

WIRRAL COUNCIL

PLANNING COMMITTEE: 3 AUGUST 2010

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

WIRRAL WATERS PLANNING APPLICATION OUT/2009/06509

1.0 EXECUTIVE SUMMARY

1.1 This executive summary outlines the main issues raised and conclusions reached in the main body of the report.

2.0 Background

2.1 .1This report considers the planning issues raised by an outline planning application submitted by Peel Land and Property (Ports) Ltd, proposing comprehensive development of the East Float site. This substantial site occupies a large area of approximately 50 hectares of partially derelict and fragmented dock land. The southern parts of the site contain warehouse/transit sheds and offices, which are located either side of Vittoria Dock. The area surrounding the buildings is mainly hard standing and used for storage of materials and off-loading of cargoes. The East Float water body dominates a large proportion of the site.

2.1.2 The application proposes a mixed-use development and seeks a planning permission that can be implemented over 25 years. The application is submitted in outline form with all matters reserved for subsequent approval. The application raises a number of complex planning issues related to topics including: the development's implications for existing commercial centres; transport; provision of social infrastructure; sustainability; energy; flood risk; heritage and urban design -- all of which are considered in detail within the body of the main report. The application is accompanied by an Environmental Impact Assessment (EIA), which has been the subject of extensive consultation. Given the long timescale for build-out of the site, the application seeks to establish a number of key principles and targets which would inform future reserve matters applications and ensure also that further assessments of key issues such as transport and environmental impact are submitted with these reserve matters applications. These strategies would be written into planning conditions and a series of Section 106 agreements, to ensure consistency and compliance over the lifetime of the development; which will assist in the creation of a sustainable community, providing a wider choice of housing and contributing to strengthening the economy of Wirral.

2.1.3 The East Float site forms one of the largest regeneration sites in North West England. At 50.4 hectares, it occupies a large site in a significant area in need of intensive regeneration. The impact of the site's development would affect the whole of the Borough, but the site is also important in strategic terms for Merseyside and the Mersey Gateway to the north west. Development proposals for the site have been subject to extensive consultation, both at the pre-application stage and since the planning application was formally lodged with the council for consideration. The proposal is for a 'market led' redevelopment of the site with up to 13,521 new homes and 422,757 sq m of (B1) office floorspace. A range of supporting infrastructure is also required to support what would be a new community and therefore, the proposal make provision for commercial development and offices, supporting retail facilities, healthcare, schools, community uses and both formal and informal open space. A fuller description of the development proposal is provided in the report.

2.1.4 Given the scale of the proposal, the build-out of the entire site would take, according to the applicant and their advisors, some 30–40 years. This long timescale forms one of a number of risks involved in the development of the site, alongside site remediation, provision of services, infrastructure and public realm. A degree of flexibility is therefore essential to the applicant in order to accommodate the way in which the site is developed. At the same time, any grant of planning permission must give sufficient certainty that the approved development is capable of implementation within an agreed policy framework.

2.1.5 Members will be aware that recent Government guidance on planning and development has stressed the importance of building sustainable communities. The overriding objective for the Council, in approaching this locally unprecedented development opportunity, has been to achieve a high quality sustainable community on a large and strategically important site; with a mix and range of housing opportunities, commercial, community and cultural facilities, within an exemplary public realm; and taking into account the need to minimise the impact on the environment. It has been important, right from initial discussions with the applicant about the proposal, that the development is not self contained, but integrates into the existing communities within the surrounding areas and contributes to community cohesion. If planning permission is forthcoming, the scheme would provide significant employment opportunities and the benefits of the regeneration should be spread to benefit the whole Borough.

2.1.6 Sustainability issues are also highly relevant to the proposal and the achievement of high specifications on buildings, reducing energy consumption, ensuring high levels of recycling and maximising access to non car travel modes are key objectives for the Council; and have been important principles which have shaped the applicant's outline proposals. The site is at the heart of the Council's regeneration priority area, within the Housing Market Renewal Initiative Area, close to existing public transport infrastructure, Birkenhead Park and Birkenhead Town Centre.

3.0 Parameters And Development Principles

3.1.1 The application is supported by **Parameter Plans** and **Written Principles**, outlining the spatial elements of the development, which are fixed or committed to. The parameter plans contain different levels of precision and commitment. Parameter lines are fixed in certain locations for a particular reason whilst others incorporate tolerances. The components that are fixed at the outset are those aspects that are not only required by legislation but have been informed by a detailed understanding of the strategic context of the site. Key areas of public realm, routes, open spaces and the building lines lining key routes/ areas have been fixed in order to secure a clear spatial framework/strategy for the site. Development proposals would be required to be in broad conformity with the parameters and principles. Detailed design matters would be the subject of subsequent Reserved Matters applications.

3.1.2 All the technical assessments within the application (including the EIA) have assessed the fixed elements and the defined maximum building envelopes in order to assess 'the worst case scenario' and the most significant effects.

3.1.3 The fixed parameters and development principles would form the basis of subsequent reserved matters applications and would be secured through the use of conditions attached at the end of this report; and through Legal agreements. The Heads of Terms of the legal agreements are outlined within the main body of the report. They include a commitment to design quality and the proposed use of a Design Panel to safeguard the quality and delivery of the masterplan.

3.1.4 Government guidance (Circular 01/06) sets out a very clear explanation of the expectations in terms of the commitments and 'fixes' to be established at an outline application stage. It states

"With an application for outline planning permission detailed consideration will always be required on the use and amount of development. In addition, even if layout, scale and access are reserved an application will still require a basic level of information on these issues. As a minimum, applications should always include information on –

- Use – the use or uses proposed for the development and any distinct development zones within the site identified*
- Amount of development – the amount of development proposed for each use*
- Indicative layout – an indicative layout with separate development zones proposed within the site boundary where appropriate*
- Scale parameters – an indication of the upper and lower limits for height, width and length of each building within the site boundary; and*
- Indicative access points – an area or areas in which the access point or points to the site will be situated."*

3.1.5 This application provides sufficient detail in respect to all of the above, for the scheme's benefits and impacts to be fully considered and understood.

4.0 Use and amount of development

4.1.1 The proposal entails the following uses and amounts of development:

- 13,521 residential units (Class C3 Use);
- A maximum of 422,757 sq m office and research and development floorspace (Class B1);
- A maximum of 60,000 sq m retail uses (Classes A1-A5);
- A maximum of 38,000 sq m hotel and conference facilities (Class C1);
- A maximum of 100,000 sq m of culture, education, leisure, community and amenity floorspace (Classes D1 and D2);
- Car and cycle parking to service the above development;
- Structural landscaping and the formation of public spaces and associated infrastructure and public realm works; and
- Retention and conversion works to, the Grade II Listed Hydraulic Tower.

4.1.2 Within this overall maximum, permission is sought for flexible use, under the GDPO Part 3 Class E, for 48,500 sq m of floorspace to be used for office and research and development floorspace (Class B1), retail uses (Class A1 retail, Class A2 Financial and Professional Services, Class A3 restaurants and cafes, Class A4 bars and Class A5 hot food takeaways), hotel and conference facilities (Class C1), culture, education, leisure, community and amenity floorspace (Classes D1 and D2). This would apply to all development within Vittoria Studios and the ground floor areas of new buildings developed within other quarters of East Float. The Class E provision allows buildings, once constructed, to change between different uses without requiring planning permission within the first 10 years of the consent.

5.0 Uses within Quarters

5.1.1 In order to support the a 'place making' approach and to ensure that some safeguards are in place beyond the qualitative descriptions given to each of the scheme's development quarters, the following elements are proposed -- in order to further safeguard the creation of mixed use sustainable high quality places:

- **Northbank West** – at least 60% of the completed floorspace of this quarter will be residential (excluding car parking);
- **Marina View** – At least 60% of the podium level development will be educational, civic, community uses, leisure or B1;
- **Four Bridges** will not contain any residential use unless it is minor and ancillary to other dominant uses; and
- **The Point** will be reserved for leisure/cultural use only.

60% is considered to represent a "predominant" level of use within those quarters.

5.1.2 With regards to delivery, these commitments will be part of the design testing process through reserved matters. So for example, if the applicant or any other developer was to construct around a third of the floorspace of Northbank West first as an office/hotel complex at the westernmost end, the presumption would be that the remainder would need to be predominantly residential to achieve the balance (with some retail at ground floor level).

6.0 Scale

6.1.1 The precise 'scale' of development is reserved for future consideration, although the application seeks permission for the erection of buildings within vertical and horizontal parameters defined for each quarter. The parameter plans provide maximum heights to allow flexibility in height of future buildings. Future reserved matters proposals will be required to conform with the 'Cityscape Principles' supporting the parameter plans and a mechanism for testing minimum heights against the cityscape strategy has been developed in order to establish how the detailed minimum heights will be determined at Reserved Matters stage.

7.0 Layout

7.1.1 The detailed layout of buildings and open spaces is reserved for future consideration. The planning application seeks to fix clear parameters with respect to each quarter and the structural elements of the masterplan. It contains key accesses, routes and areas of public realm, which in turn define development parcels. Section 6 of the Design and Access Statement 'Structuring Principles' are key to understanding the design principles and design rationale underpinning the parameters and will be approved as a fixed component of the submission.

7.1.2 The following terminology has been applied within the submitted details:

- **Parcel** – an area of fixed building envelope which may or may not be subdivided to create plots;
- **Plot** – an area within which a single building will be located;
- **Building** – a single construction of varying typologies, including blocks, Courtyards, podiums and towers;
- **Fixed** – a committed parameter provision, in a fixed location; and
- **Fixed with tolerance** – a committed parameter provision, but with some flexibility.

7.1.3 The 'Working Masterplan' comprises of a 2- dimensional layout and the qualitative design material described within section 7 of the Design and Access Statement, This material demonstrates how the principles and parameters can be translated into a layout that delivers a high quality design and place and provides more qualitative detail on function, form, character, scale, landscape and public realm. It will form a key part of the submission and will be approved as an agreed framework for a further masterplanning process. It should however not be understood to prescribe a final design or to pre- determine matters that are reserved but to provide a comprehensive

framework against which subsequent reserved matters can be assessed. At reserved matters stage the working masterplan will evolve into a reconciliation masterplan.

8.0 Policy and principles of development

8.1.1 To accord with the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for Wirral is formed of the saved policies of the Wirral Unitary Development Plan.. Material considerations relevant to this application include National Planning Policies, local evidence base documents and emerging policy, and evidence used to inform the preparation of the now revoked Regional Spatial Strategy

8.1.2, The proposals and policies of the UDP were initially saved to remain in force for a period of three years from 2004, following which the Secretary of State agreed in September 2007 that the majority of the plan would remain in force until the adoption of the Core Strategy and other components of the Local Development Framework, although some parts of the UDP were not saved including the designation of the land at East Float for port use.

8.1.3 As a result of this change, the land comprising of the application site is not designated for any specific purpose in the UDP. Its status is that of 'white land'; that is, land without a specific allocation. As a result, any proposals brought forward for development falls to be considered against any other relevant national and local policy and guidance and against other material planning considerations.

8.1.4 The UDP promotes urban regeneration, including housing and economic development, across the inner part of Wirral. The housing and economic development proposals included within the proposal are considered to be consistent with the policy aims and objectives of the UDP.

8.1.5 The Birkenhead and Wirral Waters Integrated Regeneration Study reported to the councils Cabinet on the 24th June, which considered this the background to the study, the preparation process, including stakeholder engagement, and the key findings and recommendations. The report also explained how the IRS was an important element of the evidence base for Wirral's Core Strategy Development Plan Document and outlined how the key findings of the study would inform a series of guiding principles for Wirral Waters; which in turn would shape the consideration of specific proposals. The Wirral full Council meeting of 12th July 2010 approved the IRS as a Council document, to carry appropriate weight in the determination of planning applications

8.1.6 In assessing this application, officers have therefore taken into account the Birkenhead and Wirral Waters IRS; along with its appended table which sets out the Vision and Objectives for East Float. Officers have also considered the proposal's conformity with the emerging Local Development

Framework Core Strategy, which although carrying limited weight, is consistent with the Council's objectives for urban regeneration in the east of the Borough

8.1.7 It is considered that the current proposal provides a strong case for the release of port land, and impacts have been adequately addressed.

8.1.8 The unallocated status of the application site within the UDP means that there is no direct conflict with land allocations in the UDP. To the contrary, the proposal should help achieve the UDP's key objectives in terms of securing the economic, social and physical regeneration of the inner area and assist in alleviating pressure to release greenfield or green belt land for new housing and economic development.

8.1.9 The application has also been assessed against National Planning Policy, including within National Planning Policy Statements. It is concluded that the proposals are broadly in conformity with national planning policy, and that whilst significant in scale, the proposals are not in such conflict with the development plan and emerging development plan as to merit a refusal on the grounds of prematurity.

8.1.10 Because of the scale of the proposals, it is recommended that if Members are minded to approve the application, that it is referred to the Secretary of State for his views

8.1.11 The Council's emerging Core Strategy builds upon over 30 years of regeneration focus in east Wirral. There has been no fundamental challenge to this focus and the Wirral Waters East Float proposals sit firmly at the heart of the most deprived communities, offering the potential to achieve transformational change in conformity with the majority of local and national policy.

9 0 Housing

9.1.1 The planning application proposes a maximum of 13,521 new dwellings (equivalent to 774,000m² of residential floorspace), distributed across the development, but with a particular focus on Northbank West and Sky City.

9.1.2 The inner Wirral area, in which the application is made, has suffered significant population decline in recent years, a rare occurrence in urban areas of the UK over this period. This outline application provides for a range of different housing types and tenures, and would play an important role in growing a more balanced and sustainable community in inner Wirral by introducing more economically active people into the area and creating a better balance of housing types. The provision of different housing types and tenures, including family orientated housing, would balance the local housing stock, helping to avoid an over-supply of low tax band properties and social rented stock. The creation of new housing stock is also central to the creation of a 'critical mass' of investment necessary to trigger the wider regeneration of the adjacent 'partnership' neighbourhoods and beyond.

9.1.3 It is indicated that all residential development will be designed to a high standard, achieving a range of quality standards, notably: 'Lifetime Homes'; Code for Sustainable Homes, and; Secure by Design. A Section 106 legal framework is proposed, which would require the applicant to undertake detailed assessments of the need, viability and deliverability of affordable housing as phases of the overall development are built; ensuring affordable housing is built, other than where the viability of the scheme does not permit such investment.

10 Education/Community development.

10.1 The application is supported by a Guiding Principles 12: Social and Community Infrastructure document, which outlines the potential requirements from Social and Community Infrastructure (SCI) as part of the East Float planning application. This is as follows:

10.1.2 Nursery Education: Nursery education development will be required as the Wirral Waters development progresses. The capacity needed will expand as the development grows and more residents move in. The area will also see uplift in the number of workers who will want to send their children to nursery. Consideration will need to be given in due course for additional Children's Centre provision. This will need to be monitored and assessed at each reserved matters stage and discussed and shared with the community development-working group. This is proposed to be secured through a condition.

10.1.3 Primary Education: There is likely to be a requirement for an additional primary school, if the population forecasts for Wirral Waters are achieved at the higher level of development. Again, this will be dependant on population numbers as the scheme develops and a school's delivery is proposed to be secured through a planning condition.

10.1.4 Secondary Education: There is unlikely to be any additional need for a secondary school, given that there is likely to be sufficient capacity within existing schools. However, will be monitored and controlled by a condition requiring the submission of a Social and Community Infrastructure Assessment.

10.1.5 Further Education: The development itself is unlikely to generate enough demand to require an FE facility. A 'cluster' education facility may be developed within or around Wirral Waters due to changing location demands and the opportunity that Wirral Waters provides.

11.0 Health and Social Care

11.1.1 The submitted Guiding Principles 12: Social and Community Infrastructure document states that as the Wirral Waters proposal develops and the resident population increases, it is anticipated that the majority of demand will be placed on GP's, community health centres and dentistry by young and middle aged adults. However, there will also be increased demand for older and family doctor medical care.

11.1.2 Workers at Wirral Waters may also choose to register with a dentist or doctor close to work. Whilst it is difficult to assess the amount of people who may register, the scale and provision for walk-in services and clinics will need to be developed in line with services targeted at residents. Multi-service health centres will provide the most efficient service and ability to provide the functions required in Wirral Waters.

11.1.3 In the Guiding Principles 12- Social and Community Infrastructure document, it is indicated that the Housing and Communities Working Group (Wirral Council and Peel) may take future responsibility for delivering the SCI, and should work together to produce an SCI implementation plan. The development of an implementation plan also ensures that all partners have a shared understanding of the demands which will be placed on service providers and also presents a way forward for how these requirements will be addressed within the area (time frames, identifying sites within 'catalyst' neighbourhoods and prioritising delivery.

12.0 Community Recreation and Leisure

12.1.1 The proposal will provide additional demand for community recreation and leisure facilities. There will be a need for community and leisure facilities that provide modern, flexible uses and that are accessible by a range of user groups. There will need to be provision made for the wider Children's social care support for a new community of the size proposed at East Float. This may have requirements for area based activities and staff providing a range of statutory and non- statutory social care support.

13.0 Regeneration and local employment

13.1.1 Wirral Waters provides an opportunity to secure private investment on a scale that will transform the local area into an economically and socially sustainable community. The scheme is considered to be one of the largest and most sustainable projects in the UK. The need to ensure certainty for the Council and its partners, whilst retaining flexibility for the applicant to ensure the development's success, is a key issue. The area around the application site contains some of the most deprived communities in England, with very high levels of worklessness. It is essential that the development provides for new employment at all skill levels and maximises the use of local labour and businesses.

13.1.2 The Wirral Waters East Float proposals accord well with national planning policy (set out in the main body of this report) and local physical regeneration priorities. Although this application is in outline, control mechanisms (conditions and s106 legal agreements) will be imposed to ensure that development is brought forward in a coherent manner, to benefit existing and future residents and occupiers, and to integrate the new development with the adjoining communities and their facilities.

14.0 Retail and Commercial

14.1.1 The applicant has responded to the recent publication of revised government planning guidance (PPS4) and the adoption by the Council of the Strategy for Town Centres, Retail and Commercial Leisure produced for the Council by Roger Tym and Partners in December 2009 (the RTP report) (both after submission of the application) by preparing and submitting additional information on the implications of these documents for the application proposal. In particular, they have re-worked their impact analysis to incorporate key baseline assumptions used in the RTP report and an analysis against the relevant policies in PPS4. Although the applicant states that as the retail and leisure uses will be ancillary to the residential and office uses, it could be argued that there is no requirement to undertake a full PPS4 assessment (referencing EC14.2) of these uses, they have nonetheless undertaken one; which in my view is the correct approach given the amount of floorspace proposed. Overall, I am satisfied that the applicant has responded to the policy requirements of PPS4.

14.1.2 In their submission, the applicant has noted the difficulty in applying some of the provisions of PPS4 to the nature and scale of the application proposals. Overall, the principle is accepted of including provision for retail and leisure floorspace to support the office and residential elements, to create a genuine mixed community and a proposal which will be attractive to investors and residents.

14.1.2 The representations made by others about the impact of the proposed new elements of retail development have been carefully considered. Having regard to all the material consideration including the UDP, Roger Tym Report and the applicant's submitted **Retail Leisure and Office Statement** and addendum, the non-residential elements of the proposals are considered acceptable.

15.0 Design

15.1.1 The overall aim of the parameters and principles and working masterplan is to establish a clear framework for future development proposals. The submission has been developed in partnership with the Council over many months and its aspirations reflect the outcome of these discussions. In design terms this can be summarised as delivering:

'a high quality waterside development that reinstates legibility and coherence to the urban structure, improves connectivity between key

locations and creates a dynamic cityscape and an urban form that takes full advantage of historic and cultural assets to create a new visual identity for Wirral'

15.1.2 The key principles in respect of urban form, cityscape, public realm and movement and connections are set out within the submission.

15.1.3 At East Float, the scale, complexity and implementation timeframe ensure that change is inevitable. Plans are written at a particular point in time and represent the concerns of the day. The overall aim of the parameters is to establish a clear framework for future development ensuring that essential components have been fixed within the parameters and less significant spatial components can be developed and assessed through future reserved matters submissions. The 'Working Masterplan' will therefore provide a framework for a further masterplanning process (reconciliation masterplan) enabling the detail to evolve and respond to the concerns of the time. Although the detailed design is not an issue for consideration at this stage, it is considered that the outline consent establishes a set of coherent parameters that set the ground rules for the future development of the site ensuring a well integrated high quality sustainable development and design quality for the lifetime of the consent.

16.0 Heritage

16.1 The evolving development of this scheme has been subject to a number of meetings and discussions between Peel, English Heritage and the Council. In particular, the concerns of English Heritage relate to the visual impact of the tall buildings on Hamilton Square, the flexibility of the parameters for the siting and mass illustrated by "worst case scenario images" and the need to be assured of the beneficial effect of Wirral waters in terms of the economic viability of Hamilton Square. This has resulted in subsequent amendments to the parameters relating to the siting and mass of the tall buildings at SkyCity and Marina View. Following these amendments the revised proposals have resulted in a much more positive response from English Heritage in relation to the impact on Hamilton Square.

16.1.2 Furthermore, English Heritage is content that the series of proposals to ensure the future health and prosperity of Hamilton Square are consistent with discussions that have taken place since the first letter was submitted. Further advice requires that any planning permission is subject to a S106 to achieve the most appropriate mechanisms for securing the benefits and their phasing with respect to the square.

16.1.3 English Heritage in their summary, while not agreeing with the applicants analysis of the visual effect of the new development on the setting of Hamilton Square, acknowledge the constructive response to their concerns about the tall buildings and parameters and believe the harmful effect on the setting of Hamilton Square has been reduced. In

reaching a decision, the advice of English Heritage is that the Council should balance the harmful effects with the potentially positive contribution the scheme could make to the long term regeneration and sustainability of Hamilton Square.

16.1.4 The mechanisms for achieving the desired economic benefits will be addressed through the 106 agreement and will include –

- Partnership working through the Hamilton Square Business Forum to ensure that Hamilton Square benefits from these proposals through enhanced economic conditions, and through physical connections including sustainable transport and improved public realm between Hamilton Square, East Float, Woodside and Birkenhead Town Centre.
- Future Master plans and other and/or other initiatives will ensure that proposals for Wirral waters are properly integrated with proposals for Hamilton Square. Peel has made a commitment to ensure that the future marketing of Wirral Waters includes both Hamilton Square and other key Wirral assets; and
- On-going monitoring of economic conditions in Hamilton Square.

16.1.5 With regards to the policy advice, both in PPS5 and UDP Policies CH01, CH1 and CH2, the proposal will have a positive impact through the promotion and support in the long term on the listed buildings; both within and adjoining the site. This will be achieved through their reuse, long term sustainability, better public accessibility and improved setting -- with the potential for high quality built development and public realm.

16.1.6 In accordance with policy HE10 of PPS5 and Paragraph 79 of accompanying practice guide, there are a number of potential heritage benefits that could weigh in favour of the proposed scheme, these include:

- It sustains or enhances the significance of a heritage asset and the contribution of its setting.
- It reduces or removes risks to a heritage asset.
- It secures the optimum viable use of a heritage asset in support of its long term conservation.
- It makes a positive contribution to economic vitality and sustainable communities.
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
- It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

16.1.7 The site is currently of poor environmental quality. The proposed development will allow for the creation of new buildings and open spaces of high architectural quality and interest that complement, rather than compete with, the historic identity of the area.

16.1.8 It is therefore concluded that the proposal accords with the provisions of both national and local planning policy, in so far as the minor adverse impact identified in the ES, when balanced against the economic regeneration advantages outlined in this proposal, will deliver substantial benefits to the historic environments; in particular Hamilton Square.

17.0 Transport

17.1.1 In order to ensure that future transport provision will be able to support development at this key dockland site, a Transport Steering Group (TSG), comprising representation from Wirral Council, Highways Agency, Merseytravel and Peel Holdings, including their transport consultant, was set up in November 2007. The purpose of the TSG was to facilitate the development of a transport strategy that would produce optimum solutions and outcomes in respect to sustainable transport objectives.

17.1.2 The TSG has enabled significant progress to be made in advancing a jointly agreed approach to strategic transport planning and the provision of sustainable transport solutions for East Float.

17.1.3 The group also recognises the need for flexibility as the lifetime of the project to ensure that the transport strategy and provision can be adaptive to change over the next 30 to 40 years. However, in order for the Council to assess the potential impacts of the development on the existing highway and transport networks, the developer's transport consultant has carried out assessments based on the current trajectories of potential development. This has been carried out through extensive modelling at both the strategic and local levels.

17.1.4 These modelling tools have tested future demands on the existing highway and public transport networks and enabled the applicant to develop an infrastructure plan, as part of the submission, showing the potential improvements required to the transport infrastructure to cater for future growth associated with East Float.

17.1.5 Phasing of the development will be market led which will influence the timing of required transport interventions and the location and extent of strategic and local transport infrastructure improvements. The flexible nature of the phasing means that transport infrastructure will be reactive, rather than proactive, to phasing requirements. It is important, therefore, to note that the design of the junction and link improvements, as well as sustainable transport measures, will need to be subject to more detailed appraisal in the future as part of the Reserved Matters applications.

17.1.6 A key element of future traffic management plans will be the provision of ITS (Intelligent Telematic Systems) and the connection of new traffic signals being installed at future highway improvements to the Council's UTC (Urban Traffic control) centre at Cheshire Lines Building. The UTC system

co-ordinates the operation of the signals and crossings in a network, and can reduce the delays through manual or automatic intervention when problems occur.

17.1.7 The approach to securing transport improvements and sustainable transport measures will include indirect infrastructure provision, a travel plan and a sustainable transport tariff.

18.0 Sustainability

18.1.1 The applicant aspires to use the scale of the development and the extended timescale, over which the scheme will be developed, to provide sustainable technologies and waste management to create a sustainable development exemplar project.

18.1.2 A Sustainable Statement is included as part of the application and sets out the approach to energy, waste, water, resources and other aspects of sustainability; which will be secured by means of planning conditions.

19.0 Environmental impacts and mitigation

19.1.1 An Environmental Statement (ES) was submitted with the application in accordance with the relevant regulations.

19.1.2 The ES assesses the development in relation to the existing baseline environment to ensure that all potential impacts are identified and considered. It examines the project and its potential impacts associated with construction and operation phases. Appropriate mitigation measures are also identified.

19.1.3 There are a number of both positive and negative environmental effects arising from the development. Where negative effects do occur (after mitigation), it is considered that the effects are not so substantial, in planning and health terms, to threaten the principle of the scheme.

20.0 Flood Risk

20.1.1 The proposal includes uses within Flood Zone 3 which are within the “more vulnerable” use category as defined by national planning guidance (PPS25). It is also accepted that there are no ‘reasonably available’ sequentially preferable sites within the defined geographical area which can meet the functional requirements of the application, other than the application site. Given these factors, it was necessary to consider whether the development met the ‘Exception Test’ in terms of allowing development in a location not considered the most desirable because of risk from flooding.

20.1.2 In terms of the Council’s consideration of whether the exception test is met in this case, the three criteria set in PPS25 need to be considered: taking these in turn:

a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared;

The considerable sustainability and regeneration benefits of the East Float application are outlined elsewhere in this report and summarized by the applicant in the context of the exception test. These are accepted by the Council.

The site specific FRA for the application was informed by the Council's SFRA. Owing to the strategic nature of the outline planning permission detailed design/engineering mitigation and future management requirements in respect of flood risk will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. Given these mechanisms and safeguards, which are supported by the Environment Agency, the Council considers that this element of the exception test is met.

b) The development should be on developable previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land;

The East Float application is on developable previously-developable land; therefore the Council considers that this element of the exception test is met

c) an FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

As indicated above, due to the strategic nature of current application detailed design/engineering mitigation and future management requirements in respect of flood risk will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. This approach is supported by the Environment Agency. So far as it is possible to ascertain at this stage given this situation, the Council is satisfied that this criterion of the exception test can be met.

The Local Planning Authority therefore considers that the requirements of the exception test has been met in this case

21.0 CONCLUSION

21.1.1 The submitted scheme is in outline form, with all matters reserved. This is in part to reflect Wirral Waters as a private sector led investment that is

dependent on achieving flexible planning framework for a major quantum of development. In view of this, the approach has been to achieve a maximum degree of flexibility within the remit of planning and environmental legislation.

21.1.2 The proposals therefore accord with CLG Circular 01/06 and Statutory Instrument with particular reference to the information required for submission with outline applications

21.1.3 The applicant submitted an Environmental scoping letter to the Council in October 2009, together with a request for a scoping opinion to accord with The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (as amended) and the Department for Communities and Local Government (October 2002) Town and Country Planning (Environmental Impact Assessment (England) (Amendment) Regulations 2007

21.1.4 An assessment of the effects of the proposal on the environment has been made and measures to reduce any negative effects recommended. In accordance with the details contained within the ES and the form and content of the mitigations proposed, the Council are satisfied that the proposed development will not have a detrimental impact on the surrounding environments

21.1.5 With regard to planning policy and the development plan, it is considered that the principle of the proposal is considered to be fully supported by existing and emerging planning policy and the development plan strategy for the area.

21.1.6 With regards to the siting and scale of the development, the Council considers that the location and continuity of the "Great floats" will provide a focus for the creation of a greater diversity of uses, development patterns and forms, new character areas, activities and identities that will address the current fragmentation of the urban area. Wirral Waters is ideally placed to strengthen strategic connections between the northern neighbourhoods and Birkenhead Town Centre, Hamilton Square and Woodside. The existing crossing points and routes provide the appropriate framework to develop clearer, safer and more active connections through a more diverse range of uses and higher quality building and public realm. In local terms, the central gridiron of the Laird Town Plan is well placed to provide connections between Birkenhead Town Centre and the development

21.1.7 The commercial success of the scheme will act as a catalyst for the regeneration of the wider inner Wirral. An improved physical environment and labour/skills infrastructure in the surrounding areas will increase the attractiveness of the area to inward investors and new employers

21.1.8 The proposed scheme when developed has the potential to transform the physical environment through place-making and a high quality built environment. This will enable local communities to have access to new economic opportunities and to safeguard the port sector and Maritime SMEs

through relocation and investment in the port. The provision of the right physical infrastructure, including transport, energy, waste and water will ensure that the proposed development becomes an exemplar in sustainable development.

22 .0 Recommendation - APPROVE

22.0.1 For the above reasons, and having regard to the individual merits of this application, all relevant material considerations including, National Policy, the relevant Policies in the Wirral Unitary Development Plan (Adopted February 2000), and the BIRS (The Birkenhead and Wirral Waters Integrated Regeneration Study Endorsed June 2010.) This is important element of the evidence base for Wirral's Core Strategy Development Plan Document and outlined how the key findings of the study would inform a series of guiding principles for Wirral Waters which in turn would shape the consideration of Peel's proposals for Wirral Waters and is a material planning consideration in relation to development proposals in the vicinity of the study area