

Planning Committee

13 December 2018

Reference:
DLS/18/00715

Area Team:
North Team

Case Officer:
Ms J Storey

Ward:
Seacombe

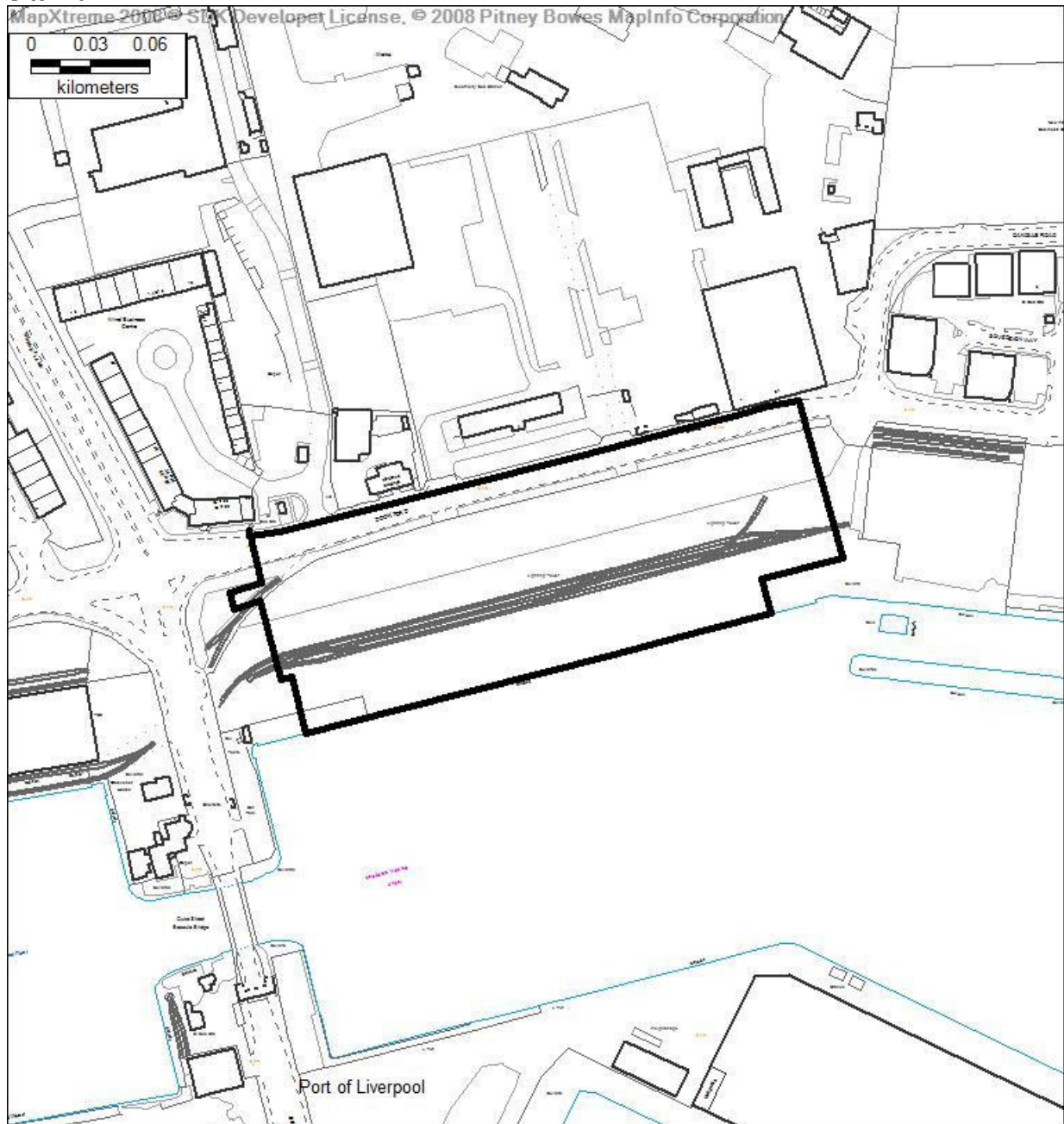
Location:
Proposal:

Land at DOCK ROAD, SEACOMBE, CH41 1JW
Reserved Matters Application pursuant to Planning Permission OUT/09/006509 providing details of access, appearance, layout, scale and landscaping for the construction of 500 apartments (1 and 2 bedroom) (with ancillary accommodation), associated parking, landscaping and other associated works at Northbank West, Dock Road, Wirral Waters, Seacombe.

Applicant:
Agent :

Peel Land and Property
Turley

Site Plan:



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Development Plan designation:

Road Corridor subject to Environmental Improvement
Primarily Industrial Area

Planning History:

- Location: Cleared Site Adjacent East Float Quay, DOCK ROAD, SEACOMBE
Application Type: Outline Planning Permission
Proposal: Demolition of existing buildings and the creation of a new city neighbourhood at East Float, including a series of new urban quarters (Northbank West, Marina View & Four Bridges, Vittoria Studios and SkyCity & The Point), consisting of a maximum of 13,521 residential units (Class C3 Use), a maximum of 422,757sq m office and research and development floorspace (Class B1), a maximum of 60,000sq m retail uses (Classes A1-A5), a maximum of 38,000sq m hotel and conference facilities (Class C1) a maximum of 100,000 sq m of culture, education, leisure, community and amenity floorspace (Classes D1 and D2), together with the provision of car and cycle parking, structural landscaping, formation of public spaces and associated infrastructure and public realm works and including retention of and conversion works to Grade II Listed Hydraulic Tower. Within this overall maxima permission is now sought for flexible use under the GPDO Part 3 Class E for 48,500 sq m of floorspace (reduced from 485,000 sq m) to be used for office and research and development floorspace (Class B1), retail uses (Class A1 retail, Class A2 Financial & Professional Services, Class A3 restaurants and cafes, Class A4 bars and Class A5 hot food takeaways), hotel and conference facilities (Class C1), culture, education, leisure, community and amenity floorspace (Classes D1 and D2). The application remains submitted in outline with all detailed matters reserved for subsequent approval. (amended description).
Application No: OUT/09/06509
Decision Date: 31/05/2012
Decision Type: Approve
- Location: Quayside off the North West , corner of East Float , Duke Street, Birkenhead, Wirral, CH41
Application Type: Full Planning Permission
Proposal: Erection of two storey temporary accommodation for maintenance personnel
Application No: APP/01/06914
Decision Date: 26/11/2001
Decision Type: Approve
- Location: Duke Street, Laird Street, Hoylake Road, Bidston Link Road and Dock Road, Birkenhead, Wirral
Application Type: Advertisement Consent
Proposal: Erection of banner signs suspended from lamp posts
Application No: ADV/97/06453
Decision Date: 16/10/1997
Decision Type: Approve
- Location: Pavement and land to south east of McKenna Buildings, Dock Road, Poulton. L41 1
Application Type: Full Planning Permission
Proposal: Formation of access.
Application No: APP/95/06736
Decision Date: 26/06/1996
Decision Type: Approve
- Location: Land east of Duke Street, south of Dock Road, Poulton. L41 1J
Application Type: Advertisement Consent

Proposal: Erection of four advertising panels on four railway trucks.
Application No: ADV/93/05086
Decision Date: 12/03/1993
Decision Type: Approve

Location: Former canteen opposite SMM, Dock Road, Poulton. L41 1D
Application Type: Full Planning Permission
Proposal: Change of use from dock canteen to taxi office.
Application No: APP/86/05470
Decision Date: 05/06/1986
Decision Type: Approve

Location: N Dock Road, East Gorsey Lane, Poulton, L41 1D
Application Type: Deemed
Proposal: Construction of Advance Factories for small business centre
(alteration to extend site boundary)
Application No: DPP/82/21846
Decision Date: 03/02/1983
Decision Type: Approve

Location: Land to the East of Gorsey Lane and, to the North of Dock Road, Poulton, L41
1D
Application Type: Deemed
Proposal: Erection of advance factories for small business centre.
Application No: DPP/82/21449
Decision Date: 18/11/1982
Decision Type: Approve

Location: E Gorsey Lane/n Dock Road, Poulton L41 1D
Application Type: Deemed
Proposal: Erection of Warehousing (Class X) on land at west of Corporation Yard,
junction of Dock Road/Gorsey Lane
Application No: DPP/82/20734
Decision Date: 22/07/1982
Decision Type: Conditional Approval

Location: E Gorsey Lane/n Dock Road, Poulton L41 1D
Application Type: Deemed
Proposal: Erection of General Industrial Units (Class IV) on land at west of Corporation
Yard, junction of Dock Road/Gorsey Lane
Application No: DPP/82/20737
Decision Date: 22/07/1982
Decision Type: Conditional Approval

Location: E Gorsey Lane/n Dock Road, Poulton L41 1D
Application Type: Deemed
Proposal: Erection of light industrial units (Class III) on land at west of Corporation
Yard, junction of Dock Road/Gorsey Lane, Poulton
Application No: DPP/82/20736
Decision Date: 22/07/1982
Decision Type: Approve

Location: E Pt Trans Shed Dock Rd Pltn Wall L41 1df
Application Type: Full Planning Permission
Proposal: Change of use and conversion to a mineral grinding factory Sections 2 and 3
Transit shed.
Application No: APP/76/04557
Decision Date: 14/06/1976
Decision Type: Conditional Approval

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 90 notifications were sent to neighbouring properties. A Site Notice was also displayed. At the time of writing this report 1 representation has been received and is summarised as follows:

1. Can condition 50 in the outline planning permission be adhered to ensure that up to 13521 residential units would be built over the complete project of Wirral Waters.

CONSULTATIONS:

Highways: No objections

Merseyside Environmental Advisory Service: The submitted HRA Appropriate Assessment documents have concluded that the development will have no adverse effects on the integrity of the designated European Sites subject to the implementation of mitigation measures set out in those documents and therefore, MEAS advise that this assessment is acceptable and concur with the conclusions of the Assessments, subject to the mitigation measures outlined being implemented in full. It is advised that Wirral Council (as competent authority) can adopt the HRA documents.

Lead Local Flood Authority: No objections subject to the details contained in the Flood Risk Assessment and the Sustainable Drainage Strategy and Operation and Management Plans submitted being implemented in full.

Environmental Health: No objection subject to the attached conditions.

Housing Strategy: No objection subject to a s106 for affordable housing

United Utilities: No objection subject to the attached conditions

Natural England: Following receipt of further information Natural England is satisfied that the specific issues raised relating to this development have been resolved. It is considered that the impacts on the designated sites can be appropriately mitigated with the measures outlined within the HRA/supporting information and therefore, there are no objections to the proposed development.

Director's Comments:

This application was the subject of a Member's Site Visit on 13th November 2018.

INTRODUCTION

Outline planning permission was granted in May 2012 for the comprehensive mixed use re-development of Birkenhead docks. The outline application, with all matters reserved, established the principle of a phased development for the creation of a new city neighbourhood to be delivered through a series of urban quarters. This reserved matters application is one of five Wirral Waters applications currently being determined by the Local Authority.

The outline Planning Permission required the first reserved matters applications to include

- a minimum quantum of development of 60,000 square metres of floor space, for uses including housing (Use Class C3) (include a minimum of 500 units), office floor space (Use Class B1); or major education, civic, or cultural (Use Class D1) component of development.
- 30,000 square metres of floor space for use as offices and (or) research and development of products and processes.

This application comprises of the residential component containing 500 residential units. A second reserved matters application has also been submitted for approval and comprises of a proposal for 40,000sqm of B1 floor space at Vittoria Studios. These two schemes comprise of the quantum of development required under condition 4 of the outline planning approval.

The submitted applications for residential schemes to date comprise of a specialist dementia care development to be developed and operated by a care provider Belong. This scheme together with this

current application will provide over 600 units of accommodation when completed.

The Legacy project has been the subject of consideration at Wirral Council Cabinet in October this year. The cabinet report considered the key opportunities relating to the social, economic, environment, policy and investment opportunities that the project would deliver.

This development includes:

- 500 units in a mix of 1-bed and 2-bed apartments of varying sizes;
- Up to 47,000 sqm of residential development area;
- Ancillary spaces for Residents;
- On site residents multi-use space / communal facilities;
- On site secure cycle parking;
- New public realm to the Dock Edge;
- New landscape secure courtyard;
- New public Festival Square;
- New public Duke Street Plaza;
- On-site parking; and
- Other supporting infrastructure

This application is referred to the Planning Committee as a Major Development and is required to be considered and determined by the Planning Committee having regards to the Council's approved Scheme of Delegation for the Determination of Planning Applications.

PRINCIPLE OF DEVELOPMENT

The principle of this development is acceptable and has been established during the consideration of the scheme through the outline planning application.

SITE AND SURROUNDINGS

The application site comprises of a cleared site which is bounded by Dock Road to the North, to the south by the dock edge of East Float and to the west by Duke Street. The site is contained by palisade fencing with the occasional tree along the northern boundary. The surrounding area contains a mix of commercial/industrial uses and residential areas beyond.

The converted former grain warehouses (Grade II Listed) are located to the east of the site. The Hydraulic Tower, also listed Grade II lies further south east.

POLICY CONTEXT

Wirral Unitary Development Plan

Policy URN1 Development and Urban Regeneration states that full and effective use should be made of land and focuses on the importance of bringing neglected, unused or derelict land into use.

Policy HS4 - Criteria for New Housing Development, whilst applicable to proposals for new housing development on allocated sites within the Primarily Residential Areas, is considered to be relevant in that it expects the proposed development to:

- be of a scale which relates well to surrounding property, in particular regards to density and form
- not to result in a detrimental change in the character of the area
- provide access and servicing that can be satisfactorily accommodated
- include appropriate landscaping
- have design features to contribute to a secure a safe environment
- make provision for accessible public open space and children's play space
- provide adequate individual private or communal garden space for each dwelling

Policy HSG2 (Affordable Housing) of the UDP states that the Local Planning Authority will negotiate with developers and housing associations the provision of affordable housing where appropriate.

Policy GR5 The Local Planning Authority will require applicants to submit full landscape proposals before planning permission is granted.

Policy GR6 - Greenspace within new family housing development sets out the need to provide adequate public, open greenspace within development sites.

Policy GR7 - Trees and New Development sets out the criteria to assess the need to protect trees by having regard to health and structure of existing trees with a view to provide replacement trees.

UDP Policy TR9 requires off-street parking to be viewed on the context of overall transport policy and particularly, the need to reduce travel by private car, especially within areas that are well served by public transport.

UDP Policy TR12 requires provision of cycle parking where it is considered to be both practicable and desirable.

Policies WAT1, WA, WA2, WA3, WA4, and WA5 only permit development that would not increase the risk of flooding, where drainage and surface water runoff can be controlled with regard to the need for the protection of water resources including groundwater. In addition, Waste Local Plan Policies WM8 and WM9 set out the requirements for waste management, recycling and efficient use of resources.

Policies NCO1 and NC7 only permit proposals that would not adversely affect protected wildlife and habitats.

Policies TRT3, TR11 and TR13 make it clear that regard will be given to minimising vehicular and pedestrian conflict, securing access for disabled people, minimising the need to travel, parking and servicing arrangements and ensuring there is no negative impact on routes used by cyclists when assessing the impacts of the proposed development

Policy CH1 states that development affecting a Listed Building or structure will only be permitted where the proposals are of a nature and scale appropriate to retaining the character and design of the building and its setting and that adequate provision is made for the preservation of the special architectural or historic features of the building or structure.

Policy CH24 Development proposals liable to destroy, damage or otherwise disturb features of archaeological interest in these areas or which would have a detrimental impact on their setting will be refused.

Policy CH25 advises that in assessing development proposals liable to affect areas known or suspected to contain important un-scheduled archaeological remains, consideration will be given to the archaeological interest of the site in terms of the rarity, condition and estimated age of the remains.

Waste Local Plan

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources; Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting. This can be addressed through the use of relevant planning conditions.

Other material considerations

Design Issues

Supplementary Planning Document 2 identifies good design practice which sets out fundamental principles including:

- consideration of the design and position of the development in context with neighbouring buildings, the townscape and landscape of the wider locality;
- consideration of the scale, massing and height of the intended development in relation to adjoining buildings, topography, views, vistas and general height patterns in the area; and respect for the character of the area.
- respect for the character of the area.

Successful projects are expected to:

- relate well to the geography and history of the place and the lie of the land;
- sit happily in the pattern of existing development and routes through and around it;
- respect important views (from public vantage points);
- respect the scale of neighbouring buildings;
- use materials and building methods, which are as high or of higher quality as those used in existing buildings; and
- create new views and juxtapositions, which add to the variety and texture of the setting.

Emerging Local Plan

The Spatial Vision in the Proposed Submission Draft Core Strategy Local Plan (2012) indicates that by 2028 a new city neighbourhood will be being established within the Birkenhead Dock Estate to create a sustainable, mixed-use waterside community, where new homes and a wide range of employment, education, leisure, community and cultural uses will create a new impetus for economic growth and regeneration at the heart of the older urban area.

Policy CS2 - Broad Spatial Strategy states that full and effective use should be made of land within urban areas; neglected, unused or derelict land or buildings are brought into use. The first priority will be to focus job, housing and population growth to areas of greatest need of physical, social, economic and environmental regeneration particularly within the older urban areas of east Wirral. Medium to high density development will normally be permitted within these areas and will be expected to make a positive contribution to the local character and amenity; make a positive contribution to local character and amenity; make the most efficient and viable use of land, infrastructure and services and support a greater pace of regeneration.

Policy CS5- Priorities for the Commercial Areas of Birkenhead - states that the overall strategy to promote sustainable development in the commercial core of Birkenhead will be to establish a new city neighbourhood at East Float and around Birkenhead Town Centre, to secure major economic growth, jobs and training alongside investment in significant levels of new high quality housing and employment and the provision of supporting leisure, retail, community, health and education uses.

Policy CS12 – Wirral Waters states that the Council will support the delivery of large-scale, high-density, mixed-use, commercial-led development within the Birkenhead Dock Estate at East Float, West Float and Bidston Dock, to support the economic growth and regeneration of the wider sub-region.

Detailed planning applications for each element of proposed development will be required to:

1. amend and/or update the wider master plan for the area;
2. where relevant, contribute to the provision of affordable housing in line with Policy CS22;
3. develop, update and implement a green infrastructure strategy for the area and secure appropriate provision within and around the site;
4. develop, update and implement a strategy to address flood risk, wastewater network and water supply constraints and secure measures to minimise water demand;
5. incorporate low carbon initiatives to minimise energy demand and maximise the use of low carbon and/or renewable energy where viable;
6. identify and secure appropriate facilities for waste management including waste minimisation and recycling, to serve the development proposed;
7. develop, update and implement the public transport and access strategy for the area and include measures that will ensure full integration with the surrounding areas, including the historic grid-iron street layout and Hamilton Square Conservation Area;
8. ensure that the impact of any tall buildings will not cause unacceptable harm to the setting or views from Hamilton Square Conservation Area;
9. address the need to secure appropriate access to social infrastructure for health, education, recreation and enhanced employment and training opportunities for existing local residents;
10. amend and update the cumulative transport assessment for existing and proposed development within the area;
11. update the environmental information baseline to enable the Council to complete an updated Habitats Regulations Assessment Report;
12. monitor and maintain the structural condition of the dock walls and lock gates; and
13. meet the requirements of Policy CS42.

Policy CS40 - Transport requirements relates to transport requirements in new developments and states that new developments will be permitted where proposals can demonstrate amongst other things that they support the greater use of sustainable transport and travel and promote the use of public

transport, walking and cycling.

CS43- Design, Heritage and Amenity - All new development will be expected to enhance the character, quality and distinctiveness of the area in which it is located and relate well to surrounding property and land uses and the natural and historic environment.

National Planning Policy Framework (NPPF).

NPPF paragraph 11 sets a presumption in favour of sustainable development, which means:

Approving proposals that accord with an up to date development plan without delay; or where there are no relevant update local policies, granting planning permission unless:

- NPPF policies that protect important areas or assets provide a clear reason for refusal; or
- Adverse impacts would significantly outweigh the benefits when assessed against NPPF as a whole.

Chapter 2 defines the role of planning in achieving sustainable development under three objectives – economic, social and environmental, each mutually dependant.

Chapter 5. Delivering a sufficient supply of homes The three key issues are the importance of a sufficient amount and variety of land to come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Chapter 6. Building a strong, competitive economy advises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Chapter 8. Promoting healthy and safe communities advocates that Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard. An integrated approach to considering the location of housing, economic uses and services should be adopted.

Chapter 9. Promoting sustainable transport - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

Chapter 10. Supporting high quality communications. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should priorities full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

Chapter 11. Making effective use of land. The Framework seeks to promote effective use of land and in particular make more effective use of under-utilised and previously developed land. Paragraph 118 sets out opportunities for previously developed land in urban and rural area, key points include:

- Encouragement will be given to mixed used schemes and net environmental gains;
- Substantial weight should be given to brownfield land within settlements for homes and other identified needs;
- Development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively will be supported and promoted;

Development opportunities to use the airspace above existing residential and commercial premises for new homes will be supported. In addition LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

Chapter 12. Achieving well-designed places. The emphasis is on the importance of managing and promoting high design standards at the earliest opportunity as well as the need to ensure such qualities are delivered on the ground. In doing so, it reiterates the need to ensure design is not an optional add-on to gain an approval, but it is instead a discussion which needs to take place throughout the design evolution process to the point of delivery. This will also include effective engagement with local communities, the use of 'local design standards or style guides', and the refusal of permissions for developments of poor design. achieve this wider objective

Chapter 14. Meeting the challenge of climate change, flooding and coastal change -Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere

Chapter 15. Conserving and enhancing the natural environment states that planning policies and decisions should contribute to and enhance the natural and local environment through a number of means including minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Chapter16. Conserving and enhancing the historic environment. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

APPEARANCE AND AMENITY ISSUES

The National Planning Policy Framework recognises the importance of requiring good design in development. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what planning and development processes must achieve. Good design is the key aspect of sustainable development, creates better places in which to work and live and helps make development acceptable to communities.

Wirral Unitary development plan Policy HS4 and SPD2 outlines the criteria for assessing new residential schemes and advises that proposals for new housing development should be of a scale that relates well to the surrounding area, particularly with regards to existing density and form and will not result in a detrimental change in the character of the area.

The scheme provides for a mix of one and two bedroomed apartments and supporting uses including a crèche, gym and residents lounge. The urban typologies within this scheme comprise of a liner tower block of 13 storeys, four warehouse blocks (7 storeys) and a mansion block (7 storeys).

Two of the proposed buildings at either edge of the site, the tower and mansion, mark the site edge and four pavilion warehouses site in-between them with their distinct pitched saw-tooth roof line that makes reference to the neighbouring wharf architecture.

The approach taken for the buildings at Wirral Waters - East Float - Legacy development is to develop a contemporary interpretation of the warehouses once present on Birkenhead Docks. The use of a strong pitched roof line will create character and provide the scheme with a strong waterside silhouette - giving identity within the wider masterplan. Elevations will to utilise a range of metal cladding textures to

provide further differentiation within the site. Waterside reflection and a strong landscape and public realm proposal will also compliment the approach to the architecture.

A number of residents pocket parks/courtyards and landscaping features are proposed between the buildings alongside a number of public squares surrounding the entire development. The proposed buildings massing rise up at either ends marking the junction between Duke Street and Dock Road and providing a 'book end' to the development. The buildings vary in height to between 6 and 13 storeys to ensure that they don't compete with the scale and dominance of the grain warehouses to the east.

The proposed buildings ground level is set at the above flood defence level of +7.5m AOD with this raising the buildings up to a 500mm plinth providing more privacy and responding to the SUD's strategy for the scheme.

The proposed Ground Floor arrangement for the buildings adjacent Duke Street will mainly consist of service and amenity space with main access to the residential lobby from either the west or the east from each respective building. Vehicular access and parking is also proposed at both the east and west of each respective building in the Neighbourhood Streets and to the northern edge of the courtyard. Cycle parking, refuse and plant areas are set along the northern edge close to Dock Road for easy access and servicing. Direct access is provided to the units from street level allowing residents to access their apartment straight from the street or there is secondary level access from within the building. Within the ground floor of the tower building residents also have access either internally or externally to the residents lounge or the gym as private amenity.

At upper floor levels, the units are arranged around a centralised lift core and consist of a tenure mix of one and two bedroom apartments, This arrangement is configured around a 6-unit core within the tower and around a 12-unit core within the warehouse buildings. Cantilevered balcony amenity is proposed to the south facing façades facing the water front. The corners of the buildings are articulated with two bedroom apartments offering Northeast or Northwest views respectively. There are no single aspect north facing apartments within the scheme.

In terms of the proposed elevations, along the water front the different articulations in massing are read together with the vibrant colour tones reflecting in the water To the North elevation along Dock Road the tower marks the Junction between Duke Street and Dock Road leading onto the articulated roofs of the warehouses and the end mansion block marker 'finishing' the development. The applicants advise that there is a potential for super graphics to be imprinted onto the louvered facade along Dock Road to add further animation and vibrancy to the ground level.

The proposals have been developed in line with the local authority guidance document Wirral Council Domestic Refuse Collection Policy September 2017 and Approved Document H Section H6 2015. Provisions for residential bins are required to provide containers for separated waste (general separate from recycled) with a combined capacity of 0.24 cubic metres per dwelling with a single collection every week.

Internal streets within the development are identified as having facilities to help cyclists, such as cycle lanes, bus lanes and advanced stop lines at traffic signals. The cycle store will be accessible externally from the street providing convenience and shelter.

The ratio of parking has been assessed against the TR12 Requirements for Cycle Parking which requires one stand for every flat to be provided within the curtilage of the development. To save space within the plot footprint cycle storage is proposed in Josta 2 tier cycle racks.

The principal pedestrian approach is off Duke Street. Access is possible via a level continuous pavement to the western and northern plot boundary. The site's main level access approach route is off Duke Street with bus routes to Hamilton Square and Birkenhead Park Metro Stations for direct links to Liverpool. The proposed site concept defines a clear east / west route through the site which will be for residents and visitors available for both public and private access. Duke Street Plaza is publicly accessible from the west, level and accessible leading to the water front and Festival Square to the east. As part of the landscape proposals throughout the detailed area, suitable seating is proposed. The new paved surfaces will provide some visual contrast to assist in way finding. It is proposed that a distinctive building massing, architectural and landscaping features will create distinctive focal points and landmarks that can be used in way finding throughout the scheme.

The principal public transport links are bus stops along Duke Street and Dock Road with Birkenhead Park railway station approximately 15 minutes' walk and Hamilton Square railway station approximately 30 minutes' walk from the site. Taxi and drop off access is possible to the front door of the development via parking along the neighbourhood streets.

Landscape Zones

Throughout the whole site, there will be several identified landscaped areas to include grass and hard surface recreational space including child interactive play, nature, seating, culture and formal landscape. Among other advantages, this approach provides clear features to assist in way finding and orientation to and around the site. Informal recreational areas will have level or shallow gradient paths through them which will be at least 1800mm wide to allow two wheelchair users to pass. This will comply with the advice set out within UDP Policy SH4 ensuring that appropriate landscaping is proposed and design features should contribute to a secure and safe environment. The proposal includes accessible public open space and children's play space and will provide adequate individual private or communal garden space to each dwelling.

Affordable Housing Provision

The development comprises of 500 apartments of which 20% will be affordable housing. The affordable units will be offered on an affordable private rent basis in accordance with the definition of affordable housing set out in the new National Planning Policy Framework published in July.(NPPF 2018) which changes the definition of affordable housing to include discount market rent (as per Annex 2a) which

- Is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and
- Includes provisions to remain at an affordable price for future eligible households (which we are proposing to do through a variation to the original s106 agreement which will be specific to the Legacy development).

Condition 7ix of the outline planning permission referred to a "target" of 40% Affordable Housing to be delivered. Both the condition itself and the adopted policy leave scope for a different (lower) level of affordable housing to be negotiated based on viability. The SHMA also acknowledges that lower levels of affordable Housing may be appropriate in certain areas for viability reasons. In this instance the site is within an area of greatest need as set out in emerging Policy CS22 of the draft Local Plan and a percentage of 10% of affordable housing has therefore been identified as being appropriate pursuant to the emerging policy. The Legacy scheme is actually providing 20% affordable housing, therefore in excess of the 10% requirement. NPPF guidance states that the definition of affordable means that the rent is set at 20% below the local market rent and that this should include the service charge where applicable. The service charge will be in addition to the rent within this scheme; however both the rent and the service charge will ensure that the affordable rents will be at 80% of the open market rents. The original s106 Agreement entered into at the time of grant of the Outline Permission is to be varied to reflect the provision of 20% affordable housing on the development.

The Council's involvement in the scheme is on the basis of a commercial investment and this is set out in both the Cabinet report of the 1st October and the accompanying business case which states that the Council will be guaranteeing the base rental income for the 500 units for a period of 50 years. Viability issues were considered and reflected in an independent MEOP report on the basis of the rental levels being inclusive of the service charge. The context of the development is that it is coming forward to establish a new market for residential provision and will be followed by two further housing developments adjacent to the site and to reflect this Peel have agreed to guarantee the affordable housing provision for the first 10 years. After that the Council will have the right to be able to vary this, should they so wish, to less than 20% but no less than the statutory minimum of 10%...

The 100 affordable units will be spread across the different blocks and will be an even mix of one and two bedroomed properties in accordance with a plan to be submitted for approval by the local Planning Authority.

Residential unit size

The response from the housing officer identifies that the development includes apartments which are below the Nationally Described Space Standards (NDSS) and states:

Although NDSS has not yet been adopted by Wirral Council, this has been given consideration by a Planning Inspector when dismissing an appeal in Wirral when considering the standard of amenity for future occupiers. The shortfalls arise in relation to two person occupation of one-bedroom units and four-person occupation of two-bedroom units (with shortfalls of 5 sqm for both apartment types). In the Build to Rent market, which targets young professionals, this typology could be occupied by up to two people sharing an apartment and two or three people occupying a two bedroom apartment. In these scenarios the scheme would comply with the NDSS.

NPPF paragraph 129 indicates that Local Planning Authorities should make appropriate use of tools such as Building for Life for assessing and improving the design of development. National Planning Policy Guidance is clear that where a local authority wishes to apply space standards to new dwellings 'they should only do so by reference in their Local Plan to the nationally described space standard'.

Wirral does not yet have a local plan policy which refers to the NDSS, but Policy CS21 (4) and Policy C43 (12) in the emerging Local Plan refer to providing for flexibility, adaptability and sufficient space for every activities and lifetime needs to enable people of different ages and abilities to move around with difficulty. The Council will be consulting on additional modifications to the policies for housing as part of the emerging Local Plan.

The Legacy scheme comprises a good quality new-build residential development, which has been designed to provide high standards of living accommodation for residents in terms of the type of accommodation, outlook and access to high quality external areas (the extent of which will expand as further public realm enhancements along Northbank will form an important part of the wider Wirral Waters regeneration development. It must be recognised that the scheme is pioneering in terms of its scale and ambition in this part of Wirral; it is the first residential scheme to be delivered as part of the Wirral Waters scheme. It must be treated as such, recognising that it is seeking to deliver large-scale build to rent development in a part of Wirral with no existing build to rent or apartment-led housing market of note.

Taking the factors set out above, and forming a view based on a planning judgement, the scheme can be considered to be acceptable in relation to internal living conditions.

Heritage

The application was accompanied by a Heritage Statement. The application Site is not within a conservation area and there are no designated or non-designated heritage assets within the application site. There are however listed buildings within the surrounding area and under the Planning (Listed Buildings and Conservation Areas) Act 1990 Wirral Metropolitan Borough Council, in determining the submitted full planning application, has a statutory duty to pay special attention to the desirability of preserving listed buildings, their setting, or any features of special interest they may possess.

The application site was previously developed in association with dockyard use and was cleared of development in the late 20th century and is currently vacant. Having assessed the designated heritage assets near the application site and the elements of setting that contribute to their significance, it is considered that the development as proposed would not diminish or harm their significance. It is considered that the proposed buildings have been designed to respect and reflect the historic and maritime buildings at the docks and will reinstate a historic form of built development, reinvigorating a vacant and disused site.

It is therefore considered that the proposed development accords with the relevant heritage policy requirements of the NPPF and the requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Proposals also accord with Policies CHO1 and CH1 of the Wirral Council Unitary Development Plan.

HIGHWAY/TRAFFIC IMPLICATIONS

The applicant has submitted a Transport Assessment in support of the application which calculates the likely vehicle movements associated with a development of this scale based on TRICS, which is a national recognised database. The Council's Highway Engineer has considered the Assessment and concludes that the submitted figures for traffic generation to be a robust assessment.

Junction modelling has been undertaken for the Duke Street / Dock Road / Gorse Lane traffic signal

junction immediately to the west of the proposed site. The results of that modelling indicate that the junction would operate within capacity. It is also noted that it is proposed to improve the pedestrian and cycle facilities at this junction as part of the wider Duke Street STEP Phase 2 works, which is a committed scheme.

The TA also considers the future capacity requirements at Dock Road / Duke Street / Gorse Lane signal junction, which acts as a key gateway junction into Birkenhead Docks from the M53, as a result of the development proposals associated with the residential development project at Northbank West. This assessment demonstrates that the development traffic does not have a severe highway impact on the operation of the signal junction. The assessment has also considered the future traffic flows and associated capacity requirements at the Duke Street / Dock Road / Gorse Lane junction to accommodate the wider development of East Float at Wirral Waters. The results of this assessment are accepted and suitable land provision has been safeguarded to the west of the site for future highway improvements.

The proposal provides 300 parking spaces representing a ratio of 0.6 spaces per dwelling. In accordance with SPD 4, there is no minimum requirement for car parking. The property management company for the Legacy development, Regenda Group, have advised that the overall parking ratio is acceptable for a Private Rental Sector residential development at this location.

It should be noted that it is highly likely that before moving in future residents with cars will inquire whether a car parking space will be available for them on site. It is considered that the parking provision will be adequate without creating overspill problems within the adjacent area. However, in order to reduce the risk of any on street parking occurring on Dock Road new parking restrictions on this section of Dock Road should be considered as a monitoring related planning condition to any permission granted.

As each phase of development comes forward and each of the proposed residential buildings are constructed and occupied a minimum car parking provision of 0.6 parking spaces per dwelling should be maintained on site at all times in the context of the current sustainable transport provision that serves the development site.

The TA demonstrates that a service vehicle can turn safely within the site and illustrates that adequate visibility splays can be provided at the site access junctions.

It is considered that this location is sustainable in terms of access to public transport services, providing good opportunities for those residents who may wish to live in a more sustainable manner. In addition, there are a number of planned sustainable transport schemes to come forward in the area in the coming years, including the Northbank West footway / cycleway scheme on Dock Road which has committed funding.

In conclusion, it is considered that there are no sustainable reasons to refuse this application or on the grounds of highway safety and congestion, subject to the S106 requirement mentioned below and the recommended conditions.

The proposed sustainable transport mitigation within the transport assessment composes of a new bus stop on Dock Road and off-site pedestrian crossing facilities to connect the site to the surrounding footway and bus stops. The future agreed transport mitigation package associated with this scheme will be considered against the requirements set out in the s106 Agreement for the Wirral Waters Outline Permission. That legal agreement includes a Sustainable Transport contribution Tariff of £1000 per residential unit to go towards a Sustainable Transport Fund, together with £1000 per residential unit for Green Infrastructure contribution to go towards a Green Infrastructure account.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Environmental Impact Assessment

WSP undertook the Environmental Impact Assessment (EIA) for the East Float, Wirral Waters development in 2009 in support of the outline planning application for the overall development proposal comprising four main components, as listed below:

- Northbank West;
- Marina View & Four Bridges;

- Vittoria Studios; and
- SkyCity & The Point.

The Environmental Statement (ES) that accompanied the outline planning application for the proposed East Float development was prepared under the Town and Country Planning (EIA) (England and Wales) Regulations 1999 (as amended). Following the submission of the East Float, Wirral Waters ES in December 2009, some supplementary environmental assessments were submitted during 2010 in response to post application comments by Wirral Council (WC) and their consultees. Outline planning permission was granted by WC on 31st May 2012.

The outline permission related to the full proposed East Float, Wirral Waters scheme comprising over 1,395,757m² of floor space including residential, commercial, retail and leisure uses together with public realm. Within this was provision for circa 423,000m² of office, workshop and Research and Development (B1) floorspace. It is intended that the full scheme will be delivered over a long-term timeframe (30+ years).

Conditions 6 and 7 of Outline Planning Application Notice of Decision letter, dated 31/05/2012, include for the need for various EIA, environmental, ecological and sustainability inputs into the reserved matters application including Conditions 6.ii which requires an updated Environmental Impact Assessment Scoping Report.

On 24th August 2011, new statutory provisions on EIA came into force, The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, in England. These Regulations consolidated and replaced the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and subsequent amending legislation. A number of significant amendments were introduced, including the following of relevance to this application

- Clarification on the handling of subsequent applications in relation to EIA development; and
- Changes to the screening of modifications or extensions to projects.

Other changes to the EIA regulations introduced since 2011 have included changes to the screening thresholds; this would not however affect the application since the development would still exceed the screening threshold for EIA under the 2015 Regulations. The latest update to the regulations, which took effect on 17th May 2017, introduced further new topics for consideration during EIA, however, these regulations will not apply to the project as its EIA was commenced before their introduction.

SUMMARY OF SCREENING REVIEW

It is considered that the conclusions reached within the 2010 Cumulative Impact Assessment are still valid for the following reasons:

- Construction of the North Bank East development and the East Float development as a whole has yet to start and the Liverpool Waters development is still on-going until 2036, therefore the conclusions reached within the 2010 CIA with respect to the potential interaction of these developments is still considered relevant.
- Of the additional developments identified to WSP in the course of the review three of the four have already been constructed and are operational and are thus to be considered as part of the baseline rather than in respect of CIA.
- The Northbank West development is considerably smaller in footprint as well as building heights to the East Float development proposal as a whole as considered within the 2010 CIA, therefore the associated impacts are much reduced.
- The potential for disturbance of contaminated land was identified as the primary environmental impact of each of the developments considered in the CIA. Assuming the stated mitigation measures are implemented during construction, the potential for cumulative contaminated land effects from these developments have been managed. The current Northbank West development will implement a contaminated land strategy as part of the planning conditions to ensure risks are appropriately managed and controlled.
- Due to the size and location of the proposed Northbank West development, the Townscape and Visual cumulative impacts identified within the 2010 CIA will be decreased since the current development proposal does not include the taller Sky City development.

- In-combination effects of the proposed Northbank West development with the Gas engines, Dock Road facility are not considered to increase significantly the cumulative impacts on biodiversity already identified within the 2010 CIA.
- Providing appropriate drainage systems are installed, it is not considered that the proposed development will increase the cumulative impacts on the water environment identified within the 2010 CIA.

Based on a simple size comparison between the 2009 East Float masterplan compared with the much reduced floor area of the 2018 Northbank West development proposal, we would anticipate the development to generate significantly less traffic movements

- No significant increases in operational noise and vibration, or significant contributions to decreases in air quality, have been identified during the review of the 2009 ES.
- Lighting, which was scoped out of the 2010 CIA, is recognised as having a potential environmental impact in relation to the Dong Energy offshore facility. However mitigation measures have been included within the Planning Conditions to manage these effects.

Biodiversity

UDP Policy NC7 states that development which 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.

Section 15 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. It advises that if significant harm to biodiversity is identified as a result of a development that cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The applicants have submitted a number of reports including a Habitats Regs Assessment which has been assessed by Natural England and Merseyside Environment Advisory Service (MEAS) on behalf of the Local Authority.

Habitats Regulation Assessment

The site is close to European Designated Sites and as such Policy NC1 of the Unitary Development Plan applies. These designated sites include the Mersey Narrows and North Wirral Foreshore SPA and Ramsar, the Liverpool Bay SPA, the Mersey Estuary SPA and Ramsar, the Dee Estuary SPA and Ramsar and the Dee Estuary SAC. Wirral Waters provides functionality linked habitat to these designated sites and is of particular importance for Common Tern, Cormorant and Great Crested Grebe. The development has potential to have direct effects on the features for which the sites have been designated both alone and in combination with other developments. The submitted Habitats Regulation Assessment (HRA) identifies and addresses to main issues, as follows:

1. Disturbance of qualifying bird species of the European Sites within Wirral Waters. There are 3 specific species which have been considered and these are breeding Common Tern and non-breeding Cormorant and Great Crested Grebe; and
2. Diffuse recreational pressure effects on European Sites and their qualifying species from the future residents of this development. This impact has been identified both alone at a project specific level but also in combination with other Wirral Waters developments and in combination with the quantum of residential developments within Wirral.

The HRA assesses site remediation and construction disturbance impacts on qualifying species, in combination with other Wirral Waters applications and considers the operational disturbance impacts on these species also together with the diffuse recreational pressure effects from future residents of these developments. Mitigation measures are required to mitigate the likely significant effects of the Legacy proposals and these measures have been set out in two documents: SPA Bird Mitigation Strategy, Wirral Waters by TEP (Version 4.0) and Framework for Addressing Diffuse Recreational Pressure on Coastal Natura 2000 Sites, Wirral Waters - Habitats Regulations Assessment by TEP (November 2018; Version 4.0).

The submitted HRA Appropriate Assessment (Wirral Waters - Legacy Project Habitats Assessment Regulations Assessment by TEP (November 2018 Version 7.0) has concluded that the development will have no adverse effects on the integrity of the European Sites subject to the mitigation measures set

out within the documents outlined in the paragraph above.

An assessment of these conclusions on behalf of the Council by Merseyside Environmental Advisory Service finds these assessments to be acceptable and concurs with the conclusions in the documents, subject to the mitigation measures set out being implemented in full and that the development will have no adverse effects on the integrity of the European Sites. As such, Wirral Council as competent authority can adopt the Habitats Regulations Assessment document.

Natural England have also reviewed the documents and are satisfied that specific issues have now been satisfactorily resolved and consider that the identified impacts on the designated sites can be appropriately mitigated with the measures outlined within the HRA information.

Framework for Addressing Diffuse Recreational Pressures on Coastal Natura 200 Sites

The Liverpool Bay Special Protection Area includes several Special Protection Areas which are important for internationally important numbers of migratory, over-wintering and breeding birds. These species are vulnerable to disturbance arising from recreation, including shoreline activity, dog-walking, especially dogs running off the lead, and human disturbance. Liverpool Bay also has coastal Special Areas of Conservation, whose habitats are vulnerable to trampling and nutrient enrichment arising from increased visits by people and dogs.

The submitted document provides a framework for developments applying for planning permission in Wirral Waters in the period 2018 to 2022 inclusive to identify the mitigation measures and estimate the financial contribution they should make towards addressing the adverse effects arising from recreational pressures on internationally-important coastal nature conservation sites fronting Liverpool Bay (Natura 2000 N2K sites). This

The Habitat Regulations Assessment process for the East Float Outline Permission (EFOP), through which the majority of the Wirral Waters development will be delivered, identified this as a concern, especially for residential schemes which would increase the numbers of people visiting the Wirral coastline. The EFOP addressed this through a proposed contribution for "coastline and recreation management", as part of a "Green Infrastructure contribution" to be levied on each development as it comes forward, taking account of the specific impact expected to arise from the development. This GI contribution (which includes a range of other landscape and public realm enhancements) is detailed at Schedule 4: Green Infrastructure and Public Realm; in the Wirral Waters s106 agreement, dated April 2012. However, the element of the GI contribution that delivers coastline and recreational management to offset adverse effects on N2K sites is a requirement for Habitats Regulations and so cannot be avoided.

The coastline and recreation management requirement arising from EFOP was estimated at £500,000, and was reported to the Planning Committee that determined the planning application in 2010 (outline planning permission was formally granted in May 2012 following completion of the S106 agreement). It was noted that this was subject to findings from a citywide recreational impact study, which has not yet been published.

This document proposes a framework of mitigation measures and contributions to be made for Wirral Waters developments, whether or not covered by the EFOP, in order to address diffuse recreational pressures. It is based on evidence from the original Habitats Regulations Assessment, additional findings about recreational pressures on the Liverpool Bay Coast, further Wirral Waters design development, knowledge of other initiatives in the Liverpool City Region and Peel's ambitions to create a world-class residential location with good links to green infrastructure in Birkenhead and Wallasey, away from the coast.

This framework includes the following:

1. An up-front contribution of £163.40 per residential unit towards the Wirral Ranger Service to address anti-social behaviour and promote use of Bidston Moss and Bidston Hill and nearby greenspaces, and to manage coastal Natura 2000 sites; OR
2. Restrictions on the numbers of dogs that will be allowed in each residential development, with dog-ownership dependent on compliance with an owner's code of conduct and payment of a small fee which will be directed towards shoreline wardening via the Wirral Ranger Service;
3. Preparation of a home-owners and commercial occupiers information pack about the international

importance of the Wirral coast, promoting sensitive recreation on the coast, engagement with nature conservation organisations and promoting non-coastal outdoor destinations such as Birkenhead Park, Bidston Hill and Moss.

4. The Wirral Waters website to have a section devoted to the natural environment
5. Bespoke mitigation or contributions applicable to the specific development. Framework for addressing Diffuse Recreational Pressure on Natura 2000 sites.

The conclusion is that the S106 agreement accompanying the Outline permission secured both the financial contribution and the points set out in the framework above towards addressing Diffuse Recreational Pressure on Natura 2000 sites. The Section 106 for the Outline Planning Permission required a Payment Schedule to be agreed with the developer for the payment of the Sustainable Transport Contribution Tariff and the Green Infrastructure Contribution Tariff. The Payment Schedule will identify the payments applied to the framework mitigation measures 1 -4 above as forming part of the Green Infrastructure Tariffs.

The Outline S106 Agreement required that the Developer pay a contribution of £1000 per unit for both the Green Infrastructure Tariff and the Sustainable Transport tariff. It should be noted that the Council are aware that Peel are currently in the process of reviewing the viability of paying the full amount of £2000 per unit for both the GICT and the STCT. If any alteration to this tariff payment is requested subsequent to the determination of this reserved matters application any requested alteration would be the subject to a viability assessment and the applicant would have to make an application to vary the Outline s106 to reflect any amendments to the contributions.

In this event, the payments for the mitigation measures set out at 1-4 above would still be required under any agreement to vary the Outline106. Any request to vary the original 106 agreement will be reported to the Planning Committee.

The applicants have confirmed in a written statement that *“until such time that any formal request is made to Wirral Council to seek agreement that the terms of the East Float Section 106 Agreement should be altered as they relate to the Legacy project, the existing S106 as written applies to the proposed development. Should the applicant make a submission pursuant to Section 106a of the Town and Country Planning Act 1990 to vary the terms of the Section 106 Agreement as it relates to Legacy, I can confirm that any amendment sought would exclude the payment of any financial contribution needed to address the requirements of the Habitat Regulations Assessment process, the value of which is to be agreed with the Local Authority. Any such contributions will be fully protected in this regard and will be made by the applicant at the appropriate time as agreed with the Local Authority”*

Ground Conditions

UDP Policy PO5 states that development on land that may be contaminated will require a detailed ground survey that identifies: the nature, level and extent of contamination; the implications of any identified contamination for the proposed development; and the remediation required.

Section 15 of the NPPF requires decisions to ensure that sites are suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

A combined Phase 1 and Preliminary Phase 2 Geo-Environmental & Geotechnical Site Assessment has been submitted which identified the presence of low level soil contaminants in the shallow soils at the site, but pose no risk to any receptors identified (if they remain present beneath the site following development).

Environmental Protection have raised no objection to the proposal, recommending that further site survey work is undertaken and submitted for agreement prior to the commencement of development. Subject to such a condition, the development would comply with the above policy and the NPPF.

Drainage

UDP Policy WA2 states that the storage of surface water may be required where a development is of such a size and nature that would necessitate. Policy WA5 states that development will only be permitted which include satisfactory arrangements for the disposal of foul sewage, trade effluent or contaminated surface water; and does not exacerbate existing problems with the storm water or sewerage system.

Section 14 of the NPPF states that development should not increase the risk of flooding elsewhere and that Major developments should incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would be inappropriate. Such systems should: have appropriate proposed minimum operational standards; have arrangements in place to ensure an acceptable standard of operation for the lifetime of development; and where possible, provide multifunctional benefits.

A Flood Risk Assessment and a Proposed Drainage Strategy together with an Operation & Maintenance Plan with supporting modelling outputs (meeting the relevant conditions 7 and 46 on the original outline planning permission) have been submitted and assessed by the Lead Local Flood Authority who have confirmed that these details meet the requirements of the conditions on the outline consent and raises no objections to the proposals subject to the development being carried out in accordance with these documents.

Waste Management

Policy WM8 of the Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton requires development to incorporate measures for achieving efficient use of resources. Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

The National Policy for Waste states that proposals should make sufficient provision for waste management and promote good design to secure the integration of waste management facilities with the rest of the development. It suggests that this should provide for the discrete provision of bins.

The proposal includes dedicated areas for the storage of waste and recycling located to enable easy movement and collection. Therefore, the proposal would comply with the above policies and the National Planning Policy for Waste.

Variation to the original S106 Agreement

A Variation Agreement is to be entered into with the applicant to reflect the following amendments to the S106:

- changes to the definition of affordable housing to reflect the new definition in the NPPF and an amendment to the original requirement to provide 40% affordable housing to the proposal to provide 20% affordable housing at an affordable private rent (which exceeds the current of 10% requirement)
- confirmation of the need for Peel to commence a report on the current condition of the Dock Walls and Gates from Egerton Dock to Duke Street Prior to the commencement of development.

As stated above the original S106 agreement relates to the provision of a tariff for Green Infrastructure and Public Realm and Sustainable Transport Tariff fund which requires the applicant to submit an assessment of the contribution that is to be paid in the respect of the development proposed within each reserved matters application.

The applicants have submitted a payment schedule which states that part of the tariff for the Green infrastructure contribution will be paid towards "Diffusing the Recreational Pressure". This was outlined in the submitted Habitat Regulation Assessment and is discussed in more detail in the report above.

CONCLUSION

The proposal forms part of the Wirral Waters regeneration projects and will provide 500 new residential units with 20% affordable housing units within the first 10 yrs. It is considered that the development will deliver significant long term regeneration and economic benefits. This is one of a number of projects for residential development coming forward across Northbank which will make a significant contribution to the delivery of new housing through the re-use of vacant brownfield land.

The development, together with additional submitted schemes will establish a new city neighbourhood at East Float and around Birkenhead Town Centre to secure major economic growth, jobs and training alongside investment in high levels of housing and employment and the provision of supporting leisure, retail, community, health and education uses.

The proposal is therefore recommended for approval subject to the attached conditions and a Variation

Agreement to the original Section 106 agreement to include the following variations

- Preparation of a report on the current condition of the Dock Walls and Gates from Egerton Dock to Duke Street
- The Wirral Waters Programme Group (“WWPG”) be established to be comprised of relevant officers of the Council and of Peel Land and Property (Ports) Limited according to the issues to be considered by the Group
- 20% Affordable Housing, being a total number of 100 Affordable Housing Units, to be provided as part of the Development on a Build to Rent basis

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Reserved Matters Approval 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 proposal forms part of the Wirral Waters regeneration projects and will provide 500 new residential units of which 20% will be affordable housing units. It is considered that the development will deliver significant long term regeneration and economic benefits. The development, together with the additional submitted schemes, would help to establish a new city neighbourhood at East Float and around Birkenhead Town Centre to secure major economic growth, jobs and training alongside investment in high levels of housing and employment and the provision of supporting leisure, retail, community, health and education uses.

Recommended Decision: **Approve subject to a variation of the existing Section 106 Legal Agreement**

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. Before any construction commences, samples of the facing and 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 PolicyHS4 of the Wirral Unitary Development Plan.

3. No development shall be occupied until a full scheme of works and 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 signs, road markings, controlled pedestrian crossings, street furniture, access onto the adjacent highway, amendments to existing bus stop arrangement, road safety audit and monitoring has been submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the LPA written approval prior to occupation of the development.

Reason: In the interest of highway safety and to comply with UDP Policy TRT3 Transport & the Environment and Policy TR8 –Criteria for the Design of Highway Schemes

4. No development shall be occupied until a full scheme of works and a timetable for the construction of the new highway and/or amendments to the existing highway made necessary by this development, including alterations to the existing traffic signal junction,

footways, street lighting, surface water drainage, traffic signs, road markings, traffic regulation orders, tactile paved pedestrian crossings, street furniture, access onto the adjacent highway and road safety audit has been submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the LPA written approval prior to occupation of the development.

Reason: In the interest of highway safety and to comply with UDP Policy TRT3 Transport & the Environment and Policy TR8 –Criteria for the Design of Highway Schemes

5. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

6. 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 Joint Waste Local Plan.

7. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To promote sustainable ways of travelling and in the interests of highway safety and to accord with Policy TRT3 Transport & the Environment in the Wirral Unitary Development Plan and Part 9 of the National Planning Policy Framework.

8. Prior to the commencement of development a detailed report on the current condition of the Dock Wall and Dock shall be submitted to and approved in writing by the Local Planning Authority and any work required to be undertaken as a result of the commissioned report shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any of the proposed units.

Reason: To ensure the maintenance of the Dock Walls and Dock Gates

9. Following the commencement of development and for the lifetime of the development the owners shall monitor the structural condition of the dock walls and Lock Gates and issue a revised and updated report into the condition of the Dock Wall and Dock Gates to the Local Planning Authority not less than once every five years.

Reason: To ensure the maintenance of the Dock Walls and Dock Gates

10. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT details of the allocations policy with regards to the affordable housing units shall be submitted to and agreed in writing by the Local Planning Authority. The Approved scheme shall be implemented in full.

Reason: For the avoidance of doubt and to ensure that the affordable housing units are delivered to the satisfaction of the Local Planning Authority and to comply with UDP Policy HSG2 and Policy HS6.

11. The units of accommodation hereby permitted shall not be occupied until arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

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

12. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT an assessment shall be carried out in accordance with authoritative technical guidance (CLR11), shall be submitted to and approved in writing by the Local Planning Authority. If any contamination posing unacceptable risks is then found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority. The end use of this site is considered residential for the purpose of land contamination risk assessment and management. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination posing unacceptable risks is found, which has not been previously identified, additional measures for the remediation of the land shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development.

13. Prior to the commencement of development a plan indicating how the 100 affordable units will be spread across the different blocks and will be an even mix of one and two bedroomed properties shall be submitted to and approved by the local planning Authority. The approved plan shall be implemented in full.

Reason: To ensure an even distribution of affordable units across the development and to comply with Policy HSG2 and Policy HS6 within Wirral's Unitary Development Plan.

14. The mitigation measures set out within the submitted SPA Bird Mitigation Strategy, Wirral Waters, by TEP (Version 4.0) shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority. Prior to the commencement of any remediation or construction works on site, a Construction Environmental Management Plan which incorporates remediation and construction phase mitigation measures set out within the SPA Bird Mitigation Strategy (Version 4.0) shall be submitted to and agreed in writing with the Local Planning Authority in accordance with Condition 9 of OUT/09/06509). All monitoring shall be undertaken in line with the monitoring schedule set out within Section 4 of the SPA Bird Mitigation Strategy and Monitoring Reports will be provided to the Council for review as per the schedule set out within Section 4 of the Strategy.

Reason: To ensure satisfactory bird mitigation measures are implemented in full and to ensure no adverse effects on the integrity of designated European Sites, having regard to Policy NC1 of the adopted Wirral Unitary Development Plan.

15. The framework of measures (including the index linked contributions per residential unit towards Wirral Rangers Service, restrictions on dog ownership, home owners packs and Natural Environment Section on the Wirral Waters Website) together with the schedule of payment instalments set out within the Framework for Addressing Diffuse Recreational Pressure on Coastal Natural 2000 sites, Wirral Waters - Habitats Regulations Assessment (by TEP, November 2018, Version 4.0) shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure compliance with the Habitats Regulations and to ensure no adverse effects on the integrity of the designated European Sites, having regards to Policy NC1 of the Wirral Unitary Development Plan.

16. No tree felling, scrub clearance, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub, hedgerows and vegetation shall be checked first by an appropriately experienced and qualified ecologist to ensure no breeding birds are present. If any breeding birds are found to be present, details of how they will be protected shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect birds during their breeding season and to comply with Policy NC1 of the Wirral Unitary Development Plan.

Further Notes for Committee:

1. In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, cycle ways, street lighting, surface water drainage, traffic signs, road markings, controlled pedestrian crossings, street furniture, access onto the adjacent highway to Dock Road and Duke Street, alterations to the existing bus stop facilities in Dock Road, Road Safety Audit and Road Safety Audit monitoring.

Last Comments By: 29/06/2018

Expiry Date: 28/08/2018