

Planning Committee

1 June 2017

Reference:
APP/16/01407

Area Team:
North Team

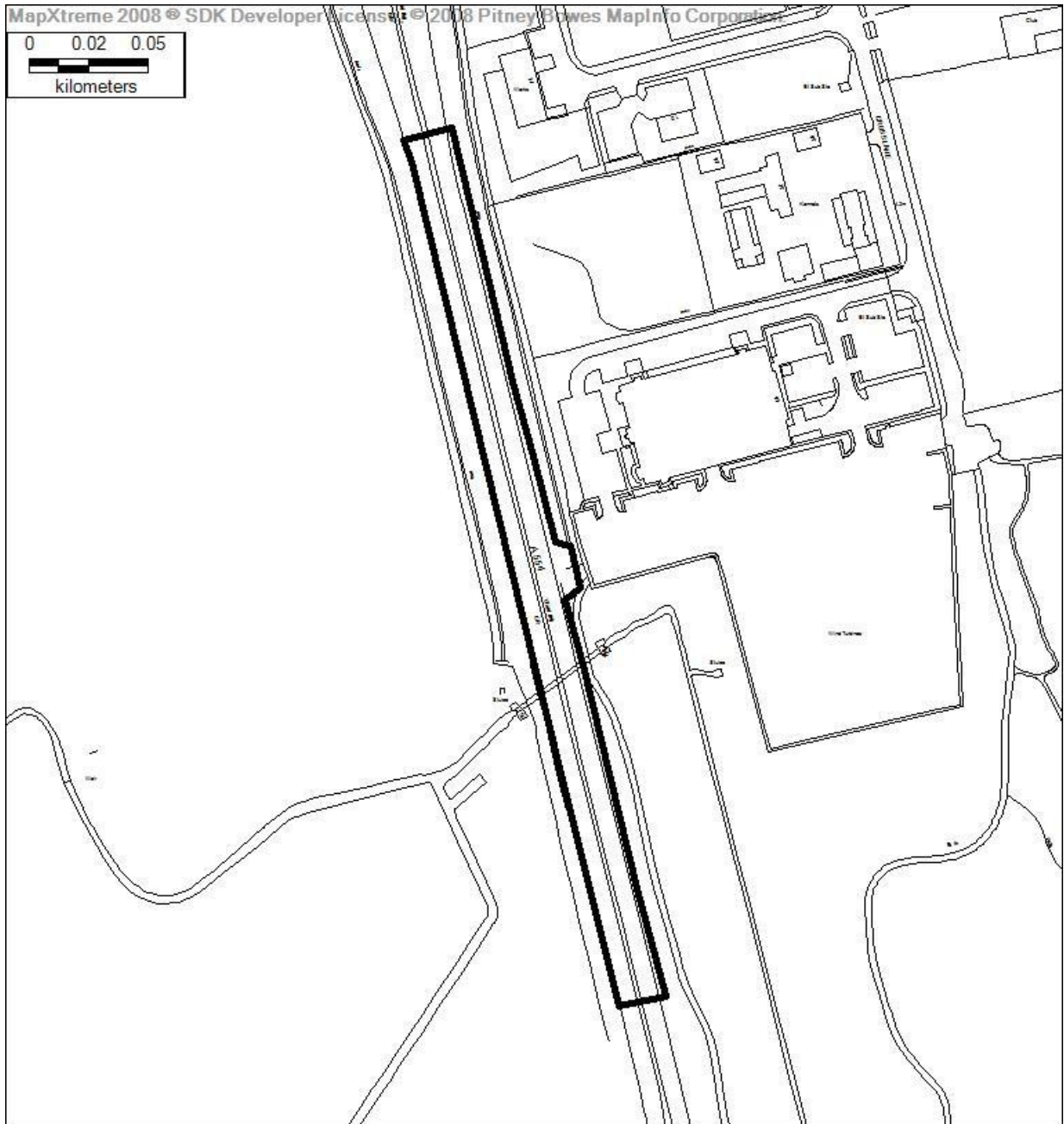
Case Officer:
Mr K Spilsbury

Ward:
Wallasey

Location: Land off of A554, WALLASEY VILLAGE, WIRRAL, CH45 8RH
Proposal: Proposed signalised junction to create new access off the A554 into the West Wallasey Fleet Hire Services site.

Applicant: West Wallasey Car Hire Limited (Fleethire Services)
Agent : Arup

Site Plan:



© Crown copyright and database rights 2017 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Development Plan Designation/Allocation

Road Corridor subject to Environmental Improvement
Employment Development Site
Green Belt

Planning History:

Location: Cross Lane Open Space, Cross Lane, Wallasey Village, Wirral, CH45 8RH
Application Type: Full Planning Permission
Proposal: Change of use to vehicle parking area and relocation of existing cycle route.
Application No: APP/06/05242
Decision Date: 12/04/2006
Decision Type: Approved

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 42 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 2 emails of objection have been received from a local resident and from Wallasey Civic Society. The objections are summarised as follows:

1. The junction would cause unacceptable levels of delay and expense. Double yellow lines on both sides of Cross Lane in the area of the entrance would solve it.
2. The A554 is the main link between the north end of Wallasey Village and New Brighton and the M53. Traffic volume is considerable and this at peak travel times leads to congestion both entering and exiting the motorway. Anecdotal evidence, and we have no reason to doubt it, suggests that 'tail-backs' regularly build up from junction one access to the entry point at Leasowe Road. To impede the traffic flow further by the installation of traffic lights would only exacerbate the situation. We consider the Cross Lane access to the applicant's premises the only alternative. A more thoughtful approach to the parking problem encountered with the latter and the slight altering of the width of the lane would overcome the problem of accessing the site. Lorries of no mean weight already do so to access Jewson's building suppliers.

CONSULTATIONS:

Engineers - No objections

Environmental Health – No objection subject to conditions

Highways England - No objection

Merseytravel - No objection

Wirral Wildlife - No objection

Environment Agency - No objection

Local Lead Flood Authority - No objection

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The development will be located on land designated within the Unitary Development Plan as Green Belt and as such the scheme is a departure from the Wirral UDP.

INTRODUCTION

The proposed development is for the installation of a signalised junction to create a new access road off the A554 into the West Wallasey Fleet Hire Service Site.

PRINCIPLE OF DEVELOPMENT

Provision is made for an access road to the Cross Lane industrial estate from the A554 on the Proposals Map and under the terms of Proposal TR6 in the Unitary Development Plan (UDP). As the proposed works enter the Green Belt, the application is a departure from UDP Policy GB2, however, this needs to be considered in line with the Government updated approach in the National Planning Policy Framework, which will be a material consideration the determination of this application.

SITE AND SURROUNDINGS

The application site is made up of the grass verge, which lies parallel to the A554 – a classified highway that leads to the M53 Motorway, and an overgrown area of land designated as Green Belt that is currently covered in grass and self-seeded shrubbery. The proposed access road will cross this verge in order to join the A554 to the existing car park within the West Wallasey fleet hire site (WWFS). The red line boundary also includes part of the A554 to the north and south of the proposed junction given the need to widen the carriageway to allow sufficient visibility splays.

The immediate surroundings consist of the Fleet Hire Head Office building, an existing parking area and wind turbines that serve the complex. Beyond this to the north of the site are further employment and industrial uses along Cross Lane. To the south is open space owned by the Forestry Commission whilst across the A554 beyond the M53 Motorway to the west is Bidston Golf Course. Further to the north east of the site is the residential area of Wallasey Village, whilst further to the west is the residential area of Leasowe.

POLICY CONTEXT

Provision is made for a new access road from the Cross Lane Industrial Estate on the UDP Proposals Map and in UDP Proposal TR6 – Minor Highway Improvements, subject to criteria in UDP Policy TR8. UDP Policy TR8 – Criteria for the Design of Highway Schemes states that:

'In the design of new highway schemes and highway improvement schemes the Local Planning Authority will require particular attention to be paid to the following environmental considerations:

- (i) the scheme should avoid, if possible, the loss of the best and most versatile agricultural land (in MAFF Grades 1, 2 and 3A), and not prejudice viable and efficient farm holdings;
- (ii) the scheme should not prejudice Areas of Special Landscape Value, SSSIs, SBIs, Urban Greenspace, common land, Listed Buildings, sites of archaeological interest and Conservation Areas;
- (iii) the scheme should provide for the needs and safety of cyclists and pedestrians;
- (iv) the scheme should include full landscaping proposals in accordance with Policy GR5, to minimise visual intrusion; and
- (v) wherever possible, existing landscape features should be taken into account in the design of the scheme.'

There is no provision for highway works in the Green Belt under UDP Policy GB2, which makes it clear that inappropriate development cannot be approved except in very special circumstances.

However, this needs to be considered in context with the updated approach to protecting the Green Belt under the National Planning Policy Framework (NPPF), which is an important material consideration. NPPF, paragraph 90 indicates that engineering operations and local transport infrastructure requiring a Green Belt location are not inappropriate if openness is preserved and there is no conflict with the purpose. An exception is also made for redevelopment on previously developed sites under NPPF paragraph 89 subject to the same terms.

The site also encroaches Flood Zones 2 and 3 on the Environment Agency's Flood Map, it being close to the old course of the River Birket. UDP Policy WAT1 – Fluvial & Tidal Flooding makes it clear that planning permission will only be granted where the new development would not be at risk from flooding and the risk to other developments would not be increased. This is line with NPPF paragraph 100 which also sets a sequential test to direct development away from areas at highest risk.

UDP Policy WA2 – Development and Land Drainage seeks to protect watercourses and areas that are important for wildlife and indicates that conditions may be imposed regarding surface water runoff in consultation with the Environment Agency and the Local Land Drainage Authority.

Policy NC7- Species Protection indicates that development that would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/ or planning obligations.

APPEARANCE AND AMENITY ISSUES

WWFS has been located at 40 Cross Lane for 8 years. They currently employ 285 staff, many of whom live in the local area (data provided by applicant).

The applicant states that the current vehicular arrangement via Leasowe Road and Cross Lane to the north of WWFS results in a number of difficulties for the business, road users and local residents. They state that Cross Lane is not suitable for use by large vehicles due to its condition, width and the presence of parked vehicles associated with other businesses along the length of Cross Lane. It is also residential in nature at its northern end. As such Transporters accessing the site for deliveries are therefore required to unload vehicles within Leasowe Road, which is a major road with a central reservation. This creates an amenity issue for residents on Leasowe Road as the loading and unloading of transporters can take a considerable amount of time, creating noise and visual impact amenity issues. Transporters that arrive early may also park up and leave their engines running, which exacerbates these issues.

The unloaded vehicles are then driven to the main site via Cross Lane. Due to the safe loading requirements of the transporters, half of the vehicles being transported must be facing forward and the other half must be facing backwards. This creates a further situation where half of the vehicles must therefore be driven forwards off the transporter into oncoming traffic and then perform a u-turn. The remaining vehicles can be reversed off the transporter, but again this is done within a busy highway environment in a largely residential area.

In addition, it is noted that car transporters are also observed to currently access Leasowe Road from the A554 via the priority controlled T-junction with Greenleas Road, in order to avoid passing underneath the low bridge on the A554 off-slip. This leads to large vehicles passing through the residential area to the north of Leasowe Road, including Greenleas Primary School. Furthermore, the parking of these transporters and the manoeuvres performed by their load must be performed on the residential side of the highway due to a headroom restriction at the railway bridge across Leasowe Road. It is considered that a more suitable solution within the residential context of this area would be for the unloading of the transporters take place within the site and for the requirement for such manoeuvres to be removed. The applicant states that in order for the unloading of transporters within the site to be achieved, an access to the site that is suitable for use by these large vehicles must be provided.

The applicant states that they have explored upgrading the existing access at Cross Lane prior to arriving at this proposal and following discussions with highways officers at Wirral Council. The upgrade to Cross Lane approach to Leasowe Road was discounted for the following reasons:

- As there is limited opportunity to widen the road due to the presence of commercial third party businesses on either side, insufficient space available to widen the road to a standard that is capable of accommodating the passage of large transporters along its length.
- Removal of the on-street parking on Cross Lane to facilitate the passing of two transporters would create operational issues for neighbouring businesses and is likely to displace the parking onto adjacent residential streets.
- Use of Cross Lane would not resolve the issues of access for large transporters being provided through residential areas with all the conflicts associated with the mixing of these vehicles in residential areas as described above.

The proposed development has been fully assessed by Wirral's Engineers Department and Highways England. This is dealt with in detail below.

Green Belt Implications

The proposal is a departure from the Wirral Unitary Development plan (UDP Policy GB2) and although exceptions are made in NPPF for local transport infrastructure, engineering operations and

development on previously developed land, the grass verges along A554 make a contribution to the openness and purpose of Green Belt. In which case, very special circumstances need to be demonstrated to clearly outweigh the harm caused by the element of development that is inappropriate.

The very special circumstances put forward by the applicant are as follows:

- The proposal represents a solution to a long standing amenity issue for residents of the surrounding area and this location represents the only possible means of providing a new access into the site.
- There have been lengthy discussions and consideration of alternative solutions with highways officers at the Council and the current proposal is considered to represent the best and most practicable solution.
- There are no suitable alternative solutions which would not require crossing Green Belt land.
- The current access arrangements to the WWFS site result in noise and visual impact amenity issues for the residents of Leasowe Road, Cross Lane and Greenleas Road as well as highway safety impacts as a result of vehicles being unloaded from the transporters. Furthermore, there are road safety impacts from transporters travelling down Greenleas Road past Greenleas Primary School and the proposal provides a new direct access which is suitable for use by these large vehicles.

It can be agreed that the proposal would result in potential safety benefits, including a reduction in the speed limit on the A554 to 40mph. It would also assist in pursuing the urban regeneration by providing direct access to the site from the M53 link road, which is allocated for general industrial uses in the UDP. Initially, this would support a large local employer (employing 285 staff) and provide the potential for further economic growth in the longer term. Other amenity benefits could be accrued for the residents living in the Primarily Residential Area at the end of Cross Lane if traffic is diverted to the new access road.

Substantial weight must be given to any harm to the Green Belt from inappropriate development under the terms of UDP Policy GB2 and NPPF, paragraph 88, In this particular case, the impact on the openness and purpose of the Green Belt and it's appearance is not likely to significant given it location next to a busy main road and the exiting industrial estate. On balance, it can be reasonably concluded that the harm to the Green Belt, would be clearly outweighed by the potential local economic, safety and social benefits, which are considered to count as very special circumstances for granting planning permission for the proposed development in this particular case.

At the time of writing this report 2 emails of objection have been received from a local resident and from Wallasey Civic Society. The objections are summarised as follows:

1. The junction would cause unacceptable levels of delay and expense. Double yellow lines on both sides of Cross Lane in the area of the entrance would solve it.
2. The A554 is the main link between the north end of Wallasey Village and New Brighton and the M53. Traffic volume is considerable and this at peak travel times leads to congestion both entering and exiting the motorway. Anecdotal evidence, and we have no reason to doubt it, suggests that 'tail-backs' regularly build up from junction one access to the entry point at Leasowe Road. To impede the traffic flow further by the installation of traffic lights would only exacerbate the situation. We consider the Cross Lane access to the applicant's premises the only alternative. A more thoughtful approach to the parking problem encountered with the latter and the slight altering of the width of the lane would overcome the problem of accessing the site. Lorries of no mean weight already do so to access Jewson's building suppliers.

As stated above the highways department have been consulted as part of this application and have raised no objection to the scheme. All highway and traffic implications are dealt with below.

Flood Risk

There has been consideration of alternative solutions with highways officers and the current proposal is considered to represent the best and most practicable solution for providing a new access to the existing industrial estate. A site-specific Flood Risk Assessment has been carried out and as part of the determination process this has been assessed by the Local Lead Flood Authority (LLFA) and the

Environment Agency (EA). Both the LLFA and the EA have raised no objection to the scheme subject to the conditions relating to the development being carried out in accordance with the flood risk assessment and an appropriate surface water drainage scheme to be submitted. In which case, the development can be carried out in a way to ensure that it is not at risk of flooding and does not increase the risk elsewhere. The potential to achieve improvements to highway safety, local amenity and the local economy are considered to count as wider sustainability benefits which weigh in favour of the application, having regard to the national sequential and exception tests for sites within Flood Zones 2 and 3.

Wildlife

With regards to local wildlife and species protection, Wirral Wildlife and the Environment Agency have indicated that there are records of Water vole activity in the area along the Birket Old Course. This species is fully protected under the Wildlife & Countryside Act and as such the applicant was initially asked to provide a watercourse survey. However, following discussions between Wirral Wildlife, the EA and the applicant it has been agreed that as the works are within 6m of the bank a water vole survey is not required. This has been confirmed by Wirral Wildlife and the Environment Agency.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

The Council's highway engineers and Highways England have been consulted on the application and have raised no objection to the proposed scheme. They confirm that the proposed junction is unlikely to have an impact on the effective operation of the strategic road network either from a road safety or highway capacity perspective. The Highways department has requested a condition for a full scheme of works and time table for the construction of the new highway works necessary by this development and an information that explains to the developer that they must enter into a legal agreement with the council in order to secure the works under the highways act and the new roads and streetworks act. As such a refusal on highway safety or highway capacity could not be sustained.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Environmental/Sustainability issues relating to the Green Belt, highway safety, flood risk, residential amenity and wildlife and implications have been taken into account.

HEALTH ISSUES

There are no health implications relating to highway safety, flood risk and residential amenity have been taken into account.

CONCLUSION

The proposed highway improvements and access to the Cross Lane industrial estate from the A554 are considered to be acceptable under the terms of UDP Proposal TR6 and UDP Policy TR8.

Substantial weight must be given to any harm to the Green Belt from the element of inappropriate development under the terms of UDP Policy GB2 and NPPF, paragraph 88. In this particular case, the impact on the openness and purpose of the Green Belt and its appearance is not likely to be significant given its location next to a busy main road and the existing industrial estate. On balance, it can be reasonably concluded that the harm to the Green Belt, in this particular case, would be clearly outweighed by potential local economic, safety and social benefits that amount to very special circumstances, which justify granting planning permission for the proposed development.

Planning conditions can be applied to ensure that flood risk can be controlled to the satisfaction of the Environment Agency and the Local Lead Flood Authority.

The proposed development is considered acceptable in terms of design, road safety and highway capacity.

Therefore, having regard to the requirements of the Wirral's Unitary Development Plan and the guidance in the National Planning Policy Framework, the application is recommended for approval.

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:-

The proposed highway improvements and access to the Cross Lane industrial estate from the A554 are considered acceptable under the terms of UDP Proposal TR6 and UDP Policy TR8.

Substantial weight must be given to any harm to the Green Belt from the element of inappropriate development under the terms of UDP Policy GB2 and NPPF, paragraph 88. The impact on the openness and purpose of the Green Belt and its appearance is not likely to be significant given its location next to a busy main road and the existing industrial estate. On balance, it can be reasonably concluded that the harm to the Green Belt, in this particular case, would be clearly outweighed by the potential local economic, safety and social benefits that amount to very special circumstances which justify granting planning permission for the proposed development.

Planning conditions can be applied to ensure that flood risk can be controlled to the satisfaction of the Environment Agency and the Local Lead Flood Authority.

The proposed development is considered acceptable in terms of design, road safety and highway capacity.

Therefore, having regard to the requirements of the Wirral's Unitary Development Plan and the guidance in the National Planning Policy Framework, the application is recommended for approval.

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 24th October 2016 and listed as follows: 236301-01 rev P1 (Dated 12.09.2016), 236301-01 rev P1.3 (Dated 31.05.2016) & 236301-01 revP1.4 (Dated 26.07.16)

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

3. No development shall take place until a full scheme of works and a timetable for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, cycle ways, street lighting, surface water drainage, traffic signals, traffic signs, road markings, street furniture, access onto the adjacent highway, road safety audit and monitoring has been submitted to and agreed in writing with the Local Planning Authority. The approved works shall be completed in accordance with the approved details prior to first use and retained as such thereafter.

Reason: In the interest of highway safety and to comply with UDP Policy TR8 – Criteria for the Design of Highway Schemes and UDP Policy WA2 – Development and Land Drainage

4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14 October 2016 / 236301-01 / ARUP) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated for all rainfall events up to and including the 1 in 100 year event (plus climate change allowance) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site, subject to a minimum discharge of 5l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to comply with UDP Policy WAT1 – Fluvial & Tidal Flooding, UDP Policy WA2 – Development and Land Drainage and the National Planning Policy Framework.

5. No development shall commence until full details of a scheme for a surface water sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Details of a scheme for a surface water sustainable drainage system, comprising all components of the surface water drainage system, should include:

- a) Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year + 40% allowance for climate change), discharge rates and volumes (both pre and post
- b) Demonstrate that the surface water run-off would not exceed the pre-development greenfield runoff rate for an existing greenfield site.
- c) Include details of how any flood water, including depths, will be safely managed in exceedance routes;
- d) Secure arrangements for adoption by an appropriate public body or statutory undertaker or, management and maintenance by a Residents' Management Company through an appropriate legal agreement;
- e) Secure arrangements, through an appropriate legal agreement or planning obligation for funding on-going maintenance of all elements of the sustainable drainage system including:
 - i. mechanical components;
 - ii. on-going inspections relating to performance and asset condition assessments and;
 - iii. 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.
- f) Secure means of access for maintenance and easements, where applicable.
- g) Include a timetable for implementing the scheme.

Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with UDP Policy WA2 – Development and Land Drainage, the National Planning Policy Framework, Paragraph 103 and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

Last Comments By: 07/12/2016
Expiry Date: 19/12/2016