

Planning Committee

19 February 2015

Reference:
APP/14/01585

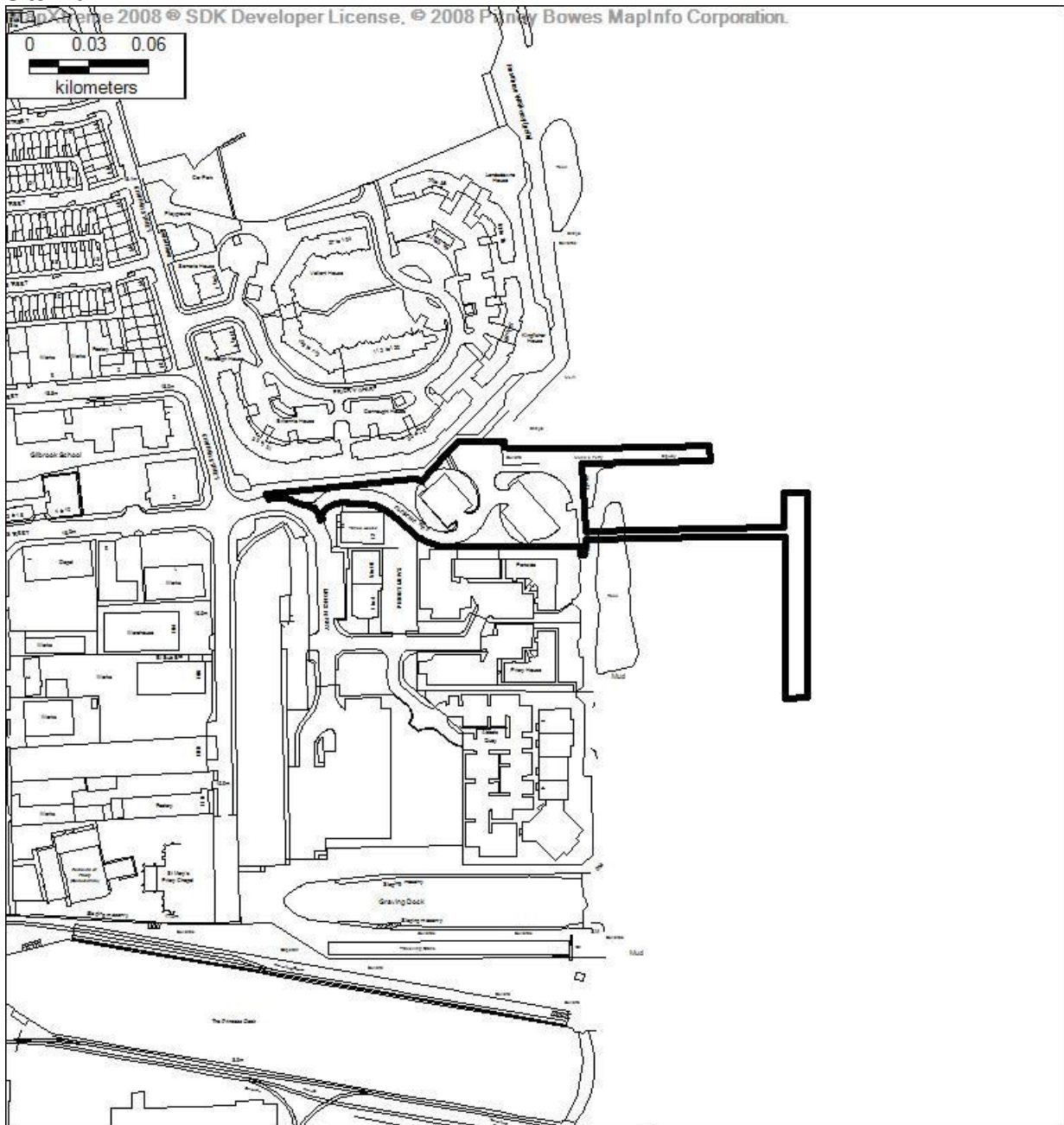
Area Team:
South Team

Case Officer:
Ms J Storey

Ward:
**Birkenhead and
Tranmere**

Location: Car Park, ALABAMA WAY, BIRKENHEAD
Proposal: The construction of an on shore office, warehouse building and pontoon to serve as a marine operations and maintenance facility for off shore projects.
Applicant: Cammell Laird Ship-repairers & Shipbuilders Ltd.
Agent : N/A

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Coastal Zone

Primarily Industrial Area

Planning History:

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: Refused

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/transshipment of metals
Application No: DTR/80/17022
Decision Date: 16/01/1981
Decision Type: Prior approval is required

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

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

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: Monks Ferry Industrial Estate, south of Alabama Way, off Church Street, Birkenhead
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 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: 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

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regards to the Council Guidance on Publicity for Applications, 107 notifications were sent to adjoining properties. A number of site notices were also displayed. At the time of writing this report the following representations have been made:

A petition of support signed by 531 signatures urging the Council to approve this application in support of its policies for economic development and investment of off-shore and related industries and the growth of employment opportunities in Birkenhead.

20 individual objections have been received from the following:

Priory Wharf Management Company; 10, 36, 41, 42, 54, 59, 61, 74 & 122 Priory Wharf; 12 Grange Court; 10A James Street; 13 Penuel Road; 16 Cranbourne Avenue; 15 Coleridge Drive; 27 Bolton Road East; 6 Cedarway; 24 Rosalind Avenue; 5 Gores Lane & 132 Whetstone Lane.

Three petitions of objection have been received containing a total of 176 signatures.

The objections can be summarised as follows:

1. Building neither blends in or enhances the area
2. The offer of a different coloured cladding would not help the building blend in with Priory Wharf or the surrounding offices
3. No imagination in the buildings design it looks like a warehouse, what message does this give so close to residential properties
4. Disagree that the car park is under used, one of the few areas that visitors can park their cars and enjoy the views, Full on New Year's Eve, park for the heritage trail, fishing off Monks Ferry, viewing cruise liners
5. Monks Ferry slipway is of major historical significance, fail to see why this is a re designated Industrial area
6. Like to know what evidence the applicants have that the car park encourages inappropriate

behaviour worry about the noise generated by this industrial workplace, being in such close proximity to our home

7. understand that this will result in the relocation of an existing company and the loss of 40 jobs
8. applicants admit that there would be major adverse effect on a number of residents in building this industrial warehouse.
9. views shown by submitted photographs are useless, new warehouse would be in clear view from all floors and residents in lower levels suffering loss of light
10. use the car park to transport disabled husband to the promenade
11. the line fishermen also enjoy this location
12. Understand that Cammell Laird have made some changes to the application, but cannot be certain how much noise and disruption will be the outcome of this
13. provides a safe play for children to play
14. would have preferred that consultation had been undertaken before we made our first objection
15. need to concentrate and improve what we have not given over to more industry
16. increase in noise and general disturbance created by the coming and going of vehicles and vessels arriving and departing
17. unfair that residents who bought their properties are being made to accept the result of a shoddy warehouse with a slightly lower roof in order to placate
18. all should be able to access the area. surely Peel/Cammell Laird could use a different area such as Bootle Docks
19. only deep water slipway left in the River where boats can load and unload anglers
20. Alabama Way is a single lane and unsuitable for the sort of traffic this development will create, will result in the removal of mature trees
21. as a landlord tenants may move and leave me with empty properties
22. high level of noise by boats when manoeuvring on and off the pontoon

Councillors Jean Stapleton and Phil Davies - support the views of the large majority of residents of Priory Wharf are opposed to this proposal. It will destroy the buffer zone between their residential properties and the adjacent industrial properties. Properties are already in negative equity and this proposed development will drive down values further. the loss of this amenity will be a loss to the community.

Councillor Jerry Williams considers the application site is a vital Heritage Site and an important viewing area for tourists which is under threat again as a result of these current proposals. As such, he is totally opposed to the proposed development.

Merseyside Cycling Campaign object on the basis that the development fails to meet the standards required for long term parking

Stronger Communities Initiative Assembly object

Stanley Dickinson Tuskar Charters object

Gary Flint Discovery Charters object

Foxfield School object to the proposals on the following grounds:

1. Improved the look of local areas and encouraged business back into Hamilton Square, for a community to lose the last amenity open to them in this area is unthinkable
2. area is widely used by whole of the community, local residents don't have space for children to play so they use this facility
3. deny access to historic public slipway. I pick up passengers off this slipway and other businesses' have used this slipway for decades, most important slipway on the Wirral as it is the only one for 60 miles that has access to the river at all states of the tide.
4. bring tourists to the area who stay in Local Hotels
5. LDRA had approached the council to buy the car park surely with Lairds being refused planning the council could reverse its decision

LDRA Ltd objects to the proposals on the following grounds:

1. Historical Evidence
 - error to call the slipway a coaling wharf
 - confusion over names of Ferries
 - submission fails to reference any maps prior to 1840, Peter Burdett Map (1767) This map shows the position of Birkenhead Priory, and corresponding Ferry point and shows that there is only one road from the south leading to the Ferry point.
 - from the submitted evidence (by LDRA) the analysis is that Monks Ferry was a vital component of the development of Liverpool and hence the significance and setting of the Monks Ferry with respect to the World Heritage Site can be assessed as highly significant and is a contradiction to the submitted historic environmental assessment. The reason for existence of the Birkenhead Priory was the close proximity of the monks Ferry and the submitted evidence clearly shows that the current site is an ancient site.
2. Landscape and visual assessment
 - optical systems can distort the perspective
 - computer software does not satisfy any International or UK software standards
3. Position of LDRA
 - very sensitive to its image, doesn't want to be next to dirty, noisy dockyard
 - will move away if application is approved at a loss of jobs to Wirral (100)
 - LDRA has offered WMBC £250,000 for the site which will be offered to the National trust should this be successful.
4. Contrary to UDP policies, CO1, EM6, EM7, TL1, CS1, CS5, CS15, CS43
 - only from the car park that access to the promenade can be obtained
 - limited car parking in the vicinity of Woodside
 - car park full at mid-day
 - loss of car park , will be a serious loss to public amenity
 - apartments in Priory Wharf will be deprived of current aspect
 - adverse effect on the operations of neighbouring uses, presence of noisy, dirty dockyard and metal shed is unacceptable
 - as a consequence of this development, the adjacent office space will lose its value and become derelict
 - proposed building is a metal clad shed
 - vehicles visiting the site are likely to be larger than stated
 - outside storage of unsightly objects
 - no constraint on larger vessels using the dock
 - LDRA is a better long term growth option than the proposal
 - design does not fit in with the local surroundings

CONSULTATIONS

Head of Environment & Regulation (Traffic & Transport Division) - No objections

Head of Environment & Regulation (Pollution Control Division) - No objections

English Heritage - No objections

Natural England - No objections

Merseyside Environmental Advisory Service - No objections

Environment Agency - No objections

DIRECTORS COMMENTS:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The Council has received qualifying petitions and separate letters of objection opposing the proposed application. As such, under the provisions of the Council's Scheme of Delegation for Determining applications, this application is required to be considered by the Planning Committee.

INTRODUCTION

Planning permission was refused last year for an on shore office and warehouse building to serve as a marine operations and maintenance facility for off shore projects. The reason for refusal is given as "The proposed development by reason of its siting, is considered would result in an unacceptable loss of amenity for the occupiers of residential development at Priory Wharf by virtue of increased noise, general disturbance and poor outlook. The proposed development, if approved, would be contrary to Policy EM6 of the adopted Wirral Unitary Development Plan."

A subsequent appeal has been lodged against the refusal.

This current proposal 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

The applicants advise that current energy policy suggests that these developments will continue to develop for various forms of renewable energy sources. This includes Burbo Bank Offshore Wind Farm which is currently operational approximately 4.5 miles off the North Wirral shore line. This site currently comprises 25 Wind Power turbines which has the capacity to provide power for up to 80,000homes. Following the granting of a local Development order the project has been extended to provide up to 69 wind turbines. In addition Gwynt-y-Mor Offshore Wind Farm is under construction. It is expected that these sites will have a service life of at least 25 years.

This proposed facility containing an onshore office and storage warehouse to manage and service the offshore works. The inclusion of an offshore pontoon will enable crew to transfer vessels to berth and transport operatives to offshore infrastructure.

The office will accommodate support staff and the storage warehouse light components and offshore survival equipment. Spare parts will be delivered by road, but the applicants anticipate that the size of the components is small and the anticipated deliveries will be either by van or rigid wheelbase lorries with the majority being 8 to 10T vehicles during standard office hours.

The applicants have confirmed that there will be no manufacturing on site, and the normal working hours of this element of the scheme will be 7.30 to 5.30

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 partially contrary to UDP policy CO1 because it expects public access to the coast to be preserved. Part of the existing promenade would be closed, therefore the application has been advertised as a departure from the Wirral Unitary Development Plan.

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 have 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 TR1 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 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 Class B1, B2 and B8 and proposals for the reconstruction of existing businesses. This is linked to UDP Policy EM6 and Policy EM7 which permits employment development subject all its criteria including that which seeks to ensure there would be 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 Government's 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 maintain 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, which needs a coastal location to serve off-shore infrastructure. It is therefore considered to be acceptable in this location subject to the impact on neighbouring uses and other environmental considerations. The proposal will provide for up to 45 new jobs to Wirral in the maritime, engineering, renewable energy and construction sectors one of the few sites with access to the Mersey River. It is the intention of the operator to create a facility for off shore operations such as wind farms in the Irish Sea to be operated and maintained from a Wirral based shore facility. This will contribute to the development of a key growth sector in Wirral's Investment Strategy, the local economy and to the borough's skill base and assist in sustaining and being 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.

Policy CS5 – Priorities for the Commercial Core of Birkenhead Use the scale of new development within the Area to significantly reduce the amount of vacant and under-used previously developed land and support the delivery of strategic renewable energy infrastructure including district heating.

Historical context

Objections to this proposal have been received 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. Information submitted against this current proposal suggest that the historic survey submitted as part of this current application is inept and contend that the stone slipway is itself an ancient monument as submitted maps and drawings state that it dates from before 1800.

English Heritage has 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 archaeological 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 archaeological potential and a case cannot be made for scheduling.

As part of the previous application, English Heritage has advised the Council that an application by LDRA was submitted to them to protect the site as a scheduled monument. However, English heritage rejected this application.

The remnants of the Priory are located approximately 250m to the south of this site. The 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

In responding to this current application, English Heritage have advised in view of the current industrial character of the area, English Heritage considers that the proposed development will have limited impact upon the setting and significance of Birkenhead Priory. In light of this there is no objection to the proposed development in principle.

The National Planning Policy Framework directs Authorities to take account of the impact of development on undesignated sites. In this instance the Local Authority's Conservation Officer considers that a condition attached to any approval should require a watching brief over the site and subject to archaeological supervision during excavation. A working scheme of investigation to be agreed with the Local Planning Authority three weeks prior to construction works commencing on site would be 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.

Loss of Public Open Space

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, but has been open since then. Prior to that it was railway land or part of the shipyard and there was no public access. The walkway down to Woodside dates from the same period and will remain open to public access around Priory Wharf.

The current use of the site is a car park which is hard surfaced and within a designated primarily industrial site. 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.

Loss of the car park

There have also been objections raised on the grounds that the loss of this car park will have an impact on this part of the Borough. However, It is suggested that should this proposal proceed, there is alternative parking provision along Church Street. The Councils Highway Department has also confirmed that the only income derived from the site is the revenue from the ticket machines and this indicates that between two and three cars a day have used the car park over the last 4 years. It is clear that the site is no longer required for its initial purpose and that the site is capable of providing a development that will result in high value and high skill employment for Wirral.

Site alternatives and selection

During the previous application, a number of objectors suggested that there were alternative, more suitable sites that could accommodate this type of facility. As a result, the applicants have submitted a document which explains the approach taken to site identification and assessment. Cammell Laird have advised that the proposed development is required for the day-to-day monitoring, routine servicing, maintenance and emergency repair of off-shore projects and associated marine infrastructure. The offshore element comprising of the floating pontoon will allow Crew transfer vessels direct access to the onshore facility.

Based on an initial screening assessment, the most appropriate locations were considered to be those on the east Wirral coastline, given the wider marine and terrestrial constraints, including environmental restrictions, Sea Bed contamination minimal disruption to existing shipping and marine infrastructure, shipping routes and channels, docks and canals and the need to obtain a location with minimal distance from land to the water channel, with sufficient draft and LAT to allow berthing at all states of the tide and

minimal channel maintenance.

The following locations were taken forward by the applicant for assessment -

- Rose Bray Dockyard
- Alabama Way Car Park
- Cammell Laird Wet Basin
- Cammell Laird Slipway
- Rock Ferry Jetty
- Bromborough Pool
- Bromborough

Rose Bray Dockyard

The Rose Brae Dockyard land is located between the light industrial and commercial units to the north and Priory Wharf to the south. The site is designated within Wirral Unitary Development Plan for Residential use. It was therefore anticipated that Planning permission would not be forthcoming for a use that was contrary to Development Plan designation.

Alabama Way Car Park

The land has previously been used for Industry and is presently a car park. It is between light industrial and commercial units to the South and Priory Wharf to the north. The site is designated for Industrial purposes within Wirral's Unitary Development Plan. Uses that fall within use classes' B1, B2 and B8 are considered to be acceptable on this site subject to the amenity of adjacent uses. The proposed facility falls within these use classes. There are no marine land designations which would affect shipping or that indicate environmental constraints. Sea bed conditions are suitable and there is no indication of sea bed contamination. The facility can be accommodated without disrupting shipping including access to Cammell Laird docks to the south. There are no marine structures or systems that would be affected and the channel is of suitable proximity and depth to accommodate a marine facility.

Cammell Laird Wet Basin

The wet basin is constrained by the operation of the dock gate subject to tidal conditions and heavy shipping movements. The applicants advise that this site does not meet the criterion of having access to the river and estuary at all states of the tide. For these reasons the site was considered to be unsuitable for the O&M facility and it was not taken further for consideration.

Cammell Laird Slipway

There is an existing offshore wind farm construction facility south of the slipway. The facility however, is being used by Cammell Laird on a short term basis during the construction of off shore wind Farms. This would also restrict the future expansion of Cammell Laird and compromise its ability to accommodate heavy fabrication works which cannot be accommodated elsewhere and would impinge on the future development of the shipyard in accordance with adopted and emerging planning policy. For these reasons the applicants advise that the site is not suitable.

Rock Ferry Jetty

The Rock Ferry Jetty is located to the south of the Tranmere Terminal where there is an area designated for light industrial use and adjacent to land designated for residential and green space. The industrial site is currently occupied by The Royal Mersey Yacht Club and Tranmere Sailing club and is not therefore available. In terms of the marine considerations, the applicants have advised that the designation of the SSSI and SP on the foreshore could prevent an MMO licence being secured. In addition the applicants have confirmed that the location of the proposed development at this site would cause substantial risk of disruption to commercial shipping and marine structures and the length of the jetty would indicate that the channel is not close to the land to achieve suitable depth to accommodate a

marine facility.

Bromborough Pool and Bromborough

The identified site at Bromborough Pool is in an area designated for Industrial development within Wirral's Unitary Development Plan. However, the submitted report states that the estuary off the land at Bromborough Pool has previous use by marine vessels although there is no historic use of marine structures within the channel. An O&M facility is considered to conflict with the shipping channel for Eastham Dock and the Manchester Ship Canal. Existing commercial vessel movements at this location would be considerably greater than other locations downstream

The applicant has submitted information that shows that alternative sites have been considered closely but all have been rejected for various operational and safety reasons. 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.

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.

This closure will not impinge on the guided Historic walks that are currently undertaken along the coastline. 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. It should only be used by the Local Authority, Emergency Services & 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 modelled 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 modelled 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 proposed offices and mess facilities are located towards the river. The warehouse accesses are arranged on the north and southeast faces so that the flow of materials and personnel are segregated and minimise visual intrusion on the surrounding properties.

The pontoon gangway is positioned southern end of the river wall boundary to receive materials and personnel from the office and warehouse facility which again provides a screened environment from the surrounding properties.

The applicants have advised that changes have been made to the application proposal to take account of the 'reasons for refusal of the previous planning application (Reference: APP/14/00352)

These include the retention of the existing level at the sea wall, the removal of proposed roof lights on the northern part of the warehouse roof, relocation of personnel door in the warehouse building; and Infill fencing alongside the gates to the main site entrance.

The application proposed establishing new levels across the application site including building up the sea wall to the same level as the building slab. The revised proposals envisage the sea wall remaining as existing and the raised part of the site commencing approximately 1.3m from the outer edge of the sea wall. The remaining part of the promenade would be accessed via steps at the northern end and the link span to the pontoon would bridge this area which would be at a lower level.

The previous application proposed roof lights to allow natural light into the warehouse and this included 7 roof lights on the northern part of the roof closest to the residential properties on Priory Wharf. Their removal reduces the light spillage that otherwise would arise, particularly as viewed from residential properties in Priory Wharf.

A personnel door was proposed into the warehouse located on the north elevation of the building and to the west of the roller shutter doors. This applicant revised the location to the east of the roller shutter doors. This will avoid the need for personnel to walk across the proposed delivery door and also displace noise sources further from adjacent residential areas.

The proposals include new evergreen shrub planting to the north of Alabama Way between the main vehicle access gate and the pedestrian gate further east, as well as an additional tree planted at the eastern end of the shrub planting area. An area of evergreen shrub planting containing three further trees would be incorporated into northern boundary of the site adjacent to the footpath connection to the promenade. The proposals also include the planting of a row of climbing ivy along the southern boundary.

Community Involvement

In response to the Council's Statement of Community Involvement, the applicant has carried out two consultation exercises in the form of presentations and question and feedback sought through question and answer sessions and questionnaires. For each event, the applicant issued 160 invitation letters. The submitted documentation advises that six people attended the first event and twenty one people attended the second event.

The applicants presented various options in terms of the visual appearance of the proposed building, boundary treatment and landscaping proposals.

The resulting comments are summarised as:-

External Appearance

- reduces the open space between the building and the river
- must be broken up, not look like a shed, use greenery, ivy, trees in tubs to break up the walls
- prefer option 2, cladding and brick work half height
- cannot match current/present view
- acceptable from the river, but the side elevation is too industrial
- Introduction of windows and balcony to replicate the north and west elevations

External pattern

- the design, pattern and colour have to minimise the effect on option A. This should reduce the visual effects of the building height
- windows and balcony make it look like a shed
- could be changed
- horizontal pattern reduces the visual height of the building

Perimeter Landscape

- no trees to block the view of Liverpool. Existing trees should be cut to increase security and sunlight
- proposed tree planning will obscure river view
- need design to discourage activity on Priory Wharf side of the development, e.g. use of parking spaces and entrance door on the side
- acceptable trees to a height of 6m max
- No trees to be planted to obscure the view of Liverpool
- improve the hedge planning in front of the south perimeter palisade fencing

Building Landscape

- building could benefit from being covered in greenery. building to be regularly maintained
- need design to discourage activity on Priory Wharf side of the development use of parking spaces and entrance door on the side.
- building could benefit from being covered in greenery

Other Comments

- Cammell Laird representatives visited the residence to experience the view. They should visit once as construction proceeds and is completed.
- Remain wholly opposed to the development, regardless of landscape options
- very informative meeting
- barrier moved south side of slipway to allow access to slip for fishing trips. This is the only deep water slipway on the Wirral, River Mersey
- too much disruption to tourism
- thanks for the information but at its best it is very poor development
- not happy about losing open space but accept that industry is needed in this area
- if barrier moved to the south side of the existing slip to give access to slip for fishing trips, we can use car park at Woodside.
- installation of a pedestrian gate on the south elevation on the riverside to serve building access
- introduction of park benches to the promenade.

Following the feedback from the meetings the applicants have submitted amended drawings which contain the following further amendments -

Changes to the building's facade on the north west corner of the building through the inclusion of windows, balcony and cladding which will provide some additional visual interest to the building. The

applicants also propose to remove 3 originally proposed trees and to provide green screening to the north west elevation which will maintain existing views and soften the building when viewed from Priory Wharf. The amended drawings also include details of infill hedging to the palisade fencing along the southern boundary. This will provide additional "greening" to the site as a whole. The applicants also advise that by providing a pedestrian gate to the southern boundary will provide an alternative access to the building thereby reducing the use of the doors to the northern elevation.

The applicants have agreed to provide two new benches on the promenade to replace those currently located at the river wall.

A Landscape and Visual Assessment has been submitted with this current application. The report assesses the anticipated effects on the landscape and on views of proposed development .at Alabama Way which is on the River Mersey waterfront at Birkenhead,

The report states that the most significant visual effects on private views during operation of the proposed development, on completion, would be a major adverse significance of effect experienced by residents in first and second storey apartments in the southeast part of Priory Wharf who would have near, direct and open views of the proposed development.

Other residents within the south and southeast part of Priory Wharf would generally experience a moderate adverse significance of effect during operation as a result of the height or distance of the viewer, angle of the view and in some cases filtering or partial screening offered by intervening vegetation and boundary treatments.

Views of the proposed development from other residential properties on the south and east parts of Priory Wharf, offices and commercial buildings during operation would generally be more oblique, filtered or distant, with nearer views of existing buildings. The significance of visual effects experienced by these private visual receptors would range between minor adverse and neutral.

The exception however, will be the occupiers of apartments 52 and 54 at Priory Wharf, It is stated that these occupiers, may experience an adverse initial impact on views until, the new tree planting adjacent to the northern boundary of the site have established and would filter views from the apartments. This would reduce the magnitude of effect on views to moderate adverse and the significance of effect would be reduced to moderate adverse. How it is accepted that there is no right to a view in planning terms, nevertheless, it is considered that the softening of the building through some low level landscaping is beneficial to the scheme as a whole.

The applicant suggested planting trees to the northern boundary of the site. During consultation with local residents, the applicant reported that residents wished to have views of the River Mersey retained wherever possible and so has proposed ivy-clad screens to the building rather than tree planting. These panels would not reduce the adverse effects for two apartments which was reported in the applicant's LVIA although they would soften the general appearance of the building which would be beneficial to the scheme as a whole.

Overshadowing and loss of light

Representations from some of the occupiers of Priory Wharf object to the proposal on the grounds of overshadowing and loss of light..

UDP Policy EM6 states that "the proposal should not lead to an unacceptable loss of amenity, have an adverse effect on the operations of neighbouring uses or compromise the future development of land in the vicinity for employment or other uses"

Policy CS43 -Design, Heritage and Amenity in the emerging Core Strategy states that all new development will be expected to enhance the character, quality and distinctiveness of the area in which it is located and relate well to surrounding property and land uses and that the natural and historic environment. Design solutions should preserve the outlook, privacy, light and amenity of existing and future occupiers by preventing overlooking or overshadowing and by maintaining appropriate separation distances between habitable rooms and between habitable rooms and blank elevations

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, 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. This exceeds the equivalent interfaces (required in supplementary guidance SPD2 and SPG11) between two storey residential buildings For these reasons it is considered that the proposal will not impinge on the residential amenities of those occupiers through overlooking, poor outlook, overshadowing and loss of light.

The applicants have submitted a Daylight and Sunlight report in support of the proposal which assesses the impact of the development on the residents of Priory Wharf. The conclusion of the assessment which has been undertaken using the Daylight and Sunlight calculations that accord with the Building Research Establishment Report "Site Layout Planning for Daylight and Sunlight - A guide to Good Practice 2011 and British Standards "Lighting for Buildings.

In terms of sunlight, 36 windows facing the development were tested. The report concluded that all windows will continue to meet the target values set out in the BR guidelines. The sunlight figures show that there will be no change of sunlight available to Priory Wharf as a result of the proposed development.

In relation to overshadowing, the results of the survey demonstrate that there is no change in the amount of shade to existing properties as a result of this proposed development.

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. There have been objections to the proposal on the grounds of noise and general disturbance to existing occupiers through the coming and goings of vehicle deliveries. 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 proposal meets the required separation distances and is discussed in detail within the body of the report.

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.

ENVIRONMENTAL/SUSTAINABILITY 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 link span 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.

Following Initial comments from Natural England in relation to the original planning application (ref: APP/14/00352), the HRA which was updated the 8th May 2014. The updated HRA specifically addressed the matters raised by Natural England in their letter. The updated HRA (issue 3) did not alter the conclusions of the HRA. This was used as the technical basis to demonstrate compliance with the Habitats Regulations by Wirral as Competent Authority during the process of determining the planning application APP/2014/00352.

The clarifications that were included within the HRA for the current application (APP-14-01585), specifically in terms of operating hours and number of vessels assessed and minor clarifications within the HRA assessment tables, were also the same technical basis used for the HRA of application APP/2014/00352. None of these clarifications alter the conclusion of the HRA for the current application APP/14/003521585.

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:

- a. is not directly connected with or necessary to the management of the nature conservation sites
- b. 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 this proposal will have no adverse effect on the integrity of the Natura 2000 sites. Accordingly, no "appropriate assessment" is required to be made under Regulations 61, 62 and 68 of The Conservation of Habitats and Species Regulations 2010, before the Council or MMO decides to undertake, or give consent, permission or other authorisation for this project. No adverse effect on the integrity of the Natura 2000 sites is likely to occur as a result of the proposal.

Natural England have confirmed that they have no objections to this current application

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

A construction Management Plan will be required that should include measures to avoid the creation of new transport pathways and avoid run-off/ releases pollutants into the River Mersey. In addition to ensure reasonable avoidance measures a construction noise management and lighting scheme will also be required

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

The proposed development will support long-term economic growth in the area through the provision of new employment opportunities and new economic viability in an established industrial location will support the delivery of these key principles. The proposed development will promote sustainable communities and economic development through the creation of jobs and increase in economic output and is therefore acceptable in terms of the criteria set out in the NPPF and UDP Policies TR1, and EM6 and 7. The amended scheme will not 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 affect the Historic fabric of the immediate location or nearby Listed Buildings or Conservation Area. The development will bring skilled employment to Birkenhead in the renewable energy and engineering sector

5. 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 will support long-term economic growth in the area through the provision of new employment opportunities and new economic viability in an established industrial location will support the delivery of these key principles. The proposed development will promote sustainable communities and economic development through the creation of jobs and increase in economic output and is therefore acceptable in terms of the criteria set out in the NPPF and UDP Policies TR1, and EM6 and 7. The amended scheme will not 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 affect the Historic fabric of the immediate location or nearby

Listed Buildings or Conservation Area. The development 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:
 - i. Measures to avoid creation of new transport pathways and avoid run-off / release of pollutants and construction related debris into the River Mersey.
 - ii. 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.

Reason In the interest of highway safety

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 in 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 Natural 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 NRC 'Biodiversity Duty', Policy NC of the adopted UP 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:

Last Comments By: 04/02/2015 08:36:42

Expiry Date: 17/03/2015