



Planning Committee

Date:	Thursday, 11 March 2010
Time:	6.00 pm
Venue:	Committee Room 1 - Wallasey Town Hall

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1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the committee are asked whether they have any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

2. REQUESTS FOR SITE VISITS

Members are asked to request all site visits before any application is considered.

3. APP/09/06285 - LAND ADJACENT TO 50 WOODCHURCH LANE, PRENTON - ERECTION OF 8 NO. SELF CONTAINED FLATS AND 6 NO. HOUSES (Pages 1 - 6)

4. APP/09/06553 - CANDY PARK 1, NEW CHESTER ROAD, BROMBOROUGH - CHANGE OF USE OF VACANT WAREHOUSE TO CREATE AN INDOOR CRICKET CENTRE DEDICATED PREDOMINANTLY TO THE SPORT OF INDOOR CRICKET (WITH ASSOCIATED PRACTICE/TRAINING FACILITIES). THE FACILITY ALSO TO OFFER/INCORPORATE (AT VARIOUS TIMES) INDOOR SPORTS COURTS TO ACCOMMODATE THE PLAYING OF INDOOR HOCKEY, BOWLS, VOLLEYBALL AND FOOTBALL, TOGETHER WITH A VIEWING/ CAFE ZONE, TOILETS, CHANGING /SHOWERING FACILITIES, AND RECEPTION /OFFICE AREA (Pages 7 - 10)

5. **APP/10/00033 - KINGS GAP COURT HOTEL, VALENTIA ROAD, HOYLAKE - RENOVATION OF THE HOTEL, DEMOLITION OF THE MAJORITY OF THE EXTENSIONS INCLUDING THE REAR FUNCTION ROOM AND ADJOINING ANNEX TO THE HOTEL ON THE KINGS GAP FRONTAGE, AND ERECTION OF NEW EXTENSIONS (Pages 11 - 20)**
6. **CON/10/00034 - KINGS GAP COURT HOTEL, VALENTIA ROAD, HOYLAKE - RENOVATION OF THE HOTEL, DEMOLITION OF THE MAJORITY OF THE EXTENSIONS INCLUDING THE REAR FUNCTION ROOM AND ADJOINING ANNEX TO THE HOTEL ON THE KINGS GAP FRONTAGE, AND ERECTION OF NEW EXTENSIONS (Pages 21 - 26)**
7. **DPP3/10/00069 - CREMATORIUM, LANDICAN CEMERERY, ARROWE PARK ROAD, WOODCHURCH - MERCURY ABATEMENT AND FURNACE ROOM EXTENSION (Pages 27 - 30)**
8. **REPORT TO INFORM MEMBERS OF CHANGES TO NATIONAL PLANNING POLICY BROUGHT ABOUT THROUGH THE PUBLICATION OF PLANNING POLICY STATEMENT 4, AND TO OUTLINE THE IMPLICATION OF THESE CHANGES TO THREE PLANNING APPLICATIONS THAT HAVE PREVIOUSLY BEEN PRESENTED TO THE PLANNING COMMITTEE FOR WHICH A DECISION NOTICE HAS NOT BEEN ISSUED (Pages 31 - 128)**
9. **ANY OTHER BUSINESS**

To consider any urgent business accepted by the Chair.

Agenda Item 3

Planning Committee

11 March 2010

Reference:
APP/09/06285

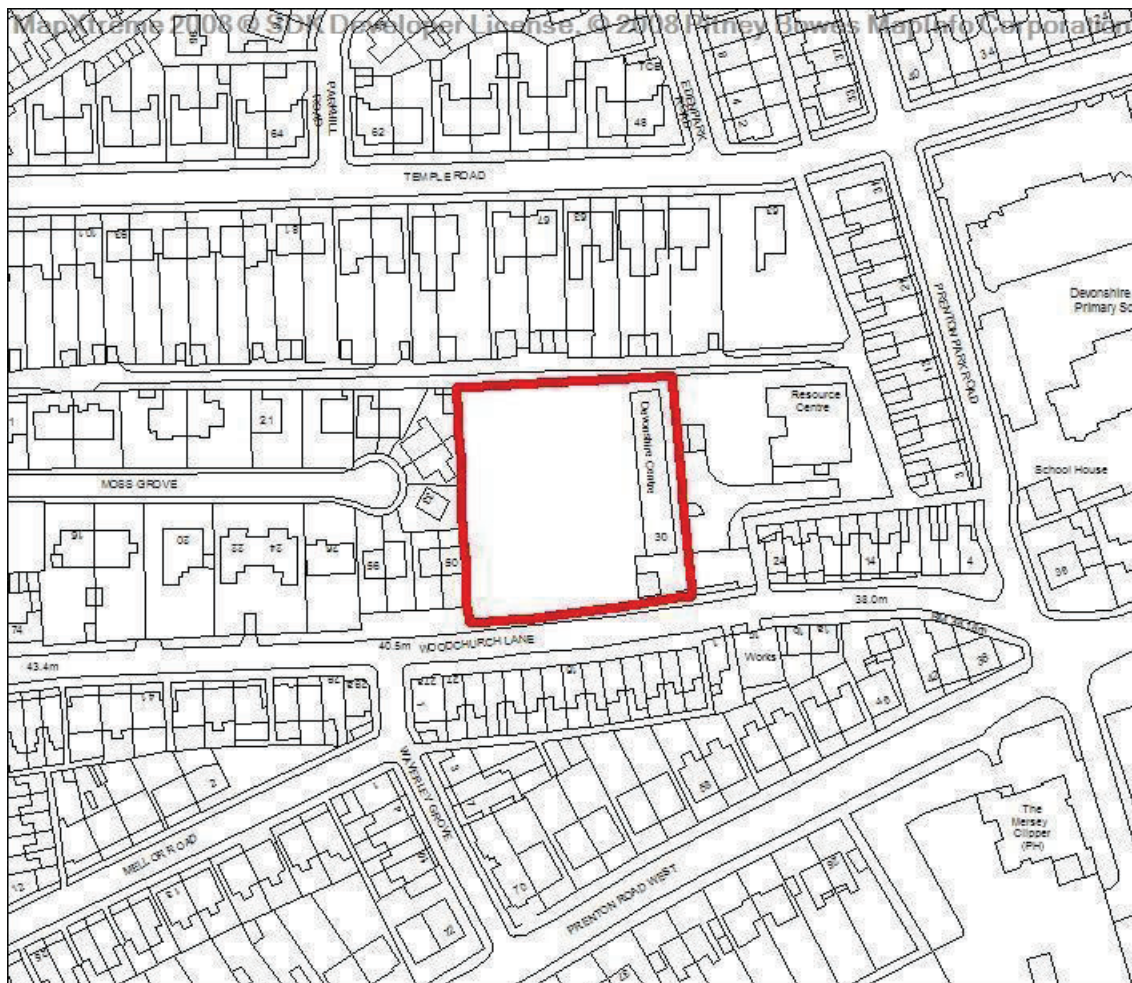
Area Team:
East

Case Officer:
Mr K Spilsbury

Ward:
Prenton

Location: Land adj. 50 Woodchurch Lane, Prenton, Wirral, CH42 9PH
Proposal: Erection of 8 no. self contained flats and 6 no. houses.
Applicant: Lisa Newman
Agent : Mr Alfred Plant

Site Plan:



Development Plan allocation and policies:

Primarily Residential Area

Planning History:

APP/4300 - Use of land for a temporary period for market gardening - **A/C 12/02/1976**

Summary Of Representations and Consultations Received:

REPRESENTATIONS

A site notice was displayed at the entrance to the site. A total of 47 letters of notification have been sent to properties in the area. At the time of writing this report representations have been received have been from the occupiers of: 3, 5, 11, 13, 15, 17, 22, 24, 25 Woodchurch Lane; 61, 69, 73, 75 Temple Road and; 29 Moss Grove.

The objections can be summarised as follows:

- Reduced car parking in the area
- Object to social housing/council housing
- Increased traffic and the potential for accidents
- No need for additional housing in the area
- Construction work will cause disruption
- New houses would not be in keeping with the character of the area.
- Social housing will lower the value of properties
- Loss of privacy
- Noise pollution
- Loss of light
- Overlooking of private amenity space
- Houses have too many bedrooms and will cause over population
- Loss of green/open area
- Loss of existing disabled parking space
- Lack of consultation with owners
- Insufficient time for residents to provide comments
- Covenants on the land are being ignored by the council
- Drainage problem on the site and its effect upon neighbouring properties

A qualifying petition of objection has also been received from 49 separate households, concerned with:

- Parking issues and the volume of traffic and noise which will effect the residents of Woodchurch lane
- The effect of the scheme on the residents of Temple Road in terms of loss of light to the rear of properties, access issues to properties and increased noise volume and - Loss of light to rear of dwellings, noise and the volume of traffic for the access road on Moss Grove. All residents object to social housing and state that the scheme is not in keeping with the properties that face the site.

CONSULTATIONS

Director of Regeneration (Pollution Control) – No Objection

Director of Technical Services (Traffic Management Division) – No objection subject to conditions

The Director of Regeneration (Housing Strategy) – No Objection

Director's Comments:

REASON FOR REFERRAL

The application was taken out of delegation by Councillor Frank Doyle stating the application raises issues regarding the interim housing policy and the application does not meet with criteria. The development is in a greenfield site and the approval of this scheme would set an unhelpful precedent that could undermine the interim housing policy.

INTRODUCTION

The proposed development is for the erection of 6 dwelling houses fronting onto Woodchurch Lane with a small development of 8 self contained flats on the rear part of the site, with access provided to these new units via a new short roadway. The development is a partnership between the Metropolitan Borough of Wirral and Wirral Partnership Homes to build affordable housing in an area that has been highlighted by the Strategic Housing Market Assessment for need.

PRINCIPLE OF DEVELOPMENT

The site is located within a Primarily Residential Area in Wirral's Unitary Development Plan and is therefore acceptable subject to HS4 – Criteria for New Housing Development, TR9 – Requirements for Off Street Parking, SPD 2 - Design for Self Contained Flats and the Interim Planning Policy: New

Housing Developments adopted for Development Control purposes by the Council on 20 October 2005.

Whilst Councillor Doyle raises concern that the proposal will be located within a greenfield site the Local Planning Authority considered that this is not the case and the site is fact brown field. This is defined in PPS3. 'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' The site previously housed the Devonshire Centre and the proposed scheme is within the curtilage of the former building.

SITE AND SURROUNDINGS

The site is currently open grass land, surrounded by residential properties and a small single storey resource centre to the east. The frontage of the site onto Woodchurch Lane is bounded by steel railings and small trees with two storey terraced dwellings facing the site. The gradient of the land falls from east to west and as a result the two storey semi detached properties located to the west are set slightly higher than the resource centre to the east. The properties backing onto the site have long rear gardens and are screened from the site by an approximately 2m high fence. There are a variety of housing styles and designs in the area but the building line is relatively consistent running along Woodside Lane.

POLICY CONTEXT

This site is designated as a Primarily Residential Area within the Council's Unitary Development Plan but also lies within the area subject to the restrictions on new housing development. The aim of the policy is to focus new housing development into the Housing Market Renewal Initiative Areas in Rock Ferry, Tranmere, Birkenhead and Seacombe and other regeneration priority areas. As this site is outside the Regeneration Priority Area the applicant must demonstrate a housing need in the area. Planning approval is being sought to develop a total of 13 affordable housing units, comprising of the following:

- 8 x 2 bed flats
- 3 x 2 bed houses
- 2 x 3 bed houses

Following consultation with The Director of Regeneration - Housing Strategy and an analysis of Wirral 2007 SHMA for the Prenton Ward it is indicated that there is a net annual need of 75 affordable housing units, with a clear indication for 2, 3 and 4 bed affordable units required to meet need.

In the Prenton ward there are a total of only 557 units of social (affordable) housing with a further 545 units of affordable housing located in the nearby Oxtton ward. This is out of a total of 22,664 units of affordable housing for the Borough.

Analysis of Wirralhomes data for 2008 – 2009 indicates that in the Prenton Ward only 7 x 2 bed affordable housing units were advertised with on average 29 expressions of interest for each one. In addition only 4 x 3 bed units were advertised with on average 202 expressions of interest for each one. No 4 bed units became available during this time.

This localised data and the general data from Wirral SHMA clearly indicates the need to develop and provide affordable housing in the Prenton Ward to meet the changing need and demands of Wirral population.

The proposal is subject to policy HS4 of Wirral's Unitary Development Plan. It is considered that the proposals are of a scale which relates to the surrounding properties and will not result in a detrimental change in the character of the area. The provision of landscaping and boundary treatments will ensure the development relates to the surrounding area.

APPEARANCE AND AMENITY ISSUES

The proposed houses are sited in a single terrace block which roughly follows the existing street pattern and building line. The dwellings are two storey in height with active frontages onto Woodchurch Lane. Each dwelling house has its own private amenity space which includes a generous front garden which respects the existing building line. The rear gardens face north and are set out as a

courtyard with a single car parking bay provided within the rear curtilage of each house. The proposed apartments are located within their own grounds to the rear of the site, and are two storey in height. A new adopted road and turning head will follow the western boundary of the site to provide access to the apartments. A landscape strip of dense shrub planting will provided a buffer between this new road and the existing houses adjacent. The dwellings have been sited so as not to encroach upon the local amenities of the surrounding properties. It is considered that the proposed habitable room windows will not result in overlooking of the adjacent properties and the proposed scheme is located a sufficient distance from any of the surrounding dwellings to result in overshadowing or dominance. Boundary treatment has been agreed with the Police Architectural Liaison Officer and all properties will be built to secure by design standards.

SEPARATION DISTANCES

Habitable room windows directly facing each other within the site are at least 21 metres apart. The dwellings located to the rear of the site are over 30m from the proposed apartments and the habitable room windows located in the rear elevation of 29 and 31 Moss Grove are at least 14 metres from the blank gable of the apartments. The properties facing the site on Woodchurch Lane are 21m from the proposed habitable windows of the new dwellings. It is therefore considered that the separation distances employed by the local planning authority have been achieved on and around the site.

HIGHWAY/TRAFFIC IMPLICATIONS

The Director of Technical Services (Traffic Management/Highway Maintenance) has no objection to the proposed development subject to the applicant amending the resident parking scheme including alterations of the existing bays in Woodchurch Lane to allow vehicle access and providing tactile paving and traffic signage as necessary. The proposal would result in a loss of a 25m length of resident parking bay on Woodchurch Lane, however, this is not considered sufficient reason for objection on highway safety grounds.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that the residential development proposed is acceptable in terms of the Councils Policies and guidelines would not introduce harm to the street scene or to the character of the area. The proposal is acceptable in design terms and complies with policies HS4 of Wirral's Unitary Development and Regional Spatial Strategy policies SD1 & DP3. The development is therefore deemed acceptable subject to conditions and is recommended for approval.

Summary of Decision:

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

Having analysed the localised data for Prenton and the general data from Wirral SHMA it clearly indicates the need to develop and provide affordable housing in the Prenton Ward to meet the changing need and demands of Wirral population. The proposed residential development is considered acceptable in terms of all Local, Regional and National Planning Policies.

Recommended Decision: Approve

Recommended Conditions and Reasons:

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

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

2. Before any construction commences, samples of the facing/roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

3. The occupation of the development hereby permitted shall not commence until a full scheme of works to amend the existing Tranmere Rovers Residential Parking Scheme has been submitted to and agreed in Writing with the Local Planning Authority. The works shall be completed in full and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of Highway Safety.

4. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works to provide vehicle access from the highway into the development site, tactile paving and traffic signage as necessary. The occupation of any part of the development shall not begin until those works have been completed in accordance with the local authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason: In the interest of highway safety

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be implemented in accordance with the approved strategy.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment pursuant to policy PO5 of Wirral's Unitary Development plan.

Further Notes for Committee:

1. Condition 3 will require the processing of a Traffic Regulation Order with associated road markings and traffic signs, carried out at the developer's expense. The Developer should contact the Director of Technical Services - Traffic Management Division for information on a Traffic Regulation Order (0151 -606- 2101)

Last Comments By: 17/02/2010 16:57:18

Expiry Date: 25/03/2010

Agenda Item 4

Planning Committee

11 March 2010

Reference:
APP/09/06553

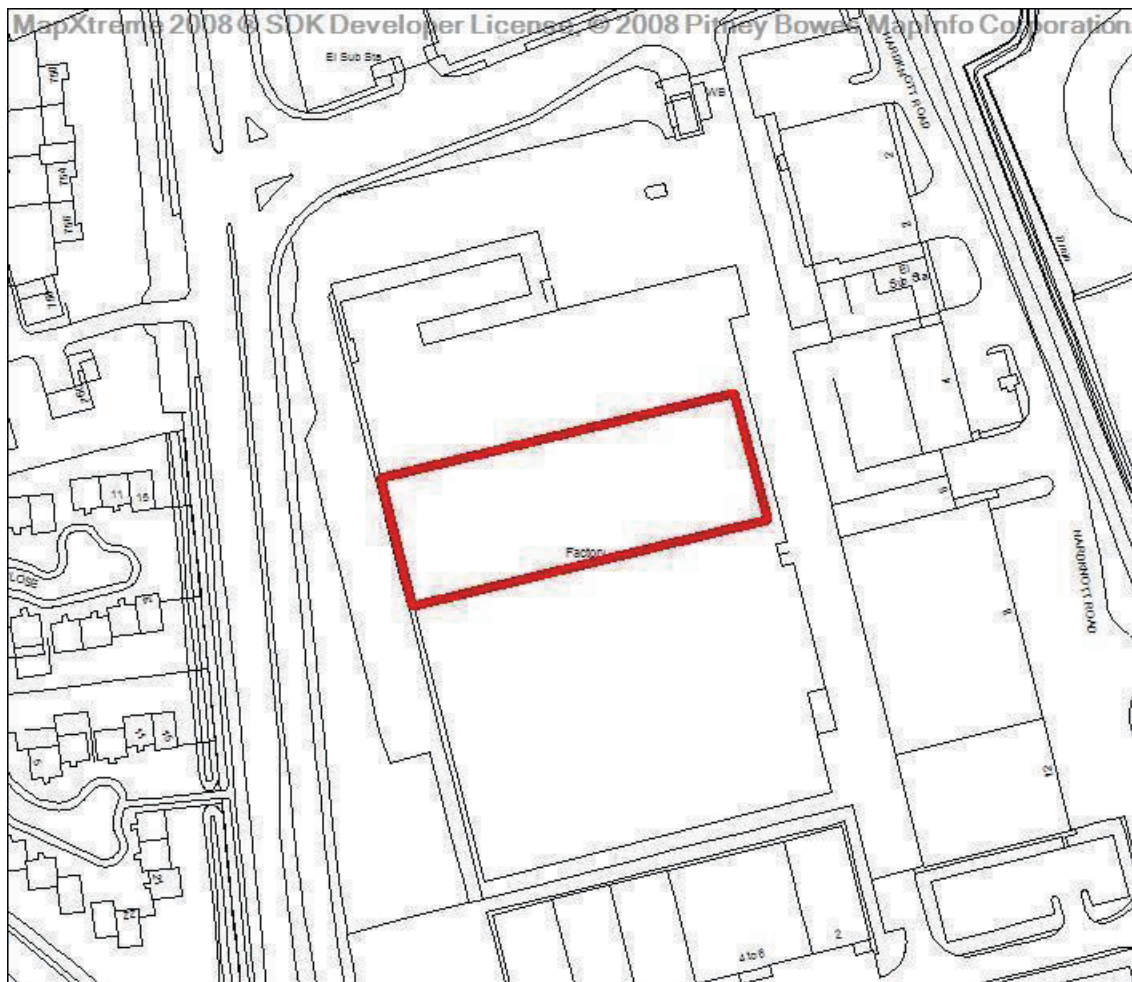
Area Team:
South Team

Case Officer:
Miss A McDougall

Ward:
Bromborough

Location: Candy Park 1, NEW CHESTER ROAD, BROMBOROUGH
Proposal: Change of use of vacant warehouse to create an Indoor Cricket Centre dedicated predominantly to the sport of Indoor Cricket (with associated practice / training facilities). The facility also to offer/incorporate (at various times) indoor sports courts to accommodate the playing of indoor hockey, bowls, volleyball and football, together a viewing / cafe zone, toilets, changing / showering facilities, and reception / office area
Applicant: eight4sport
Agent : Gee Squared Ltd

Site Plan:



Development Plan allocation and policies:

Primarily Industrial Area

Planning History:

There are no similar applications on this site at this location, previous permissions have been for signage.

Summary Of Representations and Consultations Received:

REPRESENTATIONS

A site notice was displayed. Letters of notification have been sent to properties in the area. At the time of writing this report no objections have been received.

33 Letters of support have been submitted listing the following grounds;

- community benefit
- vital addition to leisure facilities
- promotion of active lifestyles
- introduction into sports
- access to sports/fitness
- all year provision of sports

Letters of support were included within the Eight 4 Sport Statement of Demand from Indoor Cricket England and local sports clubs

CONSULTATIONS

Director of Regeneration: Housing & Environmental Protection Division: No objection

Northwest Regional Development Agency: Concerns regarding the compatibility of the leisure use within the International Business Park and would be concerned if the use reduced available provision for B1, B2 and B8 uses.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Niblock is in support of this application and requests the application be taken out of delegation for the following reasons;

- the proposal would be unique to Wirral, there being only 2 other such facilities in the country
- the premise has not been used for some time despite being marketed
- other sites have been checked and discounted
- when in operation it would provide employment and training opportunities

INTRODUCTION

The proposal is for a change of use of an existing vacant industrial unit into a multi sports centre, with the inclusion of a viewing/cafe zone, toilets, changing facilities and a reception area.

PRINCIPLE OF DEVELOPMENT

The proposal is for a leisure use located within a Primarily Industrial Area, the proposal is therefore unacceptable in principle.

SITE AND SURROUNDINGS

The building is an existing industrial unit that forms part of a large brick and metal unit, there is a tile warehouse to the side, car parking to the front and rear. The unit is accessed via Old Hall Road and forms part of the industrial park, there are residential properties to the west of the site facing the unit from New Chester Road.

POLICY CONTEXT

The unit is located within a Primarily Industrial Area in the Unitary Development Plan (UDP) and is within the Wirral International Business Park which is identified by the NWDA as a Strategic Regional Site.

The application is contrary to UDP Proposal EM8, which only makes provision for B1, B2 and B8 uses subject to UDP Policies EM6, 7 and 9. Safeguarding the long term supply of employment land is one of the main purposes of the development plan. RSS Policy W2 indicates that sites for regionally significant economic development should not be used for development that could be accommodated elsewhere and they should not be developed piecemeal.

UDP Policies REC1 and RE1 do make provision for sport and recreation facilities in urban areas that are easily accessible by public transport. However, these need to be considered alongside more recent regional and national planning policy. RSS Policy L1 sets the regional approach to health, sport, recreation, cultural and education services. This indicates that an assessment of demographic needs should be carried out and that accessibility by public transport, walking and cycling should be a central consideration. The applicant indicates that there will be demand from local clubs and customers within the wider sub region because there are no similar facilities in the region. While National Policy in PPS4 encourages a positive approach to economic development in general, Policy EC17 requires applications of this type to be assessed against the sequential test that puts town centres first, and number of impact tests. The sequential approach is also supported by National Planning Policy in PPG17. The applicant has provided an assessment under the old PPS6 requirements, but this does not include information on alternative sites in more central locations with reasons for discounting them.

It is claimed that the site has been marketed for 3 years, and the applicant has indicated a willingness to accept a temporary permission for a period of 5 years. While this can be taken into account, the Council resolved on 2 November 2009 that the Employment Land & Premises Study will be material in the determination of planning applications (minute 49 refers). This shows a shortage in the long term supply of employment land for the Borough and indicates there will be a need to replace the Wirral International Business Park in the medium to long term. The study recommends that employment land in this area should be retained for employment (B1, B2, B8) uses. Council records show that there were 388 enquires from businesses seeking accommodation in Wirral 2008-2010 for which 211 were for industrial uses excluding offices.

It should be noted that planning permission for a sports academy was granted at Planning Committee in October 2009, reference APP/09/05686. This was a stand alone building and is not considered to be a reason for overriding the development plan in this particular case. Even if it can be shown that there are no town centre sites available for the proposed use, it is contended that the proposal in the centre of a larger building would be out of character with surrounding uses. The NWDA have expressed these concerns in their response to consultation on the application.

APPEARANCE AND AMENITY ISSUES

The proposal is to be located within an existing industrial unit, the main changes to the unit would be internal. The proposal however is unacceptable by reason of the proposed use, the site is identified as an industrial area and as such there is insufficient evidence to show the loss of an existing industrial unit in place for a leisure use.

SEPARATION DISTANCES

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

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

CONCLUSION

The proposal is unacceptable by reason of the proposed use within an industrial area, there is insufficient evidence to warrant overriding the current policies.

Summary of Decision:

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

The proposal is unacceptable by reason of the proposed use within an industrial area, there is insufficient evidence to warrant overriding the current policies.

Recommended Decision: Refuse

Recommended Conditions and Reasons:

1. The site is within the Wirral International Business Park, which is identified by the NWDA as a Strategic Regional Site and is designated as a Primarily Industrial Area in the Wirral Unitary Development Plan (UDP). The application is contrary to UDP Policy EM8, which only makes provision for development within Use Classes B1, B2 or B8 of the Town & Country Planning (Use Classes) Order 1987 and Policy W2 in the Regional Spatial Strategy, which indicates that site should not be used for development that can be accommodated elsewhere and should not be developed in a piecemeal manner. No material considerations have been identified sufficient to warrant overriding this designation.

2. Insufficient information has been provided to show that the requirements of National Planning Policies PPS 4 "Planning for Sustainable Economic Growth" & PPG17 "Planning for New Open Space and Sports and Recreational Facilities" can be met.

Last Comments By: 23/02/2010 10:04:22

Expiry Date: 19/03/2010

Agenda Item 5

Planning Committee

11 March 2010

Reference:
APP/10/00033

Area Team:
North Team

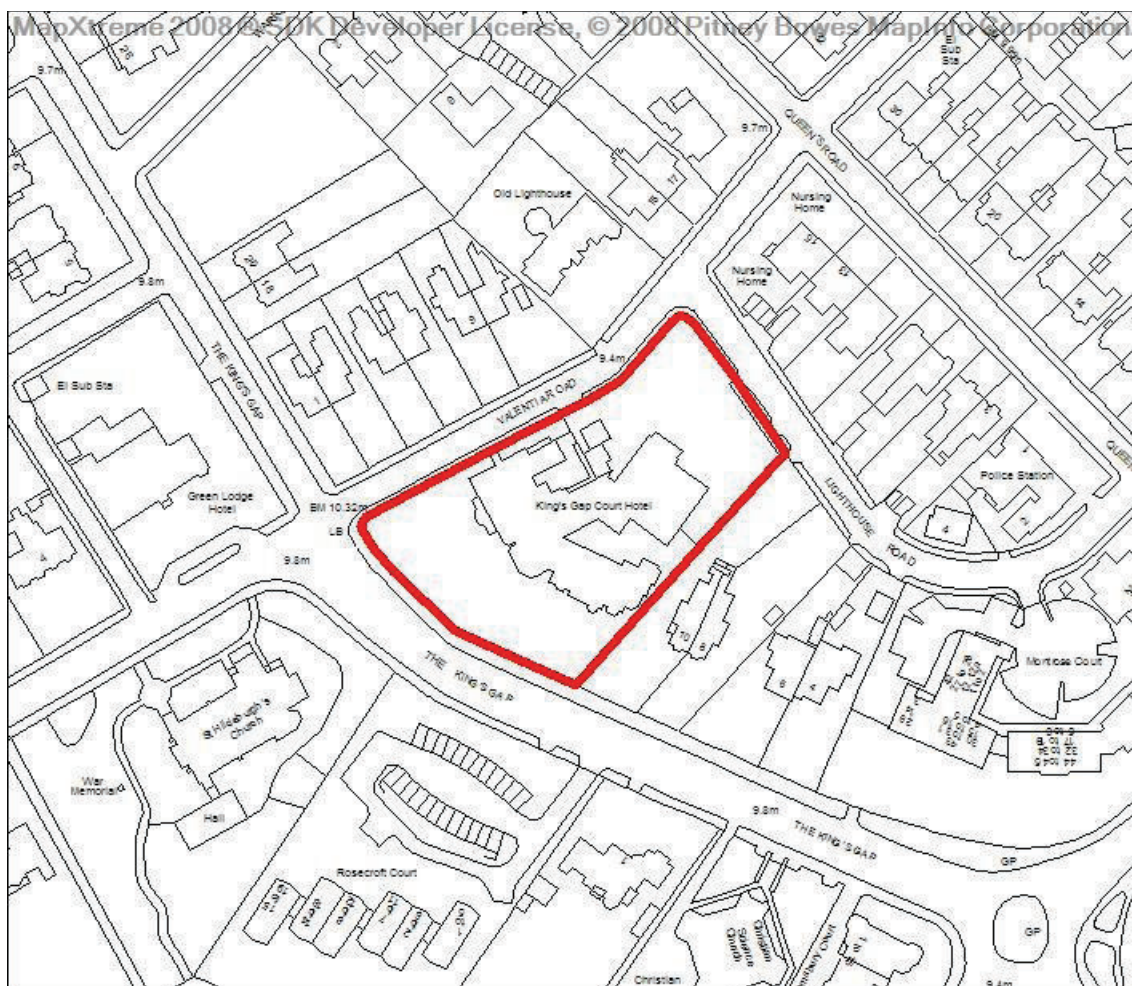
Case Officer:
Ms J Storey

Ward:
Hoylake and Meols

Location: Kings Gap Court Hotel, VALENTIA ROAD, HOYLAKE, CH47 2AN
Proposal: Renovation of the hotel, demolition of the majority of the extensions including the rear function room and adjoining annex to the hotel on the Kings Gap Frontage, and erection of new extensions

Applicant: Kings Gap Court Hotel Ltd
Agent : DPP

Site Plan:



Development Plan allocation and policies:

Density and Design Guidelines Area
Primarily Residential Area

Planning History:

4871 Demolition of property and erection of 30 flats and garages Ref 4/8/76
4872 Demolition of existing property and erection of 24 Town Houses Ref 4/8/76

4944 Conversion of existing building 5 self contained flats Ref 4/8/76
 5184 Change of use from private hotel to nursing home and clinic 4/8/76
 7773 Erection of 34 service flats and garages ref 7/10/1977
 1988/7045 Erection of 34 sheltered housing units and a new conservatory to the hotel W
 12/12/08
 1988/7398 Erection of 34 Sheltered housing units and a new conservatory to the rear of the
 hotel Ref 2/2/89
 1989/6378 Demolition of existing extension and erection of 28 sheltered housing units and layout
 of car park and conservatory A/C 13/9/89
 1992/6322 Extension of consent 1989/6378
 2002/7708 Demolition of existing function room and the erection of new leisure buildings to the
 rear A/C 6/6/2003
 APP/2008/6419 Renovation of hotel, demolition of extensions and erection of new extensions
 – Approved
 CON/2008/6422 Demolition of extensions – Approved

Summary Of Representations and Consultations Received:

REPRESENTATIONS

The application was advertised by site notices and individual letters were sent to 51 surrounding properties.

As a result of neighbour notifications letters were received from 3 and 1 Valentia Road. The issues raised are as follows:

- Concern over potential loss of prominent trees which would damage the landscape character and compromise the architecture of the building.
- Prominent site within Conservation area which is under threat

CONSULTATIONS

Director of Regeneration, Environmental protection – no objection

Director of Technical Services – Traffic Management – No objection subject to conditions

Director of Tourism – Support for proposal which will increase visitors to the area and help regeneration of the local economy.

Wirral Wildlife – Black Poplar Tree on site should be retained.

English Heritage – No comments to make.

Merseytravel - No objection subject to provision of a Travel Plan to promote the use of sustainable forms of transport

Director's Comments:

INTRODUCTION

The current application is for the renovation of the main hotel, demolition of extensions including the rear function room and adjoining annexe onto the Kings Gap and erection of extensions to the rear and south east of the existing hotel building.

The site has an extant planning consent for a similar redevelopment which was approved in 2008. This approval was however for a larger development, in addition to the renovation of the hotel it included a three-storey linked extension along the Kings Gap frontage where the existing annexe is and a three storey rear extension along the Valencia Road elevation. The current application is a revision of these proposals which no longer includes the three storey extension along the Kings Gap and has a smaller three storey rear extension. The total number of proposed bedrooms is reduced from the 66 previously approved to 56.

Internally, the existing three restaurant areas combine to become one restaurant. Whilst it is likely that this may operate with a different management structure to the hotel, it is contained within the hotel can

be used as part of the hotels facilities and forms part of the same planning unit.

The car parking area is larger than the previous approval and has increased numbers of spaces from 56 to 79. This increase is possible because the three storey extension on the Kings Gap frontage has been removed. The increase in parking spaces is still below the maximum number permitted through SPD4 and is acceptable.

PRINCIPLE OF DEVELOPMENT

The application site is within a Primarily Residential Area and The Kings Gap Conservation Area. The main issues to considered relate to the principle of the proposed development in relation to local and national conservation policies, impact on surrounding residential uses and the scale of development.

The need for an improved hotel facility was demonstrated and accepted with the previous approval. The applicants have submitted a revised needs analysis which concludes that there is a still a need for quality branded hotel accommodation in the Wirral area, which is demonstrated by the strength in hotel demand from local attractions, the local corporate market and proximity to Liverpool. The proposal is supported by The Director of Corporate Services, Tourism and Marketing Division.

SITE AND SURROUNDINGS

The application site is located on the south east corner of the junction between the Kings Gap and Valentia Road. The existing building is three storeys in height with a slate roof and white rendered walls and a two -storey veranda on the front elevation. The hotel was originally a pair of semi -detached houses. There are a number of extensions to the property including a large single storey function room to the rear of the site. Previous extensions have been added on an ad hoc basis and do not make a particularly positive visual contribution. to the building or wider Conservation Area. A large hard surfaced car park, which is accessed from Valentia Road is located at the rear of the site. There is an additional smaller car park to the front of the hotel.

The site is within The Kings Gap Conservation Area which was designated in April 2000. The lighthouse on Valentia Road and St Hildeburgh's Church, on Kings Gap opposite the site are both Grade II Listed Buildings. The surrounding properties are predominately three storey, semi detached houses within generous plots. The palette of building materials is generally red brick, Pebbledash render and white paint on rough render. The roof tiles comprise welsh slate and plain red tiles.

The site boundary contains a hedge and a number of mature trees. The boundary to Valentia Road and lighthouse Road consists of a low brick wall, with a small number of trees along the lighthouse Road frontage

POLICY CONTEXT

The application site is within a Primarily Residential Area and The Kings Gap Conservation Area, the main issues to consider relate to the principle of the proposed development in relation to PPS4, the impact of such a scheme on the Conservation Area and setting of the Listed Buildings, the design of the extensions, residential amenity, noise and general disturbance and highway and traffic implications. All of these matters were considered in detail when the previous proposal was approved, which establishes the principle of such a development.

The current proposal has changed in response to a change in the applicant's commercial requirements and thus results in a smaller development. The principles established with the previous approval are still relevant to a smaller development, which is likely to have a lesser impact on the surrounding area.

APPEARANCE AND AMENITY ISSUES

The proposed rear extension is still three storey and follows the design principles established with the previous consent. The extension runs parallel to Valencia Road and has been set behind the most forward projecting element of the existing hotel building ensuring that it appears subordinate to the existing hotel building. The strong vertical rhythm of the area is reflected in the proposed development fronting onto Valentia Road. The development has attempted to tie in to the hotel building through the use of scale and mass. Neither the eaves height nor the ridge height extends beyond those of the existing hotel.

The extension is not as long as the previous approval and as such has a lesser impact on adjacent properties and allows more opportunity for boundary landscaping.

The main change is along the Kings Gap frontage. The existing hotel annexe consists of a pair of semi detached properties which have been linked to the main hotel by an unsympathetic extension and have themselves, been altered so as to lose much of their historical character. Their demolition and replacement with a more contemporary three storey extension was accepted with the previous approval. The current proposal still includes the demolition of the annexe but does not propose a similar replacement. Instead, the proposals include single storey additions, which wrap around this side elevation and provide an entrance point from the widened car park. The removal of these and other ad hoc extensions helps to establish the main hotel in its setting at this prominent and sensitive part of the conservation area.

SEPARATION DISTANCES

The proposed extensions sit well within the site boundaries and achieve good separation from surrounding residential properties. The rear three storey extension is over 34m from the front elevation of houses facing Valentia Road, over 46m from the rear elevation of houses on Queens Road and over 22m from the boundary of the rear garden of 10 The Kings Gap. These distances far exceed the normal interface distances required by the Council and will not result in a loss of privacy for adjacent properties.

HIGHWAY/TRAFFIC IMPLICATIONS

The proposal does not significantly differ in traffic terms from the previous approval. An updated Transport Assessment has been submitted which explores issues such as traffic generation, safety and access to sustainable transport. The proposal is generally considered acceptable in traffic management terms and for the majority of time the facility will operate without significant impact on the public highway. However, there are concerns regarding the potential for displaced parking that the improved function and restaurant facilities may occasionally bring and the subsequent impact on highway safety, particularly at the junction of The Kings Gap and Valentia Road. Therefore, a 'grampian' planning condition is requested to secure the provision of appropriate waiting restrictions at the junction of The Kings Gap and Valentia Road.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The proposed extensions will be constructed using modern energy efficient materials and techniques. The site is accessible from several modes of public transport which contributes to its sustainability.

HEALTH ISSUES

There are no health issues relating to this report

CONCLUSION

The proposal involves the demolition of a block fronting The King's Gap, which is an annex to the hotel, the removal of single storey extensions to the rear and the building of a further wing fronting onto Valentia Road. The original hotel will be retained with an existing conservatory removed and replaced with a single storey dining room. Demolition of these buildings could be considered to enhance the Conservation Area.

The proposed extensions will comply with the Council's normal standards with regards to the separation distances to adjacent residential properties. This, together with the existing tree and hedge screen between the properties will ensure that the proposed extensions should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, or be visually overbearing or dominant when viewed from adjoining properties.

The scale of the functions provided through the current operation does not differ unduly and should not impinge on the residential amenities of surrounding occupiers. The proposal will involve up-to-date construction methods that will include triple glazing to the function room thereby offering some improvements to the current situation.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary

Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The current proposals represent a scaled down version of a previous approval. The design of the proposed extensions coupled with the removal of existing unsympathetic extensions represents a visual improvement, which will preserve and enhance this important site within the Conservation Area.

Recommended Decision: Approve

Recommended Conditions and Reasons:

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

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

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

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy PO1 of the Wirral Unitary Development Plan.

3. Details shall be provided for the manoeuvring, loading and unloading of servicing vehicles including the timetable for implementation, shall be submitted to and agreed in writing with the Local Planning Authority before development commences. The servicing shall be carried out and operated in accordance with the approved details thereafter.

Reason: To provide adequate servicing facilities to serve the development.

4. Before the development is commenced, precise details to a scale of 1:20 of the extension shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the manner of connection to the original building and alterations to the original building needed as a result of these works. The development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of amenity

5. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works to provide waiting restrictions at the junction of The Kings Gap and Valentia Road. The occupation of any part of the development shall not begin until those works have been completed in accordance with the approved scheme and have been certified in writing as complete by or on behalf of the local planning authority.

Reason: For the avoidance of doubt and in the interests of highway and pedestrian safety, having regard to PPG13.

6. Details of the proposed windows and dormers to a scale of 1:20 shall be submitted to and agreed by the Local Planning Authority in writing prior to the commencement of works on

site. For the avoidance of doubt, the windows shall be set back within a recess of 60mm, unless otherwise agreed in writing.

Reason: In the intersets of visual amenity UDP policy CH2

7. Details of all external lighting shall be submitted to and approved in writing prior to the commencement of development. The details shall confirm the location, levels of illumination and proposed shading to prevent the spread of direct light or glare over the public highway or into neighbouring properties.

Reason: In the intersets of residential amenity and highway safety, having regard to UDP policy HS15 and PPG13.

8. No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

Reason: In the interests of highway safety and to accord with Policy TR12 of the Wirral Unitary Development Plan

9. A scheme of works shall be submitted to and agreed in writing with the Local planning Authority showing details of all mechanical extraction/ventilation units, air conditioning units, chillers and cooler systems. The scheme should include the sound and power levels for each piece of equipment. All approved works to be completed before the extensions hereby approved are brought into use and operated in accordance with the agreed scheme.

Reason: To protect the amenities of adjacent residential properties with regard to UDP Policy HS15.

10. Pedestrian visibility splays of 2.4 metres by 2.4 metres shall be provided at the junction of the proposed access with The Kings Gap before any part of the development is brought into use. These splays shall be retained thereafter.

Reason: In the interests of highway safety .

11. Vehicular sight lines of 2.4m x 43m in both directions shall be provided at the junction of Kings Gap before the development hereby approved is brought into use. The sight lines shall be retained thereafter.

Reason: In the interests of highway safety

12. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally approved unless agreed in writing with the Local Planning Authority

Reason: In the interests of the visual appearance of the site and in accordance with UDP policy GR5

13. The approved landscaping scheme shall be carried out within the first planting season of the completion of the extensions hereby approved.

Reason: To ensure a satisfactory landscaping scheme with reference to UDP Policy GR5.

14. Details of the type of foundations, method, type and programme to be adopted shall be submitted to and agreed with the Local Planning Authority before any work is commenced and shall not be varied unless agreed in writing with the Local Planning Authority.

Reason: To ensure that nearby properties are not adversely affected by the development.

15. No trees indicated in the approved plan(s) or documentation to be retained shall be cut down, uprooted or destroyed, nor shall any trees be pruned other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any agreed pruning shall be carried out in accordance with British Standard 3998 (Tree Works).

Reason: To ensure the trees are properly considered and protected and that any agreed work is carried out to accepted arboricultural practices for the long term well being of the tree(s) and to accord with Policy GR7 of the Wirral Unitary Development Plan.

16. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

17. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the LPA:

A; a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

B; the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.

C; a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

E; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

F; the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

G; the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

H; the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).

I; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

J; the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, surfacing)

K; the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.

L; the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
M; the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

N; the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

O; the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).

P; the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

Q; the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To protect trees which are of significant amenity value to the area having regard to UDP Policy GR7 and to ensure that the arboricultural work is carried out to a satisfactory standard.

18. 21 days before any development is commenced resulting in any alteration of existing ground levels, demolition or alteration of the structure, written notice shall be given to the local planning authority whereupon the local planning authority, within 21 days of receipt of such notice, shall specify in writing to the developer which persons authorised by the local planning authority shall be allowed access to the site to inspect tree protection measures and construction of driveways / access near trees, for the purpose of arboricultural investigation.

Reason: To ensure that all works on the site properly take account of the future health of trees and having regard to Policy GR7 of the Wirral UDP.

19. All redundant vehicle crossings adjacent to the boundary of the site shall be reinstated as footway to match the existing footway immediately adjacent before the development hereby approved is brought into use.

Reason: In the interests of highway safety and amenity.

Further Notes for Committee:

Last Comments By: 04/03/2010 09:06:34

Expiry Date: 16/04/2010

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Agenda Item 6

Planning Committee

11 March 2010

Reference:
CON/10/00034

Area Team:
North Team

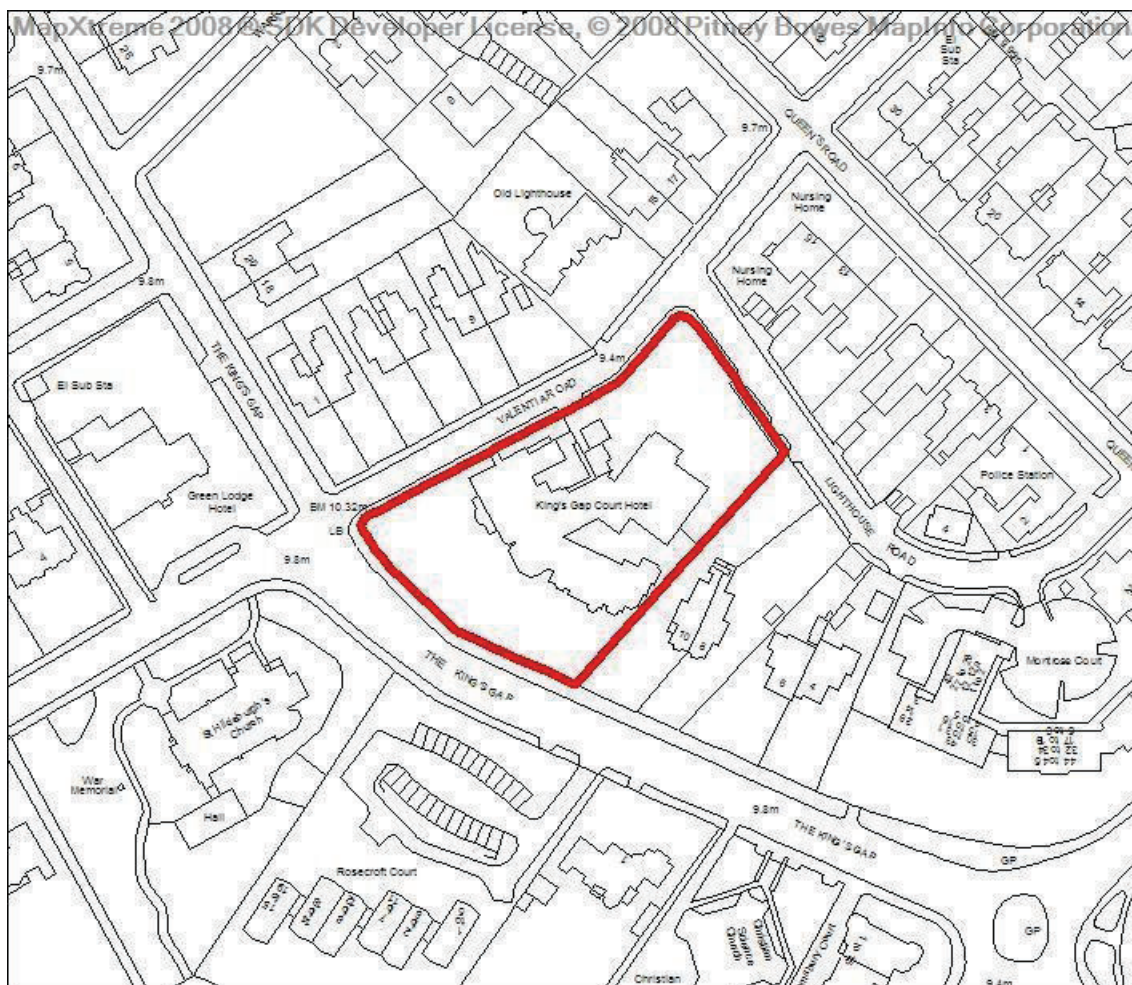
Case Officer:
Mrs S Day

Ward:
Hoylake and Meols

Location: Kings Gap Court Hotel, VALENTIA ROAD, HOYLAKE, CH47 2AN
Proposal: Renovation of the hotel, demolition of the majority of the extensions including the rear function room and adjoining annex to the hotel on the Kings Gap Frontage, and erection of new extensions

Applicant: Kings Gap Court Hotel Ltd
Agent : DPP

Site Plan:



Development Plan allocation and policies:

Density and Design Guidelines Area
Primarily Residential Area

Planning History:

- 4871 Demolition of property and erection of 30 flats and garages Ref 4/8/76
- 4872 Demolition of existing property and erection of 24 Town Houses Ref 4/8/76

4944 Conversion of existing building 5 self contained flats Ref 4/8/76
 5184 Change of use from private hotel to nursing home and clinic 4/8/76
 7773 Erection of 34 service flats and garages ref 7/10/1977
 1988/7045 Erection of 34 sheltered housing units and a new conservatory to the hotel W
 12/12/08
 1988/7398 Erection of 34 Sheltered housing units and a new conservatory to the rear of the
 hotel Ref 2/2/89
 1989/6378 Demolition of existing ext and erection of 28 sheltered housing units and layout of car
 park and conservatory A/C 13/9/89
 1992/6322 Extension of consent 1989/6378
 2002/7708 Demolition of existing function room and the erection of new leisure buildings to the
 rear A/C 6/6/2003
 APP/2008/6419 Renovation of hotel, demolition of extensions and erection of new extensions
 – Approved
 CON/2008/6422 Demolition of extensions – Approved

Summary Of Representations and Consultations Received:

REPRESENTATIONS

The application was advertised by site notices and individual letters were sent to 51 surrounding properties.

As a result of neighbour notifications letters were received from 3 and 1 Valentia Road and 12 Stanley Road. The issues raised are as follows:

- Concern over potential loss of prominent trees which would damage the landscape character and compromise the architecture of the building.
- Prominent site within Conservation area which is under threat
- Existing buildings should be retained because they fit well within the conservation area, are of a similar scale, materials and age to the main hotel
- The architectural impact of the buildings extend beyond their curtilage and make a massive contribution to the Conservation area.
- Demolition in other parts of the Conservation area has not been permitted

CONSULTATIONS

Director of Regeneration, Environmental protection – No objection

Director of Technical Services – Traffic Management – No objection subject to conditions and section 106 agreement

Director of Tourism – Support for proposal which will increase visitors to the area and help regeneration of the local economy.

Wirral Wildlife – Black Poplar Tree on site should be retained.

English Heritage – No comments to make.

Merseytravel - No objection subject to provision of a Travel Plan to promote the use of sustainable modes of transport.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

Due to the scale of the proposed redevelopment proposed under linked application APP/10/00033.

INTRODUCTION

The current development proposal involves the demolition of the existing outbuildings to the rear of the hotel, together with the annexe building and their replacement with new build two storey wing fronting Valentia Road. A single storey restaurant and a function room will be constructed fronting Kings Gap. The existing main vehicular access from Valentia for will be closed, and all access is proposed to be

taken from King's Gap.

PRINCIPLE OF DEVELOPMENT

The consented scheme sought the demolition of the annexe building fronting Kings Gap to facilitate the construction of a new build wing extension. The extension within this area does not form part of the current proposals albeit the proposal does involve the demolition of a block fronting Kings Gap.

The principle of the construction of the extensions and the demolition works has however previously been established at the site under application numbers APP/2008/6419 and CON/2008/6422 granted in February 2009.

SITE AND SURROUNDINGS

The application site is located on the south east corner of the junction between the Kings Gap and Valentia Road. The existing building is three storeys in height with a slate roof and white rendered walls and a two-storey veranda on the front elevation. The hotel was originally a pair of semi-detached houses. There are a number of extensions to the property including a large single storey function room to the rear of the site. Previous extensions have been added on an ad hoc basis and do not make a particularly positive visual contribution to the building or wider Conservation Area. A large hard surfaced car park, which is accessed from Valentia Road is located at the rear of the site. There is an additional smaller car park to the front of the hotel.

The site is within The Kings Gap Conservation Area which was designated in April 2000. The lighthouse on Valentia Road and St Hildeburgh's Church, on Kings Gap opposite the site are both Grade II Listed Buildings. The surrounding properties are predominately three storey, semi detached houses within generous plots. The palette of building materials is generally red brick, pebbledash render and white paint on rough render. The roof tiles comprise welsh slate and plain red tiles.

The site boundary contains a hedge and a number of mature trees. The boundary to Valentia Road and Lighthouse Road consists of a low brick wall, with a small number of trees along the lighthouse Road frontage.

POLICY CONTEXT

PPG15 recognises that the designation of Conservation Areas cannot realistically be a reason for preventing all new Development. The emphasis must be on controlled and positive management of change. Policies should be designed to allow areas to remain alive, whilst ensuring development accords with the special interest of the area.

In addition PPG15 sets out the Government's view on the need to balance conservation and economic prosperity. Conservation and sustainable economic growth are complementary objectives, and should not generally be seen in opposition to one another. Economic prosperity can secure the continued vitality of conservation areas, and encourage inward investment if environmental quality is raised.

Policy CH3 Policy CH3 of the Council's Unitary Development Plan relates to demolition within Conservation areas and follows advice given in PPG15. Demolition within Conservation areas will only be permitted where the building is of no visual or historic merit and where detailed plans have been approved.

APPEARANCE AND AMENITY ISSUES

The existing annexe that is to be demolished consists of a pair of semi-detached properties that were acquired to provide additional accommodation for the hotel.

The properties were constructed earlier than the main hotel building and are of a different scale, character and design which reflect their intended purpose as residential accommodation. They originally formed part of the group of residential properties at 2/4 and 6/8 Kings Gap. The inclusion of the properties within the curtilage of the hotel, their attachment to the main hotel building and the loss of original boundaries and front garden area has resulted in the annexe no longer reading as part of this row and has significantly lessened their group value.

Furthermore the properties have suffered significant alteration and have lost much of their architectural integrity. The addition of two storey bay windows to the front elevation of the right hand

house has detracted from their original symmetry, the roof has been reroofed with concrete tiles and both properties have been rendered. The flat roof link extension further detracts from the original composition. There is some visual interest in the turret extension however it is not of any real historic or architectural significance and does little to raise the merit of the block itself. The frontage to the block has lost much of its residential character as it is occupied by a large expanse of hard standing accommodating car parking. The contribution of the annexe to the conservation area is limited given the extent of the loss of its historic fabric.

The heritage statement supporting the application states that the accommodation is not fit for purpose and its reuse is unviable due to the constraints of the existing layout and accessibility issues. Conversion would render the development proposal unviable.

The rationalisation of the car parking and access arrangements is dependent on the demolition of the annexe. Securing such improvements will result in a lesser area of hardstanding fronting Kings Gap and additional landscaping as well as improving the residential amenity for occupants of Valentia Road.

The demolition of the block would have no significant impact on the character and appearance of the conservation area. Its impact is neutral, its removal allows for better use of the site and should be balanced with the need to attract investment and secure improvements to the hotel building and site. Thus, although the semis are an example of a specific stage in the development of Hoylake, the other less altered buildings in the group will maintain the architectural style and history of the early development within the Conservation Area.

The removal of the single storey buildings to the rear of the former 12 and 14 The Kings Gap would again have no significant impact on the character and appearance of the conservation area. They are later additions of utilitarian character seen across a tarmac car park open to view from Valentia Road and unrelieved by landscaping. Indeed the car park was identified as a negative feature in the Conservation Area Appraisal. Demolition of these buildings could be considered to enhance the Conservation Area.

SEPARATION DISTANCES

As this proposal is solely concerned with demolition, there is no issue relating to separation distances

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway issues relating to the demolition of the buildings

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no environmental /sustainability issues relating to this proposal

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposal is acceptable in terms of the relevant national, regional and local planning policies, with particular reference to PPG15 Planning and the Historic Environment and policies contained within Wirral's Unitary Development Plan. The demolition of these buildings is accompanied by an acceptable scheme for re-development which satisfies the requirements of policy CH2 of the Wirral Unitary Development Plan. The proposed demolition therefore accords with the criteria of policy CH3 of the Wirral Unitary Development Plan.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Conservation Area Consent

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

The demolition of these buildings is accompanied by an acceptable scheme for re-development which satisfies the requirements of policy CH2 of the Wirral Unitary Development Plan. The proposed

demolition therefore accords with the criteria of policy CH3 of the Wirral Unitary Development Plan.

Recommended Decision: Approve

Recommended Conditions and Reasons:

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

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

2. Works for the demolition of the building or any part thereof shall not be carried out other than as part of the implementation of development for which planning has been granted through planning approval 2010/00034. The demolition shall be carried out without interruption and in complete accordance with the plans approved through this consent and any associated planning permission

Reason: To ensure that the development takes place in accordance with an approved scheme and that the site does not remain vacant following demolition having regard to Policy CH3 of the Wirral Unitary DEvelopment Plan.

3. The demolition work shall not be commenced until a contract has been signed for the redevelopment works and a copy submitted to and agreed by the LPA.

Reason: To ensure that the site does not remain vacant having regard to Policy CH3 of the Wirral Unitary Development Plan

Last Comments By: 04/03/2010 09:10:11
Expiry Date: 16/04/2010

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Agenda Item 7

Planning Committee

11 March 2010

Reference:
DPP3/10/00069

Area Team:
South Team

Case Officer:
Ms C Berry

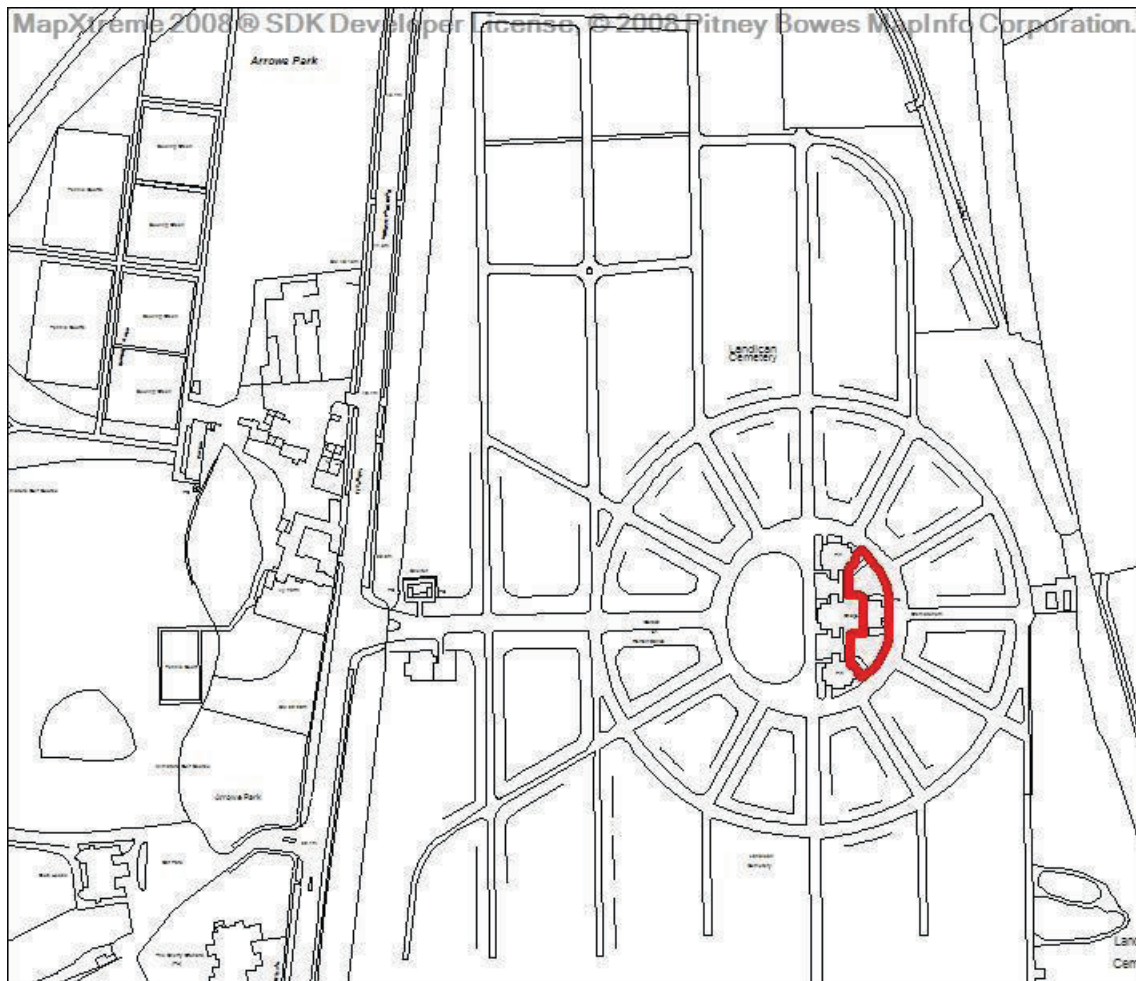
Ward:
**Pensby and
Thingwall**

Location: Crematorium, Landican Cemetery, ARROWE PARK ROAD,
WOODCHURCH, CH49 5LN

Proposal: Mercury abatement & furnace room extension

Applicant: Wirral Council
Agent : Wirral Council

Site Plan:



Development Plan allocation and policies:

Green Belt

Planning History:

2005/6896 - Change of use of land to form extension to existing cemetery, approved, 18/11/05

Summary Of Representations and Consultations Received:

REPRESENTATIONS

The application was advertised in the press and a site notice was displayed.
No comments have been received.

CONSULTATIONS

Director of Regeneration – Housing & Environmental Protection Division: No objection
Director of Technical Services – Traffic Management Division: No objection
Green Belt Council - No response received at time of writing the report
Environment Agency - No response received at time of writing the report

DirectorsComments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The site is within the Green Belt and the proposal is classed as a departure from the Unitary Development Plan and by definition is inappropriate development where very special circumstances need to be demonstrated.

INTRODUCTION

The proposal is for an extension to the rear of the Crematorium to provide new cremators including heat exchange and recovery facilities, storage and improved vestry and staff facilities. The main reason for the extension is to provide an area to accommodate new equipment that is required to meet new statutory requirements following a Government Directive on the operation of Crematoria and to provide an improved meeting area for both visitors and staff members. The current equipment has high gas consumption and high CO² emission and the new equipment (cremators) will allow for considerable reduction in each. The heat recovery facility will recycle heat and the use of low energy electrical fittings, heating controls and water saving devices which help to reduce the consumption of natural resources.

PRINCIPLE OF DEVELOPMENT

The site is within an area designated as Green Belt in the adopted Wirral Unitary Development Plan and the proposal does not fall into the category of appropriate development as set out in UDP Policy GB2 or PPG2 Green Belts (see Policy Context below). As such, inappropriate development such as this proposal will only be acceptable where very special circumstances are demonstrated and where there is no harm to the openness and character of the Green Belt.

SITE AND SURROUNDINGS

The cemetery is accessed from Arrowe Park Road and is within the green belt with open land to the southern and eastern boundaries and Woodchurch Road to the north. The existing crematorium is located to the rear of the three chapels, which are located centrally towards the rear of the cemetery site. The existing crematorium structure cannot be seen from the front of the chapels. The proposed extension will replace the existing single storey cremation room at the rear that will accommodate the new equipment along with office and staff room facilities.

POLICY CONTEXT

The site is within an area designated as Green Belt in the adopted Wirral Unitary Development Plan. Paragraph 3.4 of PPG2 (Green Belts) and Policy GB2 of the Wirral Unitary development Plan advises that the construction of new buildings inside a Green Belt is inappropriate unless it is for certain specified purposes:

- agriculture and forestry;
- essential facilities for outdoor sport and outdoor recreation;
- limited extension or replacement of existing dwellings;
- limited infilling in existing villages;
- limited infilling/redevelopment of major developed sites.

The proposed development does not fall into any of the above categories and is deemed as inappropriate development in the green belt, which is a departure from the adopted Wirral UDP. PPG2 and Policy GB2 make it clear that there is a general presumption against inappropriate development within green belts and that very special circumstances must be demonstrated to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

APPEARANCE AND AMENITY ISSUES

The proposed single storey extension will replace the existing flat roofed structure that houses the cremation room located at the rear of the three chapels. Whilst it increases in width across the rear elevation and the height is slightly increased (from 4m to 5m), the design of the flat-roofed structure includes details that are generally in keeping with that of the three chapels. The scale and design of the extension has been dictated by the technical requirements of the new equipment in terms of its size and the design of the flat roof. However, the extension will be constructed in red brick to match the chapels with the addition of brick detailing around the door and window openings. The location of the extension to the rear of the chapels maintains the existing view when entering the Cemetery and only part of the roof will be seen from the front of the chapel buildings. The scale and size of the extension is necessary to accommodate the new equipment in order to meet the statutory requirements and to achieve carbon reduction. It is considered that the scale and design of the extension does not detract from the character of the existing chapel buildings or the character of the green belt.

SEPARATION DISTANCES

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

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The proposal is required to meet new statutory legislation that would result in a reduction of carbon emissions. The new equipment will result in a saving of 255 tonnes of CO² per year and the use of energy saving controls help to reduce the consumption of natural resources.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that the applicant has demonstrated there are very special circumstances provided in accordance with the advice contained in Policy GB2 of the adopted Wirral Unitary Development Plan and PPG2 Green Belts in that the extension is required to meet a Government Directive on the operation of Crematoria and the environmental benefits as a result of the reduction of carbon emissions and energy. The scale and design of the extension does not detract from the character of the existing buildings and does not result in any harm to the openness and character of the Green Belt.

Summary of Decision:

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

It is considered that the applicant has demonstrated there are very special circumstances provided in accordance with the advice contained in Policy GB2 of the adopted Wirral Unitary Development Plan and PPG2 Green Belts in that the extension is required to meet a Government Directive on the operation of Crematoria and the environmental benefits as a result of the reduction of carbon emissions and energy. The scale and design of the extension does not detract from the character of

the existing buildings and does not result in any harm to the openness and character of the Green Belt.

Recommended Decision: Approve

Recommended Conditions and Reasons:

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

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

2. Before any construction commences, samples of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy [5] of the Wirral Unitary Development Plan.

Last Comments By: 24/02/2010 15:05:23

Expiry Date: 16/03/2010

WIRRAL COUNCIL

PLANNING COMMITTEE: 11th MARCH 2010

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES, DEVELOPMENT CONTROL SECTION

REPORT TO INFORM MEMBERS OF CHANGES TO NATIONAL PLANNING POLICY BROUGHT ABOUT THROUGH THE PUBLICATION OF PLANNING POLICY STATEMENT 4, AND TO OUTLINE THE IMPLICATION OF THESE CHANGES TO THREE PLANNING APPLICATIONS THAT HAVE PREVIOUSLY BEEN PRESENTED TO THE PLANNING COMMITTEE FOR WHICH A DECISION NOTICE HAS NOT BEEN ISSUED

1. Executive Summary

- 1.1 This report is to inform members of the publication of National Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), and to provide advice on the impact of this Policy Statement to three planning applications that have previously been presented to the planning committee.
- 1.2 Planning committee recommended approval of each of the planning applications, but the requirement for a s106 legal agreement for each application means that decision notices have not been issued to date.
- 1.3 The assessments and recommendations of each committee report originally presented to planning committee for the applications are otherwise considered to remain relevant and accurate, and are appended to this report for reference. The purpose of this report is to inform members of the publication of pps4 and that an assessment of its impact on the three applications raises no new material considerations which would affect the previous decisions of the planning committee.

2. Applications Affected

2.1 APP/2008/6821 – New Foodstore, Land at Bridge Road, West Kirby

The first application relates to the partial demolition of existing buildings and the construction of new foodstore and additional retail unit including the retention of existing façade with associated car parking and servicing on land at Bridge Road, West Kirby.

- 2.2 The application was registered in October 2008 and presented to the planning committee in January 2009. Members resolved to approve the application subject to conditions and the Local Planning Authority and the applicant entering into a 106 agreement. Following lengthy negotiations with the applicant, the terms of the 106 agreement have now been concluded and subject to member's decision on this report, completion of this agreement is imminent.

2.3 APP/2009/5109 and OUT/2009/5110 – Mixed Use Development, Dock Road, Seacombe

- 2.4 Members will recall these two applications, which went before the planning committee in August last year for mixed use development on Plots 1 – 5 Northbank East. APP/2009/5109 is a full application for 141 residential units, 2,025 sqm (gross) convenience retail floorspace (class A1 food), 263 sqm retail use (class A1), restaurants and cafes (A3), bars (A4), 1084 sqm amenity space (D2), car and cycle parking, landscaping and public realm works.

- 2.5 Application OUT/2009/5110 is in outline for a mixed use development comprising of a maximum of 1531 residential units (C3), 6037 sqm office development (B1A), 4601 sqm retail uses (Class A1)/ restaurants and cafes (A3)/ bars (A4), and 1450 sqm leisure use (D2), car and cycle parking, landscaping and public realm works.
- 2.6 Planning Committee resolved to grant permission for each application on 13th August 2009 subject to conditions, referral to Government Office and the requirement for the applicant to enter into a Section 106 Agreement.
- 2.7 Government Office made the decision not to call in the applications and subsequent negotiations have taken place to secure a satisfactory section 106 agreement.

3 The Adoption of Planning Policy Statement 4: Planning for Sustainable Economic Growth

- 3.1 At the time the planning applications were registered (October 2008 and February 2009 respectively) the Government had issued consultations on proposed changes to Planning Policy Statement 6: Planning for Town Centres (PPS6) and on a draft Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4). In preparing their submissions for the planning applications, the applicants were aware of the consultations and the retail office and leisure statement summarised the consultation documents that were available at that time. Rightly, in view of their draft status, little weight was attached to these consultation documents
- 3.2 After the applications had been registered, the Government took the decision to combine policy guidance on economic development and retailing/town centres, and a revised consultation draft of PPS4 was re-issued on the 5th May 2009. A consultation response on the revised draft PPS4 was agreed by the Cabinet Member for Regeneration and Planning Strategy in July 2009 under delegated powers.
- 3.3 As such the reports to Planning Committee on the 13th August (relating to the two Northbank applications) acknowledged the consultation draft PPS4 but noted that only limited weight could be given to those aspects of the proposed changes which differed from PPS6 and both reports assesses the applications in terms of their compliance with PPS6. Recommendations were made to the planning committee on that basis. PPS4 was published on 29th December 2009 and superseded PPS6.
- 3.4 It is considered that in order for the council to make an informed decision, all relevant, **current** policies must have been addressed and tested through the planning process at the point at which planning permission is granted (in this case, on the signing of the S106 agreements). It is clear that this is the intention of the Government when producing the document that assessment of proposals should be in line with such policies at determination stage. Paragraph 3 of PPS4 states: "the policies in this PPS are a material consideration which must be taken into account in development management decisions, where relevant".
- 3.5 The above applications have to be assessed in light of all current national, regional and local planning policy. In this instance, the relevant elements of the three applications have been reassessed against the provisions of the recently published PPS4 focusing in particular on those differences from PPS6.

4 Planning Policy Statement 4

4.1 The finalised PPS4 combines the policies previously set out in PPS6 and PPG4. It retains most of the policy changes proposed in the May 2009 draft. The overall 'town centres first' approach and emphasis on consumer choice, is retained, but the document is refocused and set out as a series of policies with additional advice provided in a separate practice guide. The PPS does not include a Competition Test (as recommended by the Competition Commission), but sets out positive guidance for the protection and fostering of local and independent traders, as part of competitive 'diversity and mix' to enhance consumer choice. Paragraph 9 of PPS4 states that the Government's overarching objective for prosperous economies is sustainable economic growth. To help achieve sustainable economic growth the Government's objectives for planning are to:

- Build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural;
- Reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation;
- Deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate changes;
- Promote the vitality and viability of town and other centres as important places for communities.

To do this, the Government wants:

- New economic growth and development of main town centre uses to be focused in existing centres with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities;
- Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups);
- The historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity;
- Raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.

4.2 Policies EC2 to EC9 are concerned with plan-making rather than development management but it is worth noting that the guidance emphasises an approach for councils to set priorities through proactive and positive policies, underpinned by a 'robust evidence base' (evidence base requirements are set out in Policy EC1). The test of need is retained for the plan-making process.

4.3 Policies EC10 to 19 are concerned with development management. Planning authorities are to adopt a positive and constructive approach to applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. An evidence based approach should be adapted to applications not in accordance with the development plan, weighing market and other economic data alongside environmental and social and taking full account of long term benefits and the wider objectives of the Local Development Framework. There is no longer a requirement for applicants for retail and certain other forms of development to undertake a separate assessment of quantitative and qualitative need for their proposal. Assessment of impact is now split between policies EC10 and EC16 and failure against any one of the criteria within the policies could result in refusal of planning permission, notwithstanding performance against all of the other criteria.

5 Assessment of Applications APP/2009/5109 and OUT/2009/5110, Dock Road Seacombe, Against The Policies of PPS4

5.1 **Policy EC10** applies to all applications relating to economic development proposals. EC10.1 identifies five criteria against which proposals are to be assessed:

- Whether the proposal has been planned over its lifetime to limit carbon dioxide emissions and minimise vulnerability and provide resilience to climate change;
- Accessibility by a choice of transport and impacts on traffic levels;
- Quality and inclusiveness of design;
- Impact on economic and physical regeneration including deprived areas and social inclusion objectives;
- The impact on local employment impacts.

5.2 In relation to sustainability, the applicant noted that in addition to potentially reducing commuting and travel time to out-of-centre food stores, the scheme proposes a number of energy saving benefits which are detailed in full in the applicant's sustainability statement. Flood risk impacts are addressed through the flood risk assessment. In terms of the accessibility of the site, this was considered in relation to the transport assessment and included the provision of local services and facilities on site to reduce the need to travel.

5.3 Design (and heritage) issues were addressed in the Committee Reports for both applications including the input from a CABE Design Review undertaken, and appropriate conditions have been attached to the permission.

5.4 In relation to economic/physical regeneration/social inclusion (EC10.2.d & e) it is considered that there are no significant changes and therefore no change to the policy position from the original assessment under PPS6 for the following reasons:

5.5 In terms of physical regeneration the applicants noted that the proposal would secure the redevelopment of a currently vacant and derelict site to create a mixed-use proposal that will act as a catalyst for further high quality mixed-use development within Inner Wirral. The applicant notes that the layout and position of the wider Northbank scheme starts to create a potential northern circuit that in the future will link Birkenhead town centre with the waterfront area.

5.6 With regards to employment, in addition to construction phase employment (183 full time equivalent), the applicant suggests that in the long term the supermarket and other retail and service business units for plot 1 will provide 95 full time equivalent

jobs. Some 580 jobs would be created in the development of plots 2-5 which would include an estimated 262 jobs in the retail and leisure businesses and 318 in the offices, giving an aggregate total of 675 jobs from plots 1-5, this will equate to a total of 858 new jobs inclusive of construction.

- 5.7 In relation to social inclusion, the applicant noted that a full socio-economic assessment has been undertaken as part of the baseline report for the Wirral Waters Strategic Regeneration Framework, highlighting in particular the levels of deprivation in east Wirral, population loss, high levels of economic inactivity, poor levels of educational attainment, relatively high numbers of people with a limiting long term illness and high levels of crime, and housing market failure. Significant economic and physical regeneration benefits from these two applications and the wider Wirral Waters project are anticipated given the project's location in a deprived area and within the housing market renewal pathfinder.
- 5.8 **Policy EC14** identifies the supporting evidence required for planning applications for main town centre uses and the floorspace thresholds that apply. As with PPS6 a threshold for impact assessments of 2,500 sqm gross floorspace is set for proposals which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres. The focus is on impacts during the first five years after scheme construction and the type of evidence and assessment should be proportionate to the scale and nature and its likely impact.
- 5.9 The applicant's submissions cover both impact and the sequential approach for both applications (the retail floorspace in the detailed application is below the 2,500 sqm threshold and are proportionate to the scale and nature of the proposal. The submitted retail assessment included a detailed assessment of the impact of the proposed supermarket on stores and centres. The assessment concluded that allowing the store to open and trade will not result in any short or long term impacts for any other stores/centres or those which have extant planning permission. There is no further requirement for additional information.
- 5.10 **Policy EC15** sets out the consideration of sequential assessments with reference to site selection, the requirement for developer and operator flexibility in relation to development proposals, and operator business model considerations. PPS4 attaches greater weight to the outcome of the sequential assessment compared with PPS6 as failure to demonstrate compliance with the requirements is grounds for refusal alone.
- 5.11 The applicant submitted a supplementary sequential assessment in relation to the supermarket proposal, which concluded that there were no sites in sequentially preferable locations that are suitable, viable and available to meet the identified need. The original committee report noted that the other retail and non-residential elements are proposed in these applications with the specific purpose of serving the local day to day needs of the growing Wirral Waters residential community in a location with no existing services and this need could not be met by locating these uses in a more distant centre. Conditions limiting the quantum of retail floorspace and unit size are attached to the outline application. As such the requirements of PPS4 Policy EC15 have been addressed.
- 5.12 **Policy EC16** applies only to main town centre uses (including retail proposals) and sets out the impact considerations applying to unplanned, edge and out-of-centre

developments (in addition to those criteria identified under Policy EC10). Policy EC16.1 sets out the criteria for the assessment of impact on centres –

- existing, committed and planned public and private investment in a centre or centres in the catchments area of the proposal
- town centre viability and vitality
- impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
- in-centre trade/turnover and on trade in the wider area, taking into account of current and future consumer expenditure capacity in the catchment area
- whether the proposal is appropriate in scale in terms of gross floorspace in relation to the size of the centre and its role in the hierarchy of centres

5.13 The applicant's retail office and leisure assessment includes a detailed assessment of the impact of the proposed supermarket on stores and centres. The report to Planning Committee noted that the assessment concluded that allowing the store to open and trade will not result in any short or long-term trading impacts for any other stores or centres or those which have planning permission (commitments). In relation to scale, the applicant notes that the proposal aims to provide a medium sized supermarket that will serve a new catchment area in which considerable new housing and businesses are planned. Gross convenience retail floorspace is limited to 1,316 sqm and the supermarket will not offer the wide range of goods and services of a large superstore. It is proposed to control the unit size of the comparison retail floor space by condition, ensuring that the retail units are small in size and restricted to providing a more local shopping function.

5.14 **Policy EC17** also applies to unplanned, edge and out-of-centre main town centre uses, setting out the basis on which applications should be considered with emphasis on sequential compliance and impact. Applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where (a) the applicant has not demonstrated compliance with the requirements of the sequential approach or (b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in EC10.1 and 16.1, taking into account cumulative impacts. Where no significant adverse impacts are identified, applications should be determined by balancing the negative and positive impacts of the criteria in the two policies and cumulative impacts.

5.15 In this case, having had regard to the supporting documents submitted by the applicant, it is not considered that the developments would lead to significant adverse impacts in terms of the criteria listed in EC10.2 or EC16.1. Furthermore it is considered that the economic and physical regeneration, social inclusion and reducing deprivation benefits outlined above in relation to EC10.2 d & e remain significant positive material planning considerations as identified in the earlier Planning Committee reports.

5.16 **Policy EC19** identifies the use of conditions to proactively manage the impacts of development and implement policies, through a series of criteria to control the maximum size of units, limited internal alterations intending to increase the size of units, limiting the range of goods to be sold and timing of deliveries where applicable.

5.17 In this case, the outline application is subject to conditions limiting the overall quantum of retail floorspace and unit size. The retail floorspace permitted in the full application

is controlled through the scheme description. The conditions are consistent with the advice in EC19.

6 Assessment of Application APP/2008/6821, Land at Bridge Road, West Kirby, Against The Policies of PPS4

6.1 The application site is located within (the proposed store) and on the edge (the car park) of the defined West Kirby Town Centre in the Wirral UDP. The original report to Committee indicated that a sequential and need assessment was not required due to the UDP designations, which remain in place. As such the following policies of PPS4 are therefore applicable:

6.2 **Policy EC10** applies to all applications relating to economic development proposals. EC10.1 identifies five criteria against which proposals are to be assessed:

- Whether the proposal has been planned over its lifetime to limit carbon dioxide emissions and minimise vulnerability and provide resilience to climate change;
- Accessibility by a choice of transport and impacts on traffic levels;
- Quality and inclusiveness of design;
- Impact on economic and physical regeneration including deprived areas and social inclusion objectives;
- The impact on local employment impacts.

6.3 In relation to sustainability, the applicant noted that in addition to potentially reducing commuting and travel time to out-of-centre food stores, the scheme proposes a number of energy saving benefits which are detailed in full in the applicant's sustainability statement. These include a local-sourcing policy that reduces long distance transportation and the materials used in the construction and fit out of the store seek to maximise the use of renewable materials. The proposals will also conform to Building Regulations requirements to minimise heat loss/gain by creating airtight insulated buildings with controllable natural ventilation. In terms of the accessibility of the site, this was considered in relation to the transport assessment and included the provision of local services and facilities on site to reduce the need to travel. Design (and heritage) issues were considered in the Committee Reports and again appropriate conditions have been attached to the permission. In relation to economic/physical regeneration/social inclusion (EC10.2.d & e) it is considered that there are no significant changes in the following areas and therefore no change to the policy position from the original assessment under PPS6 for the following reasons:

6.4 In terms of physical regeneration the applicants noted that the proposal would secure a high quality development by retaining the façade of the existing cinema building, which will provide continuity and appropriate linkages with the town centre. The demolition of less attractive buildings and their replacement with a more contemporary structure will provide a significant visual enhancement to the street scene. This will contribute to the regeneration of West Kirby Town Centre and will provide significant investment and new employment.

6.5 With regards to employment, the applicant suggests that in the long term the supermarket will provide employment of up to 20 full and part time staff.

6.6 **Policy EC 18** relates to the application of car parking standards for non-residential development, and stresses that local parking standards should apply to individual planning applications unless –

- The applicant has demonstrated that a higher level of parking provision is needed and shown the measures proposed to be taken to minimise the need for parking
- The parking provision is consistent with any town centre parking strategy and facilities will genuinely serve the town centre as a whole
- The scale of parking is proportionate to the size of the centre

6.7 The application provided for 73 spaces, which represented approximately 60% of the parking provision allowed under the Councils SPD4 “Supplementary Planning Document 4 Parking Standards”. The site is well situated in terms of accessibility to public transport and there are a significant number of residential properties within two kilometres of the site. This is the maximum distance that PPG13 “ Planning Policy Guidance Note 13 Transport” reorganises as offering the greatest potential to replace short car trips. The car park will also be available free of charge to non-store users.

7 Conclusion

7.1 Overall it is concluded that there are no issues arising from the publication of the new PPS4 which give grounds for revising the original recommendations to planning committee in relation to these applications or the proposed planning conditions or s106 Agreements.

7.2 Members are requested to note the change in national policy PPS4 Planning for Sustainable Economic Growth.

8 Financial Implications

8.1 There are no financial implications arising directly from this report.

9 Staffing Implications

9.1 There are no staffing implications arising directly from this report.

10 Equal Opportunities Implications

10.1 There are no equal opportunities implications arising directly from this report.

11 Community Safety Implications

11.1 There are no community safety implications arising from this report.

12 Local Agenda 21 Implications

12.1 There are no local agenda 21 implications arising directly from this report.

13 Planning Implications

13.1 As detailed within the body of the report.

14 Anti-Poverty Implications

14.1 There are no anti-poverty implications arising directly from this report.

14 Human Rights Implications

15.1 There are no human rights implications arising directly from this report.

15 Social Inclusion Implications

16.1 There are no social inclusion implications arising directly from this report.

17 Local Member Support Implications

17.1 The proposed developments would be located within the wards of Seacombe and West Kirby and Thurstaston.

18 Background Papers

18.1 The committee reports relating to each of the applications are appended.

19 Recommendations

19.1 Members are requested to note the change in national planning policy brought about by the publication of PPS4: Planning for Sustainable Economic Growth.

19.2 Members are requested to endorse this report which concludes that there are no issues arising from the publication of National Planning Policy Statement 4: Planning for Sustainable Economic Growth that give grounds for revising the decision of planning committee in relation to applications APP/2008/6821 and APP/2009/5109 OUT/2009/5110 or the proposed planning conditions and associated s106 Legal Agreements.

D Green

DIRECTOR OF TECHNICAL SERVICES

This report was prepared by Joanne Storey of the Development Control Section, who can be contacted on 0151 606 2491.

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APP/2009/5109

WARD Seacombe

Location: Unused Land Dock Road Seacombe Wirral CH41 1HW

Proposal: Full Planning application for a mixed use development comprising: 141 residential units, (C3), 2,025 sqm (gross) convenience retail floorspace (Class A1 food) 263 sqm retail use (Class A1) Restaurants and Cafes (A3) Bars (A4) 1084 sqm ancillary residential amenity floorspace (D2) Car and cycle parking, structural landscaping, formation of public spaces and associated infrastructure and public realm works at Plot 1 of Northbank East, Birkenhead Docks

Applicant: Peel Land & Property
(Ports) Ltd
c/o Turley Associates
The Chancery, 58 Spring Gardens
Manchester
M2 1EW

Agent: Mrs Becki Hinchliffe
Turley Associates
The Chancery
58 Spring Gardens
Manchester
M2 1EW

**Development Plan
Allocation and policies:**

National Policies

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG4 Industrial and Commercial Development and Small Firms
PPS4 Planning for Prosperous Economies (Consultation Draft)
PPS6 Planning for Town Centres
PPS9 Biodiversity and Geological Conservation
PPS10 Planning for Sustainable Waste Management
PPG13 Transport
PPG15 Planning and the Historic Environment
PPG16 Archaeology and Planning
PPS22 Renewable Energy
PPS23 Planning and Pollution Control
PPG24 Planning and Noise
PPS25 Development and Flood Risks

Regional planning Policy Context

North West of England Regional Spatial Strategy to 2021 (2008)

Wirral Unitary Development Plan

Policy URN1 Development and Urban Regeneration
Policy URN2 Planning Agreements for Urban Regeneration
Policy HS4 Criteria for New Housing Development
Policy HSG2 Affordable Housing
Policy HS6 Principles for Affordable Housing
Policy GR5 Landscaping and New Development
Policy GR6 Greenspace within New Family Housing Development
Policy GR7 Trees and new development
Policy CHO1 The Protection of our Heritage
Policy CH1 Development Affecting Listed Buildings and Structures
Policy CH2 Development Affecting Conservation Areas
Policy CH4 Bidston Village Conservation Area
Policy CH5 Hamilton Square Conservation Area
Policy CH6 Birkenhead Park Conservation
Policy CH23 Flaybrick Cemetery Conservation Area
Policy CH25 Development Affecting Non – Scheduled Remains
Policy CH26 The Preservation of Historic Parks and Gardens
Policy NC01 Principles for Nature Conservation
Policy NC1 The Protection of Sites of International Importance for Nature Conservation
Policy NC2 Sites of international importance for Nature Conservation
Policy NC3 The Protection of Sites of National Importance For Nature Conservation
Policy NC4 Sites of National Importance for Nature Conservation
Policy NC5 The protection of sites of Local Importance for Nature Conservation
Policy NC7 Species Protection

Policy LA1	Protection of Areas of Special Landscape Value
Policy LA3	Priorities for Areas Requiring Landscape Renewal
Policy TRT1	Provision of public Transport
Policy TR7	Transport Corridor Environmental Improvements
Policy TR9	Requirements for Off-Street Parking
Policy TR10	Cycle Routes
Policy TR11	Provision for Cyclists
Policy SH01	Principles for New Retail Development
Policy SH9	Criteria for Out-of-Centre and Edge of Centre Retail Development
Policy SH10	Design and Location of Out-of-Centre and Edge of Centre Retail Development
Policy WAT1	Fluvial and Tidal Flooding
Policy WA1	Development and Flood Risk
Policy WA5	Protecting Surface Waters
Policy C0A1	Principles for the coastal zone
Policy C01	Development within the Developed Coastal Zone
Policy C08	Development in the Coastal Zone requiring Environmental Assessment
Policy P0L1	Restrictions for polluting Hazardous uses
Policy P02	Development Near Existing Sources of Pollution
Policy P03	Noise
Policy P04	Noise-Sensitive Development
Policy P05	Criteria for the Development of Contaminated Land
Policy P06	Migration of Landfill Gas

Planning History:

There have been no relevant planning applications on this site.

Representations and consultations received:

REPRESENTATIONS

6 Site Notices were displayed around the application site and the application has been advertised in the press. A total of 62 letters of notification have been sent to properties in the area. At the time of writing this report, there have been two letters of support and one letter of objection from occupiers of East Float Quay. They can be summarised as follows:

1. The plans are fantastic, just what the area needs
2. Do not support this proposal paid a premium for views of Liverpool,
3. As an 18yr old living in Wirral, I realise there are not enough opportunities for the people of Wirral, especially in the dockland neighbourhoods i.e. North Birkenhead and Seacombe. I ask you to make this scheme happen, not only for the citizens of Wirral today, but for the future as well.

Jones Lang LaSalle on behalf of Warner Estates **object** to the proposals on the grounds of:

1. Lack of retail need
2. Fails the sequential tests (PPS6)
3. Impact on Birkenhead Town Centre
4. Impact on other centres
5. Accessibility
6. Social – disadvantage sections of the community who currently depend on Birkenhead Town Centre for a wide variety of goods and services
7. Regeneration – unlikely to have significant beneficial impact upon wider regeneration objectives in the Wirral
8. Heritage – detract from Liverpool’s waterfront World Heritage status
9. Investment – place at risk the private sector investment needed from Warner and other stakeholders
10. Employment – loss of town centre employment resulting in shop closures
11. Policy – major out of centre facility at Bidston Moss would be contrary to national and regional planning policy
12. Allocation – an allocation could potentially decimate Birkenhead’s Town Centre
13. “Trojan Horse Tactic” – scheme is being used to incrementally establish Wirral Waters as a new retail destination under the guise of regeneration

Drivers Jonas on behalf of CEREP Grosvenor Sarl (Bride Hall Holdings and the Carlyle Group owners of the Grosvenor Precinct in Chester City Centre) & Drivers Jonas on behalf of Grosvenor Liverpool Fund (Paradise Project Liverpool One development) **object** to the proposals on the grounds of:

1. Lack of context with the wider scheme
2. Overall conflict with national and regional policy
3. Application of policy

Peacock and Smith on behalf of William Morrison Supermarkets PLC **object** to the proposals on the grounds of:

1. Contrary to development plan
2. Contrary to national advice in PPS6

CONSULTATIONS

Director of Regeneration – Housing and Environmental Protection Division - No objection subject to conditions.

Director of Technical Services – Traffic Management Division – The main part of the consultation response is contained under Highways and Traffic Implications within the Director's Comments. In summary, however, there are no sustainable highway safety or traffic management grounds to refuse the proposals, subject to a Section 106 agreement and conditions.

United Utilities – No objection to the proposals subject to the site being be drained on a separate system, with only foul drainage connected into the foul sewer.

English Heritage – concerns regarding the effect on Hamilton square have been answered, however, concerns remain that there is insufficient confidence in the evidence and analysis provided, especially in relation to the impact on Birkenhead Park, to support approval of the applications, particularly in relation to the scale of the proposals, the view analysis and the architectural information, which is extremely limited. If the applicant is unable to provide this information the applications should either be withdrawn or refused consent. Furthermore we also reserve our position regarding the wider masterplan, even though it does not benefit from any formal planning status, and recommend that it is subject to a thorough assessment of any potential harmful impacts on the historic environment in accordance with the joint English Heritage/CABE Tall Buildings Guidance.

Merseyside Environmental Advisory Service – No objections subject to conditions relating to the submission of a comprehensive management plan prior to development, the submission of a walk-over Summer survey by a competent field ecologist and the results submitted to and approved prior to the commencement of works, a site waste management plan, submission of a energy statement and broad details of the scale of materials to be moved onto the site.

Environment Agency – the main comments are contained in the main body of the report, however, in summary there are no objections to the principle of the development.

Natural England – Following the submission of further information, Natural England have withdrawn their original objection to the proposal.

Merseyside Police (Crime Reduction Unit) – the proposal should meet secure by design standards

CABE – commend the strategic approach and the scale of the site and the scope of ambition is impressive; acknowledge the extensive analysis underpinning both applications. However, the following detailed observations have been made:

1. Submitted scheme for North Bank does not sufficiently reflect this analysis or the master-planning principles established by the overarching design work
2. Support the aspiration for the site to serve as a transitional zone between the high-rise cluster of Sky City across the water and the low density neighbourhoods north of North Bank, but would question whether the scheme as built will be perceived in this way. The typology of tall buildings on podiums and the positioning of buildings of the height proposed does not seem to integrate north bank with its established context.
3. No objection to the quantum of development being proposed, but tall buildings on this site risk undermining this aspiration.

4. Consider the merits of increasing the footprint blocks by combining Plots 1 and 2 and plots 3 and 4 and suggest that plot 5 is better as a stand alone development
5. Potential conflict pedestrian movement and vehicular servicing between plots 1 and 2
6. Welcome the moves to provide active frontages to Dock Road, with additional tree planting, should start to overcome the hostile nature of this highway
7. Prospect of a colonnade to the dockside could work well to provide shelter to the elements, less convinced of their suitability across all frontages. It may be challenging to achieve safe and pleasant arcades in areas that are not constantly overlooked and do not benefit from a sunny aspect.
8. The LPA should assure itself that the proposals for the design and detailing of the public realm are consistent with the principles established for the wider area in the Strategic Regeneration Framework and East Float masterplan. Any planning permission will need to be carefully conditioned to ensure the selection of materials is of appropriate character and quality for this dockside environment and constant with the wider site.
9. Not convinced by the rationale for the location of the towers across the site or if this is consistent with the principles on building heights established by the East Float Masterplan. Whilst there could be strategic benefit in locating a tower on plot 5 to the far east of the site, the difference in height between this building and its nearest neighbour may not be sufficient to distinguish itself as a principle landmark within Wirral Waters, as envisaged by the Framework and masterplan. Positioning of the towers on podiums preserves the continuous view of the waterfront, but from the dockside their heights and their relationship to each other appear unresolved.
10. Need to adopt a more formal approach to built form and massing across the site, based on a set of guiding principles to help realise the commendable aspirations of the framework and EF masterplan. This should be informed by a comprehensive views assessment that illustrates the full townscape impact that the buildings of the scale proposed will have on surrounding neighbourhoods and existing assets such as Hamilton Square and Birkenhead Park.
11. With regards to the detail of plot 1 – massing and proportions of the podium appear weak in comparison to the adjacent warehouses, the waterside elevation justifies a tailored approach, but is characterised by an arbitrary composition of fenestration and balconies above parking grills which lend the frontage a confused and insubstantial appearance.
12. The articulation of the building to distinguish between a public outer face and quieter inner face does not translate well in the expression of the tall building which fails convincingly when elevations are clad in both contrasting treatments.
13. Design team need to adopt a materials strategy that strikes a better balance between the requirements for a high quality and well articulated building.
14. Recommend further testing of the quality of the residential environment in regards to tall buildings on podiums in close proximity to one another, the LA should be satisfied that the proposals are compliant with its space standards, internal arrangements could be revisited,
15. Would question whether the building creates spaces that are comfortable and that landscaping can survive.
16. Design team should clarify whether ventilation stacks serving the car park remain a feature for this space.
17. Pleased to note that the design team is considering sustainability at the macro scale, would recommend that the potential to harness energy from water is also considered.
18. Agree in principle that securing an “early win” in North Bank ahead of a formal adoption of the framework could establish a positive momentum for change, but must embody the aspirations of a wider framework and masterplan and deliver usable and attractive public spaces and well-designed buildings that relate to their context

Liverpool John Lennon Airport – No objections

Liverpool City Council Planning Department – No objection

Merseyside Fire Safety Command – No objections

Merseyside Cycling Campaign – Wirral Group – make the following observations:

1. Insufficient internal covered cycle storage
2. No visitors cycle stand for visitors to the residential accommodation
3. No provision for customers/ employees to the retail/café/restaurants
4. Proposed cycle lockers are insufficient in number and are accessible by the public.

Merseytravel – would like to be assured that Wirral Council are satisfied that:

1. all traffic likely to be generated by such a car parking provision (of 245 spaces), together with all other traffic likely to emanate from the development site, could be accommodated within the local highway network, without resulting in congestion that could impede the passage of bus services on Dock Road, Tower Road or Birkenhead Road.
2. The number of employment, leisure and residential opportunities likely to be created within the site and the potential demand for travel that such opportunities are likely to create, Merseytravel would wish to request that Wirral Council require the developer to formulate and implement a full Travel Plan for the site which would effectively promote the use of sustainable modes of travel, including public transport, for access to and from the site, to all subsequent employees and users of the development.
3. Merseytravel would wish to request that Wirral Council require the developer to make appropriate arrangements for Merseytravel Merseylink dial-a-ride vehicles to gain close access to all of the developments primary entrance/exits.
4. Merseytravel would require the developer to create a good quality DDA compliant pedestrian access to those rail stations. Any such access should be funded at the developer's expense and should be designed in such a manner as to afford the opportunity for the installation of a Merseyrail ticket barrier gating system as an integral part of the proposed access as appropriate.
5. Merseytravel would wish to request that Wirral Council require the developer to make an appropriate financial contribution to the cost of the station improvement programme for all stations in the vicinity of the development as appropriate.
6. Merseytravel notes that it will be necessary to relocate and install new bus facilities in and around the development as part of the application and consequently Merseytravel would wish to request that Wirral Council require the developer to fund in full, the relevant infrastructure relocation and installation and attendant upgrade of the bus facilities in question to countrywide best practice standards. In addition would request that the developer give appropriate consideration to the provision of financial support for any additional public transport services that may be required to provide better access to the development and that this action is undertaken. Specifically, the funding of an evening/Sunday service to the site and the service be funded for a period of 5yrs or until a commercial service is in operation

Northwest Regional Development Agency – The application sites lie within the general extent of the Twelve Quays site as shown, originally, on the Wirral UDP Proposals Map. Twelve Quays was designated as strategic regional site by the Agency in December 2001. We appreciate that some of the UDP's policies have not been saved and, as a result, the application sites are no longer allocated for any specific purpose. The applications, nevertheless, fall within the scope of the Agency's notification setting out the types of development on which we have been asked to be consulted in our role as a statutory consultee. Twelve Quays was subsequently identified as a strategic regional site in both the 2003 and current (2006) Regional Economic Strategies. In the current Strategy Transformational Action 80 looks to deliver the strategic regional sites as regional investment sites, knowledge nuclei or inter-modal freight terminals. Twelve Quays was, essentially designated as a strategic regional site on the basis of its potential for port-related strategic distribution, focused on the ro-ro river terminal and its role as a key gateway into the region from Ireland. The mix of uses proposed under the above applications is clearly not

consistent with these objectives. The Agency is however, currently in the process of reviewing the list of strategic regional sites. It is proposed that Twelve Quays is deleted from the list and a new site, referred to as "Birkenhead Docks", is designated on the basis of its potential to:

1. promote a mix of uses including housing, knowledge-based and port-related development in highly accessible and exceptional quality waterside environment
2. provide for significant inward investment opportunities
3. restructure areas adjacent to the Dock Estate
4. assist in facilitating the economic restructuring of parts of the inner area surrounding Merseyside's regional centre, and
5. bring back into use derelict and under-used land.

The strategic regional sites paper on which the Agency is currently consulting shows the proposed site at Birkenhead Docks as a broad location only. If the designation is confirmed, a detailed boundary would need to be established in conjunction with the local authority. It is however, in the general vicinity of the proposed developments at Northbank East. Consultation on these proposals runs until 27th March 2009. The Council's views on these proposals will of course be taken into consideration before the Agency takes any firm decisions. The above applications have a much closer fit with the above objectives, notably (1), (3), (4) and (5). They would offer significant benefits in terms of regeneration and employment. According to the Planning Statement submitted in support of the applications, the proposal would create in the region of 860 full-time equivalent (fte) jobs during the operational phase, i.e. 719 fte jobs plus multiplier effects. An estimated 238 FTE jobs would be created during the construction phase. The proposed development could also make a significant contribution towards Wirral's housing requirements asset out in the revised Regional Spatial Strategy (RSS). This requires the provision of at least 500 dwellings annum from 2003 to 2021, and represents a substantial increase on the previous RSS figure of 160. Furthermore, additional provision will be required to replace any dwellings lost through clearance and to take account of the Mersey Heartlands (Liverpool and Wirral) Housing Growth Point proposals as they are taken forward through the Local Development Framework. The Housing Growth Point proposal would raise the RSS requirement by 20% to around 600 per annum.

4NW – Regional Planning Body for the North West - considers the outline application to be generally in line with policies RDF1 (Spatial Priorities) and DP4 (Make the Best Use of Existing Resources and Infrastructure) as the site is brownfield land within the inner area and is located adjacent to a regional centre. The area is also '2nd priority' for growth after the regional centres, in line with RDF1. The proposals also go some way to meeting policies DP2 (Promote Sustainable Communities) and DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility). The proposals also fit well with the spatial priorities for the Liverpool City Region and its inner areas, as set out in policies LCR1 and LCR2 and will contribute to their aims. The proposals are also supported by policy W1 (Strengthening the Regional Economy) as the employment generated by the development is likely to be in line with those listed for the Liverpool City Region in W1. As the retail and office component of the development would be out-of-centre, and due to its scale, 4NW recommends that Wirral MBC review the applicant's assessment of the scheme against the criteria set out in PPS6 to determine if the findings are accurate and whether the development will have an unacceptable impact on the vitality and viability of neighbouring centres. 4NW has concerns that housing mix of the development does not fit well with policies L2 (understanding the Housing Markets) L4 (Regional Housing Provision) and L5 (Affordable Housing). It is unclear what mix of unit types, sizes and tenures is being proposed, but the presumption is that most if not all will be apartments. Wirral will need to be clear that the proposals will support the restructuring of the housing market. It is noted that whilst no affordable housing is included as part of the full application on grounds of viability, affordable housing is intended to be delivered in later phases. 4NW supports this approach in light of current market conditions

Highways Agency – No objections subject to the conditions contained within the main body of the report.

Director of Technical Services (Health, Safety and Resilience Operations) – No objections subject to robust emergency operations in place to ensure evacuation of the area.

Wallasey Civic Society – object on the following grounds:

1. Proposals do not have the architectural quality necessary to make the site a success
2. Elevations are not distinctive enough
3. Unattractive, urban in concept & run of the mill and will become outdated
4. Wirral Waters is largely an uncluttered site – the existing historic listed buildings of the

corn warehouses and the hydraulic tower are distinctive features and stand alone. There should be some overall style and quality for all new structures

5. Don't want this development setting the theme for other developments as they are not good enough. It is not the calibre and style fitting enough to be a flagship development.

Wirral Society – in general agreement in principle, that this land at East Float, currently subject to these applications and that the adjacent land contained within the Dock Estate be developed in accordance with its RSS designation as a “growth point.” Also supports in principle the wish of Peel Holdings to make such a development a reality. But concerned that the absence of any context (policy) makes it difficult for us and other consultees to frame their views. We feel sure that this must also be the case for planning officers and Members of the Planning Committee. Conclude that the applications are submitted for determination without relevant overall vision in the form of a strategic development plan documents that has been subject to public examination. The only public consultation has been based on conceptual design. The actual design contains little architectural merit and would seem no different from other tower blocks in the Borough that have or are to be demolished.

Directors comments:

This report will describe the proposals and assess them against relevant national, regional and local planning policies. Issues raised by objectors and consultees will be dealt with as separate topics. The main areas of discussion will be:

- Compliance with the above policies with specific regards to the retail, office, housing and leisure provision;
- Impact of the proposed development on the visual quality of the area, with particular assessment of the Layout and access, landscaping Architectural form, scale, height, and public realm;
- Impact on the setting of the adjacent listed warehouses and surrounding heritage landscapes including, Birkenhead Park and Hamilton Square,
- Highway implications,
- Environmental implications including, flood risk, land contamination, ecology, nature conservation
- Sustainable development;
- Heads of terms and
- The statement of community involvement will also be assessed.

BACKGROUND

A baseline study was developed by Peel Holdings and endorsed by Cabinet July 2008. The study was prepared in support of the strategic development opportunity of Wirral Waters, focusing on Peel's landholdings in Birkenhead and Wallasey. The study considered the key issues and opportunities relating to the social, economic, environmental, policy and investment context for the area around Birkenhead Docks.

These applications are being considered as part of a first phase of the Wirral Waters regeneration projects, and are the first of a “number of strategic development projects focused along the river Mersey”. The proposals for Wirral Waters are being developed through the process of a Strategic Regeneration Framework (SRF), in accordance with “Creating successful Masterplans”, a CABI compliant means of bringing forward major development and regeneration projects. The SRF has been put in place to guide and shape the proposals and to ensure integrated and sustainable development and comprises of five key work stages comprising Inception and initial vision

1. Baseline Study
2. Vision and Development Frameworks
3. Masterplanning
4. Delivering Strategies

The Northbank East site has been identified as an “early phase” project, and will form part of the ongoing Masterplanning of the wider area.

In addition to accord with RSS, Wirral need deliver at least 9,000 net new dwellings between 2003 and 2021 (500 pa). As 1,786 net new dwellings were completed between 2003 and 2008, only 7,214 net new dwellings are required to satisfy the RSS requirement to 2021.

However, Wirral Council (with Liverpool City Council and Peel Holdings) has succeeded in

attaining Growth Point status, which requires the Council to increase its housing delivery to 600 net new dwellings per year to 2016/17. Peel's proposals for Northbank east are a fundamental element of that Growth Point bid and the Government will expect to see the increased rate of delivery of new homes. The Northbank proposals now before Planning Committee could deliver up to 1,623 new dwellings towards the 2021 RSS target.

In addition, the Growth Point aims to improve the quality of the local environment within its target area. Wirral's element of the Mersey Heartlands Growth Point area coincides with the Housing Market Renewal Initiative area and in the short-term (2009/10 and 2010/11) the Growth Point's Programme of Development focuses on infrastructure improvements and support for new homeowners in the HMRI area. An initial stabilisation of the population should then be followed by a growth in population, housed mainly in the Wirral Waters area, including Northbank.

In considering the above, it is important to note that the planning application sites are located entirely within the Inner Area of the Liverpool City Region, (which is defined within RSS as the first spatial priority for new development after the Regional Centre of Liverpool) and will also aid in the achievement of the UDP spatial strategy which focuses upon urban regeneration and protection of the boroughs rural assets, by resisting development outside the urban area

Infrastructure improvements around Northbank will enable development of the site, which is currently hindered by the economic recession. The Council has submitted a Full Business Case for highway and access infrastructure improvements to the Community Infrastructure Fund 2nd Round (CIF2), which if approved will support the Northbank scheme and assist in delivering the new housing.

SITE AND SURROUNDINGS

The application sites lie to the North of the East Float, south of Dock Road (A5139) which forms the northern boundary whilst the East Float, an extensive area of water within the Birkenhead Dock system, forms the southern boundary of the site.

The sites consist of previously developed land (former transit shed and yard) on the north side of East Float and are derelict. The sites are level and consists of hard surfacing (concrete and brick), enclosed by Lochrin palisade fencing to the west, north and east. There is no enclosure to the south, which consists of the existing concrete dock wall.

East Float is bounded by West Float to the west and Twelve Quays to the east, which remains in port use. Victoria Wharf is located at the centre of the Float on the southern banks, protruding across the dock. The Wharf contains three former "Clan Line" transit warehouses for sea freight and a steel framed warehouse.

To the west of the site lies, the car park to the recently converted Grain Warehouses (two Grade II listed buildings, one containing 112 flats and the other 66 flats). The warehouses are predominantly six storeys, in brick with stone dressings and loading bays arranged at intervals along both sides.

A further Grade II Listed building is located along the eastern boundary of the East Float: the Hydraulic Tower building, which consists of an accumulator tower and engine room. Planning permission was granted last year for its conversion and extension to a hotel and restaurant. The Twelve Quays Ro Ro ferry terminal lies beyond to the east.

The area to the north of the site contains employment uses and is characterised by low rise industrial uses and buildings. The New Way Business Centre is located approximately 270m to the north west of the site

Birkenhead Park, a grade 1 Listed Park, is located approximately 1km to the south of the sites and Flaybrick Memorial Gardens, reregistered Grade II Listed, lies 2.5km to the south west of the sites.

In addition, Hamilton Square Conservation Area is located just over 1km to the sites' south east.

PROPOSALS

PLOT 1 (FULL APPLICATION)

This application relates to the most westerly end of the site and comprises of an urban block structure with a 20 storey tower projecting from the north east corner. An area of communal

open space is proposed on the roof of the urban block.

The development would contain a mix of uses, comprising of 141 residential units at a density of 204 units per hectare. The mix of the units is as follows –

- 18 studio apartments (13% of total units)
- 21 one bed apartments (15% of total units)
- 60 two bed apartments (42% of total units)
- 25 three bed apartments (18% of total units)
- 11 4 bed apartments (8% of total units)
- 6 live work units (4% of total units)

The roof garden would contain an area 2,224m² with an additional 1084m² for a D2 use which may be either a private gym or children's nursery for residents use.

The retail element is made up of 2025m² (gross) of floor space to provide for a new food supermarket selling both convenience and comparison goods, together with two non-food retail units offering a total 263 m² (gross floorspace retail uses(class A1)/restaurants and cafes (A3) bars(A4).

The supermarket and retail units would be located at ground floor level, with the smaller units located along the southern elevation of the building. The access to the supermarket to proposed from the southern and western frontages.

A 100 space car park, for supermarket customers, is proposed on the first floor, with additional parking for residents above. The vehicular access would be from a new access road to the east of the building.

Servicing would be at ground floor level and accessed from the eastern elevation of the building.

OUTLINE APPLICATION (PLOTS 2-5)

The second planning application is in outline and seeks permission for the erection of four buildings, within defined parameters, ranging in height from 79.3m to 130.3m, connected by an interlinking urban block and an area of communal open space. The proposed development comprises residential units (Class C3), office development (Class B1a), retail uses (Class A1), restaurants and cafes (Class A3), bars (Class A4), leisure (Class D2), car and associated cycle parking, structural landscaping, public spaces, infrastructure and public realm works. All detailed matters are reserved for subsequent submission and approval.

Within the defined parameters the application plans define where the urban blocks and towers will be sited; the minimum and maximum heights of the buildings; the extent of public realm and the key vehicular, pedestrian and vehicular routes; but all detailed matters, are reserved for determination at reserved matters stage.

PLOT 2

Plot 2 would comprise of an urban block and tower structure. The tower in block 2 would be a minimum of 23 and a maximum of 25 storeys in height. The total number of car parking spaces is between 262 and 328.

The maximum and minimum proposed uses in plot 2 are as follows;

- 275 – 330 residential units
- 539m² ancillary residential amenity space (Class D2)
- 796 - 995m² office (Class B1) and
- 726 – 908 m² retail /restaurants/bars and cafes(A1,A3,A4)

PLOT 3

As with plot two, the form of this development is an urban block and tower, the height of which would be a minimum of 35 and a maximum 37 storeys in height. The layout is as plot 2, with the total number of parking spaces is between 268 and 336.

The minimum and maximum proposed uses in Plot 3 are as follows:

- 336 – 403 residential units
- 1,353 – 1,692m² office (Class B1) and
- 1,263 – 1,579 m² retail /restaurants/bars and cafes(A1,A3,A4)

PLOT 4

The lower rise urban block together with a two-level basement car park of this plot is shared with plot 5. The tower on plot 4 is to be a minimum of 30 storeys and a maximum of 32 storeys in height. The total number of car parking spaces proposed for plot 4 is between 437 and 547

The minimum and maximum proposed uses in Plot 4 are as follows:

- 265 – 318 residential units
- 1,080 – 1,350m² office (Class B1) and
- 441 – 552 m² retail /restaurants/bars and cafes(A1,A3,A4)
- 1,160 – 1,450 m² leisure use (D2)

PLOT 5

The tower structure in this plot would have a round shape and be between 38 and 40 storeys in height. The minimum and maximum proposed uses in Plot 5 are as follows:

- 400 – 480 residential units
- 1,600 – 2000 m² office (Class B1) and
- 1,249 – 1,562 m² retail /restaurants/bars and cafes (A1,A3,A4)

In accordance with government advice (at DCLG circular 01/06), information has been submitted to the council in support of the outline application with respect to access, scale, layout, appearance and landscaping. This information has been provided through a series of development plans and principles that establish the fixed aspect of the scheme. These plans and principles can be given additional weight through the imposition of conditions should members be minded to approve this application.

ACCESS

Vehicular access to the site and car parking would be taken from three junctions with Dock Road. The parameters for the access points from Dock Road allow the centre line of each junction to be adjusted 2m in each direction to allow future reserved matters applications an element of flexibility to respond to design considerations at that stage.

Along the northern boundary of the site, the application proposes a boulevard (Northbank Boulevard) which would provide a shared surface arrangement for vehicles, cyclists and pedestrians. Along the southern boundary a waterfront esplanade will provide a shared surface along the waterfront, linking into the wider circular 'loop' proposed for East Float with some, limited vehicular access.

Three connecting routes are proposed between the Boulevard and Esplanade. One pedestrian priority street located between Plots 2 and 3, which will provide both direct pedestrian access to the waterfront from Dock Road, terminating at the point where the future bridge from Sky City will land. This route will allow limited vehicular access to parking and for emergency vehicles.

Two pedestrian priority lanes are proposed either side of this, between Plots 1 and 2 and Plots 3 and 4. Whilst allowing pedestrian access to the waterfront these secondary connections will provide vehicular access for servicing the blocks.

An element of car parking is to be provided within each plot as set out above.

Following a CABE design review panel in December last year, comments were received in relation to the built form, stating a wish to see plot 5 stand proud of the development to the west to reflect the Framework's identification of this building as a principle landmark within the building group. This has been achieved by reducing the maximum height of the tower on plot 3 by three storeys, and plot 4 by four storeys. In addition, the tower on plot 5 will be constructed directly from the ground rather than from the plinth.

SCALE, HEIGHT AND APPEARANCE

The outline applications are based on a number of parameters. The "fixed elements" of this outline application comprise of: the mix of proposed uses, the minimum/maximum number of residential units, retail and commercial floor space, and car parking. This can be summarised as follows.

In terms of scale, the application is for the erection of four buildings that would range in height from 79 3m to 130.3m and would be connected by lower level interlinking blocks and an area of communal open space.

The applicants have advised that the massing of the scheme has been designed, taking reference from a number of key influences , within the site's context. These include the former grain warehouses, the height of which "provides a datum that each plot will relate to either in block height or cladding treatment so that the development will read like a series of urban blocks with a consistent treatment to the waterfront.

The massing heights accord with the principles contained in the East Float Masterplan, which identifies an increase in height from plot one in order to protect the setting of the listed grain warehouses and rising to plot 5. This was identified as an appropriate location for the tallest building and will provide a visual marker from Seacombe and Liverpool."

There is also an unequal stepping up of heights to provide visual interest.

LAYOUT

The layout of the scheme is based on and around three urban blocks. The submitted parameter plans allow for a 2m variance for the footprints in each direction. In addition, the parameters for the urban block (Levels 1-4) are greater than those at ground floor to allow for a colonnade at ground floor level around the perimeter of the urban block.

LANDSCAPING AND PUBLIC REALM

The applicants have stated in the Design and Access Statement that the proposed development would include extensive hard and soft landscaping and the public realm would be characterised by shared surfacing, which facilitates use by vehicles, cyclists and pedestrians. The applicants have advised that this is likely to comprise of block paving. Details of the proposed landscaping strategy have been submitted in the form of a Landscape and Public Realm Statement

POLICY CONTEXT

Since 2007, when Policy EM10 from the UDP was not saved, the site has been land without designation.

The main issues to consider in respect of these applications relate to the principle of the development in relation to the policies contained in the North West of England Plan – Regional Spatial Strategy to 2021 (September 2008) and the saved policies of the Unitary Development Plan for Wirral (adopted February 2000, policies saved from 2007)

RSS Regional Spatial Strategy

RSS Policy DP1 – Spatial Principles

It is considered that the proposals would contribute to all the applicable spatial principles (which underpin RSS) identified within policy DP1.

- Promote sustainable communities;
- Promote sustainable economic development;
- Make the best use of existing resources and infrastructure;
- Manage travel demand, reduce the need to travel, and increase accessibility;
- Marry opportunity and need;
- Promote environmental quality;
- Reduce emission and adapt to climate change

The re-use of previously developed land at the heart of Wirral's urban area, in close proximity to underused public transport infrastructure and deprived communities, as part of the wider Wirral Waters area, would promote sustainable economic regeneration in a regional priority area.

RSS Policy DP2 – Promote Sustainable Communities

It is considered that the proposals would contribute to the achievement of the applicable key principles for delivering sustainable communities set out within DP2, linking to the adjoining

residential development at the Grain Warehouses.

- Fostering sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities;
- Taking into account the economic, environmental, social and cultural implications of development and spatial investment decisions on communities;
- Improving the built and natural environment, and conserving the region's heritage;
- Promoting community safety and security, including flood risk;
- Reviving local economies, especially in the Housing Market Renewal Areas...;
- Integrating and phasing the provision of public services and facilities to meet the current and future needs of the whole community, ensuring that those services are conveniently located, close to the people they serve, and genuinely accessible by public transport;

The proposals at Northbank in themselves aim for better integration between homes and services. Within the wider Wirral Waters, they also integrate into a revitalised economy, with new jobs to be provided in later phases of the whole development.

RSS Policy DP4 – Make the Best Use of Existing Resources and Infrastructure

It is considered that the proposals conform to RSS Policy DP4, in that they are within the priority area set out in Policy RDF1 and LCR1. The proposals concentrate development close to existing infrastructure and follow the sequential approach of using previously developed land with the Seacombe settlement. The proposals do not require major investment in new public transport infrastructure, water supply or sewerage.

RSS Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

The Northbank proposals form the first stage of what is intended to be a comprehensive redevelopment of underused land around Birkenhead Docks. I conclude elsewhere that the proposal is accessible by a choice of transport mode and that the applicant has proposed measures to reduce the need to travel. A number of measures to enhance accessibility for pedestrians and cyclists are identified, some as part of the wider Wirral Waters proposals. The provision of services such as convenience retail on site is intended to ensure that a full range of day to day services are available to residents of the new development on site and at an early stage of implementation, minimising the need to travel elsewhere. I conclude therefore that the application proposals conform to RSS Policy DP5.

The site is well served by existing public transport provisions, with bus services running close to the site and Hamilton Square Station 1.4km to the south east and Birkenhead Park station 1.6km to the south west. It is close to existing established town centres within the borough. The Council is actively promoting walking and cycling route improvements around the docks.

RSS Policy DP7 – Promote Environmental Quality

The proposals support those objectives of RSS Policy DP7 which relate to promoting a good quality design, re using derelict land, improving the image of the region and maximising opportunities for the regeneration of derelict or dilapidated areas.

RDF1 – Spatial Priorities

The Northbank development is within the inner area surrounding to regional centre of Liverpool and is therefore in the second highest priority for growth and development. The proposals sit within the Council's regeneration priority area and within the Housing Market Renewal Initiative Area, which is a regional priority for development.

Policy DP1 – Spatial Principles

The proposals would contribute to applicable key principles of Policy DP1 of RSS:

- Promote sustainable communities;
- Promote sustainable economic development;
- Make the best use of existing resources and infrastructure;
- Manage travel demand, reduce the need to travel, and increase accessibility;
- Marry opportunity and need;
- Promote environmental quality;
- Reduce emissions and adapt to climate change

The re-use of previously developed land at the heart of Wirral's urban area, in close proximity to underused public transport infrastructure and deprived communities, as part of the wider Wirral Waters area will promote economic regeneration in a regional priority area.

RSS Policy LCR1 – Liverpool City Region Priorities

It is considered that the proposals are in conformity with the applicable objectives of RSS Policy LCR1. The development will achieve a significant improvement in the sub-region's economic performance by encouraging investment and sustainable development within the region and its inner areas.

The scheme would: promote urban renaissance and social inclusion; focus new housing development and renewal (and related social and environmental infrastructure) within the inner areas, enhance accessibility and services; and provide environmental improvements within a derelict area as part of with a comprehensive regeneration scheme.

RSS Policy LCR2 – The Regional Centre and Inner Areas of Liverpool City Region

It is considered that the proposals support the following objectives of RSS Policy LCR2:

- Maintaining and enhancing the roles of Birkenhead and Bootle to provide community facilities, services and employment;
- The development of the NewHeartlands Housing Market Renewal Pathfinder to revitalise housing in Liverpool, Sefton and Wirral through comprehensive area-based regeneration schemes;
- Supporting the development of the Mersey Ports and the maritime economy;
- Sustaining investment in the Mersey Waterfront Regional Park; and
- Providing for employment within the inner areas in accordance with RSS Policies W2 and W3 and LCR1.

The emphasis of RSS Policy LCR2 is stated to be on providing a good range of quality housing in the inner areas in terms of size, type, tenure and affordability with a high quality environment and accessible local facilities and employment opportunities

The proposals support all the objectives for the Inner Area of the Liverpool City Region set out in RSS Policy LCR2. The development would provide a good range of quality housing in the inner areas in terms of size, type, tenure and affordability with a high quality environment and accessible local facilities and employment opportunities.

RSS Policy RT6 – Ports and Waterways

RSS Policy RT6 highlights the importance of the North West's operational ports to the regional economy. The policy recommends the preparation of Port Masterplans (similar to that prepared for Liverpool John Lennon Airport and reported to Virtual Internet on 1st February 2008) to guide development in and around the port.

It has been the Council's aim to see the preparation of a Port Masterplan, which can identify: (i) what land is required for continued port operation; (ii) what land is required outside the current port boundary for expansion of the port; and (iii) what land within the current port use could be released for other purposes.

These three principles are now included in RSS Policy RT6, which is therefore material in determining the Northbank planning applications. The site of the two planning applications currently benefits from Port Permitted Development Rights under the General Development

Order 1988 (SI 1988, No 1813), whereby Class B of Part 17 of Schedule 2 allows for the development on operational land by statutory undertakers or their lessees (the port operator – i.e. Peel Ports Division) for the purposes of shipping, or in connection with the handling of cargo or passengers.

These permitted development rights do not extend to non-operational development outside the terms of Class B of Part 17 and other development requires express planning permission.

The objective of RSS Policy RT6 is to manage the development of the North West's ports to the benefit of the regional economy, whilst protecting the amenity of adjoining areas, both natural (especially the areas of international nature conservation importance) and built (including residential development in close proximity to cargo handling areas).

Peel Holdings have announced a timetable to prepare a Port Masterplan, to set the context for the development of its estate. In Wirral, Peel have already acquired the southern area of the former Cammell Laird site, which has a deep water river frontage and could (subject to detailed further analysis of suitability, including landward freight transport access) be used for port activity, or for the relocation of non-port uses currently within the Birkenhead Dock Estate.

These non-port uses were granted planning permission under the former UDP Policy EM10, which Government Office for the North West (GONW) agreed could be deleted and not remain in force beyond September 2007. In agreeing to its deletion, Cabinet (at its meeting on 28th March 2007, Minute 314 refers) was aware of the constraints this policy placed on the regeneration of the docklands through Wirral Waters. In responding to the proposal to delete Policy EM10, Peel stated that its intention was 'to commit to continued port use at Birkenhead, albeit in a spatially different manner through a restructuring to make the port more efficient and facilitate regeneration opportunities. Any proposals which emerge in advance of adoption of the Land Use Allocations DPDs will be considered on their merits i.e. the ability to demonstrate no adverse effect on the port, within the above policy framework'.

The site of the current applications has not been used for direct port facilities (i.e. loading and unloading of cargo via the quayside) for at least 25 years. The former buildings (two warehouses, one demolished in 2008 and the other in the late 1990's and a grain store, also demolished between 1989 and 1993, following a fire), were built very close to the quayside and could not be used for modern cargo handling. There is no indication from Peel Ports, the Regional Planning Body or Regional Development Agency that the application sites should be safeguarded for future port use (having regard to the 15 year timeframe identified in RT6) or that their redevelopment for non-port uses would in any way impede the operational requirements of the remainder of the Birkenhead Dock system. The site has long been recognised as having potential for a mixed use development within the HMRI Seacombe/Egremont Neighbourhood Framework, which defines the site as having potential for a landmark development. In addition, the principle of introducing non-port related uses to this part of Birkenhead Docks was established through the planning consent for the conversion of the adjacent former Grain Warehouses.

The future of the Birkenhead dock system is focused on the Ro Ro facility at Twelve Quays and West Float, which will continue to handle bulk and general cargoes and provide dry dock facilities.

RSS Policy RT6 is concerned at the impact of irreversible development on the operation of the port. Given the circumstances described above, including the agreed deletion of UDP Policy EM10, the commitment to a Port Masterplan and the long-term underuse of the site, it is concluded that, in principle, redevelopment of the application sites for non-port uses is appropriate and will not undermine the objectives or requirements of RSS Policy RT6.

Wirral Unitary Development Plan

UDP Policy URN1 Development and Urban Regeneration

UDP Policy URN 1 gives the broad overarching principles of the Local Authority in assessing development and urban regeneration in the borough.

The broad aim of the Urban regeneration strategy is to seek to achieve a significant relative improvement in the physical, economic and social conditions experienced by those Wirral Residents who are disadvantaged, whilst seeking to maintain, and where possible improve conditions for the rest of the Boroughs population

The UDP expresses this land-use strategy, through a dual approach, which seeks to

- encourage investment and development into the urban areas of the Borough, and particularly those suffering the worst conditions,
- whilst resisting development outside the urban areas, with particular emphasis given to maintaining a "tight" Green Belt in Wirral.

It is through the dual approach of establishing priority areas for investment and operating restraint outside the urban areas that the Urban Regeneration Strategy can be successful.

The North Bank application as a whole will accord with this policy as it seeks the urban regeneration of the underutilised land within the inner area of the region making effective use of the land available and minimising the need to provide new development and services outside the urban area.

PROPOSED OFFICE ELEMENT

RSS Policy W1 – Strengthening the Regional Economy

The proposals for office development on plots 2-5 support the Council's Investment Strategy, (approved by Cabinet on 15th March 2007) objectives, which are also reflected in the Council's Sustainable Community Strategy (Cabinet 23rd April 2009, Minute 477 refers). Whilst not part of the development plan, the Sustainable Community Strategy objectives are a material consideration. Wirral's economy is underperforming and has a small and low value economy.

The office development element of the Northbank proposals will deliver new jobs, consistent with RSS and Wirral Sustainable Community Strategy objectives, in an area experiencing high levels of deprivation. The new jobs will offer the potential to raise GVA (Gross Value Added -- a measure of the economic output delivered in an area by workers and residents) and reduce out-commuting in new purpose-built accommodation.

In addition to supporting the development principles in the RSS DP policies, It is considered that the office development conforms to RSS Policy W1 in strengthening the economy of the North West. by:

- Reflecting and providing a venue for the growth opportunities within the Liverpool City Region for financial and professional services, media, creative and cultural industries, high value added knowledge based industries, ICT/digital, maritime and communications;
- Supporting potential growth in service sectors;
- Providing the environment for improving the skills base of the region, including tackling skills deficiencies and concentrations of unemployment;
- Providing sufficient and appropriate housing to support economic growth;
- Linking areas of opportunity and need.

Conformity with the RSS economic policies establishes conformity with the development plan. The Regional Planning Body (4NW) has confirmed in their consultation response that the proposals are in conformity with RSS Policy.

RSS Policy W2 – Locations for Regionally Significant Economic Development

Policy W2 sets out the need for regionally significant economic development sites to be located close to sustainable transport nodes within the urban areas of the Liverpool City Region. The Northbank proposals (and wider Wirral Waters proposal) would satisfy the locational criteria specified for Regionally Significant Economic Development and as such support the objectives of RSS Policy W2 for regionally significant economic development:

- Capable of development within the plan period;
- Highly accessible;
- Well-related to areas with high levels of worklessness and/or areas in need of regeneration; and
- Well related to neighbouring uses.

The office development proposed within the Northbank scheme is of a regionally significant scale and has been referred to the Regional Planning Body (4NW), for its comments. (these are summarised in the representation section of this report. The wider East Float proposals, of which this is a part, will also be of Regional Significance. The East Float proposals will be integrated into the Council's Local Development Framework Core Strategy. It is therefore considered that the proposals support the objectives of RRS Policy W2 for regionally significant Economic Development.

RSS Policy W3 – Supply of Employment Land

RSS Policy W3 sets out a number of criteria intended to ensure that the supply of employment land, within individual districts, achieves a number of key objectives. The amount of land required for employment purposes during the lifetime of RSS has been increased in Merseyside more than in other sub-regions of the North West; to reflect the additional need for economic growth, to close the gap with other more successful sub-regions and areas outside the North West. The Council has commissioned an Employment Land Study in support of the emerging Local Development Framework, which is likely to show that Wirral should identify more employment land, in order to provide the new jobs that will close the gap in output and GVA (Gross Value Added).

The applications site does not form part of the employment land supply in the Unitary Development Plan (and therefore RSS Policy W4 does not apply) and the residential and retail elements of the proposals will not compromise the ability of the Council to meet its employment land supply obligations as set out in Policy W3 of RSS.

The office elements of the proposals for plots 2-5 support the objectives of RSS Policy W3. It is available, maximises the use of brownfield land and promotes a comprehensive mixed use development.

The element of office space proposed, although out of centre, has to be seen in the context of the contribution the Northbank proposals (as part of Wirral Waters as whole) will make to meeting the objectives of RSS Policy W1 as stated above and other RSS objectives which should outweigh any possible conflict which could be claimed with the locational guidance for office development set out in Policy W3. As set out earlier in this report, the area is currently identified by the NWRDA as an emerging Strategic Regional Site and 4NW have confirmed in their consultation response that the area is considered to be the first priority' for growth after the regional centre of Liverpool in line with Policy RDF1.

Although of limited weight, draft PPS4 is a material consideration in the determination of planning applications. The draft PPS4 builds on the current PPS6 – Planning for Town Centres, which is national advice and therefore carries more weight. Although PPS6 includes offices within its definition of town centre uses, PPS6 policy is primarily directed at retail and leisure uses. Importantly, in addition to the assessment of proposals against need, the sequential approach and impact, PPS6 includes the following as relevant material considerations:

- Physical regeneration: the benefits of developing on previously-developed sites which may require remediation;
- Employment: the net additional employment opportunities that would arise in a locality as a result of the proposal, particularly in deprived areas;
- Economic growth: the increased investment in an area, both direct and indirect, arising from the proposal and improvements in productivity, for example from economies of scale; and
- Social inclusion: this can be defined in broad terms and may, in addition to the above, include other considerations, such as increasing the accessibility of a range of services and facilities to all groups.

PROPOSED RETAIL ELEMENT OF THE PROPOSAL

The proposals contained in the detailed application include: a 2,025 sq m (gross)/1,316 sq m (net) supermarket floor space (Class A1), together with up to 650 sq m net of non-food (comparison goods) retailing and within the outline application (Plots 2-5) 4,601 sq m gross of class A1, A2 and A3 retailing. Within this latter category, the applicant estimates that some 50% or 2,300 sq m will be allocated to the sale of comparison goods, giving an aggregate of 3,000 sq m net of comparison goods floor space

The applicant has submitted a retail, office and leisure statement and separate supplementary

sequential sites assessment (for the supermarket element).

RSS Policy W5 – Retail Development

Policy W5 reflects national policy as set out in Planning Policy Statement 6 – Planning for Town Centres and states that proposals should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns. RSS Policy W5 also refers to the role of investment in underpinning wider regeneration initiatives, to ensure that centres meet the needs of the local community, as identified by Local Authorities. A list of centres (in addition to Liverpool and Manchester) - including Birkenhead – are identified as locations where comparison retailing should be enhanced and encouraged. There is a stated presumption against new out of centre regional or sub-regional comparison retailing facilities.

Convenience retailing provision is not directly addressed in W5, recognising that it rarely gives rise to issues of more than local importance. As such, the convenience retail element which comprises the bulk of the retail use on plot 1 - which is intended to serve the local community, and is shown to have no adverse impact on established centres - will not undermine the objectives of Policy W5. Similarly, the comparison retail element is proposed to be subject of a planning conditions establishing a maximum unit size to ensure that it could not change its nature and character such that it undermined the objectives of W5. Overall it is concluded that these applications do not conflict with the objectives of W5.

National Policy for Town Centre Uses (PPS6)

PPS6 promotes sustainable and inclusive patterns of development, including the creation of vital and viable town centres (PPS6, paragraph 1.1). In pursuit of this objective, special policies are applied to town centre uses, which are defined as retail; leisure, entertainment facilities and the more intensive sport and recreation uses, including cinemas, restaurants, bars and pubs, night clubs, casinos, health and fitness centres and bingo halls; and art, culture and tourism, including hotels (PPS6, paragraph 1.8).

Consultation is currently underway on a revised PPS4 Planning for Prosperous Economies, which will incorporate PPS6 on its adoption. The draft PPS signals the Government's intention to widen the considerations which could be taken into account in a new impact test (which would incorporate the existing need and impact tests) and to allow wider economic, social and environmental benefits to outweigh some degree of adverse trade impact. At this early stage (consultation remains underway until the 28th July), only limited weight can be given to those aspects to the proposed changes which differ from PPS6 and the assessment of these current applications focuses principally on their compliance with the existing PPS6.

Paragraph 3.4 of PPS6 states that proposals for town centre uses, that will be located outside an existing centre, must demonstrate that:

1. there is the need for the development;
2. the development is of an appropriate scale;
3. there are no more central sites for the development;
4. there are no unacceptable impacts on existing centres; and that
5. the location is accessible (PPS6, paragraph 3.4).

AN ASSESSMENT OF THE APPLICANT'S RETAIL STRATEGY

Assessment against the requirements of PPS6 is considered for each of the uses proposed, below:

1. Need

PPS6 confirms that 'need' comprises both qualitative and quantitative elements.

Quantitative Need

The applicant's assessment of quantitative need is based on the Wirral Retail Strategy (produced by Roger Tym & Partners ("RTP") in 2004 on behalf of the Council) and emerging findings from the Wirral Town Centres, Retail and Commercial Leisure Study (also being prepared by RTP and due for completion in July 2009). In addition, forecast growth in population resulting from the Wirral Waters development is also taken into account. The applicant has adopted the baseline catchment area used by RTP for their analysis and has

defined a catchment for the supermarket proposal which reflects its intended role as serving a local catchment area; rather than as a “destination” store. The assessment follows the step by step approach, identifying population and expenditure baselines, the current stock of retail floorspace, commitments and so on. The report also considers the trading impact of the proposal on existing convenience floor space. Overall, the assessment concludes that there is a quantified need for the supermarket in the 2011-2017 period and allowing the store to open and trade in 2011, will not create any short or long term trading impacts for other existing stores -- or for those which have planning permission but have yet to be implemented. The assessment notes that that the trading prospects of existing stores are potentially boosted by the population growth planned for Wirral Waters.

In relation to the other retail elements, the assessment notes that, because the comparison goods offer will be divided between the proposed supermarket, the small units in Plot 1 and then in further small units in Plots 2-5, the trading attraction of the comparison goods element of the planning application will be relatively small with little or no competitive implications for major centres such as Birkenhead and Liscard. The applicant has agreed to accept a planning condition limiting the quantum of retail (Class A1) floor space within plots 2-5 to 50% of the maximum 4,601 sq m gross floor space applied for, unless agreed by the Council in writing a the second restricting the size of individual units, again, unless otherwise agreed in writing with the local planning authority.

In relation to the café/restaurant proposals, the applicant notes that the floor space elements will be relatively small, comprising the two smaller units within plot 1 (a maximum of 265 sq m floor space) and a maximum of no more than 50% of the 4,600 sq m included in the outline application for plots 2-5. The assessment notes the emerging findings of the 2009 RTP study that spending growth on leisure was identified as increasing by £94 million or 16% by 2021 over half of which will be in restaurants, cafes and bars. The applicant notes that these forecasts do not take into account the population growth forecasts for Wirral Waters.

In relation to the office elements, the assessment notes that the 6,000 sq m. proposed for plots 2-5. would make a small but valuable contribution to addressing the need for up to 130,000 sq m of office floorspace over the next 10 years. There would remain considerable residual need for new office floor space even allowing for the Northbank proposals.

Qualitative need

In relation to qualitative need, the applicant’s assessment includes a contextual assessment of existing retail provision in the area, focusing on Birkenhead, Liscard, and Seacombe.

The applicant indicates in paragraphs 2.7 and 6.5 of their assessment, that the retail element at Northbank East and other services such as cafes, a restaurant, gym, crèche etc will provide essential services; effectively creating a new neighbourhood centre to serve a growing residential community (expected to grow by 12,500 people over the next 10 years) and the existing residents of the grain warehouses who currently have no access to shops/facilities on site. The supermarket is designed to provide the regular convenience shopping requirements of the residents and business workers who will occupy the new homes and offices in the Northbank area. The profile of the community likely to be attracted to Northbank would generate demand for additional on site cafes and restaurants. . The applicant also notes, in paragraph 6.5, that the proposals would assist in realising the regeneration vision for Wirral Waters and make the best use of urban land.

The approach adopted by the applicant of seeking to provide local services at an early stage of the Wirral Waters proposal is a sensible one and will ensure that the occupiers of the new residential units, that are the subject of this application, will have ready access to local facilities in what is presently an industrial area remote from established service centres.

Overall, having regard to both the quantitative and qualitative assessments, in particular the need to provide day-to-day convenience retail and other uses at an early stage for the new residential community in an area with no alternative local services, it is considered that the needs test has been addressed by the applicant.

2. Demonstration of Appropriate Scale

Although paragraph 3.12 of PPS6 is concerned with the scale of development in established centres, paragraph 2.41 notes that uses which attract large numbers of people should be located within centres which reflect the scale and catchment of the development proposed; the aim being to locate the appropriate type and scale of development in the right type of centre, to

ensure that it fits into that centre and complements its role and function. In this case, the applicant notes that the proposal aims to provide a medium sized supermarket that will serve a new catchment area in which considerable new housing and businesses are planned. Gross convenience retail floorspace is limited to 1,316 sq m and the supermarket will not offer the wide range of goods and services of a large superstore. The unit size of the comparison retail floor space is proposed to be controlled by condition, ensuring that the retail units are small in size and restricted to providing a more local shopping function.

3. Availability of More Centrally Located Sites

The applicant has submitted a supplementary sequential assessment in relation to the supermarket proposal. The scope of the assessment (agreed in advance with officers) considers the availability of sites and premises within Birkenhead town centre, Liscard, Claughton Village, Laird Street and Seacombe (Poulton Road). The assessment concludes that there are no town centre, edge of centre or allocated retail sites within the primary catchment area that are suitable, viable and available to meet the identified need. In addition, the assessment concludes that it would be inappropriate to promote the development of a store this size on a site within or on the edge of Birkenhead Town Centre as this could prejudice the Council's strategy for the town centre (which is to secure the provision of a much larger full-range superstore). The applicant has agreed to accept appropriately worded planning conditions to limit the quantum of retail (Class A1) floorspace within plots 2-5 to 50% of the maximum 4,600 sq m gross floorspace applied for and the maximum size of individual retail units unless agreed in writing with the local planning authority.

The retail and other non-residential elements are proposed in these applications with the specific purpose of serving the local day-to-day needs of the growing Wirral Waters residential community in a location with no existing alternative services and this need could not be met by locating these uses in a more distant town centre.

4. Impact on Vitality and Viability of Existing Centres

As indicated above, the retail assessment includes a detailed assessment of impact of the proposed supermarket on stores and centres. The assessment concludes that allowing the store to open and trade will not result in any short or long-term trading impacts for any other stores/centres or those which have planning permission (commitments). The applicant also considers that population growth planned for Wirral Waters potentially enhances their trading prospects.

5. Accessibility

Issues related to accessibility are considered in relation to the Transport Assessment submitted alongside the planning application. One purpose of the development is to provide local services and facilities on site, to reduce the need of residents of the new community to travel further to more distant locations to access them, thus reducing their demand for travel.

6. Other material considerations

Paragraph 33.28 of PPS6 includes the following as potential additional relevant material considerations:

- Physical regeneration: the benefits of developing on previously-developed sites which may require remediation;
- Employment: the net additional employment opportunities that would arise in a locality as a result of the proposal, particularly in deprived areas; (a footnote as encompassing the creation of higher skill opportunities or opportunities that are particularly important given the local labour market);
- Economic growth: the increased investment in an area, both direct and indirect, arising from the proposal and improvements in productivity, for example from economies of scale; and
- Social inclusion: this can be defined in broad terms and may, in addition to the above, include other considerations, such as increasing the accessibility of a range of services and facilities to all groups.

UDP Policy SH9 also identifies the regeneration and environmental benefits of the proposal as a factor to be weighed in the balance. In this respect, the applicant's supporting planning and retail statements identify a number of regeneration benefits that will derive from the proposal.

In terms of physical regeneration, the applicants note that the proposal would secure the redevelopment of a currently vacant and derelict site to create a mixed use proposal which will act as a catalyst for further high quality mixed-use development within Inner Wirral. The applicant notes that the layout and position of the wider Northbank scheme starts to create a potential northern circuit that in the future will link Birkenhead town centre with the waterfront area.

In relation to employment, in addition to construction phase employment (183 full time equivalent), the applicant suggests that in the long term the supermarket and other retail and service business units for plot 1 will provide 95 full time equivalent jobs. Some 580 jobs would be created in the development of plots 2-5 which would include an estimated 262 jobs in the retail and leisure businesses and 318 in the offices, giving an aggregate total of 675 jobs from plots 1-5. (a total of 858 new jobs inclusive of construction)

In relation to social inclusion, the applicant notes that a full socio-economic assessment has been undertaken as part of the baseline report for the Wirral Waters Strategic Regeneration Framework, highlighting in particular the levels of deprivation in east Wirral, population loss, high levels of economic inactivity, poor levels of educational attainment, relatively high numbers of people with a limiting long term illness and high levels of crime, and housing market failure.

In relation to sustainability, the applicant notes that in addition to potentially reducing commuting and travel time to out-of-centre food stores, the scheme proposes a number of energy saving benefits which are detailed in full in the applicant's sustainability statement.

The applicant has carried out an assessment of the non-residential proposals against the requirements of PPS6. Overall, the proposed Northbank East offers potentially significant regeneration benefits in its own right and as part of the wider Wirral Waters regeneration project and it is concluded that these are a significant material planning consideration.

RESPONSE TO OBJECTIONS RECEIVED

Objections raised by Jones Lang LaSalle on behalf of Warner Estates on the grounds of:

1. Lack of retail need
2. Fails the sequential tests (PPS6)
3. Impact on Birkenhead Town Centre
4. Impact on other centres
5. Accessibility
6. Social – disadvantage sections of the community who currently depend on Birkenhead Town Centre for a wide variety of goods and services
7. Regeneration – unlikely to have significant beneficial impact upon wider regeneration objectives in the Wirral
8. Heritage – detract from Liverpool's waterfront World Heritage status
9. Investment – place at risk the private sector investment needed from Warner and other stakeholders
10. Employment – loss of town centre employment resulting in shop closures
11. Policy – major out of centre facility at Bidston Moss would be contrary to national and regional planning policy
12. Allocation – an allocation could potentially decimate Birkenhead's Town Centre
13. "Trojan Horse Tactic" – scheme is being used to incrementally establish Wirral Waters as a new retail destination under the guise of regeneration

The objection to both applications is on the grounds that the extent of A1/A3/A4 and D2 uses is unacceptable and unsustainable in this out of centre location - supported by Policy W5 of RSS and PPS6. Both proposals - as part of the wider Wirral Waters Masterplan - are viewed as detrimental to Birkenhead Town Centre. More generally, the objection also suggests that any planning application for the phased development of Wirral Waters should be automatically refused until a sufficient evidence base has been published and consulted upon and endorsed by Wirral Council and GONW.

The compliance of both the applications with RSS and PPS6 is addressed comprehensively in the reports to Planning Committee, including in the response to the objections submitted on behalf of Grosvenor and Morrisons. The objection by Warner raises no new issues in this regard. In relation to the evidence base issue, a retail office and leisure assessment has been submitted by the applicant which covers both applications, the findings of which, or fitness for purpose are not directly challenged by the objector. Some elements of the objection by Warner

more properly relate to progressing the Local Development Framework Core Strategy rather than these specific applications. The issue of prematurity is addressed in the Planning Committee report which concludes that refusal on this basis is not considered justified. As with the objection by Grosvenor, much of the scope of the objection is far broader than the current applications and prejudices proposals which have yet to be submitted as planning applications. Overall there is nothing in the objection submitted on behalf of Warner Estates that would cause me to alter my conclusions or recommendations to Planning Committee.

Objections raised by Drivers Jonas on behalf of CEREP Grosvenor Sarl (Bride Hall Holdings and the Carlyle Group owners of the Grosvenor Precinct in Chester City Centre) & by Drivers Jonas on behalf of Grosvenor Liverpool Fund (Paradise Project Liverpool One development) on the grounds of:

1. Lack of context with the wider scheme
2. Overall conflict with national and regional policy
3. Application of policy

Drivers Jonas concede that the current proposals are relatively small in the context of the overall Wirral Waters vision but consider that they can only be considered in the wider context. The objector recognises that the wider proposals are being brought forward in a Strategic Regeneration Framework, but states that the SRF is outside the development plan and the two applications should not be approved until the wider Wirral Waters development has been examined through the Local Development Framework process.

In terms of conflict with national and regional policy, neither the adopted UDP nor RSS envisaged the scale of development, or comparison retail floorspace that is proposed in the Wirral Waters SRF. In addition, the objector believes that the scale of the SRF proposals would be in direct conflict with a number of key policy objectives including Planning Policy Statement 12, RSS and the adopted UDP.

In the view of Drivers Jonas, the scale of development envisaged in the SRF is in conflict with Policy RDF1, on the grounds that they consider the proposals to be in the outer area of the Liverpool City Region. This is an error, as 4NW (the Regional Planning Body) agree that the proposal is within the inner area surrounding the regional centre and therefore in the second priority area for new development.

Drivers Jonas are also incorrect in their assertion that the proposal is in conflict with RSS Policy W1, as the reference is to the Liverpool City Region as a whole and not Liverpool. Similarly, the reference in RSS Policy W2 is to Liverpool City Region and not Liverpool.

Drivers Jonas view is that the proposal is contrary to RSS Policy W5. On Policy LCR1 their view is that any development should be complementary to the programmes within the Liverpool Regional Centre. Para 11.5 of RSS states that significant levels of development should be focussed within the Regional Centre and Inner Areas in order to ensure investment and regeneration resources are directed to those areas most in need. Drivers Jonas have misunderstood Policy RDF1 and do not consider that the proposals are within the inner area surrounding the Regional Centre. The Regional Planning Body (4NW) has confirmed that the proposals are within the inner area.

In their objections, Drivers Jonas refers extensively to the SRF. As they note, Peel Holdings understand the current planning applications to be 'early wins', to be determined outside the SRF process. Drivers Jonas is concerned with the impact of the Wirral Waters SRF in its entirety on Grosvenor's assets in Chester and Liverpool. As such the scope of their objection is far broader than the current proposals and prejudices proposals which have yet to be submitted as planning applications.

The applications before Planning Committee are more modest in scale than the entire SRF area. There is no assessment by Drivers Jonas of the impact of the Northbank proposals alone on Grosvenor's interests. The impact will be of 2,025 sq m (gross) convenience store and 263 sq m A1, A3 and A4 use(W/APP/2009/5109) and 4,601 sq m A1, A3 and A4 and 1,450 sq m leisure use (D2) (W/OUT/2009/5110). The conclusions of the retail, office and leisure statement submitted with the application are not challenged. As indicated in the above section, the applicant has clarified that the floor space of the supermarket is 2,025sq m (gross),(comprising 1,316 sq m (net) convenience and 265 (net) comparison floor space, so the impact of the supermarket will be less than is stated in the version of the retail assessment on which this objection is based

In terms of the UDP, Drivers Jonas acknowledges that Policy EM10 has now been deleted and that other development plan policies are of relevance to determination of the applications. However, they still consider that it is the SRF that is to be determined at this stage. Again this element of the objection is without foundation.

In terms of the general application of policy, Drivers Jonas view is that the proposals are significant and that the SRF is inappropriate and contrary to PPS6 and RSS.

In conclusion, Drivers Jonas view is that the applications should be refused on the grounds of prematurity and the Wirral Waters proposals considered in their entirety through the development plan process.

Advice on prematurity is at paras 17-19 of 'The Planning System: General Principles' (ODPM, January 2005) which states that refusal on prematurity grounds is seldom justifiable where the DPD is at the consultation stage. The exception to this principle is where the proposed development is so substantial, or where the cumulative effect would be so significant, that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

Although the level of office development in Plots 2-5 is significant in RSS terms, the lack of objection from 4NW demonstrates that its impact is not of concern. There has been no substantiated objection to the level of retail or leisure development proposed.

Objections raised by Peacock and Smith on behalf of William Morrison Supermarkets PLC on the grounds of:

1. Contrary to development plan
2. Contrary to national advice in PPS6

Peacock Smith believe that the site of the Northbank proposals is within the EM10 allocation in the Wirral UDP, which did not allow retail development but only B1, B2 or B8 uses outside port permitted development rights. However, Policy EM10 has been deleted and the land is now without notation. Peacock and Smith's objection is therefore without foundation on this point and Policies EM8 and EM9 are also not applicable.

In terms of the need assessment, Peacock and Smith consider that the applicant's quantitative need is underestimated and that the retail assessment is therefore neither robust nor realistic. The applicant appears to rely on population growth from the wider Wirral Waters area, which in itself is reliant on planning permission being granted for the Northbank proposals. The turnover and sales density estimates are significant underestimates. On qualitative need, Peacock Smith refer to para 2.37 of PPS6, which states that 'Additional benefits in respect of regeneration and employment do not constitute indicators of need for additional floorspace'. The objector believes that the existing pattern of retail provision is adequate and that there is no clear deficiency in foodstore provision.

The objector believes that the scale proposed (net floorspace of 2,400 sq m) exceeds that necessary to provide for the regular convenience shopping requirements of the residents and business workers who will occupy the new homes and offices in the Northbank area. The development plan does not define a centre at this location and Peacock and Smith do not accept that the applicant can claim that the proposal is related to the form and function of a centre. Peacock and Smith believe that the applicant has failed to follow a sequential approach to site selection.

In conclusion, the objector is concerned that the applicant has underestimated turnover and therefore the adverse impact the new store would have on existing retail stores, including Asda at Liscard, Sainsburys at Prenton and Tesco at Bidston. They further believe that the proposed store is likely to have a detrimental impact on Birkenhead Town Centre. Peacock and Smith believe that the application should be refused, as failing the key tests of demonstrating retail need, scale, sequential approach to site selection and impact.

In responding to the points raised, in relation to the turnover estimates, the applicant has emphasised that the turnover assumption allows for the fact that the store is trading in a regeneration area where population and the stores trade will expand over the forecast period. The size of store proposed is unlikely to attract trade at the average sales levels of leading operators and the period the store will take to reach trading maturity will be longer than normal because of the growing population within its immediate catchment. In relation to qualitative

need, the supermarket is intended to serve the new and growing population and meet day to day needs, rather than act as a “destination” superstore in its own right. Impact is assessed in relation to existing provision and concludes that no short or long term harmful impacts are identified. The applicant has subsequently submitted a sequential assessment in respect of the supermarket proposal. As indicated in the above section, the applicant has clarified that the floor space of the supermarket is 2,025sq m (gross), 1,316 sq m net, so the impact of the supermarket will be less than is stated in the version of the retail assessment on which this objection is based

PROPOSED RESIDENTIAL ELEMENT OF THE PROPOSAL

RSS Policies DP1, DP3, and UR3 are relevant and seek to promote the efficient use of land and buildings, and promote good design and social inclusion.

The emphasis of RSS Policy LCR2 *The Regional Centre and Inner Areas of Liverpool City Region* is to provide a good range of quality housing in the inner areas in terms of size, type, tenure and affordability with a high quality environment and accessible local facilities and employment opportunities.

The purpose of the Interim Housing Policy (October 2008) is to direct new housing development in to the House Market Renewal Initiative Areas. The UDP policies do not reflect the changes in national and regional policy in relation to Wirral’s housing and therefore the Council adopted this approach in 2005 and is a material planning consideration

PPS3 –“Housing” encourages the use of previously developed land within the existing urban area. To promote more sustainable patterns of development and make better use of previously developed land, the focus for additional housing should be for additional housing should be towns and cities. The aim is to create mixed, inclusive communities to ensure that everyone has the opportunity of a decent home through a broader range of housing (including flats) in locations where the need to travel is reduced.

Both PPS1 and PPS3 make it clear that high quality and inclusive design should be the aim of all those involved in the development process. This includes accessibility and connection to public transport, the efficient use of resources, seeking to adapt and reduce the impact of climate change; car parking that is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.

The applications, both full and outline, contain a mix of housing types including 141 units in the full application and a maximum of 1,531 in the outline application

The full application proposes 245 car parking spaces including 16 disabled spaces. There are also 64 proposed cycle spaces, new and improved vehicular access, and servicing areas to the site. The scheme also includes a 2,224 sq m private garden area and a 1084 sq m area for D2 use. The scheme has a density of 201units per hectare.

The main objectives of UDP Policy HS4 – Criteria for new development, is to ensure that any new development relates well with surrounding area, with particular regard to existing densities and form of development, incorporate provision for accessible public open space and children’s play areas, provide adequate private or communal garden space to each dwelling and protect the character of the surrounding area and local amenity.

DESIGN, LAYOUT AND EXTERNAL APPEARANCE

The proposals have been subject to two CABA Design Review Panels prior to submission. The second related more specifically to the East Float Neighbourhood Framework and master planning principles. The review also considered specific proposals for Northbank East.

Following on from the CABA review panel in June, comments were received in relation to the proposed roof garden. Panel members felt that the roof gardens should be comfortable spaces and that the landscape proposals should be varied. In order to address these comments and recognise the prevailing wind from the south and south-west, the applicants confirm that a number of measures were introduced. These include the introduction of a number of communal spaces along the southern elevation; helping to create a more enclosed space whilst retaining views over the dock system.

This theme could be continued within plots 2-5, where the parameters have been amended to introduce the ability to include a raised element along the southern edge of the garden levels;

thereby enabling the potential for dual aspect residential units to be brought forward.

The review panel also commented on the need to incorporate residential uses within the urban block in order to bring additional vitality to the Dock Road elevation. Such units have been included to ensure that activity at all times of the day and night.

The two key elements that comprise plot one is the lower level, four storeys urban block. The height of which is similar to the adjacent grain warehouses. The applicants advise that the two will read together like a series of urban blocks, with consistent treatment to the waterfront.

The second element is the residential tower located on the north eastern corner of the urban block. This element is a response to the opportunity for tall buildings at Northbank East, recognised in the East Float Master Plan.

The palette of materials to be used in the construction of this building briefly comprise of

- Stone – thin Rainscreen cladding panels with the appearance of red sandstone
- Tower glazing – curtain walling with projecting balconies
- Tower glazing south elevation – glazed screen running past inset balconies to the south
- Ground floor glazing – full height glazed panels
- East elevation ground floor – GRC cladding
- Louvers – vertical angled metal louver panels for car park ventilation

The outline application comprises of the erection of four buildings with defined parameters ranging from 79.3m to 130.3m in height and will be connected by an interlinking block and an area of communal open space. All detailed matters are reserved for subsequent submission and approval.

Plot 2 will comprise of an urban block and tower structure. The tower in block 2 is to be a minimum of 23 and a maximum of 25 storeys in height. The total number of car parking spaces is between 262 and 328.

Plot 3 development is an urban block and tower, the height of which will be a minimum of 35 and a maximum 37 storeys in height. The layout is as plot 2 with the total number of parking spaces between 268 and 336.

The lower rise urban block of plot 4 is shared with plot five. The tower on plot 4 is to be a minimum of 30 storeys and a maximum of 32 storeys in height. Plot 4 includes ground floor leisure facilities, retail space and car parking. Commercial space and car parking are proposed at first floor level, residential and additional parking are to be provided at levels 2, 3, and 4, and the upper floors are to be purely residential. Plot 4 will share a two-level basement with plots 5 for use as a car park.

The tower structure in plot 5 will have a round shape and will be between 38 and 40 storeys in height, and a density of 203 units per hectare.

The applicants advise that the selection of the cladding material panels (which will have the appearance of sandstone has been made following careful consideration of the locality, and responds sensitively to the adjacent grain warehouse while presenting a more contemporary image. The architects have created an “inner and outer” wrapping has been developed giving the building a clear architectural expression.

LANDSCAPE, PUBLIC REALM AND OPEN SPACE PROVISION

RSS policy EM1

As demonstrated below, the application proposals do not conflict with the objectives of RSS Policy EM1 (A) which aims to ensure that proposals protect, maintain and enhance natural, historic and other distinctive features that contribute to the character of landscapes and places within the North West.

RSS Policy EM3

RSS Policy EM3 indicates that proposals should aim to deliver wider spatial outcomes that incorporate environmental and socio-economic benefits by: conserving and managing existing green infrastructure, creating new green infrastructure and enhancing its functionality quality and accessibility

UDP Policy LA1 - Protection of Areas of Special Landscape Value.

Policy LA1 emphasises the need to protect the character and appearance of areas designated as areas of special landscape value through restricting development which would introduce intrusive development in an otherwise open setting -- especially prominent skyline -- and proposals which would detract, in terms of their siting, scale, form and external appearance, from the appearance of the area; or intrude within important views into or out of the area

UDP Policy LA3 Priorities for Areas Requiring Landscape Renewal

As part of the proposal, the development should contribute to the visual improvement of the area, and especially enhance intrusive features, the re-establishment of appropriate landscape features, boundary treatment, use of under-utilised land. The nearest Area Requiring Landscape Renewal (UDP Proposal LA4 refers) is the M53 Corridor and Bidston Moss (approximately 2km distant).

As part of the proposal, the development should contribute to the visual improvement of the area, and especially enhance intrusive features, the re-establishment of appropriate landscape features, boundary treatment, use of under-utilised land.

With regard to the Northbank application, it is not within an Area of Special Landscape Value or Area requiring landscape renewal; but given the scale of this proposal special regard is required to be given to the potential impact on the sites identified above. The potential impact of the proposals on views from Bidston Hill is discussed below under Townscape Character; in relation to Bidston Moss, the enhancement of the currently derelict site will complement the improvements already made to the former Bidston Moss landfill and further lift the environmental quality of the area.

The north (Dock Road) side of the site will be developed as a tree lined boulevard and will link up with future developments to form a continuous boulevard landscape. The planting will comprise of an informal avenue of native trees, with hedges and grass cover. The hard surfaced areas will be developed in granite aggregate concrete in contrasting tones along the building frontage and forming a link with the covered walkway beneath the arcade.

The south (waterside) and western side of the site will be primarily hard paved in granite aggregate concrete pavements. Timber bollards and cast iron and steel post and railing will extend along the length of the waterfront.

The eastern side of the proposed building will provide vehicular access to the car park, delivery bays, refuse storage and other facilities accessible from this area. The lane will be 21m wide to allow turning space where necessary. Greenery, hedges and street trees will be provided to soften the landscape.

With regards to open space provision, SPD2 – Designing for self contained flat development and conversions states that adequate landscaped garden space should be provided for the exclusive use of residents. This should be accessible to each flat. As a general guide the size of the space should be at least one third of the whole site. The site area of plot 1 is 6,900 m², the communal garden area proposed for future residents at level 4 is 2,224 m². The scheme also includes a former children's play space. The proposal therefore complies with this element of the SPD.

In addition, the standard of Green Space set out in UDP Policy GR6 is 60m² for each family unit. The number of 3 and 4 bed (family) apartments is 34, which would require a provision of 2,040 m², it is therefore considered that the proposal accords with UDP Policy GR7

It is considered that the proposals are consistent with the Interim Housing Policy and would see a large investment and increase in the housing numbers being directed into the HMRI area. Wirral as previously discussed through the RSS and Growth Point bid has 600 pa housing unit growth figure to achieve.

RESPONSE TO CABE'S CONCERNS

The carriageways are paved with continuous materials which integrate with adjacent footways, set almost flush with them: and street planting, parking and the general arrangement of the public realm are utilised to reduce driver speed by limiting strait stretches of the street.

The public realm proposals are consistent with the principles established for the wider area in the Strategic Regeneration Framework and East Float masterplan and has been developed further since it was presented to CABE in December.

These have been refined to ensure a more comfortable and lively environment for pedestrians. The colonnades provide more shelter, and level access routes from the waterfront connecting more directly into the covered route along the water side which builds upon the long tradition of colonnaded dockside buildings such as Albert Dock and Stanley Docks in Liverpool

The landscaping proposed has been amended to respond more to the local context by providing native species which are tolerant of the exposed characteristics. This will ensure a more sheltered environment for people through the use of hedges and a mix of deciduous and evergreen trees which will reduce the windflow through out the year.

The selection of materials has been refined to create a robust street scape. The applicants advise that the scheme deliberately avoids the use of landscape features such as fountains and sculptures, instead explores the drama of the waterfront setting and the use of art work.

The applicants advise that the option of having a smaller number of plots was investigated and found to be less effective in phasing terms as the first half of each linked block would need to be built with blank party walls, which may be in place for some time. Splitting the blocks into phases would damage future resident's quality of life during the construction of the second phase. A smaller number of plots would be less permeable for people moving round the site and more difficult to service.

(It is considered by the applicant that Servicing within Plot 1 is buried within the block and accessed from the lane between plots 1 and 2. This is defined as a tree lined route providing access for service vehicles. The only alternative would be for servicing to be taken from Northside Boulevard which runs parallel to Dock Road. This would present service doors along a key active frontage which apart from the visual implications would introduce potential conflict pedestrian and vehicle movement.

The applicants have subsequently amended the elevational treatment along the eastern elevation to take the glazing down to street level to help generate to impression of an active frontage. Furthermore an acceptable lighting strategy would increase levels of luminance to this area to create a safe and comfortable pedestrian environment.

The glazing component of the façade on the amenity spaces facing the water at garden level has been increased. In addition the cladding has been adjusted at the top of the building to propose a cladding solution that dissolves the top of the building. This has the effect of softening the box like appearance of the block.

It is considered that the proposals support the objectives of RSS Policy L4 in maximising the re-use of vacant and under-used brownfield land and maximising the use of existing public transport infrastructure. The Northbank proposals aim to provide for a range of house types and sizes, at Code for Sustainable Homes Level 3

Furthermore, the schemes as amended align with the master plan principles for east float which are based on the Strategic Regeneration Framework for Wirral Waters. The proposal responds well to the surrounding area, with particularly with regards to existing densities and forms of development, incorporates the provision for accessible public open space and children's play areas, provides adequate private or communal garden space to each dwelling and protect the character of the surrounding area and local amenity ensuring complicity with all of the above policies. The proposed scheme will secure new tree planting throughout the development in line with UDP policies GR5 "Landscaping and new development and GR7 "Trees and new development"

Policy L5 – Affordable Housing

UDP Policy HS6 Principles for Affordable Housing

Through Policy HS6 the LPA will negotiate the provision of affordable housing on suitable site over 1.0 ha. The Council adopted a policy in February 2008 for 40% affordable housing on sites over 15 dwellings subject to a site specific viability assessment, following the approval of the Strategic Housing market Assessment by Cabinet as a material consideration in determining planning applications in the borough.

The Northbank full application has been subject to a financial viability assessment, which has been fully assessed by an external financial consultant,

The Consultants concluded that ...

“The Applicants viability assessment report (Residual Development Appraisal) presently shows a negative development profit (i.e. a loss) of £6,287,530 and purports to show that it would not be viable to provide any affordable units on the new development as this would render the project even more unviable financially, based on current market conditions, sales values and construction costs

The Applicants Residual Development Appraisal does not allow for any affordable units (because even with none allowed it is showing a negative development profit of minus £6,827,530).”

Overall in terms of the residential element, the Northbank proposal is consistent with the Interim Housing Policy and would see a large investment and increase in the housing numbers being directed into the HMRI area. Wirral, as previously discussed, through the RSS and Growth Point bid has a 600 pa housing unit growth figure to achieve.

HERITAGE AND CONSERVATION ISSUES

To the north-west of the site lie two grade II, Listed large brick built grain warehouses converted to apartments.

A hydraulic engine house and tower, also a grade II listed structure, is located some 150m to the south-east. Constructed in 1863, a large part of the building was rebuilt following bomb damage during the Second World War. Beyond the eastern edge of the site, a square brick built accumulator tower is situated at the Mersey entrance to the Alfred Dock. To the south of the tower and to the east of Wallasey Dock, a brick pumping station was built in 1886 and is also Grade II Listed.

Hamilton Square Conservation Area is 1km to the south east of the site.

Flaybrick Memorial Gardens Conservation Area, is an English Heritage registered garden approximately 2.4km to the south west of the site.

Birkenhead Park 1.2km to the south of the site was designated a Conservation Area in 1977 and is designated as a Grade 1 Registered Park.

The site sits on the opposite side of the River Mersey from the Liverpool Dockland, which form a significant part of the Liverpool Maritime Mercantile City World Heritage Site. The WHS buffer extends to the middle of the River Mersey. No part of the designated area lies on its west bank. Nevertheless, the WHS and the eastern proportion of Wallasey Pool are inter-visible.

PPG 15 Planning and the Historic Environment sets out the Government's policies for the identification and protection of historic buildings and conservation areas and states that, where there is a link between controls over listed buildings and conservation areas and development control, decisions on such issues will generally need to be considered together.

It is further stated that economic prosperity can secure the continued vitality of conservation areas, and the continued use and maintenance of historic buildings.

RSS Policy ER3: Built Heritage, encourages Councils (through their plans, policies and proposals) to identify, protect, conserve and where appropriate, enhance the built heritage of the region.

UDP Policies CHO1, CH1 and CH2 are charged with ensuring that any new development aims to protect;

- Building, structures and other features of recognised architectural or historical importance;
- Historic areas of distinctive quality and character; and
- Important archaeological and monuments

- Northbank sits adjacent to a variety of listed buildings and can be viewed from various

conservation areas across the borough.

- The proposal is adjacent to listed building and policy CH1 seeks to ensure that the nature and scale of the proposal is appropriate to retaining the character and design of the listed buildings and their settings

The Northbank site has a limited visual relationship Hamilton Square, Birkenhead Park (UDP Policy CH6) and Flaybrick Cemetery Conservation Areas (UDP Policy CH23) . Policy CH2 permits development where the visual and operational impact of the proposal can be demonstrated to preserve or enhance distinctive characteristics of the area, including important views into and out of the designated conservation area. With regard to the Northbank application, it is not within a conservation area; however, there are several surrounding which, with a proposal of this size, require special regard to be given to the views and vistas through the site from the conservation areas. Specific policies within the UDP address the detailed merits of each conservation area and these are discussed below.

Policy CH26 The preservation of Historic Parks and Gardens, highlights the need to pay special regard to the historic parks and gardens in the borough in this instance, Birkenhead park. The policy advises that development should not involve the loss of features considered to form an integral part of the special character or appearance of the park or detract from the enjoyment, layout design, character, appearance or setting of the park.

The proposals need to be considered in terms of their potential impact on a number of heritage assets including:

- The Liverpool world heritage site
- Hamilton Square
- Birkenhead Park
- The listed grain warehouses

English Heritage's initial response has focused upon the impact of the proposals on national and international heritage assets. These are discussed below.

There has been no objections raised by Liverpool City Council

The most direct impact will relate to the impact on the listed buildings within the site, most notably the listed corn warehouses.

The development proposals for plot 1 (North Bank) represents phase 1 of a much wider development masterplan. At this stage it is the only element of the works to be submitted in full detail, while outline consent has been sought for plots 2-5. Given the nature and scale of the development, it is however necessary to consider the collective impact of the development; including that submitted in outline.

The emerging East Float masterplan proposes a range of building heights, which vary considerably over the site. The buildings within the Northbank scheme gradually increase in height from the east to the west respecting the integrity of the listed building. The tallest building is located to the east of the Northbank East site with the lowest sitting adjacent to the listed grain warehouse.

The masterplan incorporates a series of permeable building blocks of similar sizes and proportions. The layout seeks to break up the mass of the overall development into smaller elements giving the impression of a family group of different buildings. A satisfactory distance has been retained between plot 1 and the grain warehouse to ensure the two can be 'set apart'.

For plot 1 the height of the plinth does not exceed the height of the listed building and is reflective of its scale and massing. The tower element of the scheme has been positioned the furthest point from the listed building and is set back into the site to ensure it does not overwhelm it or compete with its visual prominence.

The southern elevation is the most prominent of the elevations, given its fronts the waterside and will be viewed within the context of the listed grain warehouse. The elevational treatment reflects the prominence of its location and the sensitivity of its relationship with the listed building. The incorporation of a blockwork cladding system reflects the traditional brickwork within the elevation of the grain warehouse. It appears as a modern interpretation, giving the building a contemporary feel to compliment its modern design. The tower will provide the backdrop and as such has been treated in a more contemporary manner with grey aluminium

curtain walling providing a contrast.

The adjacent grain warehouse clearly defines the public/ circulation area with strong vertical elements marking the circulation areas. It is very rational/ coherent in terms of proportional arrangement, window openings and glazing is very ordered.

The proportional arrangement of the proposed building does not attempt to imitate this and instead adopts an architectural language that enables it to be set apart and make a bold architectural statement in its own right.

The design of the proposal is responsive to the different contexts in which it is situated: to the south -- the attractive waterside setting; and to the north -- the more commercial/ industrial area and dockside road.

The introduction of a number of active uses will compliment the dockside location with the building flanking the waterside and the incorporation of a colonnade promoting outside spaces. The area is presently redundant and the proposal will see access to the area improved and utilised. The listed grain warehouse presently appears isolated: the appropriate mix of uses promoted via the application, including residential will facilitate the creation of a waterside community.

TOWNSCAPE CHARACTER

The applicants have submitted a townscape assessment as part of their planning submission. The report provided a description and analysis of the heritage features surrounding or within close proximity of the site.

Following a request for additional information from English Heritage, an addendum to the original assessment has been produced; in order to assess the effects of the impacts of the proposal in relation to Strategic and Local view points. Further photomontages have been provided in the addendum, following discussions with English Heritage. The impact of the development on these areas is discussed below.

The character of the existing site itself is not considered to be of high value in townscape character terms due to its derelict state. The proposed development will result in a completely new townscape character and diversification of the Docks and wider River Valley. It is suggested that the proposed quality and massing of the development could bring additional coherency to the dockside and upgrade the current mix of land uses.

Development of this scale and height could also improve the legibility of the site through the prominent position of plot 5, marking the gateway to Birkenhead Docks

The applicants assert within their Townscape Character analysis, that the strategic viewpoints affected by the amended development will be those closest to the site and those with open panoramic views i.e. Bidston Hill, Albert Dock and Princess Dock,

The view from Bidston Hill illustrates the prominence of the development upon both the Wirral and Liverpool skyline. It is considered that the lower height of plot 1 relates well to the adjacent Grain Warehouses and the prominence of plot 5 will create a clear landmark within the dock environment.. The mass of the proposed development will restrict views towards the Liverpool World Heritage Site, obscuring part of the Three Graces. However, it is considered that because of the distance between the receptor and the site, the effect is considered to be minor.

When viewed from Princess Dock, the proposed development and the location of Plot 5 will appear as a prominent, architectural beacon on the Wirral waterfront. This assertion is sustained by the fact that Liverpool City Council has not objected to the proposal.

With regards to secondary or local viewpoints, the applicants suggest that, in relation to the views fro Egerton Bridge, the development retains views towards the grade II Listed Grain Warehouses and the plot design "steps-down" towards these buildings. From Duke Street, the proposed height of plot 5 will obscure the views of the Liverpool Tunnel Ventilation Tower and the Metropolitan Cathedral.

In relation to Hamilton Square, the northern corner of the square, the junction with Cleveland Street and Argyle Street is aligned on the site. The proposed development will be apparent from the centre of the square and to a lesser degree from other locations, due to the extension of the structures on plots 4 and 5 above the roof-line; which will provide glimpsed views of the

proposed development from certain angles. The majority of the development will be obscured by the existing built form that encloses the square. Plot 5 will alter the consistency of the current historic roofline. However, the detailed design and architectural quality of plot 5 will be directed by the sensitivity of this location. An additional viewpoint from the front of Wirral museum, illustrates the impact of the proposed towers on the roofline from the open aspect of the memorial square. The applicants advise that plot 5 will not be visible from this location on the skyline and the focus of the viewer will be on the enclosed environment of the square. However, the applicants argue that the character of the square is inherently introspective and the development is not considered to represent a substantial intrusion capable of rivalling the square. The impact on the visual amenity is considered to have a minor adverse impact on the square itself and negligible significance with regards to the listed buildings within it. .

From the Liverpool Anglican Cathedral, the Wirral skyline will be punctuated by the new development, particularly, the tower associated with plot 5. It is considered that the scale of the development improves the legibility of the Birkenhead Docks.

In addition to the original assessment of views from Birkenhead Park, the applicant has included an additional view from an open football pitch to the east of the lower park adjacent to Park Road East. Whilst a visual connection with the Liverpool Waterfront is not possible from this location, the proposed towers will be visible on the skyline. The applicants acknowledge the broken skyline but suggest the environs of the park are already influenced by the surrounding built form and the effect of this proposal on the visual amenity is considered to be minor.

It is considered that the applicants, in their assessment of proposed development of the Northbank site have had special regard to the views and impact that the proposal could have on both the four neighbouring conservation areas, and, given its size and prominence on the water front, the wider area, including the Liverpool waterfront. Importance emphasis has been given to the views from each of the conservation areas and the impact these will have on the setting of these areas.

It is considered therefore that the development, while the increased height associated with plot 5 does result in a slightly increased visual impact, the impact should not detract from the visual quality of the area as a whole or the character, appearance or setting of the surrounding conservation areas .

In addition to the above, it could be considered that the proposals could help to ensure the vitality and viability of the local historic assets such as Hamilton square and Birkenhead Park through increased population, increased activity and footfall. The scheme will respect the maritime heritage through preserving the relationship between open water and quayside. The continuing operational use of the dock system, through traffic to the West Float maintains the maritime links in the most appropriate way.

LEISURE USES

RSS Policy L1 – Health, Sport, Recreation, Cultural and Education Services Provision

Whilst not a major part of these applications, Peel, through the East Float masterplanning process, and with the Council, through the Mersey Heartlands New Growth Point, are committed to the provision of appropriate social and community infrastructure. Within the full planning application there is provision for a flexible area adjoining the podium terrace, for a facility such as a gym or children's day nursery

SUSTAINABLE APPROACH TO THE BUILT DEVELOPMENT

The applicants advise that the strategy is to create a low carbon, low resource demanding development through design approaches that have low energy demands, use low carbon technology approaches throughout the site, and widespread use of renewable technologies.

Northbank East will achieve a minimum Code for Sustainable Homes Level 3 with later phases of the development aiming to provide Level 6 and Zero carbon housing by 2016. The scheme will also aim to achieve at least BREEAM 2008 very good/excellent rating across the office, retail/leisure and community aspects of the development. In addition, the applicants have confirmed that Energy Performance Certificates and Design Energy Certificates will be provided.

The detailed building design will include connections to Community/District heating/cooling systems, boilers, CHP equipment and chiller plant that will form part of the future community heating/cooling network.

The initial phases of Northbank East will be provided with stand alone systems in the buildings. As each of the buildings is developed, each of the systems will be connected to each other through an underground pipe work system as an incremental approach to a community heating system.

The retail units will be producing “low grade” waste heat. Subject to capacities and availability this will be used to pre-heat the incoming cold water that feeds the domestic hot water calorifiers

TRANSPORT

RSS Policy DP4 – Make the Best Use of Existing Resources and Infrastructure

The proposals are within the priority area set out in Policy RDF1 and LCR1. The proposals concentrate development close to existing infrastructure and follow the sequential approach of using previously developed land within the Seacombe settlement. The proposals do not require major investment in new public transport infrastructure, water supply or sewerage. It is considered that the proposals conform to the objectives of RSS Policy DP4.

RSS Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

The Northbank proposals form the first stage of what is intended to be a comprehensive redevelopment of underused land around Birkenhead Docks. The proposal is accessible by a choice of transport modes and that the applicant has proposed measures to reduce the need to travel. A number of measures to enhance accessibility to pedestrians and cyclists are identified, some as part of the wider Wirral Waters proposals. The provision of services, such as convenience retail on site, is intended to ensure that a full range of local day to day services are available to residents of the new development on site and at an early stage of implementation, minimising the need to travel elsewhere. It is considered that the application proposals will therefore conform to RSS Policy DP5.

RSS Policy RT2 – Managing Travel Demand

In considering Policy RT2 – Managing Travel Demand the Northbank proposals aim to reduce reliance on the private car, by the scheme’s location in relation to public transport and by providing jobs close to new homes. Cycling and walking is to be encouraged within the context of the wider East Float proposals and by the CIF2 bid for highway and access improvements.

The application proposals are in conformity with RSS Policy RT9 - Walking and Cycling which will be further supported if the CIF2 bid referred to earlier in this section, is approved.

UDP Policy TRT1: Provision of public Transport emphasises the need for development to make best use of existing transport facilities, to make adequate physical provision for public transport services and facilities within new developments and to provide for the development of such services and facilities.

UDP Policy TR7 - Transport Corridor Environmental Improvements. The proposal will be required to have regard to the transport corridor improvements and special consideration will be given to the nature conservation value of land within these corridors. This has been addressed through the Transport Statement.

UDP Policy TR9 – Requirements for Off- Street Parking sets out criteria against which proposals for off-street parking provision will be assessed. A total of 245 parking spaces are shown to be provided in the full application and 1291 spaces to be provided in plots 2 to 5. The total maximum number of parking spaces is 1533 and it is stated that the proposal will provide disabled, motorcycle and cycle parking in line with the current parking standards. The total number of number of parking spaces is in accordance with the provisions of SPD 4 (2007) Parking Standards, which is in accordance with National Planning Policy on parking at new development.

UDP Policy TR10 - Cycle Routes. The application site lies within reasonably close proximity to National Cycle Route 56. Policy TR 10 requires new development along specified routes to incorporate cycle route provision. The development is adjacent to proposed cycle route Wallasey to Conway Park, which has been part implemented.

UDP Policy TR11 - Provision for Cyclists, states that new major developments should include a

cycle audit to ensure that the scheme provides adequate provisions for routes used by cyclists and the design of the proposal makes for a cycle friendly environment. Also, the policy encourages the opportunity or maximise on any enhancement or adding to the provision for cycling.

UDP Policy TR12 - Requirements for Cycle Parking, requires that where practical and desirable, cycle parking should be provided and states that 1 cycle parking stand should be provided for every flat. The transport assessment highlights a commitment to provide an adequate provision as part of the Northbank proposal.

A number of concerns have been raised from Merseyside Cycling Campaign Wirral Group relating to the lack of cycle parking provision. The applicants have confirmed that these issues could be addressed through a suitably worded condition to provide for details of cycle parking provision.

The proposals cover five plots fronting onto Dock Road to the west of the Four Bridges. Access is proposed onto Dock Road via four new priority accesses. 1533 off-street parking spaces are proposed, which complies with the standards adopted in the Councils SPD4 Parking Standards.

A Transport Assessment (TA) has been submitted in support of the overall development, which considers its impact on issues such as existing traffic flows, highway safety, public transport, walking and cycling.

The TA indicates that the adjacent signalised roundabout at Dock Road / Tower Road is affected by congestion for a short period of time during the weekday evening peak and that this proposal would add to slight delays on the route.

The TA outlines proposals for an improvement to the junction that would alleviate this congestion and which was subject to a CIF (Community Infrastructure Fund) bid to Government. Unfortunately the CIF (Community Infrastructure Fund) bid has not been successful and therefore the improvements to the signalised roundabout at Dock Road / Tower Road mentioned will not be forthcoming under that funding. It is therefore necessary to attach a requirement for a Section 106 agreement to carry out the works at the junction that were originally identified within the CIF bid and that it would be appropriate to attach a Section 106 for these works to the outline application for Plots 2 to 5 (OUT/2009/5110).

The outline proposal (2009/5110) includes for widening of Dock Road fronting the development site to create protected turning areas at each junction / access, the provision of a Puffin Crossing, the upgrade and relocation (as appropriate) of a number of bus stops on Dock Road. The potential for overspill parking onto Dock Road also remains a concern and the provision of appropriate waiting restrictions on Dock Road fronting the development site would be necessary.

The proposal for Plot 1 (2009/5109) includes the provision of two new accesses onto Dock Road (one each side of the plot). The access situated to the east of the plot (between Plots 1 and 2) would serve as the primary access for Plot 1 and would provide access to the car park and servicing area. The constraints on the width of the primary access would mean that larger vehicles entering or leaving the site (onto Dock Road) would be required to slightly cross onto the opposite side of the carriageway. This is considered to be unacceptable in highway safety terms and an appropriate condition is requested in order to negate this. Similarly, the manoeuvring of large servicing vehicles within the access road, where general traffic and cyclists would be travelling, is also considered to be a potential cause of conflict, although this is not within the public highway and is therefore not under my control.

A shared cycle/footway is proposed fronting Plot 1, alongside Dock Road, and a condition is recommended for the details of this facility to be submitted and approved prior to construction, including any necessary road markings and traffic signs.

The applicant has also indicated that, following discussion with Merseytravel, agreement has been reached to subsidise the 101 bus route in the evenings and Sundays to run every 30 minutes instead of hourly as at present. The value of this subsidy would be approximately £45,000 per year and it is proposed to last for two years and can be secured through a section 106 agreement.

In conclusion, it is considered that there is no sustainable highway safety or traffic management grounds to refuse these proposals, subject to a Section 106 agreement and the conditions outlined above. In addition, the cycling and walking access improvements proposed alongside

the current proposals will integrate the Wirral Waters area with the Mersey Waterfront Regional Park.

ENVIRONMENTAL ISSUES

Policy DP7 – Promote Environmental Quality

The proposals support 3 of the objectives of RSS Policy DP7:

1. Promoting good quality design in new development and ensuring that development respects its setting taking into account relevant design requirements, the NW Design Guide and other best practice;
2. Reclaiming derelict land and remediating contaminated land for end- uses to improve the image of the region and use land resources efficiently; and
3. Maximising opportunities for the regeneration of derelict or dilapidated areas;

A further objective of Policy DP7 is to ensure that proposals, that could have a significant effect on the integrity and conservation objectives of sites of international importance for nature conservation, are subject to assessment. This is addressed in discussion of the response of Natural England.

RSS Policy DP9 – Reduce Emissions and Adapt to Climate Change

It is concluded that the development of a high density residential environment at Northbank addresses a number of the measures included in RSS Policy DP9, including:

- Increasing urban density;
- Encouraging better built homes and energy efficiency, eco-friendly and adaptable buildings, with good thermal insulation.... and microgeneration; and
- Reducing traffic growth, promoting walking, cycling and public transport

RSS Policy EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

The proposals conform with the principle in RSS Policy EM1 to avoid or mitigate loss of landscape, natural or historic environment assets. Natural England is satisfied (see representations section of this report) that there will be no adverse impact on species within the internationally important sites in the Mersey Estuary. The applicant proposes improved drainage systems to mitigate any potential impact from run-off into the East Float of the dock system.

RSS Policy EM5 – Integrated Water Management

The applicant has consulted with United Utilities on the broad Wirral Waters' masterplanning and has considered the capacity of the water and sewerage networks to accommodate the development proposed. United Utilities response to the applications is summarised in the representations section of this report

RSS Policy EM6 – Managing the North West's Coastline

The development proposals have no direct impact on Wirral's coastline. Discussion with Natural England has confirmed that any potential adverse impact on Coastal sites of International nature conservation importance has been screened out. And the Environment Agency have withdrawn their original objection.

RSS Policy EM9 – Secondary and Recycled Aggregates

It is now a statutory requirement to provide a Site Waste Management Plan (SI 314, 2008) for construction projects with a value of over £300,000 (excluding VAT). This may include the provision of a temporary materials recycling facility on site, subject to a satisfactory planning condition governing hours of operation and the means of controlling any noise, dust or vibration issues. A suitably worded condition can be applied to control such possible omissions from the site.

VIEWS OF THE ENVIRONMENT AGENCY

The Environment Agency in their response has advised that they support the commitments as noted within the Chapter 7 of the Environment Statement (January 2009, Ref: EN7582/R/FINAL/CSP, Waterman Environmental) to develop a sustainable built development.” We would draw your attention to the Communities and Local Governments (CLG) 2008 letter to Growth Point Authority Chief Executive(s). As part of the Growth Delivery Programme, the letter states:

‘...discussions to date have tended to focus on how environment and transport issues need to be built in to growth plans as they develop. We are keen to encourage New Growth Points to be exemplars of sustainable development...’

The letter goes on to state:

‘These increased levels of growth also represent an unprecedented opportunity to reduce the carbon footprint of new housing, and move towards the Government’s ambition of low/zero carbon development’.

Attention is drawn to the Mersey Heartlands New Growth Point Partnership, Programme of Development, which identifies that through innovative ideas that flagship projects will build upon existing Housing Market Renewal Initiative developments that are already committed to level 3 of the Code for Sustainable Homes.

Considering that this is a new build development (and a flagship scheme for Wirral Waters) it provides an opportunity to contribute towards more environmentally sustainable development, setting a benchmark for future schemes.

Further investigations into achieving a higher rating than 3 for the Code for Sustainable Homes (and to achieve excellent/outstanding BREEAM rating rather than very good) should be considered. The findings and proposals could be documented within a report detailing how environmental standards will be achieved.

Furthermore, a strategy should be in place for this application and the remaining phases of Wirral Waters on how future proposals will be improved in environmental sustainability terms towards the Governments 2016 target of zero carbon footprints for residential developments. We firmly believe that this, and future Wirral Waters developments, should endeavour to become exemplar.

It should be noted that as a first phase of the Growth Point this development is proposed without the benefit of Growth Point condition requirements such as a Water Cycle Study, Strategic Flood Risk Assessment and Green Infrastructure Strategy.”

FLOOD RISK

The applicant has submitted a Flood Risk Assessment with the application. The Environment Agency has been in continual consultation with the applicant over concerns regarding the impacts of climate change and flood risk on the proposal. Their main concern has been the proposed provision of flood protection over the lifetime of the development.

The Environment Agency has advised that they do not recognise the dock infrastructure (such as gates and dock walls) as formal flood defense structures. Additionally, they do not accept the principle of providing flood defence works towards the end of the development lifetime as flood mitigation. They consider this to be unsustainable. Furthermore, from their perspective they cannot make any guarantees that such flood defense measures will be provided in the future no matter the significance of the development. In their opinion, for the development to be sustainable in respect of flooding, measures should be incorporated into the design of the development.

They maintain that residential development should be considered to have a minimum design life of 100 years. They do however accept that the residential units will not be at ground level. By providing robust flood resilience measures and a flood evacuation and warning scheme it is accepted that flood risk can be managed up to but not beyond 80 years.

The Environment Agency note that in previous correspondence received from Turley Associates (25th June 2009, Ref RK/JW/PEEM1048) that their client does not wish to rule out ground floor residential development as part of the scheme. Taking the contingency allowances for climate change into consideration (Table B.1 PPS25), it is clear that the proposed finished floor levels of 7.3m will not be sufficient for residential development at this location.

While it is recognized that the proposal seeks approval for commercial usage on the ground floor, it is recommended that consideration be given to ensuring that the ground floor of this development is not used for future residential development without the incorporation of sufficient flood mitigation measures. Such a measure would include the reassessment and increase of finished floor levels.

It is further noted that within previous correspondence (30th April 2009, Ref: RK/PEEM1048, Turley Associates) that the applicants have an obligation to manage the lock gates to control water levels within the docks. The Agency recommends that the Authority should seek to ensure that the future management of the lock gates is provided by the applicant for the continual management of water levels. Furthermore, The Authority should also consider obtaining from the applicant assurances that the dock walls and lock gates will be maintained to a high standard for the lifetime of the development. This could be secured through a Section 106 Agreement.

We would expect to see the development to incorporate robust-flood proofing measures to mitigate the impacts of climate change. :

PPS25 and the associated Practice Guide (paragraphs 7.23 to 7.31) place responsibilities on Local Planning Authorities to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Suds

It is noted that the proposal seeks to incorporate Sustainable Urban Drainage schemes (SUDs). We welcome the inclusion of such proposals where appropriate. A full assessment should be undertaken by the applicant to ensure that any proposed SUDs are suitable at this location. To ensure the right scheme is applied a suitably worded condition should be applied.

Contaminated Land

The Environmental Phase 1 Land Quality Assessment (January 2009, EN7582/R/6.1.4/GW, Waterman Environmental) has identified the potential for pollutant linkages to controlled waters receptors. Further works are required to assess the significance of these potential pollutant linkages and to determine remedial requirements for the site.

Should permission be approved, a condition relating to a site investigation and remediation strategy to be submitted to and agreed by the LPA.

Water Quality

With regards to Chapter 14, paragraph 14.4 of the Environmental Statement, the Water Framework Directive also applies to controlled waters regarding pollution. There must be no deterioration of controlled waters and the legislation requires improvements to the current ecological status.

The letter from Turley Associates (25th June 2009, Ref RK/JW/PEEM1048) comments that safeguards to the environment, such as using the lock system will be used to control materials that are potentially harmful to the SPA/SAC from entering the Estuary. We would advise that the dock system is a controlled water and that enforcement action may be taken should any potential harmful materials enter the dock system.

The storage of chemicals / oils must be within bunded areas (during and after construction). Storage areas for oils must comply with the Control of Pollution (Oil Storage)(England) Regulations 2001. All materials should be securely stored, and it should be ensured that there is no risk of pollution from the escape of construction materials into controlled waters.

Oil interceptors are to be used on the surface water system to prevent pollution from run-off from the development prior to discharge into the dock. The interceptors used should be suitably sized, located and to current Environment Agency Pollution Prevention Guideline 3 standards.

Policy WA5 of the Wirral UDP, requires developments to ensure that there are satisfactory

arrangements to ensure no pollution to surface waters. We would expand on this to ensure that the development does not impact controlled waters (including groundwater). In order to ensure the development poses no unacceptable risks of pollution to the water environment a suitably worded condition should be applied.

Only clean and uncontaminated surface water may be discharge to controlled waters without a discharge consent.

Water Resources

There does not appear to be any indication of any investigations undertaken into the feasibility of water efficiency measures. The CLG letter previously quoted in this letter regarding Growth Points states as a condition a:

'...pro-active approach, working closely with the Environment Agency and United Utilities, on development and implementation of measures to achieve water saving and efficiency'.

Further investigations and findings should be investigated and detailed within a document demonstrating how the proposal will achieve high environmental standards.

Any planned dewatering operations as identified in the Chapter 14 of the Environmental Statement, will need an abstraction licence from the Environment Agency under the terms of the Water Resources Act 1991.

Proposals will be brought in to legislation in late 2009 by DEFRA which will remove the current dewatering exemption. A full consultation will be taking place this year with a view to removing the current exemption with effect from 1st October 2009.

Waste

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT. The development must still comply with the duty of care for waste. Because of the need to record all waste movements in one document, a SWMP will help to ensure compliance with the duty of care.

The Environmental Statement (Chapter 6: Development and Construction) details proposals for recycling and re-use of waste materials on site in conjunction with the main contractor for the site. The use of waste (secondary materials) as a resource within the construction phases of the project should be maximised where appropriate to both protect natural resources and reduce transportation impacts of waste movement. The use of appropriately authorised local waste management facilities and locally sourced materials would minimise the environmental impacts from traffic movement on and off site.

The Environment Agency have advised that adequate facilities should be in place in order to reduce wastes sent to landfill and encourage the recycling of both household and commercial wastes within the completed development. This will enable appropriate separation, storage and collection of recyclables for domestic and commercial premises.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, the applicant should consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.

The Environment Agency has put forward a number of suggested conditions to address these matters and the Local Planning Authority is in agreement that these matters should form part of any planning permission should the application be granted.

ECOLOGY

A number of nationally and internationally designated sites of nature conservation importance are located 550m from the site e.g North Wirral Foreshore and Mersey Narrows proposed Ramsar, potential Special Protection area and Site of special Scientific Interest, New Ferry Site of Special Scientific Interest and North Wirral Foreshore Site of Special Scientific Interest form part of the Dee Estuary candidate Special Area of Conservation .

The Habitats Regulations require all designated sites to be protected from deterioration and damage. The potential impacts of any proposal must be assessed by the competent authority, in this case the Local Authority, to determine whether it is likely to have a significant effect on the Mersey Estuary

The Mersey Estuary is described as a large sheltered estuary, comprising generous areas of mudflats and salt marsh which provide feeding and roosting sites during the winter period. The site has been identified as being of major importance for ducks and waders during the winter.

The Mersey Narrows SSSI is also noted for large areas of inter-tidal mudflats and sand which support large populations of water birds which provide feeding and roosting sites for birds during the winter period. The site is of major importance for ducks and waders during the winter.

The Mersey Narrows SSSI also support large populations of Redshank, Turnstone and Cormorant and are the reason for its notification.

Both these Conservation Designations have additional habitat features that are statutorily designated at national level. These features are been summarised in the submitted environment statement.

As such, an assessment on the whether the application has the potential or is likely to have significant effect on the interest features of the designated sites Ecology was scoped out.

The site has been subject to a phase 1 Ecological survey which identified that the site is not located within 500m of any locally, regionally, or internationally designated area.

An extended Phase1 Habitat survey was undertaken in December 2007 for the North Bank Site. The survey concluded that :

- The site was of generally negligible ecological value
- Non of the habitats/plant communities recorded on site are notable in terms of their species diversity or scarcity and that no specific surveys or mitigation is recommended for plant communities
- There are no areas of land within or adjoining the site(within 500m) which are the subject of local, regional, national or international designations and
- No suitable habitat exists within the site itself, or up to 550m from the site boundaries for protected species. However, a wintering bird survey of the adjacent docks and surrounding land was recommended to confirm this.

Natural England, the Environment Agency and MEAS noted that a chapter on ecology was not included in the ES although an ecological report was submitted, Further discussions regarding the ecological assessment concluded that a summery of the ecological potential of the site would be provided..

A further document on the potential ecological effects has been submitted. The additional information included a summery of the above European conservation designations and additional habitat features that are statutory designated at a national level. These are summarised in the Environmental Statement Addendum.

Further to the recommendations in the Phase 1 Habitat survey, a wintering bird survey was undertaken between December 2007 and March 2008. The report found that although wintering birds were found to be using the wider dockyard area, there was no evidence found that this site was used by any protected bird species or species listed within the citations for either the Mersey Estuary SPA or the Mersey Narrows and North Wirral Foreshore SPA

Following further discussions with the Natural England, and the Environment Agency, it is considered that there is unlikely to be any significant potential for protected species to be using the site or for adverse ecological impacts to arise from of the applications. There is also unlikely to be any significant effect on nationally and internationally designated sites..

ARCHAEOLOGY

No Scheduled Ancient Monument are located within the boundary of the site or within the study area. The remains of Birkenhead Priory represent the nearest such monument and is located over 1.5km to the south east of the site. There will therefore be no effects on archaeological deposits arising from the completed development

STATEMENT OF COMMUNITY INVOLVEMENT

A partnership-working group has been set up with the council and other key consultees. Appendix 2 of the applicants Planning Statement details the consultation, which has taken place to date on the Wirral Waters proposal. The Northbank East has been identified as an early win project in excess of 12 months prior to the submission of the application and has been as such in the wider consultations during that time, including the public exhibition which took place in September 2008. The applicants advise that this was attended by hundreds of local people, who gave their full support to Wirral Waters.

The details of the Northbank East proposals has been the subject of two consultations with CABA design review panel and has been considered at two project workshops with a range of officers from Wirral Council

PREMATURITY

The Wirral Local Development Framework Core Strategy Development Plan Document is still at initial "Regulation 25" consultation stage and submission to the Secretary of State for communities and Local Government is not anticipated before October 2010, at the earliest. Government guidance on General Principles for the Planning system issued in 2005 indicates that where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question. On the basis of this advice prematurity is not a relevant consideration in this case and there is no basis for delaying a decision on either application on these grounds.

SECTION 106 AGREEMENT

The planning applications should the committee be minded to approve the proposals, will be subject to a S106 agreement for the following -

1) The applicant has indicated that, following discussion with Merseytravel, agreement has been reached to subsidise the 101 bus route in the evenings and Sundays to run every 30 minutes instead of hourly as at present. The value of this subsidy would be approximately £45,000 per year and it is proposed to last for two years and would be secured through an appropriate section 106 agreement.

2) Targeted recruitment and training

In the attached Developer's report – Document 6 "Skills and Employability" dated 27/05/09 – the key driver is creating an environment that attracts major employers and creates opportunities for jobs and training in the local and wider Wirral area. To this end, a S106 should be entered into to ensure that appropriate and enforceable mechanisms on employment and supply-chain opportunities are developed. This is especially important for medium to long-term developments like Northbank and Wirral Waters because there is uncertainty about the future occupation of the sites, the attitude of the employers, and the resources available to support employability activities over the whole development period.

Nevertheless it is recognised that both the Council and the applicant will seek to avoid obligations that could become a barrier to development, especially in the immediate future when the property market is relatively weak. A balance therefore needs to be found between the commitment to providing benefits for the communities and businesses based in the local and wider areas and the fact that there will be no benefit without the redevelopment of the sites.

The S106 will include different arrangements for maximising local benefits for the construction employment and supply-chain opportunities and the end-user (occupier) opportunities. The former can be directly influenced by the developer through their contracts but the latter can only

be indirectly influenced by providing organisational structures and resources and developing an appropriate ethos/culture amongst end-use employers.

Lock Gates

The Authority should also consider obtaining from the applicant assurances that the dock walls and lock gates will be maintained to a high standard for the lifetime of the development. This will be secured through a Section 106 Agreement Only clean and uncontaminated surface water may be discharge to controlled waters without a discharge consent.

Applicant assurances that the dock walls and lock gates will be maintained to a high standard for the lifetime of the development. This could be secured through a Section 106 Agreement.

A contribution of £100,000 be made towards sustainable transport over a period of 5 yrs at £20,000 per year starting with the calendar year in which the 500th unit at Northbank East is completed.

CONCLUSIONS

These current applications represent an "early win" and the initial phase of the Wirral waters regeneration project to be developed over the next thirty years with an estimated £4.5 billion investment.

It is considered that the proposal will establish a mixed development that is capable of providing sustainable communities through the regeneration of vacant previously developed land within an existing urban area. and set within the context of a masterplan for the regeneration of the sites wider context .

The development will introduce new commercial services and related jobs through the provision of a new neighbourhood centre, office floorspace, a supermarket and non food retail uses.

In addition the scheme will help to address the issues of population decline and help achieve the objectives of Housing Market Renewal by widening the housing choice through the provision of apartments, improved public realm and network of streets that are pedestrian, cycle and vehicle friendly which will open up the access to the waterfront.

The proposal will provide attractive recreation areas for future residents including private gardens and informal play space that are well designed, safe and secure.

Whilst the detailed design is not subject of the outline application, the scale and location of the buildings enables an assessment of their impact. It is considered that the position and height of the main group of buildings will provide interest to this waterfront location whilst the position of the buildings does not detract from the character and settings of nearby listed buildings and conservation areas.

The planning applications accord with both National, Regional and local policies contained within the Regional Spatial Strategy, Unitary Development Plan and the non-statutory Strategic Regeneration Framework for Wirral Waters produced by the applicants.. In addition, as indicated above, there is no justification for refusal on prematurity grounds.

Due to the present economic climate, the applicants have requested a five year planning approval for the detailed application and a ten year planning permission for the outline application. Powers under section 91 of the 1990 Town and Country Planning to grant extended consents where appropriate in order to help bring forward development.

Summary of Decision:

These current applications represent an "early win" and the initial phase of the Wirral waters regeneration project to be developed over the next thirty years with an estimated £4.5 billion investment.

It is considered that the proposal will establish a mixed development that is capable of providing sustainable communities through the regeneration of vacant previously developed land within an existing urban area and set within the context of a masterplan for the regeneration of the sites wider context.

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Due to the present economic climate, the applicants have requested a five year planning approval for the detailed application and a ten year planning permission for the outline application. Powers under section 91 of the 1990 Town and Country Planning to grant extended consents where appropriate in order to help bring forward development.

Recommendation: **Approve** subject to confirmation from the Government Office for the North West and a Section 106 Agreement and subject to a Habitats Regulations Assessment Screening Opinion.

Condition(s):

- 1 The development to which this permission relates must be begun not later than the expiration of five years from the date of this permission.
- 2 Before development commences full details of the materials to be used on the existing and future adopted highway areas shall be submitted to and approved in writing by the local planning authority.
- 3 No development shall be commenced until full details and samples of the type of facing materials to be used for the external walls, roofs and balconies have been submitted to and agreed in writing by the Local Planning Authority.
- 4 The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood-proofing measures into the proposed development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 5 The development hereby permitted shall not be commenced until such time as a scheme to identify and provide safe route(s) into and out of the site into an appropriate safe haven has been submitted to, and approved in writing by, the Local Planning Authority.
6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
- 7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A site investigation scheme, based on (The Environmental Phase 1 Land Quality Assessment, January 2009, Ref: EN7582/R/6.1.4/GW, Waterman Environmental Group) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
8. The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
9. The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
10. Prior to the commencement of development, details of emergency arrangements to ensure safe evacuation of the area shall be submitted to and agreed by the Local Planning Authority in writing. The approved procedures should include the evacuation of vulnerable people and visitors who are not used to their surroundings and should include for language barriers.
11. Prior to the commencement of development, a site waste management plan shall be submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved plan unless otherwise agreed in writing with the LPA.
12. Prior to the commencement of development, precise details to a scale of 1:20 the balconies and windows shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing with the LPA.
13. Cycle parking scheme to be submitted and complete prior to occupation.
14. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.
15. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise approved in writing by the Local Planning Authority.
16. No development shall take place until details of any gates, walls and fences to be erected as part of the proposed development have been submitted to and approved by Local Planning Authority. Any gates, walls and fences comprised in the approved details shall be erected boundary treatment..
17. The development of the land shall be implemented in accordance with a comprehensive scheme and phased programme, details of which shall form part of any subsequent application for reserved matters. and shall be approved by the Local Planning Authority before any development is commenced.
18. The car parking area(s) shall be suitably formed and hard-surfaced concurrently with the remainder of the development to the satisfaction of the Local Planning Authority in accordance with details to be submitted to and agreed in writing with the Local Planning Authority before development commences. The car parking area(s) shall be retained thereafter.
19. A fume extraction system together with any external ducts shall be installed prior to the use commencing and shall be operated in accordance with a scheme, details of which shall previously have been submitted to and agreed in writing with the Local Planning Authority
20. No development shall take place until full details of the finished floor level(s) and the surrounding ground levels in comparison with existing ground levels within and adjoining the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed levels.
21. Details of any security or floodlighting shall be submitted to and agreed in writing with the Local Planning Authority before any such lighting is brought into use.
22. Before any externally mounted plant is used on the premises; it shall be insulated and mounted in accordance with a scheme to be submitted to and agreed with the LPA to control noise and vibration. These measures shall remain at all future times.
23. Details of any roller shutters shall be submitted to and agreed in writing with the LPA. The approved scheme shall be implemented in full and remain at all future times unless otherwise agreed in writing with the LPA.
24. Fume extraction scheme agreed/implemented before commencement (C16A)
25. Site level survey and proposed site and floor levels to be submitted (C65B)
26. Details of floor levels and surrounding ground levels to be submitted and approved prior to commencement
27. Before any externally mounted plant is used on the premises; it shall be insulated and mounted in accordance with a scheme to be submitted to and agreed with the LPA to control noise and vibration. These measures shall remain at all future times.
28. Details of any roller shutters shall be submitted to and agreed in writing with the LPA. The approved scheme shall be implemented in full and remain at all future times unless otherwise agreed in writing with the LPA.
29. No development authorised by this permission shall begin until the local planning authority has approved in writing a full scheme of works for improvement to Dock Road fronting the development site as is reasonably required to service that phase, including carriageway widening, shared cycle/footway, road markings, traffic signs, Puffin Crossing facility etc and including appropriate traffic regulation orders and arrangements for future

- maintenance. The agreed works shall be completed in accordance with the local planning authority's approval and been certified in writing as complete by or on behalf of the local planning authority prior to the occupation of any building within that phase of the development.
- 30 No development pursuant to this planning application falling within Use Class C3 shall commence until a Residential Travel Plan Framework has been approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport.
- 31 No development pursuant to this planning application falling within Use Class C3 shall commence until a Residential Travel Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport. The Residential Travel Plan shall be developed in accordance with the agreed Residential Travel Plan Framework document. The Residential Travel Plan shall not be varied other than through agreement in writing from the Local Planning Authority in consultation with the Secretary of State for Transport.
- 32 No development pursuant to this planning application falling within Use Class B1(a) shall be occupied until an Employee Travel Plan Framework for that phase has been submitted and approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport.
- 33 No development pursuant to this planning application falling within Use Class B1(a) shall be occupied until an Employee Travel Plan for that phase has been submitted and approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport. The Employee Travel Plan shall be developed in accordance with the agreed Employee Travel Plan Framework document. The Employee Travel Plan shall not be varied other than through agreement in writing from the Local Planning Authority in consultation with the Secretary of State for Transport.
- 34 Floodlighting details to be submitted and agreed before use (C63A)
- 35 Before development commences a comprehensive management plan shall be submitted to and approved in writing by the local planning authority. The recommendations as approved shall be implemented in full.
- 36 Before the development commences a walk-over summer survey of the site in relation to baseline habitat conditions shall be undertaken by a competent field ecologist and shall be submitted to and approved in writing by the Local Planning Authority. The recommendations as approved shall be implemented in full.
- 37 Before the development commences, details of the scale, source and type of materials to be moved onto the site shall be submitted to and approved in writing by the local planning authority.

Reason for conditions:

- 1 To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure a satisfactory form of development.
- 3 In the interests of amenity.
- 4 To reduce the impact of flooding on the proposed development and future occupants in line with Planning Policy Statement 25: Development and Flood Risk.
- 5 In the interest of personal safety.
- 6 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.
- 7 To ensure a safe form of development that poses no unacceptable risk of pollution to controlled waters in line with Policy PO5 - Criteria for the Development of Contaminated Land of the Wirral UDP.
- 8 To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment in line with Policy WA5 - Protecting Surface Waters of the Wirral UDP.
- 9 To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment in line with Policy WA5 - Protecting Surface Waters of the Wirral UDP.
- 10 In the interest of personal safety.
- 11 To ensure the satisfactory environmental management of the development and the prevention of pollution safety.
- 12 In the interest of visual amenity and for the avoidance of doubt
- 13 To promote the use of more sustainable forms of transport. This condition is imposed having regard to policy TR12 (Requirements for Cycle Parking) of the Wirral Unitary Development Plan.
- a. To Ensure a satisfactory form of development
- b. To Ensure a satisfactory form of development
- 16 In the interests of amenity and to ensure a satisfactory form of development.
- 17 In the interests of amenity and to ensure a satisfactory form of development.
- 18 In the interests of amenity and to ensure a satisfactory form of development.
- 19 In the interests of amenity.
- 20 In the interests of amenity and to ensure a satisfactory form of development.
- 21 In the interests of amenity (CR17)
- 22 In the interests of amenity and to ensure satisfactory form of development (CR17)
- 23 In the interests of visual amenity
- 24 In the interests of amenity (CR17)
- 25 In the interests of visual and residential amenities (CR41)
- 26 In the interest of visual and residential amenities (CR41)

- 27 In the emission of noise above a level which would be detrimental to the aural amenity of the area and to comply with UDP Policy.
- 28 In the interests of visual amenity
- 29 In the Interests of highway safety
- 30 In the interests of highway safety and to encourage more sustainable form of transport
- 31 In the interests of highway safety and to encourage more sustainable form of transport
- 32 In the interests of highway safety and to encourage more sustainable form of transport
- 33 In the interests of highway safety and to encourage more sustainable form of transport
- 34 In the interests of visual and residential amenities (CR41)
- 35 To secure the implementation of measures contained within the submitted environmental statement.
- 36 For the avoidance of doubt and to ensure a detailed survey of the site's ecology and habitat is undertaken.
- 37 To provide satisfactory protection against flood risk.

Last Comments By: 22 July 2009

56 Days Expires On: 22 July 2009

Case Officer: Ms J Storey

Notes:

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OUT/2009/5110

WARD Seacombe

Location: Unused Land Dock Road Seacombe Wirral CH41 1HW

Proposal: Outline application for a mixed use development comprising a maximum of 1531 residential units (C3), 6037 sq m office development (B1A), 4061 sq m retail uses (class A1)/ bars (A4) and 1450 sq m leisure use (D2) car and cycle parking, structural landscaping, formation of public spaces and associated infrastructure and public realm works (all matters reserved)

Applicant: Peel Land & Property
(Ports) Ltd
c/o Turley Associates
The Chancery, 58 Spring Gardens
Manchester
M2 1EW

Agent: Mrs Becki Hinchliffe
Turley Associates
The Chancery
58 Spring Gardens
Manchester
M2 1EW

**Development Plan
Allocation and policies:**

National Policies

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG4 Industrial and Commercial Development and Small Firms
PPS4 Planning for Prosperous Economies (Consultation Draft)
PPS6 Planning for Town Centres
PPS9 Biodiversity and Geological Conservation
PPS10 Planning for Sustainable Waste Management
PPG13 Transport
PPG15 Planning and the Historic Environment
PPG16 Archaeology and Planning
PPS22 Renewable Energy
PPS23 Planning and Pollution Control
PPG24 Planning and Noise
PPS25 Development and Flood Risks

Regional planning Policy Context

North West of England Regional Spatial Strategy to 2021 (2008)

Wirral Unitary Development Plan

Policy URN1 Development and Urban Regeneration
Policy URN2 Planning Agreements for Urban Regeneration
Policy HS4 Criteria for New Housing Development
Policy HSG2 Affordable Housing
Policy HS6 Principles for Affordable Housing
Policy GR5 Landscaping and New Development
Policy GR6 Greenspace within New Family Housing Development
Policy GR7 Trees and new development
Policy CHO1 The Protection of our Heritage
Policy CH1 Development Affecting Listed Buildings and Structures
Policy CH2 Development Affecting Conservation Areas
Policy CH4 Bidston Village Conservation Area
Policy CH5 Hamilton Square Conservation Area
Policy CH6 Birkenhead Park Conservation
Policy CH23 Flaybrick Cemetery Conservation Area
Policy CH25 Development Affecting Non – Scheduled Remains
Policy CH26 The Preservation of Historic Parks and Gardens
Policy NC01 Principles for Nature Conservation
Policy NC1 The Protection of Sites of International Importance for Nature Conservation
Policy NC2 Sites of international importance for Nature Conservation
Policy NC3 The Protection of Sites of National Importance For Nature Conservation
Policy NC4 Sites of National Importance for Nature Conservation
Policy NC5 The protection of sites of Local Importance for Nature Conservation
Policy NC7 Species Protection
Policy LA1 Protection of Areas of Special Landscape Value

Policy LA3	Priorities for Areas Requiring Landscape Renewal
Policy TR1	Provision of public Transport
Policy TR7	Transport Corridor Environmental Improvements
Policy TR9	Requirements for Off-Street Parking
Policy TR10	Cycle Routes
Policy TR11	Provision for Cyclists
Policy SH01	Principles for New Retail Development
Policy SH9	Criteria for Out-of-Centre and Edge of Centre Retail Development
Policy SH10	Design and Location of Out-of-Centre and Edge of Centre Retail Development
Policy WAT1	Fluvial and Tidal Flooding
Policy WA1	Development and Flood Risk
Policy WA5	Protecting Surface Waters
Policy C0A1	Principles for the coastal zone
Policy C01	Development within the Developed Coastal Zone
Policy C08	Development in the Coastal Zone requiring Environmental Assessment
Policy P0L1	Restrictions for polluting Hazardous uses
Policy P02	Development Near Existing Sources of Pollution
Policy P03	Noise
Policy P04	Noise-Sensitive Development
Policy P05	Criteria for the Development of Contaminated Land
Policy P06	Migration of Landfill Gas

Planning History: There have been no relevant planning applications on this site.

Representations and consultations received: REPRESENTATIONS

6 Site Notices were displayed around the application site and the application has been advertised in the press. A total of 62 letters of notification have been sent to properties in the area. At the time of writing this report, there have been two letters of support and one letter of objection from occupiers of East Float Quay. They can be summarised as follows:

1. The plans are fantastic, just what the area needs
2. Do not support this proposal paid a premium for views of Liverpool,
3. As an 18yr old living in Wirral, I realise there are not enough opportunities for the people of Wirral, especially in the dockland neighbourhoods i.e. North Birkenhead and Seacombe. I ask you to make this scheme happen, not only for the citizens of Wirral today, but for the future as well.

Jones Lang LaSalle on behalf of Warner Estates **object** to the proposals on the grounds of:

1. Lack of retail need
2. Fails the sequential tests (PPS6)
3. Impact on Birkenhead Town Centre
4. Impact on other centres
5. Accessibility
6. Social – disadvantage sections of the community who currently depend on Birkenhead Town Centre for a wide variety of goods and services
7. Regeneration – unlikely to have significant beneficial impact upon wider regeneration objectives in the Wirral
8. Heritage – detract from Liverpool’s waterfront World Heritage status
9. Investment – place at risk the private sector investment needed from Warner and other stakeholders
10. Employment – loss of town centre employment resulting in shop closures
11. Policy – major out of centre facility at Bidston Moss would be contrary to national and regional planning policy
12. Allocation – an allocation could potentially decimate Birkenhead’s Town Centre
13. “Trojan Horse Tactic” – scheme is being used to incrementally establish Wirral Waters as a new retail destination under the guise of regeneration

Drivers Jonas on behalf of CEREP Grosvenor Sarl (Bride Hall Holdings and the Carlyle Group owners of the Grosvenor Precinct in Chester City Centre) & Drivers Jonas on behalf of Grosvenor Liverpool Fund (Paradise Project Liverpool One development) **object** to the proposals on the grounds of:

1. Lack of context with the wider scheme

2. Overall conflict with national and regional policy
3. Application of policy

Peacock and Smith on behalf of William Morrison Supermarkets PLC **object** to the proposals on the grounds of:

1. Contrary to development plan
2. Contrary to national advice in PPS6

CONSULTATIONS

Director of Regeneration – Housing and Environmental Protection Division - No objection subject to conditions.

Director of Technical Services – Traffic Management Division – The main part of the consultation response is contained under Highways and Traffic Implications within the Director's Comments. In summary, however, there are no sustainable highway safety or traffic management grounds to refuse the proposals, subject to a Section 106 agreement and conditions.

United Utilities – No objection to the proposals subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer.

English Heritage – concerns regarding the effect on Hamilton square have been answered, however, concerns remain that there is insufficient confidence in the evidence and analysis provided, especially in relation to the impact on Birkenhead Park, to support approval of the applications, particularly in relation to the scale of the proposals, the view analysis and the architectural information, which is extremely limited. If the applicant is unable to provide this information the applications should either be withdrawn or refused consent. Furthermore we also reserve our position regarding the wider masterplan, even though it does not benefit from any formal planning status, and recommend that it is subject to a thorough assessment of any potential harmful impacts on the historic environment in accordance with the joint English Heritage/CABE Tall Buildings Guidance.

Merseyside Environmental Advisory Service – No objections subject to conditions relating to the submission of a comprehensive management plan prior to development, the submission of a walk-over Summer survey by a competent field ecologist and the results submitted to and approved prior to the commencement of works, a site waste management plan, submission of an energy statement and broad details of the scale of materials to be moved onto the site.

Environment Agency – the main comments are contained in the main body of the report, however, in summary there are no objections to the principle of the development.

Natural England – Following the submission of further information, Natural England have withdrawn their original objection to the proposal.

Merseyside Police (Crime Reduction Unit) – the proposal should meet secure by design standards

CABE – commend the strategic approach and the scale of the site and the scope of ambition is impressive; acknowledge the extensive analysis underpinning both applications. However, the following detailed observations have been made:

1. Submitted scheme for North Bank does not sufficiently reflect this analysis or the master-planning principles established by the overarching design work
2. Support the aspiration for the site to serve as a transitional zone between the high-rise cluster of Sky City across the water and the low density neighbourhoods north of North Bank, but would question whether the scheme as built will be perceived in this way. The typology of tall buildings on podiums and the positioning of buildings of the height proposed does not seem to integrate north bank with its established context.
3. No objection to the quantum of development being proposed, but tall buildings on this site risk undermining this aspiration.
4. Consider the merits of increasing the footprint blocks by combining Plots 1 and 2 and

plots 3 and 4 and suggest that plot 5 is better as a stand alone development

5. Potential conflict pedestrian movement and vehicular servicing between plots 1 and 2
6. Welcome the moves to provide active frontages to Dock Road, with additional tree planting, should start to overcome the hostile nature of this highway
7. Prospect of a colonnade to the dockside could work well to provide shelter to the elements, less convinced of their suitability across all frontages. It may be challenging to achieve safe and pleasant arcades in areas that are not constantly overlooked and do not benefit from a sunny aspect.
8. The LPA should assure itself that the proposals for the design and detailing of the public realm are consistent with the principles established for the wider area in the Strategic Regeneration Framework and East Float masterplan. Any planning permission will need to be carefully conditioned to ensure the selection of materials is of appropriate character and quality for this dockside environment and constant with the wider site.
9. Not convinced by the rationale for the location of the towers across the site or if this is consistent with the principles on building heights established by the East Float Masterplan. Whilst there could be strategic benefit in locating a tower on plot 5 to the far east of the site, the difference in height between this building and its nearest neighbour may not be sufficient to distinguish itself as a principle landmark within Wirral Waters, as envisaged by the Framework and masterplan. Positioning of the towers on podiums preserves the continuous view of the waterfront, but from the dockside their heights and their relationship to each other appear unresolved.
10. Need to adopt a more formal approach to built form and massing across the site, based on a set of guiding principles to help realise the commendable aspirations of the framework and EF masterplan. This should be informed by a comprehensive views assessment that illustrates the full townscape impact that the buildings of the scale proposed will have on surrounding neighbourhoods and existing assets such as Hamilton Square and Birkenhead Park.
11. With regards to the detail of plot 1 – massing and proportions of the podium appear weak in comparison to the adjacent warehouses, the waterside elevation justifies a tailored approach, but is characterised by an arbitrary composition of fenestration and balconies above parking grills which lend the frontage a confused and insubstantial appearance.
12. The articulation of the building to distinguish between a public outer face and quieter inner face does not translate well in the expression of the tall building which fails convincingly when elevations are clad in both contrasting treatments.
13. Design team need to adopt a materials strategy that strikes a better balance between the requirements for a high quality and well articulated building.
14. Recommend further testing of the quality of the residential environment in regards to tall buildings on podiums in close proximity to one another, the LA should be satisfied that the proposals are compliant with its space standards, internal arrangements could be revisited,
15. Would question whether the building creates spaces that are comfortable and that landscaping can survive.
16. Design team should clarify whether ventilation stacks serving the car park remain a feature for this space.
17. Pleased to note that the design team is considering sustainability at the macro scale, would recommend that the potential to harness energy from water is also considered.
18. Agree in principle that securing an “early win” in North Bank ahead of a formal adoption of the framework could establish a positive momentum for change, but must embody the aspirations of a wider framework and masterplan and deliver usable and attractive public spaces and well-designed buildings that relate to their context

Liverpool John Lennon Airport – No objections

Liverpool City Council Planning Department – No objection

Merseyside Fire Safety Command – No objections

Merseyside Cycling Campaign – Wirral Group – make the following observations:

1. Insufficient internal covered cycle storage
2. No visitors cycle stand for visitors to the residential accommodation
3. No provision for customers/ employees to the retail/café/restaurants
4. Proposed cycle lockers are insufficient in number and are accessible by the public.

Merseytravel – would like to be assured that Wirral Council are satisfied that:

1. all traffic likely to be generated by such a car parking provision (of 245 spaces), together with all other traffic likely to emanate from the development site, could be accommodated within the local highway network, without resulting in congestion that could impede the passage of bus services on Dock Road, Tower Road or Birkenhead Road.
2. The number of employment, leisure and residential opportunities likely to be created within the site and the potential demand for travel that such opportunities are likely to create, Merseytravel would wish to request that Wirral Council require the developer to formulate and implement a full Travel Plan for the site which would effectively promote the use of sustainable modes of travel, including public transport, for access to and from the site, to all subsequent employees and users of the development.
3. Merseytravel would wish to request that Wirral Council require the developer to make appropriate arrangements for Merseytravel Merseylink dial-a-ride vehicles to gain close access to all of the developments primary entrance/exits.
4. Merseytravel would require the developer to create a good quality DDA compliant pedestrian access to those rail stations. Any such access should be funded at the developer's expense and should be designed in such a manner as to afford the opportunity for the installation of a Merseyrail ticket barrier gating system as an integral part of the proposed access as appropriate.
5. Merseytravel would wish to request that Wirral Council require the developer to make an appropriate financial contribution to the cost of the station improvement programme for all stations in the vicinity of the development as appropriate.
6. Merseytravel notes that it will be necessary to relocate and install new bus facilities in and around the development as part of the application and consequently Merseytravel would wish to request that Wirral Council require the developer to fund in full, the relevant infrastructure relocation and installation and attendant upgrade of the bus facilities in question to countrywide best practice standards. In addition would request that the developer give appropriate consideration to the provision of financial support for any additional public transport services that may be required to provide better access to the development and that this action is undertaken. Specifically, the funding of an evening/Sunday service to the site and the service be funded for a period of 5yrs or until a commercial service is in operation

Northwest Regional Development Agency – The application sites lie within the general extent of the Twelve Quays site as shown, originally, on the Wirral UDP Proposals Map. Twelve Quays was designated as strategic regional site by the Agency in December 2001. We appreciate that some of the UDP's policies have not been saved and, as a result, the application sites are no longer allocated for any specific purpose. The applications, nevertheless, fall within the scope of the Agency's notification setting out the types of development on which we have been asked to be consulted in our role as a statutory consultee. Twelve Quays was subsequently identified as a strategic regional site in both the 2003 and current (2006) Regional Economic Strategies. In the current Strategy Transformational Action 80 looks to deliver the strategic regional sites as regional investment sites, knowledge nuclei or inter-modal freight terminals. Twelve Quays was, essentially designated as a strategic regional site on the basis of its potential for port-related strategic distribution, focused on the ro-ro river terminal and its role as a key gateway into the region from Ireland. The mix of uses proposed under the above applications is clearly not consistent with these objectives. The Agency is however, currently in the process of reviewing the list of strategic regional sites. It is proposed that Twelve Quays is deleted from the list and a

new site, referred to as “Birkenhead Docks”, is designated on the basis of its potential to:

1. promote a mix of uses including housing, knowledge-based and port-related development in highly accessible and exceptional quality waterside environment
2. provide for significant inward investment opportunities
3. restructure areas adjacent to the Dock Estate
4. assist in facilitating the economic restructuring of parts of the inner area surrounding Merseyside’s regional centre, and
5. bring back into use derelict and under-used land.

The strategic regional sites paper on which the Agency is currently consulting shows the proposed site at Birkenhead Docks as a broad location only. If the designation is confirmed, a detailed boundary would need to be established in conjunction with the local authority. It is however, in the general vicinity of the proposed developments at Northbank East. Consultation on these proposals runs until 27th March 2009. The Council’s views on these proposals will of course be taken into consideration before the Agency takes any firm decisions. The above applications have a much closer fit with the above objectives, notably (1), (3), (4) and (5). They would offer significant benefits in terms of regeneration and employment. According to the Planning Statement submitted in support of the applications, the proposal would create in the region of 860 full-time equivalent (fte) jobs during the operational phase, i.e. 719 fte jobs plus multiplier effects. An estimated 238 FTE jobs would be created during the construction phase. The proposed development could also make a significant contribution towards Wirral’s housing requirements asset out in the revised Regional Spatial Strategy (RSS). This requires the provision of at least 500 dwellings annum from 2003 to 2021, and represents a substantial increase on the previous RSS figure of 160. Furthermore, additional provision will be required to replace any dwellings lost through clearance and to take account of the Mersey Heartlands (Liverpool and Wirral) Housing Growth Point proposals as they are taken forward through the Local Development Framework. The Housing Growth Point proposal would raise the RSS requirement by 20% to around 600 per annum.

4NW – Regional Planning Body for the North West - considers the outline application to be generally in line with policies RDF1 (Spatial Priorities) and DP4 (Make the Best Use of Existing Resources and Infrastructure) as the site is brownfield land within the inner area and is located adjacent to a regional centre. The area is also ‘2nd priority’ for growth after the regional centres, in line with RDF1. The proposals also go some way to meeting policies DP2 (Promote Sustainable Communities) and DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility). The proposals also fit well with the spatial priorities for the Liverpool City Region and its inner areas, as set out in policies LCR1 and LCR2 and will contribute to their aims. The proposals are also supported by policy W1 (Strengthening the Regional Economy) as the employment generated by the development is likely to be in line with those listed for the Liverpool City Region in W1. As the retail and office component of the development would be out-of-centre, and due to its scale, 4NW recommends that Wirral MBC review the applicant’s assessment of the scheme against the criteria set out in PPS6 to determine if the findings are accurate and whether the development will have an unacceptable impact on the vitality and viability of neighbouring centres. 4NW has concerns that housing mix of the development does not fit well with policies L2 (understanding the Housing Markets) L4 (Regional Housing Provision) and L5 (Affordable Housing). It is unclear what mix of unit types, sizes and tenures is being proposed, but the presumption is that most if not all will be apartments. Wirral will need to be clear that the proposals will support the restructuring of the housing market. It is noted that whilst no affordable housing is included as part of the full application on grounds of viability, affordable housing is intended to be delivered in later phases. 4NW supports this approach in light of current market conditions

Highways Agency – No objections subject to the conditions contained within the main body of the report.

Director of Technical Services (Health, Safety and Resilience Operations) – No objections subject to robust emergency operations in place to ensure evacuation of the area.

Wallasey Civic Society – object on the following grounds:

1. Proposals do not have the architectural quality necessary to make the site a success
2. Elevations are not distinctive enough
3. Unattractive, urban in concept & run of the mill and will become outdated
4. Wirral Waters is largely an uncluttered site – the existing historic listed buildings of the corn warehouses and the hydraulic tower are distinctive features and stand alone. There should be some overall style and quality for all new structures

5. Don't want this development setting the theme for other developments as they are not good enough. It is not the calibre and style fitting enough to be a flagship development.

Wirral Society – in general agreement in principle, that this land at East Float, currently subject to these applications and that the adjacent land contained within the Dock Estate be developed in accordance with its RSS designation as a “growth point.” Also supports in principle the wish of Peel Holdings to make such a development a reality. But concerned that the absence of any context (policy) makes it difficult for us and other consultees to frame their views. We feel sure that this must also be the case for planning officers and Members of the Planning Committee. Conclude that the applications are submitted for determination without relevant overall vision in the form of a strategic development plan documents that has been subject to public examination. The only public consultation has been based on conceptual design. The actual design contains little architectural merit and would seem no different from other tower blocks in the Borough that have or are to be demolished.

Directors comments:

This report will describe the proposals and assess them against relevant national, regional and local planning policies. Issues raised by objectors and consultees will be dealt with as separate topics. The main areas of discussion will be:

- Compliance with the above policies with specific regards to the retail, office, housing and leisure provision;
- Impact of the proposed development on the visual quality of the area, with particular assessment of the Layout and access, landscaping Architectural form, scale, height, and public realm;
- Impact on the setting of the adjacent listed warehouses and surrounding heritage landscapes including, Birkenhead Park and Hamilton Square,
- Highway implications,
- Environmental implications including, flood risk, land contamination, ecology, nature conservation
- Sustainable development;
- Heads of terms and
- The statement of community involvement will also be assessed.

BACKGROUND

A baseline study was developed by Peel Holdings and endorsed by Cabinet July 2008. The study was prepared in support of the strategic development opportunity of Wirral Waters, focusing on Peel's landholdings in Birkenhead and Wallasey. The study considered the key issues and opportunities relating to the social, economic, environmental, policy and investment context for the area around Birkenhead Docks.

These applications are being considered as part of a first phase of the Wirral Waters regeneration projects, and are the first of a “number of strategic development projects focused along the river Mersey”. The proposals for Wirral Waters are being developed through the process of a Strategic Regeneration Framework (SRF), in accordance with “Creating successful Masterplans”, a CABI compliant means of bringing forward major development and regeneration projects. The SRF has been put in place to guide and shape the proposals and to ensure integrated and sustainable development and comprises of five key work stages comprising Inception and initial vision

1. Baseline Study
2. Vision and Development Frameworks
3. Masterplanning
4. Delivering Strategies

The Northbank East site has been identified as an “early phase” project, and will form part of the ongoing Masterplanning of the wider area.

In addition to accord with RSS, Wirral need deliver at least 9,000 net new dwellings between 2003 and 2021 (500 pa). As 1,786 net new dwellings were completed between 2003 and 2008, only 7,214 net new dwellings are required to satisfy the RSS requirement to 2021.

However, Wirral Council (with Liverpool City Council and Peel Holdings) has succeeded in attaining Growth Point status, which requires the Council to increase its housing delivery to 600 net new dwellings per year to 2016/17. Peel's proposals for Northbank east are a fundamental element of that Growth Point bid and the Government will expect to see the increased rate of

delivery of new homes. The Northbank proposals now before Planning Committee could deliver up to 1,623 new dwellings towards the 2021 RSS target.

In addition, the Growth Point aims to improve the quality of the local environment within its target area. Wirral's element of the Mersey Heartlands Growth Point area coincides with the Housing Market Renewal Initiative area and in the short-term (2009/10 and 2010/11) the Growth Point's Programme of Development focuses on infrastructure improvements and support for new homeowners in the HMRI area. An initial stabilisation of the population should then be followed by a growth in population, housed mainly in the Wirral Waters area, including Northbank.

In considering the above, it is important to note that the planning application sites are located entirely within the Inner Area of the Liverpool City Region, (which is defined within RSS as the first spatial priority for new development after the Regional Centre of Liverpool) and will also aid in the achievement of the UDP spatial strategy which focuses upon urban regeneration and protection of the boroughs rural assets, by resisting development outside the urban area

Infrastructure improvements around Northbank will enable development of the site, which is currently hindered by the economic recession. The Council has submitted a Full Business Case for highway and access infrastructure improvements to the Community Infrastructure Fund 2nd Round (CIF2), which if approved will support the Northbank scheme and assist in delivering the new housing.

SITE AND SURROUNDINGS

The application sites lie to the North of the East Float, south of Dock Road (A5139) which forms the northern boundary whilst the East Float, an extensive area of water within the Birkenhead Dock system, forms the southern boundary of the site.

The sites consist of previously developed land (former transit shed and yard) on the north side of East Float and are derelict. The sites are level and consists of hard surfacing (concrete and brick), enclosed by Lochrin palisade fencing to the west, north and east. There is no enclosure to the south, which consists of the existing concrete dock wall.

East Float is bounded by West Float to the west and Twelve Quays to the east, which remains in port use. Vitoria Wharf is located at the centre of the Float on the southern banks, protruding across the dock. The Wharf contains three former "Clan Line" transit warehouses for sea freight and a steel framed warehouse.

To the west of the site lies, the car park to the recently converted Grain Warehouses (two Grade II listed buildings, one containing 112 flats and the other 66 flats). The warehouses are predominantly six storeys, in brick with stone dressings and loading bays arranged at intervals along both sides.

A further Grade II Listed building is located along the eastern boundary of the East Float: the Hydraulic Tower building, which consists of an accumulator tower and engine room. Planning permission was granted last year for its conversion and extension to a hotel and restaurant. The Twelve Quays Ro Ro ferry terminal lies beyond to the east.

The area to the north of the site contains employment uses and is characterised by low rise industrial uses and buildings. The New Way Business Centre is located approximately 270m to the north west of the site

Birkenhead Park, a grade 1 Listed Park, is located approximately 1km to the south of the sites and Flaybrick Memorial Gardens, reregistered Grade II Listed, lies 2.5km to the south west of the sites.

In addition, Hamilton Square Conservation Area is located just over 1km to the sites' south east.

PROPOSALS

PLOT 1 (FULL APPLICATION)

This application relates to the most westerly end of the site and comprises of an urban block structure with a 20 storey tower projecting from the north east corner. An area of communal open space is proposed on the roof of the urban block.

The development would contain a mix of uses, comprising of 141 residential units at a density of

204 units per hectare. The mix of the units is as follows –

- 18 studio apartments (13% of total units)
- 21 one bed apartments (15% of total units)
- 60 two bed apartments (42% of total units)
- 25 three bed apartments (18% of total units)
- 11 4 bed apartments (8% of total units)
- 6 live work units (4% of total units)

The roof garden would contain an area 2,224m² with an additional 1084m² for a D2 use which may be either a private gym or children's nursery for residents use.

The retail element is made up of 2025m² (gross) of floor space to provide for a new food supermarket selling both convenience and comparison goods, together with two non-food retail units offering a total 263 m² (gross floorspace retail uses(class A1)/restaurants and cafes (A3) bars(A4).

The supermarket and retail units would be located at ground floor level, with the smaller units located along the southern elevation of the building. The access to the supermarket to proposed from the southern and western frontages.

A 100 space car park, for supermarket customers, is proposed on the first floor, with additional parking for residents above. The vehicular access would be from a new access road to the east of the building.

Servicing would be at ground floor level and accessed from the eastern elevation of the building.

OUTLINE APPLICATION (PLOTS 2-5)

The second planning application is in outline and seeks permission for the erection of four buildings, within defined parameters, ranging in height from 79.3m to 130.3m, connected by an interlinking urban block and an area of communal open space. The proposed development comprises residential units (Class C3), office development (Class B1a), retail uses (Class A1), restaurants and cafes (Class A3), bars (Class A4), leisure (Class D2), car and associated cycle parking, structural landscaping, public spaces, infrastructure and public realm works. All detailed matters are reserved for subsequent submission and approval.

Within the defined parameters the application plans define where the urban blocks and towers will be sited; the minimum and maximum heights of the buildings; the extent of public realm and the key vehicular, pedestrian and vehicular routes; but all detailed matters, are reserved for determination at reserved matters stage.

PLOT 2

Plot 2 would comprise of an urban block and tower structure. The tower in block 2 would be a minimum of 23 and a maximum of 25 storeys in height. The total number of car parking spaces is between 262 and 328.

The maximum and minimum proposed uses in plot 2 are as follows;

- 275 -- 330 residential units
- 539m² ancillary residential amenity space (Class D2)
- 796 - 995m² office (Class B1) and
- 726 – 908 m² retail /restaurants/bars and cafes(A1,A3,A4)

PLOT 3

As with plot two, the form of this development is an urban block and tower, the height of which would be a minimum of 35 and a maximum 37 storeys in height. The layout is as plot 2, with the total number of parking spaces is between 268 and 336.

The minimum and maximum proposed uses in Plot 3 are as follows:

- 336 – 403 residential units
- 1,353 – 1,692m² office (Class B1) and
- 1,263 – 1,579 m² retail /restaurants/bars and cafes(A1,A3,A4)

PLOT 4

The lower rise urban block together with a two-level basement car park of this plot is shared with plot 5. The tower on plot 4 is to be a minimum of 30 storeys and a maximum of 32 storeys in height. The total number of car parking spaces proposed for plot 4 is between 437 and 547

The minimum and maximum proposed uses in Plot 4 are as follows:

- 265 – 318 residential units
- 1,080 – 1,350m² office (Class B1) and
- 441 – 552 m² retail /restaurants/bars and cafes(A1,A3,A4)
- 1,160 – 1,450 m² leisure use (D2)

PLOT 5

The tower structure in this plot would have a round shape and be between 38 and 40 storeys in height. The minimum and maximum proposed uses in Plot 5 are as follows:

- 400 – 480 residential units
- 1,600 – 2000 m² office (Class B1) and
- 1,249 – 1,562 m² retail /restaurants/bars and cafes (A1,A3,A4)

In accordance with government advice (at DCLG circular 01/06), information has been submitted to the council in support of the outline application with respect to access, scale, layout, appearance and landscaping. This information has been provided through a series of development plans and principles that establish the fixed aspect of the scheme. These plans and principles can be given additional weight through the imposition of conditions should members be minded to approve this application.

ACCESS

Vehicular access to the site and car parking would be taken from three junctions with Dock Road. The parameters for the access points from Dock Road allow the centre line of each junction to be adjusted 2m in each direction to allow future reserved matters applications an element of flexibility to respond to design considerations at that stage.

Along the northern boundary of the site, the application proposes a boulevard (Northbank Boulevard) which would provide a shared surface arrangement for vehicles, cyclists and pedestrians. Along the southern boundary a waterfront esplanade will provide a shared surface along the waterfront, linking into the wider circular 'loop' proposed for East Float with some, limited vehicular access.

Three connecting routes are proposed between the Boulevard and Esplanade. One pedestrian priority street located between Plots 2 and 3, which will provide both direct pedestrian access to the waterfront from Dock Road, terminating at the point where the future bridge from Sky City will land. This route will allow limited vehicular access to parking and for emergency vehicles.

Two pedestrian priority lanes are proposed either side of this, between Plots 1 and 2 and Plots 3 and 4. Whilst allowing pedestrian access to the waterfront these secondary connections will provide vehicular access for servicing the blocks.

An element of car parking is to be provided within each plot as set out above.

Following a CABE design review panel in December last year, comments were received in relation to the built form, stating a wish to see plot 5 stand proud of the development to the west to reflect the Framework's identification of this building as a principle landmark within the building group. This has been achieved by reducing the maximum height of the tower on plot 3 by three storeys, and plot 4 by four storeys. In addition, the tower on plot 5 will be constructed directly from the ground rather than from the plinth.

SCALE, HEIGHT AND APPEARANCE

The outline applications are based on a number of parameters. The "fixed elements" of this outline application comprise of: the mix of proposed uses, the minimum/maximum number of residential units, retail and commercial floor space, and car parking. This can be summarised as follows.

In terms of scale, the application is for the erection of four buildings that would range in height from 79.3m to 130.3m and would be connected by lower level interlinking blocks and an area of communal open space.

The applicants have advised that the massing of the scheme has been designed, taking reference from a number of key influences, within the site's context. These include the former grain warehouses, the height of which "provides a datum that each plot will relate to either in block height or cladding treatment so that the development will read like a series of urban blocks with a consistent treatment to the waterfront.

The massing heights accord with the principles contained in the East Float Masterplan, which identifies an increase in height from plot one in order to protect the setting of the listed grain warehouses and rising to plot 5. This was identified as an appropriate location for the tallest building and will provide a visual marker from Seacombe and Liverpool."

There is also an unequal stepping up of heights to provide visual interest.

LAYOUT

The layout of the scheme is based on and around three urban blocks. The submitted parameter plans allow for a 2m variance for the footprints in each direction. In addition, the parameters for the urban block (Levels 1-4) are greater than those at ground floor to allow for a colonnade at ground floor level around the perimeter of the urban block.

LANDSCAPING AND PUBLIC REALM

The applicants have stated in the Design and Access Statement that the proposed development would include extensive hard and soft landscaping and the public realm would be characterised by shared surfacing, which facilitates use by vehicles, cyclists and pedestrians. The applicants have advised that this is likely to comprise of block paving. Details of the proposed landscaping strategy have been submitted in the form of a Landscape and Public Realm Statement

POLICY CONTEXT

Since 2007, when Policy EM10 from the UDP was not saved, the site has been land without designation.

The main issues to consider in respect of these applications relate to the principle of the development in relation to the policies contained in the North West of England Plan – Regional Spatial Strategy to 2021 (September 2008) and the saved policies of the Unitary Development Plan for Wirral (adopted February 2000, policies saved from 2007)

RSS Regional Spatial Strategy

RSS Policy DP1 – Spatial Principles

It is considered that the proposals would contribute to all the applicable spatial principles (which underpin RSS) identified within policy DP1.

- Promote sustainable communities;
- Promote sustainable economic development;
- Make the best use of existing resources and infrastructure;
- Manage travel demand, reduce the need to travel, and increase accessibility;
- Marry opportunity and need;
- Promote environmental quality;
- Reduce emission and adapt to climate change

The re-use of previously developed land at the heart of Wirral's urban area, in close proximity to underused public transport infrastructure and deprived communities, as part of the wider Wirral Waters area, would promote sustainable economic regeneration in a regional priority area.

RSS Policy DP2 – Promote Sustainable Communities

It is considered that the proposals would contribute to the achievement of the applicable key principles for delivering sustainable communities set out within DP2, linking to the adjoining residential development at the Grain Warehouses.

- Fostering sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities;
- Taking into account the economic, environmental, social and cultural implications of

- development and spatial investment decisions on communities;
- Improving the built and natural environment, and conserving the region's heritage;
- Promoting community safety and security, including flood risk;
- Reviving local economies, especially in the Housing Market Renewal Areas...;
- Integrating and phasing the provision of public services and facilities to meet the current and future needs of the whole community, ensuring that those services are conveniently located, close to the people they serve, and genuinely accessible by public transport;

The proposals at Northbank in themselves aim for better integration between homes and services. Within the wider Wirral Waters, they also integrate into a revitalised economy, with new jobs to be provided in later phases of the whole development.

RSS Policy DP4 – Make the Best Use of Existing Resources and Infrastructure

It is considered that the proposals conform to RSS Policy DP4, in that they are within the priority area set out in Policy RDF1 and LCR1. The proposals concentrate development close to existing infrastructure and follow the sequential approach of using previously developed land with the Seacombe settlement. The proposals do not require major investment in new public transport infrastructure, water supply or sewerage.

RSS Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

The Northbank proposals form the first stage of what is intended to be a comprehensive redevelopment of underused land around Birkenhead Docks. I conclude elsewhere that the proposal is accessible by a choice of transport mode and that the applicant has proposed measures to reduce the need to travel. A number of measures to enhance accessibility for pedestrians and cyclists are identified, some as part of the wider Wirral Waters proposals. The provision of services such as convenience retail on site is intended to ensure that a full range of day to day services are available to residents of the new development on site and at an early stage of implementation, minimising the need to travel elsewhere. I conclude therefore that the application proposals conform to RSS Policy DP5.

The site is well served by existing public transport provisions, with bus services running close to the site and Hamilton Square Station 1.4km to the south east and Birkenhead Park station 1.6km to the south west. It is close to existing established town centres within the borough. The Council is actively promoting walking and cycling route improvements around the docks.

RSS Policy DP7 – Promote Environmental Quality

The proposals support those objectives of RSS Policy DP7 which relate to promoting a good quality design, re using derelict land, improving the image of the region and maximising opportunities for the regeneration of derelict or dilapidated areas.

RDF1 – Spatial Priorities

The Northbank development is within the inner area surrounding to regional centre of Liverpool and is therefore in the second highest priority for growth and development. The proposals sit within the Council's regeneration priority area and within the Housing Market Renewal Initiative Area, which is a regional priority for development.

Policy DP1 – Spatial Principles

The proposals would contribute to applicable key principles of Policy DP1 of RSS:

- Promote sustainable communities;
- Promote sustainable economic development;
- Make the best use of existing resources and infrastructure;
- Manage travel demand, reduce the need to travel, and increase accessibility;
- Marry opportunity and need;
- Promote environmental quality;
- Reduce emissions and adapt to climate change

The re-use of previously developed land at the heart of Wirral's urban area, in close proximity to

underused public transport infrastructure and deprived communities, as part of the wider Wirral Waters area will promote economic regeneration in a regional priority area.

RSS Policy LCR1 – Liverpool City Region Priorities

It is considered that the proposals are in conformity with the applicable objectives of RSS Policy LCR1. The development will achieve a significant improvement in the sub-region's economic performance by encouraging investment and sustainable development within the region and its inner areas.

The scheme would: promote urban renaissance and social inclusion; focus new housing development and renewal (and related social and environmental infrastructure) within the inner areas, enhance accessibility and services; and provide environmental improvements within a derelict area as part of with a comprehensive regeneration scheme.

RSS Policy LCR2 – The Regional Centre and Inner Areas of Liverpool City Region

It is considered that the proposals support the following objectives of RSS Policy LCR2:

- Maintaining and enhancing the roles of Birkenhead and Bootle to provide community facilities, services and employment;
- The development of the NewHeartlands Housing Market Renewal Pathfinder to revitalise housing in Liverpool, Sefton and Wirral through comprehensive area-based regeneration schemes;
- Supporting the development of the Mersey Ports and the maritime economy;
- Sustaining investment in the Mersey Waterfront Regional Park; and
- Providing for employment within the inner areas in accordance with RSS Policies W2 and W3 and LCR1.

The emphasis of RSS Policy LCR2 is stated to be on providing a good range of quality housing in the inner areas in terms of size, type, tenure and affordability with a high quality environment and accessible local facilities and employment opportunities

The proposals support all the objectives for the Inner Area of the Liverpool City Region set out in RSS Policy LCR2. The development would provide a good range of quality housing in the inner areas in terms of size, type, tenure and affordability with a high quality environment and accessible local facilities and employment opportunities.

RSS Policy RT6 – Ports and Waterways

RSS Policy RT6 highlights the importance of the North West's operational ports to the regional economy. The policy recommends the preparation of Port Masterplans (similar to that prepared for Liverpool John Lennon Airport and reported to Virtual Internet on 1st February 2008) to guide development in and around the port.

It has been the Council's aim to see the preparation of a Port Masterplan, which can identify: (i) what land is required for continued port operation; (ii) what land is required outside the current port boundary for expansion of the port; and (iii) what land within the current port use could be released for other purposes.

These three principles are now included in RSS Policy RT6, which is therefore material in determining the Northbank planning applications. The site of the two planning applications currently benefits from Port Permitted Development Rights under the General Development Order 1988 (SI 1988, No 1813), whereby Class B of Part 17 of Schedule 2 allows for the development on operational land by statutory undertakers or their lessees (the port operator – i.e. Peel Ports Division) for the purposes of shipping, or in connection with the handling of cargo or passengers.

These permitted development rights do not extend to non-operational development outside the terms of Class B of Part 17 and other development requires express planning permission.

The objective of RSS Policy RT6 is to manage the development of the North West's ports to the benefit of the regional economy, whilst protecting the amenity of adjoining areas, both natural

(especially the areas of international nature conservation importance) and built (including residential development in close proximity to cargo handling areas).

Peel Holdings have announced a timetable to prepare a Port Masterplan, to set the context for the development of its estate. In Wirral, Peel have already acquired the southern area of the former Cammell Laird site, which has a deep water river frontage and could (subject to detailed further analysis of suitability, including landward freight transport access) be used for port activity, or for the relocation of non-port uses currently within the Birkenhead Dock Estate.

These non-port uses were granted planning permission under the former UDP Policy EM10, which Government Office for the North West (GONW) agreed could be deleted and not remain in force beyond September 2007. In agreeing to its deletion, Cabinet (at its meeting on 28th March 2007, Minute 314 refers) was aware of the constraints this policy placed on the regeneration of the docklands through Wirral Waters. In responding to the proposal to delete Policy EM10, Peel stated that its intention was 'to commit to continued port use at Birkenhead, albeit in a spatially different manner through a restructuring to make the port more efficient and facilitate regeneration opportunities. Any proposals which emerge in advance of adoption of the Land Use Allocations DPDs will be considered on their merits i.e. the ability to demonstrate no adverse effect on the port, within the above policy framework'.

The site of the current applications has not been used for direct port facilities (i.e. loading and unloading of cargo via the quayside) for at least 25 years. The former buildings (two warehouses, one demolished in 2008 and the other in the late 1990's and a grain store, also demolished between 1989 and 1993, following a fire), were built very close to the quayside and could not be used for modern cargo handling. There is no indication from Peel Ports, the Regional Planning Body or Regional Development Agency that the application sites should be safeguarded for future port use (having regard to the 15 year timeframe identified in RT6) or that their redevelopment for non-port uses would in any way impede the operational requirements of the remainder of the Birkenhead Dock system. The site has long been recognised as having potential for a mixed use development within the HMRI Seacombe/Egremont Neighbourhood Framework, which defines the site as having potential for a landmark development. In addition, the principle of introducing non-port related uses to this part of Birkenhead Docks was established through the planning consent for the conversion of the adjacent former Grain Warehouses.

The future of the Birkenhead dock system is focused on the Ro Ro facility at Twelve Quays and West Float, which will continue to handle bulk and general cargoes and provide dry dock facilities.

RSS Policy RT6 is concerned at the impact of irreversible development on the operation of the port. Given the circumstances described above, including the agreed deletion of UDP Policy EM10, the commitment to a Port Masterplan and the long-term underuse of the site, it is concluded that, in principle, redevelopment of the application sites for non-port uses is appropriate and will not undermine the objectives or requirements of RSS Policy RT6.

Wirral Unitary Development Plan

UDP Policy URN1 Development and Urban Regeneration

UDP Policy URN 1 gives the broad overarching principles of the Local Authority in assessing development and urban regeneration in the borough.

The broad aim of the Urban regeneration strategy is to seek to achieve a significant relative improvement in the physical, economic and social conditions experienced by those Wirral Residents who are disadvantaged, whilst seeking to maintain, and where possible improve conditions for the rest of the Boroughs population

The UDP expresses this land-use strategy, through a dual approach, which seeks to

- encourage investment and development into the urban areas of the Borough, and particularly those suffering the worst conditions,
- whilst resisting development outside the urban areas, with particular emphasis given to maintaining a "tight" Green Belt in Wirral.

It is through the dual approach of establishing priority areas for investment and operating restraint outside the urban areas that the Urban Regeneration Strategy can be successful.

The North Bank application as a whole will accord with this policy as it seeks the urban regeneration of the underutilised land within the inner area of the region making effective use of the land available and minimising the need to provide new development and services outside the urban area.

PROPOSED OFFICE ELEMENT

RSS Policy W1 – Strengthening the Regional Economy

The proposals for office development on plots 2-5 support the Council's Investment Strategy, (approved by Cabinet on 15th March 2007) objectives, which are also reflected in the Council's Sustainable Community Strategy (Cabinet 23rd April 2009, Minute 477 refers). Whilst not part of the development plan, the Sustainable Community Strategy objectives are a material consideration. Wirral's economy is underperforming and has a small and low value economy.

The office development element of the Northbank proposals will deliver new jobs, consistent with RSS and Wirral Sustainable Community Strategy objectives, in an area experiencing high levels of deprivation. The new jobs will offer the potential to raise GVA (Gross Value Added -- a measure of the economic output delivered in an area by workers and residents) and reduce out-commuting in new purpose-built accommodation.

In addition to supporting the development principles in the RSS DP policies, It is considered that the office development conforms to RSS Policy W1 in strengthening the economy of the North West. by:

- Reflecting and providing a venue for the growth opportunities within the Liverpool City Region for financial and professional services, media, creative and cultural industries, high value added knowledge based industries, ICT/digital, maritime and communications;
- Supporting potential growth in service sectors;
- Providing the environment for improving the skills base of the region, including tackling skills deficiencies and concentrations of unemployment;
- Providing sufficient and appropriate housing to support economic growth;
- Linking areas of opportunity and need.

Conformity with the RSS economic policies establishes conformity with the development plan. The Regional Planning Body (4NW) has confirmed in their consultation response that the proposals are in conformity with RSS Policy.

RSS Policy W2 – Locations for Regionally Significant Economic Development

Policy W2 sets out the need for regionally significant economic development sites to be located close to sustainable transport nodes within the urban areas of the Liverpool City Region. The Northbank proposals (and wider Wirral Waters proposal) would satisfy the locational criteria specified for Regionally Significant Economic Development and as such support the objectives of RSS Policy W2 for regionally significant economic development:

- Capable of development within the plan period;
- Highly accessible;
- Well-related to areas with high levels of worklessness and/or areas in need of regeneration; and
- Well related to neighbouring uses.

The office development proposed within the Northbank scheme is of a regionally significant scale and has been referred to the Regional Planning Body (4NW), for its comments. (these are summarised in the representation section of this report. The wider East Float proposals, of which this is a part, will also be of Regional Significance. The East Float proposals will be integrated into the Council's Local Development Framework Core Strategy. It is therefore considered that the proposals support the objectives of RRS Policy W2 for regionally significant Economic Development.

RSS Policy W3 – Supply of Employment Land

RSS Policy W3 sets out a number of criteria intended to ensure that the supply of employment land, within individual districts, achieves a number of key objectives. The amount of land required for employment purposes during the lifetime of RSS has been increased in Merseyside more than in other sub-regions of the North West; to reflect the additional need for economic growth, to close the gap with other more successful sub-regions and areas outside the North West. The Council has commissioned an Employment Land Study in support of the emerging Local Development Framework, which is likely to show that Wirral should identify more employment land, in order to provide the new jobs that will close the gap in output and GVA (Gross Value Added).

The applications site does not form part of the employment land supply in the Unitary Development Plan (and therefore RSS Policy W4 does not apply) and the residential and retail elements of the proposals will not compromise the ability of the Council to meet its employment land supply obligations as set out in Policy W3 of RSS.

The office elements of the proposals for plots 2-5 support the objectives of RSS Policy W3. It is available, maximises the use of brownfield land and promotes a comprehensive mixed use development.

The element of office space proposed, although out of centre, has to be seen in the context of the contribution the Northbank proposals (as part of Wirral Waters as whole) will make to meeting the objectives of RSS Policy W1 as stated above and other RSS objectives which should outweigh any possible conflict which could be claimed with the locational guidance for office development set out in Policy W3. As set out earlier in this report, the area is currently identified by the NWRDA as an emerging Strategic Regional Site and 4NW have confirmed in their consultation response that the area is considered to be the first priority for growth after the regional centre of Liverpool in line with Policy RDF1.

Although of limited weight, draft PPS4 is a material consideration in the determination of planning applications. The draft PPS4 builds on the current PPS6 – Planning for Town Centres, which is national advice and therefore carries more weight. Although PPS6 includes offices within its definition of town centre uses, PPS6 policy is primarily directed at retail and leisure uses. Importantly, in addition to the assessment of proposals against need, the sequential approach and impact, PPS6 includes the following as relevant material considerations:

- Physical regeneration: the benefits of developing on previously-developed sites which may require remediation;
- Employment: the net additional employment opportunities that would arise in a locality as a result of the proposal, particularly in deprived areas;
- Economic growth: the increased investment in an area, both direct and indirect, arising from the proposal and improvements in productivity, for example from economies of scale; and
- Social inclusion: this can be defined in broad terms and may, in addition to the above, include other considerations, such as increasing the accessibility of a range of services and facilities to all groups.

PROPOSED RETAIL ELEMENT OF THE PROPOSAL

The proposals contained in the detailed application include: a 2,025 sq m (gross)/1,316 sq m (net) supermarket floor space (Class A1), together with up to 650 sq m net of non-food (comparison goods) retailing and within the outline application (Plots 2-5) 4,601 sq m gross of class A1, A2 and A3 retailing. Within this latter category, the applicant estimates that some 50% or 2,300 sq m will be allocated to the sale of comparison goods, giving an aggregate of 3,000 sq m net of comparison goods floor space

The applicant has submitted a retail, office and leisure statement and separate supplementary sequential sites assessment (for the supermarket element).

RSS Policy W5 – Retail Development

Policy W5 reflects national policy as set out in Planning Policy Statement 6 – Planning for Town Centres and states that proposals should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns. RSS Policy W5 also refers to the role of investment in underpinning wider regeneration initiatives, to ensure that centres meet the needs of the local community, as identified by Local Authorities. A list of centres (in

addition to Liverpool and Manchester) - including Birkenhead – are identified as locations where comparison retailing should be enhanced and encouraged. There is a stated presumption against new out of centre regional or sub-regional comparison retailing facilities.

Convenience retailing provision is not directly addressed in W5, recognising that it rarely gives rise to issues of more than local importance. As such, the convenience retail element which comprises the bulk of the retail use on plot 1 - which is intended to serve the local community, and is shown to have no adverse impact on established centres - will not undermine the objectives of Policy W5. Similarly, the comparison retail element is proposed to be subject of a planning conditions establishing a maximum unit size to ensure that it could not change its nature and character such that it undermined the objectives of W5. Overall it is concluded that these applications do not conflict with the objectives of W5.

National Policy for Town Centre Uses (PPS6)

PPS6 promotes sustainable and inclusive patterns of development, including the creation of vital and viable town centres (PPS6, paragraph 1.1). In pursuit of this objective, special policies are applied to town centre uses, which are defined as retail; leisure, entertainment facilities and the more intensive sport and recreation uses, including cinemas, restaurants, bars and pubs, night clubs, casinos, health and fitness centres and bingo halls; and art, culture and tourism, including hotels (PPS6, paragraph 1.8).

Consultation is currently underway on a revised PPS4 Planning for Prosperous Economies, which will incorporate PPS6 on its adoption. The draft PPS signals the Government's intention to widen the considerations which could be taken into account in a new impact test (which would incorporate the existing need and impact tests) and to allow wider economic, social and environmental benefits to outweigh some degree of adverse trade impact. At this early stage (consultation remains underway until the 28th July), only limited weight can be given to those aspects to the proposed changes which differ from PPS6 and the assessment of these current applications focuses principally on their compliance with the existing PPS6.

Paragraph 3.4 of PPS6 states that proposals for town centre uses, that will be located outside an existing centre, must demonstrate that:

1. there is the need for the development;
2. the development is of an appropriate scale;
3. there are no more central sites for the development;
4. there are no unacceptable impacts on existing centres; and that
5. the location is accessible (PPS6, paragraph 3.4).

AN ASSESSMENT OF THE APPLICANT'S RETAIL STRATEGY

Assessment against the requirements of PPS6 is considered for each of the uses proposed, below:

1. Need

PPS6 confirms that 'need' comprises both qualitative and quantitative elements.

Quantitative Need

The applicant's assessment of quantitative need is based on the Wirral Retail Strategy (produced by Roger Tym & Partners ("RTP") in 2004 on behalf of the Council) and emerging findings from the Wirral Town Centres, Retail and Commercial Leisure Study (also being prepared by RTP and due for completion in July 2009). In addition, forecast growth in population resulting from the Wirral Waters development is also taken into account. The applicant has adopted the baseline catchment area used by RTP for their analysis and has defined a catchment for the supermarket proposal which reflects its intended role as serving a local catchment area; rather than as a "destination" store. The assessment follows the step by step approach, identifying population and expenditure baselines, the current stock of retail floorspace, commitments and so on. The report also considers the trading impact of the proposal on existing convenience floor space. Overall, the assessment concludes that there is a quantified need for the supermarket in the 2011-2017 period and allowing the store to open and trade in 2011, will not create any short or long term trading impacts for other existing stores -- or for those which have planning permission but have yet to be implemented. The assessment notes that that the trading prospects of existing stores are potentially boosted by the population

growth planned for Wirral Waters.

In relation to the other retail elements, the assessment notes that, because the comparison goods offer will be divided between the proposed supermarket, the small units in Plot 1 and then in further small units in Plots 2-5, the trading attraction of the comparison goods element of the planning application will be relatively small with little or no competitive implications for major centres such as Birkenhead and Liscard. The applicant has agreed to accept a planning condition limiting the quantum of retail (Class A1) floor space within plots 2-5 to 50% of the maximum 4,601 sq m gross floor space applied for, unless agreed by the Council in writing a the second restricting the size of individual units, again, unless otherwise agreed in writing with the local planning authority.

In relation to the café/restaurant proposals, the applicant notes that the floor space elements will be relatively small, comprising the two smaller units within plot 1 (a maximum of 265 sq m floor space) and a maximum of no more than 50% of the 4,600 sq m included in the outline application for plots 2-5. The assessment notes the emerging findings of the 2009 RTP study that spending growth on leisure was identified as increasing by £94 million or 16% by 2021 over half of which will be in restaurants, cafes and bars. The applicant notes that these forecasts do not take into account the population growth forecasts for Wirral Waters.

In relation to the office elements, the assessment notes that the 6,000 sq m. proposed for plots 2-5. would make a small but valuable contribution to addressing the need for up to 130,000 sq m of office floorspace over the next 10 years. There would remain considerable residual need for new office floor space even allowing for the Northbank proposals.

Qualitative need

In relation to qualitative need, the applicant's assessment includes a contextual assessment of existing retail provision in the area, focusing on Birkenhead, Liscard, and Seacombe.

The applicant indicates in paragraphs 2.7 and 6.5 of their assessment, that the retail element at Northbank East and other services such as cafes, a restaurant, gym, crèche etc will provide essential services; effectively creating a new neighbourhood centre to serve a growing residential community (expected to grow by 12,500 people over the next 10 years) and the existing residents of the grain warehouses who currently have no access to shops/facilities on site. The supermarket is designed to provide the regular convenience shopping requirements of the residents and business workers who will occupy the new homes and offices in the Northbank area. The profile of the community likely to be attracted to Northbank would generate demand for additional on site cafes and restaurants. . The applicant also notes, in paragraph 6.5, that the proposals would assist in realising the regeneration vision for Wirral Waters and make the best use of urban land.

The approach adopted by the applicant of seeking to provide local services at an early stage of the Wirral Waters proposal is a sensible one and will ensure that the occupiers of the new residential units, that are the subject of this application, will have ready access to local facilities in what is presently an industrial area remote from established service centres.

Overall, having regard to both the quantitative and qualitative assessments, in particular the need to provide day-to-day convenience retail and other uses at an early stage for the new residential community in an area with no alternative local services, it is considered that the needs test has been addressed by the applicant.

2. Demonstration of Appropriate Scale

Although paragraph 3.12 of PPS6 is concerned with the scale of development in established centres, paragraph 2.41 notes that uses which attract large numbers of people should be located within centres which reflect the scale and catchment of the development proposed; the aim being to locate the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre and complements its role and function. In this case, the applicant notes that the proposal aims to provide a medium sized supermarket that will serve a new catchment area in which considerable new housing and businesses are planned. Gross convenience retail floorspace is limited to 1,316 sq m and the supermarket will not offer the wide range of goods and services of a large superstore. The unit size of the comparison retail floor space is proposed to be controlled by condition, ensuring that the retail units are small in size and restricted to providing a more local shopping function.

3. Availability of More Centrally Located Sites

The applicant has submitted a supplementary sequential assessment in relation to the supermarket proposal. The scope of the assessment (agreed in advance with officers) considers the availability of sites and premises within Birkenhead town centre, Liscard, Claughton Village, Laird Street and Seacombe (Poulton Road). The assessment concludes that there are no town centre, edge of centre or allocated retail sites within the primary catchment area that are suitable, viable and available to meet the identified need. In addition, the assessment concludes that it would be inappropriate to promote the development of a store this size on a site within or on the edge of Birkenhead Town Centre as this could prejudice the Council's strategy for the town centre (which is to secure the provision of a much larger full-range superstore). The applicant has agreed to accept appropriately worded planning conditions to limit the quantum of retail (Class A1) floorspace within plots 2-5 to 50% of the maximum 4,600 sq m gross floorspace applied for and the maximum size of individual retail units unless agreed in writing with the local planning authority.

The retail and other non-residential elements are proposed in these applications with the specific purpose of serving the local day-to-day needs of the growing Wirral Waters residential community in a location with no existing alternative services and this need could not be met by locating these uses in a more distant town centre.

4. Impact on Vitality and Viability of Existing Centres

As indicated above, the retail assessment includes a detailed assessment of impact of the proposed supermarket on stores and centres. The assessment concludes that allowing the store to open and trade will not result in any short or long-term trading impacts for any other stores/centres or those which have planning permission (commitments). The applicant also considers that population growth planned for Wirral Waters potentially enhances their trading prospects.

5. Accessibility

Issues related to accessibility are considered in relation to the Transport Assessment submitted alongside the planning application. One purpose of the development is to provide local services and facilities on site, to reduce the need of residents of the new community to travel further to more distant locations to access them, thus reducing their demand for travel.

6. Other material considerations

Paragraph 33.28 of PPS6 includes the following as potential additional relevant material considerations:

- Physical regeneration: the benefits of developing on previously-developed sites which may require remediation;
- Employment: the net additional employment opportunities that would arise in a locality as a result of the proposal, particularly in deprived areas; (a footnote as encompassing the creation of higher skill opportunities or opportunities that are particularly important given the local labour market);
- Economic growth: the increased investment in an area, both direct and indirect, arising from the proposal and improvements in productivity, for example from economies of scale; and
- Social inclusion: this can be defined in broad terms and may, in addition to the above, include other considerations, such as increasing the accessibility of a range of services and facilities to all groups.

UDP Policy SH9 also identifies the regeneration and environmental benefits of the proposal as a factor to be weighed in the balance. In this respect, the applicant's supporting planning and retail statements identify a number of regeneration benefits that will derive from the proposal.

In terms of physical regeneration, the applicants note that the proposal would secure the redevelopment of a currently vacant and derelict site to create a mixed use proposal which will act as a catalyst for further high quality mixed-use development within Inner Wirral. The applicant notes that the layout and position of the wider Northbank scheme starts to create a potential northern circuit that in the future will link Birkenhead town centre with the waterfront area.

In relation to employment, in addition to construction phase employment (183 full time

equivalent), the applicant suggests that in the long term the supermarket and other retail and service business units for plot 1 will provide 95 full time equivalent jobs. Some 580 jobs would be created in the development of plots 2-5 which would include an estimated 262 jobs in the retail and leisure businesses and 318 in the offices, giving an aggregate total of 675 jobs from plots 1-5. (a total of 858 new jobs inclusive of construction

In relation to social inclusion, the applicant notes that a full socio-economic assessment has been undertaken as part of the baseline report for the Wirral Waters Strategic Regeneration Framework, highlighting in particular the levels of deprivation in east Wirral, population loss, high levels of economic inactivity, poor levels of educational attainment, relatively high numbers of people with a limiting long term illness and high levels of crime, and housing market failure.

In relation to sustainability, the applicant notes that in addition to potentially reducing commuting and travel time to out-of-centre food stores, the scheme proposes a number of energy saving benefits which are detailed in full in the applicant's sustainability statement.

The applicant has carried out an assessment of the non-residential proposals against the requirements of PPS6. Overall, the proposed Northbank East offers potentially significant regeneration benefits in its own right and as part of the wider Wirral Waters regeneration project and it is concluded that these are a significant material planning consideration.

RESPONSE TO OBJECTIONS RECEIVED

Objections raised by Jones Lang LaSalle on behalf of Warner Estates on the grounds of:

1. Lack of retail need
2. Fails the sequential tests (PPS6)
3. Impact on Birkenhead Town Centre
4. Impact on other centres
5. Accessibility
6. Social – disadvantage sections of the community who currently depend on Birkenhead Town Centre for a wide variety of goods and services
7. Regeneration – unlikely to have significant beneficial impact upon wider regeneration objectives in the Wirral
8. Heritage – detract from Liverpool's waterfront World Heritage status
9. Investment – place at risk the private sector investment needed from Warner and other stakeholders
10. Employment – loss of town centre employment resulting in shop closures
11. Policy – major out of centre facility at Bidston Moss would be contrary to national and regional planning policy
12. Allocation – an allocation could potentially decimate Birkenhead's Town Centre
13. "Trojan Horse Tactic" – scheme is being used to incrementally establish Wirral Waters as a new retail destination under the guise of regeneration

The objection to both applications is on the grounds that the extent of A1/A3/A4 and D2 uses is unacceptable and unsustainable in this out of centre location - supported by Policy W5 of RSS and PPS6. Both proposals - as part of the wider Wirral Waters Masterplan - are viewed as detrimental to Birkenhead Town Centre. More generally, the objection also suggests that any planning application for the phased development of Wirral Waters should be automatically refused until a sufficient evidence base has been published and consulted upon and endorsed by Wirral Council and GONW.

The compliance of both the applications with RSS and PPS6 is addressed comprehensively in the reports to Planning Committee, including in the response to the objections submitted on behalf of Grosvenor and Morrisons. The objection by Warner raises no new issues in this regard. In relation to the evidence base issue, a retail office and leisure assessment has been submitted by the applicant which covers both applications, the findings of which, or fitness for purpose are not directly challenged by the objector. Some elements of the objection by Warner more properly relate to progressing the Local Development Framework Core Strategy rather than these specific applications. The issue of prematurity is addressed in the Planning Committee report which concludes that refusal on this basis is not considered justified. As with the objection by Grosvenor, much of the scope of the objection is far broader than the current applications and prejudices proposals which have yet to be submitted as planning applications. Overall there is nothing in the objection submitted on behalf of Warner Estates that would cause me to alter my conclusions or recommendations to Planning Committee.

Objections raised by Drivers Jonas on behalf of CEREP Grosvenor Sarl (Bride Hall Holdings and the Carlyle Group owners of the Grosvenor Precinct in Chester City Centre) & by Drivers Jonas on behalf of Grosvenor Liverpool Fund (Paradise Project Liverpool One development) on the grounds of:

1. Lack of context with the wider scheme
2. Overall conflict with national and regional policy
3. Application of policy

Drivers Jonas concede that the current proposals are relatively small in the context of the overall Wirral Waters vision but consider that they can only be considered in the wider context. The objector recognises that the wider proposals are being brought forward in a Strategic Regeneration Framework, but states that the SRF is outside the development plan and the two applications should not be approved until the wider Wirral Waters development has been examined through the Local Development Framework process.

In terms of conflict with national and regional policy, neither the adopted UDP nor RSS envisaged the scale of development, or comparison retail floorspace that is proposed in the Wirral Waters SRF. In addition, the objector believes that the scale of the SRF proposals would be in direct conflict with a number of key policy objectives including Planning Policy Statement 12, RSS and the adopted UDP.

In the view of Drivers Jonas, the scale of development envisaged in the SRF is in conflict with Policy RDF1, on the grounds that they consider the proposals to be in the outer area of the Liverpool City Region. This is an error, as 4NW (the Regional Planning Body) agree that the proposal is within the inner area surrounding the regional centre and therefore in the second priority area for new development.

Drivers Jonas are also incorrect in their assertion that the proposal is in conflict with RSS Policy W1, as the reference is to the Liverpool City Region as a whole and not Liverpool. Similarly, the reference in RSS Policy W2 is to Liverpool City Region and not Liverpool.

Drivers Jonas view is that the proposal is contrary to RSS Policy W5. On Policy LCR1 their view is that any development should be complementary to the programmes within the Liverpool Regional Centre. Para 11.5 of RSS states that significant levels of development should be focussed within the Regional Centre and Inner Areas in order to ensure investment and regeneration resources are directed to those areas most in need. Drivers Jonas have misunderstood Policy RDF1 and do not consider that the proposals are within the inner area surrounding the Regional Centre. The Regional Planning Body (4NW) has confirmed that the proposals are within the inner area.

In their objections, Drivers Jonas refers extensively to the SRF. As they note, Peel Holdings understand the current planning applications to be 'early wins', to be determined outside the SRF process. Drivers Jonas is concerned with the impact of the Wirral Waters SRF in its entirety on Grosvenor's assets in Chester and Liverpool. As such the scope of their objection is far broader than the current proposals and prejudices proposals which have yet to be submitted as planning applications.

The applications before Planning Committee are more modest in scale than the entire SRF area. There is no assessment by Drivers Jonas of the impact of the Northbank proposals alone on Grosvenor's interests. The impact will be of 2,025 sq m (gross) convenience store and 263 sq m A1, A3 and A4 use(W/APP/2009/5109) and 4,601 sq m A1, A3 and A4 and 1,450 sq m leisure use (D2) (W/OUT/2009/5110). The conclusions of the retail, office and leisure statement submitted with the application are not challenged. As indicated in the above section, the applicant has clarified that the floor space of the supermarket is 2,025sq m (gross),(comprising 1,316 sq m (net) convenience and 265 (net) comparison floor space, so the impact of the supermarket will be less than is stated in the version of the retail assessment on which this objection is based

In terms of the UDP, Drivers Jonas acknowledges that Policy EM10 has now been deleted and that other development plan policies are of relevance to determination of the applications. However, they still consider that it is the SRF that is to be determined at this stage. Again this element of the objection is without foundation.

In terms of the general application of policy, Drivers Jonas view is that the proposals are significant and that the SRF is inappropriate and contrary to PPS6 and RSS.

In conclusion, Drivers Jonas view is that the applications should be refused on the grounds of prematurity and the Wirral Waters proposals considered in their entirety through the development plan process.

Advice on prematurity is at paras 17-19 of 'The Planning System: General Principles' (ODPM, January 2005) which states that refusal on prematurity grounds is seldom justifiable where the DPD is at the consultation stage. The exception to this principle is where the proposed development is so substantial, or where the cumulative effect would be so significant, that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

Although the level of office development in Plots 2-5 is significant in RSS terms, the lack of objection from 4NW demonstrates that its impact is not of concern. There has been no substantiated objection to the level of retail or leisure development proposed.

Objections raised by Peacock and Smith on behalf of William Morrison Supermarkets PLC on the grounds of:

1. Contrary to development plan
2. Contrary to national advice in PPS6

Peacock and Smith believe that the site of the Northbank proposals is within the EM10 allocation in the Wirral UDP, which did not allow retail development but only B1, B2 or B8 uses outside port permitted development rights. However, Policy EM10 has been deleted and the land is now without notation. Peacock and Smith's objection is therefore without foundation on this point and Policies EM8 and EM9 are also not applicable.

In terms of the need assessment, Peacock and Smith consider that the applicant's quantitative need is underestimated and that the retail assessment is therefore neither robust nor realistic. The applicant appears to rely on population growth from the wider Wirral Waters area, which in itself is reliant on planning permission being granted for the Northbank proposals. The turnover and sales density estimates are significant underestimates. On qualitative need, Peacock and Smith refer to para 2.37 of PPS6, which states that 'Additional benefits in respect of regeneration and employment do not constitute indicators of need for additional floorspace'. The objector believes that the existing pattern of retail provision is adequate and that there is no clear deficiency in foodstore provision.

The objector believes that the scale proposed (net floorspace of 2,400 sq m) exceeds that necessary to provide for the regular convenience shopping requirements of the residents and business workers who will occupy the new homes and offices in the Northbank area. The development plan does not define a centre at this location and Peacock and Smith do not accept that the applicant can claim that the proposal is related to the form and function of a centre. Peacock and Smith believe that the applicant has failed to follow a sequential approach to site selection.

In conclusion, the objector is concerned that the applicant has underestimated turnover and therefore the adverse impact the new store would have on existing retail stores, including Asda at Liscard, Sainsburys at Prenton and Tesco at Bidston. They further believe that the proposed store is likely to have a detrimental impact on Birkenhead Town Centre. Peacock and Smith believe that the application should be refused, as failing the key tests of demonstrating retail need, scale, sequential approach to site selection and impact.

In responding to the points raised, in relation to the turnover estimates, the applicant has emphasised that the turnover assumption allows for the fact that the store is trading in a regeneration area where population and the stores trade will expand over the forecast period. The size of store proposed is unlikely to attract trade at the average sales levels of leading operators and the period the store will take to reach trading maturity will be longer than normal because of the growing population within its immediate catchment. In relation to qualitative need, the supermarket is intended to serve the new and growing population and meet day to day needs, rather than act as a "destination" superstore in its own right. Impact is assessed in relation to existing provision and concludes that no short or long term harmful impacts are identified. The applicant has subsequently submitted a sequential assessment in respect of the supermarket proposal. As indicated in the above section, the applicant has clarified that the floor space of the supermarket is 2,025sq m (gross), 1,316 sq m net, so the impact of the supermarket will be less than is stated in the version of the retail assessment on which this objection is based

PROPOSED RESIDENTIAL ELEMENT OF THE PROPOSAL

RSS Policies DP1, DP3, and UR3 are relevant and seek to promote the efficient use of land and buildings, and promote good design and social inclusion.

The emphasis of RSS Policy LCR2 *The Regional Centre and Inner Areas of Liverpool City Region* is to provide a good range of quality housing in the inner areas in terms of size, type, tenure and affordability with a high quality environment and accessible local facilities and employment opportunities.

The purpose of the Interim Housing Policy (October 2008) is to direct new housing development in to the House Market Renewal Initiative Areas. The UDP policies do not reflect the changes in national and regional policy in relation to Wirral's housing and therefore the Council adopted this approach in 2005 and is a material planning consideration

PPS3 –“Housing” encourages the use of previously developed land within the existing urban area. To promote more sustainable patterns of development and make better use of previously developed land, the focus for additional housing should be for additional housing should be towns and cities. The aim is to create mixed, inclusive communities to ensure that everyone has the opportunity of a decent home through a broader range of housing (including flats) in locations where the need to travel is reduced.

Both PPS1 and PPS3 make it clear that high quality and inclusive design should be the aim of all those involved in the development process. This includes accessibility and connection to public transport, the efficient use of resources, seeking to adapt and reduce the impact of climate change; car parking that is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.

The applications, both full and outline, contain a mix of housing types including 141 units in the full application and a maximum of 1,531 in the outline application

The full application proposes 245 car parking spaces including 16 disabled spaces. There are also 64 proposed cycle spaces, new and improved vehicular access, and servicing areas to the site. The scheme also includes a 2,224 sq m private garden area and a 1084 sq m area for D2 use. The scheme has a density of 201units per hectare.

The main objectives of UDP Policy HS4 – Criteria for new development, is to ensure that any new development relates well with surrounding area, with particular regard to existing densities and form of development, incorporate provision for accessible public open space and children's play areas, provide adequate private or communal garden space to each dwelling and protect the character of the surrounding area and local amenity.

DESIGN, LAYOUT AND EXTERNAL APPEARANCE

The proposals have been subject to two CABA Design Review Panels prior to submission. The second related more specifically to the East Float Neighbourhood Framework and master planning principles. The review also considered specific proposals for Northbank East.

Following on from the CABA review panel in June, comments were received in relation to the proposed roof garden. Panel members felt that the roof gardens should be comfortable spaces and that the landscape proposals should be varied. In order to address these comments and recognise the prevailing wind from the south and south-west, the applicants confirm that a number of measures were introduced. These include the introduction of a number of communal spaces along the southern elevation; helping to create a more enclosed space whilst retaining views over the dock system.

This theme could be continued within plots 2-5, where the parameters have been amended to introduce the ability to include a raised element along the southern edge of the garden levels; thereby enabling the potential for dual aspect residential units to be brought forward.

The review panel also commented on the need to incorporate residential uses within the urban block in order to bring additional vitality to the Dock Road elevation. Such units have been included to ensure that activity at all times of the day and night.

The two key elements that comprise plot one is the lower level, four storeys urban block. The height of which is similar to the adjacent grain warehouses. The applicants advise that the two

will read together like a series of urban blocks, with consistent treatment to the waterfront.

The second element is the residential tower located on the north eastern corner of the urban block. This element is a response to the opportunity for tall buildings at Northbank East, recognised in the East Float Master Plan.

The palette of materials to be used in the construction of this building briefly comprise of

- Stone – thin Rainscreen cladding panels with the appearance of red sandstone
- Tower glazing – curtain walling with projecting balconies
- Tower glazing south elevation – glazed screen running past inset balconies to the south
- Ground floor glazing – full height glazed panels
- East elevation ground floor – GRC cladding
- Louvers – vertical angled metal louver panels for car park ventilation

The outline application comprises of the erection of four buildings with defined parameters ranging from 79.3m to 130.3m in height and will be connected by an interlinking block and an area of communal open space. All detailed matters are reserved for subsequent submission and approval.

Plot 2 will comprise of an urban block and tower structure. The tower in block 2 is to be a minimum of 23 and a maximum of 25 storeys in height. The total number of car parking spaces is between 262 and 328.

Plot 3 development is an urban block and tower, the height of which will be a minimum of 35 and a maximum 37 storeys in height. The layout is as plot 2 with the total number of parking spaces between 268 and 336.

The lower rise urban block of plot 4 is shared with plot five. The tower on plot 4 is to be a minimum of 30 storeys and a maximum of 32 storeys in height. Plot 4 includes ground floor leisure facilities, retail space and car parking. Commercial space and car parking are proposed at first floor level, residential and additional parking are to be provided at levels 2, 3, and 4, and the upper floors are to be purely residential. Plot 4 will share a two-level basement with plots 5 for use as a car park.

The tower structure in plot 5 will have a round shape and will be between 38 and 40 storeys in height, and a density of 203 units per hectare.

The applicants advise that the selection of the cladding material panels (which will have the appearance of sandstone) has been made following careful consideration of the locality, and responds sensitively to the adjacent grain warehouse while presenting a more contemporary image. The architects have created an “inner and outer” wrapping has been developed giving the building a clear architectural expression.

LANDSCAPE, PUBLIC REALM AND OPEN SPACE PROVISION

RSS policy EM1

As demonstrated below, the application proposals do not conflict with the objectives of RSS Policy EM1 (A) which aims to ensure that proposals protect, maintain and enhance natural, historic and other distinctive features that contribute to the character of landscapes and places within the North West.

RSS Policy EM3

RSS Policy EM3 indicates that proposals should aim to deliver wider spatial outcomes that incorporate environmental and socio-economic benefits by: conserving and managing existing green infrastructure, creating new green infrastructure and enhancing its functionality quality and accessibility

UDP Policy LA1 - Protection of Areas of Special Landscape Value.

Policy LA1 emphasises the need to protect the character and appearance of areas designated as areas of special landscape value through restricting development which would introduce intrusive development in an otherwise open setting -- especially prominent skyline -- and proposals which would detract, in terms of their siting, scale, form and external appearance, from the appearance of the area; or intrude within important views into or out of the area

UDP Policy LA3 Priorities for Areas Requiring Landscape Renewal

As part of the proposal, the development should contribute to the visual improvement of the area, and especially enhance intrusive features, the re-establishment of appropriate landscape features, boundary treatment, use of under-utilised land. The nearest Area Requiring Landscape Renewal (UDP Proposal LA4 refers) is the M53 Corridor and Bidston Moss (approximately 2km distant).

As part of the proposal, the development should contribute to the visual improvement of the area, and especially enhance intrusive features, the re-establishment of appropriate landscape features, boundary treatment, use of under-utilised land.

With regard to the Northbank application, it is not within an Area of Special Landscape Value or Area requiring landscape renewal; but given the scale of this proposal special regard is required to be given to the potential impact on the sites identified above. The potential impact of the proposals on views from Bidston Hill is discussed below under Townscape Character; in relation to Bidston Moss, the enhancement of the currently derelict site will complement the improvements already made to the former Bidston Moss landfill and further lift the environmental quality of the area.

The north (Dock Road) side of the site will be developed as a tree lined boulevard and will link up with future developments to form a continuous boulevard landscape. The planting will comprise of an informal avenue of native trees, with hedges and grass cover. The hard surfaced areas will be developed in granite aggregate concrete in contrasting tones along the building frontage and forming a link with the covered walkway beneath the arcade.

The south (waterside) and western side of the site will be primarily hard paved in granite aggregate concrete pavements. Timber bollards and cast iron and steel post and railing will extend along the length of the waterfront.

The eastern side of the proposed building will provide vehicular access to the car park, delivery bays, refuse storage and other facilities accessible from this area. The lane will be 21m wide to allow turning space where necessary. Greenery, hedges and street trees will be provided to soften the landscape.

With regards to open space provision, SPD2 – Designing for self contained flat development and conversions states that adequate landscaped garden space should be provided for the exclusive use of residents. This should be accessible to each flat. As a general guide the size of the space should be at least one third of the whole site. The site area of plot 1 is 6,900 m², the communal garden area proposed for future residents at level 4 is 2,224 m². The scheme also includes a former children's play space. The proposal therefore complies with this element of the SPD.

In addition, the standard of Green Space set out in UDP Policy GR6 is 60m² for each family unit. The number of 3 and 4 bed (family) apartments is 34, which would require a provision of 2,040 m², it is therefore considered that the proposal accords with UDP Policy GR7

It is considered that the proposals are consistent with the Interim Housing Policy and would see a large investment and increase in the housing numbers being directed into the HMRI area. Wirral as previously discussed through the RSS and Growth Point bid has 600 pa housing unit growth figure to achieve.

RESPONSE TO CABE'S CONCERNS

The carriageways are paved with continuous materials which integrate with adjacent footways, set almost flush with them: and street planting, parking and the general arrangement of the public realm are utilised to reduce driver speed by limiting strait stretches of the street.

The public realm proposals are consistent with the principles established for the wider area in the Strategic Regeneration Framework and East Float masterplan and has been developed further since it was presented to CABE in December.

These have been refined to ensure a more comfortable and lively environment for pedestrians. The colonnades provide more shelter, and level access routes from the waterfront connecting more directly into the covered route along the water side which builds upon the long tradition of colonnaded dockside buildings such as Albert Dock and Stanley Docks in Liverpool

The landscaping proposed has been amended to respond more to the local context by providing native species which are tolerant of the exposed characteristics. This will ensure a more sheltered environment for people through the use of hedges and a mix of deciduous and evergreen trees which will reduce the windflow through out the year.

The selection of materials has been refined to create a robust street scape. The applicants advise that the scheme deliberately avoids the use of landscape features such as fountains and sculptures, instead explores the drama of the waterfront setting and the use of art work.

The applicants advise that the option of having a smaller number of plots was investigated and found to be less effective in phasing terms as the first half of each linked block would need to be built with blank party walls, which may be in place for some time. Splitting the blocks into phases would damage future resident's quality of life during the construction of the second phase. A smaller number of plots would be less permeable for people moving round the site and more difficult to service.

(It is considered by the applicant that Servicing within Plot 1 is buried within the block and accessed from the lane between plots 1 and 2. This is defined as a tree lined route providing access for service vehicles. The only alternative would be for servicing to be taken from Northside Boulevard which runs parallel to Dock Road. This would present service doors along a key active frontage which apart from the visual implications would introduce potential conflict pedestrian and vehicle movement.

The applicants have subsequently amended the elevational treatment along the eastern elevation to take the glazing down to street level to help generate to impression of an active frontage. Furthermore an acceptable lighting strategy would increase levels of luminance to this area to create a safe and comfortable pedestrian environment.

The glazing component of the façade on the amenity spaces facing the water at garden level has been increased. In addition the cladding has been adjusted at the top of the building to propose a cladding solution that dissolves the top of the building. This has the effect of softening the box like appearance of the block.

It is considered that the proposals support the objectives of RSS Policy L4 in maximising the re-use of vacant and under-used brownfield land and maximising the use of existing public transport infrastructure. The Northbank proposals aim to provide for a range of house types and sizes, at Code for Sustainable Homes Level 3

Furthermore, the schemes as amended align with the master plan principles for east float which are based on the Strategic Regeneration Framework for Wirral Waters. The proposal responds well to the surrounding area, with particularly with regards to existing densities and forms of development, incorporates the provision for accessible public open space and children's play areas, provides adequate private or communal garden space to each dwelling and protect the character of the surrounding area and local amenity ensuring complicity with all of the above policies. The proposed scheme will secure new tree planting throughout the development in line with UDP policies GR5 "Landscaping and new development and GR7 "Trees and new development"

Policy L5 – Affordable Housing

UDP Policy HS6 Principles for Affordable Housing

Through Policy HS6 the LPA will negotiate the provision of affordable housing on suitable site over 1.0 ha. The Council adopted a policy in February 2008 for 40% affordable housing on sites over 15 dwellings subject to a site specific viability assessment, following the approval of the Strategic Housing market Assessment by Cabinet as a material consideration in determining planning applications in the borough.

Overall, in terms of the residential element, the outline proposals are consistent with the Interim Housing Policy and would see a large investment and increase in the housing numbers being directed into the HMRI area. Affordable Housing provision will also be secured for this part of the development, although the actual figure will be subject to the detailed application and a future affordable housing assessment for this element will be required with such a detailed application. Wirral, as previously discussed, through the RSS and Growth Point bid has a 600 pa housing unit growth figure to achieve.

HERITAGE AND CONSERVATION ISSUES

To the north-west of the site lie two grade II, Listed large brick built grain warehouses converted to apartments.

A hydraulic engine house and tower, also a grade II listed structure, is located some 150m to the south-east. Constructed in 1863, a large part of the building was rebuilt following bomb damage during the Second World War. Beyond the eastern edge of the site, a square brick built accumulator tower is situated at the Mersey entrance to the Alfred Dock. To the south of the tower and to the east of Wallasey Dock, a brick pumping station was built in 1886 and is also Grade II Listed.

Hamilton Square Conservation Area is 1km to the south east of the site.

Flaybrick Memorial Gardens Conservation Area, is an English Heritage registered garden approximately 2.4km to the south west of the site.

Birkenhead Park 1.2km to the south of the site was designated a Conservation Area in 1977 and is designated as a Grade 1 Registered Park.

The site sits on the opposite side of the River Mersey from the Liverpool Dockland, which form a significant part of the Liverpool Maritime Mercantile City World Heritage Site. The WHS buffer extends to the middle of the River Mersey. No part of the designated area lies on its west bank. Nevertheless, the WHS and the eastern proportion of Wallasey Pool are inter-visible.

PPG 15 Planning and the Historic Environment sets out the Government's policies for the identification and protection of historic buildings and conservation areas and states that, where there is a link between controls over listed buildings and conservation areas and development control, decisions on such issues will generally need to be considered together.

It is further stated that economic prosperity can secure the continued vitality of conservation areas, and the continued use and maintenance of historic buildings.

RSS Policy ER3: Built Heritage, encourages Councils (through their plans, policies and proposals) to identify, protect, conserve and where appropriate, enhance the built heritage of the region.

UDP Policies CHO1, CH1 and CH2 are charged with ensuring that any new development aims to protect;

- Building, structures and other features of recognised architectural or historical importance;
- Historic areas of distinctive quality and character; and
- Important archaeological and monuments

- Northbank sits adjacent to a variety of listed buildings and can be viewed from various conservation areas across the borough.
-

The proposal is adjacent to listed building and policy CH1 seeks to ensure that the nature and scale of the proposal is appropriate to retaining the character and design of the listed buildings and their settings

The Northbank site has a limited visual relationship Hamilton Square, Birkenhead Park (UDP Policy CH6) and Flaybrick Cemetery Conservation Areas (UDP Policy CH23) . Policy CH2 permits development where the visual and operational impact of the proposal can be demonstrated to preserve or enhance distinctive characteristics of the area, including important views into and out of the designated conservation area. With regard to the Northbank application, it is not within a conservation area; however, there are several surrounding which, with a proposal of this size, require special regard to be given to the views and vistas through the site from the conservation areas. Specific policies within the UDP address the detailed merits of each conservation area and these are discussed below.

Policy CH26 The preservation of Historic Parks and Gardens, highlights the need to pay special regard to the historic parks and gardens in the borough in this instance, Birkenhead park. The policy advises that development should not involve the loss of features considered to form an integral part of the special character or appearance of the park or detract from the enjoyment,

layout design, character, appearance or setting of the park.

The proposals need to be considered in terms of their potential impact on a number of heritage assets including:

- The Liverpool world heritage site
- Hamilton Square
- Birkenhead Park
- The listed grain warehouses

English Heritage's initial response has focused upon the impact of the proposals on national and international heritage assets. These are discussed below.

There has been no objections raised by Liverpool City Council

The most direct impact will relate to the impact on the listed buildings within the site, most notably the listed corn warehouses.

The development proposals for plot 1 (North Bank) represents phase 1 of a much wider development masterplan. At this stage it is the only element of the works to be submitted in full detail, while outline consent has been sought for plots 2-5. Given the nature and scale of the development, it is however necessary to consider the collective impact of the development; including that submitted in outline.

The emerging East Float masterplan proposes a range of building heights, which vary considerably over the site. The buildings within the Northbank scheme gradually increase in height from the east to the west respecting the integrity of the listed building. The tallest building is located to the east of the Northbank East site with the lowest sitting adjacent to the listed grain warehouse.

The masterplan incorporates a series of permeable building blocks of similar sizes and proportions. The layout seeks to break up the mass of the overall development into smaller elements giving the impression of a family group of different buildings. A satisfactory distance has been retained between plot 1 and the grain warehouse to ensure the two can be 'set apart'.

For plot 1 the height of the plinth does not exceed the height of the listed building and is reflective of its scale and massing. The tower element of the scheme has been positioned the furthest point from the listed building and is set back into the site to ensure it does not overwhelm it or compete with its visual prominence.

The southern elevation is the most prominent of the elevations, given its fronts the waterside and will be viewed within the context of the listed grain warehouse. The elevational treatment reflects the prominence of its location and the sensitivity of its relationship with the listed building. The incorporation of a blockwork cladding system reflects the traditional brickwork within the elevation of the grain warehouse. It appears as a modern interpretation, giving the building a contemporary feel to compliment its modern design. The tower will provide the backdrop and as such has been treated in a more contemporary manner with grey aluminium curtain walling providing a contrast.

The adjacent grain warehouse clearly defines the public/ circulation area with strong vertical elements marking the circulation areas. It is very rational/ coherent in terms of proportional arrangement, window openings and glazing is very ordered.

The proportional arrangement of the proposed building does not attempt to imitate this and instead adopts an architectural language that enables it to be set apart and make a bold architectural statement in its own right.

The design of the proposal is responsive to the different contexts in which it is situated: to the south -- the attractive waterside setting; and to the north -- the more commercial/ industrial area and dockside road.

The introduction of a number of active uses will compliment the dockside location with the building flanking the waterside and the incorporation of a colonnade promoting outside spaces. The area is presently redundant and the proposal will see access to the area improved and utilised. The listed grain warehouse presently appears isolated: the appropriate mix of uses promoted via the application, including residential will facilitate the creation of a waterside community.

TOWNSCAPE CHARACTER

The applicants have submitted a townscape assessment as part of their planning submission. The report provided a description and analysis of the heritage features surrounding or within close proximity of the site.

Following a request for additional information from English Heritage, an addendum to the original assessment has been produced; in order to assess the effects of the impacts of the proposal in relation to Strategic and Local view points. Further photomontages have been provided in the addendum, following discussions with English Heritage. The impact of the development on these areas is discussed below.

The character of the existing site itself is not considered to be of high value in townscape character terms due to its derelict state. The proposed development will result in a completely new townscape character and diversification of the Docks and wider River Valley. It is suggested that the proposed quality and massing of the development could bring additional coherency to the dockside and upgrade the current mix of land uses.

Development of this scale and height could also improve the legibility of the site through the prominent position of plot 5, marking the gateway to Birkenhead Docks

The applicants assert within their Townscape Character analysis, that the strategic viewpoints affected by the amended development will be those closest to the site and those with open panoramic views i.e. Bidston Hill, Albert Dock and Princess Dock,

The view from Bidston Hill illustrates the prominence of the development upon both the Wirral and Liverpool skyline. It is considered that the lower height of plot 1 relates well to the adjacent Grain Warehouses and the prominence of plot 5 will create a clear landmark within the dock environment.. The mass of the proposed development will restrict views towards the Liverpool World Heritage Site, obscuring part of the Three Graces. However, it is considered that because of the distance between the receptor and the site, the effect is considered to be minor.

When viewed from Princess Dock, the proposed development and the location of Plot 5 will appear as a prominent, architectural beacon on the Wirral waterfront. This assertion is sustained by the fact that Liverpool City Council has not objected to the proposal.

With regards to secondary or local viewpoints, the applicants suggest that, in relation to the views from Egerton Bridge, the development retains views towards the grade II Listed Grain Warehouses and the plot design "steps-down" towards these buildings. From Duke Street, the proposed height of plot 5 will obscure the views of the Liverpool Tunnel Ventilation Tower and the Metropolitan Cathedral.

In relation to Hamilton Square, the northern corner of the square, the junction with Cleveland Street and Argyle Street is aligned on the site. The proposed development will be apparent from the centre of the square and to a lesser degree from other locations, due to the extension of the structures on plots 4 and 5 above the roof-line; which will provide glimpsed views of the proposed development from certain angles. The majority of the development will be obscured by the existing built form that encloses the square. Plot 5 will alter the consistency of the current historic roofline. However, the detailed design and architectural quality of plot 5 will be directed by the sensitivity of this location. An additional viewpoint from the front of Wirral museum, illustrates the impact of the proposed towers on the roofline from the open aspect of the memorial square. The applicants advise that plot 5 will not be visible from this location on the skyline and the focus of the viewer will be on the enclosed environment of the square. However, the applicants argue that the character of the square is inherently introspective and the development is not considered to represent a substantial intrusion capable of rivalling the square. The impact on the visual amenity is considered to have a minor adverse impact on the square itself and negligible significance with regards to the listed buildings within it. .

From the Liverpool Anglican Cathedral, the Wirral skyline will be punctuated by the new development, particularly, the tower associated with plot 5. It is considered that the scale of the development improves the legibility of the Birkenhead Docks.

In addition to the original assessment of views from Birkenhead Park, the applicant has included an additional view from an open football pitch to the east of the lower park adjacent to Park Road East. Whilst a visual connection with the Liverpool Waterfront is not possible from this location, the proposed towers will be visible on the skyline. The applicants acknowledge the

broken skyline but suggest the environs of the park are already influenced by the surrounding built form and the effect of this proposal on the visual amenity is considered to be minor.

It is considered that the applicants, in their assessment of proposed development of the Northbank site have had special regard to the views and impact that the proposal could have on both the four neighbouring conservation areas, and, given its size and prominence on the water front, the wider area, including the Liverpool waterfront. Importance emphasis has been given to the views from each of the conservation areas and the impact these will have on the setting of these areas.

It is considered therefore that the development, while the increased height associated with plot 5 does result in a slightly increased visual impact, the impact should not detract from the visual quality of the area as a whole or the character, appearance or setting of the surrounding conservation areas.

In addition to the above, it could be considered that the proposals could help to ensure the vitality and viability of the local historic assets such as Hamilton square and Birkenhead Park through increased population, increased activity and footfall. The scheme will respect the maritime heritage through preserving the relationship between open water and quayside. The continuing operational use of the dock system, through traffic to the West Float maintains the maritime links in the most appropriate way.

LEISURE USES

RSS Policy L1 – Health, Sport, Recreation, Cultural and Education Services Provision

Whilst not a major part of these applications, Peel, through the East Float masterplanning process, and with the Council, through the Mersey Heartlands New Growth Point, are committed to the provision of appropriate social and community infrastructure. Within the full planning application there is provision for a flexible area adjoining the podium terrace, for a facility such as a gym or children's day nursery

SUSTAINABLE APPROACH TO THE BUILT DEVELOPMENT

The applicants advise that the strategy is to create a low carbon, low resource demanding development through design approaches that have low energy demands, use low carbon technology approaches throughout the site, and widespread use of renewable technologies.

Northbank East will achieve a minimum Code for Sustainable Homes Level 3 with later phases of the development aiming to provide Level 6 and Zero carbon housing by 2016. The scheme will also aim to achieve at least BREEAM 2008 very good/excellent rating across the office, retail/leisure and community aspects of the development. In addition, the applicants have confirmed that Energy Performance Certificates and Design Energy Certificates will be provided.

The detailed building design will include connections to Community/District heating/cooling systems, boilers, CHP equipment and chiller plant that will form part of the future community heating/cooling network.

The initial phases of Northbank East will be provided with stand alone systems in the buildings. As each of the buildings is developed, each of the systems will be connected to each other through an underground pipe work system as an incremental approach to a community heating system.

The retail units will be producing "low grade" waste heat. Subject to capacities and availability this will be used to pre-heat the incoming cold water that feeds the domestic hot water calorifiers

TRANSPORT

RSS Policy DP4 – Make the Best Use of Existing Resources and Infrastructure

The proposals are within the priority area set out in Policy RDF1 and LCR1. The proposals concentrate development close to existing infrastructure and follow the sequential approach of using previously developed land within the Seacombe settlement. The proposals do not require major investment in new public transport infrastructure, water supply or sewerage. It is considered that the proposals conform to the objectives of RSS Policy DP4.

RSS Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase

Accessibility

The Northbank proposals form the first stage of what is intended to be a comprehensive redevelopment of underused land around Birkenhead Docks. The proposal is accessible by a choice of transport modes and that the applicant has proposed measures to reduce the need to travel. A number of measures to enhance accessibility to pedestrians and cyclists are identified, some as part of the wider Wirral Waters proposals. The provision of services, such as convenience retail on site, is intended to ensure that a full range of local day to day services are available to residents of the new development on site and at an early stage of implementation, minimising the need to travel elsewhere. It is considered that the application proposals will therefore conform to RSS Policy DP5.

RSS Policy RT2 – Managing Travel Demand

In considering Policy RT2 – Managing Travel Demand the Northbank proposals aim to reduce reliance on the private car, by the scheme's location in relation to public transport and by providing jobs close to new homes. Cycling and walking is to be encouraged within the context of the wider East Float proposals and by the CIF2 bid for highway and access improvements.

The application proposals are in conformity with RSS Policy RT9 - Walking and Cycling which will be further supported if the CIF2 bid referred to earlier in this section, is approved.

UDP Policy TRT1: Provision of public Transport emphasises the need for development to make best use of existing transport facilities, to make adequate physical provision for public transport services and facilities within new developments and to provide for the development of such services and facilities.

UDP Policy TR7 - Transport Corridor Environmental Improvements. The proposal will be required to have regard to the transport corridor improvements and special consideration will be given to the nature conservation value of land within these corridors. This has been addressed through the Transport Statement.

UDP Policy TR9 – Requirements for Off- Street Parking sets out criteria against which proposals for off-street parking provision will be assessed. A total of 245 parking spaces are shown to be provided in the full application and 1291 spaces to be provided in plots 2 to 5. The total maximum number of parking spaces is 1533 and it is stated that the proposal will provide disabled, motorcycle and cycle parking in line with the current parking standards. The total number of number of parking spaces is in accordance with the provisions of SPD 4 (2007) Parking Standards, which is in accordance with National Planning Policy on parking at new development.

UDP Policy TR10 - Cycle Routes. The application site lies within reasonably close proximity to National Cycle Route 56. Policy TR 10 requires new development along specified routes to incorporate cycle route provision. The development is adjacent to proposed cycle route Wallasey to Conway Park, which has been part implemented.

UDP Policy TR11 - Provision for Cyclists, states that new major developments should include a cycle audit to ensure that the scheme provides adequate provisions for routes used by cyclists and the design of the proposal makes for a cycle friendly environment. Also, the policy encourages the opportunity or maximise on any enhancement or adding to the provision for cycling.

UDP Policy TR12 - Requirements for Cycle Parking, requires that where practical and desirable, cycle parking should be provided and states that 1 cycle parking stand should be provided for every flat. The transport assessment highlights a commitment to provide an adequate provision as part of the Northbank proposal.

A number of concerns have been raised from Merseyside Cycling Campaign Wirral Group relating to the lack of cycle parking provision. The applicants have confirmed that these issues could be addressed through a suitably worded condition to provide for details of cycle parking provision.

The proposals cover five plots fronting onto Dock Road to the west of the Four Bridges. Access is proposed onto Dock Road via four new priority accesses. 1533 off-street parking spaces are proposed, which complies with the standards adopted in the Councils SPD4 Parking Standards.

A Transport Assessment (TA) has been submitted in support of the overall development, which

considers its impact on issues such as existing traffic flows, highway safety, public transport, walking and cycling.

The TA indicates that the adjacent signalised roundabout at Dock Road / Tower Road is affected by congestion for a short period of time during the weekday evening peak and that this proposal would add to slight delays on the route.

The TA outlines proposals for an improvement to the junction that would alleviate this congestion and which was subject to a CIF (Community Infrastructure Fund) bid to Government. Unfortunately the CIF (Community Infrastructure Fund) bid has not been successful and therefore the improvements to the signalised roundabout at Dock Road / Tower Road mentioned will not be forthcoming under that funding. It is therefore necessary to attach a requirement for a Section 106 agreement to carry out the works at the junction that were originally identified within the CIF bid and that it would be appropriate to attach a Section 106 for these works to the outline application for Plots 2 to 5.

The outline proposal (2009/5110) includes for widening of Dock Road fronting the development site to create protected turning areas at each junction / access, the provision of a Puffin Crossing, the upgrade and relocation (as appropriate) of a number of bus stops on Dock Road. The potential for overspill parking onto Dock Road also remains a concern and the provision of appropriate waiting restrictions on Dock Road fronting the development site would be necessary.

The proposal for Plot 1 (2009/5109) includes the provision of two new accesses onto Dock Road (one each side of the plot). The access situated to the east of the plot (between Plots 1 and 2) would serve as the primary access for Plot 1 and would provide access to the car park and servicing area. The constraints on the width of the primary access would mean that larger vehicles entering or leaving the site (onto Dock Road) would be required to slightly cross onto the opposite side of the carriageway. This is considered to be unacceptable in highway safety terms and an appropriate condition is requested in order to negate this. Similarly, the manoeuvring of large servicing vehicles within the access road, where general traffic and cyclists would be travelling, is also considered to be a potential cause of conflict, although this is not within the public highway and is therefore not under my control.

A shared cycle/footway is proposed fronting Plot 1, alongside Dock Road, and a condition is recommended for the details of this facility to be submitted and approved prior to construction, including any necessary road markings and traffic signs.

The applicant has also indicated that, following discussion with Merseytravel, agreement has been reached to subsidise the 101 bus route in the evenings and Sundays to run every 30 minutes instead of hourly as at present. The value of this subsidy would be approximately £45,000 per year and it is proposed to last for two years and can be secured through a section 106 agreement.

In conclusion, it is considered that there is no sustainable highway safety or traffic management grounds to refuse these proposals, subject to a Section 106 agreement and the conditions outlined above. In addition, the cycling and walking access improvements proposed alongside the current proposals will integrate the Wirral Waters area with the Mersey Waterfront Regional Park.

ENVIRONMENTAL ISSUES

Policy DP7 – Promote Environmental Quality

The proposals support 3 of the objectives of RSS Policy DP7:

1. Promoting good quality design in new development and ensuring that development respects its setting taking into account relevant design requirements, the NW Design Guide and other best practice;
2. Reclaiming derelict land and remediating contaminated land for end- uses to improve the image of the region and use land resources efficiently; and
3. Maximising opportunities for the regeneration of derelict or dilapidated areas;

A further objective of Policy DP7 is to ensure that proposals, that could have a significant effect on the integrity and conservation objectives of sites of international importance for nature conservation, are subject to assessment. This is addressed in discussion of the response of Natural England.

RSS Policy DP9 – Reduce Emissions and Adapt to Climate Change

It is concluded that the development of a high density residential environment at Northbank addresses a number of the measures included in RSS Policy DP9, including:

- Increasing urban density;
- Encouraging better built homes and energy efficiency, eco-friendly and adaptable buildings, with good thermal insulation.... and microgeneration; and
- Reducing traffic growth, promoting walking, cycling and public transport

RSS Policy EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

The proposals conform with the principle in RSS Policy EM1 to avoid or mitigate loss of landscape, natural or historic environment assets. Natural England is satisfied (see representations section of this report) that there will be no adverse impact on species within the internationally important sites in the Mersey Estuary. The applicant proposes improved drainage systems to mitigate any potential impact from run-off into the East Float of the dock system.

RSS Policy EM5 – Integrated Water Management

The applicant has consulted with United Utilities on the broad Wirral Waters' masterplanning and has considered the capacity of the water and sewerage networks to accommodate the development proposed. United Utilities response to the applications is summarised in the representations section of this report

RSS Policy EM6 – Managing the North West's Coastline

The development proposals have no direct impact on Wirral's coastline. Discussion with Natural England has confirmed that any potential adverse impact on Coastal sites of International nature conservation importance has been screened out. And the Environment Agency have withdrawn their original objection.

RSS Policy EM9 – Secondary and Recycled Aggregates

It is now a statutory requirement to provide a Site Waste Management Plan (SI 314, 2008) for construction projects with a value of over £300,000 (excluding VAT). This may include the provision of a temporary materials recycling facility on site, subject to a satisfactory planning condition governing hours of operation and the means of controlling any noise, dust or vibration issues. A suitably worded condition can be applied to control such possible omissions from the site.

IEWS OF THE ENVIRONMENT AGENCY

The Environment Agency in their response has advised that they support the commitments as noted within the Chapter 7 of the Environment Statement (January 2009, Ref: EN7582/R/FINAL/CSP, Waterman Environmental) to develop a sustainable built development." We would draw your attention to the Communities and Local Governments (CLG) 2008 letter to Growth Point Authority Chief Executive(s). As part of the Growth Delivery Programme, the letter states:

'...discussions to date have tended to focus on how environment and transport issues need to be built in to growth plans as they develop. We are keen to encourage New Growth Points to be exemplars of sustainable development...'

The letter goes on to state:

'These increased levels of growth also represent an unprecedented opportunity to reduce the carbon footprint of new housing, and move towards the Government's ambition of low/zero carbon development'.

Attention is drawn to the Mersey Heartlands New Growth Point Partnership, Programme of Development, which identifies that through innovative ideas that flagship projects will build upon existing Housing Market Renewal Initiative developments that are already committed to level 3

of the Code for Sustainable Homes.

Considering that this is a new build development (and a flagship scheme for Wirral Waters) it provides an opportunity to contribute towards more environmentally sustainable development, setting a benchmark for future schemes.

Further investigations into achieving a higher rating than 3 for the Code for Sustainable Homes (and to achieve excellent/outstanding BREEAM rating rather than very good) should be considered. The findings and proposals could be documented within a report detailing how environmental standards will be achieved.

Furthermore, a strategy should be in place for this application and the remaining phases of Wirral Waters on how future proposals will be improved in environmental sustainability terms towards the Governments 2016 target of zero carbon footprints for residential developments. We firmly believe that this, and future Wirral Waters developments, should endeavour to become exemplar.

It should be noted that as a first phase of the Growth Point this development is proposed without the benefit of Growth Point condition requirements such as a Water Cycle Study, Strategic Flood Risk Assessment and Green Infrastructure Strategy.”

FLOOD RISK

The applicant has submitted a Flood Risk Assessment with the application. The Environment Agency has been in continual consultation with the applicant over concerns regarding the impacts of climate change and flood risk on the proposal. Their main concern has been the proposed provision of flood protection over the lifetime of the development.

The Environment Agency has advised that they do not recognise the dock infrastructure (such as gates and dock walls) as formal flood defence structures. Additionally, they do not accept the principle of providing flood defence works towards the end of the development lifetime as flood mitigation. They consider this to be unsustainable. Furthermore, from their perspective they cannot make any guarantees that such flood defence measures will be provided in the future no matter the significance of the development. In their opinion, for the development to be sustainable in respect of flooding, measures should be incorporated into the design of the development.

They maintain that residential development should be considered to have a minimum design life of 100 years. They do however accept that the residential units will not be at ground level. By providing robust flood resilience measures and a flood evacuation and warning scheme it is accepted that flood risk can be managed up to but not beyond 80 years.

The Environment Agency note that in previous correspondence received from Turley Associates (25th June 2009, Ref RK/JW/PEEM1048) that their client does not wish to rule out ground floor residential development as part of the scheme. Taking the contingency allowances for climate change into consideration (Table B.1 PPS25), it is clear that the proposed finished floor levels of 7.3m will not be sufficient for residential development at this location.

While it is recognized that the proposal seeks approval for commercial usage on the ground floor, it is recommended that consideration be given to ensuring that the ground floor of this development is not used for future residential development without the incorporation of sufficient flood mitigation measures. Such a measure would include the reassessment and increase of finished floor levels.

It is further noted that within previous correspondence (30th April 2009, Ref: RK/PEEM1048, Turley Associates) that the applicants have an obligation to manage the lock gates to control water levels within the docks. The Agency recommends that the Authority should seek to ensure that the future management of the lock gates is provided by the applicant for the continual management of water levels. Furthermore, The Authority should also consider obtaining from the applicant assurances that the dock walls and lock gates will be maintained to a high standard for the lifetime of the development. This could be secured through a Section 106 Agreement.

We would expect to see the development to incorporate robust-flood proofing measures to mitigate the impacts of climate change. :

PPS25 and the associated Practice Guide (paragraphs 7.23 to 7.31) place responsibilities on Local Planning Authorities to consult their Emergency Planners with regard to specific

emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Suds

It is noted that the proposal seeks to incorporate Sustainable Urban Drainage schemes (SUDs). We welcome the inclusion of such proposals where appropriate. A full assessment should be undertaken by the applicant to ensure that any proposed SUDs are suitable at this location. To ensure the right scheme is applied a suitably worded condition should be applied.

Contaminated Land

The Environmental Phase 1 Land Quality Assessment (January 2009, EN7582/R/6.1.4/GW, Waterman Environmental) has identified the potential for pollutant linkages to controlled waters receptors. Further works are required to assess the significance of these potential pollutant linkages and to determine remedial requirements for the site.

Should permission be approved, a condition relating to a site investigation and remediation strategy to be submitted to and agreed by the LPA.

Water Quality

With regards to Chapter 14, paragraph 14.4 of the Environmental Statement, the Water Framework Directive also applies to controlled waters regarding pollution. There must be no deterioration of controlled waters and the legislation requires improvements to the current ecological status.

The letter from Turley Associates (25th June 2009, Ref RK/JW/PEEM1048) comments that safeguards to the environment, such as using the lock system will be used to control materials that are potentially harmful to the SPA/SAC from entering the Estuary. We would advise that the dock system is a controlled water and that enforcement action may be taken should any potential harmful materials enter the dock system.

The storage of chemicals / oils must be within bunded areas (during and after construction). Storage areas for oils must comply with the Control of Pollution (Oil Storage)(England) Regulations 2001. All materials should be securely stored, and it should be ensured that there is no risk of pollution from the escape of construction materials into controlled waters.

Oil interceptors are to be used on the surface water system to prevent pollution from run-off from the development prior to discharge into the dock. The interceptors used should be suitably sized, located and to current Environment Agency Pollution Prevention Guideline 3 standards.

Policy WA5 of the Wirral UDP, requires developments to ensure that there are satisfactory arrangements to ensure no pollution to surface waters. We would expand on this to ensure that the development does not impact controlled waters (including groundwater). In order to ensure the development poses no unacceptable risks of pollution to the water environment a suitably worded condition should be applied.

Only clean and uncontaminated surface water may be discharge to controlled waters without a discharge consent.

Water Resources

There does not appear to be any indication of any investigations undertaken into the feasibility of water efficiency measures. The CLG letter previously quoted in this letter regarding Growth Points states as a condition a:

'...pro-active approach, working closely with the Environment Agency and United Utilities, on development and implementation of measures to achieve water saving and efficiency'.

Further investigations and findings should be investigated and detailed within a document demonstrating how the proposal will achieve high environmental standards.

Any planned dewatering operations as identified in the Chapter 14 of the Environmental Statement, will need an abstraction licence from the Environment Agency under the terms of the Water Resources Act 1991.

Proposals will be brought in to legislation in late 2009 by DEFRA which will remove the current dewatering exemption. A full consultation will be taking place this year with a view to removing the current exemption with effect from 1st October 2009.

Waste

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT. The development must still comply with the duty of care for waste. Because of the need to record all waste movements in one document, a SWMP will help to ensure compliance with the duty of care.

The Environmental Statement (Chapter 6: Development and Construction) details proposals for recycling and re-use of waste materials on site in conjunction with the main contractor for the site. The use of waste (secondary materials) as a resource within the construction phases of the project should be maximised where appropriate to both protect natural resources and reduce transportation impacts of waste movement. The use of appropriately authorised local waste management facilities and locally sourced materials would minimise the environmental impacts from traffic movement on and off site.

The Environment Agency have advised that adequate facilities should be in place in order to reduce wastes sent to landfill and encourage the recycling of both household and commercial wastes within the completed development. This will enable appropriate separation, storage and collection of recyclables for domestic and commercial premises.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, the applicant should consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.

The Environment Agency has put forward a number of suggested conditions to address these matters and the Local Planning Authority is in agreement that these matters should form part of any planning permission should the application be granted.

ECOLOGY

A number of nationally and internationally designated sites of nature conservation importance are located 550m from the site e.g North Wirral Foreshore and Mersey Narrows proposed Ramsar, potential Special Protection area and Site of special Scientific Interest, New Ferry Site of Special Scientific Interest and North Wirral Foreshore Site of Special Scientific Interest form part of the Dee Estuary candidate Special Area of Conservation .

The Habitats Regulations require all designated sites to be protected from deterioration and damage. The potential impacts of any proposal must be assessed by the competent authority, in this case the Local Authority, to determine whether it is likely to have a significant effect on the Mersey Estuary

The Mersey Estuary is described as a large sheltered estuary, comprising generous areas of mudflats and salt marsh which provide feeding and roosting sites during the winter period. The site has been identified as being of major importance for ducks and waders during the winter.

The Mersey Narrows SSSI is also noted for large areas of inter-tidal mudflats and sand which support large populations of water birds which provide feeding and roosting sites for birds during the winter period. The site is of major importance for ducks and waders during the winter.

The Mersey Narrows SSSI also support large populations of Redshank, Turnstone and Cormorant and are the reason for its notification.

Both these Conservation Designations have additional habitat features that are statutorily designated at national level. These features are been summarised in the submitted environment statement.

As such, an assessment on the whether the application has the potential or is likely to have significant effect on the interest features of the designated sites Ecology was scoped out.

The site has been subject to a phase 1 Ecological survey which identified that the site is not located within 500m of any locally, regionally, or internationally designated area.

An extended Phase1 Habitat survey was undertaken in December 2007 for the North Bank Site. The survey concluded that :

- The site was of generally negligible ecological value
- Non of the habitats/plant communities recorded on site are notable in terms of their species diversity or scarcity and that no specific surveys or mitigation is recommended for plant communities
- There are no areas of land within or adjoining the site(within 500m) which are the subject of local, regional, national or international designations and
- No suitable habitat exists within the site itself, or up to 550m from the site boundaries for protected species. However, a wintering bird survey of the adjacent docks and surrounding land was recommended to confirm this.

Natural England, the Environment Agency and MEAS noted that a chapter on ecology was not included in the ES although an ecological report was submitted, Further discussions regarding the ecological assessment concluded that a summery of the ecological potential of the site would be provided..

A further document on the potential ecological effects has been submitted. The additional information included a summery of the above European conservation designations and additional habitat features that are statutory designated at a national level. These are summerised in the Environmental Statement Addendum.

Further to the recommendations in the Phase 1 Habitat survey, a wintering bird survey was undertaken between December 2007 and March 2008. The report found that although wintering birds were found to be using the wider dockyard area, there was no evidence found that this site was used by any protected bird species or species listed within the citations for either the Mersey Estuary SPA or the Mersy Narrows and North Wirral Foreshore SPA

Following further discussions with the Natural England, and the Environment Agency, it is considered that there is unlikely to be any significant potential for protected species to be using the site or for adverse ecological impacts to arise from of the applications. There is also unlikely to be any significant effect on nationally and internationally designated sites..

ARCHAEOLOGY

No Scheduled Ancient Monument are located within the boundary of the site or within the study area. The remains of Birkenhead Priory represent the nearest such monument and is located over 1.5km to the south east of the site. The will therefore be no effects on archaeological deposits arising from the completed development

STATEMENT OF COMMUNITY INVOLVEMENT

A partnership-working group has been set up with the council and other key consultees. Appendix 2 of the applicants Planning Statement details the consultation, which has taken place to date on the Wirral Waters proposal. The Northbank East has been identified as an early win project in excess of 12 months prior to the submission of the application and has been as such in the wider consultations during that time, including the public exhibition which took place in September 2008. The applicants advise that this was attended by hundreds of local people. who gave their full support to Wirral Waters.

The details of the Northbank East proposals has been the subject of two consultations with CABE design review panel and has been considered at two project workshops with a range of

officers from Wirral Council

PREMATURITY

The Wirral Local Development Framework Core Strategy Development Plan Document is still at initial "Regulation 25" consultation stage and submission to the Secretary of State for communities and Local Government is not anticipated before October 2010, at the earliest. Government guidance on General Principles for the Planning system issued in 2005 indicates that where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question. On the basis of this advice prematurity is not a relevant consideration in this case and there is no basis for delaying a decision on either application on these grounds.

SECTION 106 AGREEMENT

The planning applications should the committee be minded to approve the proposals, will be subject to a S106 agreement for the following -

1) The applicant has indicated that, following discussion with Merseytravel, agreement has been reached to subsidise the 101 bus route in the evenings and Sundays to run every 30 minutes instead of hourly as at present. The value of this subsidy would be approximately £45,000 per year and it is proposed to last for two years and would be secured through an appropriate section 106 agreement.

2) Targeted recruitment and training

In the attached Developer's report – Document 6 "Skills and Employability" dated 27/05/09 – the key driver is creating an environment that attracts major employers and creates opportunities for jobs and training in the local and wider Wirral area. To this end, a S106 should be entered into to ensure that appropriate and enforceable mechanisms on employment and supply-chain opportunities are developed. This is especially important for medium to long-term developments like Northbank and Wirral Waters because there is uncertainty about the future occupation of the sites, the attitude of the employers, and the resources available to support employability activities over the whole development period.

Nevertheless it is recognised that both the Council and the applicant will seek to avoid obligations that could become a barrier to development, especially in the immediate future when the property market is relatively weak. A balance therefore needs to be found between the commitment to providing benefits for the communities and businesses based in the local and wider areas and the fact that there will be no benefit without the redevelopment of the sites.

The S106 will include different arrangements for maximising local benefits for the construction employment and supply-chain opportunities and the end-user (occupier) opportunities. The former can be directly influenced by the developer through their contracts but the latter can only be indirectly influenced by providing organisational structures and resources and developing an appropriate ethos/culture amongst end-use employers.

Lock Gates

The Authority should also consider obtaining from the applicant assurances that the dock walls and lock gates will be maintained to a high standard for the lifetime of the development. This will be secured through a Section 106 Agreement Only clean and uncontaminated surface water may be discharge to controlled waters without a discharge consent.

Applicant assurances that the dock walls and lock gates will be maintained to a high standard for the lifetime of the development. This could be secured through a Section 106 Agreement.

A contribution of £100,000 be made towards sustainable transport over a period of 5 yrs at £20,000 per year starting with the calendar year in which the 500th unit at Northbank East is completed.

CONCLUSIONS

These current applications represent an "early win" and the initial phase of the Wirral waters

regeneration project to be developed over the next thirty years with an estimated £4.5 billion investment.

It is considered that the proposal will establish a mixed development that is capable of providing sustainable communities through the regeneration of vacant previously developed land within an existing urban area. and set within the context of a masterplan for the regeneration of the sites wider context .

The development will introduce new commercial services and related jobs through the provision of a new neighbourhood centre, office floorspace, a supermarket and non food retail uses.

In addition the scheme will help to address the issues of population decline and help achieve the objectives of Housing Market Renewal by widening the housing choice through the provision of apartments, improved public realm and network of streets that are pedestrian, cycle and vehicle friendly which will open up the access to the waterfront.

The proposal will provide attractive recreation areas for future residents including private gardens and informal play space that are well designed, safe and secure.

Whilst the detailed design is not subject of the outline application, the scale and location of the buildings enables an assessment of their impact. It is considered that the position and height of the main group of buildings will provide interest to this waterfront location whilst the position of the buildings does not detract from the character and settings of nearby listed buildings and conservation areas.

The planning applications accord with both National, Regional and local policies contained within the Regional Spatial Strategy, Unitary Development Plan and the non-statutory Strategic Regeneration Framework for Wirral Waters produced by the applicants.. In addition, as indicated above, there is no justification for refusal on prematurity grounds.

Due to the present economic climate,the applicants have requested a five year planning approval for the detailed application and a ten year planning permission for the outline application. Powers under section 91 of the 1990 Town and Country Planning to grant extended consents where appropriate in order to help bring forward development.

Summary of Decision:

These current applications represent an "early win" and the initial phase of the Wirral waters regeneration project to be developed over the next thirty years with an estimated £4.5 billion investment.

It is considered that the proposal will establish a mixed development that is capable of providing sustainable communities through the regeneration of vacant previously developed land within an existing urban area and set within the context of a masterplan for the regeneration of the sites wider context.

The development will introduce new commercial services and related jobs through the provision of a new neighbourhood centre, office floorspace, a supermarket and non food retail uses.

In addition the scheme will help to address the issues of population decline and help achieve the objectives of Housing Market Renewal by widening the housing choice through the provision of apartments, improved public realm and network of streets that are pedestrian, cycle and vehicle friendly which will open up the access to the waterfront.

The proposal will provide attractive recreation areas for future residents including private gardens and informal play space that are well designed, safe and secure.

Whilst the detailed design is not subject of the outline application, the scale and location of the buildings enables an assessment of their impact. It is considered that the position and height of the main group of buildings will provide interest to this waterfront location whilst the position of the buildings does not detract from the character and settings of nearby listed buildings and conservation areas.

The planning applications accord with both National, Regional and local policies contained

within the Regional Spatial Strategy, Unitary Development Plan and the non-statutory Strategic Regeneration Framework for Wirral Waters produced by the applicants. In addition, as indicated above, there is no justification for refusal on prematurity grounds.

Due to the present economic climate, the applicants have requested a five year planning approval for the detailed application and a ten year planning permission for the outline application. Powers under section 91 of the 1990 Town and Country Planning to grant extended consents where appropriate in order to help bring forward development.

Recommendation: **Approve** subject to confirmation from the Government Office for the North West and a Section 106 Agreement and subject to a Habitats Regulations Assessment Screening Opinion.

Condition(s):

- 1 The applications for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of eight years from the date of this permission.
- 2 The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - A) The expiration of 8 years from the date of this permission; or
 - B) The expiration of two years from the final approval of the reserved matters
- 3 The reserved matters application(s) shall be in accordance with the parameter plans contained within Figure 6.2 and table 6.1 of the Design and access statement received by the LPA on 2nd February 2009 unless otherwise agreed in writing with the local planning authority
- 4 Notwithstanding the details shown on the approved parameter plans, detailed plans for each phase of the development including the site layout, siting, scale, design and external appearance of the buildings, landscaping and boundary treatment, the means of access, parking and servicing arrangements for vehicles (called the reserved matters) shall be submitted to the Local Planning Authority for approval before any development in respect of that phase is commenced. The development shall be carried out in accordance with the approved details.
- 5 In accordance with the approved parameters, the development on each of the plots is not to exceed the following maximum gross floor areas or residential units:
Plot 2
330 residential units
ancillary residential amenity space (Class D2)
995m² office (Class B1) and
908 m² retail /restaurants/bars and cafes(A1,A3,A4)
Plot 3 :
403 residential units
1,692m² office (Class B1) and
1,579 m² retail /restaurants/bars and cafes(A1,A3,A4)
Plot 4 :
318 residential units
1,350m² office (Class B1) and
552 m² retail /restaurants/bars and cafes(A1,A3,A4)
1,450 m² leisure use (D2)
Plot 5 :
480 residential units
2000 m² office (Class B1) and
1,562 m² retail /restaurants/bars and cafes (A1,A3,A4)
6. Before development commences in respect of any phase full details of the materials to be used on the existing and future adopted highway areas within that phase shall be submitted to and approved in writing by the local planning authority
- 7 No development shall be commenced until full details and samples of the type facing materials to be used for the external walls, roofs and balconies within that phase have been submitted to and agreed in writing by the Local Planning Authority.
8. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood-proofing measures into the proposed development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 9 The development hereby permitted shall not be commenced until such time as a scheme to identify and provide safe route(s) into and out of the site into an appropriate safe haven has been submitted to, and approved in writing by, the Local Planning Authority.
- 10 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timing/phasing arrangements before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

- 11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A site investigation scheme, based on (The Environmental Phase 1 Land Quality Assessment, January 2009, Ref: EN7582/R/6.1.4/GW, Waterman Environmental Group) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 12 The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
13. The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved and in accordance with the agreed timing/phasing arrangements.
- 14 No phase of the development shall begin until a scheme for the provision of affordable housing as part of that phase of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme unless otherwise agreed in writing with the LAP. The scheme shall include:
- i. The numbers, type and location of the site of the affordable housing provision to be made;
 - ii. The timing of the construction of the affordable housing;
 - iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

- 15 Prior to the commencement of each phase of development, details of emergency arrangements to ensure safe evacuation of the area to be developed within that phase shall be submitted to and agreed by the Local Planning Authority in writing. The approved procedures should include the evacuation of vulnerable people and visitors who are not used to their surroundings and should include for language barriers
- 16 Prior to the commencement of the development, a site waste management plan shall be submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved plan and in accordance with the agreed timing/phasing arrangements unless otherwise agreed in writing with the LPA.
- 17 Strict accordance with the approved details and plans (C26A)
- 18 Prior to the commencement of each phase of the development, precise details to a scale of 1:20 the balconies and windows to buildings within that phase shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing with the LPA.
- 19 Cycle parking scheme to be submitted for each phase and complete prior to occupation of any buildings within that phase.
- 20 Detailed landscaping scheme to be agreed prior to commencement (C71A) –phased
- 21 Replacement of diseased planting for a period of 5 years from completion (C71G)
- 22 Gates etc. agreed/built (boundary treatment) (C11F) phased as above
- 23 Reserved matters to include phased programme of development (C12A)
- 24 Car parking scheme to be agreed and implemented with development (C13A) phased as above
- 25 Fume extraction scheme agreed/implemented before commencement (C16A) –phased as above
- 26 Site level survey and proposed site and floor levels to be submitted (C65B) –phased as above
- 27 Details of floor levels and surrounding ground levels to be submitted and approved prior to commencement (C65C) – phased as above

- 28 Floodlighting details to be submitted and agreed before use (C63A) – phased as above
- 29 Before any externally mounted plant is used on the premises; it shall be insulated and mounted in accordance with a scheme to be submitted to and agreed with the LPA to control noise and vibration. These measures shall remain at all future times.
- 30 Details of any roller shutters shall be submitted to and agreed in writing with the LPA. The approved scheme shall be implemented in full and remain at all future times unless otherwise agreed in writing with the LPA.
- 31 There will be no residential use at ground floor level for plots 2 – 5 unless the applicant has submitted sufficient flood mitigation measures. Such measures shall be approved in writing by the LPA. The approved scheme shall be implemented in full and retained as such thereafter.
- 32 No phase of the development authorised by this permission shall begin until the local planning authority has approved in writing a full scheme of works for improvement to Dock Road fronting the development site as is reasonably required to service that phase, including carriageway widening, shared cycle/footway, road markings, traffic signs, Puffin Crossing facility etc and including appropriate traffic regulation orders and arrangements for future maintenance. The agreed works shall be completed in accordance with the local planning authority's approval and been certified in writing as complete by or on behalf of the local planning authority prior to the occupation of any building within that phase of the development.
- 33 No phase of development pursuant to this planning application falling within Use Class C3 shall commence until a Residential Travel Plan Framework for that phase has been approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport.
- 34 No phase of development pursuant to this planning application falling within Use Class C3 shall be occupied until a Residential Travel Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport. The Residential Travel Plan shall be developed in accordance with the agreed Residential Travel Plan Framework document. The Residential Travel Plan shall not be varied other than through agreement in writing from the Local Planning Authority in consultation with the Secretary of State for Transport.
- 35 No phase of development pursuant to this planning application falling within Use Class B1(a) shall commence until an Employee Travel Plan Framework for that phase has been submitted and approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport.
- 36 No phase of development pursuant to this planning application falling within Use Class B1(a) shall be occupied until an Employee Travel Plan for that phase has been submitted and approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport. The Employee Travel Plan shall be developed in accordance with the agreed Employee Travel Plan Framework document. The Employee Travel Plan shall not be varied other than through agreement in writing from the Local Planning Authority in consultation with the Secretary of State for Transport.
- 37 Before development commences a comprehensive management plan shall be submitted to and approved in writing by the local planning authority. The recommendations as approved shall be implemented in full.
- 38 Before the development commences a walk-over summer survey of the site in relation to baseline habitat conditions shall be undertaken by a competent field ecologist and shall be submitted to and approved in writing by the Local Planning Authority. The recommendations as approved shall be implemented in full.
- 39 Before the development commences, details of the scale, source and type of materials to be moved onto the site shall be submitted to and approved in writing by the local planning authority.
- 40 The proportion of floor space to be used for purposes falling within Class A1 shall not exceed 2300 square metres gross unless otherwise agreed in writing with the local planning authority.
- 41 The floorspace of any shop unit to be used for the purposes falling within Class A1 shall not exceed 500 square metres of gross floor space unless otherwise agreed in writing with the local planning authority.

Reason for conditions:

- 1 CR52
- 2 In order that the local planning authority should be satisfied as to the details and because the application was made in outline.
- 3 To ensure the development conforms to the outline planning permission
- 4 In order that the Local Planning Authority should be satisfied as to the details and because the application was made in outline
- 5 To ensure the development conforms to the outline planning permission and stays within the maximum assessed level of development.
- 6 To ensure a satisfactory form of development.
- 7 CR17
- 8 To reduce the impact of flooding on the proposed development and future occupants in line with Planning Policy Statement 25: Development and Flood Risk.
- 9 To ensure safe access and egress from and to the site in line with Planning Policy Statement 25: Development and Flood Risk.
- 10 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.
- 11 To ensure a safe form of development that poses no unacceptable risk of pollution to controlled waters in line with Policy PO5 - Criteria for the Development of Contaminated Land of the Wirral UDP.

- 12 To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment in line with Policy WA5 - Protecting Surface Waters of the Wirral UDP.
- 13 To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment in line with Policy WA5 - Protecting Surface Waters of the Wirral UDP.
- 14 To ensure an acceptable provision of affordable housing and to comply with UDP Policy
- 15 In the interest of personal safety
- 16 In the interest of ecology and to ensure a sustainable development, having regard to Planning policy Statement 10.
- 17 To ensure a satisfactory development and to comply with UDP Policy
- 18 To Ensure a satisfactory form of development and to comply with UDP Policy
- 19 To promote more sustainable forms of transport. Policy TR12 of the UDP (CR69)
- 20 In the interests of amenity and to ensure a satisfactory form of development (CR16)
- 21 In the interests of amenity and to ensure a satisfactory form of development (CR16)
- 22 In the interests of amenity (CR17)
- 23 In the interests of amenity (CR17)
- 24 In the interests of highway safety (CR13)
- 25 In the interests of amenity (CR17)
- 26 In the interests of visual and residential amenities (CR41)
- 27 CR41 In the interests of visual and residential amenities (CR41)
- 28 In the interests of amenity (CR17)
- 29 To prevent emission of noise above a level which would be detrimental to the aural amenity of the area and to comply with UDP Policy.
- 30 In the interest of visual amenity
- 31 To reduce the impact of flooding on the proposed development and future occupants in line with PPS 24 Development and flood risk
- 32 In the Interest of highway safety
- 33 In the interest of highway safety and to encourage more sustainable forma of transport
- 34 In the interest of highway safety and to encourage more sustainable forma of transport
- 35 In the interest of highway safety and to encourage more sustainable forma of transport
- 36 In the interest of highway safety and to encourage more sustainable forma of transport
- 37 To secure the implementation of measures contained within the submitted environmental statement.
- 38 For the avoidance of doubt and to ensure a detailed survey of the site's ecology and habitat is undertaken.
- 39 To provide satisfactory protection against flood risk.
- 40 To ensure the development conforms to the outline planning permission and stays within the maximum assessed level of development.
- 41 To ensure the development conforms to the outline planning permission and stays within the maximum assessed level of development.

Last Comments By: 22 July 2009

56 Days Expires On: 22 July 2009

Case Officer: Ms J Storey

Notes:

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