

Planning Committee

20 January 2016

Reference:
OUT/15/01129

Area Team:
South Team

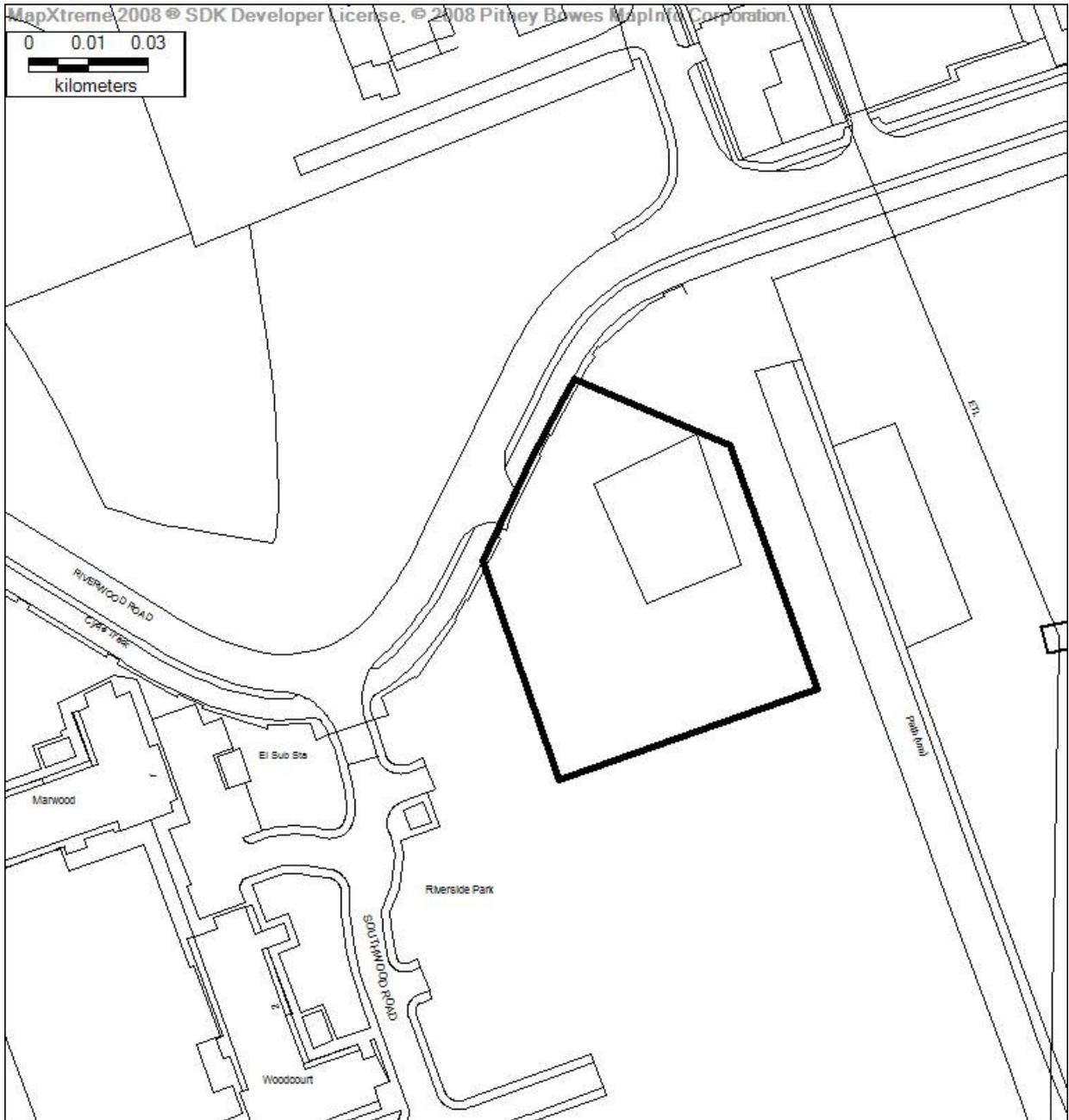
Case Officer:
Mr K Spilsbury

Ward:
Bromborough

Location: Riverside Park, Riverwood Road, Bromborough, CH62 3QT
Proposal: Outline application (access only) for a residential development of up to 75 apartments with landscaping, parking and associated works

Applicant: Riverside Park Limited
Agent : How Planning LLP

Site Plan:



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Development Plan designation:

Primarily Industrial Area

Planning History:

- Location: From roundabout south of 1408 New Chester Road, Eastham to Pump House, Commercial Road, Bromborough, Wirral, CH62 3NL
Application Type: Full Planning Permission
Proposal: Installation of 2no. cross country parallel pipelines from roundabout at junction 4 of M53 motorway to Commercial Road, Bromborough
Application No: APP/08/05472
Decision Date: 19/08/2009
Decision Type: Approve
- Location: Oracle Business Park, South of Riverwood Road, Bromborough, Wirral, CH62 3RL
Application Type: Full Planning Permission
Proposal: Erection of an electricity substation
Application No: APP/06/05235
Decision Date: 24/03/2006
Decision Type: Approve
- Location: Land to the South of Riverwood Road, Bromborough, Wirral, CH62 3NX
Application Type: Full Planning Permission
Proposal: Erection of one 3 storey offices with associated roads, car park and chiller compounds
Application No: APP/06/05056
Decision Date: 12/05/2006
Decision Type: Approve
- Location: Riverside Park, Riverwood Road, Bromborough, Wirral, CH62 3NX
Application Type: Full Planning Permission
Proposal: Erection of new fence and gates to Riverwood Road boundary.
Application No: APP/07/07562
Decision Date: 15/02/2008
Decision Type: Approve
- Location: Land to the south of Riverwood Road, Bromborough, Wirral, CH62 3NX
Application Type: Full Planning Permission
Proposal: Removal of condition 8 on planning application DLS/2001/6525/E
Application No: APP/06/06121
Decision Date: 06/06/2007
Decision Type: Approve
- Location: Building 8, Riverside Park, Riverwood Road, Bromborough, Wirral, CH62 3QX
Application Type: Outline Planning Permission
Proposal: Erection of four-storey office building and associated works (Outline)
Application No: OUT/08/05880
Decision Date: 30/01/2009
Decision Type: Approve
- Location: Land south of Epichem, Power Road and north east of Oil Storage Depot, Old Hall
Application Type: Full Planning Permission
Proposal: Construction of a new roundabout and highway.
Application No: APP/94/06438
Decision Date: 14/10/1994
Decision Type: Approve

Location: Old Hall Road, Bromborough. L62 3NX
Application Type: Outline Planning Permission
Proposal: Variation of condition 02 of OUT/93/6403/E to read 'Application for approval of reserved matters must be made no later than the expiration of six years beginning with the date of this permission.'
Application No: OUT/96/06613
Decision Date: 13/12/1996
Decision Type: Approve

Location: Old Hall Road, Bromborough. L62 3NX
Application Type: Outline Planning Permission
Proposal: Renewal of planning permission OUT/93/6403/E for erection of buildings for use within classes B1, B2 and B8 (business, general industrial and storage/distribution.)
Application No: OUT/96/06612
Decision Date: 13/12/1996
Decision Type: Approve

Location: Old Hall Road, Bromborough. L62 3NX
Application Type: Outline Planning Permission
Proposal: Erection of buildings for use within classes B1, B2 and B8 (business, general industrial and storage/ distribution).
Application No: OUT/93/06403
Decision Date: 23/12/1993
Decision Type: Approve

Location: Land to the south of Riverwood Road, Bromborough, Wirral, CH62 3NX
Application Type: Reserved Matters
Proposal: Erection of two office buildings (B1 Use Class), security and associated infrastructure works.
Application No: DLS/01/06525
Decision Date: 28/09/2001
Decision Type: Approve

Location: Land to the south of Riverwood Road, Bromborough, Wirral, CH62 3NX
Application Type: Outline Planning Permission
Proposal: Erection of Use Class B1 office accommodation (outline)
Application No: OUT/01/05862
Decision Date: 09/07/2001
Decision Type: Approve

Location: Vacant land north east of Unilever Sports Club, Old Hall Road, Bromborough. L62
Application Type: Outline Planning Permission
Proposal: Erection of industrial development, use classes B1, B2 and B8.
Application No: OUT/89/07538
Decision Date: 15/01/1990
Decision Type: Approve

Location: East of (adj) Oil Storage Depot, Old Hall Road and south of (adj) Epicchem, Power
Application Type: Outline Planning Permission
Proposal: Erection of residential development (dwelling houses Class C3 Use) (Outline).
Application No: OUT/97/05324
Decision Date: 19/06/1997
Decision Type: Refuse

Appeal Details

Application No: OUT/97/05324 residential
development

Appeal Decision: Dismissed

Appeal Decision Date: 21/01/1999

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 48 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report three letters of objection has been received from the Eastham Village Preservation Society, The Bromborough Society and Councillor Gilchrist. The objections are summarised as follows:

1. Inappropriate use of the site
2. Potential harm to ecology and the environment
3. Impact on Eastham Country Park
4. Similar applications have been refused at the site
5. The indicative design is out of character with the surrounding area
6. Insufficient buffer between the site and the woodland

Councillor Niblock supports the application and has asked for it to be determined by the Planning Committee.

CONSULTATIONS:

Head of Environment & Regulation (Traffic & Transportation Division) – No Objections

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

United Utilities - No objection, conditions required

Health and Safety Executive Hazardous Installations Directorate - Objection

Environment Agency - No comment

Wirral Wildlife - Objection

MEAS - No requirement for Habitats Regulation assessment, Wirral Wildlife should also be consulted

Wirral Chamber of Commerce – Notes that the number of private sector jobs and new businesses has been increasing. The Chamber endorses the Council's Growth Plan, but the lack of developable employment sites causes concern when looking at where new or existing businesses could locate.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application has been taken out of delegation by Councillor Niblock on the grounds that this site is unlikely to be used commercially/industrially and the requirement to provide more housing. It would therefore seem appropriate to use it for housing (including 15 affordable properties).

INTRODUCTION

The purpose of this report is to assist members in the determination of an outline application for a residential development of up to 75 apartments at the Wirral International Business Park in Bromborough. All matters relating to appearance, landscaping, layout and scale have been reserved for subsequent approval in a future detailed application. Full details on access for the development have been submitted for consideration at this stage.

PRINCIPLE OF DEVELOPMENT

The site is designated as a Primarily Industrial Area in the Unitary Development Plan and located within a Health & Safety Executive (HSE) consultation zone for development near notifiable hazards. There is no provision for residential development within Use Class C3 under UDP Policy EM8 and planning permission should not normally be granted where the HSE indicates that development should be refused in the interests of safety under UDP Policy PO9. The site was previously refused outline permission for housing development by the Local Planning Authority and at appeal before the surrounding office park was constructed (now immediately adjacent).

SITE AND SURROUNDINGS

The site is part of a large vacant plot of land (0.49ha) located at the southern end of the Wirral International Business Park. It is covered in dense vegetation, small trees and shrubs sporadically spread across the site. Eastham Country Park (Oak Woods/Eastham woods) lies to the east of the site with the Mersey Estuary beyond. Mature trees line the eastern boundary of the site that forms the beginning of the Country Park. To the West is a purpose built office development and associated parking area and a purpose built security office. Access to the site is gained via Riverwood Road to the north of the site. The areas to the north of the site and to the west of the site are characterised by a range of business and industrial uses which form part of the wider Wirral International Business Park.

POLICY CONTEXT

Development Plan Policies

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

UDP policies relevant to this application include:

Policy URN1	Development and Urban Regeneration
Policy EM8	Development within Primarily Industrial Areas
Policy EM6	Criteria for New Employment Development
Policy EM7	Environmental Criteria for New Employment Development
Policy HS4	Criteria for New Housing Development
Policy HSG2	Affordable Housing
Policy GR5	Landscaping and New Development
Policy NC1	Protection of Sites of International Importance for Nature Conservation
Policy NC5	Protection of Sites of Local Importance for Nature Conservation
Policy NC7	Species Protection
Policy 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 POL1	Restrictions for Polluting & Hazardous Uses
Policy PO4	Noise Sensitive Development.
Policy PO9	Criteria for Development Near Notifiable Hazards

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

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

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

existing business. Thus the proposal for residential development is a departure from the UDP and has been advertised as such.

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

The National Planning Policy Framework (NPPF) became a material planning consideration on 27th March 2012. This indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and that paragraphs 18 to 219 taken a whole constitute the Government's view of what this means in practice for the planning system. Due weight should be given to the relevant policies in the Wirral Unitary Development Plan according to their degree of consistency with NPPF (paragraph 215 refers).

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.

Wirral International Business Park is identified as a primary focus for new jobs to support the economic revitalisation of the Borough in the Broad Spatial Strategy of the emerging Core Strategy (Policy CS2) and for large and medium scale business, manufacturing, digital, bio-medical, advanced technology, research and development and storage and distribution (Policy CS7). It has also previously been identified as a Regional Investment Site.

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 to the emerging Core Strategy according to its stage of preparation, the significance of unresolved objections and the degree of consistency with NPPF (paragraph 216 refers).

Whilst full or significant weight cannot yet be accorded to the Core Strategy, insofar as the Proposed Submission Draft Core Strategy has been prepared in accordance with the NPPF and is at the final stage of public consultation before submission for examination in public, it should be given some weight as material consideration in the determination of this application, including the continued focus on Wirral International Business Park.

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 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.

The Need for Housing and Employment Land

Housing Land

The NPPF expects local planning authorities to deliver a wide choice of high quality homes by meeting objectively assessed needs for market and affordable housing and maintaining a five-year supply of specific developable housing sites, with a buffer of between 5% and 20% (NPPF paragraph 47). 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 should be permitted only where it amounts to sustainable development taking account of other issues.

The Council's statutory monitoring report for December 2015 shows 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 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 statutory monitoring report also shows 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).

Both calculations do not include the potential extra capacity for up to 15,193 dwelling at Wirral Waters.

Therefore, while the proposal could make a limited contribution to the housing supply, there are alternative more compatible sites capable of accommodating the amount of housing proposed elsewhere within the urban area.

Employment Land

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

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

- the site is not suitable for one of the priority sectors identified in Policy CS14; and
- 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;
- the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; and
- an ongoing supply of available, suitable, developable employment land would be retained; and
- the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; and
- additional housing is needed to demonstrate a 5 year supply of housing land; or
- the development is necessary to secure employment development that would not be otherwise viable.

Priority is to be given to protecting high scoring sites capable of providing employment and training for people in areas of greatest need. The application site scored 21 (out of 50) under market the led criteria with a total score of 50 (out of 100) through assessment in the Council's Employment Land and Premises Study based on the attractiveness of 115 sites. The site received high marks for its planning status; services availability, flexibility and environmental setting. Lower marks were attributed due to public transport accessibility; proximity to the M53 Motorway; availability, prominence; population density and other constraints.

The Government is currently consulting on proposed changes to the NPPF. A legal opinion submitted by the applicant suggests that Policy CS17 may need re-drafting to be consistent with proposed changes to NPPF paragraph 22, which would indicate that unviable or underused employment land should be released unless there is significant and compelling evidence to justify why such land should be retained, including an up to date needs assessment and significant evidence of market demand (paragraph 37 of the Government's Consultation Document refers).

Whilst, in theory, weight could be given to the Government's intentions for future national policy, Planning Committee should note that the Government's proposals for a change to paragraph 22:

- only relate to alterations for implementing an exception site policy for 'Starter Homes' (Consultation Paper, paragraph 37);
- the planning system will still be expected to continue to support sustainable economic growth and meet the business development needs (Consultation Paper, paragraph 35);
- the Government is also consulting on the level and type of evidence which would justify the retention of employment and commercial land(Consultation Paper, paragraph 38);
- the Government is also considering the merits of expecting local planning authorities to adopt a policy with a clear limit on the length of time (such as 3 years) that commercial or employment land should be protected if unused and there is not significant and compelling evidence of market interest of it coming forward within a 2 year timeframe. (Consultation Paper, paragraph 35); and
- the precise requirements have not been published in draft form to indicate how they might appear in a revised NPPF.

The current planning application does not include a proposal for starter homes and how they might be secured, and no reference has been made to the time limit and evidence which would be needed to justify retention of employment land as referred to in paragraph 38 of the Government's Consultation Document. Paragraph 35 also makes it is clear that a balance will need to be struck between making land available to meet commercial and economic needs, and not reserving land which has little likelihood of being taken up for these uses. The proposed changes which relate to 'Starter Homes' should not, therefore, carry any significant weight in the determination of the planning application as presented. The deadline for comments on the Government's consultation is 22nd February 2016, which can be viewed [here](#).

One of the main priorities in draft Policy CS17 is to maximise the economic contribution of the Wirral International Business Park for large and medium scale businesses. It is also a key priority of the Council's Investment Strategy to increase the number of jobs and employment opportunities for Wirral residents.

The Council's Employment Land and Premises Study found 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 already being considered for alternative uses, which could seriously affect the Borough's ability to maintain a credible future supply of employment land.

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. A substantial proportion of this has been developed in Wirral International Business Park - 31.48ha over the past 10 years, which equates to an annual average take-up rate of 3.15 ha within the Business Park alone.

The Council's statutory monitoring report for December 2015 shows 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 to the size type and location of a suitable supply would need to be addressed through the Core Strategy Local Plan public examination later in the year.

The applicant has only submitted details on marketing based on discussions with an estate agent. This indicates that:

- Marketing of the existing offices has taken place from 2004 to the present day during which some letting activity has taken place. Although the two buildings were almost fully occupied in

2008, the 3 office buildings now remain under occupied as between 30% to 42% of the floorspace is still vacant.

- Marketing of the remaining development land including the application site has taken place through the applicant and their agent's connections in the market place and by speaking to potential developers and end users.

No further details to demonstrate that the land at the application site has been actively marketed at a realistic price over the past 12 months, for its intended purpose, has been submitted. Despite officer's requests during pre-application discussions and correspondence from the applicant's agent, no more convincing evidence has been put forward, particularly in the light of continued development elsewhere within the Business Park.

An additional study, provided by the applicant after the application was submitted, identifies a number of abnormal costs to tackle matters such as Japanese Knotweed, ground conditions etc.; alongside an aspirational profit of 20% and an assumption that there would be no value for the land before finding that new industrial development would generate a loss in the region of £1.4 million. Whilst it could be claimed that the calculation is based on achieving higher than average end profits, the findings in the Council's Local Plan & Community Infrastructure Levy Economic Viability Study also suggests that substantive speculative industrial development is unlikely to take place anywhere in the Borough without grant assistance, unless there is a significant upturn in demand or in market values over the next 15 years.

The process for any marketing of the site would have been undertaken during one of the country's worst recessions. This is evident in the applicant's submission where they confirm that their "approach has been tempered by demand which is poor given the recession and the availability of bank financing".

The latest market signals indicate that the country and Wirral is now coming through the worst excess of the recession. Official statistics indicate that the number of private sector jobs and new businesses are increasing within Wirral. Therefore it is considered premature to determine that the site would not be of interest to any future employment operators. Alongside the limitations set out in the marketing details, the information provided by the applicant does not, therefore, provide convincing evidence that there is no reasonable prospect of the site being used for employment purposes and that it should be released for other uses.

Because of its quality and location, the Wirral International Business Park is still a strategically important part of the Borough's employment land portfolio. The Council's Employment Land and Premises Study notes that the Wirral International Business Park is a premier business park with good access to the A41 and M53 Motorway. It has a good range of modern industrial and warehouse buildings. It is fit-for-purpose and will have a clear economic role now and over the next 20 years. It is near to a cluster of businesses and is within an Assisted Area qualifying for state aid to encourage employment in an area with consistently high unemployment; and eligibility for grant assistance is expected to remain in place up to 2020.

The Council's statutory monitoring reports also show 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 national Indices of Multiple Deprivation indicate that a number of residential areas to the north, which can provide a source of labour for the employment area, are amongst some of the most deprived in England.

The applicant has contended that:

- Up to 100 FTE jobs are expected to be created during construction.
- A further 5 indirect jobs are anticipated, as a result of the purchase of local goods and services for the construction process and the additional spending from construction staff.
- The development would be home to approximately 150 residents, approximately 75 of which are anticipated to be of working age who would add to the labour supply.
- The scheme would deliver £550,000 through the Government's new home bonus over six years.

However, it is considered that the potential benefits claimed by the applicant would not outweigh the

loss of the site for employment uses. Its loss could undermine the objective of increasing job opportunities for people living in the existing residential areas. This may be exacerbated if the precedent that could be set by this proposal were to be followed by other businesses nearby. Introduction of the proposed residential flats in this particular location could also prejudice the prospects for comprehensive employment development that could utilise the remaining land within the Riverside Park complex.

The Council's Employment Land and Premises Study, undertaken by independent consultants, found that the Wirral International Business Park is in a location that can attract employers to Wirral and that there would be a need to provide a replacement in the medium to longer term through the future Local Plan.

Health & Safety

The site is located in close proximity to industrial premises on Power Road, where hazardous substance consent is in place for the storage and use of a variety of chemicals. This places the application site within an inner zone of the Health and Safety Executive's (HSE) notification area.

A representative of the company 'Sigma Aldrich' has indicated that the site closed in May 2015, the hazardous substances have been removed, de-notification of its COMAH status has been approved by HSE and that it wishes to revoke the hazardous substances consents (HSC/2003/6255/E, HSC/2008/6256). However, the company has no power to voluntarily revoke these consents and have indicated that the site is to be advertised for sale on the open market.

The Local Planning Authority has powers under s14 of the Planning (Hazardous Substances) Act 1990 to revoke the consent if expedient to do so having regard to any material considerations. However, this would require confirmation by the Secretary of State, and the authority would be liable to pay compensation if the consent is revoked within 5 years of when the substances were last present on the site. Officers have made an initial approach to ascertain if the company would be willing to waive its rights to compensation in the event of revocation, however, a response on behalf of the company indicates that at this stage they are not looking to revoke but leave as it is.

Revocation could also take place if there was a change in the person in control or a material change of use in the land take place. Currently the hazardous substances consent is still in place and the prospects of the consent being taken up by another occupier could not be ruled out until an end user is identified in the future.

After checking results of initial online consultation through the PADHI+ web based system, which advised that there are sufficient reasons on safety grounds against granting planning permission, HSE have confirmed in writing that until the hazardous substances consent has been revoked that the advice remains in place.

As indicated above NPPF, paragraph 123 indicates that business should not have unreasonable restrictions put on them because of changes in nearby land use. Whilst the finalised scheme is yet to be determined, it would be reasonable in this particular case to conclude that the construction of new dwellings near to existing businesses could place unreasonable restrictions on future industrial development and operations. This is directly contrary to the policies of the NPPF which seeks to build a strong, responsive and competitive economy and making it easier for jobs to be created.

It is, therefore, considered that the pressing need to promote employment, social inclusion and economic competitiveness and to safeguard the employment land resource, and the regard to be given to health safety issues in this area of the Borough weighs on balance against the benefits of the proposed residential apartments in this particular location.

APPEARANCE AND AMENITY ISSUES

The indicative master plan shows a large 'L' shaped block of flats running along the southern and eastern boundary of the site. There is a large area of car parking in front of the site fronting onto Riverwood Road and relatively small areas for private amenity space around the perimeter of the site.

UDP Policy HS4 and Supplementary Planning Document SPD2 indicate that adequate landscaped garden space should be provided for the exclusive use of residents. The SPD makes it clear that this

should be accessible to each flat and have a size, shape and location to be useful to occupiers. As a general guide, developers are expected to ensure that at least one third of the whole site remains available as private landscaped communal areas and that driveways, garages, parking, servicing bin and cycle stores will not be considered to be part of this amenity area. Whilst the development is outline with appearance, landscaping, layout and scale all reserved for subsequent approval, the indicative proposals clearly shows that these requirements cannot be achieved through the current plans. The development would, therefore, be contrary to UDP Policy HS4 and SPD2.

The design and access statement suggests the development will comprise a five storey building with eastern facing balconies to make best advantage of the views across the river Mersey. The statement goes on to say that the building incorporates a mix of 2 and 3 bedroom apartments. The Planning Statement suggests that the developer wishes to work with the Local Planning Authority to provide affordable housing, however there is no mention that a registered provider has been engaged to ensure that the development complies with Policy HSG2 of the Wirral Unitary Development Plan or Policy CS22 of the Core Strategy.

As stated above, the surrounding area is industrial in nature and as such the introduction of a residential development within this location of the industrial area would result in a detrimental change in the character of the area. The residents could be subjected to the day to day impacts of living within the industrial estate and any new or existing business would need to operate with the amenity of a new residential development in mind.

Separation Distances

SPD2 makes it clear that the development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property. Unless it can be demonstrated that privacy would not be unduly affected, habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three storey development adjacent to two storey properties, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

Due to the intended design for the proposed development within an 'L' shape block as shown on the indicative plan, concern can be raised over the potential for overlooking between habitable room windows in the two wings which could result in a development that would not meet the requirements set out in Policy HS4 of the UDP and SPD2. In addition, due to the close proximity of the two wings apartments within the inner corner of the building facing in towards the site would liable to overshadowing with an overbearing impact on each of the affected apartments caused by the scale, bulk and height of the building. This would be detrimental to the residential amenity of future occupiers, contrary to UDP Policy HS4 and SPD2.

HIGHWAY/TRAFFIC IMPLICATIONS

The Head of Environment & Regulation (Traffic & Transportation Division) has assessed the scheme having regards to highway safety and has no objection. The proposal would utilise an existing access on Riverwood Road that currently serves a 75 space car park. Particular regard has been had to forward visibility at the bend in front of the site and also for links to nearby cycle routes and pedestrian crossing points etc. Lines of sight were measured at between 41 metres to 46.5 metres, guidance in Manual for Street's indicates that a stopping distance of 43 metres should be visible where 85% of the traffic is expected to travel at a speed of 30mph. Information provided by the agent for applicant indicates that speeds along the straight stretch of road just after the bend have been recorded within these limits.. Speeds on the bend are likely to be lower. Additionally, although there is adequate cycle and footway in front of the site, these do not link to the cycle and footways on New Chester Road and anyone walking or cycling in that direction would be forced to share the carriageway with commercial traffic. However, it is possible to extend existing footways and cycle ways to meet up with those on New Chester Road and the applicant(s) have indicated that they are agreeable to carrying out these works, which could be secured by a suitably worded planning condition.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The applicant has submitted a sustainability appraisal in relation to the social role of housing, which refers to a number of community activities in Bromborough. The site is, however relatively isolated from

the existing residential community due to its position in the Wirral International Business Park.

In terms of ecology the proposed development is located within close proximity to the Mersey Estuary SPA and the Mersey Estuary Ramsar. These sites are protected under Habitat Regulations 2010 (as amended) and under UDP Policies NC1 and NC2.

Merseyside Environmental Advisory Service (MEAS) have, however, indicated that there is no pathway that could give rise to likely significant effects on European sites and as such it does not warrant a detailed Habitats Regulations Assessment. However, vegetation on the site may provide nesting opportunity for breeding birds that are protected.

In terms of the preliminary Ecology Appraisal report (Urban Green, June 2015) submitted by the applicant, Wirral Wildlife have objected to the outline application on the grounds of the potential damaging effect this development may have on bats and other wildlife. They state; although the ecology report identifies the adjacent SBIs (Eastham Woods B50 and Old Hall Road Copse B51), the report has not mentioned the citations, in particular the citation for Old Hall Road Copse which is only 70m from the proposed development and has been designated SBI status as it contains several bat roosts. Pipistrelle and Long Eared bats roost there and feed on the surrounding land, particularly along the edges of Long Plantation and Eastham Woods where they are joined by feeding Noctule bats. Bats are a protected species under European legislation therefore a bat activity survey is necessary before the application is determined in order to assess what effects the proposed development may have. Bats enter hibernation soon and this may be hastened in response to the cool year we have experienced which in turn has affected the activity of insects causing early hibernation. Therefore it would be best practice to wait until spring for a bat survey to be carried out as this would yield the most accurate findings. Until a suitable bat survey is carried out and mitigation proposed Wirral Wildlife object to the application.

The proposed development could have implications for bats and other nocturnal wildlife as this is currently a quiet industrial location and development would introduce night time disturbance and more lighting. The ecology report states "avoid light spill during condition and use" yet this is insufficient guidance as bats fly from their roosts over surrounding land and would be directly affected by light from the residential development and indirectly via its effects on the local invertebrate populations. It is known that insects are attracted to lit areas from further afield which could result in adjacent habitats supporting reduced numbers of insects, causing an impact on feeding of the light- avoiding bats. In addition there may be a need for mitigation for loss of feeding habitat as bats feed over the existing scrub and grassland.

Birds are expected to be nesting in the extensive gorse scrub. Replacement habitat should be created before this is destroyed, or a significant area of the gorse should be retained.

The Design and Access Statement shows a lack of understanding of the land proposed for development and the claim that the land is of "low ecological value due to its lack of soil over the sandstone rock" is refuted. Some of Wirral's best habitats (Thurstaston Common and Heswall Dales SSSIs, as well as several SBIs) grow on very thin soil layers over the sandstone – which is necessary for their heathland communities, which include varying amounts of woodland. Infertile soils are in fact essential for many high value ecological habitats. It is also claimed that "the sandstone outcrop has prevented the woods spreading westwards". This is also claimed to be factually inaccurate as Wirral Wildlife have known this site since the 1980s. It was a playing field for a former factory in the past. Then unused and developed neutral grassland, gradually becoming scrub including young ash/sycamore during the 1990s, until it eventually gained planning permission for offices.

CONCLUSION

The development would result in the loss of designated employment land, which is strategically important, in an area where such a loss would cause significant harm to the need for employment land to maximise job opportunities in the Borough. This may be exacerbated if the precedent that could be set by this proposal were to be followed by other businesses nearby. Given the orientation of the site, the proposal could also prejudice employment development on adjoining land within the Riverside Park complex.

Whilst the applicant has sought to demonstrate that there is no interest in the site for employment

development, the evidence submitted is insufficiently robust to support the site's loss to residential apartments.

Although all matters apart from access to the site are held in reserve, this application, if approved, would enable up to 75 residential apartments dwelling to be built within a Primarily Industrial Area. The submitted indicative master-plan suggests that this could result in a sub-standard scheme without satisfactory usable open space. The design of the layout presented, whilst illustrative, does not make the best of the site's context and would not contribute to achieving a high quality distinctive place.

It can be acknowledged that short term temporary benefits can be accrued from the development for housing in terms of potential employment in construction and maintenance and through the New Homes Bonus. However, it is considered that any benefits that may be accrued would not outweigh the greater impacts of the long term loss of the site for employment uses.

There is a lack information provided by the applicant on the effect of the development upon protected species including bats and birds the application, thus it cannot be established whether there would be no adverse impact on wildlife or its habitat both within the site and within surrounding Sites of Biological Importance, any adverse effect that could not be addressed would be contrary to UDP Policies NC5 and NC7.

On balance it is considered that the need to protect the safety of future residents, wildlife, achieve high quality development, support economic growth and improve social conditions by retaining this site for employment purposes outweighs any advantages that might be accrued from the proposed development.

It is, therefore, considered reasonable to conclude that the proposed development would not constitute sustainable development.

Recommended Refuse
Decision:

Reasons:

1. The proposal would result in residential development on a site within the Wirral International Business Park, a designated Primarily Industrial Area which has been identified as an employment area of strategic importance for uses in Use Class B1, B2 or B8 and reconstruction, extension or expansion of existing businesses and the submitted evidence does not demonstrate that there is no reasonable prospect of the site being used for employment purposes. Therefore, the development would conflict with the provisions of Policy URN1: Development & Urban Regeneration; Policy EM8 in the Wirral Unitary Development Plan, and is contrary to the National Planning Policy Framework (1. Building and strong and competitive environment in particular), as well as Policy CS2: Broad Spatial Strategy; Policy CS7: Priorities for Bebington, Bromborough & Eastham and Policy CS17 'Protection of Employment Land' in the Proposed Submission Draft Core Strategy for Wirral.
2. The proposal would be detrimental to the purpose and character of the area and could set an undesirable precedent that could undermine future sustainable economic growth and employment opportunities if replicated elsewhere within the Primarily Industrial Area. This is contrary to the intentions of Policy URN1: Development & Urban Regeneration; Policy EM8: Development within Primarily Industrial Areas and Policy EM6: General Criteria for New Employment Development in the Wirral Unitary Development Plan; the National Planning Policy Framework (1. Building and strong and competitive environment in particular); as well as Policy CS2: Broad Spatial Strategy; Policy CS7: Priorities for Bebington, Bromborough & Eastham and Policy CS17 'Protection of Employment Land' in the Proposed Submission Draft Core Strategy for Wirral.
3. The proposal would undermine the prospects of comprehensive and sustainable employment development on the adjoining land within the Primarily Industrial Area. This is contrary to the intentions of Policy URN1: Development & Urban Regeneration; Policy EM8: Development within Primarily Industrial Areas and Policy EM6: General Criteria for New

Employment Development in the Wirral Unitary Development Plan; the National Planning Policy Framework (1. Building and strong and competitive environment in particular); as well as Policy CS2: Broad Spatial Strategy and Policy CS7: Priorities for Bebington, Bromborough & Eastham and Policy CS17 'Protection of Employment Land' in the Proposed Submission Draft Core Strategy for Wirral.

4. Notwithstanding that matters of appearance, landscaping, layout and scale are reserved, the residential development within the scope of the indicative plans would result in an unacceptable form of development that would appear over developed with a lack of amenity space and inadequate outlook that would be detrimental to the character of the area and the amenities which the future occupiers could reasonably expect to enjoy. The development would therefore be contrary to the intentions of Policy HS4 - Criteria for New Housing Development in the Wirral Unitary Development Plan and Supplementary Planning Document SPD 2 - Designing For Self Contained Flat Development and Conversions, the National Planning Policy Framework (7. Requiring Good Design in particular) as well as Policy CS43: Design, Heritage and Amenity in the Proposed Submission Draft Core Strategy for Wirral.
5. The site is within a Health & Safety Executive (HSE) consultation zone for development near notifiable hazards at a vacant property in Power Road subject to a hazardous substances consent that has not been revoked and could put the safety of future occupiers and visitors at unacceptable risk if re-used. This is contrary to the advice of the Health & Safety Executive and to Policy PO9: Criteria for Development Near Notifiable Hazards in the Wirral Unitary Development Plan, as well as Policy CS36 Pollution and Risk in the Proposed Submission Draft Core Strategy for Wirral.
6. Insufficient information has been submitted to ascertain the effect of the development on the Old Hall Road Woods and Eastham Woods Sites of Biological Importance and on any species protected by law. Consequently, the Local Planning Authority is unable to determine whether or not significant harm to local wildlife and habitat would occur and if so how this would be mitigated contrary to the intentions of Policy EM7: Environmental Criteria for New Employment Development, Policy NC5: The Protection of Sites of Local Importance for Nature Conservation; Policy NC7: Species Protection in the Wirral Unitary Development Plan, as well as Policy CS33: Biodiversity and Geodiversity in the Proposed Submission Draft Core Strategy for Wirral.

Further Notes for Committee:

Last Comments By: 01/10/2015 10:47:12

Expiry Date: 18/11/2015