposal on Town Centre Vitality and Viability, Including Consumer Choice**

As highlighted previously, the proposed development will have a positive impact on the future vitality and viability of Crosby District Centre. In addition, the development will also provide a modern, high quality Sainsbury's foodstore which will add to the choice of new foodstore provision within the South of the Borough which is currently dominated by Tesco (with stores at Formby, Litherland and Bootle) and Asda (with stores at Aintree and Bootle). Therefore, there will be significant positive impacts on enhancing the choice and range of convenience goods within this part of the Borough.

**The Impact of the Proposal on Allocated Sites Outside Town Centres Being Developed in Accordance with the Development Plan**

As there are no sites within Sefton that have been allocated in out-of-centre locations, this test does not apply.

**The Impact of the Proposal on In-Centre Trade/Turnover**

As highlighted previously, we anticipate that a significant proportion of the stores turnover will be transferred from the existing store in Crosby which has been over-trading since the mid-90's when retail surveys were conducted by the Council. Since then, this position has not changed and therefore, it is unlikely that the proposed development would draw significant trade from other established centres elsewhere within the catchment, particularly given that the two major foodstore in close proximity to Crosby are large out-of-centre Tesco stores which are afforded no protection under retail planning policy.

**If Located In or On the Edge of a Town Centre. Whether the Proposal Is of an Appropriate Scale in Relation to the Size of the Centre and its Role in the Hierarchy of Centres**

In assessing the appropriateness of scale of the development, it is evident that whilst the development will represent a significant increase in the size of the Sainsbury's store, the store itself would not be uncommon in District Centres elsewhere throughout the North West. Clearly, the size of the Sainsbury's store is influenced by a number of factors including the need to better provide for the demands of the local community as well as providing an offer and range of products that is competitive when compared to other large foodstores elsewhere in South Sefton. Constraining the size of the Sainsbury's foodstore would do little to address the qualitative deficiencies of the existing store and would not enable Sainsbury's to compete effectively with other modern provision elsewhere. This in turn would not bring about the positive impacts for Crosby District Centre as a whole.

Therefore, whilst the proposed development represents a significant proportion of the established centre of Crosby, the scale in our view is not inappropriate for the role and function of the centre and will enable

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Crosby to compete effectively as a convenience goods destination in the future, which can only bring about wider positive benefits.

**Any Locally Important Impacts**

Although there are no obvious locally important impacts in relation to the retail development, it is evident that there are a number of other positive benefits which will need to be weighed in the balance when determining the planning application. These are set out in chapter 11 of IA's planning and retail statement and include the:

- regeneration and investment of Crosby;
- linked trips to support other shops and services in the centre;
- improvements to the quality of the townscape;
- improvements to town centre parking;
- job creation;
- improvements to public realm and accessibility;
- improvements to the quality of shopping provision from the new units;
- improvements in the retail offer created by the large foodstore;
- customer comfort;
- helping meet the needs of the local community; and
- community building provision.

**Summary and Conclusions**

Based on our knowledge of the past performance of Crosby District Centre and the Sainsbury's foodstore, the need for new investment and a new foodstore within the centre is well established. The development now promoted by Sainsbury's would appear to not only provide the necessary anchor foodstore required to secure the future vitality and viability of the centre, but will also provide additional retail and community units, as well as enhance parking which will benefit the centre as a whole. Although we believe that post-development the centre of Crosby will be more attractive as a retail destination, we do not anticipate that this will in any way adversely affect the role and function of other established centres within the catchment and South Sefton. The over-trading at the existing Sainsbury's store is significant and will ensure that the new enlarged store will not have to rely on drawing trade from a significant distance just to support the scale proposed.

Given that we do not anticipate there to be any significant adverse impacts created by the future trading pattern of the proposed development, it is evident when this conclusion is combined with the significant positive impacts that will be delivered for the centre as a whole, the only conclusion that can be reached in relation to this development from a retail planning point of view is that it is wholly compliant with both the Development Plan and the most recent national guidance. PPS4 makes it quite clear that town centre investment is the absolute priority in maintaining vitality and viability. The development before the Council represents a prime example of in-centre comprehensive redevelopment which will transform the fortunes of Crosby District Centre and secure its future vitality and viability in both the medium and long-term.

However, in ensuring that the wider benefits of the scheme are delivered, it will be fundamental that appropriate phasing conditions or legal agreements are put in place to ensure that all the components of the development are delivered as part of the scheme. Although the Applicant has provided suggested conditions as to how the development could be phased, it will be important for the Council to ensure that the development is delivered in the comprehensive manner as proposed and that all of the phases will be implemented in the short-term. In addition, in order to control the scale and turnover of the foodstore (ensuring that it is appropriate); we would suggest that conditions are put in place to control the net sales

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area as proposed. Although imposing conditions on the split of convenience and comparison goods may be viewed by some to be less appropriate in this circumstance given its town centre location, we believe that there is a need to control the scale of the foodstore element so as to satisfy the test set out at paragraph 14.6 of PPS4. Therefore, it would be beneficial to devise a condition which restricts the net sales area to that proposed and then agree a sensible convenience and comparison goods split within the foodstore with the applicant.

In terms of the other retail units that are created by the proposed development (including the former Sainsbury's store that will be subdivided) we believe that as these stores will operate from a town centre location they should be given the maximum flexibility to attract as diverse a range of tenants/retail operators as possible. Therefore, any condition should just seek to limit the gross area of these stores and no restrictions should be placed on the range of goods that they sell or the net sales area.

Subject to these conditions, WYG can see no reason why the proposed development should not be fully supported by the Council with regard to retail planning matters.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Nutter'.

**Keith Nutter**  
Director  
**WYG PLANNING & DESIGN**

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