

Planning Committee

17 December 2015

Reference:
APP/15/01261

Area Team:
North Team

Case Officer:
Mrs S Day

Ward:
**Greasby Frankby
and Irby**

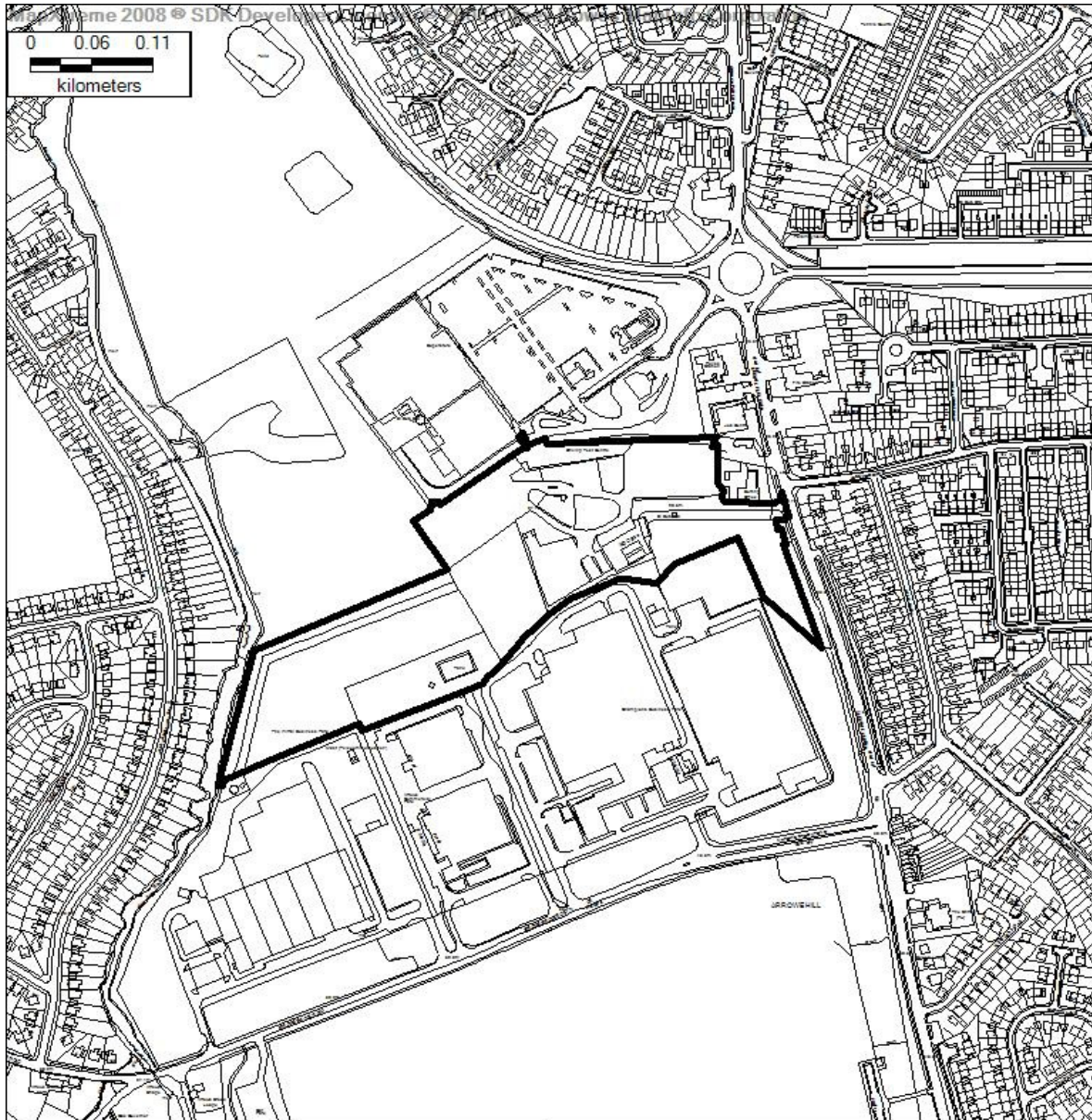
Location:
Proposal:

Land off ARROWE PARK ROAD, UPTON, CH49 0UE
Residential-led mixed use development comprising the demolition of the existing RFCA Buildings and erection of a new purpose built RFCA facility (Use Class D1) together with a residential development (Use Class C3) with associated landscaping, open space provision together with pedestrian linkages and associated car parking; access arrangements off Arrove Park Road and the construction of a new uncontrolled pedestrian crossing on Arrove Park Road.

Applicant:
Agent :

THI TAG Upton Regeneration Limited & Stewart Milne Homes NW
Stewart Milne Homes NW

Site Plan:



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Development Plan allocation and policies:

Primarily Industrial Area
Primarily Residential Area
Urban Greenspace
Employment Development Site
Out of Centre Retail Development

Planning History:

Location: ATC Squadron, Arrowe Park Road, Upton. L49 0UE

Application Type: Circular 18/84

Proposal: Erection of a 2.4m. high palisade fence.

Application No: GOV/93/06708

Decision Date: 12/01/1994

Decision Type: Approve

Location: Champion Spark Plug Co., Arrowebrook Road, Upton. L49 1SX

Application Type: Full Planning Permission

Proposal: Close existing exit, provide new exit and install new windows.

Application No: APP/87/05053

Decision Date: 27/03/1987

Decision Type: Approve

Location: The Wirral Business Park, Arrowe Brook Road, Upton. L49 1SX

Application Type: Full Planning Permission

Proposal: Extension to existing warehouse and distribution centre, ancillary offices,
new car park and access road.

Application No: APP/95/06119

Decision Date: 18/10/1995

Decision Type: Approve

Location: Micropore Insulation, 1, Arrowe Brook Road, Upton. L49 1SX

Application Type: Full Planning Permission

Proposal: Erection of a single storey extension for canteen.

Application No: APP/90/05154

Decision Date: 22/03/1990

Decision Type: Approve

Location: Micropore Insulation, 1, Arrowe Brook Road, Upton. L49 1SX

Application Type: Full Planning Permission

Proposal: Erection of a first floor extension to offices and an external fire escape.

Application No: APP/90/06569

Decision Date: 10/09/1990

Decision Type: Approve

Location: Micropore Insulation, 1, Arrowe Brook Road, Upton. L49 1SX

Application Type: Full Planning Permission

Proposal: Erection of a first floor extension.

Application No: APP/93/06023

Decision Date: 03/09/1993

Decision Type: Approve

Location: Ryder Systemline, Wirral Business Park, Arrowe Brook Road, Upton. L49

Application Type: Full Planning Permission

Proposal: Extension of access road.

Application No: APP/96/05923

Decision Date: 26/07/1996

Decision Type: Approve

Location: Simon V.K Factory, Arrowe Brook Road, Upton. L49 1SX

Application Type: Work for Council by Council

Proposal: Change of use from factory to central office and depot for works department, Wirral Borough Council.

Application No: APP/87/05315

Decision Date: 14/10/1987

Decision Type: Approve

Location: Unit 2, Wirral Business Park, Arrowe Brook Road, Upton. L49 1SX

Application Type: Full Planning Permission

Proposal: Change of use from light industrial to warehousing and distribution.

Application No: APP/89/06549

Decision Date: 13/09/1989

Decision Type: Approve

Location: Champions Business Park, Arrowe Brook Road, Upton, Wirral, CH49 0UQ

Application Type: Advertisement Consent

Proposal: Erection of non illuminated totem poles directory sign

Application No: ADV/09/05484

Decision Date: 19/06/2009

Decision Type: Approve

Location: Champions Business Park, ARROWE BROOK ROAD, UPTON

Application Type: Full Planning Permission

Proposal: Retention of the former Champion Spark Plugs site for mixed business, industrial, recording studio and distribution purposes (with trade counter) (Use Classes B1, B2 and B8), and caravan storage (sui generis).

Application No: APP/11/00461

Decision Date: 25/05/2012

Decision Type: Approve

Location: Land south of Police Station, Arrowe Park Road, Upton. L49 0UE

Application Type: Circular 18/84

Proposal: Erection of office building for use as unemployment benefit office and job centre, (outline).

Application No: GOV/91/05271

Decision Date: 14/03/1991

Decision Type: Approve

Location: Land to south of (adjacent) Police Station, Arrowe Park Road, Upton. L49 0UE

Application Type: Circular 18/84

Proposal: Erection of an office building for use as an unemployment benefit office and job centre.

Application No: GOV/92/06093

Decision Date: 11/09/1992

Decision Type: Approve

Location: Vacant Factory, 1 Arrowe Brook Road, Upton, Wirral, CH49 1SX

Application Type: Full Planning Permission

Proposal: Recladding of elevations, new openings and infrastructure

Application No: APP/07/07011

Decision Date: 05/12/2007

Decision Type: Approve

Location: Vacant Factory, 1 Arrowe Brook Road, Upton, Wirral, CH49 1SX

Application Type: Full Planning Permission

Proposal: Demolition of existing single storey structures and recladding of elevations to form additional openings

Application No: APP/07/07206

Decision Date: 10/01/2008

Decision Type: Approve

Location: BT Engineering Depot to south of (adjacent) Sainsburys, Arrowe Park Road, Upton.
Application Type: Outline Planning Permission
Proposal: Proposed non-food retail development, car parking and associated works. (Outline).
Application No: OUT/96/05213
Decision Date: 26/07/1996
Decision Type: Refuse

Location: Simon Factory, Arrowe Brook Road, Upton, L49 1SX
Application Type: Full Planning Permission
Proposal: Change of use from factory to multi-purpose Leisure/Exhibition Centre.
Application No: APP/83/23429
Decision Date: 09/01/1985
Decision Type: Refuse

Location: Former Simon VK Factory, Arrowe Brook Road, Upton. L49 1SX
Application Type: Full Planning Permission
Proposal: Change of use from former factory building to warehouse.
Application No: APP/87/06229
Decision Date: 23/05/1988
Decision Type: Withdrawn

Location: Champion Spark Plug, Arrowe Brook Road, Upton. L49 1SX
Application Type: Full Planning Permission
Proposal: Erection of a warehouse.
Application No: APP/89/05082
Decision Date: 20/02/1989
Decision Type: Withdrawn

Location: Champions Business Park, Arrowe Brook Road, Upton, Wirral, CH49 0UQ
Application Type: Advertisement Consent
Proposal: Erection of directory sign
Application No: ADV/09/05140
Decision Date: 06/04/2009
Decision Type: Withdrawn

Location: Champions Business Park, Arrowe Brook Road, Upton, Wirral, CH49 0UQ
Application Type: Full Planning Permission
Proposal: Retention of former Champion Spark Plugs site for mixed business, industrial, recording studio, storage and distribution purposes (Use Classes B1, B2 & B8); retail (Use Class A1); fitness centre and gym (Use Class D2); retail warehouse
Application No: APP/08/06828
Decision Date: 07/12/2010
Decision Type: Withdrawn

Location: Land between Greasby Road and Arrowe Park Road and east of Brookdale Avenue North and South, Upton, L49 3
Application Type: Deemed
Proposal: Development of land as a Science Park
Application No: DPP/81/18385
Decision Date: 06/07/1981
Decision Type: Conditional Approval

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council's Guidance for Publicity of Applications, letters were sent to 104 neighbouring properties and a Site Notice displayed on site. Letters of objection and representation have been received from; 109 and 155 Brookdale Avenue South and 16 Frankby Grove. The reasons for objection relate to:

1. Arrowe Park Road is already busy and proposals may increase problems
 2. Development is too large
 3. Not enough people were notified of the proposal
 4. Development will increase noise and traffic congestion
 5. Concern over access to adjacent woodland and impact on wildlife
 6. Development will adversely affect house prices in Brookdale Avenue South
- Foul and surface water drainage must be drained to a separate system

CONSULTATIONS:

Head of Environment & Regulation (Pollution Control Division) - No objection subject to conditions relating to acoustic fencing

Head of Environment & Regulation (Traffic & Transportation Division) - No objection

United Utilities - No objection

Environment Agency - No objection

Woodland Trust - Object to the lack of consultation of the proposals and its potential impact on the SBI due to increased access from the public and proximity of new dwellings. Buffer required between the development and site and no access to SBI from development.

Wirral Wildlife - Proposal will put pressure on wood from increased access, conditions required relating to lighting to minimise impact on bats and tree protection.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is a major development of over 50 residential units and is a departure from the adopted local plan. As such, under the current scheme of delegation, the proposal must be determined by Planning Committee

INTRODUCTION

The proposals are for a mixed use development. The majority of the proposals relates to the erection of new houses and flats. However the proposals also include the relocation of the existing cadets building which sits within the site, to the eastern edge of the site. The development includes areas of public open space within the site and pedestrian links to the existing public open space to the north and west of the site. The entrance to the site uses the existing vehicular access from Arrowe Park Road and includes a new pedestrian refuge and white lining to Arrowe Park Road.

PRINCIPLE OF DEVELOPMENT

Part of the site to the rear, adjacent to Arrowe Brook, is allocated as an Employment Development Site, and the remainder of the site fronting Arrowe Park Road is designated as a Primarily Industrial Area in the Unitary Development Plan. As there is no provision for residential development within Use Class C3 under UDP Proposal EM4 and UDP Policy EM8 and housing is not permitted on land allocated for employment purposes under UDP Policy EM9; the application is a departure from the statutory Development Plan.

SITE AND SURROUNDINGS

The application site comprises some 6.6 hectare of cleared land which has previously been used for industrial and commercial purposes. Within the site to the southern boundary is an existing single storey Cadet training building which is still in use. To the north of the site is the retail site which contains Sainsbury, Homebase, Argos and McDonalds. Adjacent to this along the northern boundary is the public open space and Site of Biological Importance of Upton Meadows. The southern edge of the site abuts Champions Business park which contains a mix of commercial and industrial uses. The western end of the site is currently treed and runs down towards the Arrowe Brook. The opposite side of Arrowe

Park road to the east of the site is residential.

The frontage to the site along Arrowe Park Road is well landscaped with mature trees and shrubs which limit views into the site.

POLICY CONTEXT

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

UDP Policies relevant to this application include:

Policy URN1	Development and Urban Regeneration
Policy EM4	Expansion Land for Existing Businesses
Policy EM6	Criteria for New Employment Development
Policy EM7	Environmental Criteria for New Employment Development
Policy EM8	Development within Primarily Industrial Areas
Policy EM9	Non-Employment Uses in Industrial Areas
Policy HS4	Criteria for New Housing Development
Policy HSG2	Affordable Housing
Policy GR5	Landscaping and New Development
Policy GR6	Greenspace Within New Family Housing Development
Policy NC01	Principles for Nature Conservation
Policy NC5	Protection of Sites of Local Importance for Nature Conservation
Policy NC7	Species Protection
Policy TRT3	Transport and the Environment
Policy TR8	Criteria for the Design of Highway Schemes
Policy TRT1	Provision for Public Transport
Policy TRT3	Transport and the Environment
Policy TR8	Criteria for the Design of Highway Schemes
Policy TR9	Requirements for Off-Street Parking
Policy TR11	Provision for Cyclists in Highway and Development Schemes
Policy WA2	Development and Land Drainage
Policy WA5	Protecting Surface Waters
Policy PO4	Noise Sensitive Development

Supplementary Planning Documents include:

SPD2	Designing for Self Contained Flat Development and Conversions
SPD4	Parking Standards
SPG42	Providing for Cyclists

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

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

Housing development is proposed on land which is identified as an Employment Development Site and part of a Primarily Industrial Area 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. UDP Proposal EM4 and Policy EM8 make provision for uses within Use Classes B1, B2 and B8 and proposals for the reconstruction, extension or expansion of existing business. Policy EM9 indicates that proposals for retail or housing uses on land allocated for employment purposes will not be permitted. Thus the proposal for residential development is a departure from the UDP and has been advertised as such.

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

The National Planning Policy Framework (NPPF) became a material planning consideration on 27th

March 2012. This indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and that paragraphs 18 to 219 taken a whole constitute the Governments view of what this means in practice for the planning system.

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

The Council published a series of initial proposed modifications to the Proposed Submission Draft in July 2013, which should also be considered, although these have not yet been confirmed as Council policy. Weight can be given according to its stage of preparation, the significance of unresolved objections and the degree of consistency with NPPF.

The need for residential development set against the need for industrial development, potential impacts on the character of the area and compatibility with neighbouring uses, nature conservation, and any other benefits that might be accrued in context with the National Planning Policy Framework (NPPF) and the emerging Core Strategy Local Plan are the principal material considerations in this particular case.

APPEARANCE AND AMENITY ISSUES

The residential element of the proposal consists of the erection of 143 houses and 37 apartments. The housing ranges from 2 to 4bed plus units which are two and three storey and include terraced, semi-detached and detached units. The flats are houses in three, 3 storey buildings which are spread throughout the development. The development has one access from Arrowe Park Road which serves a largely linear development which branches into a series of four cul-de-sacs. The flats are used as focal points throughout the site to add interest to the townscape. All houses have off street parking, some as parking spaces and some as garages. This variety in house type and detail adds interest to the development.

The flat developments have limited amenity space, although this has increased since the original submission. It is considered that the proposed amenity space for the flats, together with proposed and existing amenity space within and around the development is satisfactory.

The built development is punctuated by the three areas of public open space contained in the development. The first is as the entrance to the site , where the existing landscaped area to the south east is retained and enhanced. The second is more central to the site and forms a green which houses look onto. The western end of the site retains the wooded area which takes the site down to the Arrowe Brook and existing footpaths. In addition to open space within the development, the proposals include two access points to the north of the site to the existing Upton Meadows. The Woodland trust have objected to this aspect of the proposals, expressing concern about the potential impact on the ecology of the site due to increased activity from people and domestic animals. AS this land is already accessible to the public it is not considered that this alone is a sustainable objection. The development has been designed so that gardens, mainly overlook the adjacent site rather than back onto it and the access pints are through small landscaped buffers.

The proposals also include the relocation of the existing Cadets building. This is currently located within the site and it is proposed that it is relocated at the entrance to the site on the northern side of the entrance road. The proposed building is a simple brick built, single storey building with its own parking area. The proposals will provide a modern facility which would be located more appropriately at the edge of the development.

The site is allocated for employment and industrial purposes and is located between an out of centre retail development to the north and industrial land to the south. Both neighbouring uses are active and result in the potential for noise and disturbance to the proposed residential use. The development includes tree planting along and acoustic fencing which will mitigate for any potential noise and safeguard the existing commercial and industrial uses.

The proposals would continue to use the existing access onto Arrowe Park Road. The existing access would be improved to formalise the priority junction. This would result in 10m junction radii on both sides of the access and an access road to adoptable standard. In addition an uncontrolled pedestrian

crossing in the form of a pedestrian refuge and dropped kerbs is to be provided on Arrowe Park Road south of the access junction. There are also proposed pedestrian links to the site from the adjacent Sainsbury site.

Employment Land

Notwithstanding the appearance and impact of the proposals on surrounding uses, the fundamental issue of the sites allocation for industrial and employment uses must be assessed and balanced against the benefits of the proposal in terms of the provision of housing.

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

Although UDP Proposal EM4 and Policy EM8 only makes provision for industrial uses within Use Classes B1, B2 and B8, draft Core Strategy Policy CS17, as amended following representations, proposes in line with national policy to continue to safeguard designated employment areas, with provision for compatible alternative uses where:

- i. the site is not suitable for one of the priority sectors; and
- ii. there has been 12 months continuous marketing of the site for employment purposes at realistic prices and there is no reasonable prospect of the site being re-used for employment purposes;
- iii. an ongoing supply of available, suitable, developable employment land would be retained; and
- iv. the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; and
- v. additional housing is needed to demonstrate a 5 year supply of housing land; or
- vi. the development is necessary to secure employment development that would not be otherwise viable.

Priority is to be given to protecting high scoring sites capable of providing employment and training for people in areas of greatest need. The application site received comparatively high marks in an assessment through the Council's Employment Land and Premises Study on the attractiveness of 115 sites to developers in relation to proximity to the M53, prominence, public transport, planning status, services availability, population density, constraints, environmental setting, flexibility and availability. The allocated employment land scored 34 (out of 50) under market led criteria with a total score of 72 (out of 100). Land at the former BT Depot received a market led score of 22 (out of 50) and a total score of 54 (out of 100).

One of the main priorities for the Settlement Area in draft Policy CS8 is to maximise the economic contribution of the industrial complexes at Leasowe, Moreton and Upton for food, bio-medical, advanced manufacturing and small and medium scale business activities to maintain accessible local employment opportunities. Policy CS8 is subject to representations, received during consultation, that Champions Business Park adjacent to the application site was highly unlikely to meet the requirements of the industries specified and that focusing on B1, B2 and B8 uses would undermine the wider potential of the area to attract other business activities, generate employment and contribute towards the revitalisation of the economy.

The Council's Employment Land and Premises Study has found that there is a serious shortage of immediately available, serviced, developable employment land with utilities and road access already in place and found that a large proportion of the existing potential supply was being considered for alternative uses, which could seriously affect the Borough's ability to maintain a credible future supply of employment land. The site at Upton also represents one of the very few possibilities to provide new employment development for the communities to the west of the M53 Motorway and due to the paucity of supply; the Study recommended that all existing employment land in West Wirral should be retained. A search on the Wirral Tractivity Database showed there no currently available industrial or office premises available in the Upton area.

The national Indices of Multiple Deprivation indicates that the residential area at Woodchurch is amongst the most deprived in England.

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

The applicant has challenged the findings of the Council's Employment Land and Premises Study and suggests there is sufficient supply of land for 48 years based on average annual take-up rates of 3.6ha between 2004/5 and 2013/4. The Council's monitoring shows that 71.95ha of employment land was developed over this period at an annual average of 7.2 ha per annum. The most up to date take-up rates, at April 2015, have averaged 7.05 hectares over the last 10 years throughout the Borough.

The Council's AMR for 2014/15 will show a gross employment land supply in the region of 167.2ha. Making allowances for land with serious physical constraints and with planning permission for other uses, a take-up rate of 7.05ha per annum over a 15 year plan period would give a supply of 14.4 years. A take up-rate of 8.3ha per annum, based on the annual average the last 15 years, would provide a supply equivalent to 12.3 years. This does not include allowances to maintain a 5 year buffer as recommended in the Employment Land and Premises Study or provide for additional growth to meet the objectives of the Council's Investment Strategy. Approving this application could therefore lead to insufficient land to accommodate new employment within the Borough over the next 15 years. Issues related the size type and location of a suitable supply would need to be addressed through the Core Strategy Local Plan public examination in the new year.

The applicant has also submitted details the approach taken to market the site from 2006 to 2014. This indicates that:

- i. Marketing took place on behalf of Sainsbury's for B1, B2 and B8 uses via an advertisement in the Estates Gazette, a for sale board at the site and mail shot to prospective agents, developers and occupiers since 2006. A full marketing campaign was also commenced in 2013.
- ii. An offer approximately £50,000 per acre was rejected in 2008 as too low. The purchaser had no immediate plans to develop and would have banked the land
- iii. An offer to purchase the land for C2 (Residential Institutions) was accepted in principle, but withdrew their decision in 2009 as they had aspirations for further retail development.
- iv. Several retail led enquiries were received from November 2009 to April 2014.
- v. A full marketing campaign for all potential uses including commercial and residential took place from April 2013 to May 2014. Nine expressions of interest were received and following an informal tender process in February 2014, six offers were received - one for retail, four for residential and one for mixed C2/C3 residential with an element of commercial development.

No specific details are included about the offer received in 2008 and the information provided with the application does not adequately demonstrate that the whole site has been actively marketed at a realistic price over the past 12 months for its intended employment purpose. One of the Estates Gazette advertisements and the for sale sign board on site indicates that the site was advertised separately for residential development only, subject to planning. The information also indicates that marketing was specifically targeted at the land fronting Arrowe Park Road only. There is no information to indicate the land allocated for employment development to the rear has been actively marketed.

The applicant's report indicates that very modest levels of interest for industrial development came forward when the economy was buoyant (2006 to 2008), and that the low level of interest continued during recession and early stage of recovery with interest only coming from retail and residential developers.

Whilst there are flaws in the applicants marketing evidence in that residential development has been invited over the past 12 months and the whole site has not been advertised, other signals regarding long term prospects for employment development can be taken into account. These include the fact that the site is not within an Assisted Area where employment could be encouraged through state aid; the business for which land was held for expansion under Proposal EM4 no longer exists; and the brownfield element of the site has not been in employment use since a BT depot closed in the 1990's. Outline planning permission was granted on part of the application site for new industrial units in 2007, but the permission was never implemented (OUT/07/7313). The site is known to be constrained by

contamination, the rear sector is land locked and access from Arroe Park Road is poor. Findings in the Council's Local Plan & Community Infrastructure Levy Economic Viability Study also suggest that substantive speculative industrial development is unlikely to take place without grant assistance, unless there is significant upturn in demand or market values over the next 15 years.

The applicant has contended that:

- i. Up to 90 FTE jobs are expected to be created during construction.
- ii. A further 20 indirect jobs are anticipated to be supported, as a result of household expenditure on local goods and services.
- iii. The development would be home to approximately 470 residents, approximately 300 of which could be of working age, who would add to the labour supply.
- iv. The scheme would deliver £1.5 million through the Government's new home bonus over six years.
- v. Council Tax receipts could be in the order of £239,000 per annum.

Housing Need

The NPPF expects local planning authorities to deliver a wide choice of high quality homes by meeting objectively assessed needs for market and affordable housing and maintaining a five-year supply of specific developable housing sites, with a buffer of between 5% and 20% (NPPF paragraph 47). As a specific requirement for Wirral has not yet been identified the terms of NPPF paragraphs 14 and 49 are applicable. Absence of a 5 year housing land supply does not mean that housing development should be permitted anywhere; it could be permitted only where it amounts to sustainable development taking account of other issues.

The Council's AMR (Dec 2015) will show that there is a 3.4 year supply with a 5% buffer or a 3.1 year supply with a 20% buffer based on the latest 2012 household projections produced by the Government. An update to the Council's Strategic Housing Market Assessment (SHMA) is still in progress to identify objectively assessed housing need and the subsequent housing requirement for the emerging Core Strategy Local Plan. The Council's Strategic Housing Land Availability Assessment, which will be published alongside the AMR, has been updated to April 2015.

The Council's AMR (Dec 2015) will show that planning permission was in place for 1,932 dwellings in April 2015, of which 1,534 units were on sites awaiting implementation. In addition to this, there is sufficient land within the Borough to accommodate up to 1,093 units on Category One sites without planning permission at April 2015 (which have been assessed as available, suitable and achievable within the next 5 years). This does not include the potential extra capacity for up to 15,193 dwelling at Wirral Waters.

Affordable Housing

The scale of the development triggers the requirement for affordable housing. The applicant has submitted a viability statement which outlines the costs of developing this site alongside potential profits. It concludes that it is not economically viable to provide affordable housing as part of the proposal due to the negative residual values and costs associated with developing the site including site clearance and provision of areas of open space which mean that some areas are undevelopable. A viability assessment has been submitted and has been reviewed by an independent consultant. The independent review has confirmed that it would not be economically viable to provide affordable housing on the site under the current economic situation.

SEPARATION DISTANCES

The development meets the Councils required separation distances in relation to existing and new properties.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway objections to this proposal subject to the implementation of highway improvement works set out in the main body of the report.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The application is accompanied by ecological and tree surveys which assess the developments impact on the adjacent SBI and any protected species. In this instance, an assessment of impact on potential bat roosts in trees and buildings has been carried out. Subject to conditions relating to lighting, it is not considered that any protected species will be adversely affected.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The application site is located in a sustainable location which is accessible to shops, schools, a hospital and public transport. Development to the immediate east of the site is also predominantly residential.

The development would result in the loss of industrial land in an area where the availability of alternative employment development sites is scarce.

The applicant has sought to demonstrate that there is no interest in the site for employment development, but the evidence submitted is not complete. However, there are other factors that could be weighed in support of the site's loss to residential development. The site is derelict with poor access and has not been used since being vacated in the 1990's; and it is not in an Assisted Area, although some funding could be available to support small to medium sized enterprises. Therefore, the history, type and location appear to suggest that there would only be limited long term prospects of this particular site being developed for employment purposes.

It is acknowledged that benefits could be accrued from the development in terms of potential employment in construction and maintenance and through the New Homes Bonus if it continues. However, it is considered that those benefits would not be sufficient by themselves outweigh the loss of the site for employment uses.

It can, on balance, be concluded that the sustainability benefits, which can be achieved through new housing with associated environmental improvements are sufficient, in this particular case, to outweigh adverse impacts from losing the potential opportunity for employment growth at the site, having regard to market signals, the need for new housing and the prospects for implementing industrial development in the longer term.

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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

Whilst the proposal constitutes a departure to the adopted local plan, it can, on balance, be concluded that the sustainability benefits, which can be achieved through new housing with associated environmental improvements are sufficient, in this particular case, to outweigh adverse impacts from losing the potential opportunity for employment growth at the site, having regard to market signals, the need for new housing and the prospects for implementing industrial development in the longer term.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on (insert date) and listed as follows: (insert plan/drawing numbers & date)

Reason: For the avoidance of doubt and to define the permission.

3. Before any construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in

writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

4. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. (Note: The gradients of any new road or turning area should not exceed 1:25 and those of parking or loading bays should not exceed 1:40).

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway and that satisfactory gradients are achieved.

5. 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 policy WM8 of the Waste Local Plan.

6. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment, including acoustic fencing, to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwellings hereby approved are occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter..

Reason: To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties and to accord with Policy HS4 of the Wirral Unitary Development Plan.

7. The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy GR5 of the Wirral Unitary Development Plan.

8. No works or development shall take place until a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:
 - A. the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.
 - B. a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - C. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological,

hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

- D. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- E. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).
- F. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).
- G. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).
- H. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- I. the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- J. the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).
- K. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction (section 7.4 BS 5837)
- L. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- M. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).
- N. the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To protect trees which are of significant amenity value to the area having regard to Policy GR7 of the Wirral Unitary Development Plan and to ensure that all arboricultural works are carried out to a satisfactory standard.

9. The new RFCA training building and car parking area, detailed in drawing 15071-101-A shall be completed and available for use before any of the dwellings hereby approved are occupied.

Reason: For the avoidance of doubt and to ensure an adequate replacement facility.

10. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

11. PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local

Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

12.

No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a. Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 25 litres per second in the submitted Flood Risk Assessment. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c. Any works required off-site to ensure adequate discharge of surface water without causing flooding or;
- d. Flood water exceedance routes, both on and off site;
- e. A timetable for implementation, including phasing as applicable;

The scheme shall be implemented in accordance with the approved details prior to occupation or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason :To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed

13.

No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

14.

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to the local planning authority which, as a minimum, shall include:

- a. the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b. arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance

- caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c. means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

15. The Flood Risk Assessment identifies that attenuation will be provided through the construction of swales and ponds / basins. All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate and to prevent a flood risk during the construction of the development

16. 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 ensure a safe form of development that poses no unacceptable risk of pollution to the water environment

17. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason : To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment.

18. No infiltration of surface water drainage into the ground where adverse concentrations of land contamination are subsequently identified to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment.

19. No development shall commence on site until full details of works relating to the access onto Arrowe Park Road together with the estate road(s) has been submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be restricted to, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses,

carriageway gradients, drive gradients, car parking and street furniture, including a timetable for the provision of such works. No part of the development shall be first occupied until the details have all been constructed and laid out in accordance with the approved details.

Reason: To ensure that the development is laid out and constructed in a satisfactory manner having regards to highway safety and Policy HS4 of the Wirral Unitary Development Plan.

20. No development shall commence on site until a full scheme of works for the construction of details shown on Drawing No SK219/001 Rev C has been submitted to and approved in writing by the Local Planning Authority. Such a scheme of works shall include for:
- i. the provision of a pedestrian refuge island on Arrowe Park Road and any associated works as may be required;
 - ii. details of traffic calming measures/features and road widths as appropriate; and
 - iii. details of the proposed emergency access facility between the site and Sainsbury's service road.

No part of the development shall be first occupied until the works have been constructed and laid out in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety having regards to Policy HS4 of the Wirral Unitary Development Plan.

21. No development shall commence on site until a full scheme of works to include for the upgrading of the existing bus stop on the west side of Arrowe Park Road adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first occupied until the works have been constructed and laid out in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety having regards to Policy HS4 of the Wirral Unitary Development Plan.

22. NO DEVELOPMENT SHALL TAKE PLACE until full details of arrangements for a cycle route within the site and secure cycle parking provision to serve the self-contained flats have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in full before the buildings to which it relates are occupied and shall be maintained as such, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of accessibility and to accord with Policy TR11 and Policy TR12 in the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 28/10/2015 11:17:43

Expiry Date: 22/12/2015