

Planning Committee

23 July 2014

Reference:
APP/14/00352

Area Team:
South Team

Case Officer:
Ms J Storey

Ward:
**Birkenhead and
Tranmere**

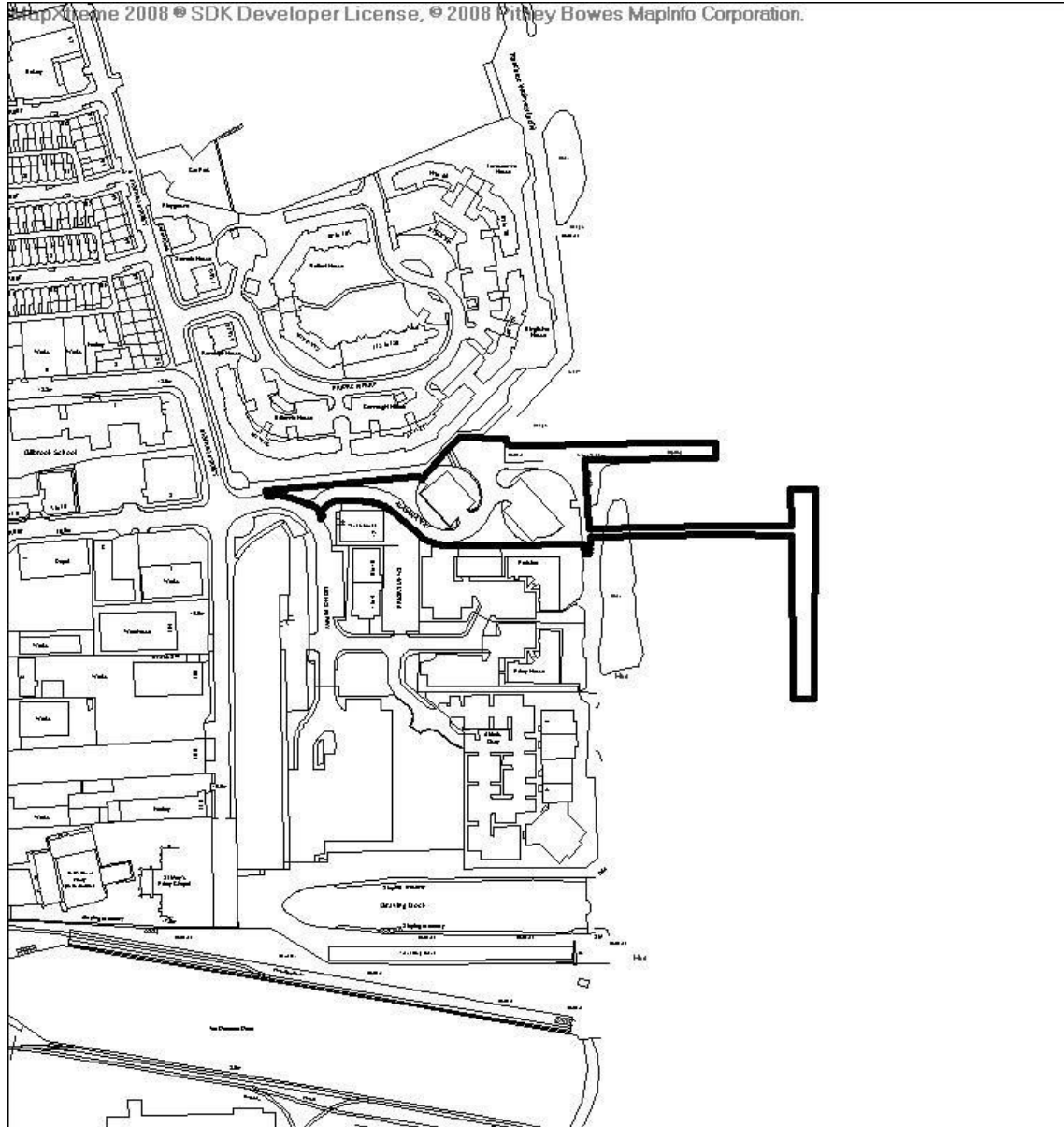
Location:
Proposal:

Car Park, ALABAMA WAY, BIRKENHEAD, CH41 5LJ
The site is currently a public car park. The proposal is for an on shore office, warehouse building and pontoon that will serve as a marine operations and maintenance facility for off shore projects.

Applicant:
Agent :

Cammell Laird Ship repairers & Shipbuilders Ltd
Ainsley Gomon Architects

Site Plan:



Development Plan allocation and policies:

Primarily Residential Area
Coastal Zone
Primarily Industrial Area

Planning History:

- Location: Norbury House, Unit 11 Monks Ferry, Birkenhead, Wirral, L41 5LH
Application Type: Full Planning Permission
Proposal: Erection of a first floor extension
Application No: APP/97/06524
Decision Date: 29/10/1997
Decision Type: Approved
- Location: Vacant Offices, Norbury House, Monks Ferry, Birkenhead, Wirral L41 5LH
Application Type: Full Planning Permission
Proposal: Erection of 10 no. offices and alterations to the existing office
Application No: APP/97/06457
Decision Date: 29/10/1997
Decision Type: Approved
- Location: Monks Ferry Brow, Church Street, Birkenhead, L41 5
Application Type: Full Planning Permission
Proposal: Change of use from ship repair to breaking of vessels and reduction of scrap to furnace size by hydraulic press.
Application No: APP/78/10778
Decision Date: 29/01/1979
Decision Type: Refuse
- Location: Monks Ferry, east of Alabama Way, Birkenhead. L41 5
Application Type: Full Planning Permission
Proposal: Erection of new build office complex with portal framed workshop/storage building.
Application No: APP/93/05475
Decision Date: 28/9/1994
Decision Type: Approved
- Location: River frontage walkway, east of Alabama Way, Birkenhead. L41 5
Application Type: Work for Council by Council
Proposal: Extension of riparian walkway and associated drainage.
Application No: APP/92/06077
Decision Date: 11/11/1992
Decision Type: Approved
- Location: Monks Ferry Docks 1 and 2, Alabama Way, off Church Street, Birkenhead. L41 5EG
Application Type: Work for Council by outside body
Proposal: Development of reclaimed land for business/industrial/ storage (class B1, B2, B8) and training purposes, access road, parking and servicing areas.
Application No: OUT/90/07565
Decision Date: 25/1/1991
Decision Type: Approved
- Location: Monks Ferry Docks 1 and 2, Alabama Way, off Church Street, Birkenhead. L41 5EG
Application Type: Work for Council by Council
Proposal: Damming and infilling of docks.
Application No: APP/90/07566
Decision Date: 25/1/1991
Decision Type: Approved

Location: Norbury House, Monks Ferry, Birkenhead, Wirral, L41 5LH
Application Type: Full Planning Permission
Proposal: Erection of two storey building
Application No: APP/99/05230
Decision Date: 31/03/1999
Decision Type: Approve

Location: Rose Brae site, Church Street, Birkenhead. L41 5E
Application Type: Work for Council by Council
Proposal: Construction of riverside walkway and associated landscaping.
Application No: APP/86/06459
Decision Date: 21/10/1986
Decision Type: Approved

Location: Rose Brae, Church Street, Birkenhead. L41
Application Type: Work for Council by Council
Proposal: Regrading of land.
Application No: APP/85/05769
Decision Date: 16/5/1985
Decision Type: Approved

Location: Monks Ferry Industrial Estate, south of Alabama Way, off Church Street,
Birkenhe
Application Type: Work for Council by Council
Proposal: Construction of main access road, car parking and drainage, (phase 2).
Application No: APP/89/06243
Decision Date: 22/6/1989
Decision Type: Approved

Location: Monks Ferry ,Church Street ,Birkenhead,L41 5HG
Application Type: Section 53 Determination
Proposal: Section 53 Determination - use of land for ship breaking and storage/
transhipment of metals
Application No: DTR/80/17022
Decision Date: 16/01/1981
Decision Type: Prior approval is required

Location: Former drawing office,Monks Ferry ,Birkenhead ,L41 5E
Application Type: Deemed
Proposal: Change of use of former drawing office to light industrial.
Application No: DPP/84/25223
Decision Date: 19/07/1984
Decision Type: Approved

Location: Land adjacent to Woodside Station (formerly Western Ship Repairers),Monks
Ferry ,Church Street ,Birkenhead,L41 5HG
Application Type: Established Use Certificate
Proposal: To obtain an Established Use Certificate in connection with the buildings and
land and associated plant, machinery and equipment and ancillary offices, for
the building of ships and boats
Application No: EUC/81/19157
Decision Date: 09/10/1981
Decision Type: Approved

Summary Of Representations and Consultations Received:

Having regard to the Councils adopted Guidance on Publicity for Planning Applications, 93 neighbour notification letters were issued to adjoining residents and a number of site notices displayed.

At the time of writing, a qualifying petition containing 82 signatures objecting on the grounds that -

1. the application site is close to the conservation area,
2. the area is the only open space for residents and line fishermen and small river craft who earn their living picking up customers at the slipway,
3. charity swimming events take place here ,
4. it is proposed to keep the Heritage trail open but only just, WMBC have done little to enhance this area,
5. the only other area for parking is a small car park next to the submarine at Woodside,
6. the car park belongs to WMBC so in effect belongs to the rate payers.
7. will WBC still charge the same rates?
8. have to pay for 24 hour security,
9. would rather the money went to WMBC.

Further individual objections have been received from the following:

Chair of Priory Wharf Board of Directors & the occupiers of 7 Grennan Court, 7 Coniston House, 10, 41, 42, 49, 59, 65, 68. 70, 74, and 122 Priory Wharf, 16 Fairview Road, 18, Poulton Royd Drive Annakin-Smiths listing the following objections:

1. loss of open space,
2. just outside the Conservation Area, but have to adhere to certain conditions by conservation planners, even just to install windows,
3. prevents use of car park to walk along the river front,
4. should move building to the south of Lairds,
5. the slip way is open and used by the public and this proposal will prohibit this,
6. close to residential properties, issues of noise and general disturbance to residents,
7. removal of a public car park,
8. spoil views across the river to Liverpool,
9. present jetty with its long and important historical associations will be lost,
10. impair the use by walkers, fishermen and small craft taking anglers out into the Mersey,
11. properties on Priory Wharf are already in negative equity,
12. design of the building does not enhance the area, roof of new building will be made of metal and cladding down the sides,
13. disagree that the car park is under used,
14. part of an established heritage trail,
15. loss of light from lower apartments,
16. boats comings and goings will cause further nuisance,
17. the development will destroy the only buffer zone between the residential properties in priory wharf and the adjacent industrial properties,
18. use the car park to transport disabled husband to the promenade, the steep slope down to the car park on foot with a wheel chair is out of the question,
19. I served my apprenticeship with Cammell Lairds and all for improving job prospects but knowing the area, I cannot understand why this area has been chosen, there is plenty of space on land that for many years has been used for this sort of operation.,
20. loss of sunlight onto balconies and communal garden
21. detrimental effect on the trees and greenery,
22. light reflection from steel roof could become blinding,
23. loss of privacy,
24. impact upon the animals that use this communal area ,
25. increase in the amount of traffic and impact on residential amenity.
26. to destroy this destination for visitors would be to lose one of the best vantage points for viewing the UNESCO rated Liverpool river front, couldn't Tranmere shore be used for this development.
27. will the materials be sourced locally or fabricated in China,
28. how many jobs will be created.
29. will impinge on the Tourist opportunities for Birkenhead,
30. loss of public access to the slipway and waterfront car park fee puts off the short term user,
31. may lead to an increase of unauthorised parking at Priory Wharf as there is nowhere else to go,
32. proposed building is very uninspiring,
33. push public access into a potentially threatening funnel and a muggers alley,
34. has the site been tendered by the council,

35. will this create new jobs or just move existing jobs,
36. Habitats Regulation Assessment states that the site is in a commercial area adjacent to existing engineering works, this is not true,
37. application fails to indicate hours of opening but talks about 365 day full tidal access, this is inappropriate close to residential properties, very strong nighttime illumination will be required,
38. walkers approaching from Woodside would be confronted by a warehouse between an attractive office development and attractive apartments.

LDRA (adjoining business) - car parking within the commercial estate is desperately needed, the Council have not responded to requests for road adoption, double yellow lines and the withdrawal of car parking charges at this car park, there is large demand but not at current prices, parking problem in the area will be exacerbated, despite the favourable flood report, the car parking spaces at the head of the current launch ramp are regularly flooded, the car park is extensively used by fishermen and foreign visitors, site serves for river events, families picnicking and people in commercial vehicles enjoying their lunch breaks, demand is low in the winter, but the rest of the year there is a constant stream of vehicles, no provision in the plans for use by LDRA employees and visitors of our side gate (kept locked) have held a number of sales orientated events on site and use of the car park by customers and guests has been critical. No public consultation with history society, local residents or local enterprises undertaken by the Council over the loss of this amenity. The presence of a path way with no parking prospects is not adequate. There appears to be a number of sites that Cammel Lairds can use. Loss of this site and its views is a loss of public amenity. No approach from the Council to LDRA to bid for the car park. LDRA moved from Liverpool to its current site adjacent to the car park because it was an attractive site, with this proposal the company will look for premises elsewhere and some 40 highly skilled jobs will move from the Wirral. The current building will be retained but only for storage. This application is unlikely to produce an increase in jobs. In conclusion, we believe that there will be losses in both employment and amenities if this application goes forward

Former Councillor Brian Kenny - residents are desperately worried that this proposed development will drive down residential property values further, new development will be directly adjacent to the residential properties with only a small passageway in-between, the car park is well used by visitors to the area for the views across and for fishing. This amenity will be lost to the community if the development goes ahead.

Councillor Jerry Williams (Wirral Heritage Champion) objects as Monks Ferry is one of the most historic areas on the Wirral waterfront, from a tourism standpoint, to build an industrial site here would be a disaster.

Birkenhead History Society - importance as a site of special archeological interest, priory is a grade 1 Listed Building and a scheduled ancient monument, Heritage and Tourism potential of the site should be encouraged by Peel Holdings, WMBC and the Greater Liverpool Authority, no consideration of alternatives

Peter Kenny (skipper/ director Liverpool boat charter / **Stan Dickinson** charter boat operator/ Discovery Charters/ **Jenson Sea angling & C Evans** Skipper Merseylass run a chartered boat operation providing charter boat trips and the slipway is the only 24 hour access to the River Mersey to board and disembark customers. Business has built up over the last 7 years, if proposal goes ahead and they are not allowed access and use of the site it will put all other small chartered vessels out of business. Tourists also book into local hotels and use local restaurants. No where else along the River Mersey has 24 hr access. We want to keep 24 hour access to the slip way or alternatively 24 hr unlimited access to the new pontoon. If the Council want to sell or lease it they should provide us with a suitable alternative.

Merseyside Cycling Campaign - Three cycle stands are poorly located, suggest stands would be best located next to the main entrance where they can easily be seen from the reception desk. A separate cycle store is required for workers employed on site. It would be appreciated if any cycle parking could clearly be defined and conditioned if approval for this project is granted.

Letters of support have been received from the following:

Mersey Maritime (represents the interests of over 1700 maritime companies on Merseyside with

communications, events and business support.) - the resurgence of Cammell Lairds as a world Class Shipbuilding/repair and heavy engineering facility has contributed greatly to the local economy in Wirral and provides jobs for a considerably sized and highly skilled workforce. The company's successful diversification into related services including renewable energy and civil nuclear technologies is not only creating additional jobs at the yard but providing benefits to a considerable number of marine service companies. We strongly support the application.

Denbridge Marine Limited can see no reason why this proposal should not proceed

Natural England - No objections.

Environment Agency - No objection subject to the application of conditions relating to development being carried out in accordance with the submitted and approved FRA, and contaminated land

Head of Environment and Regulation (Pollution Control Division) - No objection subject to contaminated land condition

Head of Environment and Regulation (Traffic and Transportation Division) - No Objections subject to a condition requiring details of the proposed alterations to the cycle/footpath adjacent to the north side of the site submitted for approval.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition signed by 82 persons has been received. Therefore, under the provisions of the current Scheme of Delegation for Determining Planning Applications, the application is required to be considered by the Planning Committee.

INTRODUCTION

The proposed development will provide a marine operation facility for the day to day monitoring, routine servicing, maintenance and repair of the off shore wind farms either currently operational or in the process of construction in the Liverpool Bay and Irish Sea. The proposed on-shore office and warehouse building, will be served by both the existing slipway and a new floating pontoon, which will provide berths for service vessels and catamaran's that will be used to ferry the operation and maintenance staff out to the off- shore facilities.

The proposed building will contain offices, welfare, changing and mess facilities for the maintenance staff that attend the off-shore facilities. The warehouse element of the proposal will house the components required for day-to-day maintenance and repairs. Parts would be delivered by road, and the applicants anticipate that such deliveries would be by vans or light lorries

The applicants have stated that the reason for providing this building in this location is that the facility will provide a river berth that has operational capability at all states of the tide to serve the marine facility operators.

This development is also subject to separate marine consent from the Marine Management Organisation.

PRINCIPLE OF DEVELOPMENT

The application site is designated as part of the Primarily Industrial Area and the Coastal Zone in the Unitary Development Plan (UDP), where industrial development and proposals for the expansion of existing businesses requiring a coastal location can be permitted subject to the criteria in UDP Policies EM8, CO1 and CO7. The main issues to address include: the impact on the neighbours amenity, the effect on nature conservation, flood risk, navigation and public access to the coast. The application is partly contrary to UDP Policy CO1 because it expects public access to the coast to be preserved. Some 40m of the existing promenade will be closed, but access to the remainder will still be maintained. For these reasons the application has been advertised as a departure.

SITE AND SURROUNDINGS

The application site comprises of a public car park, promenade and adopted highway. The site levels vary, and fall towards the eastern part of the site. The highest elevation on site is approximately 16m Above Ordnance Datum (AOD) at the junction of Alabama Way and Monks Ferry. Due to the steep gradient across the site, there are a number of retaining walls, which create a number of plateaus across the main site area, with two semi - circular retaining walls creating the two main levels within the site. The west of the site contains a slipway with a locked barrier in place which extends into the River Mersey beyond. This slipway has no public access and is used for emergency access only. This proposal is intended to modify the existing stone wharf but will still maintain access for emergency vehicles. The applicants have further confirmed that the proposed pontoon will also be accessible to allow these vessels to be made available for rapid response should an emergency happen.

A footpath runs adjacent to the northern site boundary and provides public access to and along the seafront north of the site. There are a number of mature trees which have been planted along the northern boundary of the site between this site and Priory Wharf.

Priory Wharf to the immediate north of the site is a 4 storey residential development located at a higher level than the application site, and beyond that is the vacant Rosebrae site. This was formerly a ship repair yard. Priory Wharf was developed during the late 80s through the Merseyside Development Corporation regeneration initiatives along the Mersey waterfronts. To the south of the site is a small business park where the majority of the businesses are maritime related.

In the wider context, the site and its surroundings has been developed and redeveloped a number of times over recent years. The site is accessed through Priory wharf industrial estate and the whole area is dominated by industrial, office and the Marine Maritime college. Birkenhead Priory lies 240m from the site and is not considered to be affected by these proposals.

POLICY CONTEXT

The statutory development plan consists of the Wirral Unitary Development Plan (UDP) adopted February 2000 and saved by Direction of the Secretary of State on 18th September 2007) and the joint waste Local Plan (adopted 18th 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 CH1 Development Affecting Listed Buildings and Structures
Policy CH2 Development Affecting Conservation Areas
Policy CO1 Development within the Developed Coastal Zone
Policy CO7 Criteria for Development in the Inter Tidal Zone
Policy TRT1 Provision for Public Transport
Policy TRT3 Transport and the Environment
Policy TR9 Requirements for Off-Street Parking
Policy TR11 Provision for Cyclists in Highway and Development schemes
Policy TR12 Requirements for Cycle Parking
Policy WA1 Development and Flood Risk Policy
Policy WAT1 Fluvial and Tidal Flooding
Policy WA2 Development and Land Drainage
Policy PO3 Noise

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

Policy WM8 Waste Prevention and Resource Management
Policy WM9 Sustainable Waste Management Design and Layout for New Development

The site is designated as part of the Primarily Industrial Area and Coastal Zone as shown on the Unitary Development Plan (UDP) Proposals Map. Strategic UP 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 Class B1, B2 and B8 and

proposals for the reconstruction of existing businesses. This is linked to UDP Policy EM6 and Policy EM7 which contains criteria that seeks to ensure there would no unacceptable loss of amenity, no adverse effect on the operations of neighbouring uses and to consider traffic impact, nature conservation and the extent to which natural features would be retained.

- UDP Policy CO1, which makes provision for development requiring a coastal location, provided there would be no adverse effect on nature conservation, flood risk can be addressed and public access to the coast can be preserved or enhanced where safe and practical to do so.

UDP Policy CO7, which also permits development where navigation, commercial fisheries, and sedimentary movement are not adversely affected and public access is preserved unless impractical. 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 as a whole constitutes the Governments view of what this means in practice for the planning system.

The Core Strategy Local Plan - Proposed Submission Draft (December 2012), which has been approved by the Council as a material consideration in future planning decisions, also seeks to support manufacturing at Cammell Lairds as well as making provision for green infrastructure.

Employment

In terms of building a strong economy, the Government wants the planning system to do all it can to support sustainable economic growth. Revitalising the local economy is a fundamental part of the urban regeneration strategy which is pursued through the UDP and the emerging Core Strategy Local Plan. Furthermore, it is also a key priority of the Council's Investment Strategy to increase the number of jobs and seek employment opportunities for Wirral residents, particularly in areas of the borough where there are high levels of unemployment.

The applicants have stated that the site will bring highly skilled, long term and specialist employment to Birkenhead. The Jobs will be in the renewable energy and engineering sector. The facility is to be supported from the adjoining Cammell Laird shipyard and from the Marine and Technical college. Cammell Laird is a major employer in Birkenhead and is an internationally recognised centre of excellence for engineering and maritime skills. The operators will employ between 30 to 45 staff at peak times to provide regular monitoring, routine maintenance and occasional emergency repairs to the off shore wind farms. In addition to the operatives, there will be a land based team that monitor equipment and deal with ordering and distribution of parts and components. There will also be crews to operate the crew transfer vessels that carry the operation and maintenance staff backwards and forwards to the off shore operations.

The proposed development which will provide a facility for uses within B1 and B8 in an area designated as a primarily Industrial area within Wirral Unitary Development Plan and is therefore considered to be acceptable in this location. The proposal will provide for up to 45 new jobs to Wirral in the maritime, engineering, renewable energy and construction sectors on a site that is ideally placed for such a facility. It is the intention of the operator to create a facility to allow off shore operations such as wind farms in the Irish Sea to be operated and maintained from a from a Wirral based shore facility. This will contribute to the development of a key growth sector in Wirrals Investment Strategy, the local economy and to the boroughs skill base and assist in sustaining and be sustained by Cammell Lairds, which is considered to supply long term employment opportunities. Furthermore, it is understood that if this development is not forthcoming, the investment in this type of economy will be forced to relocate elsewhere.

Renewable Energy

The UK is signed up to a legally binding EU target of producing 15% of its energy from renewable sources by 2020. To achieve this target, the UK Renewable Energy Strategy (DECC, 2009) aims to

ensure more than 30% of electricity, 12% of heat and 10% of transport energy is generated from renewable sources by 2020.

This proposal would support the development and production of renewable energy in the existing and future off shore wind facilities.

A number of offshore wind - farms are either under construction or operational. Current energy policy would indicate that these developments are set to continue. Burbo Bank approximately 4.5 miles off the North Wirral shore line is already operational and comprises of 25 turbines with the capacity to provide power to 80,000 homes. Further to the west is the larger Gwynt y Mor wind-farm off the mouth of the River Dee. This site is currently under construction. It is expected that these sites will have a service life of at least 20 years, it is understood however, that the foundations have been constructed to last a lot longer to allow for the replacement of the equipment.

The emerging Core Strategy further supports this proposal through Policy CS14, which identifies key growth priority sectors and states that the Council, will in particular, support development that will provide for greener growth including construction and supply chain facilities for offshore wind and the low carbon economy.

Historical context & Heritage Issues

The site is known as Monks Ferry due to the monks of Birkenhead Priory may have operated ferries across to Liverpool in the 12th Century. It is considered probable that the ferry operated from within the inlet known as Birkenhead Pool, where the fresh water of the Birket flowed out to the Mersey (and still does although now through a culvert running under Borough Road) but this pool was impounded as Laird's main basin many years ago. Any evidence of the Monks Ferry has long been removed by a number of phased developments from the early C19th to the present day. The remnants of Birkenhead Priory (c1150) a grade I listed and in part 2* and 2 is located approximately 240m to the south of the application site. The site is a Scheduled Ancient Monument but the priory will not be affected in any way by the proposed development. Monks Ferry railway station was opened in 1844. Due to the constraints of the site, the station proved inadequate for a burgeoning population and was replaced by Woodside station in 1878. From March that year the monks Ferry closed to passenger traffic but remained in service as a goods depot. By the mid 60s the site had become completely derelict and effectively abandoned. The mid 1980 saw the creation of Merseyside Development Corporation and the dry docks were in filled to create development land.

There has been an objection from Councillor Jerry Williams and The Birkenhead History Society on the basis that Monks Ferry is one of the most historic areas on Wirral Waterfront and is mentioned in all Mersey Ferry tours and that from a Tourism standpoint, to build an industrial site here would be a disaster. In addition, Birkenhead History Society are concerned that the area has only recently been open to the Public and this will be taken away. They further state that the area is in continual use and are full to overflowing. In addition they state that the public have not been invited to submit comments, nor has the project been advertised or public meetings arranged.

English Heritage has advised the Council that Dr Michael Hennell, in a private capacity, submitted an application to them to protect the application site as a scheduled monument. However, English heritage have rejected this application. They have stated that the long history of the site and its association with Birkenhead Priory as an embarkation point is not sufficient on its own to merit designation. They further advise that given the more recent history of the Mersey, that it is "not surprising that any early features of a site like this have either been swept away or obscured the later information of the built embankments. There is no information of what was on the site of the car park before the industrialisation of this area and no indication of what archeological deposits may remain in this location it is not possible for English Heritage to make the case that this site would meet the key criteria of survival and archeological potential and a case cannot be made for scheduling.

The National Planning Policy Framework directs Authorities to take account of the impact of development on undesignated sites. In this instance the Local Authorities Conservation Officer considers that a condition attached to any approval shall require a watching brief over the site and subject to archeological supervision during excavation. A working Scheme of investigation is to be agreed with the council three weeks prior to construction works commencing on site is sufficient to meet this requirement. .

Cammell Lairds are proposing continued marine use of a site with a very long maritime history, which

is considered to be an appropriate use for a key waterfront industrial site. The pontoon has been designed to have a minimal impact on the river walls or river bed.

Furthermore objections have been raised concerning the loss of public open space. However, it is suggested that the area was not previously open to the public before the current car parks were constructed by the MDC in the mid 1990's. Prior to that it was railway land or part of the shipyard and there was no public access. The Listed Number 4 Dock is owned by the Authority and leased to Mersey Maritime who sub lease it to Cammell Lairds for use as a working dock, providing training opportunities. As such the it can be visited by appointment with the operators of the facility. The walkway down Alabama Way to Woodside dates from the same period and will remain open to public access.

There are numerous viewing locations along the waterfront where events on the river can be viewed and the promenade will remain as it exists at present except for a short dead end below the existing car parks.

The applicant has advised that alternative sites have been considered closely but all have been rejected for various operational and safety reasons. Nevertheless There are very few locations along the whole of the Wirral coast that would be suitable for such a development and Cammell Lairds have given careful consideration to the merits of all alternatives before settling on this proposal.

The remnants of the Priory are located approximately 250m to the south of this site. this proposal due to the distance away and the scale and height of the building will not have an impact on the setting of both this Listed building and the Listed buildings within Hamilton Square Conservation Area some 500m to the north

Access to the slipway and promenade

Public access to Coastal Zone is expected to be preserved or enhanced under the terms of UDP Policy CO1 and to intertidal zone if practical under UDP CO7. However, in this particular case the applicants have advised that in order to enable all the functions that this development entails to be carried out, a short section of the waterfront (40m) in front of the proposed development and the slipway will to be closed to the general public for safety security and operational reasons. The application has been advertised as a departure from Local Plan Policy.

This closure will not impinge on the Historic walks that are currently undertaken here. This section of the promenade does not maintain a through access to the south because it terminates at the adjoining commercial property which is already gated and closed to any public access.. Access to the main promenade which leads to Woodside and beyond will be maintained via the existing footpath between this site and the perimeter of Priory Wharf. This also forms part of the Historic Route and the Wirral Circular Trail.

There has been representation from local boat charters who made representations that they will be unable to continue their business if the slipway is closed. However, to reiterate, the existing slipway is

- Not open to the public
- The access is gated and locked.
- Should only be used by the Local Authority, Emergency Service, Government Agencies
- There are no recorded Permit holders and no authorisation to use the slipway.
- The slipway status is not maintained for embarking/disembarking vessels
- There is no recent recorded use of the slipway since the Foreshore Permit system has been operated/maintained on behalf of Wirral Borough Council.

Flood Risk Assessment

The site is located within Flood Zone 3a on the Environment Agency's current Flood Map. . This is understood to represent a 1 in 200 year tidal floodplain of the River Mersey estuary. Water compatible development such as dock and wharves and ancillary staff living accommodation is deemed appropriate under National Planning Policy Guidance, paragraph 67. Although the general approach

through the national sequential test is steer development to areas with a lower probability of flooding, development this scheme clearly needs a coastal location. The lowest point of the site is the area close to the top of the existing slipway at 5.45 m AOD elevation, whereas the modeled level for a 1 in 200 year flood event is 6.33m AOD. In line with Guidance this has increased by 5% TO 6.457m AOD to take account of climate change. In accordance with the Environment Agency advice, finished floor levels for the operations centre building will be set to 7.057m AOD to take account of the modeled extent of flooding plus 600mm of additional free board, with arrangements for permanently "dry" access to the building. This is considered to be acceptable under the terms of UDP Policy WAT1, CO1 and CO7 and can be secured through a planning condition.

Waste

Policy WM9 - Sustainable Waste Management Design and layout for New Development. The proposed site design and layout provides appropriate vehicle access and would appear to provide sufficient space for commercial waste collection. Details of demonstrating how the proposal will facilitate the collection and storage of waste can be achieved through a suitably worded condition

APPEARANCE AND AMENITY ISSUES

The application site is within a designated primarily industrial area and bounded on two sides by employment uses. Priory Wharf to the immediate North of the site is a mixed residential development. Priory Industrial Estate and the whole area is dominated by the industrial buildings and cranes of the shipyard. This application is for a use that is compatible with the designated use of the site and the surrounding industrial/commercial uses.

Priory Wharf was intended to be a prestigious position and was meant to be the catalyst for further high quality development on the waterfront but unfortunately, that development never materialised and adjoining sites such as Rose Brae have remained vacant for around 25 years, leaving Priory Wharf isolated in a primarily industrial area. The site was formerly a shipyard and that is still dominated by Cammell Lairds existing yard. The nearest buildings in the conservation area are the Antiques Triangle, which is not visible from the site. There are also all of the listed buildings and scheduled monument on the priory site but their setting will not be adversely affected by the development.

The proposed building measures 44m x 25m at its widest point and a maximum height of approximately 9.0m to the eaves. The surrounding development is of varying heights with Priory Wharf predominately four storey and the adjacent offices are two storey with pitched roofs.

The proposed building sits low on the site ensuring that the building will be viewed against the back drop of other buildings The apartments along Priory Wharf frontage contain balconies which face out onto the River across this site. Both the siting and orientation of this proposed building along with the lower site levels assists in minimising the impact of the proposed development on the residential amenities of those occupiers through overshadowing or loss of outlook. In addition, the majority of the perimeter trees between this site and the apartment block will remain and continue to provide a screen between this site and priory wharf. .

In terms of design, the proposed building reflects the surrounding industrial buildings, Priory Wharf is approached through the Priory Industrial Estate and the whole area is dominated by the industrial buildings and cranes of the shipyard. The area is extremely mixed but is primarily industrial and is completely dominated by the shipyard buildings. The Marine and Technical college, which is only 100M from the site uses similar materials to those that are proposed for our building but there are areas of brick, stone and metal cladding within the immediate area and buildings of all periods and styles.

There have been a number of objections to the proposal on the grounds that the proposal will result in the loss of the existing view, the proposal will result in negative equity in the value of the properties within Priory Wharf, the lighting will be intrusive and that the materials to be used in the construction will reflect back into the apartments. There is no right to a view in planning terms but the applicants have ensured that the building is kept as low as possible on the site so that its impact on the view from Priory Wharf is minimised. In addition, it is not within the remit of the Planning Department to make an assessment of a proposal based on the grounds of impact on the value of surrounding property, this is not a material planning consideration. With regards to the use of materials the flats

are to the north of the existing building so the sun will very rarely fall on the facade facing them. Roof cladding can be chosen to minimise reflections onto adjoining buildings (perhaps a darker shade of grey or similar to help to prevent this becoming an issue. The lighting is an integral part of the design that is designed to create minimal light pollution.

Noise

UDP Policy PO3, Noise, states that development will only be permitted where noise arising from the proposal will not cause an unacceptable nuisance to noise sensitive development or land uses.

The applicants have submitted instantaneous noise monitoring report to determine the indicative sound levels of background noise that may arise from the berthing of crew transfer vessels at the proposed site. A typical crew transfer vessel was located at the position of the proposed berthing pontoon and instantaneous noise monitoring undertaken. These will be restricted / regulated as part of the controls on the end user. The use of the car park at present is completely un-restricted and un-regulated. The Environmental Health Division has raised no objection to the proposal on noise grounds.

SEPARATION DISTANCES

The rear of the proposed two storey building containing the warehouse facility (this is the closest point to the apartments on Priory Wharf) will be 24m away from the apartments and this elevation contains no windows, thus exceeding the 14m interface requirement. The proposed offices to the east of the Warehouse will contain windows but due to the orientation of the proposed building and the distance of 42m, complies with Local Planning Policy advice of 21m and will not impinge on the residential amenities of those occupiers through over looking or poor out look.

HIGHWAY/TRAFFIC IMPLICATIONS

Access to the site is via the existing road network. The applicants have advised that there will be intermittent deliveries to the warehouse of around one a day and that the number of proposed parking spaces will be comparable with the number of spaces currently on site. It is unlikely therefore that there will be an increase in the number of vehicular movements that could presently be accommodated on the site. The Traffic and Transport Division has advised that the existing public car park is not heavily used and the displaced car parking can be catered for in adjacent streets. There are no objections to this proposal on a traffic or highway safety grounds as there is on-street pay and display parking provision in the area.

Loss of the car park

There have been objections raised on the grounds of a loss of car parking for this part of the Borough should this proposal proceed. There is alternative parking laid out in bays all along Church Street leading up to the priory gates. The only income currently derived from the site is the revenue from the ticket machines. Information from the Highways Department has shown that over the last four years ticket sales from the car park indicate that between two and three cars a day use the car park. It is clear that the site is no longer required for its initial purpose and that this site is capable of providing high value and high skill employment for Wirra.

ENVIRONMENTAL/SUSTAIN ABILITY ISSUES

EA Scoping and Environmental Impact Assessment

An EA screening request was submitted by the applicant prior to the submission of the application. The proposals were categorised under the EIA Regulations 2011 as within the scope of an "urban development project" under Schedule 2, clause 10(b). The Screening Request suggests that the site is below this size, but excludes the proposed marine structure. The Screening was undertaken by Merseyside Environmental Advisory Service on behalf of the Local Planning Authority. The findings indicate that the potential for the scheme to significantly impact any designated site is considered to be low. The proposed inter-tidal structures overlay a small area of supporting habitat for the Natura 2000 sites (64m² concrete pad foundation), and no grounding of the shore side linkspan structure onto inter-tidal habitat. It is concluded, therefore, that any potential issues and impacts can be adequately addressed through the normal planning and marine licensing assessments and through the Habitats Regulation Assessments

Impact on Wildlife

UDP Policy NCO1, states that the Local Planning Authority will only permit proposals which will not adversely affect either directly or indirectly the integrity of the Boroughs international, national and locally designated sites for nature conservation and earth science. When assessing planning applications, the Local Planning Authority will have regard to the relative significance within these nature conservation designations.

As the competent Authority, a Habitat Regulations Assessment has been undertaken for the Local Planning Authority by Merseyside Environmental Advisory Service. The supporting documentation that accompanies the application has been assessed and it can be concluded that the proposal:

- is not directly connected with or necessary to the management of the nature conservation 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 Estuary Special Protection Area (SPA)
- Mersey Estuary Ramsar
- Mersey Narrows and North Wirral Foreshore SPA
- Mersey Narrows and North Wirral Foreshore Ramsar site and
- Liverpool Bay SPA

Consequently it can be concluded that the proposal will have no adverse effect on the integrity of the Natura 2000 sites

UDP Policy NC7 Species Protection states that any development that has an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions.

Vegetation on site may provide some limited nesting opportunities for breeding birds, which are protected. No tree felling and scrub clearance should take place between the period 1st March to 31st August. If it is necessary to undertake works during the bird breeding season then all trees on site are to be checked to ensure no breeding birds are present. If they are present, details of how they are to be protected are to be required. This can be achieved through the attached condition.

The applicants have advised that a small number of trees will be removed including existing leylandii from the boundary with Monks Ferry. It is proposed to replace these with small slower growing deciduous trees.

Contaminated Land

Based on the information submitted, it is recommended by both the Environment Agency and the Councils Environmental Health Officers that the development could be granted providing there are conditions relating to the control and management of contamination.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

A small area of the existing promenade would be closed to public access as a result of this proposal, however, it is considered that any loss of access to short dead-end section of the waterfront is on balance outweighed by the economic benefits including the creation of jobs within the Wirral area that can be accrued through the proposed development. The proposed operator intends to create a facility to provide off shore operations to be operated and maintained from a Wirral based on shore resource. This will contribute, to both the Wirral economy and to the skills base of people working in the renewable energy sector in Wirral. It is not considered that the proposal will result in an undue detrimental impact on the amenities of surrounding occupiers through noise, general disturbance, overlooking or loss of light or to the local habitat. In addition, the proposal will not adversely affect the historic fabric of the immediate location or nearby Listed Buildings or Conservation Area. Having regard to the land use designation, the scale, design, pattern of existing development and character of the area the proposal is otherwise considered acceptable under the relevant policies of Unitary Development Plan and the National Planning Framework The development of this site will bring skilled employment to Birkenhead in the renewable energy and engineering sector which is supported and promoted through the emerging Core Strategy.

Summary of Decision:

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

The proposed development accords with both National and Local Plan Policies and will make a positive contribution to the area through the designated land use, scale, design, pattern of existing development and character of the area. It is not considered that the proposal will result in an undue detrimental impact on the amenities of surrounding occupiers through noise, general disturbance, over looking or loss of light or to the local habitat. In addition, the proposal will not effect the Historic fabric of the immediate location or nearby Listed Buildings or Conservation Area. The development of this site will bring skilled employment to Birkenhead in the renewable energy and engineering sector.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

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

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

2. NO DEVELOPMENT SHALL TAKE PLACE BEFORE samples of the facing, roofing and boundary treatment materials to be used in the external construction of this development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy EM6 of the Wirral Unitary Development Plan.

3. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided. The approved facilities shall be permanently retained and maintained thereafter.

Reason: In the interests of highway safety and to accord with Policy EM6 of the Wirral Unitary Development Plan.

4. NO DEVELOPMENT SHALL TAKE PLACE until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties and to accord with Policy EM6 of the Wirral Unitary Development Plan.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) December 2013/st13783.001/Wardell and the following mitigation measures detailed within the FRA:

1. Construction of ground floor slab level at a minimum height of 7.057m AOD.
2. Overland flood flow routes to be directed away from proposed building (as per drawing No. ST13738/003)

3. Surface water run-off to be discharged directly via site drainage system to the River Mersey, utilising existing point of discharge.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason To prevent pollution of controlled waters from contamination on site.

7. NO DEVELOPMENT SHALL TAKE PLACE until a Construction Environmental Plan has been submitted to and agreed in writing by the Local Planning Department. The plan will include the following details:

- Measures to avoid creation of new transport pathways and avoid run-off / release of pollutants and construction related debris into the River Mersey.
- A construction noise management and lighting scheme. Measures to clearly identify access routes for personnel and equipment and working areas on the inter tidal shoreline to minimise areas of working to protect inter tidal ecology and reduce interaction with bird species.

Reason – Reasonable avoidance measure to enable confirmation of no likely significant effect on Natura 2000 sites during construction phase;

8. A decommissioning method statement Shall be prepared and submitted to the Local Planning Authority for approval prior to de-commissioning activities commencing.

Reason: a reasonable measure to take account of ecological characteristics of the area at the time decommissioning is planned and will enable confirmation of no likely significant effects on Natura 2000 sites supporting habitats.

9. PRIOR TO THE OCCUPATION OF THE BUILDING HEREBY APPROVED, details of the proposed alterations to the cycle/footpath adjacent to the north side of the site, including the interface with Monks Ferry / Church Street and all associated traffic signs and road markings, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained as such thereafter.

Reason In the interest of highway safety and public access.

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

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with

policies WM8 and WM9 of the Waste Local Plan.

11. PRIOR TO THE FIRST OCCUPATION OF THE BUILDING arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

12. No development shall take place until full details of the finished floor levels for the development and the surrounding ground levels in comparison with existing ground levels within and adjoining the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed levels.

Reason: To ensure satisfactory appearance, in the interests of public safety and to ensure that the development responds appropriately to any increased risk of flooding in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPS23: 'Planning and Pollution Control and PPS25 Development & Flood Risk.

13. NO DEVELOPMENT SHALL TAKE PLACE until all drainage plans, Construction Environmental Management Plan including construction methods, identification of working areas and methods to prevent disturbance to any Natura 2000 qualifying bird species during construction, waste disposal methods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out on accordance with the approved details to ensure that no pollution enters the River Mersey, Mersey Narrows and North Wirral Foreshore pSPA, pRAMSAR and Mersey Estuary SPA, RAMSAR site.

Reason: To protect the Mersey Narrows and North Wirral Foreshore pSPA, pRAMSAR and Mersey Estuary SPA, RAMSAR site in accordance with National Planning Policy Framework and Policy NCO1 in the Wirral Unitary Development Plan. To prevent construction related pollutants entering controlled waters. To ensure that there is no likely significant effect on Natura 2000 sites.

14. NO DEVELOPMENT SHALL TAKE PLACE until a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the final Code of Construction Practice & Management Plan should cover the following minimum requirements:

- I. Site supervision;
- II. Machinery (Noise & Vibration Levels and mitigation measures, location and storage of plant, materials and fuel, access routes, access to banks etc.);
- III. Protection of areas of ecological sensitivity and importance;
- IV. Methods used for all channel and dock edge water margin works; and
- V. Methods for the control of dust and air pollution;
- VI. Methods for the prevention of dust, dirt, debris and other deposits on the highway;
- VII. Details of security hoarding including maintenance, decorative displays and facilities for public viewing.
- VIII. Lighting methods to avoid disturbance to birds and bats.
- IX. Methods to avoid construction related debris and pollution from entering controlled waters including the River Mersey
- X. Methods for the control and eradication of Japanese knotweed and other invasive species.

Construction shall be carried out strictly in accordance with the approved Code of Construction Practice & Management Plan.

Reason: In the interests of amenity and to ensure that the construction of the development uses the best practicable means to avoid adverse environmental impacts in accordance with the National Planning Policy Framework. To ensure that there is no likely significant effects on Natura 2000 sites and European protected species. To avoid pollution to controlled waters. To ensure that the proposed development makes a contribution to biodiversity in accordance with the NERC 'Biodiversity Duty', Policy NC7 of the adopted UDP and the National Planning Policy Framework.

15. No tree felling and scrub clearance is to take place during the period 1st March to 31st August Inclusive. If it is necessary to undertake works during the bird breeding season then all trees and scrub on the site are to be checked first to ensure no breeding birds are present. If present, details of how they are to be protected are required.

Reason: In the interests of amenity and to ensure that the construction of the development uses the best practicable means to avoid adverse environmental impacts in accordance with the National Planning Policy Framework. To ensure that there is no likely significant effects on Natura 2000 sites and European protected species. To avoid pollution to controlled waters. To ensure that the proposed development makes a contribution to biodiversity in accordance with the NERC 'Biodiversity Duty', Policy NC7 of the adopted UDP and the National Planning Policy Framework.

16. PRIOR TO FIRST OCCUPATION OF USE OF THE DEVELOPMENT the area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority. All landscape works shall be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

17. No deliveries shall take place at the site outside the hours of 08.30am and 6pm unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of residential amenity and to comply with Policy EM6 in the Wirral Unitary Development Plan.

18. PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT an archaeological evaluation or watching brief shall be submitted and approved in writing by the Local Planning Authority. This must be undertaken by a professionally qualified archaeologist who is a member of the Institute of Archaeologists at Practitioner grade or above. The approved programme of works shall subsequently be implemented and where appropriate, completed in accordance with the approved details. The programme shall include written schemes of investigation for evaluation and watching briefs.

Reason: In the interests of protecting the site of archaeological importance and to comply with Policy CH25 of Wirral's Unitary Development Plan.

Further Notes for Committee:

1. The existing junction with Alabama Way and the cycleway/footpath/verge and trees adjacent to the northside of the site remain as adopted highway. The remainder of the proposed site will require permanently stopping up. This will require the Local Highway Authority to arrange for the formal closure of the highway under the powers given to it by Section 247 of the Town and Country Planning Act 1990. All costs will be recharged to the applicant, who should contact the Councils Highway Management team on 0151 606 2204 for further information

Last Comments By: 04/07/2014 10:07:29

Expiry Date: 24/07/2014