

Planning Committee

07 May 2014

Reference:
OUT/14/00022

Area Team:
North Team

Case Officer:
Ms J Storey

Ward:
**Leasowe and
Moreton East**

Location:
Proposal:

Burtens Foods, PASTURE ROAD, MORETON, CH46 8SE
Demolition of the existing buildings and structures to facilitate mixed-use development comprising residential(class C3) and Employment (class B1, B2 & B8) uses, erection of a new security hut, access road and enhancement of the existing access.

Applicant:
Agent :

Burton's Biscuit Company
GVA

Site Plan:



Development Plan allocation and policies:

Washland
Primarily Industrial Area

Planning History:

Location: Land to the East and West of Premier Brands fronting Reeds Lane and Pasture Road, Moreton, Wirral L46 8SE
Application Type: Outline Planning Permission
Proposal: Use of land for development within Use Classes B1 B2 and B8 (outline) (Business, general industrial and distribution)
Application No: OUT/98/05016
Decision Date: 22/05/1998
Decision Type: Approve

Summary Of Representations and Consultations Received:**REPRESENTATIONS**

Having regards to the Council's Guidance on Publicity for Applications, 198 neighbour notifications were sent to surrounding properties. Three site notices were displayed and a Press Notice was placed in the Wirral Globe. At the time of writing the following representations have been received:

Councillor Ian Lewis objects to the proposals on the grounds that they are inappropriate development in terms of existing designation of the site: housing on land that is designated for employment, lack of supporting evidence to warrant inclusion of Industrial units, unsuitable location due to flood risk

The Occupier of 138 Pasture Road also objects on the following grounds:

1. construction of residential units in a high flood risk area;
2. the proposed development of residential houses along Pasture Road would greatly increase the flood risk to our property and business;
3. the soil in this area is very clay based and is often water logged during winter months;
4. the existing flood defences are not sufficient for the changes proposed;
5. the risk of disturbance to the local flora and Fauna; and
6. lack of flood defence methods in the proposed plans

CBRE on behalf of Premier Foods also raise concerns that the consequences of residential development within close proximity to manor bakeries could have a detrimental impact upon the operational efficiency of its business. As such they are keen to ensure that the noise assessment supporting the application is robust and accurately assesses and takes into account of all surrounding land uses. Does not consider that the that the submitted noise assessment does not adequately consider the potential impacts of the industrial operations associated with Manor Bakeries, Typhoo or the Burton's Buiscuttes Chocolate Refinery upon the occupants of the proposed developments. Have reviewed the baseline noise data against the identified hours of operation and are concerned that no weekend noise surveys were undertaken at any point when general ambient noise levels in the area would be reduced e.g when general ambient noise levels would be in the area would be reduced. Manor Bakeries operates at a weekend, we would expect consideration of potential weekend noise impacts when the bakery is operational. Dissatisfied that the construction assessment provided is limited only to impacts on surrounding residential receptors. The assessment makes no reference to the potential impacts of piling on the directly adjacent industrial uses.

CONSULTATIONS

Wirral Wildlife - happy to accept the Ecological report as sufficient - there is little ecological value to the existing site, concern relates to possible effects on the River Birket, there is a good possibility that water voles use the Birket. The Ecological report did not check the holes found in the river bank as to whether they were Water voles and these are protected under the Wildlife and Countryside Act 1981 Consideration to flood risk has been given, and to pollution during construction and oil interceptors are proposed for the industrial area. However there seems to be an assumption that the housing would not lead to pollution of the river. The Ecology report mentions Sustainable Drainage Systems but the master plan has no space allocated for these. There is no assessment of whether the total built area will change, if there are more hard surfaces, then more rain will run off and at a greater rate.

Climate change, in particular, more intense rainfall events A condition that SuDS provision must be made for the attenuation of roof and road water and to ensure all surface water from the development passes through vegetated area such as swales before reaching the river to absorb pollutants and regulate flow. A further condition should be applied that the proposed buffer Zones in the outline plan to protect both the river and pond. The footpath identified on the outline drawing should be re-routed in order to protect the existing wildlife along the river. Arrangements must be made for long-term management of the buffer Zone. A condition to determine the best form of mitigation for the protection of the roosting birds. Please to note that both the fishing pond and water feature are to be retained. The trees are of relatively low wildlife value, a condition is required to protect their roots during constructing.

Natural England - this application is in close proximity to the Meols Meadows and North Wirral Foreshore Sites of Special Scientific Interest (SSSI). These SSSI's form part of the Mersey Narrows & North Wirral Foreshore Ramsar and SPA and the Dee Estuary SAC. Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Mersey Narrows & North Wirral Foreshore Ramsar and SPA and the Dee Estuary SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.¹ In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Meols Meadows and North Wirral Foreshore SSSI's have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application. We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages. If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Environment Agency - no objection in principle to the proposed development. Reviewed the supporting documents with regards to flood risk (Environmental Statement, Volume 1 – Main Report, December 2013, and Environmental Statement, Volume 2 – Technical Appendices, 14.1 – Flood Risk Assessment, Ref: CIV 15138/FRA-R1, December 2013) and it is the Agency's view outline

planning permission for development would be conditionally acceptable from a flood risk perspective, subject of course to the necessary exception and sequential tests being carried out (as required by the National Planning Policy Framework (NPPF)).

Merseyside Environmental Advisory Service (MEAS) - No objections

Head of Environment & Regulation (Pollution Control Division)- No Objections subject to conditions relating to a full site investigation and risk assessment and the implementation of a remediation scheme if applicable.

Network Rail - No objections in principle

United Utilities - No objections subject to conditions attached to any approval - relating to the submission of details relating to foul drainage, and surface water drainage.

Sports England - Object on the grounds that the proposal does not accord with any of the exceptions in Sport England's Playing Fields policy or paragraph 74 of the National Planning Policy Framework

Head of Housing and Community Safety (Housing) - The applicant should be providing 20% affordable housing unless the economic viability assessment identifies that less is justified, in terms of the 106, the applicant should engage with a registered provider to ensure any units meet Homes and Community Agency Standards and Registered provider requirements, Lifetime homes should be detailed in any new planning application, applicants need to work with a registered provider to ensure that size standards are taken into account. there are concerns that the loss of the factory will impact on the future of other employment sites in the vicinity of the site.

Economic Programme Delivery Manager- concern that if it is approved it would lead to a loss of employment land in this part of the Borough in a high unemployment area.

Head of Environment & Regulation (Traffic and Transportation Division) - No objection on traffic or highway safety grounds to those matters being sought for approval. However in respect of the indicative layout, this is not acceptable in terms of compliance with Manual For Streets 2. In particular the internal carriageways shown designed in long straights allowing excessive vehicle speeds. A suitable layout may ultimately require a reduced number of dwellings.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application is for Major Development and under the provisions of the Scheme of Delegation for Determining Planning Applications this application is required to be considered by the Planning Committee.

INTRODUCTION

The purpose of this report is to determine an outline application for mixed-use development, comprising residential development (up to 234 dwellings) and employment (class B1, B2 and B8) uses, erection of a new security hut, access road and enhancement of the existing access.

The site was originally developed for the production of confectionary by Cadbury's in the early 1950s. Expansion of the original buildings and production was extended through the 1950s, 60s and 70s and employed 4,000 staff at the peak of its operation. During the '80s the business was bought in a management buy out and became Premier Brands UK Ltd. From 2007 onwards buildings and operations within the site began to close and operations contracted. The existing buildings on the site are now all vacant.

This is an outline application with only the means of access fixed. The proposed development comprises of the:

- demolition of the existing manufacturing buildings equating to a total floor area of 41,841m²,
- construction of up to 234 houses comprising of a mix of 2, 3, 4 and 5 bed accommodation and
- provision of employment land and infrastructure to accommodate up to a maximum of 3,901m²

gross external space suitable for small to medium enterprises within Use Classes B1, B2 and B8

The development is intended to deliver the infrastructure and serviced employment plots only, new built industrial units would not be delivered as part of this proposal. The submission also includes parameter plans that identify the maximum amount of both developable area and possible open space and landscaping. With regards to the access, the access from Pasture Road will be retained to serve the proposed residential part of the proposal. A new access road is also to be created from Pasture Road to the north of the site to serve the proposed employment area.

The Council' adopted Statement of Community Involvement strongly encourages landowners and developers to undertake pre-application community consultation, especially for large, complex or controversial proposals such as this.

A consultation programme was undertaken by the applicant that included a leaflet distribution to nine and a half thousand properties, a community information line, a press release in local newspapers, poster displays in local venues and a public exhibition was held at Moreton community centre with a councillor preview session held beforehand. The submitted community consultation statement indicates that up to 100 people attended the event and a number feedback forms were returned and can be summarised as:

- 6 fully support the proposal,
- 18 support the proposal in part, and
- 35 do not support the proposal.

The applicant has summarised the residents' concerns as: flood risk, highways, ecology, visual impact and the loss of employment land

PRINCIPLE OF DEVELOPMENT

The site is designated as a Primarily Industrial Area in the Unitary Development Plan. There is no provision for residential development within Use Class C3 under UDP Policy EM8.

SITE AND SURROUNDINGS

The application site comprises of 12.3 hectares of land containing vacant industrial buildings and playing fields and a bowling green to its north and west. The site is defined by the River Birket to the north, Pasture Road to the west, Morton Railway Station and rail track to the south and industrial buildings to the east. The main road frontage along Pasture Road contains an area of landscaping and a water feature.

There are residential uses to the opposite side of the railway track to the south of the site. The area as a whole is predominantly characterised by industrial employment uses. The site adjoins the Burtens Foods, Premier Foods/Manor Bakeries and Typhoo Tea industrial complex to the east and the Tarran industrial estate is located to the immediate west.

The site contains a playing field to the west of the site and a bowling green to the north. The total sports provision equates to 2.4 ha.

The site is 700m from Mersey Narrows and North Wirral Foreshore SPA/Ramsar. Land directly to the north, including Ditton Lane Nature Area and fields to the north, is identified as a WeBS count sector and provides supporting habitat for bird species for which the SPA/Ramsar has been designated

POLICY CONTEXT

Development Plan Allocations and Policies

The statutory development plan consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan (adopted 18 July 2013). UDP policies relevant to this application include:

Policy URN1 Development and Urban Regeneration

Policy EM8 Development within Primarily Industrial Areas

Policy EM6 Criteria for New Employment Development
 Policy EM7 Environmental Criteria for New Employment Development
 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 REC1 Principles for Sport & Recreation
 Policy RE11 Criteria for Children's Play Facilities
 Policy NC1 Protection of Sites of International Importance for Nature Conservation
 Policy NC5 Protection of Sites of Local Importance for Nature Conservation
 Policy NC7 Species Protection
 Policy TRT1 Provision for Public Transport
 Policy TRT3 Transport and the Environment
 Policy TR8 Criteria for the Design of Highway Schemes
 Policy EM6 Criteria for New Employment Development
 Policy EM7 Environmental Criteria for New Employment Development
 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 REC1 Principles for Sport & Recreation
 Policy RE11 Criteria for Children's Play Facilities
 Policy NC1 Protection of Sites of International Importance for Nature Conservation
 Policy NC5 Protection of Sites of Local Importance for Nature Conservation
 Policy NC7 Species Protection
 Policy TRT1 Provision for Public Transport
 Policy TRT3 Transport and the Environment
 Policy TR8 Criteria for the Design of Highway Schemes
 Policy TR9 Requirements for Off-Street Parking
 Policy TR11 Provision for Cyclists in Highway and Development Schemes
 Policy WAT1 Fluvial and Tidal Flooding
 Policy WA1 Development and Flood Risk
 Policy WA2 Development and Land Drainage
 Policy WA5 Protecting Surface Waters
 Policy WA6 Development within River Corridor
 Policy PO4: Noise Sensitive Development.

Relevant Policies in the Joint Waste Local Plan (adopted 18 July 2013) include:

Policy WM8 – Waste Prevention and Resource Management
 Policy WM 9 – Sustainable Waste Management Design and Layout for New Development,

The site is designated as part of a Primarily Industrial Area as shown on the Unitary Development Plan (UDP) Proposals Map. Strategic UDP Policy URN1 seeks to ensure full and effective use of land is made within urban areas. This should be read in conjunction with UDP Policy EM8, which makes provision for uses within Use Classes B1, B2 and B8 and proposals for the reconstruction, extension or expansion of existing business. Thus the proposal for residential development is a departure from the UDP and has been advertised as such.

Section 38 of the Planning and Compulsory Purchase Act 2004 states that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework (NPPF) became a material planning consideration on 27th March 2012. This indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and that paragraphs 18 to 219 taken a whole constitute the Government's view of what this means in practice for the planning system. Paragraph 14 and its

footnote make it clear that locations at risk from flooding should be restricted and are not subject to the national presumption in favour of sustainable development.

The Council has also resolved that the Core Strategy Local Plan - Proposed Submission Draft (December 2012) and its supporting documents including the Wirral Employment Land and Premises Study Update (BE Group, 2012) and the Wirral Strategic Housing Land Availability Assessment Update 2012 (Wirral Council and A.P.Sheehan 2012) will be material considerations for the purpose of determining planning applications.

The Council published a series of initial proposed modifications to the Proposed Submission Draft in July 2013, which should also be considered, although this has not yet been confirmed as Council policy.

Flood risk and the availability of other sites with a lower probability of flooding, the need for residential development set against the need for industrial development, potential impacts on the character of the area and neighbouring uses, the loss of former playing fields and any benefits that might be accrued in context with the National Planning Policy Framework (NPPF) and the emerging Core Strategy Local Plan are the principal material considerations in this particular case

Flood Risk and the National Sequential Test

Although not designated as part of the Washland on the UDP Proposals Map, the site falls within the wider flood plain for the River Birket and Liverpool Bay to the North and crosses Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map, where risks from river and tidal flooding are normally considered to be medium to high. UDP Policies WAT1 and WA1 only permit development that would not increase flood risk elsewhere. Draft Core Strategy Policy CS34 updates this position in the light of the Council's Strategic Flood Risk Assessment and makes it clear that the national sequential assessment will be applied in determining planning applications. Development would not be permitted where: there would be an unacceptable risk of flooding or risk is increased elsewhere or where there would be maintenance liabilities or complicated emergency procedures.

The Environment Agency does not object to the application on flood risk grounds, subject to the imposition of certain planning conditions. Their consultation response indicates that there is a risk of flooding in some areas of the site from breach failure or flows overtopping existing defences, but concludes that the standard of protection is sufficiently high on site and flood risk is not increased elsewhere. The Environment Agency recommends that conditions are, however, applied to prevent development in breach zones, control surface water discharges, floor levels, drainage, contamination and ecology.

NPPF, paragraphs 101 and 103 makes it clear that the aim of the sequential test is to steer new development to areas where there is a lower probability of flooding. This is clarified in the National Planning Policy Guidance (6 March 2014, paragraphs 18 & 19) which indicates that if there are no reasonably available sites in Flood Zone 1, the vulnerability of development in Flood Zone 2 and thereafter Flood Zone 3 can be taken into account. If found that it is not possible to build where flood risk is lower, an 'exception test' can be applied if the wider sustainability benefit to the community would outweigh the risk.

Responsibility for assessing compliance with the sequential approach lies with Wirral Borough Council, not the Environment Agency. Even where the Agency does not object on flood risk grounds, the requirement to consider whether the proposal could be accommodated on sites at lower probability of flooding remains. The applicant contends that the sequential test is not necessary because of existing flood defences, but carried out a search for sites that could accommodate 20 dwellings or more, before claiming that sufficient land is not available in Flood Zone 1 within Wirral to accommodate the Council's housing requirements.

However, evidence in the Council's Annual Monitoring Report (AMR) 2013 showed planning permission was in place for 3,155 dwellings in April 2013, of which 1,231 units were on sites awaiting implementation (AMR Appendix 4). The latest findings to be incorporated into the Council's Strategic Housing Land Availability Assessment (SHLAA) identifies that there is sufficient land within the urban area of the Borough to accommodate up to 1,354 units on Category One sites without planning

permission at April 2013, which have been assessed as available, suitable and achievable within the next 5 years. For example, in terms of some of the larger sites, Acre Lane (8.54 ha) is capable of accommodating 192 dwellings, Highfield South (8.2ha) 180 dwellings and Milner Street (2.79ha) 125 dwellings. Therefore, contrary to the applicant's assertion, there are alternative sites elsewhere with a lower probability of flooding, which are capable of accommodating the amount of housing proposed in this development.

Additionally, the potential extra capacity at Wirral Waters has not yet been included. The future rate of delivery at Wirral Waters will be assessed as part of the forthcoming Core Strategy Viability Assessment, which is expected to report in mid 2014.

Nevertheless, it can be concluded that having applied the sequential test that it is possible, consistent with wider sustainability objectives, for the amount of housing proposed in this development to be located on reasonably available sites in zones with a lower probability of flooding.

The Need for Housing and Employment Land

Housing Land

The NPPF expects local planning authorities to deliver a wide choice of high quality homes by meeting objectively assessed needs for market and affordable housing and maintaining a five-year supply of specific developable housing sites, with a buffer of between 5% and 20% (NPPF paragraph 47).

The latest calculations on the supply of land for housing are set out in the Council's Annual Monitoring Report (AMR) 2013. The calculation based on the former Regional Strategy for the Northwest (RSS) housing requirement shows there would be a housing land supply of between 3.6 and 4.2 years. Following the Government's decision to revoke the former Regional Strategy for the Northwest (RSS), the Council's Cabinet resolved to adopt national CLG 2008-based household projections to calculate housing requirements in the period between the revocation of RSS and the adoption of the Core Strategy Local Plan (Cabinet 2 February 2012, Minute 284 refers). Since then CLG 2011-based interim projections were published in April 2013, to take account of the 2011 Census. The calculations using the Government's household projections show there is a housing land supply in Wirral of between 5.3 and 7.5 years, assuming that sites identified as available for development come forward.

As indicated above, the Council is currently undertaking studies to assess the viability of all development to deliver the emerging Core Strategy and to decide on the number of new homes that will be needed as part of its Core Strategy Local Plan, which will not be available until later this evidence does not demonstrate that there is no reasonable prospect of the site being used for these purposes.

Employment Land

In terms of building a strong competitive economy the Government wants the planning system to do all that it can to support sustainable economic growth, and recognise that businesses should not have unreasonable restrictions put on them because of changes in nearby land use, but expects planning policies to avoid long term protection of employment premises where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities (NPPF paragraphs 18-22 & 123 refer).

Although UDP Policy EM8 only makes provision for industrial uses within Use Classes B1, B2 and B8, draft Core Strategy Policy CS17 proposes, in line with national policy, to continue to safeguard designated employment areas, with provision for compatible alternative uses:

- where the site is not suitable for one of the priority sectors; and
- there has been continuous marketing at realistic prices and there is no reasonable prospect of the site being re-used for employment purposes;
- the uses are compatible with the character of the surrounding area, would not restrict operation of

- other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; and
- an ongoing supply of available, suitable, developable employment land would be retained; and
- the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; and
- additional housing is needed to demonstrate a 5 year supply of housing land; or
- the development is necessary to secure employment development that would not be otherwise viable.

Priority is to be given to protecting high scoring sites capable of providing employment and training in areas of greatest need.

It is also a key priority of the Council's Investment Strategy to increase the number of jobs and employment opportunities for Wirral residents, particularly in areas of the Borough where there are high levels of unemployment, which include Leasowe and Moreton.

Only a relatively small proportion of the site, 3,901 square metres (equating to about 3.2% of the overall site area) would be provided as serviced employment land as part of the proposed scheme. No new units would be provided and 41,841 square metres of industrial floorspace will be lost through the demolition of the existing industrial buildings on the site.

The Council's Employment Land and Premises Study has found that there is a serious shortage of immediately available, serviced, developable employment land with utilities and road access already in place and concludes that a large proportion of the existing potential supply is being considered for alternative use, which seriously affect the Borough's ability to maintain a credible future supply.

The applicant has challenged the findings of the Council's Employment Land and Premises Study and suggests there is sufficient supply of land for 56 years based on average annual take up rates over the past five years of 4.69ha. This, however, over-simplifies the issue, as take up rates are prone to fluctuation according to economic circumstances and the requirements of individual businesses. There have been peaks and troughs in the economic cycle over the longer term in which historic take rates have averaged 9.2 hectares per year over the last 25 years. The average take up rate over the last ten years has been 7.9 hectares per year. The latest estimates show a residual supply in the region of 222ha. After making allowances to maintain a 5 year buffer of 46ha in the event of market up turn and 36ha to meet the objectives of the Council's Investment Strategy in line with the Employment Land & Premises Study, there should be sufficient land to accommodate new employment within the Borough over the next plan period, but issues related the size type and location will need to be addressed through the Core Strategy Local Plan public examination later in the year.

The applicant has also submitted details which set out the marketing of the site for employment uses. This states that:

- The site was initially marketed in 2007 in the form of part sale and lease back with the remaining site offered subject to short term leases and vacant possession.
- A similar marketing strategy was carried forward to spring 2009. The applicants have provided a summary of the enquiries received for the site between July 2008 and October 2010
- During the following years the economic down turn restricted market interest in the site as an employment use. The more positive enquiries came from developers and promoters looking for retail-led development on the site.
- In 2011 the applicants reviewed the market demand and planning potential for the site for retail, housing and employment.
- The site has remained available throughout this process with residential developers becoming the main source of enquiries.
- There has been no interest from developers or operators seeking to either refurbish the existing accommodation or provide new employment space on the site.
- The only interest from developers/occupiers seeking to utilise the site for its existing use was extremely limited with only one UK wide requirement from a US based food manufacturer seeking 200,000 sq ft of floorspace. The requirement was brought to Burton's attention from UKTI via

WMBC during 2011. Details were provided to the company but no response was returned. Due to the amount of interest received from developers with the intention of promoting a food retail-led redevelopment of the site during 2010 and into 2011, a mixed use scheme comprising of a Class A1 foodstore, residential and employment was worked up as part of formal pre-application discussions.

- During 2013, with the relaxation of the housing restraint policy on the west side of the Wirral and with an improving housing market, regular approaches from national and regional house builders have been made to GVA as commercial advisors to Burtons.

The applicants marketing justification also states that the site was initially marketed by way of a part sale and leaseback scheme and due to the sensitivity of disposing of the site while still providing employment, a selective marketing campaign was undertaken. This involved the circulation of site particulars to 75 companies.

However, it is considered, as the applicant has rightly pointed out, that that the process to market the site for employment uses, has been undertaken during one of the country's worst recessions. This is evident in the applicant's submission where they confirm that "the strains of the economic down turn has restricted market interest in the site, either through lack of available funding or investors low confidence investing in large strategic employment sites".

The latest market signals are indicating that the country is now coming through the worst of the recession. This is partly evident by the extremely low vacancy rate at the adjacent Tarran Way Industrial Estate (a total number of 47 units with 5 currently vacant). There is also no recent evidence that that the owners of the application site have sought assistance for securing employment use under the Assisted Areas scheme. Therefore it is considered that it is premature to determine that the site would not be of interest to future employment operators. Given this, alongside the limitations set out in the marketing details, the information provided by the applicant does not provide convincing evidence that there is no reasonable prospect of the site being used for employment purposes and that it should be released for other uses.

Because of their location, the employment areas at Moreton are still considered an important part of the Borough's employment land portfolio. The main supply of employment land is located in east Wirral and there is no other major site of comparable size to the application site that is accessible by bus and rail and suitable for new development, to the west of the M53 Motorway. It is adjacent to a cluster of food-related industries, a priority sector, and is within an Assisted Area qualifying for state aid to encourage employment in an area with consistently high unemployment. Eligibility for grant assistance is expected to remain in place up to 2020 as the location has passed through the first round of consultation undertaken by the Department for Business, Innovation & Skills and has been included in the second stage of consultation on the new Assisted Areas Map for 2014 to 2020.

The national Indices of Multiple Deprivation indicate that the areas immediately surrounding the application site are amongst some of the most deprived in England – four of the surrounding Lower Level Super Output Areas fall within the worst 10% and one falls within the worst 20% - scoring poorly in ranks of income and employment deprivation.

The Council's Annual Monitoring Report also shows that the ratio of total jobs to the working-age population in Wirral (job density) remains considerably lower than national, regional and sub-regional averages.

The applicant has contended that:

- During demolition and construction phases 105 FTE jobs are expected to be created.
- A further 106 indirect jobs are anticipated, as a result of the purchase of local goods and services for the construction process and the additional spending from construction staff.
- A local labour agreement would be put in place.
- The development would ,be home to approximately 538 residents, approximately 336 of which are anticipated to be of working age.
- The completed development would create "between 55 and 276 full time equivalent jobs depending on the final type of employment use delivered".
- The residential element of the mixed use development will have a gross earning potential

of c. £6m per annum, a significant proportion of which will be spent in the borough to assist in supporting local businesses and associated employment opportunities.

However, it is considered that potential benefits as claimed by the applicant would not outweigh the loss of the whole site for employment uses.

This site represents one of the very few possibilities to provide new employment development for the communities to the west of the M53 Motorway and its loss could undermine the objective of increasing job opportunities for the surrounding residential areas. This may be exacerbated if the precedent that could be set by this proposal were to be followed by other businesses nearby.

The Council's Employment Land and Premises study undertaken by independent consultants, found that employment opportunities are constrained by the lack of industrial development sites premises in West Wirral and recommended that all of the employment land in this area is retained and that consideration should be given to identifying additional sites. Since the completion of the study, no further sites for employment uses have come forward in West Wirral.

It is therefore considered that the pressing need to promote social inclusion and economic competitiveness and to safeguard the employment land resource in this area of the Borough weighs on balance against the benefits of the housing element of this development. The small amount of serviced employment land offered by the applicant does not outweigh the loss of the remainder of the site to residential use.

Affordable housing and housing mix, indicative layout and quality of accommodation

Affordable Housing

There is an unmet need for affordable housing in the Borough overall and the development could contribute to meeting some of this general need. However, locally in the Leasowe and Moreton East ward, there is an over supply of affordable housing – which limits the weight to be given to the applicant's affordable housing contribution - although the site does border the Moreton West and Saughall Massie ward where there continues to be an unmet need,

The applicant has indicated that 10% of the new homes would be delivered as affordable homes. The applicant's Economic Viability Assessment has been independently verified, and whilst there would normally be a requirement for 20% of the new home to be affordable in this location, the Council's consultants have advised that 10 % affordable units is the most that can be justified given the present data as provided, checked and corrected.

The applicant has also amended their on cost profit down from 23 % to 20.04 %, however, this is only amended to right at the top end of the range (15 - 20 %) which is within the band range normally deemed to be acceptable and achievable.

In summary, the report states that no more than 10 % affordable units can be achieved on the site unless a reduced profit and reduced value for the land is accepted.

Parameter plans and indicative layout

Achieving high quality design and creating sustainable and distinctive places are key aspects of the NPPF, UDP policy and emerging Core Strategy policy.

The application is submitted in outline with siting and scale reserved for future deliberation. How design and layout will respond to this setting is a matter for later detailed consideration in the event that outline planning permission is given.

The application is accompanied by a Design and Access statement, parameter plan and an indicative layout to demonstrate how a potential layout can accommodate the proposed amount of development. Following a thorough review of the indicative layout, it is considered that the layout as proposed, does not take the opportunity to enhance the character of local distinctiveness or make a positive contribution to the area as a whole. The proposed layout lacks permeability, as the street

pattern is less legible and long detours are required to visit another neighbour for example.

Furthermore, the layout as whole appears to be highways led solution that prioritises the car in front of pedestrians. The majority of the car parking is off street, creating additional hardstanding within the curtilages of the proposed housing, thereby reducing visual contact between neighbours and a reduction in the amount of greenery to the front of the dwellings.

Amenity space

There is a significant lack of useable open space or landscaping within the illustrative layout. The suggested landscaped areas are around the perimeter of the site, rather as an integral part of the design process. Those limited areas that are identified within the proposal are separated from the site by the provision of high fences. The applicant has advised that a 2.5m high close boarded acoustic fence is proposed to run along the length of the access road to in order to protect the residential amenities of future occupiers from the noise of industrial traffic. This will physically separate the largest area of the proposed open space from the development and provide a poor outlook for those future residents fronting onto the acoustic fence.

The proposed footpath and green link between the two bed roomed dwellings and the Industrial units is unlikely to provide a safe and usable feature. High fences either side will create a very narrow passageway that is unlikely to meet secure by design accreditation. The layout as shown gives rise to a large number of gables and side garden fences facing out on to the street. This is poor both visually and in terms of a reduction in active frontages.

The mix of house types is not distributed well throughout the overall scheme; for example, all the affordable housing has been located to the east of the site adjacent to the employment uses.

The proposed children's play area is surrounded on all sides by roads, creating both a poor physical environment and highway safety issues for potential users.

Even though the layout is illustrative at this stage, the application does not promote standards such as Lifetime Homes (ensuring that the properties will be suitable, accessible and adaptable for a range of people with specialist housing needs including wheelchair accessibility to meet a local need identified from the Disabled Persons Housing Register).

The indicative layout, for these reasons, is considered unacceptable and unlikely to be supported if it came forward as part of any future reserved matters application.

Impact on the Character of the Area

In terms of the character of the area, the application site includes a large open area of land between the Manor Bakeries, Typhoo Tea sites to the east and Tarran Industrial Estate to the west, which was previously used as company playing fields. The site is relatively flat and is currently grassed over apart from the existing building and a road that runs from Pasture Road into the factory site.

Whilst there is a small element of inconspicuous housing (well screened bungalows on Pasture Road and a single terraced row at Sunnyside), the residential development proposed in this application would be substantial, and would alter the predominantly industrial character of the area. This in turn could set a precedent that may be followed by other businesses with adverse consequences for the provision of employment uses in the remaining area.

Noise

The adjoining food factory units operate over 24 hours and continued traffic access will be provided across the site to serve Manor Bakeries and Typhoo Teas Ltd. Housing is a noise sensitive development and can only be permitted under UDP Policy PO4 if it would not be subjected to high levels of noise. The impact from smells can also be a material consideration. The location of houses closer to existing businesses within the industrial area could produce potential for future complaints and act as a constraint on the future operation of these businesses. NPPF paragraph 123 makes it clear that existing enterprises wanting to develop in continuance of their business should not have

unreasonable restrictions put upon them because of a change in nearby land use since they were established.

A letter of objection has been received from CBRE on behalf of Premier Food Group. Their main concern relates to the consequences of residential development within such close proximity of Manor Bakeries could have a direct and detrimental impact upon the operational efficiency of its business.

The nature of the operation at Manor Bakeries may give rise to a level of noise which could draw complaints from future residents of the proposed scheme

The Council's Pollution Control Section has advised that in the event of the application being approved, that in order to form an effective noise barrier to the closest proposed residential properties (the 2 bed mews) that employment units be formed as one long unbroken series of units, north to south. However, new industrial units would not be delivered through the current application. The 10 unit block adjacent to the railway should also be joined to form an 'L' shape. In addition, they comment that:

1. There should be no air handling units situated to the rear of the employment units unless acoustically insulated.
1. The rear of the employment units should be structurally acoustically insulated to prevent noise transmission from within the units to residential properties.
2. In order to assess the effectiveness of this noise barrier proposal the position and sound levels of noise generating plant situated at Manor Bakeries and Burton Foods will need to be known.
3. A scheme of noise insulation should be agreed in writing for habitable rooms with windows facing the railway track and possibly Pasture Road.
4. There are a number of cooling towers on the Burton site that are registered with respect to Legionella risk.

Notwithstanding the above, UDP Policy PO4 – Noise-sensitive development states that in considering proposals for noise sensitive development will only be permitted in locations which are not expected to become subject to unacceptably high levels of noise, or where adequate protection against noise can be achieved by means of planning conditions or planning obligations. In addition, the emerging core strategy Policy CS21, states that proposals for new housing development should not place additional constraints on the on-going, viable, and safe operation of the adjoining land uses, whilst still securing an acceptable level of amenity for future residents.

Premier Foods have indicated that they operate on a 24hr basis five days a week and weekend production is sporadic based upon demand. In reviewing the baseline data against the identified hours of operation CBRE are concerned that no weekend noise surveys were undertaken at any point when ambient noise levels in the area would be reduced.

The applicants have responded that as this is an outline planning application, the specific details on the noise protection scheme to ensure appropriate residential amenity is provided is not contained within the Environmental Statement and would be dealt with at Reserved matters stage taking into account of the noise spectrum of the prevailing noise climate. This however, does not take into account any possible changes in the nature of operations of both existing and proposed industrial processes insofar as operating circumstances may change in future and operating circumstances may not remain the same in any plant. Business could be restricted to existing practices with no provision for expansion or upgrade to meet changing business opportunities.

It is significant fact that the existing industrial uses are not currently restricted by conditions related to plant equipment, ventilation, odour, and extraction systems, noise and odour management, together with control of outside working, on site generators, refrigerated lorries, external lighting which are clearly appropriate for an industrial process adjacent to a residential use.

The masterplan indicates that HGV deliveries and servicing will be undertaken via a proposed access Road running along the northern part of the site. To militate against any noise, the applicants have proposed the provision of a 2.5m high acoustic fence between the proposed residential development and the new access road in addition to service yard areas.

The conclusions of the noise assessment identifies the requirement for acoustic attenuation fencing to be erected along the full extent of the proposed new access road and between the proposed new employment uses and residential areas. The fence is expected to be 2.5m high close boarded fencing. The indicative layout as submitted shows a number of dwellings to both the north and east of the site would be located between 10m and 20m of the proposed acoustic measure. It is considered that this would result in an unacceptable living environment for future occupants, who could have limited garden areas or could have a poor outlook from their properties.

The submitted scheme would result in housing being built adjacent to a thriving, relatively unrestricted general industrial estate and does not constitute sound land use planning.

In addition, as indicated above the NPPF states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established. Whilst the finalised scheme is yet to be determined, it would be reasonable in this particular case to conclude that the construction of new dwellings immediately adjacent to the existing businesses could operate as an unreasonable restriction of future expansion and operations. This is directly contrary to the policies of the NPPF which seeks to build a strong, responsive and competitive economy and making it easier for jobs to be created. The high risk of complaints about an existing business or the potential for complaints about a new business moving to premises immediately adjacent to any proposed housing would be contrary to these objectives.

Loss of Playing Fields

At the time of the adoption of the Unitary Development Plan, the playing fields at Burtons were included in land with outline planning permission for B1, B2 and B8 development in 1998 (OUT/1998/5016), which was granted subject to a condition that outline permission granted in parallel, was implemented at Ditton Lane to provide a replacement for the company sports facilities at Reeds Land and Pasture Road (OUT/1998/5202). The land at Ditton Lane is allocated for this purpose in the UDP (Proposal RE6/7). The permissions have not, however, been implemented.

The agent acknowledges that the playing field, which is prominently located on the frontage with Pasture Road, has been used for sport and recreation including football, cricket and archery in association with the factory complex, but indicates the football and cricket pitches have been unused for approximately 6 years. The applicant also indicates that a separate bowling green on the north edge of the site closed in 2010. However, Council records show Moreton Royal British Legion Bowling team were given notice to quit in 2011 and now have to play 2.6 miles away at Coronation Park in Greasby.

Greenspace features within sites are protected from inappropriate development by UDP Policy URN1 and recreational facilities of Borough wide importance are safeguarded under UDP Policy REC1. NPPF paragraph 74 indicates that open space, including playing fields should not be built on unless an assessment shows it is clearly surplus to requirements; or the loss would be replaced by equivalent or better provision in a suitable location. Draft Core Strategy Policy CS31 (which has been subject to objection) would re-iterate these requirements and would require that the site was marketed for recreational uses at realistic prices to ensure that it was genuinely surplus..

Sport England has objected to this planning application after noting that aerial photographs from 2009 identify a cricket pitch within the site and have indicated that the application should be referred to the Secretary of State in accordance with the Town & Country Planning (Consultation) Direction 2009 if the Planning Committee was minded to approve the application. Possible solutions that may lead to withdrawing the objection would include submission of an assessment clearly showing there is no need retain the playing field; or provision for a like for like replacement.

Although the applicant contends that the playing fields were no longer in use in 2009, no assessment has been submitted and there is no proposal to make any alternative provision.

Information from the Council's latest Open Space Assessment indicates that the provision of facilities for outdoor sport within the Mid Wirral settlements is close to the Borough average and that most football teams were able to find a suitable facility within or adjacent to the area. This analysis did not include the playing fields at the application site (which were not registered for use by any of the local

leagues) but did include the bowling green, which was then still in active use.

The Council's latest Sports Pitch Assessment, from 2004, suggests a need for up to 1 hectare of playing fields for every thousand people but this would need to be verified by an updated assessment of local demand.

The nearest public playing fields are at Lingham Park (5.8ha). There are also public pitches at Leasowe Recreation Centre (1.4ha), Leasowe Road (4.0ha, which has no on-site parking or changing facilities) and Upton Park (3.4ha).

The Assessment Report identified one senior football pitch and one cricket pitch on the application site in the lists of sites unused in 2002/03 or lost over recent years, with compensatory provision to be given at Ditton Lane (site ref 194).

Although a shortfall was recorded in the quantity and quality of existing provision within Leasowe, exacerbated by demand from outside the area, the existing number of senior and junior pitches was considered to be adequate to meet locally derived demand. The analysis for Mid Wirral, which includes Moreton, did not however show an overall shortfall in provision and concluded that the existing number of pitches should be more than adequate to meet locally derived demand, subject to local quality improvements.

The recommendation was, however, that the Council should not permit the loss of any existing playing field in Leasowe or Mid Wirral until the necessary improvements to meet the Strategy had been secured.

The Council's current letting information for 2013/14 shows that Lingham Park and Upton Park are both fully let at peak times, with no spare capacity for additional adult play other than on Saturday but that there is spare capacity for junior teams at Lingham Park (7 teams), Upton Park (1 team), Leasowe Recreation Centre (4 teams) and Leasowe Road (4 teams).

School pitches are also available at Castleway Primary (1.3ha), which is fully let and at Wallasey School in Leasowe, which is not currently used.

The nearest cricket facility is at Upton Cricket Club, 2.27 miles to the south, which is used to capacity but there is no evidence of demand for an additional more local facility.

The Council's latest Sports Pitch Assessment, which Sport England now consider to be out of date, indicated that every 663 adults within the Leasowe area was likely to generate an additional senior football team and that an additional junior team was likely to be generated for every 54 young people. The Wirral-wide average was an additional team for every 320 adults or for every 64 young people.

As a development of up to 234 dwellings, as shown on the submitted indicative masterplan, is likely to lead to a population of up to 585 additional people, there may be the need to identify capacity to accommodate one or two additional junior football teams, which should be able to be provided within the existing stock of pitches within the area. Any additional adult team could currently only be accommodated on Saturday or at Wallasey School.

There are only two other bowling greens within the area: at Lingham Park and at Saughall Grange in Moreton, both of which are fully used. The inability of the existing local team to find a suitable replacement site within the locality would appear to indicate the continued need for an additional local facility. There is no provision in the current proposal to accommodate this.

Environmental Impact

Proposals can only be permitted if there is no adverse affect on the integrity of designated sites for nature conservation under the terms of UDP Policy NC01.

Land immediately to the north of the site has been identified in the WeBS count sector as supporting habitat for the North Wirral Foreshore Site of International Importance for Nature Conservation Area, which is a Special Protection Area and RAMSAR site. Assessment under The Conservation of Habitats & Species Regulations 2010 (as amended) shows that

The Leasowe Common Site of Biological Importance, which contains a number of rare species, is also located with 500 metres of the site and land off Ditton Lane is known to contain a number of Priority Habitats. Development affecting these habitats and species can only be permitted under UDP Policies NC5 and NC7 if the Local Planning Authority is satisfied that protection can be secured through planning conditions and/or by legal agreement.

After considering the Environment Statement submitted by the applicant, the Merseyside Environmental Advisory Service (MEAS) has advised that the proposed development may have an indirect effect on the nature conservation value of the area due to increased pressure from the proposed dwellings and that existing vegetation and buildings with the application site may provide nesting opportunities for protected birds. If the application was to be approved, any impact could, however, be addressed through planning conditions and a S106 agreement to secure mitigation measures, which include off site management of nature conservation, a long term environmental management plan for the site, the creation of foraging habitat, boxes for bats and house sparrow and gaps in boundary fencing to allow for wildlife movement.

EIA Scoping and Environmental Impact Assessment

An Environmental Statement (ES) as required by the Town and Country Planning (Environmental Impact Assessment England and Wales) accompanies the planning application. The proposal is categorised as an "urban development project" within Schedule 2 of the regulations.

The ES follows a structure closely aligned to the requirements of the EIA Regulations and is considered acceptable. The applicant has used a parameter-based approach to set out the maximum scale of the development for the purposes of impact prediction. This approach is considered appropriate and it has been concluded that the proposal is not likely to have a significant environmental effect subject to the undertaking of a HRA prior to determination (see below) and to conditions relating ground contamination investigation, waste management and construction.

Habitats Regulations Assessment (HRA).

The site is located 700m from Mersey Narrows and North Wirral Foreshore SPA/ Ramsar sites and the proposal requires Habitats Regulations Assessment.

The impacts arising from different phases of development have been considered and that coverage of cumulative impacts and alternatives has also been included.

Merseyside Environmental Advisory Service have prepared a Habitat Regulations report on behalf of the Local Authority to assess the likely significant effects of the proposed development in accordance with the Habitat Regulations and the EU Habitats Directive.

The conclusions are, that after carrying out the HRA, taking into account the mitigation measures included within the planning submission and provided that the conditions set out below are applied, that the development is:

- Not directly connected with or necessary to the management of the sites
- Does not intrude into the Natura 2000 sites listed below
- Is not considered, either alone or in-combination with any other plans or projects, to have a likely significant effect on each of the following sites:

Mersey Narrows and North Wirral Foreshore SPA
Mersey Narrows and North Wirral Foreshore Ramsar
Dee Estuary SAC
Dee Estuary SPA
Dee Estuary Ramsar Site
Mersey Estuary SPA
Ribble and Alt Estuaries SPA and
Ribble and Alt Estuaries Ramsar

As required by the HRA, the following matters need to be secured by appropriately worded planning conditions or other appropriate planning mechanisms:

- Submission of a Construction Environmental Management Plan, to include details of noise reduction measures;
- Noise limits during the wintering bird period (September – March inclusive) to be no greater than continuous noise limit of 65dB and an intermittent noise limit of 50dB LAeq; and
- Provision of funding by the applicant for Ditton Lane Nature Park and Leasowe Fields for the provision of pathways and other means of diverting public use away from sensitive areas.

On-site Biodiversity enhancements

Survey and assessment of the site identifies the existing ponds, woodland, semi-improved grassland and scrub as habitats of value on this site. There will be some loss of grassland as a result of the development; however, existing ponds, woodland and scrub will be retained. The development also proposes creation of a green space along the northern boundary. The Ecological section of the ES proposes a number of management prescriptions for these features, these should be incorporated into a comprehensive Long-term Environmental Management Plan for this site which can be secured through an appropriate planning mechanism e.g. Section 106 agreement. The management plan should also include measures to enhance existing habitat features on site as this is in line with NPPF and the NERC Duty 2006.

To provide habitat enhancements for Priority Species in line with the requirements of NPPF and NERC, it is recommended, in the event that planning permission is granted, that at least 30 bat boxes should be incorporated into the residential development. Furthermore, to allow the movement of hedgehogs in and out of gardens, it is recommended that the provision of sufficient gaps below the boundary fences.

Contaminated Land

The site is in a sensitive location in terms of controlled waters receptors and drift geology deposits in the northeast half of the site (Tidal River/Creek Deposits (Secondary A Aquifer)) with differing drift deposits potentially present in the south-western half of the site (Till comprising sandy gravelly cobbly clay (Unproductive)), if confirmed to be present.

The solid geology comprises Sidmouth Mudstone Formation: (Secondary B Aquifer). The site is situated on several historic ponds and drains which were present until 1966 and may have been culverted. A number of man-made weirs are present in the northwest side of the site flowing north into the River Birket. The River Birket, part of the Arrowse Brook and The Fender bound the northern portion of the site. Historic oil and oil gas pollution incidents have affected the adjacent River Birket.

The historical maps and current site use indicate that different areas of the site have been subjected to several potentially contaminative former land uses. The previous site uses include a food manufacturing factory with above ground fuel storage tanks, electricity sub-stations and potentially infilled ponds. In addition, off-site potentially historic and current contaminative land uses are also located adjacent to the site including a historic landfill which was formerly a historic brick and tile works. A present-day landfill is located to the west of site. A railway station and railway embankment is adjacent to southern site boundary. Three oil and one gas oil historic pollution incidents affecting the adjacent River Birket have occurred at the site.

Further works will need to be carried out to assess the risk to controlled waters receptors (The River Birket and weirs flowing into the River Birket) and to bring forward an appropriate remedial strategy for the site.

The Councils Environmental Health officer has raised no objections to the proposal subject to conditions requiring site investigation and risk assessment and if necessary the submission of a scheme of remediation.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications relating to this proposal. The Director of Technical Services Traffic and Management Division has raised no objections to the proposed scheme on traffic and highway safety grounds to those matters being sought for approval. However in respect of the indicative layout, this is not acceptable in terms of compliance with Manual for Streets2.

SECTION 106 AGREEMENT

The following proposals have been suggested by the applicant as the basis for a Section 106 legal agreement, were the application to be approved

- *Local open space*; to agree the provision of local on-site open space and on going maintenance of the agreed space thereafter.
- *Affordable housing provision*; to agree the amount of affordable housing to be provided on site in respect of both its housing type and tenure or to agree any off-site commuted sum payment required in respect of affordable housing provision.
- *Local Employment Initiative (Construction Phase)*; the aim for the Local Employment Initiative will be to maximise the benefits of the scheme to the local labour market during the construction phase of development. The applicant (or successor in title) shall use reasonable endeavours seek to enter into a Local Employment Partnership (LEP) involving Wirral MBC, Job Centre Plus and other relevant local employment agencies.
- *Ecological Mitigation Measures*; to agree a figure for the implementation of footpath improvements and public access controls within the Ditton Lane Nature Reserve Area (plan attached) in order to offset the potential for increased human activity on WeBS sites close to the application site.
- *Administrative provisions*; the applicant shall pay to the Council on or before the completion of the Agreement the reasonable legal costs incurred by the Borough Council in connection with the preparation and completion of the Agreement.

CONCLUSION

The development would result in the loss of allocated employment land in an area where such a loss would be of significant harm given the need for employment land to maximise job opportunities in a part of the borough with particularly challenging socio-economic conditions.

Whilst the applicant has sought to demonstrate that there is no interest in the site for employment development, the evidence submitted is insufficiently robust to support the site's loss to housing.

Whilst all matters apart from access to the site are held in reserve, this application, if approved, would enable substantial numbers of up to 234 dwelling to be built within the Primarily Industrial Area. The submitted indicative masterplan suggests that this could result in a sub-standard scheme without satisfactory usable open space. The design of the layout presented, whilst illustrative, does not make the best of the site's context and is far from achieving a high quality distinctive place.

As a development of up to 234 dwellings, as shown on the submitted indicative masterplan, is likely to lead to a population of up to 585 additional people, there may be the need to identify an additional junior football pitch in the area.

The proposals will lead to the loss of a bowling green which was previously used by Moreton Royal British Legion bowling club. The Wallasey Crown Green Bowling Association now lists Moreton RBL Bowling Club as playing at Coronation Park in Greasby. This appears to suggest that there could be a continuing local need in the Moreton area.

It can be acknowledged that the site is in an accessible location and that benefits can be accrued from the development in terms of affordable housing, increased spending within local centres and potential employment in construction and maintenance and through provision of land for some limited future industrial development.

The applicant has also contended that jobs can be created through the development and an ensuing demand for services. However, it is considered that any economic benefits that may be accrued from the proposed development would not outweigh the loss of the whole site for employment uses.

There are sufficient sites elsewhere in the urban area with a lower probability of flooding where this number of residential units could be achieved. As such there is no urgent need to release this site to

accommodate the housing proposed by this application.

On balance it is considered that the need to support economic growth and improve social conditions by retaining this site for employment purposes and the environmental imperative to meeting the challenge of climate change in steering housing to areas where there is a lower risk of flooding outweighs any advantages that might be accrued from the proposed development.

Recommended Refuse
Decision:

Recommended Conditions and Reasons:

1. The proposal would conflict with the provisions of Policy EM8 in the Wirral Unitary Development Plan which makes provision for employment uses in Use Class B1, B2 or B8 and reconstruction, extension or expansion of existing businesses, and is also contrary to the National Planning Policy Framework and Policy CS17 'Protection of Employment Land' in the Core Strategy for Wirral – Proposed Submission Draft because the submitted evidence does not demonstrate that there is no reasonable prospect of the site being used for these purposes.
2. The proposal would be detrimental to the purpose and character of the area and could perpetuate the establishment of noise sensitive development to detriment neighbouring businesses. This could set an undesirable precedent that could undermine sustainable economic growth and employment opportunity if replicated elsewhere within the Primarily Industrial Area. This is contrary to the intentions of Policy EM8: Development within Primarily Industrial Areas and Policy PO4: Noise Sensitive Development in the Wirral Unitary Development Plan and the National Planning Policy Framework.
3. The site is located within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map and it has not been adequately demonstrated that the development could not be accommodated on reasonably available sites in an area with a lower probability of flooding. This is contrary to the National Planning Policy Framework paragraph 101, National Planning Policy Guidance, paragraphs 18 and 19 and Policy CS34 'Flood Risk & Coast Protection' in the Core Strategy for Wirral – Proposed Submission Draft.

Further Notes for Committee:

Last Comments By: 19/03/2014 10:46:20
Expiry Date: 16/05/2014