

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
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58 Spring Gardens
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**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 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 CABE 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 existing 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 or 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 CABE 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 CABE 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 straight 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 throughout the year.

The selection of materials has been refined to create a robust street scene. The applicants advise that the scheme deliberately avoids the use of landscape features such as fountains and sculptures, instead exploring 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 residents' 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 the 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 particularity 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 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 maybe 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: