

**REPORT REGARDING PLANNING APPLICATION APP/09/06509 - OUTLINE  
PLANNING APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND  
THE CREATION OF A NEW CITY NEIGHBOURHOOD AT EAST FLOAT.**

**REPORT OF THE DIRECTOR OF TECHNICAL SERVICES**

**PLANNING COMMITTEE – 7<sup>th</sup> SEPTEMBER 2010**

**1.0 EXECUTIVE SUMMARY**

- 1.1 To request that members agree to the imposition of an additional planning condition control in relation to the 'A2' Financial and Professional Services uses proposed as part of the above planning application, and agree the deletion of text from paragraph 9.3.2 of the Director of Technical Services report presented to Planning Committee 3<sup>rd</sup> August 2010 relating to housing delivery rates.

**2.0 BACKGROUND**

- 2.1 A report was presented to members at the 3<sup>rd</sup> August 2010 Planning Committee outlining a recommendation that the above application be granted permission subject to: no contrary direction from the Secretary of State; the imposition of planning conditions, and; a S106 legal agreement.
- 2.2 The application is part of the 'Wirral Waters' regeneration project, and is one of a number of strategic development projects proposed by Peel Holding's along the river Mersey through Atlantic Gateway. The application is focused on Peel's landholdings in Birkenhead and Wallasey, including approximately 50.4 hectares of partially derelict and fragmented dock land around East Float.

**3.0 ADDITIONAL PLANNING CONDITION CONTROL IN RELATION TO THE  
'A2' FINANCIAL AND PROFESSIONAL SERVICES**

- 3.1 The planning application considered by members at the 3<sup>rd</sup> August Planning Committee sought permission for a maximum of 60,000 square metres gross floorspace with use classes A1 to A5. These elements of the scheme were considered within Chapter 11 of the report to Planning Committee following a full assessment of the Retail Leisure and Office Statement (RLOS) and addendum submitted by the applicant, and in the light of representations received.
- 3.2 Of the floorspace proposed within use classes A1 to A5, 30,000 square metres gross would be restricted to Use Class A1, with the balance comprising A2-A5 uses. The applicant considered that a maximum of 9,000 square metres gross of floorspace would be used for use class A2 (with the remaining 21,000 square metres floorspace used for classes A3-A5).
- 3.3 As reported in paragraph 11.5.74 of the Committee Report, the RLOS and its addendum concluded that there is ample capacity to absorb that proportion of the A2 floorspace that would be completed over the usual 5-year period of

any assessment without harmful effects to existing centres. The applicant noted that the presence or otherwise of A2 use is less critical to the vitality and viability of a retail centre: they add diversity but do not underpin economic performance. The applicant also noted that none of the existing centres reviewed in their RLOS have a disproportionately high representation of service uses (including A2) and none appear to be dependent on such uses in terms of their attraction to visitors and overall trading performance.

- 3.4 In commenting on the A2 assessment in paragraph 11.5.100 of the original Committee Report, the Director of Technical Services concluded:

*In relation to A2 uses, it is accepted that there is no accepted reliable methodology which would enable a quantitative assessment of the impact of the A2 uses to be undertaken and that the applicants qualitative assessment – related to A2 provision in existing centres - supports their contention that inclusion of A2 uses in the mix of retail uses will not result in significant adverse impacts on the vitality and viability of existing centres.*

- 3.5 Whilst, conditions 70 and 71 were included within the report to Planning Committee that would limit the maximum floorspace of each element of A1, A3, A4 and A5 to ensure that floorspace developed does not exceed the amounts which were assessed under the tests of PPS4, no similar condition was imposed for A2 uses, both because there was no quantitative assessment of A2 uses and no evidence of harmful impact. If the A1 and A3-A5 uses are to be built out to their maximum permitted floorspace totals, the amount of A2 use in the development cannot exceed 9,000 sq m gross because of the effect of the overall cap on A1-A5 uses of 60,000 sq m gross.
- 3.6 There remains, however, a theoretical potential for more A2 floorspace than the 9,000 sq m residual to be built within the scheme if the A1 or A3-A5 uses are not developed up to their floorspace caps – up to a maximum of 60,000 square metres gross in the (unlikely) event that no floorspace under A1 or A3-A5 was constructed.
- 3.7 Consequently, it is appropriate that – for the avoidance of doubt – an additional control is imposed to limit the potential A2 floorspace to 9,000 sq m to the satisfaction of the Local Planning Authority. Given the circumstances outlined above, no further assessment under PPS4 is required.
- 3.8 An additional condition is proposed as follows:

71)(a) Notwithstanding the provisions of Use Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order), no more than 9,000 sq m gross internal area shall be used for **financial and professional service uses**.

**Reason:** To ensure that a sustainable co-ordinated and high quality form of development takes place as required by National Planning Policies PPS1 & PPS4.

#### **4.0 HOUSING DELIVERY RATES - PARAGRAPH 9.3.2**

- 4.1 The proposed development includes residential development up to a maximum of 13,521 units (use class C3). The Director of Technical Services' report to Planning Committee of 3<sup>rd</sup> August 2010 considered this element of the application at Chapter 9.
- 4.2 Property markets have broadly collapsed in this part of Inner East Wirral, and the provision of an improved housing quality and mix not currently available in the inner area of Wirral is important if the regeneration project is to attract both new residents and to retain local residents who might otherwise seek to leave the area for employment reasons.
- 4.3 An indicative trajectory for the completion of housing units was included within the application. It was recognised, at paragraph 9.3.2 of the report, that there is a need for a degree of control over the rate of housing delivery, to prevent major departures from the trajectory that could result in significant adverse impacts.
- 4.4 Paragraph 9.3.2 indicated, however, that it is proposed to control the "minimum amounts of residential development actually commenced on site in consecutive five-year periods". This statement does not accurately present the mechanism proposed to control the rate of delivery, through conditions 4, 5, 6, 7 and 9.
- 4.5 These conditions are considered to satisfactorily address the issue of rate of delivery, requiring the submission of reserved matters applications for prescribed amounts of development (including in the first 5 years a defined minimum of 500 units of housing), and the subsequent commencement of development within given time periods. Condition 6 requires a first reserved matters submission to be made to the Local Planning Authority within 5 years if the application is not to lapse, whilst condition 9 require the a housing delivery strategy assessed for compliance with the Council's housing Policy based on Strategic Housing Market Assessment.
- 4.6 It was considered that the above approach provided an appropriate method of control for the delivery of housing, taking into account the length of the permission to be granted and likely changes within the Borough's housing market over that time period.
- 4.7 As such, it is not proposed to control the minimum amounts of residential development actually commenced on site in consecutive five-year periods, and the report should be amended to delete this statement.

## **5.0 CONCLUSIONS**

- 5.1 The imposition of an additional planning condition to limit the maximum floorspace for 'A2' Financial and Professional Services is recommended for the avoidance of doubt:

71)(a) Notwithstanding the provisions of Use Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order), no more than 9,000 sq m gross internal area shall be used for **financial and professional service uses**.

**Reason:** To ensure that a sustainable co-ordinated and high quality form of development takes place as required by National Planning Policies PPS1 & PPS4.

- 5.2 Amendments are required to paragraph 9.3.2 of the report presented to Planning Committee on the 3<sup>rd</sup> August to delete reference to the control of housing commencements in consecutive 5-year periods. The paragraph would read:

"There is, however, a need for a degree of control to prevent major departures from the trajectory that could result in significant adverse impacts. It is not considered necessary to limit the rate of housing delivery, given the identified need to deliver proposed housing to reverse population decline. Conditions are proposed to require the submission and approval of phasing plans and trajectories with each reserved matters submission. In terms of ensuring that the development is commenced, it is intended that there will be a requirement to submit reserved matters for a first phase including 500 units minimum within 5 years."

## **6.0 CONSULTATION**

- 6.1 No public consultation has been undertaken. This paper is to be circulated to members of the Planning Committee and ward councillors to the affected ward.

## **7.0 FINANCIAL and STAFFING IMPLICATIONS**

- 7.1 There are no significant financial or staffing implications arising from this report.

## **8.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 8.1 There are no equal opportunity implications arising from this report.

## **9.0 COMMUNITY SAFETY IMPLICATIONS**

- 9.1 There are no community safety implications arising from this report.

## **10.0 LOCAL AGENDA 21 IMPLICATIONS**

10.1 There are no LA21 implications arising from this report.

#### **11.0 PLANNING IMPLICATIONS**

11.1 As referred to in the body of the report.

#### **12.0 ANTI-POVERTY IMPLICATIONS**

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

#### **13.0 HUMAN RIGHTS IMPLICATIONS**

13.1 There are no human rights implications arising from this report.

#### **14.0 SOCIAL INCLUSION IMPLICATIONS**

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

#### **15.0 ACCESS TO INFORMATION**

15.1 All background documentation is available to the public as part of planning application file.

#### **16.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

16.1 The proposed amendment will be of interest to members within the affected wards of Seacombe, Bidston and St James, and Birkenhead and Tranmere.

#### **17.0 RECOMMENDATION**

17.1 That members agree an additional planning condition to limit the maximum floorspace for 'A2' Financial and Professional Services:

71)(a) Notwithstanding the provisions of Use Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order), no more than 9,000 sq m gross internal area shall be used for **financial and professional service uses**.

**Reason:** To ensure that a sustainable co-ordinated and high quality form of development takes place as required by National Planning Policies PPS1 & PPS4.

17.2 That members agree to amend paragraph 9.3.2 of the report presented to Planning Committee on the 3<sup>rd</sup> August to delete reference to the control of housing commencements in consecutive 5-year periods. The amended paragraph to read:

"There is, however, a need for a degree of control to prevent major departures from the trajectory that could result in significant adverse impacts. It is not considered necessary to limit the rate of housing delivery, given the identified need to deliver proposed housing to

reverse population decline. Conditions are proposed to require the submission and approval of phasing plans and trajectories with each reserved matters submission. In terms of ensuring that the development is commenced, it is intended that there will be a requirement to submit reserved matters for a first phase including 500 units minimum within 5 years.”

**DAVID GREEN**  
**Director of Technical Services**

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