

## Strategic Applications Sub-Committee 29 April 2021

**Reference:** APP/20/01138  
**Area Team:** Development Management Team  
**Case Officer:** Mr N Williams  
Mr J Browne  
**Ward:** Birkenhead and Tranmere

**Location:** Land to the north of Pyramids Shopping centre (incorporating land north and south of Conway Street, and north-west of Europa Boulevard), Birkenhead

**Proposal:** Hybrid Planning Application for the phased redevelopment of land within Birkenhead Town Centre comprising:

Full planning application for the construction of:

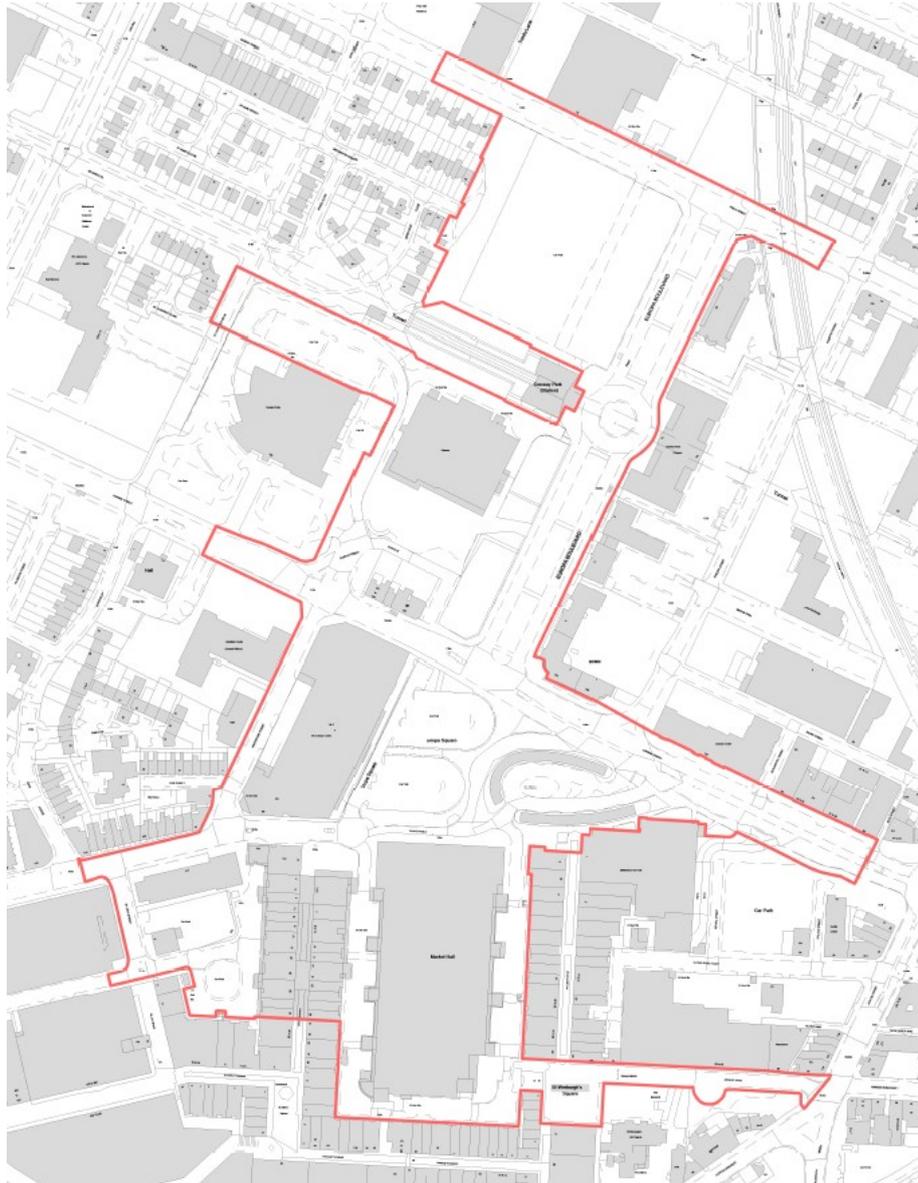
- i) two five-storey office buildings on Plot A comprising flexible office, retail or leisure (including food and beverage, hot food takeaway or drinking establishment) floorspace at ground floor level, and office floorspace at first to fourth floor level and a plant area at fifth floor level with associated landscaping; highways and infrastructure works including the creation of new junction from Claughton Road/Hemingford Street; and
- ii) an electricity substation on Plot H along with the necessary amendments to the arrangement of the Europa Pool surface car park to relocate coach parking spaces and the associated infrastructure and landscaping works and access/servicing arrangements.

Outline planning application (with all matters reserved for future consideration) for the development of commercial uses on Plot B; office, retail and leisure floorspace (including food and beverage, hot food takeaway or drinking establishment) on Plot C which will include a new market hall/leisure building; infrastructure works on Plot D that will create a substation but no new publicly accessible floorspace; office, retail, hotel, leisure (including food and beverage, hot food takeaway or drinking establishment) and residential floorspace on Plot E; infrastructure works to provide a 'super - crossing' at Conway Street and improvements to the existing bus station on Plot F; residential floorspace or a hotel or a car park on Plot G; residential floorspace on Plots I and J; and ancillary residential car and cycle parking, servicing arrangements and infrastructure and all associated works on land to the west of Europa Boulevard and land south of Conway Street and alterations and improvement works to the public highway.

**Applicant:** Wirral Growth Company  
**Agent :** Barton Willmore

**Qualifying Petition:** No

**Site Plan:**



**Development Plan designation:**

- Key Town Centre
- Employment Development Site
- Primarily Commercial Area
- Primarily Residential Area
- Primarily Industrial Area
- Proposed Tramway

**Planning History:**

Given the extensive scale of the site, there is a substantial and varied planning history. However, the only planning history relating specifically to the current application is as follows:

- Location: B&M Store, disused sub station and north end of Milton Pavement, Birkenhead
- Application Type: Prior Notification of Demolition
- Proposal: Demolition of B&M store and disused substation, and part of Milton Pavements
- Application No: DEM/20/01314

Decision Date: 20/10/2020  
Decision Type: Prior Approval is not required

## **Summary Of Representations and Consultations Received:**

### **1.0 WARD MEMBER COMMENTS**

**1.1** No formal comments received.

### **2.0 SUMMARY OF REPRESENTATIONS**

#### REPRESENTATIONS

The application is Environmental Impact Assessment development containing an Environmental Statement. Having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and the requirements of the Town and Country Planning (General Permitted Development Order) (England) 2015 as amended, notification letters were sent to 415 neighbouring addresses on 7<sup>th</sup> September 2020, site notices posted around the site and a notice published in the local press.

Following further information pertaining to the EIA being received, a further 30-day consultation period was carried out on 10 March 2021, together with further site notices and a press notice. The deadline for receipt of representations passed on 10 April 2021. The following comments were received:

3 letters of Objection, which can be summarised as follows:

- Demolition of Asda Car Park
- Loss of Shop Mobility and lack of clarity on relocation of services
- Sustainability grounds – should be net zero COD
- Solar panels should be on roofs not bird and bat boxes
- Impact on wildlife
- Destruction of habitats and trees
- Rise in litter
- Greenbelt of development on the old train tracks
- Demolition of the Vue Cinema proposed before lease expires
- Lack of communication with MUSE

1 letter of Support, which can be summarised as follows:

- Investment into the Borough
- Cycle store is welcomed

6 neutral letters, which can be summarised as follows:

- Impact on Price street accesses
- Request for control of noise from all external plant and the proposed electricity sub station
- Details of fume extraction for all food establishment should be submitted for approval
- Request for installation of green roofs and walls
- Request for Biodiversity Net Gain Calculation
- Will they be moving Wilkinson's & the Mecca

#### CONSULTATIONS

##### Environmental Agency

No objections to either the full or the outline elements of the application, however, conditions must be included in respect of both parts of the hybrid application. Without these conditions, the proposed development on this site poses an unacceptable risk to the

environment and they would object to the application.

Lead Local Flood Authority (LLFA)

No objection to the proposed development, which will be acceptable subject to the inclusion of planning conditions regarding sustainable drainage and maintenance

Merseyside Environmental Advisory Service

No objection regarding issues of regulatory compliance. Planning conditions are advised.

Natural England

No objection subject to appropriate mitigation being secured. Overall conclusions of the HRA are correct and acceptable subject to appropriate mitigation being secured through the planning permission.

Historic England

No objection – Advised to seek the views of Council’s specialist conservation and archaeological advisers for further comment.

Conservation (Internal)

No objection

Sport England

No objection (initial objection withdrawn) - there is some capacity to accommodate the additional demand for indoor sports. The applicant has agreed to commuted sums towards improvements of playing pitches and enhanced play space. In addition to this, the submission has evidenced that it would meet Sport England’s sport and physical activity objectives. This is in line with Sport England’s newly launched Strategy ‘Uniting the Movement’ which is much more focused on physical activity and creating Active Environments

Liverpool City Region Combined Authority (LCRCA)

Observations received which are summarised as follows:

- Important to enhance transport links serving the development and to respond to the additional travel demands the development will bring.
- Opportunities for design that supports enhanced levels of accessibility and convenience for pedestrians, cyclists and public transport users.
- Claughton Road – Hemingford Street junction should be designed at detailed stage.
- Reconfiguration of bus station and access onto Conway Road should be achieved prior to occupation of the development.
- Improved links to town centre should be delivered.
- Section 14.3 of LTN 1/20 on “providing for cycling in new developments” is salient, to reinforce the need for the creation of direct, safe and segregated routes and high quality parking facilities.
- Links to Birkenhead and New Brighton should be reflected in the proposals.
- Introduction of new car parking should be adhered to.
- Digital connectivity is essential.

Environmental Health (Internal)

No objections – Condition required for the submission of the full night-time noise survey; the detailed design review of noise from the mechanical services plant undertaken at RIBA stage 4; and supports land contamination conditions requested by the Environment Agency

Transport and Highway Services (Internal)

No objection to the development proposals subject to the attachment of planning conditions and S106 obligations regarding: Highway improvements, drainage, parking, construction, phasing, cycling, servicing, access, waste and Travel Plans.

### Housing Services (Internal)

Observations received which are summarised as follows:

- The council's overall housing targets and affordable housing needs.
- The preference for any on site provision would include a mix of apartments and houses which are truly affordable inclusive of any future service charges that may be included.
- There is a requirement for 10% affordable housing where the sites forming the planning application are located.
- Property Pool Plus data (Wirral's choice-based lettings scheme), indicates demand is highest in Birkenhead & Tranmere ward for two-bed properties.

2019 SHMA states that 47% of new affordable dwellings should have two bedrooms.

### CONSULTATION BY THE APPLICANT

The applicant has submitted a Statement of Community Involvement (SCI) which identifies how they have engaged with the local community and interested parties to give maximum opportunity for them to provide comments and help shape the proposal. This included:

- One-to-one meetings with local Members;
- Several drop-in events hosted in Birkenhead town centre;
- Meetings held with certain community groups, including liaison with young people, students and people from different ethnic backgrounds;
- Presentations held at Wirral Chamber of Commerce;
- A dedicated website to reflect the latest proposals;
- A dedicated email address to ask any questions and general enquires;
- A regular newsletter to provide regular updates;
- A range of presentations have been delivered;
- Social Media channels (Twitter, Instagram) were used;
- Information leaflets distributed around Birkenhead town centre;
- Several articles in local newspapers;

The SCI sets out how the applicant responded positively to comments received and revised the proposed development in line with those comments.

## **3.1 Background**

3.1.1 The applicant is the Wirral Growth Company (WGC). The WGC is a 50:50 joint venture partnership between Wirral Metropolitan Borough Council (WBC) and national urban regeneration specialists, Muse Developments (Muse). Together, Muse and WBC are seeking to deliver a long-term vision for regeneration, which aims to benefit communities across the Borough.

3.1.2 WGC was formally established in early 2019 to deliver new developments and regeneration over the next 10-15 years, through a range of schemes providing commercial, retail, leisure and residential accommodation.

3.1.3 Muse was selected as the Council's development partner based on their track record of working collaboratively with the public sector and an ability to deliver a variety of successful regeneration projects throughout the UK in partnership with local authorities.

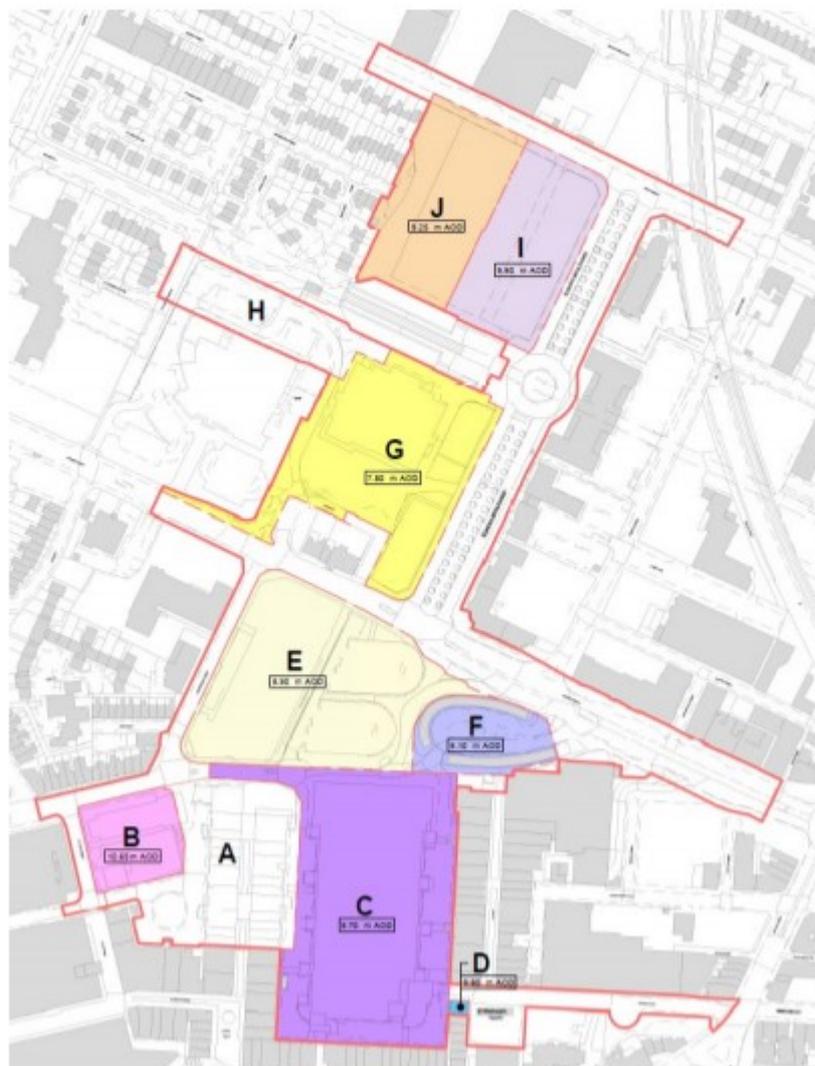
## **3.2 Reason For Referral**

The application is presented to the Strategic Applications Sub-Committee as required by the Protocols Relating to Determination of Planning Applications, October 2020.

## **3.3 Site and Surroundings**

3.3.1 The Site covers a substantial part of Birkenhead's designated town centre, it has a total area of approximately 11.09 hectares and extends from the Pyramid Shopping Centre / Borough Pavement to the south, to the junction of Europa Boulevard and Price Street to the north.

- 3.3.2 It contains commercial and retail units, including Birkenhead Market, a Grade II Listed Public House ('the Crown'), a Vue Cinema, a Wilko Store and a Mecca Bingo, as well as vacant land to the north of Conway Park Station. The Europa Square Carpark is located in the centre of the Site, accessed by the A553 (Conway Street). An area of open, compacted ground used as carparking is located in the northern most part of the Site, adjacent to Conway Park Station.
- 3.3.3 Conway Park Railway Station and has connections to Liverpool, Ellesmere Port, Chester, New Brighton and West Kirby. Birkenhead Bus Station is also located within the Site fronting Conway Street.
- 3.3.4 The Site is accessed from the north via Price Street. Access to the central and southern parts of the Site is via the A553 (Conway Street). Both Price Street and the A553 provide access to the A59, A41 and A552 respectively. The northern and southern parts of the Site are connected by Europa Boulevard which runs from Price Street (north) to Conway Street or A553 (south).
- 3.3.5 For the purpose of this planning application, the Site has been divided into ten development plots (A-J). These ten plots are illustrated on the below Parameters Plan.



- 3.3.6 Plot A  
Plot A is located centrally in the southern part of the Site and is one of two Plots subject to the detailed aspect of this hybrid planning application. It extends to approximately 0.24ha in

size and comprises part of Milton Pavement which contains a number of commercial units. Plot A also includes a surface car park and servicing area which is located to the south of the former B&M Bargains store (Plot B). Plot A is bound by Birkenhead Market (Plot C) to the east and the former B&M, and Shop Mobility store (Plot B) to the west. The north of Plot A is bound by Cloughton Road, beyond which are commercial units (within Plot E), and to the south by the Pyramid Shopping Centre.

3.3.7 Plot B

Plot B is approximately 0.32ha in size and located in the south western corner of the Site. It comprises the site of the former B&M Bargains store (Use Class A1) and a Shop Mobility store (Use Class A1) as well as areas of hardstanding which are located in the central and northern part of Plot B and utilised for car parking. The north of Plot B is bound by Cloughton Road and the west is bound by St John Street. Milton Pavement (Plot A) borders to the east and Oliver Street runs along the southern boundary.

3.3.8 There is one tree located to the south of the former B&M unit's entrance close to St John's Street. There is also a narrow strip of grassland with some low-lying vegetation along the southern side of the B&M store.

3.3.9 In the surrounding area, an Asda supermarket and associated car park is located to the west of the plot and the disabled parking bays and service yard for units in Pyramids Shopping Centre is located to the south. To the north of the plot, on the opposite side of Cloughton Road there is a row of buildings which includes both commercial and residential uses.

3.3.10 Plot C

Plot C is bound by Cloughton Road to the north, beyond which are additional commercial units at Europa Square and its car park (forming Plot E), as well as Birkenhead Bus Station (Plot F). The western part of Plot C is bound by Plot A and the south by the Pyramid Shopping Centre. To the east, Plot C is bound by additional commercial units. Plot C extends to approximately 1.83ha in size and is located to the south of the site, comprising of Birkenhead Market Hall and its service infrastructure.

3.3.11 An internal service road runs around the outside of the market hall between it and the Pyramids Shopping Centre and Borough Pavement to the south. The service road serves both the market itself and the Pyramids/Borough Pavement.

3.3.12 Plot D

Plot D is a small plot, approximately 0.01ha in size and is located to the south eastern corner of Plot C. It comprises a covered walkway which connects St Werburgh's Square to Birkenhead Market. Plot D is bound by St Werburgh's Square to the east, Plot C to the west and retail shops to the north and south, which form part of the shopping centre.

3.3.13 Plot E

Plot E lies immediately to the north of Plots A and C, on the opposite side of Cloughton Road, and extends to approximately 1.38ha. Plot E is bound to the south by Birkenhead Market Hall and other commercial units on the southern side of Cloughton Road, which comprise Plots A and B. The western extent of the Plot is bound by Hemingford Street, beyond which lies a mixture of commercial units, two storey traditional redbrick Victorian residential dwellings and the Charles Thompson Mission. The northern boundary of the plot is defined by Conway Street, beyond which lies the Grade II Listed Crown Public House, Europa Pools Leisure Centre, Vue cinema and public open space. The eastern part of Plot E is bound by Birkenhead Bus Station which forms Plot F.

3.3.14 Plot E currently comprises Europa Square, a large commercial building, and its car park which has a number of trees planted between parking bays. Europa Square houses a number of retail units occupied by Wynsors, Pound Stretcher, Mecca Bingo and Wilko. The entrances to the retail units face east, overlooking the car park, except for the vacant former Wetherspoons pub which is in the south west corner of the building and faces onto Cloughton Road.

- 3.3.15 Plot F  
Plot F contains Birkenhead Bus Station and is approximately 0.36ha in size. It is situated to the east of Plot E and is bound by Conway Street to the north and east and by commercial units to the south. Birkenhead Bus Station is a key transport hub located near the centre of the Site. The bus stops are located in the centre of the curve created by the structure for the southern stand and on both sides of the northern stand. The Bus Station is accessed from Conway Street, from which buses either drive round and back out onto Conway Street Road or pass between the stands and exit to the south onto Claughton Road. This route through the Bus Station is also the way that the service yard for Birkenhead Market Hall and the northern part of pyramids Shopping Centre is accessed for deliveries.
- 3.3.16 There are three clusters of trees located within Plot F, two within the centre of the Bus Station and one between the Bus Station and Conway Street.
- 3.3.17 Plot G  
Plot G is approximately 1.24ha and located directly to the north of Plot E, on the northern side of Conway Street. The Plot is bound by the Grade II Listed Crown Public House to the south, as well as another commercial unit that is part of the same terrace as The Crown which is vacant.
- 3.3.18 The plot is bound to the west by Europa Pools Leisure Centre and associated car parking (Plot H is within the car park) and to the east bordered by Europa Boulevard, an attractive tree-lined avenue, beyond which are a number of modern office buildings extending to 3 and 4 storeys, as well as the Wirral Metropolitan College.
- 3.3.19 To the north of the plot is Conway Park Railway Station which provides frequent rail services to the surrounding area including Liverpool. Beyond this to the north are Plots J and I. Plot G comprises Vue Cinema as well as an area of public realm to the south of the building which connects Europa Boulevard to the adjacent leisure centre. The eastern part of Plot G contains two large grassed areas which front Europa Boulevard.
- 3.3.20 Plot H  
Plot H is located to the north of Europa Pools Leisure Centre and to the west of Plot G. Together with Plot A, Plot H also comprises the detailed element to the hybrid planning application. The plot is currently used as a surface car and coach park associated with Europa Pools Leisure Centre. There is also a small grass verge situated to the western part of the plot and the boundary wall of the car park runs through the northern part of the plot.
- 3.3.21 Plots I and J  
Plots I and J are located to the north of the Site, beyond Conway Park train station. The Plots are cleared, previously developed land which has been utilised as a surface car park for in excess of 10 years.
- 3.3.22 Plot J comprises the western half of the cleared land and extends to approximately 0.74ha in size. To the west of Plot J lies an area of modern residential development comprising two storey dwellings alongside associated public open space. To the north of Plot J is Price Street.
- 3.3.23 Plot I comprises the eastern half of the land used as a car park and it fronts onto Europa Boulevard to the east and Price Street to the north. Plot I is approximately 0.69ha in size.

### **3.4 Designations**

- 3.4.1 Within the Wirral Unitary Development Plan, Plots A-F are designated as part of a 'Key Town Centre' and subject to UDP Policy SH1: 'Criteria for Development in Key Town Centres', and Plots G-J are allocated as part of an 'Employment Development Site' and subject to UDP Policy EM2: Conway Park'. The provision of residential uses on the designated EM2 Conway Park site constitutes a departure from the UDP.
- 3.4.2 There are no designated heritage assets situated within Plots A-J themselves, however,

The Crown Public House is located within the wider application site boundary. It is immediately to the south of Plot G on Conway Street and to the north of Plot E and it is Grade II Listed. This is the only designated heritage asset within the Site.

- 3.4.3 The Site is not located within a Conservation Area and does not include any trees or hedgerows which are subject to Tree Preservation Orders (TPOs).
- 3.4.4 The whole of the application site is located in Flood Zone 1. This means that there is a 'very low risk' of flooding from rivers and the sea (of less than 0.1%).
- 3.4.5 According to the Department for Environment, Food and Rural Affairs AQMA interactive Map, the Site does not fall within an Air Quality Management Area (AQMA).
- 3.4.6 The following European designated sites are easily accessible (by car and public transport) from the development site:
- Dee Estuary SAC;
  - Dee Estuary SPA;
  - Dee Estuary Ramsar;
  - Mersey Narrows and North Wirral Foreshore SPA;
  - Mersey Narrows and North Wirral Foreshore Ramsar;
  - Mersey Estuary SPA;
  - Mersey Estuary Ramsar; and
  - Liverpool Bay SPA.

### **3.5 Proposed Development**

#### **3.5.1 Overview**

The proposed development seeks to revitalise Birkenhead town centre to the north of the Pyramids Shopping Centre, whilst making improvements to the retail, leisure and food and drink offer to enhance the vitality of the town centre into the evening.

- 3.5.2 The development proposals include a new residential neighbourhood of up to 651 dwellings, new visitor accommodation, a replacement market, multi-storey car park and new 'Grade A' office space as part of a new commercial quarter. WGC advise that Wirral Council will occupy at least one of the new office buildings.

- 3.5.3 The proposals also seek to enhance Birkenhead town centre by delivering new and improved public spaces and flexible outdoor space for activities and events. Pedestrian and cycle connection improvements are also proposed to aid accessibility into and around the town centre in addition to infrastructure improvements at and close to Birkenhead Bus Station.

#### **3.5.4 Status**

The proposed development is submitted as a hybrid planning application (part detailed, part outline) to allow for a multi-phase mixed-use masterplan approach to deliver the comprehensive regeneration of Birkenhead town centre.

- 3.5.5 The planning application was submitted prior to the amendment to the Use Class Order on 1st September 2020, which includes new Use Class E. For this reason, the planning application seeks planning permission for the use classes which were in force at the time of submission (i.e. use classes A, B, C and D).

- 3.5.6 The detailed description of development of the 'Hybrid Planning Application for the proposed phased redevelopment of land within Birkenhead Town Centre' is as follows:

"Full planning application for the construction of:

two five storey office buildings on Plot A comprising flexible office, retail or leisure (including food and beverage, hot food takeaway or drinking establishment) floorspace at ground floor level, and office floorspace at first to fourth floor level and a plant area at fifth

floor level with associated landscaping; highways and infrastructure works including the creation of new junction from Claughton Road/Hemingford Street; and

an electricity substation on Plot H along with the necessary amendments to the arrangement of the Europa Pool surface car park to relocate coach parking spaces and the associated infrastructure and landscaping works and access/servicing arrangements.

Outline planning application (with all matters reserved for future consideration) for:

the development of an office on Plot B; office, retail and leisure floorspace (including food and beverage, hot food takeaway or drinking establishment) on Plot C which will include a new market hall/leisure building; infrastructure works on Plot D that will create a substation but no new publicly accessible floorspace; office, retail, hotel, leisure (including food and beverage, hot food takeaway or drinking establishment) and residential floorspace on Plot E; infrastructure works to provide a 'super-crossing' at Conway Street and improvements to the existing bus station on Plot F; residential floorspace or a hotel or a car park on Plot G; residential floorspace on Plots I and J; and ancillary residential car and cycle parking, servicing arrangements and infrastructure and all associated works on land to the west of Europa Boulevard and land south of Conway Street and alterations and improvement works to the public highway."

3.5.7 Amendments to development proposals were submitted to the Council in January 2021. The amendments included:

- Change to the Parameters Plan to seek outline planning permission solely for office use (B1(a) Use Class) on Plot B;
- Amendments to the maximum heights (number of storeys) on Plot B from 3 storeys to 4 storeys;
- Further information following the undertaking of a vibration baseline survey in September 2020 and January 2021;
- Submission of Design Codes.

3.5.8 The impact of this amendment is that as opposed to a car park being deliverable on either or both Plots B and G, as per with the original submission, now only one car park is proposed, which is on Plot G. For the avoidance of doubt, the above-mentioned amendments to Plot B exclude Sui Generis Use Class car parking.

3.5.9 Enabling works

The initial stages of the construction will include the new permanent access routes into the Phase 1 of the Development and a series of enabling works would take place in parallel with the access road construction and comprise:

- Arboricultural works – including the protection of trees/vegetation to be retained and removal of trees/vegetation where applicable;
- Ecological works, where required;
- Archaeological works (where required);
- Installation of any site hoarding and security fencing;
- Ground modelling works;
- Site clearance; and
- Installation of temporary surface water management measures.

3.5.10 Demolition

The following demolition works are proposed as part of the application over the life of the development.

- The existing buildings and structures on Plots A and B equating to 11,042 sqm of existing floorspace would be demolished, which includes Milton Pavements and adjacent units currently occupied by B&M Bargains and Shop Mobility (many of these buildings have now been demolished);

- Demolition of approximately 9,068 sqm of existing floorspace at Birkenhead Market Hall on Plot C (following relocation of traders to a new temporary provision);
- Demolition of Europa Building ('Europa Square') on Plot E and the existing Cinema (Plot G) equating to circa 6,682sqm of existing floorspace.

#### 3.5.11 Detailed Planning Application

The following is a detailed breakdown of the development proposals, which fall within the detailed part of the planning application:

#### 3.5.12 Plot A

Plot A would comprise two, five-storey office buildings known as A1 and A2 totalling:

- 17,710sqm of office space (B1(a));
- 1,850sqm of retail (A1-A5);
- 1,850sqm of Leisure (D1 and D2);
- 540sqm of ancillary plant.

Building A1 would comprise 10,850sqm of the office space, with building A2 comprising the remaining 7,400sqm. The ground floors would be mixed use (office, retail or leisure use).

- 3.5.13 The proposed design of the buildings seeks to take their design inspiration from their surroundings and incorporate some of the heritage of Birkenhead into the final elevation finishes.
- 3.5.14 Building A1 would be finished in a natural sandstone coloured brick, in response to the traditional commercial heart of Birkenhead at Hamilton Square. There would be a main entrance fronting east and 160 cycle spaces and 160 lockers, alongside shower facilities, plant room and services facilities, lifts and a staircase.
- 3.5.15 Building A2 in contrast to Building A1 would be finished in glazed terracotta cladding to complement local historic buildings within and adjacent to the development site. The colouring of Building A2 would be akin to that on the ground floor of The Crown as well as toning with the Conway Buildings. Building A2 would include a main entrance fronting south and 102 cycle spaces and 110 lockers in addition to plant and servicing facilities, and lifts.
- 3.5.16 Both buildings would be designed with large windows to give the appearance of double height glazing on the upper floors and to balance with the ground floor where the floor to ceiling heights are greater and the amount of glazing is more substantial. Plant rooms totalling 438sqm would be positioned at the fifth-floor level of each building.
- 3.5.17 The office buildings would be built to Grade A specification and in accordance with BREEAM Excellent standards, which exceeds building regulation requirements. The proposals seek to reduce carbon emissions and incorporate design considerations to adapt to Climate Change and protect/enhance biodiversity value. This is sought through designing and building efficient buildings.
- 3.5.18 Buildings A1 and A2 would both be serviced via a new service area directly to the west of the buildings on land between the buildings and St John Street. Access to the service yard for delivery vehicles, refuse collections and fire tenders would be from St John Street. No vehicle car parking is proposed with the exception for 16 disabled parking bays situated to the west.
- 3.5.19 A wide functional avenue is proposed to the east of the buildings to offer generous circulation space on the primary route through the site. To the south the route would be more functional and transitional in nature providing semi-enclosed passage for direct access between buildings. Between the buildings A1 and A2 a line of trees will be planted within SuDs tree pits to add interest and separation between the two parts of Plot A. To the west within the service area a rain garden is incorporated to soften the appearance of the service yard whilst also providing a sustainable drainage solution.

- 3.5.20 Plot H  
Plot H would comprise a 2.5m high palisade fence and a 4.74m high brick structure, which would be positioned on the north west corner of the Europa Pools car park with access gained for servicing from St Laurence Drive to the west.
- 3.5.21 The proposals for the substation seek to build on the utilitarian nature of the surrounding landscape created by Europa Pools Car Park, which is encircled by a worn 2m high vertical bar steel fence and a red brick wall.
- 3.5.22 The proposed compound itself would be enclosed within a green palisade fence with gated access to each compound, which reads as an extension of the existing vertical steel fence to the west side and the red brick wall adjacent to the gateway to restrict access through. The internal compound and associated palisade fence would be elevated above road level with a brick retaining wall to the perimeter, which would raise the infrastructure above any risk of future flooding.
- 3.5.23 The setting back of the substation by around 6.5m from St Laurence Drive is proposed to allow vegetative screening and a gravel perimeter maintenance footpath to be incorporated. Two carefully positioned trees would be planted with elevated canopies on the western aspect of the compound to shield a large part of the infrastructure from the residential properties opposite. A hedge which will retain leaves throughout the year will be maintained at a 1.5m height to the rear of the planting bed and it should largely conceal the substation from view for people passing on the street.
- 3.5.24 The existing mown lawn areas around the peripheries of the Europa Pools car park would also be extended around the east side to the front of the shrub planting and infill the northern aspect between the wall and the gravel path, where the existing footway is to be removed.
- 3.5.25 The proposed works would result in the loss of parking bays and a requirement to re-align the internal access road of the Europa Pools car park to accommodate the relocated coach parking.
- 3.5.26 Outline Planning Application  
The following is a detailed breakdown of the development proposals, which fall within the outline element of the planning application. The outline proposals span an area of approximately 6.57ha.
- 3.5.27 The submitted Parameters Plan sets out the maximum quantum of floorspace that is applied for in each 'Plot' within the Application's redline boundary, together with the maximum and minimum amounts of floorspace and building heights for each Use Class. The accompanying Design Codes sets out the strict development parameters that must be adhered to as part of any Reserved Matters applications in the future should the development proposals be consented. For the avoidance of doubt, the referenced design codes below are an overview of the development parameters and not exhaustive.
- 3.5.28 The submitted Indicative Master Plan alternatively has no bearing on the development proposals and carries no weight in the determination of this application.
- 3.5.29 Plot B  
Plot B has been set aside for the provision of office use. The scale of the block would be 4 storeys with a maximum development area of 7,500m<sup>2</sup>. The development parameters (design codes) for Plot B, which must be adhered to include:
- The maximum build footprint of Plot B will be 90% of its total area;
  - There must be a pedestrian entrance to built development on Plot B facing Plot A so that it can be read as part of the masterplan area;
  - Development of Plot B must include an active frontage to Claughton Road.
- 3.5.30 Plot C

Plot C would comprise retail, office, leisure and plant uses across a number of development blocks. The exact number to be agreed at Reserved Matters stage. The scale of the blocks would be between 1 and 7 storeys with a maximum development area of 28,500m<sup>2</sup>. The development parameters (design codes) for Plot C, which must be adhered to include:

- The maximum build footprint of Plot C will be 60% of its total area;
- Development of Plot C must include provision of an east-west pedestrian link through the plot to facilitate connections with St Werburghs Square;
- The east-west pedestrian link through the site must be a minimum of 9m;
- Development of Plot C must include provision of a north-south pedestrian link to facilitate connections between The Pyramids Shopping Centre in the South and Plot E in the north;
- The north-south pedestrian link must include provision of a safe crossing point over Claughton Road;
- The north-south pedestrian link through Plot C must be a minimum of 20m in width;
- The north-south pedestrian link must include high quality landscaping following the principles set out by Section 8 of this Design Code;
- Development on Plot C must provide active frontages and primary access points facing the north-south pedestrian link;
- No servicing accesses are to be provided on the north-south pedestrian link;
- Minimum requirement for a 2,700sqm market (gross) to be provided as part of development or other minimum size at the absolute discretion of the Council.

3.5.31 With regard to the provision of a replacement market specifically, it is proposed that a minimum floor space of 2,700sqm (gross) must be provided on the site as part of proposed development unless agreed in writing with the Council at their discretion.

#### 3.5.32 Plot D

Plot D provides critical infrastructure in the form of a substation positioned within the footprint of an existing vacant unit off St. Werburghs Square. This is required for the development of Plot C.

#### 3.5.33 Plot E

Plot E comprises a hotel, leisure, office, retail, residential and plant uses across a number of development blocks. The exact number to be agreed at Reserved Matters stage. The scale of the blocks would range from 1 and 9 storeys with a maximum development area of 32,300m<sup>2</sup>. The development parameters (design codes) for Plot E, which must be adhered to include:

- The maximum build footprint in Plot E must be 60% of its total area;
- Development of Plot E must include a north-south pedestrian link to facilitate connections between Plot C in the south and Plot G in the north;
- The north-south pedestrian link through Plot E must be a minimum of 20m in width;
- The north-south pedestrian link must include high quality landscaping following principles set out by Section 8 of this Design Code;
- The north-south pedestrian link through Plot E must connect to the north-south pedestrian link in Plot C;
- The north-south pedestrian link through Plot E must connect to the proposed super crossing over Conway Street;
- Development of Plot E must include an east-west connection to Plot F to facilitate connections with the bus station;
- Development of Plot E must provide active frontages facing the north-south pedestrian link;
- Development of Plot E must include an active frontage facing Conway Street and Claughton Road;
- Development on Plot E must provide active frontages and primary access points facing the north-south pedestrian link;
- No servicing accesses are to be provided on the north-south pedestrian link;

- The minimum 1 storey height parameter must not be employed across the entirety of the Plot.

#### 3.5.34 Plot F

Plot F represents amendments that may be required to the design of the existing bus station. These amendments include repositioning bus stops and the creation of a new travel shop facility. The development parameters (design codes) for Plot F, which must be adhered to include:

- Development of Plot F must be done in discussion with Merseytravel;
- Development of Plot F must allow for connection to the east-west route through Plot E.

#### 3.5.35 Plot G

Plot G would comprise hotel, residential, car parking and plant uses across several development blocks. The exact number to be agreed at Reserved Matters stage. The scale of the blocks would range between 4 and 9 storeys with a maximum development area of 32,695m<sup>2</sup>. The development parameters (design codes) for Plot G, which must be adhered to include:

- The maximum build footprint in Plot G (including space for car parking and private gardens) must be 60% of its total area;
- Development of Plot G must include provision of an east-west link to facilitate access between Europa Boulevard and Europa Pools;
- The east-west link through Plot G must be a minimum of 20m in width;
- The east-west pedestrian link must include high quality landscaping following the principles set out by Section 8 of this Design Code;
- Development of Plot G must include an area of defensible space facing Europa Boulevard;
- Development of Plot G must include primary access points facing Europa Boulevard;
- Development of Plot G must respect and enhance the setting of the Grade II Listed Crown Public House, as per the mitigation measures recommended in the Environmental Statement.

#### 3.5.36 Plot I

Plot I would comprise residential use only across a number of development blocks. The exact number to be agreed at Reserved Matters stage. The scale of the blocks would range between 3 and 7 storeys with a maximum development area of 13,400m<sup>2</sup>. The development parameters (design codes) for Plot I, which must be adhered to include:

- The maximum build footprint of Plot I (including space for car parking and private gardens) must be 90% of its total area;
- Development of Plot I must include an east west pedestrian link to facilitate connections with Europa Boulevard and Plot J;
- Development of Plot I must include an area of defensible space facing Europa Boulevard and Price Street;
- Development of Plot I must include primary access points from Europa Boulevard;
- Development of Plot I must include active frontages facing Europa Boulevard and Price Street.

#### 3.5.37 Plot J

Plot J would comprise residential use only across the site. A series of blocks would range between 2 and 3 storeys in scale with a maximum development area of 6,000m<sup>2</sup>. The development parameters (design codes) for Plot J, which must be adhered to include:

- The maximum build footprint in Plot J (including space for car parking and private gardens) must be 90% of its total area;
- Development of Plot J must include an area of defensible space facing Price Street;
- Development of Plot J must include an offset in the built form on its eastern perimeter to protect the amenity of existing residential properties. This offset can be used for

private gardens.

- 3.5.38 Phasing  
The proposed development at Birkenhead town centre would be delivered in a series of phases spanning 15 years. Construction is expected to commence in 2021, subject to gaining planning permission.
- 3.5.39 The development has been split indicatively into seven phases, starting with the enabling infrastructure works, followed by demolition works and the construction of the commercial district and non-residential uses in the south of the site, closely followed by residential uses at the northern end of the site, finishing by developing the central part of the site once leases for current occupiers have expired.
- 3.5.40 The following is an indicative overview of the detailed element of the phasing / construction programme provided by WGC:
- Phase 1 (Years 1-2)
- Phase 1A includes the demolition of Milton Pavements at Plot A and the adjacent unit occupied by B&M and Shop Mobility at Plot B.
  - Phase 1A/1B will involve the development of the new Grade A office for occupation by Wirral Council at Plots A1 and commercial office development at Plot A2, infrastructure works at Plot F to improve Birkenhead Bus Station, construction of an electricity substation at Block D, and also construction of a primary electricity substation at Plot H.
- 3.5.41 The phases relating to the outline element of the planning application would span 2 to 15 years. However, it is anticipated that phasing over this period will evolve as and when Reserved Matters applications are brought forward. To facilitate the programme for delivery, a planning consent which spans more than the customary 3 years is required. The outline consent is therefore sought for a 15-year period, with the full application limited to the standard 3-year implementation period.

### **3.6 Planning Policy Considerations**

#### **3.6.1 Wirral Unitary Development Plan (2000)**

The Wirral UDP was adopted by the Council in 2000 and the extant policies were 'saved' by the Secretary of State Direction in 2007 pending adoption of the Wirral Local Plan. Committee should have regard to the requirements of the saved development plan as a whole. The following policies are particularly relevant.

#### **3.6.2 Regeneration**

Policy URN1 (Development and Urban Regeneration) sets out that, when considering development proposals, the Local Planning Authority (LPA) will be guided by the general principles of the Urban Regeneration Strategy. In particular, the LPA will seek to ensure that: full and effective use is made of land within the urban areas; neglected, unused or derelict land or buildings are brought into use; and the need for new services is minimised by promoting the use of spare capacity in existing services.

- 3.6.3 Policy URN2 (Planning Agreements for Urban Regeneration) builds upon this and states that planning obligations will be sought where such agreements may assist in securing the best use of the land.

#### **3.6.4 Employment**

Policy EMP1 (Provision of Employment Land) allocates a total of 185 hectares of land for employment uses, which includes land within the Application Site's redline boundary.

- 3.6.5 Proposal EM2 (Conway Park) is identified as a major development opportunity and provides details of the overriding allocation for approximately 6.8ha of land between Conway Street and Price Street as shown on the Proposals Map as an Employment Development Site. Plots G-J fall within this area which is allocated for a mix of B1, A2, A3, D1 and D2 uses (use Class E, F.1, F.2 and Sui Generis under the Use Class System coming into force from 1st September 2020), subject to the provisions of other policies

within the UDP.

- 3.6.7 Policy EM6 (General Criteria for New Employment Development) sets out that all new development for employment generating uses on sites allocated for employment use or within Primarily Industrial Areas shall adhere to certain criteria, including safeguarding the amenities for surrounding uses and not compromising the future development of land within the vicinity of the development; being acceptable in highway terms, design considerations including matters of scale, massing and materials and adequate parking provision.
- 3.6.8 Policy EM7 (Environmental Criteria for New Employment Development) sets out that proposals which are considered to adhere to the criteria of Policy EM6 will be accepted when it can be demonstrated that the benefits of the proposal outweigh the disadvantages in environmental terms, including the impacts of increased traffic movements on adjoining residential areas, and the extent to which the proposal is accessible by a choice of transport methods.
- 3.6.9 Visitor Economy  
Policy TL2 (Criteria for Urban Tourism) notes that proposals for tourism and leisure facilities are expected to demonstrate suitable design and amenity credentials as well as highway considerations and that proposals should generally be appropriately located relative to their surroundings.
- 3.6.10 Policy TL7 (Criteria for Hotels and Guest Houses) states, subject to Policy TL2, hotels and guest houses which provide overnight accommodation, without facilities for non-residents, will be permitted within the Primarily Residential Area. Proposals providing overnight accommodation with conference, restaurant, night club and other related sports or leisure facilities will only be considered suitable within urban commercial locations.
- 3.6.11 Housing  
Policy HS4 (Criteria for New Housing Development) although applicable to Primarily Residential Areas contains criteria for assessing the quality of the development and amenity for future occupiers.
- 3.6.12 Policy HSG2 (Affordable Housing) sets out that, where appropriate, the local planning authority will encourage the provision of an element of affordable housing and that this will be secured via legal agreement.
- 3.6.13 Policy HS6 (Principles for Affordable Housing) further sets out that the LPA will negotiate an element of affordable housing on suitable sites over 1 hectare.
- 3.6.14 Town Centre Development  
Policy SH1 (Criteria for Development in Key Town Centres) states that, within the Key Town Centres, proposals falling within Use Classes A1, A2, A3 and D1, together with other uses appropriate for a town centre location will be permitted subject to certain criteria. This includes safeguarding the viability and vitality of the town centre; being acceptable from a highways perspective; design considerations; and the loss of amenity for neighbouring uses.
- 3.6.15 Joint Waste Local Plan for Merseyside and Halton (2013)  
The Joint Waste Local Plan for Merseyside and Halton was adopted by Halton, Knowsley, Liverpool, Sefton, St Helens and Wirral Councils in July 2013. The vision of the Waste Local Plan is to facilitate the development of a network of sustainable and modern waste management facilities which serve the needs of the local communities of Merseyside and Halton by 2027. Committee should have regard to the requirements of the Joint Waste Local Plan. The following policies are particularly relevant.
- 3.6.16 Policy WM8 (Waste Prevention and Resource Management) states that any development involving demolition and/or construction must implement measures to achieve the efficient use of resources, taking particular account of construction and demolition methods that minimise waste production and encourage the re-use and recycling of materials, designing

out waste by using design principles and construction methods that prevent and minimise the use of resources and the use of waste audits or site waste management plans where applicable to monitor waste minimisations, recycling and disposal.

- 3.6.17 Policy WM9 (Sustainable Waste Management Design and Layout for New Development) sets out that the design and layout of new developments must, where relevant, provide measures as part of their design to address: the facilitation of collection and storage of waste; provide sufficient access to enable waste and recyclable materials to be collected and transported; accommodation of home composting in dwellings with individual gardens; and facilitate small scale, low carbon combined heat and power in major new employment and residential schemes where appropriate.
- 3.6.18 National Planning Policy Framework  
The purpose of the planning system is to contribute to the achievement of sustainable development so that opportunities to secure net gains across economic, social and environmental objectives can be taken. There is a presumption in favour of sustainable development, which means approving proposals that accord with an up-to-date development plan without delay (paragraphs 7, 8 & 11 refer). The most important development plan policies for determining this planning application are UDP Policies URN1, URN2, EMP1, EM2, EM6, EM7, TL2, TL7, HSG1, HSG2, HS6 and SH1 which are considered as a whole to be up to date in terms of their consistency with the NPPF. The Borough does not currently have a five-year housing supply as required in NPPF paragraph 73, which is to be addressed in the emerging Local Plan but these policies are still relevant in the determination of this application as they still reflect national policy and circumstances on the ground.
- 3.6.19 NPPF paragraphs 122 & 123 provide support for efficient use of land taking account of the desirability of maintaining an area's prevailing character. Decisions are expected avoid low densities and ensure optimal use of the site and take flexible approach to daylight provided acceptable living standards can be achieved. Part 12 goes on to make it clear that good design is a key aspect of sustainable development, and the creation of high quality buildings and places is fundamental to what the planning process should achieve. The Council published its intention to promote higher densities subject to the impact on local character, as part of the emerging Local Plan but the final policies are still to be approved.
- 3.6.20 National Planning Policy Guidance (NPPG)  
The Department for Communities and Local Government (DCLG) published National Planning Practice Guidance (NPPG) in March 2014. The NPPG provides supplementary guidance on the application of policy contained in the NPPF. The NPPG has been taken into consideration as part of this Application as it provides best practice guidance for the technical considerations.
- 3.6.21 The Sub-Committee should have regard to following relevant topics - Air Quality, Climate Change, Conserving and Enhancing the Historic Environment, Design, Ensuring the Vitality of Town Centres, Environmental Impact Assessment, Flood Risk, Health and Wellbeing, Housing, Land Affected By Contamination, Land Stability, Light Pollution, Natural Environment, Noise, Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space, Planning Obligations, Renewable and Low Carbon Energy, Travel Plans, Transport Assessments and Statements, Tree Preservation Orders and Trees in Conservation Areas, Use of Planning Conditions, Viability, Water Supply, Wastewater and Water Quality.
- 3.6.22 National Legislation  
Planning (Listed Building and Conservation Areas) Act 1990 s. 66 - general duty as respects listed buildings in exercise of planning functions.
- 3.6.23 Environment Impact Assessment  
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- 3.6.24 Historic England

Historic Environment Good Practice Advice Note 3 in Planning (Historic England 2017) and Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning Note 2 (Historic England 2015), Conservation Principles for the Sustainable Management of the Historic Environment (Consultation Draft, 2017)

#### **4.0 Assessment**

4.0.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies taken as a whole should be refused unless material considerations justify granting permission. Similarly, proposals which accord with the Development Plan should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan as whole and then take account of other material considerations.

4.0.2 The main issues pertinent in the assessment of the proposal are:

- Environmental Impact Assessment (EIA)
- Principle of Development
- Land Uses
- Birkenhead Economy
- Housing Provision
- Urban Design
- Design, Scale & Massing
- Heritage
- Social infrastructure
- Highways and transport
- Impact on Neighbouring Residents
- Biodiversity
- Sustainability
- Environmental Considerations
- Equalities Act
- Section 106 Agreement
- Planning Balance

#### **4.1 Environmental Impact Assessment (EIA)**

4.1.1 The Proposed Development falls within Category 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended):

- as an urban development projects where the area of the development exceeds 5 hectares and includes more than 150 dwellings.

Planning permission for EIA development must not be granted unless an EIA has been carried out in respect of that development. The EIA is a process of evaluating the likely environmental, social and economic impacts of a development prior to decision-making. It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers.

4.1.2 An Environmental Impact Assessment (EIA) was therefore undertaken prior to the submission of the planning application with the findings presented within an Environmental Statement (ES), which was submitted in support of the planning application.

4.1.3 An Environmental Statement of Conformity was later submitted to the Council in January 2021 to address the amendments to the Parameter Plan and additional information relating to Noise and Vibrations as well as the new Design Codes.

4.1.4 Merseyside Environmental Advisory Service (MEAS) advised that the proposed changes

do not affect the overall outcome of the EIA so long as the updated parameter plan, updated Table 3.1 land use parameters and updated Table 3.2 proposed maximum heights and number of storeys and illustrative masterplan are included as approved documents in any forthcoming planning permission. The advice provided by MEAS has been duly considered by the Local Planning Authority in the assessment of the acceptability of the submitted EIA.

4.1.5 The findings of the Environmental Impact Assessment (EIA) are a key material consideration in the assessment of the development proposals, and any referenced mitigation measures should be adhered to to minimise residual impacts that the development would cause.

4.1.6 The following is a summary of the beneficial residual effects identified within the EIA that the development would bring:

- Benefits to the local economy, from employment generation during both the construction and operation period of the Development;
- Increased spending from the new population during the operation of the Development;
- Increase in housing provision in the area;
- Beneficial effects in terms of Wider Human Health;
- Beneficial effects in terms of transport and access to transport corridors within the Site; and
- Improvements to pedestrian and cycle crossings and facilities.

4.1.7 The following is a summary of the adverse residual effects identified within the EIA that the development would bring:

- Effects on townscape character and visual receptors from the Development;
- Noise and vibration effects during the construction phase;
- Effects on cultural heritage from the Development; and
- Local climate change effects as a result of vehicular emissions and indirect emissions during the construction phase.

4.1.8 The necessary mitigation measures advised by the submitted Environmental Statement and statutory and non-statutory consultees to address the above-mentioned residual effects are discussed in detail later within the relevant sections of this report.

4.1.9 The Local Planning Authority consider the EIA to be robust and comprehensive, and for these reasons, the EIA is acceptable for determining the application.

## **4.2 Principle of Development**

4.2.1 The Wirral Unitary Development Plan specifically identifies the promotion of urban regeneration as a key objective for the UDP. The policies and proposals within the UDP taken together are designed to address, in land-use terms, the objectives of urban regeneration which include:

- concentrating new building and investment within the existing built-up area;
- restraining building at the fringe of the urban area;
- treating for redevelopment derelict or vacant land;
- concentrating resources to upgrade and replace obsolete urban fabric;
- fostering private investment;
- providing a lasting improvement to the local environment; and
- developing and enhancing existing and new public and community facilities.

4.2.2 Wirral UDP Policy URN1 (Development and Urban Regeneration Strategic) states in considering development proposals, the local planning authority will be guided by the general principles of the urban regeneration strategy. In particular, the local planning authority will be concerned to ensure that:

- full and effective use is made of land within the urban areas;
- neglected, unused or derelict land or buildings are brought into use;
- the need for new services is minimised by promoting the use of spare capacity in existing services.

- 4.2.3 The UDP states that urban areas such as Birkenhead town centre should be one of the main locations for new developments, so that full and effective use is made of land. This approach is in accordance with the NPPF and seeks to prioritise the use of urban land to protect the urban environment and heritage and prevent the encroachment of the urban area into the countryside and Greenbelt.
- 4.2.4 The regeneration of the site to deliver a significant increase in the number of residents, employment opportunities and new infrastructure within Birkenhead town will help support its vitality and viability at a time when town centres are generally struggling. New development adjacent to key gateway locations also significantly improve the appearance and character of the town centre for visitors arriving at these points.
- 4.2.5 The improved investor confidence as a result of the delivery of a major regeneration project within Birkenhead Town Centre development, together with the growth of a local customer base for existing and new town centre and edge of town commercial activities, is likely to be catalyst for other improvements in the town centre offer. This is a significant material consideration in the assessment of this application, which is in fact considered to be a Departure from the UDP. This is discussed further in the following housing section of the report.
- 4.2.6 Notwithstanding, the proposed development results in a departure from the UDP (see the following Land Use section), so material considerations that weigh in favour of using part of the employment site for residential purposes will need to be identified. Material considerations in this particular case will include the benefits from securing comprehensive sustainable regeneration of a major proportion of the town centre, and making effective use of under used land, which is in line with UDP Policy URN1 and the National Planning Policy Framework, including paragraphs 85, 117 and 118, 121 and 122.

### **4.3 Land Uses**

#### **4.3.1 Employment**

- NPPF Paragraph 85 seeks planning policies and planning decisions to promote the delivery of office space within town centres to meet anticipated needs over a Plan period.
- 4.3.2 UPD Policy EM2 (Conway Park) states approximately 6.8 hectares of land to the north of Birkenhead Town Centre between Conway Street and Price Street, as shown on the Proposals Map, is allocated for a mix of B1 (Business), A2 (Financial and Professional Services), A3 (Food and Drink), D1 (Non-Residential Institutions) and D2 (Assembly and Leisure) uses, as defined in the Town and Country Planning (Use Classes) Order 1987, subject to Policy EM6, Policy EM7, Policy EM9, Policy SH1 and Policy RE1.
- 4.3.3 UDP Policy EM6 (General Criteria for New Employment Development) states applications for all new employment development, on sites allocated for employment use or within Primarily Industrial Areas, including proposals for the conversion, re-use or extension of existing premises, will be permitted subject to Policy EM7 and other material planning considerations.
- 4.3.4 UDP Policy EM7 (Environmental Criteria for New Employment Development) states proposals which satisfy the requirements of Policy EM6 will be permitted when the Local Planning Authority is satisfied that the benefits of the proposal outweigh the disadvantages.
- 4.3.5 UPD Policy EMP1 (Provision Of Employment Land Strategic) states a total of 185.0 hectares of land will be allocated for employment uses including two special development opportunity sites in the Birkenhead area totalling 63.8 hectares;
- 4.3.6 The proposal includes the provision of office space on Plot A (detailed), Plot B and Plot E

(Outline). However, the above-mentioned plots are not allocated employment sites. Notwithstanding this, the plots where grade A office development is proposed do fall within the town centre boundary. Whilst the UDP does not contain any policy regarding proposals for employment generating uses in this location - office uses are clearly encouraged as a main town centre use by the NPPF.

- 4.3.7 The central and sustainable location of the proposed commercial district accessible by a range of transport mode and the proposals will guide investment and employment to the heart of Birkenhead where it is needed most. For these reasons, development proposed for the new commercial district (offices) is supported in land use terms in accordance with NPPF para 85 and UDP policies EM6, EM7 and EMP1.
- 4.3.8 Housing  
Chapter 5 of the NPPF (Feb 2019) "Delivering a sufficient supply of homes", states the Government's objective of significantly boosting the supply of housing within the UK.
- 4.3.9 Paragraph 59 states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.
- 4.3.10 The application proposes the comprehensive residential-led redevelopment of part of plots E, G, and all of I and J to deliver up to 651 homes.
- 4.3.11 The application site is a large brownfield site located within an urban area, sustainable town centre and immediately adjacent to a primarily residential area. It is accessible to and from the core area of Birkenhead town centre and its transport interchanges by sustainable means of transport. The justification for housing in this location therefore aligns with paragraph 118 of the NPPF which states decisions should particularly support development of under-utilised land, especially if it would meet identified need for housing.
- 4.3.12 However, at a local level the introduction of residential development on Plots G, I and J would be contrary to the UDP, as these plots are allocated for employment uses under Policy EMP1. The development is therefore considered to be a departure from the Plan.
- 4.3.13 The provision of new residential development to meet an identified housing need is a material consideration in the determination of this application and the provision for up to 651 new homes over the anticipated 15-year development period would make a significant and positive contribution to the Council's housing requirement. Equally, the delivery of a significant quantum of employment (office) space on Plots A, B and E as part of the wider application would assist to mitigate the loss of allocated employment land to residential development.
- 4.3.14 Decisions are also expected to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. This includes recognising that residential development often plays an important role in ensuring the vitality of centres and encouraging residential development on appropriate sites (NPPF paragraph 85 refers). Although significant weight cannot yet be applied to the emerging Local Plan, the Council's preferred approach, in the Local Plan Issues & Options documents, which have been subject to public consultation, is to accommodate a range of flexible uses including residential development on suitable sites to support the role of the town centre.
- 4.3.15 For these reasons, and as new residential development would be in suitable locations to support the future vitality and viability of Birkenhead town centre, it is considered that the proposed delivery of housing on the application site on balance is acceptable in this particular case and is in line with UDP policies URN1 and HS4 and the Government's objective of significantly boosting the supply of housing within the UK, as set out within the NPPF paragraphs 59, 73 and 118.

- 4.3.16 Visitor accommodation  
The NPPF defines a hotel as a town centre use. Paragraph 86 states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 4.3.17 The following policies have been taken account in this section: UDP Policy TLR1 (Principles For Tourism Development Strategic Policy); UDP Policy TL1 (The Protection of Urban Tourist Resources); UDP Policy TL2 (Criteria for Urban Tourism); UDP Policy (TL7 Criteria for Hotels and Guest Houses).
- 4.3.18 Wirral UDP Policy EM2 stipulates that the Conway Park site is allocated for a mix of B1, A2, A3, D1 and D2 uses. It does not refer to C1 (Hotel) use as being an acceptable use. Given that a hotel is a proposed use on Plot G (within the allocated Conway Pak site) the development is considered to be a departure from the UDP.
- 4.3.19 Circular 02/2009 states that applications must be referred to the Secretary of State for approval for any development which consists of retail, leisure or office use of more than 5,000 square metres, which is edge-of-centre, out of-centre or out-of-town, and is not in accordance with one or more provisions of the development plan. As such, if Planning Committee are minded to approve the application then the Local Planning Authority must refer the application to the Secretary of State for approval.
- 4.3.20 The provision for up to two hotels across Plots E and G of the application site, which both fall within an urban location, Birkenhead Town Centre and are adjacent to the proposed commercial district of the development proposals is therefore considered acceptable in land use terms in accordance with the NPPF paragraph 86 and UPD policies TLR1, TL1, TL2 and TL7.
- 4.3.21 The detailed qualifying criteria of the UDP policies in relation to the acceptability of the scale of hotel developments, potential impacts on surrounding conservation areas, noise and disturbance and transport are considered later within the report under the relevant sections.
- 4.3.22 Retail and Leisure (Including Birkenhead Market)  
The following policies have been considered in this section: Policy SHO1 – Principles for new Retail Development, SH1 Criteria for Development in Key Town Centres Policy sPolicy SH6 – Development Within Primarily Commercial Areas.
- 4.3.22 Retail and leisure floorspace (including food and beverage, hot food takeaway or drinking establishment) is proposed on Plot C and E. These proposed town centre uses would enhance the the vitality and viability of the surrounding area, provide much needed complementary commercial uses to the proposed commercial district and allow for an expansion of the town's services and retail offer. The scale of the ancillary retail functions would not harm the vitality and viability existing at Birkenhead Town Centre either.
- 4.3.23 The retail offer on Plot C, includes a new market hall/leisure building. The provision of a new market hall for Birkenhead town centre is a fundamental aspect of the development proposals and the Future High Streets Fund. Its delivery on a permanent basis within the application site would therefore be secured by way of S106 obligation. For the avoidance of doubt, the proposals do not include the provision or a requirement of a temporary market as well. This would be subject to a separate application. The proposed siting of the proposed replacement market in an accessible and well-connected location within Birkenhead Town Centre, reprovision of local employment opportunities and reinstatement of key social infrastructure would carry significant weight in the assessment of the development proposals.
- 4.3.24 The provision of retail uses, and leisure uses, inclusive of a replacement market is acceptable in land use terms in accordance with the NPPF and UPD policy SH1.

#### 4.3.25 Other Material Considerations

The NPPF paragraph 85 that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It also recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

4.3.26 Paragraph 117 and 118 of the NPPF advocates the efficient use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It states strategic policies should make as much use as possible of brownfield land. Paragraph 121 requires LPAs to take a positive approach to applications of alternative uses of developed land not allocated for a specific purpose in plans where this would help to meet development needs.

4.3.27 Paragraph 122 states planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

4.3.28 The NPPF defines a hotel as a town centre use. Paragraph 86 states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

4.3.29 Chapter 5 of the NPPF (Feb 2019) "Delivering a sufficient supply of homes", states the Government's objective of significantly boosting the supply of housing within the UK.

4.3.30 Paragraph 59 states that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.

#### **4.4 Birkenhead Economy**

4.4.1 The NPPF states in paragraph 2 that the planning system has three overarching objectives, one of which is an economic objective. This is defined as being to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. Chapter 6 Building a strong, competitive economy, indicates that planning should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 particularly emphasises that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development, building on an area's strength and countering the weaknesses for the future. Paragraph 82 states the importance of recognising and addressing the specific locational requirements of different sectors.

4.4.2 Wirral Council has been awarded £24.6m from the Future High Streets Fund to support substantial redevelopment in Birkenhead town centre. The key objectives of the fund are to deliver an improved retail core and market, diversified mixed use town centre, a walkable and sustainably connected centre, an attractor of visitors and an investable proposition. The agreed projects to facilitate this include, but are not limited to a replacement Birkenhead Market, new cycle infrastructure and highway improvement works, enhance of

key gateways such as Grange Road, Charing Cross and Birkenhead Central Gyrotory and accelerated delivery of new residential homes in the town centre. These development proposals would play a significant role in realising the key objectives of the awarded Future High Street Fund.

- 4.4.3 To facilitate the delivery of the development proposals, a series of buildings will be demolished, which results in the displacement of existing businesses and services. These include, Milton Pavements, Vue Cinema, Shop Mobility Service and the Market Hall. Except for the proposed replacement market hall provision, there is no guarantee that any other existing provisions on the site would be re-provided elsewhere within the proposed development.
- 4.4.4 For this reason, there is a requirement to consider the resulting harm caused by losing such buildings and services in the determination of this application and their impact on the Birkenhead's local economy. Such impacts are considered to constitute minor adverse impacts. Whereas the proposed development in turn would result a host of tangible and measurable economic benefits for Birkenhead, which include but are not limited to:
- The creation of between 1,300 and 3,500 new jobs (net) in Birkenhead over the next 15 years;
  - Between 440 to 1,150 of the new jobs (net), which could be taken up by the local community and a further 600 to 1,600 taken up by residents from elsewhere across the Wirral;
  - An additional £39m to £96m Gross Value Added (GVA) per year to the economy (through direct and indirect investment);
  - Apprenticeships and training opportunities created during both the construction and operational phases of development;
  - Increased household spending generating revenue for the council that can be reinvested in Birkenhead (including Council Tax and New Homes Bonus);
  - Delivery of specific aspects of the awarded Future High Streets Fund programme of works.
- 4.4.5 Further to the above, a local employment plan would be secured by S106 obligation, which ensures that apprenticeship opportunities are secured during the construction and operational stages.
- 4.4.6 Taking into consideration the above, it is concluded that the regeneration benefits for the local economy as a result of the development proposals would demonstrably outweigh the loss of existing buildings and services on the site.
- 4.4.7 This is a key material consideration and should be afforded significant weight in the determination of the application in accordance with Chapter 6 and paragraphs 80 and 82 of the NPPF.

#### **4.5 Housing Provision**

- 4.5.1 NPPF paragraph 122 takes into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 4.5.2 Paragraph 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 4.5.3 UDP Policy HS4 (Criteria for New Housing Development) is also relevant and has been taken into account in the assessment.
- 4.5.4 Housing Quality  
The Designing for Self Contained Flats and Conversions SPD provides design advice for flatted development specifically. However, it is considered that such standards are equally a useful benchmark in the assessment of any family dwelling blocks proposed to ensure

compliance with the highest design standards regardless of housing type.

- 4.5.5 Although the residential element of the planning application is only in outline form with reserve matters to follow. WGC have committed to delivering a high-quality residential development in Birkenhead Town Centre through the adoption of the following good design principles as a minimum This is set out in the design code:
- All new residential development will be designed to maximise natural ventilation through the use of opening windows;
  - Minimise the number of north facing units, in particular single aspect units;
  - Compliance to National Design Standards;
  - Ground floor defensible space required to residential blocks;
  - Residential entrances that are located off a publicly accessible pedestrian routes, shared amenity space will be given an area of defensible space that defines the threshold between public and private;
  - Minimum floor to ceiling heights of 2.4m will be achieved;
  - Compliance with nationally described space standards
- 4.5.6 Further to the above, the attachment of appropriately worded reserve matters and conditions would ensure that the Local Planning Authority have an opportunity to carefully consider the density, detailed design and the resulting living conditions of the residential blocks at reserved matters stage.
- 4.5.7 For these reasons, it is considered that the proposed design quality of residential development would be of an acceptable standard for future residents of the development in accordance with the NPPF, Policy HS4 and Designing for Self Contained Flats and Conversions SPD.
- 4.5.8 Affordable housing  
NPPF Paragraph 64 advises where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 4.5.9 UDP policy HSG2 Affordable Housing Strategic states where appropriate, the local planning authority will negotiate with developers and housing associations, to encourage the provision of an element of affordable housing, on sites allocated for new housing development and on sites not allocated but which come forward for development. The local planning authority will seek to ensure that such negotiated affordable housing is reserved for those most in need through the use of legal agreements.
- 4.5.10 UDP Policy HS6 Principles for Affordable Housing states the Local Planning Authority will seek to negotiate the provision of an element of affordable housing on suitable sites of over 1.0 hectare.
- 4.5.11 The development proposals seek to delivery 10% affordable housing on the site subject to viability and demonstrable need being evidenced through the Council's Strategic Housing Market Assessment (SHMA) at the time of delivery. The proposed affordable housing target mix is 60% rent / 40% intermediate sale.
- 4.5.12 Wirral's Housing Strategy team advised that the proposed 10% on site affordable housing provision is in line with the requirements for this application site in a town centre location and requested a planning condition is attached to any decision to guarantee its delivery.
- 4.5.13 The delivery of affordable housing will be secured via a S106 obligation attached to any permission. This would include a mechanism where any shortfall in affordable housing delivery on one phase can be captured on a later phase in addition to the agreed 10% affordable housing baseline position.

- 4.5.14 Should a phase not be able to deliver 10% affordable housing at a 60% rent / 40% intermediate sale, the Local Planning Authority will also reserve the right to amend the target affordable mix.
- 4.5.15 The delivery of affordable housing on the site is a key material consideration in the determination of this application, which should be afforded significant weight. Conversely though, it must also be acknowledged that there is no guarantee that 10% affordable housing (or any for the matter) would be delivered by the site due to viability considerations.
- 4.5.16 Housing mix  
NPPF paragraph 61 states within the context of delivering a sufficient supply of homes, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 4.5.17 The development proposals seek to deliver 20% family dwellings (3 bedroom +) on the site subject to viability and demonstrable need being evidenced through the Council's Strategic Housing Market Assessment (SHMA) at the time of delivery.
- 4.5.18 To increase the likelihood of the delivery of family dwellings (3 bedrooms +) by the development proposals a S106 obligation would be attached to any permission, which includes a mechanism where any shortfall in family housing delivery on one phase can be captured on a later phase in addition to the agreed 20% family housing baseline position.
- 4.5.19 The S106 will secure a minimum of 10% family dwellings (3 bedrooms +) regardless of any future viability and need considerations.
- 4.5.20 The delivery of family housing (3 bedrooms +) on the site is a key material consideration in the determination of this application and safeguarding the delivery of a minimum 10% in a worst case (20% in a best case) scenario ensures that a specific need within the borough would be met by the development proposals in accordance with NPPF para 61 and the Council's identified need (SHMA).
- 4.5.21 Wheelchair accessible housing  
The National Planning Policy Framework (NPPF) is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need. Based on Councils housing needs assessments and other available datasets, it is for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations.
- 4.5.22 UDP Policy HS9 (Mobility Housing) states that in developments of 20 or more new dwellings, the local planning authority will seek to negotiate where appropriate, the provision of dwellings specifically designed for, or capable of easy adaptation to, wheelchair standard.
- 4.5.23 The Designing for Self Contained Flats and Conversions SPD states special consideration should be given to ensure people with disabilities, people with prams or young children and older persons have the ability to move without difficulty within the building and around the site. This can be achieved through the design of accesses into and within the building, as well as sensitive siting and layout of parking and pedestrian areas.
- 4.5.24 The design codes confirm that all primary building thresholds would be level with the building exterior to ensure accessibility for all. This requirement would be applicable to all

commercial and residential buildings and associated amenity spaces.

- 4.5.25 A planning condition would also be attached to any permission requiring 5% of the residential dwellings to be capable of easy adaptation to wheelchair standards. The level of wheelchair accessible units to be completely fitted out for use prior to occupation would be agreed separately in writing with the Local Planning Authority on a phase-by-phase basis prior to the commencement of development of each relevant phase.
- 4.5.26 The provision of on-site dwellings specifically designed for, or capable of easy adaptation to, wheelchair standard ensures that the development proposals would comply with UDP Policy HS9 and Designing for Self-Contained Flats and Conversions SPD.
- 4.5.27 External amenity space (Children's play space)  
UDP Policy GR6 (Greenspace Within New Family Housing Development Proposals) states that new family housing development, defined as houses with two or more bedrooms, will be required to provide greenspace at an overall level of 60sqm for every new dwelling constructed and will be required within this overall requirement, to make specific provision for safe children's play. Greenspace provided under Policy GR6 should be accessible public open space, clearly set out for the purpose of visual amenity and local recreation.
- 4.5.28 Policy RE11 (Criteria for Children's Play Facilities) states the Local Planning Authority will need to be satisfied that areas specifically intended to cater for children's play are appropriate in terms of their siting, scale and design. Proposals should in particular minimise the potential for disturbance to adjacent property, enable informal supervision from the surrounding area and provide for safe pedestrian access.
- 4.5.29 The development proposals comprise 6,270sqm of amenity greenspace consisting of areas of planting, sustainable drainage systems (SuDS), lawns and tree planting and a minimum of 169sqm of provision of space for children and young people.
- 4.5.30 The delivery of a minimum of 6,439sqm of amenity space across the entire development proposals in total would equate to c. 9.89sqm of amenity space per residential development should 651 residential units be delivered. Notwithstanding the fact that the GR6 policy threshold relates to 2 bedroom plus sized properties only, it is evidential that there is a strong likelihood that there would be an under provision of external amenity space for the enjoyment of future residents as a result of the development proposals. Especially, when considering that most of the above referenced amenity space to be delivered is not directly accessible from the residential plots (E, G, J, I) and is in fact designed to serve, complement and add visual relief to the proposed commercial uses on the site and supplement the viability and vitality of existing wider town centre.
- 4.5.31 The guaranteed delivery of a minimum of 169sqm space for children and young people seeks to mitigate such potential failings by responding to the needs of children specifically. However, in isolation this is not considered sufficient to address the likely shortfall in external amenity space for the residential development.
- 4.5.32 For this reason, it is considered imperative that the residential dwellings are designed with direct access to communal gardens, private gardens, balconies and terraces where possible. This would be a matter secured by way of condition. Further to this a financial contribution of £100,000 would be secured by way of section 106 obligation to contribute to the off-site enhancement of recreational infrastructure in the local area – For further information see Sport England's comments in the Social Infrastructure section of this report.
- 4.5.33 Subject to the financial contribution and the attachment of an appropriately worded condition to deliver additional outdoor amenity, a sufficient level of external amenity space (qualitative and not necessarily quantitative) and child play space would be delivered and ensure high quality living conditions are achieved for all age groups in accordance with the overarching aspirations of Policy GR6.

## **4.6 Urban Design**

- 4.6.1 NPPF paragraph 124, 127, 130 and 131 provide guidance on design in developments. Paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 4.6.2 A detailed planning application has been submitted for Plots A and H, which is complemented by a comprehensive planning suite of documents comprising floor plans, elevations, and design and access statement to name but a few for consideration.
- 4.6.3 A Design Code has been also prepared and submitted, to provide overarching design guidance, which must be adhered to in the preparation of Reserved Matters Applications for outline components of the development proposals. The Design Code seeks to demonstrate how the scheme would raise the standard of design in Birkenhead and how it would integrate with the surrounding context within the town centre including the elements of the detailed planning application (Plot A and H) as well.
- 4.6.4 The submission of a combination of detailed plans and a design code for the outline element together allows the Local Planning Authority to determine whether a consistent development quality and a coherent visual character across the whole of the Application site would be realised before the issuing of any planning consent.
- 4.6.5 The following is a detailed assessment of the development proposals based upon the above-mentioned documents and the planning submission as a whole.
- 4.6.6 Layout  
The detailed application proposes two office buildings situated towards the eastern side of Plot A. The buildings would be positioned parallel to each other with building A1 occupying the northern part of the Plot and building A2 occupying the southern part of the plot. A pedestrian route would separate the buildings. The buildings would also be positioned set in from the boundary of the development site on all sides to allow for public realm and pedestrian routes around the respective buildings.
- 4.6.7 The ground floor of Plot A1 includes a main entrance that would be in the centre of the office block on the eastern elevation of the building. The entrance would overlook what is proposed to become the new public square at the heart of the wider application site within the outline phase. To the north and south of the main entrance would be commercial units that could be office space or retail / leisure spaces.
- 4.6.8 The ground floor of Plot A2 would comprise a main entrance positioned in the centre of the block on the southern elevation of the building overlooking Milton Pavements and St Johns Square to the south. To the east and west of the main entrance are commercial units that could be operated as office space or retail / leisure spaces.
- 4.6.9 The commercial ground floor uses of both buildings are designed to be able to be combine with their respective main entrances to facilitate larger entrance or public facing function such as a One Stop Shop for Wirral Council for example.
- 4.6.10 To the east of the proposed buildings would be the primary servicing route in the form of an access from Claughton Road. The access road would comprise servicing areas for deliveries, refuse collections, and fire tenders. Furthermore, all ground floor plant areas have been consolidated to the western end of buildings A1 and A2 adjacent to the service road to minimise the effect on the pedestrian areas to the new commercial square.
- 4.6.11 The proposed layout of the substation and associated parking in Plot H would be dictated by the statutory undertakers' requirements and would exist in the form of two adjoining compounds orientated along the perimeter wall of Europa Pools Car Park. However, the positioning of the Plot H in the context of the wider application site discreetly away from the

major vehicle and pedestrian throughfares the development proposals is welcomed.

- 4.6.12 The proposed layout of the outline element of the development proposals remains to be determined and would be considered at Reserved Matters stage. Notwithstanding the above, the Parameter Plans and design codes provide a degree of comfort on the appropriateness of any emerging layout for this part of the application through the adoption of strict criteria that must be adhered to, regarding location and type of uses, individual plot layouts and connectivity between neighbouring development plots and the existing surrounding built environment.
- 4.6.13 The location of a commercial district to the south of the development site on Plots A, B, C and E adjacent to and benefiting from direct links to the existing town centre and bus interchange is strongly supported in layout terms. While the development of residential development to the north of the site on Plots I and J adjacent to existing residential neighbourhood and Conway Park Railway Station would knit in nicely with the fabric of the local area. Especially, as the residential development would benefit from direct access to Europa Boulevard, which a key north to south pedestrian route through the wider application site that leads on to the town centre. Alternatively, plot G is somewhat severed from the residential use on Plots I and J by the railways and the commercial district to the south on Plots A – E by Conway Street. As such, it is considered that a different type of urban grain would be appropriate on this part of the site in layout terms, which equally lends itself to a potential multitude of uses from commercial, car park or residential.
- 4.6.14 Considering the above and subject to appropriately worded Reserved Matters and Conditions, the proposed layout of plot A and H, and the outline development plots are deemed to be well considered and would constitute the creation of a high-quality places and attractive layout in accordance with NPPF paragraphs 124 and 127.
- 4.6.15 Legibility and permeability  
The application site would be designed with a principal route along Europa Boulevard. The significance of this route would be reinforced and enhanced through the development of the currently vacant plots to its western edge (Plots, G and I). Beyond this, it would connect at its northern boundary with the proposed new 'green corridor' and along Price Street to Hamilton Square, Woodside and the riverside walk.
- 4.6.16 An axial route along Europa Boulevard would be taken through the development site to the south west connecting Europa Boulevard and Conway Street with a sequence of new public squares connecting into Milton Pavement and St Johns Square then onto Grange Road and Charing Cross. Conway Street would also be enhanced with a new crossing at the connection to Europa Boulevard.
- 4.6.17 This development proposals also provides a rare opportunity to implement an extensive area of pedestrianised public space in the heart of the town, built upon a clear movement hierarchy provides a varied offer suited to uses. Such an opportunity would be realised through ensuring that there are:
- Wide functional avenues to the primary building frontages in the commercial district and along Europa Boulevard.
  - Linear parks, accessed by meandering 'river' routes provided, with a fluctuating width, narrowing to the more intimate areas and opening up around nodal intersections and animated event spaces.
  - Functional east-west connections and transitional corridors between buildings will provide semi-enclosed passages for direct access.
- 4.6.18 Subject to the attachment of appropriately worded reserved matters and conditions that secure the delivery of enhanced north to south, and east to west connections across the town centre through the reinstatement of a more formal historic street pattern the access, combined with a series of other improvements to the permeability and legibility of the site. It is considered that the development would result a better environment for pedestrian movement.

- 4.6.19 Open space and public realm  
The submitted public realm and open space strategy follows the detailed principles set out within the Design and Access Statement and adheres to the principles of respecting the character of Birkenhead, its maritime history and the concept of the 'river' to embed a central pedestrian route through the heart of the public realm.
- 4.6.20 As previously mentioned, the proposed areas of public open space comprise 6,270sqm of amenity greenspace (consisting of areas of planting, sustainable drainage systems, lawns and tree planting) and 169sqm of provision of space for children and young people. Most of which would be for the benefit of the whole development and its proposed uses. This creates an opportunity to provide multifunctional spaces, which open opportunities for sport and physical activity and numerous other wider benefits. However, the final design of such spaces has not taken place yet. The detail around the open space provision on site would therefore be provided at reserved matters stage.
- 4.6.21 The existing Conway Street Station lacks visual appeal and any presence in the arrival space, which the proposed development seeks to address by introducing a gateway plaza and associated pedestrianised public realm to Europa Boulevard through creating a positive sense of arrival as part of the regeneration of the area.
- 4.6.22 The delivery of a series of defined public squares and spaces to provide core public realm destinations and gateways would be integral to the success of the development proposals. As such, the delivery of such provisions will be prioritised by the Local Planning Authority in the assessment of any reserve matter applications.
- 4.6.23 Frontages  
The development is designed with clear primary access points, secondary access points and servicing points in discreet locations where possible. The Parameters Plan has sought flexibility for the inclusion of publicly accessible ground floor uses at Plots A, B, C, and E for retail and leisure facilities (Use Classes A1-5, D1 and D2).
- 4.6.24 Where such uses are to be provided there would also be a requirement secured at Reserved Matters Stage to ensure that retail and leisure uses are positioned fronting the public realm and main arterial routes; and no frontages of retail and leisure uses would be provided facing service areas either.
- 4.6.25 The maximisation of active frontages (and publicly accessible uses) is considered to be best practice design principles, which would provide a high level of natural surveillance, create a greater sense of place and install vitality and viability into the area.
- 4.6.26 Access and egress  
Buildings A1 and A2 would both be serviced via a new service area directly to the west of the buildings on land between the buildings and St John Street. Access to the service yard for delivery vehicles would be from St John Street and include refuse collections and fire tenders
- 4.6.27 Access for the existing taxi rank directly to the north of the proposed buildings, on Claughton Road would have to be temporarily suspended and relocated whilst construction works take place. However, it is proposed that it would be reinstated as soon as the buildings are completed. This would be secured by way of condition.
- 4.6.28 As mentioned previously, vehicular access to the substation compound for maintenance purposes would be from St Laurence Drive, which introduces a new vehicular entrance on the east side of the carriageway. The entrance would incorporate hazard warning tactiles and drop kerbs on the pavement to ease pedestrian movement and alert visually impaired users along the street to the new arrangement
- 4.6.29 Pedestrian access to the substation would not be provided directly from St Laurence Drive into the leisure centre. This is to maintain the site boundaries between the two and deter

unwanted gatherings around the compound. There would be, however, access to the eastern compound provided from Europa Pools car park, on the southern boundary of the compound, which is considered acceptable.

#### 4.6.30 Secure By Design

Paragraph 127 of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.6.31 As part of the design process and pre-application discussions the advice of Merseyside Police was sought by WCG. A planning condition will ensure that the following measures, to ensure a safe and secure environment across the development, are delivered:

- The development is designed to Secured by Design principles.
- Security provisions are in place prior to and through the construction phase.
- New street lighting.
- Installation of CCTV, as appropriate.
- A site layout to maximise natural surveillance.
- Avoidance of blank elevations, where possible, to reduce opportunities for graffiti, inappropriate loitering and ball games.

4.6.32 Subject to the attachment of a safeguarding condition and application of the necessary secure by design principles, it is considered that the proposed development would improve surveillance in the town centre, reduce opportunities for crime and support the creation of a safe environment in accordance with Paragraph 127 and Policy HS4.

#### 4.6.33 Management

A high standard of management, maintenance, monitoring and evaluation would be essential to ensure the long-term desired functionality of the proposed development. A s106 planning obligation would be required for the submission of a coordinated Estate Management Plan, which sets out how all private areas would be managed across the site as a whole in accordance with the submitted Framework Estate management plan.

4.6.34 Through the securement of a co-ordinated Estate Management Plan via condition for the detailed element of the application and via a S106 planning obligation for the outline element, supplemented by phase-by-phase Environmental Maintenance Plans, it is considered that the proposed development would be a safe, clean attractive and high-quality development which would encourage use by locals and visitors to the borough.

#### 4.6.35 Accessibility

UDP Policy TR13 (Requirements for Disabled Access) states that the Local Planning Authority will ensure that consideration be given to the need to provide full access for disabled people to new public highways, pedestrian priority areas and to all developments to which the public would normally expect to gain access.

4.6.36 The submitted Design and Access statement confirms that the development would be designed with level thresholds and accessible for all. However, given the significant changes in level of the site and the importance of ensuring that the whole development is designed with consideration for all mobility impairments. It is considered necessary to secure an accessibility plan via condition for the detailed and outline elements of the development on a phase-by-phase basis to ensure adherence with the NPPF and UPD Policy TR13

## 4.7 **Design, Scale & Massing**

### 4.7.1 Design

Place Matters reviewed an earlier iteration of the development proposals on 7 April 2020 prior to formal submission of the development proposals to the Council.

4.7.2 The Design Review Report dated 17 April 2020 raised several issues with the proposals and in particular the over design approach. The following is an extract of the findings:

“The approach is simply too uniform, in terms of massing and scale and not distinctive enough, in whole or in part, to deliver a clear identity for the town. The proposals lack a catalyst and ‘big idea’ which is needed to form a regeneration ‘spine’ for the town. The opportunity here is vast and the generic approach of much of what you have presented is felt to be a missed opportunity to create a true sense for place based in the history of Birkenhead, whilst taking the place forward. Working with the ‘brownfield first’ approach outlined in the Local Plan, is applauded and encouraged by the Panel, but requires a much less standardised design approach”.

4.7.3 In response to the commentary of Place Matters, WGC further developed the design philosophy and included Design Codes within the planning submission to ensure that the development proposals are of a high quality and strike an appropriate balance between distinction and uniformity across the entire development site.

4.7.4 The design philosophy is to establish a collection of buildings that draw on the best heritage townscape of their Birkenhead context, but define a contemporary language for the area which is progressive and forward looking. The architecture seeks to be one of variety but within an overall context of the neighbourhood as a whole, where there is a dialogue between individual buildings rather than one of expressed difference.

4.7.5 The detailed application for the proposed office buildings would be the catalyst for the creation of a new commercial quarter, which is underpinned by high quality design and Grade A office space.

4.7.6 Building A2 would contrast Building A1 in appearance as it would be finished in glazed terracotta cladding to echo the glazed tiles on the ground floor of some of the historic buildings within and adjacent to the site. The colouring of Building A2 would be akin to that on the ground floor of The Crown and The Stork Hotel as well as toning with Conway Buildings.

4.7.7 Both buildings would have large windows arranged to give the appearance of double height glazing on the upper floors to balance the ground floor where the floor to ceiling heights are greater and the amount of glazing increased. The height of the ground floor would be greater than the upper floors because of the flexible nature of the floorspace at that level.

4.7.8 The proposals for the substation on Plot H draw upon the utilitarian nature of the surrounding landscape created by Europa Pools Car Park which would be encircled by a worn 2m high vertical bar steel fence and a red brick wall. The compound itself would be enclosed within a green palisade fence with gated access to each compound, extending to meet the existing vertical steel fence to the west side and the red brick wall adjacent to the gateway to restrict access through. The internal compound and associated palisade fence would be elevated above road level with a brick retaining wall to the perimeter, raising the infrastructure above any risk of future flooding.

4.7.9 The Design Codes which sits alongside the Parameters Plan provide guidance for the future reserved matters applications for the outline phases in order to ensure that the development site as a whole comprises several distinctive zones with complementary materiality, function and layouts. This would be achieved through the adoption of the following specific design parameters:

- brick, terracotta or natural stone materiality;
- a convention of a base, middle, top;
- a vertical emphasis within the facade design to reflect the overriding predominance of vertical emphasis within the buildings of quality within the townscape of Birkenhead;
- clear legible rhythm of windows in walls or frames will be utilised for elevation design;
- active frontages;
- 400mm deep entrances and doorways;

- Window depths of a minimum of 1 Brick (215mm).
- 4.7.10 The careful selection and detailing of the primary and secondary materials of the proposed buildings would ensure they positively contribute to the surrounding area whilst maintaining a common language. This is welcomed.
- 4.7.11 The design of service and plant locations for each of the buildings would also be sensitively considered to ensure it does not undermine the design quality of the overall scheme.
- 4.7.12 The combination of the above design approach, the Design Codes parameters and an appropriately worded sample condition regarding window, door, cladding and brickwork detailing would ensure that the outline competent is a high-quality development.
- 4.7.13 For the above reasons, it is considered that the development proposals are acceptable in design terms in accordance with the NPPF and UDP planning policies.
- 4.7.14 Scale & Massing  
The proposed buildings (A1 and A2) on Plot A would be five storeys in height (ground floor plus four upper floors). At roof level, a small plant room with a plant screen which would house the external plant associated with servicing of the buildings is also proposed.
- 4.7.15 The proposed palisade fence around the substation on plot H would be 2.5m in height with the internal brick structures approximately 4.75m high.
- 4.7.16 The scale of the block on Plot B would be 4 storeys in height with a maximum development area of 90% on the plot. The scale of the blocks on Plot C would be between 1 and 7 storeys with a maximum development area of 60% on the plot. The scale of the blocks on Plot E would be between 1 and 7 storeys with a maximum development area of 60% on the plot. The scale of the blocks on Plot G would be between 4 and 9 storeys with a maximum development area of 60% on the plot. The scale of the blocks on Plot I would be between 3 and 7 storeys with a maximum development area of 90% on the plot. The scale of the blocks on Plot J would be between 2 and 3 storeys with a maximum development area of 90% on the plot.
- 4.7.17 The combination of the above scale and massing restrictions, combined with adherence with the following key design code development parameters would ensure that the scale, massing and form of the proposed outline development would be acceptable in the local context:
- The scale of buildings on the southern end of Plot C must be subservient in scale to development on the northern end of the plot;
  - The buildings on the northern part of Plot C must be of a commensurate scale and mass to those on Plot A;
  - Plot B must not cause overshadowing issues for nearby residential properties and be of a smaller scale than Plot A1;
  - On Plot E any building located close to the junction of Europa Boulevard and Conway Street must provide a scale and mass appropriate to its prominent position - between 6 and 9 storeys in height;
  - The vista along Europa Boulevard to the south west will be terminated by Plot E4 as a bookend to this key approach;
  - On Plot G the footprint of buildings must be set back from the Listed Crown Public House;
  - Buildings on Plot G fronting Europa Boulevard must not be of a uniform scale and mass;
  - The vista along Price Street from Hamilton Square will be terminated by a taller building on the corner of Price Street and Europa Boulevard to mark the development;
  - Buildings on Plot I fronting Europa Boulevard must be of varied scale and mass;
  - Buildings on Plot J must not cause overshadowing issues for nearby residential properties and be of a smaller scale than Plot I.

- 4.7.18 Further to this, a planning condition would be attached, which requires all future Reserved Matters to be submitted with a masterplan for that phase (A-J) setting out alongside a statement of conformity, on how the design parameters of the Design Codes have been adhered to and how the associated infrastructure and public realm will be delivered in a timely fashion.
- 4.7.19 A Townscape and Visual Impact Assessment (TVIA) was also prepared and submitted as part of the outline planning application. The TVIA provided illustrations of an indicative proposed development for consideration and reaffirmed the acceptability of the development proposals in scale, heights and massing terms.

#### **4.8 Heritage**

- 4.8.1 NPPF paragraph 192 states in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.8.2 Paragraph 193 advises when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.8.3 Paragraph 194 states where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.8.4 There is one designated heritage asset within the application site boundary, the Grade II listed Crown Public house. There are also a number of statutorily listed assets that are close to the application site including the Conway Buildings (Conway Street) and the Stork Hotel (Price Street) which are both also Grade II Listed. Hamilton Square Conservation Area which contains a number of Listed buildings including the Grade II\* Town Hall is situated to the north east of the site but not directly adjacent. In total, the following heritage assets are situated close to the application site:
- 78 listed buildings, including five Grade I, five Grade II\* and 68 Grade II;
  - Three conservation areas (Hamilton Square, Clifton Park and Birkenhead Park); and
  - One Grade I registered park and garden (Birkenhead Park).
- 4.8.5 The submitted Environmental Statement states that the existing townscape setting of the Grade II listed public house is considered to cause harm to the heritage asset by virtue of the poor quality built environment, public realm, lack of quality green infrastructure and the dominant highway infrastructure. However, it is considered that although the surrounding buildings are of no particular architectural or historic merit, the expansive surrounding open space and public realm, neighbouring tree lined streets and low to medium rise buildings in the immediate vicinity ensure it is not a harmful environment or setting to the Grade II listed public house.
- 4.8.6 The proposals would result in development of significant scale being introduced within the wider townscape setting of the listed building and the EA confirmed that if no mitigation is provided as part of the development proposals there is potential for a moderate adverse impact on the Grade II Listed Crown Public House.
- 4.8.7 Even with the incorporation of mitigation measures and existing poor quality-built

environment, it is plausible that in a worst-case scenario a degree of harm may still be caused to the setting of the listed building.

- 4.8.8 For this reason, it is considered that on balance, the proposed redevelopment of the Site in the manner proposed must be deemed to potentially result in less than substantial harm to the setting of the listed building in the assessment of the application.
- 4.8.9 As a result, it is necessary to consider the acceptability of the development proposals in line with NPPF paragraph 194 and weigh the resulting harm of the development against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits of the development are wide reaching and comprise, but are not limited to the following:
- The creation of a new commercial quarter for Birkenhead;
  - Investment in the local economy;
  - Creation of a new sustainable residential neighbourhood (up to 651 dwellings);
  - Improved connectivity, placemaking and open spaces;
  - Climate change and sustainability measures
- 4.8.10 Regarding heritage considerations only in a planning balance assessment, it is considered that the public benefits that the development would bring would outweigh any less than substantial harm that the development causes to the setting of Grade II listed building. While the scope for improvement to the surrounding immediate townscape, through new landscaping provisions and the delivery of a high-quality development would constitute a heritage benefit to a degree as well.
- 4.8.11 Due to the scale and design quality of the proposed development and its separation distances from other historical assets and designations, the development would not harm the setting of the other 78 listed buildings, including five Grade I, five Grade II\* and 68 Grade II within the wider vicinity or the Hamilton Square, Clifton Park and Birkenhead Park Conservation Areas either.
- 4.8.12 For these reasons, it is considered that the development would be acceptable in heritage terms in accordance with NPPF paragraphs 192, 193 and 194, and UDP policies CHO1, CH1, CH2 and CH5.
- 4.8.13 Archaeology  
NPPF Paragraph 199 states Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 4.8.14 UDP Policy CH25 (Development Affecting Non-Scheduled Remains) states in assessing development proposals liable to affect areas known or suspected to contain important un-scheduled archaeological remains, the Local Planning Authority will in particular consider: i) the potential importance of the archaeological interest of the site, in terms of the rarity, condition and estimated age of the remains; and ii) whether it is desirable or practical, owing to the fragility or importance of the remains, to preserve those remains in-situ. In order to satisfy these requirements, the Local Planning Authority will require applicants to provide a desk-based evaluation of existing information related to the archaeological interest of the site.
- 4.8.15 MEAS advised in agreement with Chapter 8: Cultural Heritage, ES (August 2020) that the site has been comprehensively developed from the 19th century onwards and by the mid-20th century, it was densely developed, with terrace housing built around a grid of thoroughfares and residential streets and there are five heritage assets are recorded on the Merseyside HER within the application site. Of these one is statutory designated and four are non-designated:

- MME14463 The Grade II Listed Crown Public House, Conway Street, Birkenhead, purpose-built in the later 19th century;
- MME18208 Wirral Railway Park Branch, opened in 1888;
- MME10322 Former site of St Andrew's Presbyterian Church, Conway Street, Birkenhead, built in 1842;
- MME18225 Birkenhead Dock Branch Railway, opened in 1847; and
- MME2237 A flint fragment apparently found at Woodside, Birkenhead.

- 4.8.16 Further to the above, the application site holds historic interest through its links to William Laird (Ship builder) who appointed an architect to lay out a grid of street patterns along which workers housing was constructed.
- 4.8.17 Mitigation measures in the form of a programme of archaeological investigation and recording to be undertaken prior to / or during construction works to mitigate the effect on archaeological remains are advised by MEAS, which would be secured by way of condition. The Programme of Archaeological Works should be described in a Written Scheme of Investigation (WSI) produced by an appropriately qualified and experienced archaeologist. The WSI should contain a detailed programme of works that includes a specification of the methods to be used and be of sufficient detail so that the methodology can be properly assessed by the Local Planning Authority. At Wirral Council's request, MEAS would also continue to liaise with the applicant's archaeological contractor, to ensure that all aspects of the proposed archaeological investigation are implemented in accordance with the appropriate professional standards.
- 4.8.18 The adoption of such conditions would ensure that the development accords with the guidance set out in Paragraph 199, Section 16, Conserving and Enhancing the Historic Environment, of the National Planning Policy Framework (Ministry of Housing, Communities & Local Government: 2019), Managing Significance in Decision Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015) and Unitary Development Plan for Wirral Policy CH25 (Wirral Council: 2000).

#### **4.9 Social Infrastructure**

- 4.9.1 NPPF Paragraph 91 states planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;
  - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and
  - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
- NPPF paragraph 92 and policy UDP RE10 (Criteria for Community Centres and Facilities) have also been taken into account.
- 4.9.2 The proposed development would result in the loss of the cinema and the bingo hall on the site. Although both uses are under private ownership, it is considered that these uses constitute existing cultural and community infrastructure within the application site, which promote social interaction, provide genuine community benefit and form part of the social fabric of the Birkenhead Town Centre.
- 4.9.3 To mitigate the loss of the social infrastructure, the development proposals comprise the potential to deliver replacement D1 (public services) and D2 (Entertainment and Leisure) floor space on Plots A, C and E. Such uses are considered acceptable on the application site and would be welcomed in accordance with NPPF paragraphs 91 and 92, and UDP Policy RE10.
- 4.9.4 However, it must be acknowledged that as the proposed D1 and D2 uses form part of either a flexible use class provision or fall under the outline component of the application,

as it stands there is no guarantee that the referenced replacement social infrastructure in the form of a replacement cinema or any other type of community use would be re-provided on the site.

- 4.9.5 For these reasons, the loss of the cinema and the bingo hall is a material consideration in the assessment of this planning application, which must be weighed against the wider public benefits of the scheme on balance.
- 4.9.6 Education  
In Wirral there needs to be as far as possible, a place available at the catchment school for the residential address. Parents may however choose to travel further afield or to send their child to a faith school.
- 4.9.7 The data confirms that within 1km desirable walking distance there is a surplus of 78 school places which is forecast to increase to a surplus of 111 places by 2026. Considering the capacity of schools within 2km walking distance, there is a surplus of 199 places, increasing to 309 places by 2026. However only 2 schools within 2km walking distance are community schools and both have limited spare capacity. Extant planning permissions have also been taken into account as committed development.
- 4.9.8 For the above reasons, it is considered that one additional primary classroom is required in response to the current and forecast capacity that would arise from the development, which is 51 places. The cost of delivering the additional primary school place of £275,000 would be secured by a financial contribution from the developer under a S106 obligation.
- 4.9.9 No additional classrooms are required for secondary schools as a result of the proposed development.
- 4.9.10 Health  
The submitted Social Impact Assessment comprised analysis of existing GP provision within the local catchment area. The analysis identified that there are currently 5,281 available places in the four existing GP Practices within the Study Area.
- 4.9.11 The number of available places exceeds the new demand created by the Development whether the minimum or maximum number of units is provided (need for 355 and 1,393 places). On this basis, it is considered that the existing GP provision is sufficient to meet the needs arising from the Development and no further healthcare provision will be required.
- 4.9.12 Sports, Recreation and Leisure  
UDP policy REC1 (Principles For Sport And Recreation) and UDP policy RE1 (Criteria for Urban Recreation Facilities) have been taken into account in this section.
- 4.9.13 Sport England advised that following a review of the Built Facilities Strategy, it is evidential that there is some capacity to accommodate the additional demand for indoor sports. Whilst the proposed development also aligns with Sport England's recently launched new Strategy for 'Uniting the Movement', which is much more focused on physical activity and creating Active Environments.
- 4.9.14 Subject to the securement of £100,000 contribution to be used for the upgrade of drainage to Conway playing fields in Birkenhead, which are underutilised pitches due to flooding that need improvement works, in addition to the £100,000 contribution towards enhancement of open space and children's play facilities, Sport England raises no objection to the development proposals.
- 4.9.15 Sport England also welcomed that the applicant has provided information on how some of the Active Design principles have been incorporated into the design of the development proposals at this early stage, and how the final design would include the remaining principles at Reserved Matters stage.

4.9.16 Subject to the attachment of planning obligations to secure the two separate £100,000 financial contributions, it is considered that the development would comply with UDP policies REC1 and RE1.

#### **4.10 Highways & Transport**

4.10.1 The following UDP policies were taken into account in this section:

- UDP strategic policy TRT1 (Provision For Public Transport);
- UDP Strategic policy TRT2 (Safeguarding Land For Highway Schemes);
- UDP strategic policy TRT3 (Transport And The Environment);
- UDP policy TR9 (Requirements for Off-Street Parking);
- UDP policy TR10 (Cycle Routes Proposal);
- UDP policy TR11 Provision for Cyclists in Highway and Development Schemes;
- UDP Policy TR12 (Requirements for Cycle Parking).

#### 4.10.2 Accessibility

An assessment of the walking, cycling and public transport facilities within Birkenhead town centre which covers the whole development site including both the detail and outline application areas was included with the submitted Transport Assessment and it was found to be acceptable by Wirral Highway officers. The following is an overview of the findings of the TA and general accessibility to the site.

4.10.3 Primary traffic flows are contained to Conway Street and Price Street, with potential to reduce Conway Street to single lane two-way movement under a civilised streets scheme. Proposals restrict low levels of traffic on Europa Boulevard to one side of the street, maintaining two-way access to allow for increased areas of pedestrianised public realm.

4.10.4 Conway Street Bus Station forms an essential centrally situated transport hub, due to benefit from an improved arrival plaza and reconfigured bus stops onto Conway Street, to remove traffic from the connection into Claughton Road to the south.

4.10.5 Birkenhead bus station is located at the heart of the development site, providing 11 separate stands and passenger facilities including real time service information and indoor seating areas. Bus services which use this hub provide comprehensive connections across Wirral, with direct routes available to suburbs including Wallasey, Tranmere, Claughton and Rock Ferry, as well as other notable destinations like Liverpool.

4.10.6 The position of the bus station within the site ensures that it is highly accessible by bus and meets the IHT guidelines. Furthermore, improvements to the bus station are proposed as part of a future phase of development at the application site. In principle these works could include the relocation of stands 8, 9 and 10 to a saw tooth arrangement on Conway Street. These works will allow the closure of the Conway Street access that serves these stands and the removal of all bus services from the section of Claughton Road up to Hemingford Street. This section of Claughton Road would then be realigned to facilitate delivery of future phases of the masterplan. These amendments should also assist helping operations at the bus station which is currently known to suffer with congestion.

4.10.7 As well as Birkenhead Bus Station being within the application site, Conway Park Railway Station is located on Europa Boulevard, directly adjoining the northern part of the site between Plots I, J and G. The station can be safely reached from all parts of the development site via the existing good pedestrian footway provision.

4.10.8 Pedestrian movements in the vicinity of the site can be made safely because 3-metre wide footways are provided along Conway Street and Europa Boulevard with 2-metre wide footways provided along Price Street, Claughton Road, and the majority of other streets within the town centre. Signalised pedestrian crossing facilities are also provided at all key junctions. These crossings include tactile paving and dropped kerbs to assist people with varying levels and types of disability, including visual impairment. This prevents the roads within the town centre from becoming a significant barrier to movement for pedestrians. That said, pedestrian legibility within the town centre is presently limited (particularly east to

west) because it does not have easily identifiable pedestrian routes. This is because in certain locations the street network can feel dominated by vehicular traffic and in the centre of the site Birkenhead Market Hall cuts off pedestrian routes. This identified deficiency in the site's accessibility by pedestrians is sought to be remedied by the proposed development.

- 4.10.9 Cycle storage provision has been included within the detail application in accordance with the Council's TR12 policy for cycle parking requirements and the location is considered accessible by bicycle. The development provides satisfactory links to the existing cycle infrastructure which is also to be enhanced within the proposals.
- 4.10.10 The Design Code illustrates how a comprehensive network of existing and new pedestrian routes can be delivered through the development site and each of the development Plots. Considering how the redevelopment of land within the adopted highway or over where permissive access rights exist, the development would deliver a better system of public access across the site. For completeness, adoption plans, public routes, private rights of way plans will be attached to the S106.
- 4.10.11 For the above reasons, the detailed element of the application is considered to respond to the sustainable modes of transport satisfactorily, however further details on cycle provision would be required for each of the subsequent Reserve Matter applications in due course and appropriate cycle conditions attached to any subsequent permissions.
- 4.10.12 Travel Plans  
Residential and employee Travel Plans, which form the basis for a long-term strategy for reducing dependence on travel by private car were submitted as part of the development proposals. The objectives of the Travel Plans in respect to transport are to:
- Reduce reliance on single occupancy car journeys;
  - Promote alternative modes of travel to the car;
  - Advocate means of travel that are beneficial to the health of those living within Birkenhead town centre or visiting the site;
  - Minimise car travel in the area surrounding the site, cutting down on associated costs (environmental, financial, health, etc.); and
  - Contain car parking demand.
- 4.10.13 In addition, a number of benefits to the local community can be achieved through encouraging the use of sustainable transport. These include:
- Improved air quality and less noise, dirt and fumes;
  - Walking and cycling can provide daily exercise and thus improve/maintain health; and
  - Increasing the modal shift from private motor vehicle to sustainable modes of transport can help reduce congestion on the local and national road network.
- 4.10.14 Given that the development proposals relate to the regeneration of the town centre, it is considered that there is a real opportunity to positively promote the use of sustainable modes of travel, thereby assisting with local parking demand and network operations, whilst contributing to the overall ambitions of the area to reduce single occupant car journeys for the benefit of the wider region.
- 4.10.15 The submitted travel plans have been assessed by Wirral's Transport division and it is advised that the local authority should secure the Framework Travel Plan, targets, travel plan coordinator and monitoring via a S106. This will ensure a coordinated approach to sustainable travel across the site.
- 4.10.16 Further to this, a S106 clause would also be required, which ensures that prior to any subsequent first occupation of a plot, a Full Travel Plan relating to that plot in accordance with the principles of the approved Framework Travel Plans for the entire site must be approved by the Council.

#### 4.10.17 Traffic Impact & Assessment

The scope of the assessment had previously been agreed with the Local Highway Authority. The use of the strategic Wirral Highways Model has also been approved to assess the impact generated by the development proposals. The transport impact assessment considers the proposed development and trips associated with other agreed committed development, which had already received planning permission and were expected to be built out.

4.10.18 On review of the finding of the transport assessment, Wirral's Highway Officers confirmed that the proposed detail application (Plot A development) would result in no material changes in traffic flow across the surrounding highway network. The development would not result in a material change in the operational performance of any of the surrounding junctions either, with all considered junctions forecast to operate with volume-to-capacity values of less than 50%.

4.10.19 In regard, to the outline proposal the highway assessment demonstrated that the adopted SATURN modelling analysis confirmed that the development as a whole, would not have a strategic level impact across the Birkenhead town centre highway network.

#### 4.10.20 Parking

A car parking survey confirmed that there were 2,221 car parking spaces in the town centre. The development proposals seeks to remove the following car parking spaces to facilitate the redevelopment of the application site:

- Oliver Street – 43 spaces, removed as part of detailed application;
- Partial removal of Europa Pools – 52 spaces, removed as part of detailed application;
- Price Street – 500 paces, removed as part of the outline application; and
- Europa Square – 152 spaces, removed as part of the outline application.

4.10.21 The detailed element of the planning application specifically would result in the removal of 95 public car parking spaces from the town centre and no new public car parking stock (with the exception of 16 spaces for mobility impaired users).

4.10.22 The creation of the substation compound (Plot H) necessitates the removal of a number of parking bays and requires the re-alignment of the internal access road of the Europa Pools car park to accommodate the relocated coach parking. The coach parking which is currently located where the substation is proposed is very well used, hence, why the development proposes to replace it on a like for like basis to the east of the substation.

4.10.23 Based on car parking studies, overall car parking provision would not be adversely impacted by the changes because during the week the car park is currently under capacity by a significant margin. Based upon the finding of TA and in particular a review of the car parking demand (typically 272 spaces in a weekday afternoon) in the Town Centre, Wirral's Highway officers confirmed that the loss of the car parking provision in the detailed element is acceptable.

4.10.24 Although car parking matters for the outline components would be determined at Reserved Matters stage, for completeness an analysis of the parking demand of the entire development proposal was included within the Transport Assessment. This included the removal of a total of 747 public car parking spaces from Birkenhead town centre, which would reduce the parking supply to 1,474 spaces from the existing provision of 2,221.

4.10.25 To mitigate this, the outline proposals include the potential introduction of up to 590 new car parking spaces on Plot G. This would result in a total public car parking supply of 2,064 spaces. However, as there is no guarantee on what quantum of car parking would be provided there is a risk that there could be too little car parking for all the proposed uses and the wider town centre. As such, it is essential that a planning condition is set which requires further car parking assessments to be undertaken and submitted for approval to the Local Planning Authority prior to the commencement of development on each plot. The assessments must demonstrate that the development proposals would retain an

appropriate level of car parking for the entire development and the surrounding area. This includes provisions to ensure that the Plot G multi-storey car park is development and made available for use in accordance with a satisfactory timescale to ensure that parking provision remains at an acceptable level.

#### 4.10.26 Highway Improvements

The application includes a number of highway interventions which are considered necessary to accommodate the development proposals. These have been submitted within the TA and are agreed to in principle by Wirral's Highway officers. They include, but are not limited to following:

- The provision of junction works at Hemingford Street / Claughton Road roundabout to enable swept paths of servicing vehicles.
- The provision of new footways surrounding the detail application development site including dropped kerbs and tactile paving at all surrounding junctions.
- The necessary amendments to the Europa Pools car park to accommodate the sub-station including the provision of 4 new/relocated coach parking bays and kerb realignments.
- The provision of 8 accessible parking spaces and 4 EV charging points adjacent to the development.
- The provision of limited waiting loading bays/service bays adjacent to the development.
- Any necessary works to renew the existing street lighting and any highway drainage requirements to accommodate the highway works.
- The provision of way finder signage and fingerpost/direction signs appropriate to the development application site.
- Any necessary amendments or required new traffic regulation orders to accommodate the application proposals.
- The stopping up of any adopted highway necessary to accommodate the development proposals.
- The provision of a segregated pedestrian and cycle signal controlled crossing on Conway Street.
- Pedestrian and cycle links to the future Green Corridor (Dock Branch Park) which will link Birkenhead town centre with Wirral Waters;
- The closure of the Bus station access to Claughton Road from within the Bus station and the closure of the Bus Only access from Conway Street to Claughton Road and the reinstatement to footway;
- The decommissioning of the existing pedestrian crossings at the Bus station access on to Claughton Road and the provision of a tabletop zebra crossing to Claughton Road to provide a pedestrian and cycle link between plots A1 and C1 across Claughton Road between plots E2 and E3;
- The provision of up to 3 bus stops on Conway Street.

Full details will be required for all of the above elements, including a programme for implementation and secured by a suitably worded condition.

#### 4.10.27 Following a detailed assessment of the results of the TA, which captures a worse-case scenario, Wirral's Highways Officers concluded that the development would be acceptable in highway terms, subject to the attachment of the following S106 obligations and conditions regarding:

- Highway improvements;
- Discharge of surface water;
- Parking and Service area layouts;
- Construction Management;
- Construction & Phasing;
- Written specifications and plans;
- Car parking surveys;
- Car parking provisions;
- Cycle parking and hubs;

- Access;
- Servicing Strategy;
- Waste Storage;
- Signage details;
- Transport Phases

- 4.10.28 Stopping up of certain routes will be required and will be secured through a condition. In addition, continued access and public rights of way across areas of private land will be secured within the S106 Agreement.
- 4.10.29 Servicing  
The Joint Waste Local Plan for Merseyside Policy WM9 (Sustainable Waste Management Design and Layout for New Development) sets out that the design and layout of new developments must, where relevant, provide measures as part of their design to address: the facilitation of collection and storage of waste; provide sufficient access to enable waste and recyclable materials to be collected and transported; accommodation of home composting in dwellings with individual gardens; and facilitate small scale, low carbon combined heat and power in major new employment and residential schemes where appropriate.
- 4.10.30 A new service route would be incorporated within the Commercial District, realigning Claughton Road and minimising vehicular movement through the space and introducing a turning circle to the end of the existing horseshoe loop to the current market place. Service and refuse access to each plot would be located to the rear face of the buildings, keeping functional actions out of key pedestrian zones. Mobile Elevating Work Platform (MEWP) access for building maintenance would be provided within suitable access route widths around the perimeter of all buildings to address the façades.
- 4.10.31 Commercial bin stores would also be contained within the main building. In cases where this is not possible, secure and appropriately designed structures would be provided and sited with convenient access for refuse collection services. To promote recycling, bins would also be arranged to enable separation of glass, plastics, paper, cardboard, metals, garden and general waste.
- 4.10.32 The Wirral's Highway officer's and MEAS confirmed that the servicing requirements of the detail planning application (plot A and plot H) have been satisfactorily addressed within the TA with the provision of appropriate swept paths demonstrating safe turning provisions and visibility sightlines.
- 4.10.33 Having said that, servicing strategies would still be required for both the detail and outline applications through planning conditions. This would ensure that all servicing and waste storage and collection would be conducted and carried out in accordance with any approved and agreed strategies for the town centre, so as to maintain highway safety and compliance with any traffic regulation orders such as loading restrictions.
- 4.10.34 Furthermore, any servicing which would be in conflict with the proposed closure of the Bus Station access would be considered as part of these strategies. This would allow for appropriate alternative measures to be put in place, prior to any construction or demolition works which will have an impact on the current servicing arrangements to the Market and Commercial units, which use this section of Claughton Road for access.
- 4.10.35 The servicing associated with the current Birkenhead Market has been extensively assessed together with the requirement for the Pyramids Shopping Centre and the TA assessment results are also considered acceptable. As part of the servicing requirements, it would be necessary to amend the existing Hemingford Street / Claughton Road roundabout to better accommodate service vehicles. Swept paths have been provided of these movements which are also considered satisfactory. The amendments to the roundabout would form part of a s278 highway agreement between the developer and Wirral Council and be required to be in place prior to the first opening of the office blocks within the detailed application.

- 4.10.36 Subject to the secure of a phase by phase servicing and waste management strategies, it is considered that the development proposals would comply with the Joint Waste Local Plan for Merseyside Policy WM9 (Sustainable Waste Management Design and Layout for New Development).
- 4.10.37 Waste management (Construction)  
The Joint Waste Local Plan for Merseyside policy WM8 (Waste Prevention and Resource Management) states that any development involving demolition and/or construction must implement measures to achieve the efficient use of resources, taking particular account of construction and demolition methods that minimise waste production and encourage the re-use and recycling of materials, designing out waste by using design principles and construction methods that prevent and minimise the use of resources and the use of waste audits or site waste management plans (SWMP) where applicable to monitor waste minimisations, recycling and disposal.
- 4.10.38 Careful consideration would be given to a range of construction methods to reduce waste through the construction process, including maximisation of pre-fabricated building structures and standardisation of unit specification within building. An integrated waste management strategy would be developed for the operational phase of development which will follow the principles of the waste hierarchy, namely avoid - re-use – recycle – waste-to-energy – disposal.
- 4.10.39 MEAS advised that the proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.
- 4.10.40 In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this would be achieved would therefore be secured by way of condition.
- 4.11 Impact on Neighbouring Residents**
- 4.11.1 UDP Policy SH1 (Criteria for Development in Key Town Centres) requires development to not result in a loss of amenity for neighbouring uses. Policy TL2 supports proposals for new visitor facilities and other related uses within the urban area subject to residential amenity. Policy EM6 (General Criteria for New Employment Development Applications) would only be supported where the proposal does not lead to an unacceptable loss of amenity and have an adverse effect on the operations of neighbouring uses or compromise the future development of land in the vicinity for employment or other uses.
- 4.11.2 UDP Policy states for all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.
- 4.11.3 The Designing for Self Contained Flats and Conversions SPD states Development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property. Unless it can be demonstrated that privacy would not be unduly affected, habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three storey development adjacent to two storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

- 4.11.4 When assessing the potential impact from noise and disturbance on residential amenity, the SPD also says all proposed uses with Use Classes A3, A4 and A5 should be at least 40m away from the main elevation of a dwelling house or a building used solely for self-contained flats, when measured along the public highway.
- 4.11.5 A significant part of the application site is located within Birkenhead town centre and the immediate area largely comprises business and commercial uses. There are, however, residential properties located north of Plot B on Claughton Road, to the west of Plot E on Elm Street and to the west of Plot J on Birchwood Close, Birchwood Avenue and Price Street. There is potential for these properties to be impacted upon by the outline components of the development in terms of sunlight, daylight, outlook and loss of privacy.
- 4.11.6 Plot A would be situated circa 30m away to the south east of the south facing residential properties of Claughton Road. However, as a result of the positioning of the proposed office blocks (A1 and A2) on the eastern parcel of the land, maximum heights of 5 storeys, overall separation distances and the orientation to facing habitable room windows of Claughton Road. It is concluded that the office blocks on Plot A would have a minimal impact on the living conditions of the neighbouring residential properties.
- 4.11.7 Plot H alternatively is situated due south of the residential units of Birchwood Close. However, due to the orientation of the residential units of the neighbouring residential area away from Plot H, combined with the limited height of the plant equipment proposed on the Plot. Again, it is considered that the proposals on Plot H would not result in any material impact on the residential amenity of neighbouring properties.
- 4.11.8 For these reasons, it is considered that the detailed planning application is acceptable in terms of residential amenity impacts.
- 4.11.9 Conversely, the development proposals of the outline component could potentially have an impact on neighbouring residential amenity and the living conditions of neighbouring residential properties. In particular, the development proposals on Plots B, E, J should they be built out to their full extent of the design parameters permissible.
- 4.11.10 The scope for demonstrable harm to neighbouring residential properties in relation to overshadowing, loss of privacy, loss of outlook or loss of access to sunlight and daylight as a result of the development proposal could arise without the necessary design controls in place. As such, in addition to the submitted design codes, a condition would be attached requiring the submission of plot by plot masterplans, which must comprise sunlight and daylight analysis to determine the potential impacts on neighbouring residential properties and the residential quality afforded to future residential properties on the site. This analysis would also consider cumulative impacts.
- 4.11.11 In addition to the potential impacts of the development on the existing neighbouring residential units, consideration would also be given to the impact of each phase of the development upon the proposed residential dwellings on Plots G, I and J at Reserve Matters Stage. This would be to ensure that the occupants of the proposed residential units on the site also benefit from an appropriate level of living conditions.
- 4.11.12 The Environmental Health Department have advised that the development would not result in any undue noise and disturbance to residential amenity. Please see the Noise section of the report for further information.
- 4.11.13 Subject to appropriately worded conditions, careful design development at Reserve Matters Stage and the submission of sunlight and daylight analysis on a phase-by-phase basis for the outline competent, it is considered that the development proposals would safeguard the living conditions of existing neighbouring residents and the future residents on the site in accordance with UPD Policy SH1, TL2, EMP6 and The Designing for Self-Contained Flats and Conversions SPD.

#### **4.12 Biodiversity**

- 4.12.1 NPPF Paragraph 170 states planning policies and decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 4.12.2 UPD Policy NC7 (Species Protection) states 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.
- 4.12.3 WGC advised that the bio-diversity net gain calculation was not undertaken as it is not yet part of planning policy for Wirral. However, extensive work has been carried out to establish the proposal's impact on the natural environment and there is a commitment to improving the landscaping which would include native species and create new habitats where possible.
- 4.12.4 MEAS advised that the applicant should be made aware that the once the Environment Bill is enacted into law there will be a legal requirement to provide net gain for biodiversity. Depending on timescales this development may be required to provide biodiversity net gain.
- 4.12.5 Considering the above, a planning condition requiring the undertaking of a baseline biodiversity assessment prior to the commencement of development would be attached to any planning permission. Such measures would allow for a Biodiversity Net Gain calculation to be made and submitted to the Council on a phase-by-phase basis as part of the Reserve Matters Stage. The applicant has agreed to a minimum 10% Biodiversity Net Gain across the lifetime of the development and this is reflected in the attached condition.
- 4.12.6 Habitat Regulations  
Natural England advise that the application site is within 700m of the Liverpool Bay Special Protection Area (SPA) and 1.4km Mersey Narrows and North Wirral Foreshore and Ramsar and Mersey Narrows Site of Special Scientific Interest (SSSI).
- 4.12.7 Potential concerns regarding the potential impacts upon the Mersey Narrows SSSI coincide with their concerns regarding the potential impacts upon the international designated sites.
- 4.12.8 A financial contribution to supporting the provision of park rangers through a commuted sum of £81,000 would be secured to by S106 obligation. This would mitigate recreational pressure on the coast and increase recreational use of sensitive areas in the Wirral Peninsula.
- 4.12.9 Natural England confirmed that an appropriate assessment of the proposal has been undertaken in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). While any advice provided by Natural England as a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process must also be accorded to.
- 4.12.10 Natural England advised that they concur with the HRA conclusions, providing that all mitigation measures are appropriately secured in any planning permission to lessen the impacts on the Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites and the Dee Estuary SAC created by the new dwellings in accordance with NPPF. These measures include:
- A Homeowner information pack for new residents advising of the impact they could

- have on protected areas and advising of alternative areas for recreation and leisure;
    - Contribution to the Wirral Council managed ranger service to provide wardening and education advice to visitors accessing coastal sites on the Wirral Coast.
- 4.12.11 Subject to the securing of the above via S106, it is concluded that any increased recreational pressure as a result of the development would be mitigated in accordance with Policy NC7 of the UDP and paragraphs 170 and 175 of the NPPF.
- 4.12.12 Other ecological considerations  
MEAS advised that the proposed scheme does not impact any of the ecological issues on site or the HRA. The design code details the incorporation of a biodiversity and green and blue infrastructure into the development such as linear parks, extensive tree planting, incorporation of nature-based SUDS and a commitment to Biodiversity Net Gain (10%). This is all welcomed and will significantly improve the current biodiversity value of the Town Centre.
- 4.12.13 MEAS also confirmed the bat scoping report categorises the buildings on site as having either negligible or very low bat roost potential. This was confirmed by the Bat back tracking survey, which recorded very low levels of bat activity and no bat roosts. The Council therefore does not need to consider the proposals against the three tests (Habitats Regulations). Nevertheless, MEAS advised that details of bat boxes to be erected on the site and bird nesting opportunities on a phase-by-phase basis should be secured by planning condition.
- 4.12.14 A planning condition preventing tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance between 1 March to 31 August inclusive will also be attached to any decision in the interest of biodiversity.
- 4.12.15 Cotoneaster species are also present within the site boundary. Some cotoneaster species are listed on Schedule 9 of the Wildlife and Countryside and national Planning Policy Guidance applies. A condition would therefore be attached requiring a method statement, prepared by a competent person, which confirms how Cotoneaster Plant will be prevented from spreading further and disposed of after treatment and removal.
- 4.12.16 Subject to the attachment of above conditions, it is considered that the proposed scheme would not have an adverse impact upon biodiversity or wildlife species, while there is the potential for net-gain overall across the site (depending on final designs at reserved matters stage). The development is therefore considered acceptable in accordance with NPPF paragraphs 170, 175, 177 and UDP Policy NC7.
- 4.12.17 Landscape  
Policy LAN1 (Principles For Landscape) states in considering proposals for development, the local planning authority will have regard to the visual impact upon the local and wider landscape. UDP Policy GR5 (Landscaping and New Development) states in order to secure the protection and enhancement of visual amenity the Local Planning Authority will require applicants to submit full landscaping proposals before full planning permission is granted. Layouts that would leave landscaped areas which are not easily supervised or which would prejudice the supervision of other sensitive areas of the site will be resisted. Planning permission will be subject to conditions relating to the protection of existing features specified for retention, the timing and aftercare of new planting including provision for the replacement of stolen, damaged, diseased or dead plants or trees throughout the period until newly planted stock is established and capable of normal unaided growth.
- 4.12.18 The proposed hard and soft landscaping around buildings A1 and A2 are designed to incorporate a 'deconstructed grid' pattern of paving and planting throughout and fit in with the overall vision for the application site as a whole. This would create a comfortable, coherent, welcoming and accessible environment around the buildings, which relates back to its wider context.
- 4.12.19 A wide functional avenue is proposed to the east of the buildings to offer generous

circulation space on the primary route through the site. To the south the route would be more functional and transitional in nature providing semi-enclosed passage for direct access between buildings. Between the buildings A1 and A2 a line of trees will be planted within SuDs Tree pits to add interest and separation between the two parts of Plot A. To the west within the service area would be a rain garden that is incorporated to soften the appearance of the service yard whilst also providing a sustainable drainage solution.

- 4.12.20 The setting back of the proposed substation by around 6.5m from St Lawrence Drive allows vegetative screening and a gravel perimeter maintenance footpath to be incorporated. Two carefully positioned trees with elevated canopies would be positioned on the western aspect of the compound to shield a large part of the infrastructure from the residential properties' opposite. A hedge that would retain leaves throughout the year would be maintained at a 1.5m height to the rear of the planting bed to conceal the substation from view for people passing on the street. A visibility gap between the top of hedge and the underside of the tree canopy would be maintained to draw attention away from the substation elevation but allow for natural surveillance at all times to this western frontage, discouraging the gravel passage from becoming an unattractive gathering point for antisocial behaviour.
- 4.12.21 Low maintenance, evergreen, robust shrub planting is proposed to supplement the structure of the hedging and tree planting, softening the interface with the compound to the east and west year-round and providing seasonal interest. The existing mown lawn areas the peripheries of the Europa Pools car park would be extended around the east side to the front of the shrub planting and infill the northern aspect between the wall and the gravel path, where the existing footway is to be removed. The lawn would present a greener context to the substation and integrate the re-configuration sensitively with the surrounding landscape. Planting heights to the sensitive frontages are to be kept low for security purposes and maintain clear surveillance over the area from the car park.
- 4.12.22 Further to this, it is considered that prior to the occupation of each phase detailed landscaping plans must be submitted for the outline components. This is to ensure that the built environment of the outline component is at least the same or better in quality than that proposed on plot A and H. The application of appropriately worded Reserved Matters and conditions would ensure all future phases brought are coherent with one another, so upon completion of the entire development site, it does not read as piecemeal development.
- 4.12.23 The proposed landscaping approach is comprehensive and well thought out. Subject to appropriate condition and Reserved Matters wording, it is concluded that the development proposals would accord with UDP policies LAN1 and GR5.
- 4.12.24 Trees  
UDP Policy GR7 (Trees and New Development) and the The Wirral's Tree, Hedgerow and Woodland Strategy 2020 – 2030 have been taken into account in the assessment.
- 4.12.25 An Arboricultural Survey and Arboricultural Report have been submitted for consideration as part of the development proposals. The tree survey revealed a total of 9 individual trees and 27 groups of trees within the site. Of those, 13 groups were identified as Category A, 2 trees and 14 groups were identified as Category B, 5 trees were identified as Category C and 2 trees identified as Category U. None of the trees within the Site are subject to TPO's.
- 4.12.26 The trees that are located within the site are situated at Plot B adjacent to the B&M store, at Plot F where Birkenhead Bus Station is located, and within the surface car park at Plot E, in addition to the row of trees along Europa Boulevard towards the northern part of the Site.
- 4.12.27 The survey has recommended the removal of T2, T14, T22, T23 and T32. Although the existing trees at Europa Square Car Park would be removed as part of the outline element of the proposed development, the scheme would include the provision of replacement trees and additional landscaping as previously discussed to mitigate their loss.

- 4.12.28 A detailed landscape plan has been submitted for Plot A sets out the location of the new trees. While detailed landscaping plans provided for subsequent phases of development as part of the reserved matters applications would confirm the exact location of other new trees to be planted.
- 4.12.29 The Wirral's Tree, Hedgerow and Woodland Strategy 2020 – 2030 advocates the replacement planting of appropriately sized trees to ensure that the Council achieves its tree canopy cover target by 2050. A planning condition will therefore be attached to ensure that the development as a whole results in a net rise in tree canopy cover.
- 4.12.30 MEAS welcome the tree planting, hedging and other planted areas proposed. Planting which includes berry and nut bearing species as well as nectar rich landscaping is also welcomed. Subject to achieving an uplift in tree canopy cover overall across the development, the removal and replacement of trees on the site is considered acceptable in accordance with GR7 of the UDP and paragraph 170 of the NPPF.

#### **4.13 Sustainability**

- 4.13.1 NPPF Paragraph 150 states new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.
- 4.13.2 NPPF Paragraph 153 advises that in determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 4.13.3 Paragraph 154 states that when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 4.13.4 UDP Strategic Policy REN1 (Principles for Renewable Energy) states renewable energy proposals will be assessed with regard to their siting and design, environmental impact, and impact on the amenity of neighbouring uses, subject to the other policies of the plan.
- 4.13.5 Wirral Council declared an Environment and Climate Emergency in July 2019. In response to the Climate Emergency declaration in July 2019, the Council is developing a Climate Emergency Action Plan which will set out the long-term direction to address climate pollution and become carbon neutral by 2050. The Cool Climate Change Strategy was first established in 2014 by the Cool Wirral Partnership which is a group of statutory, charitable and voluntary organisations and endorsed by the Council with a commitment to tackling climate change. The Cool Climate Change Strategy 2014-19 document was developed by the Cool Wirral Partnership with two main goals:
- To substantially cut climate pollution associated with the Wirral; and
  - To adapt Wirral to unavoidable climate change
- 4.13.6 The Cool Wirral Partnership have been preparing a new climate strategy called 'Cool 2' which will set out a response to the Climate Emergency declaration and will replace the

existing Strategy (2014-2019). Cool 2 is not part of the development plan and is not a fixed action plan. However, it is a strategy that provides a guide for local decisions. Cool 2 Strategy was approved by the Cool Wirral Partnership in December 2019.

- 4.13.7 In terms of energy usage, the proposed new buildings should be designed for extreme low energy 'zero carbon' use, whereby the design is to be of much higher standards and make use of: natural light; passive heating and cooling and enhanced insulation and air tightness with controlled ventilation; reduced energy waste; and adopting the most energy efficient plant, processes, appliances and lighting.
- 4.13.8 The two Grade A office buildings on Plot A would be built to BREEAM Excellent standard, which is an uplift from building regulation requirements. This would ensure development reduces carbon emissions, incorporating design considerations to adapt to Climate Change and protect/enhance biodiversity value. The building will also be designed to maximise efficiencies and with ground source heat pumps.
- 4.13.9 The design of the proposed office buildings represents 'best practice' according to BRE standards. The inclusion of green roofs as requested by neighbours would not further enhance the buildings' green credentials above the current BREEAM Excellent rating either. The office buildings delivered in phase 1 are not zero carbon, but are very low carbon energy efficient buildings with a 34% improvement to the current Part L (Thermal Efficiency) of the Building Regulations.
- 4.13.10 In response to the Council's declaration of a climate emergency, the office buildings delivered for Phase 1 would also utilise a passive design approach combined with energy efficient features to minimise the office carbon and environment footprint, thus meeting the sustainable standards set out in both Building Regulations and BREEAM.
- 4.13.11 Across the wider outline element of the application where a range of uses is proposed it is not appropriate to feasible to utilise the same BREAM metrics. Further to this, it is envisioned that over the course of the 15 year delivery period it is likely there would be significant changes in technology, policy objectives and targets. For this reason, an energy and sustainability statement would be secured for each phase of development proposals by condition to ensure that the best and most up to date sustainability measures are adhered when each development phase is brought forward.
- 4.13.12 The requirement for such conditions is also supported by MEAS who assessed the construction of the two office buildings on Plot A against a range of environmental criteria, which indicated that a high environmental standard can be achieved for these buildings. MEAS welcomed the findings and advised that an Energy and Sustainability Strategy for Plot A should be secured as an Approved Document through a suitably worded planning condition. For the outline element of the proposals, MEAS also advised that a commitment to sustainable, low carbon development must be equally secured by a suitably worded planning condition.
- 4.13.13 Furthermore, it is considered critical that any proposed development is designed to be able to connect to any future district heat network where possible. As such, as condition would be attached to any permission, which requires WGC to demonstrate that all reasonable endeavours have been made to design all of the outline plots of the development to potentially connect with the emerging district heat network. Where a connection can be made this must also be implemented prior to the occupation of that phase of development.
- 4.13.14 Subject to the attachment of the above-mentioned conditions, it is concluded that the development would be acceptable in relation to energy efficiencies, sustainability and climate change considerations in accordance with NPPF paragraphs 150, 153 and 154, UDP Policy REN1 and The Cool (1 and 2) Climate Change Strategy.

#### **4.14 Environmental Considerations**

##### **4.14.1 Noise**

NPPF paragraph 180 states planning policies and decisions should also ensure that new

development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 4.14.2 UDP Policy PO3 (Noise Policy) and Policy PO4 (Noise-Sensitive Development) are relevant here. UDP Policies SH1 and SH6 of the UDP which relate to development in Key Town Centres (such as Birkenhead) and Primarily Commercial Areas respectively only support development that do not give rise to unacceptable noise impacts.
- 4.14.3 The main noise sensitive receptors in proximity to the application site are residential properties located north of Plot B on Claughton Road, to the west of Plot E on Elm Street and Claughton Road and to the west of Plot J on Birchwood Close, Birchwood Avenue and Price Street. However, it is noted that the proposed development we would also be introducing a number of additional homes and offices on the development site too. For this reason, it is also imperative to assess whether the proposed development is an appropriate location for the introduction of additional homes and offices, and whether the baseline position is adverse and could be mitigated to such an extent that it would an acceptable environment for newly created properties.
- 4.14.4 A Noise Assessment was completed by AEC and for the baseline position and it was confirmed that the baseline noise climate is thought to be dominated by road traffic on several nearby roads surrounding the site. There are also some localised sources of noise, including the Merseyrail services passing through Conway Park Station, and building services plant associated with existing commercial/leisure premises. However, these levels experienced are deemed to be acceptable for the inclusion of new residential and office uses into the application site. Furthermore, the Noise Assessment confirmed that proposed development would not give rise to any significant or demonstrable amenity impact in terms of noise or construction vibrations or cause unacceptable intrusion or persistent nuisance either.
- 4.14.5 The Council's Environmental Team raised no objection to the development proposals either, subject to the attachment of a condition requiring for the submission of the full night-time noise survey; and the detailed design review of noise from the mechanical services plant undertaken at RIBA stage 4.
- 4.14.6 Subject to the above-mentioned condition and conditions requiring the submission of an acoustic report for each phase of the development and further information on plant equipment, it is considered that the development is acceptable in terms of noise in accordance with Policy PO3 of the UDP and paragraph 180 of the NPPF.
- 4.14.7 Air Quality  
NPPF paragraph 181 states planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 4.14.8 The development will generate additional traffic and would cause a redistribution of existing traffic on the local road network. There is the potential for adverse effects on local air quality to occur at existing and proposed residential and commercial properties located close to roads where traffic flows are predicted to increase as a result of the proposed development.
- 4.14.9 For the operational phase of the proposed development, an air quality assessment has been undertaken that considers the effects of development-generated vehicle pollutants on 18 different locations. Pollutant concentrations have also been predicted at 6 proposed

sensitive receptors locations that are representative of future residential uses within the site. The assessment predicts that the effect on concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at all of the existing and proposed sensitive receptors locations assessed in the 2025 Opening Year and 2035 Future Year in all scenarios would be negligible and not significant with the development in place and therefore no mitigation has been recommended to make the proposal acceptable in this regard.

- 4.14.10 Any flues or stacks exiting the proposed building's façades would also have the potential to result in poor dispersion and create minor adverse impacts on local air quality. Therefore, all boilers to be installed as part of the proposed development would require flues on roofs to be positioned at sufficient height to ensure good dispersion and to accord with operating emission requirements of the EPUK Guidance.
- 4.14.11 Through the securement of the above by condition, it is considered that the development would be acceptable in air quality terms in accordance with NPPF paragraph 181, which seeks to improve air quality.
- 4.14.12 Odour / Fumes  
NPPF paragraph 183 advises that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 4.14.13 The acceptability of the proposed retail uses on the site has already been considered and deemed acceptable in the assessment of the development proposals. To mitigate any potential impacts regarding odours and fumes, a condition would be attached to any decision requiring the submission and approval of the specifications of fume extraction plant and flues and an accompanying odour risk assessment on a phase basis.
- 4.14.14 Subject to any fume extraction plant and flue being installed as approved, it is considered that the development would adhere to NPPF paragraph 183.
- 4.14.15 Light Pollution  
NPPF paragraph 180 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 4.14.16 The Designing for Self-Contained Flats and Conversions SPD states a co-ordinated approach to the design of external lighting should be adopted to provide a well-designed and unified environment after dark. Well-designed lighting should produce an attractive presentation of buildings and the spaces around them, reduced light pollution, a reduction in energy consumption, security and good personal safety.
- 4.14.17 Prior to the occupation of each phase of development a lighting strategy and scheme showing the full details of all external lighting would need to be submitted to and approved by the Local Planning Authority via condition. This would include details of the appearance of lighting columns and lighting fixed to buildings and integrated into landscape features, and lux levels.
- 4.14.18 Subject to the above condition and implementation of any approved condition details, it is considered that the development would accord to NPPF paragraph 180 and the Designing for Self-Contained Flats and Conversions SPD.
- 4.14.19 Land Contamination  
NPPF Paragraph 170 advises planning policies and decisions should contribute to and enhance the natural and local environment by: f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 4.14.20 NPPF Paragraph 178 states Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 4.14.21 NPPF Paragraph 179 states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 4.14.22 UDP Policy PO5 Criteria for the Development of Contaminated Land Policy states that development proposals located on land known or suspected to be contaminated will be required to incorporate a detailed ground survey report which clearly identifies: (i) the nature, level and extent of contamination on the site and of any surface or groundwater; (ii) the implications of that contamination for the future development of the site; and (iii) the method of treatment required to bring the site into a safely developable condition for the development proposed.
- 4.14.23 Where appropriate, planning conditions will be used to ensure that satisfactory treatment is carried out, either before development takes place, or as part of an agreed phased programme of treatment and development, in accordance with other relevant policies of the Plan.
- 4.14.24 A Phase 1 Geo-Environmental Assessment and Detailed UXO Report which provides an overview of the geo-environmental and geotechnical setting of the Site in relation to potential on and off-site contamination and potential impact of the development on the wider environment and land uses was submitted as part of the application. The assessment concluded that the proposals are acceptable subject to adherence to a number of recommendations / requirements by condition, which include, but are not limited to:
- Undertaking a Generic Quantitative Risk Assessment (GQRA) including intrusive site investigations, to determine appropriate risk management/remediation measures;
  - Submission of remediation scheme;
  - Implementation of the approved remediation scheme;
  - Reporting of unexpected contamination
- 4.14.25 Furthermore, during the construction phase, there is a requirement for any appointed contractor to implement measures in accordance with Health and Safety legislation/requirements and best practice to minimise the risks of accidents that would have effects on people or the environment. Such measures would form part of the previously mentioned CEMP to be secured by way of condition.
- 4.14.26 Subject to the attachment of the above referenced conditions, the submission of a phase-by-phase verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation; and details of piling or any other foundation designs using penetrative methods. It is considered that the development would comply with NPPF paragraphs 170, 178 and 179 of the NPPF and UDP policy PO5.
- 4.14.27 Flood Risk  
NPPF Paragraph 155 and 160 advise that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and the application of the exception test should be informed by a strategic or site-specific flood risk assessment. UDP Strategic policy WAT1 (Fluvial and

Tidal Flooding) has been taken into account.

- 4.14.28 The Flood and Water Management Act 2010 sets out the requirement for Lead Local Flood Authority (LLFAs) to manage 'local' flood risk within their area. 'Local' flood risk refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses.
- 4.14.29 The submitted Flood Risk Assessment (FRA) provides information on the nature of flood risk at the Site and concludes that the Site is located entirely within Flood Zone 1, the lowest risk of flooding, and is unlikely to be affected by climate change as a result of sea level rise. For completeness, an updated FRA was also submitted to include drainage information for Plot H which was previously absent.
- 4.14.30 Neither the Lead Local Flood Authority nor the Environment Agency have any objection to the proposed development based on flood risk matters.
- 4.14.31 The proposed development is therefore considered acceptable in flood risk terms in accordance with NPPF paragraphs 155 and 160 and UDP Policy WAT1.
- 4.14.32 Drainage  
UDP Policy WA2 (Development and Land Drainage) requires consultation with the Environment Agency or the local Land Drainage Authority who may require conditions requiring storage within the surface water system.
- 4.14.33 The public realm design is driven by sustainable approach, holistically integrating placemaking with the principals of sustainable urban drainage (SuDs). This enables the creation of an attractive town centre environment which combines mental and physical well-being with sustainable engineering outcomes of improving biodiversity and water quality whilst reducing surface water discharge to the public sewer systems.
- 4.14.34 The public realm works would source primarily UK based materials with a low carbon footprint. Tree planting and soft areas would regulate the urban heat island effect, enhancing air quality and improving amenity and biodiversity.
- 4.14.35 Engineered SuDS features would a control and manage surface water from rain fall to alleviate the risk of localised surface water flooding considering the future impacts of climate change. The principals of SuDs would be integrated into the fabric of the public realm. The range of visible surface level SuDs features includes:
- Rain gardens;
  - Retention basins;
  - Stormwater tree pits;
  - Permeable paving combined;
  - Buried attenuation tanks
- 4.14.36 The arrangement and specification of development plot SuDs features would be designed in response to climate change and each plots bespoke design drivers and site constraints such as spatial arrangement, ground conditions and existing buried infrastructure.
- 4.14.37 The LLFA raise no objection to the development proposals subject to the attachment of conditions regarding the final detail design of a sustainable surface drainage system, surface water sustainable drainage system and their construction. Furthermore, it is advised that maintenance arrangements capable of ensuring an acceptable standard of operation for the lifetime of the development, are adopted by a statutory undertaker / public body or the developer via a s106 agreement to ensure maintenance of the system as per the approved Operation and Maintenance Plan to satisfy paragraph 165 of the NPPF.
- 4.14.38 Based on the adoption of the above-mentioned surface level features and the attachment of requested conditions, it is considered that a betterment of surface water drainage compared the existing situation would be achieved. The proposals comply with Policy WA2 of the UDP and paragraph 163 and 165 of the NPPF.

#### 4.14.39 Services

##### Water

NPPF paragraphs 20 and 149 reference the significance of water supply. UDP Policy WA3 (Development and Groundwater Protection) states in considering proposals for development, the Local Planning Authority will have regard to the need to protect sources of groundwater. UDP Policy WA4 (Safeguarding Water Resources) states in considering proposals for development, the Local Planning Authority will look to safeguard water resources and water supply to water users, unless it can be demonstrated that there are adequate water resources which already exist or will be provided in time to serve the development.

- 4.14.40 In order to adhere with UPD Policies WA3 and WA4 a planning informative would be attached to any planning consent advising WGC to undertake a water network behaviour/demand modelling exercise to determine the network reinforcements required to support the proposed development in consultation with United Utilities.

#### 4.14.41 Sewers

UDP Policy WA5 (Protecting Surface Waters) states the Local Planning Authority will only permit development which:

- (i) includes satisfactory arrangements for the disposal of foul sewage, trade effluent or contaminated surface water;
- (ii) does not exacerbate existing problems such as premature or increased frequency of discharges through storm sewer overflows due to inadequate infrastructure or lack of sewer capacity; and
- (iii) will not lead to spillage or leakage of stored oils or chemicals or other potentially polluting substances.

- 4.14.42 The proposed development would include appropriate arrangements for the disposal of foul sewage, trade effluent and contaminated surface water. Adequate infrastructure would be in place to ensure adequate sewer capacity and ensure the development would not lead to spillage or leakage in line with Policy WA5 of the UDP. This would be secured by way of condition.

#### 4.14.43 Broadband

NPPF Paragraph 112 advises that 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.

- 4.14.44 A planning condition would be attached requiring the submission of a digital infrastructure strategy for the application site, which prioritises a high-quality digital infrastructure and full fibre connections for future occupiers and users of the application site in accordance with the NPPF paragraph 112.

### **4.15 Equalities Act**

- 4.15.1 The public sector equality duty applies to all council decisions including planning decisions. The duty requires due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 4.15.2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share one. The relevant

protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, marriage and civil partnership and sexual orientation

4.15.3 In considering this planning application due regard has been given to the Council's duty in respect of equalities. It is evident that WGC actively engaged with the Market Traders, the Multi-cultural organisation, Birkenhead Chamber of Commerce and students at Wirral Metropolitan College. The Local Planning Authority has therefore duly considered its equality duty.

#### **4.16 Section 106 Agreement (Planning Obligations)**

4.16.1 NPPF Paragraph 54 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

4.16.2 UDP Policy URN2 (Planning Agreements for Urban Regeneration) states that in appropriate circumstances, the local planning authority will seek to negotiate planning obligations through agreements with developers under section 106 of the Town and Country Planning Act 1990, where such agreements may assist in securing the best use of land, desirable community benefits and a planned, sustainable environment.

4.16.3 To ensure that the development is policy compliant it is considered that there are a number of matters that need controlling through a S106 legal agreement. These have been set out in the report above and are referenced below.

4.14.4 However, the applicant does not have sufficient interest in the land to sign a S106 agreement at this point. It is therefore advised that the Council and the applicant enter into an agreement under S111 of the Local Government Act 1972 that will require the parties to enter into the S106 agreement once the land is drawn down. Section 111 of the Local Government Act 1972 is a 'catch all' provision to enable local authorities to "do any thing.... which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions".

4.14.5 The following is a summary of the Heads of Terms:

- Affordable housing: 10% affordable housing target subject to viability and/or market testing;
- Provision of 20% family housing subject to viability and/or market testing, with a minimum of 10%;
- Payment of £81,000 and provision of homeowners packs to mitigate for recreational pressure on the coast;
- Estate management plan to be provided to set out management of private areas within the site;
- Clause to secure public rights of access through the site;
- Travel plan to secure sustainable travel. Requirement for travel plan co-ordinator, targets and incentives plus monitoring fee;
- Training and Employment Plan to ensure that local jobs are secured across the site, plus monitoring fee;
- Payment of £100,000 towards enhancement of open space and children's play facilities near the site;
- Payment of £100,000 towards improving drainage and facilities for Conway playing fields;
- £275,000 to pay for a new classroom to meet need for primary school age children;
- Clause to secure the provision of a new Market at a minimum size of 2,700sqm;
- SUDS maintenance fees for Europa Boulevard;
- Monitoring fees for the agreement.

#### **4.17 Planning Balance**

4.17.1 By Section 70(2) Town & Country Planning Act 1990, in dealing with any application for

planning permission the planning authority shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. The NPPF is accordingly a material consideration for the purposes of the assessment. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications also be determined in accordance with the development plan unless material considerations indicate otherwise.

4.17.2 Taking into account the primacy of Development Plan policy, it is clear from the assessment and conclusions of the report that there is some conflict with the UDP as a whole. This includes, but is not limited to:

- Less than substantial harm to the setting of a heritage asset;
- Loss of social infrastructure (Cinema and Bingo Hall);
- Under provision of external residential amenity space;
- Redevelopment of an allocated employment land for alternative uses (a departure from the plan)

4.17.3 The Planning (Listed Buildings and Conservation Areas) Act 1990) accordingly advises that the authority must give considerable importance and weight to the desirability of avoiding harm.

4.17.4 Such matters will be accordingly weighed against, the public benefits that the development will bring which are material considerations in the assessment of this application. The key public benefits are set out in detail below:

- The creation of a new commercial quarter for Birkenhead comprising:
  - New Grade A office accommodation;
  - New Birkenhead Market; and
  - Introduction of new leisure uses within the Site.
- Investment in the local economy through:
  - The creation of 1,300-1,500 jobs over the next 15 years;
  - Additional £39m to £96m Gross Value Added per year (direct & indirect investment);
  - Creation of apprenticeship and training opportunities throughout the lifetime of the development;
  - Increased household spend, including Council Tax and New Homes Bonus.
- Improved living conditions and housing:
  - Creation of a new sustainable residential neighbourhood;
  - A new high-quality designed built environment;
  - Creation of up to 651 new high-quality, sustainable homes of varying type, size and tenure contributing to the boroughs housing need.
- Improved connectivity, placemaking and open spaces:
  - Improved pedestrian and cycle connectivity within the town centre between the site and the wider town;
  - Improved public transport links and enhancements to the bus station;
  - Creation of new, high-quality public spaces and improved green infrastructure that seeks to celebrate the heritage and future of Birkenhead;
  - Extension of the core green space across the Site to build upon the legacy of Birkenhead Park;
  - Strengthening of the urban grain by repairing historic street patterns and replacement of outdated townscape to create attractive and sustainable destination.
- Climate Change and Sustainability:
  - Highly sustainable office development to BREAM 'Excellent' standard;
  - Inclusion of sustainable urban drainage system and use of rainwater harvesting throughout the Site;

- Large proportion of regulated energy within the Site being provided by renewable or low-carbon sources.

4.17.5 The proposed development results in heritage harm at the lower end of less than substantial, the loss of social infrastructure on the site, a short fall of external residential amenity space and constitutes a departure from the UDP with the redevelopment of allocated land for non-employment uses. While the identified above mentioned public benefits of the proposal in turn are significant and demonstrable, having assessed the development proposals against the principles of the Wirral Unitary Development Plan and the National Planning Policy Framework as a whole and, when specifically assessed against paragraph 196, it is found in the balance of the decision, that the public benefits outweigh any perceived harm.

4.17.6 The development is therefore a sustainable development and deemed acceptable on balance.

### **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 development results in heritage harm at the lower end of less than substantial, the loss of social infrastructure on the site, a short fall of external residential amenity space and constitutes a departure from the UDP with the redevelopment of allocated land for non-employment uses. While the identified above mentioned public benefits of the proposal in turn are significant and demonstrable, having assessed the development proposals against the principles of the Wirral Unitary Development Plan and the National Planning Policy Framework as a whole and, when specifically assessed against paragraph 196, it is found in the balance of the decision, that the public benefits outweigh any perceived harm. The development is therefore a sustainable development and deemed acceptable on balance.

### **Recommendation:**

It is therefore recommended that Strategic Applications Sub Committee agree that it is minded to APPROVE planning permission subject to:

1. Referral to Secretary of State as the application is a departure from the Unitary Development Plan
2. The satisfactory completion of an agreement under S111 of the Local Government Act 1972 requiring the relevant parties to enter into an agreement under S106 of the Town and Country Planning Act 1990 that will secure the following planning obligations based on the following heads of terms:
  - Affordable housing: 10% affordable housing target subject to viability and/or market testing;
  - Provision of 20% family housing subject to viability and/or market testing, with a minimum of 10%;
  - Payment of £81,000 and provision of homeowners packs to mitigate for recreational pressure on the coast;
  - Estate management plan to be provided to set out management of private areas within the site;
  - Clause to secure public rights of access through the site;
  - Travel plan to secure sustainable travel. Requirement for travel plan co-ordinator,

- targets and incentives plus monitoring fee;
- Training and Employment Plan to ensure that local jobs are secured across the site, plus monitoring fee;
- Payment of £100,000 towards enhancement of open space and children's play facilities near the site;
- Payment of £100,000 towards improving drainage and facilities for Conway playing fields;
- £275,000 to pay for a new classroom to meet need for primary school age children;
- Clause to secure the provision of a new Market at a minimum size of 2,700sqm;
- SUDS maintenance fees for Europa Boulevard;
- Monitoring fees for the agreement.

3. The conditions set out below.

It is also recommended that delegated authority is given to the Director of Regeneration and Place in consultation with the Chair of the Sub-Committee to make minor non substantive amendments to the S106 Heads of Terms and planning conditions as necessary.

### **Recommended Conditions and Reasons:**

1. The development hereby permitted IN OUTLINE (as indicated on plan reference WGC-AHR-S0-XX-DR-A-20-104 Rev.P5) shall be commenced either before the expiration of 15 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. Application(s) for the approval of all the reserved matters pertaining to the 'OUTLINE' component of the development, as referenced on drawing WGC-AHR-S0-XX-DR-A-20-104 Rev.P5, must be made no later than the expiration of 15 years from the date of this permission.

**Reason:** To comply with the requirements of Section 92(2)(a) of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted IN FULL (as indicated on plan WGC-AHR-S0-XX-DR-A-20-104 Rev.P5) shall be commenced before the expiration of 3 years from the date of permission

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

4. No Development shall commence within any [Phase or Sub-Phase] unless and until all estates and interests in such [Phase or Sub-Phase] that need to be bound to ensure satisfactory enforcement of the obligations contained in the S106 Agreement (and any other Planning Agreement required or entered into in relation to the Development, including any such agreements as may be required in support of any Reserved Matters Approval or any Additional Planning Permissions) shall (in accordance with Clause [x] of the S106 Agreement) have been bound or made subject to the Planning Obligations and other provisions relating thereto to the reasonable satisfaction (as confirmed in writing) of the LPA insofar as such obligations relate to or affect either the whole of the Site or to such Phase or Sub-Phase specifically.

**Reason:** To ensure that the proposed development can be carried out in accordance with the relevant framework of control contained in these conditions and the Planning Agreement [and (as assessed in the EIA Process) does not cause unacceptable harm to the Environment] or prejudice the amenities of existing occupiers.

5. Condition 4 shall not apply if and to the extent that the LPA shall have previously approved in writing the Development to be begun in any Phase or Sub- Phase without complying with this Condition before all interests in the whole of that Phase have been so bound but no such approval will be granted unless:

(a) the area of land which is not so bound into the Planning Obligations is minor and insignificant in terms of the future enforcement of the Planning Obligations; and

(b) [the approval is unlikely to cause significant environmental impacts compared to the impacts as assessed in the EIA Process and] is unlikely to significantly undermine the comprehensive Development of the relevant Phase or Sub-Phase and/or the Site as a whole.

**Reason:** To ensure that the development is effectively carried out in a manner which is consistent with the framework of control contained in these Conditions and the Planning Agreement [and (as assessed in the EIA Process) does not cause unacceptable harm to the environment or prejudice the amenities of existing occupiers.]

6. Notwithstanding the details submitted with the application, prior to the installation of each element on each building, specification details shall be submitted to and, where requested, samples of the following must be made available for the Council to view of the following:

- Windows;
- External doors including fire escapes;
- Cladding;
- Brick or block work;
- Paving and other external floor finishes;
- Planters;
- Street furniture.

The details submitted must be approved in writing by the Local Planning Authority prior to installation and the development carried out in accordance with the approved details.

**Reason** To ensure that the appearance of the development is acceptable to the local planning authority in the interests of the visual amenity of the area, having regards to the Wirral Unitary Development Plan

7. No development shall commence on any building until the final detailed sustainable drainage design as per the Terms of Condition (see informative for ToC) for the management and disposal of surface water from the site for that specific building based on the principles and details identified in the following submission has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Birkenhead Centre Redevelopment: Flood Risk Assessment (FRA) dated 12 February 2021 / ref: WGC-CUR-00-XX-RP-C-00001 – rev V07 / Curtins Consulting Limited

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

8. Prior to the commencement of any development on any building and as part of an application for the approval of reserved matters full details of a scheme for a surface water sustainable drainage system as per the Terms of Condition (see informative for ToC) to serve the site, and method of implementation for that specific building shall be submitted in accordance with submitted surface water drainage strategy Birkenhead Centre Redevelopment: Flood Risk Assessment (FRA) dated 12 February 2021 / ref: WGC-CUR-00-XX-RP-C-00001 – rev V07 / Curtins Consulting Limited for consideration by

the Local Planning Authority in consultation with Lead Local Flood Authority. To also be accompanied by a completed Sustainable Drainage Pro-forma and meet all requirements, including submission requirements, of Wirral Council's 'Sustainable Drainage Technical Guidance.'

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

9. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each building, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation or use of the relevant building in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design / layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft

10. No development on each plot shall be occupied or brought into use until details of bat boxes (to include number, type and location on an appropriately scaled plan as well as timing of installation for the relevant plot or phase) has been provided for approval by the Local Planning Authority and implemented in accordance with the approved details

**Reason:** To ensure that the development has regard to protected species and is in accordance with Wirral Unitary Development Plan Policy NC7 and the National Planning Policy Framework

11. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance shall take place during the period 1 March to 31 August inclusive. If it is necessary to undertake these works during the bird breeding season then all trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be first submitted to the Local Planning Authority for approval.

**Reason:** To ensure that the development has regard to protected species and is in accordance with Wirral Unitary Development Plan Policy NC7 and the National Planning Policy Framework

12. No development shall take place on each plot until the applicant has submitted a written scheme of investigation for archaeological work for the relevant plot for approval in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the approved scheme.

**Reason:** To ensure compliance with Paragraph 199, Section 16 of the National Planning Policy, Managing Significance in Decision Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015) and Wirral Unitary Development Plan Policy CH25

13. Prior to development on each plot a site investigation and, where necessary, a remediation strategy to deal with the risks associated with contamination of the relevant plot shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following components:
- A site investigation scheme, based on the information already submitted, to provide (where needed) information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  - Where necessary, the results of the site investigation and the detailed risk assessment referred to in (bullet point 1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (bullet point 2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To comply with National Planning Policy Framework (NPPF) and ensure the ongoing protection of the water environment from risks arising from land contamination.

14. Prior to the occupation of each plot, a verification report demonstrating the completion of works set out in the approved remediation strategy required by Condition 13 and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reason:** To comply with NPPF and ensure the ongoing protection of the water environment from risks arising from land contamination.

15. If piling or any other foundation designs using penetrative methods are to be used, a report demonstrating that there is no resultant unacceptable risk to groundwater for that plot must be submitted to and approved in writing by the local planning authority prior to these works taking place. Where it has been demonstrated that there is no resultant risk to groundwater the development shall be carried out in accordance with the approved details.

**Reason:** To comply with NPPF and ensure the ongoing protection of the water environment from risks arising from land contamination.

16. Prior to the installation of any external plant the specification of plant and an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. Any external plant shall thereafter be installed and maintained in accordance with the approved information.

**Reason:** For the protection of public amenity in accordance with the Wirral Unitary Development Plan.

17. Prior to the occupation of a unit that includes Use Class E(b) food and drink, or Sui Generis hot food takeaway or drinking establishments, the specification of any required fume extraction plant and flues and accompanying odour risk assessment shall be submitted to and approved in writing by the Local Planning Authority. Any fume extraction plant and flue shall be installed and maintained in accordance with the approved information.

**Reason:** For the protection of public amenity in accordance with Policy SH1 of the Wirral Unitary Development Plan.

18. Prior to the occupation of each plot a lighting strategy and scheme showing the full details of all external lighting including appearance of lighting columns and lighting fixed to buildings and integrated into landscape features, and lux levels shall be prepared and submitted for approval by the Local Authority. Once agreed the lighting scheme must be implemented in accordance with the approved details prior to the occupation of the relevant plot

**Reason:** For the protection of public amenity in accordance with the Wirral Unitary Development Plan

19. The development of any plot shall not begin above ground level until a Framework Strategy for Wayfinder signs, including details of advisory pedestrian, highway and cyclist direction for all cycle routes, places of interest and highway directional signs, and a programme for their provision have been approved by the local planning authority. Prior to the occupation of each plot a detailed scheme for wayfinding signage that is in accordance with the Framework Strategy shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved programme prior to first use of the relevant plot and the signs shall thereafter be retained and kept available at all times, unless otherwise agreed in writing by the local planning authority.

**Reason:** To provide adequate signage to and from the development and the surrounding area having regards to the Wirral Unitary Development Plan

20. Prior to the commencement of development of each phase a Digital Infrastructure Strategy setting out full details of all internet provisions for the phase must be prepared and submitted for approval by the Local Authority. Once agreed the Digital Infrastructure Strategy must be implemented in accordance with the approved details prior to the occupation of development of the relevant phase

**Reason:** To ensure that the development provides required digital infrastructure having regards to the National Planning Policy Framework

21. Prior to commencement of development of each plot a Site Waste Management Plan, confirming how demolition and construction waste from that relevant phase or plot will be recovered and re-used on the site or at other sites, shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan

22. All commercial buildings hereby approved must be constructed to achieve a minimum BREEAM Excellent rating.

**Reason:** To achieve sustainable, low-carbon development in accordance with the National Planning Policy Framework.

23. Prior to commencement of above ground works on a plot, an Accessibility Plan relating to the relevant buildings shall be submitted to and approved in writing to demonstrate how the development has been designed with consideration for all mobility impairments.

**Reason:** To comply with the National Planning Policy Framework and Wirral Unitary Development Plan Policy TR13

24. No development shall take place on each plot until a Construction Method Statement comprehensively detailing the phasing and logistics of demolition/construction for the relevant plot has been submitted to and approved in writing by the Council as Local Planning Authority. The Method Statement shall include, but not be limited to:

- Construction traffic routes, including provision for access to the site /exit from the site for visitors/contractors/deliveries;
- Location of directional signage within the site;
- Siting of temporary containers;
- Parking for contractors, site operatives and visitors;
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction;
- Temporary roads/areas of hard standing;
- Schedule for large vehicles delivering/exporting materials to and from site;
- Storage of materials and large/heavy vehicles/machinery on site;
- Measures to control noise and dust of street sweeping/street cleansing/wheelwash facilities;
- Details for the recycling/disposing of waste resulting from demolition and construction works;
- Hours of working;
- Phasing of works including start/finish dates

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

**Reason:** To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers

**The following conditions relate solely to the outline permission:**

25. No development shall commence on the site subject to outline permission until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority:
- (a) Relevant **access** into the site;
  - (b) The external **appearance** of the development;
  - (c) The **landscaping** of the site;
  - (d) The **Layout** of the development; and
  - (e) The **Scale** of the development

The development shall be carried out in accordance with the approved details.

**Reason:** To enable the Local Planning Authority to control the detail of the development and to comply with Section 92 of the Town and Country Planning Act (as amended).

26. For the avoidance of doubt, all reserved matters applications should include full details of:
- facing/roofing/window materials;
  - landscaping details including scheme of planting including indigenous species, and shall demonstrate how the scheme results in a net gain of tree canopy cover when assessed against the base position of the site;
  - existing site levels;
  - Finished site and floor levels;
  - secure covered cycle parking and/or storage facilities;
  - full details of the sustainable urban drainage system;
  - a plan showing the areas to be offered up for adoption on completion of the development phase or part thereof and details of the maintenance strategy to be introduced prior to the works being accepted within the adopted highway.

**Reason:** To ensure that sufficient detail is submitted with the reserved matters submission made.

27. All reserved matters applications shall be in accordance with the maximum and minimum development parameters identified on the 'Parameters Plan - Drawing Number WGC-AHR-S0-XX-DR-A-20-400 Rev.P14'

**Reason:** To ensure that the quantum of development pursued is in accordance with the level assessed and found to be acceptable by this planning permission

28. All reserved matters applications shall be in accordance with the parameters and guidance set out in the approved Design Code document (WGC-AHR-ZZ-XX-RP-A-A3-011). Each reserved matters application shall include a Statement of Conformity of how the development complies with the approved Design Code document

**Reason:** To ensure that the quantum of development pursued is in accordance with the level assessed and found to be acceptable by this planning permission and to deliver a high quality built environment under pinned by good urban design

29. Reserved matters applications for development on Plots B, C, E, G, I and J shall be submitted with a masterplan for the whole plot demonstrating a comprehensive and phased approach to the plot delivery including timescales for development of associated infrastructure and public realm and demonstrating how the plot development will be in accordance with the approved Design Code and Parameters Plan. Each masterplan shall also include a daylight and sunlight analysis of the impact of any development on surrounding residential properties (both existing and proposed).

**Reason:** To ensure a comprehensive approach is followed and to ensure that the scheme accords with the approved Design Codes and safeguards residential amenity

30. The landscaping details submitted and approved with each reserved matters application shall be completed either:

- (a) not later than the first planting season following completion of the development; or
- (b) during the appropriate planting season progressively as the development proceeds, in accordance with a programme to be agreed in writing with the local planning authority.

Any trees or shrubs which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees and shrubs of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation".

**Reason:** It is in the interests of visual amenity and in accordance with Policy GR5 of the Wirral Unitary Development Plan.

31. All reserved matters shall be designed so as to achieve Secured By Design principles. Details of how each plot complies with Secured By Design principles shall be submitted with all reserved matters applications including, where appropriate:

- Security provisions in place prior to and through the construction phase;
- Details of new street lighting;
- Installation of CCTV;
- Site layout utilized to maximise natural surveillance;
- Avoidance of blank elevations in order to reduce opportunities for graffiti, inappropriate loitering and potentially anti-social ball games

**Reason:** To provide a safe and secure environment, having regards to the principles of the National Planning Policy Framework

32. Prior to commencement of development, a Baseline Study for the Biodiversity value of the site (carried out by a competent ecologist) shall be submitted to and approved in writing by

the Local Planning Authority.

Subsequently, all reserved matters applications shall demonstrate how any development within that reserved matters application will result in a minimum 10% Biodiversity Net Gain, having been assessed against the approved Baseline Study.

The development of each plot thereafter shall be carried out strictly in accordance with any approved details or mitigation measures.

**Reason:** To ensure that the development results in a biodiversity net gain, having regards to the principles of the National Planning Policy Framework

33. All reserved matters applications for residential use shall take account of the mitigation measures set out in the submitted Environment Statement, Chapter 10: Noise and Vibration, in particular paragraphs 10.105 and 10.109.

**Reason:** To ensure satisfactory living conditions for future occupiers having regards to Wirral Unitary Development Plan Policy HS4

34. Prior to first occupation of any residential units approved as part of this permission, full details of the proposed children's play space/area shall be submitted to and approved in writing by the Local Planning Authority. The approved play space/area shall be installed and made available for use prior to occupation of the 100th residential unit approved as part of this permission and retained as such thereafter.

**Reason:** To ensure adequate play provision for future occupiers of the development having regards to Wirral Unitary Development Plan Policy GR6, the National Planning Policy Framework and Sport England's Active Design principles

35. Prior to first residential occupation of a plot containing residential development (Use Class C3), details of the walls, fencing or any other form of boundary treatment proposed as part of the relevant plot shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the development

**Reason:** To ensure that the development has an acceptable visual impact on the surrounding area and provides adequate living conditions for future occupiers, having regards to Wirral Unitary Development Plan Policy HS4

36. Except for site clearance and remediation, no development on each plot shall take place until full details, including scaled plans and/or written specifications as necessary, have been submitted to and approved in writing by the Local Planning Authority to illustrate the following for the relevant plot:

- a) proposed highway layout including the proposed adoptable highway limits;
- b) dimensions of any carriageway, cycleway, footway and verges within the adopted highway;
- c) visibility splays;
- d) proposed buildings and site layout, including levels;
- e) accesses and driveways from the adopted highway;
- f) parking provision;
- g) drainage and sewerage system within the adopted highway;
- h) all types of surfacing (including tactile paving), kerbing and edging within the adopted highway;
- i) full working drawings for any structures which affect or form part of the adopted highway;
- j) Details of any sustainable drainage systems for the management and disposal of highway surface water drainage within the adopted highway limits;
- k) Details of any proposed landscaping located within the existing adopted highway limits;

l) A review of the existing traffic regulation orders and any proposed additions, amendments or revocations to the traffic regulation orders within, and adjacent to, the planning red line boundary

The development plot shall be carried out in accordance with the approved drawings and details prior to first occupation of the relevant plot, as identified within the Parameters Plan Drawing No. WGC-AHR-S0-XX-DR-A-20-400 Rev P14, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory development of the site and a satisfactory standard of highway design and construction in the interests of highway safety and the amenity and convenience of highway users together with suitable means of drainage.

37. Prior to commencement of any development on Plots E or G, full details of the Conway Street 'Super-Crossing' shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this 'Super-Crossing' shall constitute a segregated pedestrian and cycle-controlled crossing facility on Conway Street between Hemingford Street and Europa Boulevard.

No development shall take place on Plots E or G thereafter until the Conway Street 'Super-Crossing' has been constructed and made available for use in accordance with the approved details.

**Reason:** To ensure that the crossing facilities on Conway Street are adequately upgraded to provide acceptable access within the site and to the nearest train station

38. Prior to commencement of any development on Plot E, full details for the provision of a pedestrian crossing point on Claughton Road (between Plots A/C and E) shall be submitted to and approved in writing by the Local Planning Authority.

The approved pedestrian crossing shall be constructed in full in accordance with the approved details prior to the occupation of any development on Plot E, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure adequate crossing facilities for users of the development and the wider area having regards to the Wirral Unitary Development Plan

39. Prior to commencement of any works on Plot F, full details of the following, including a programme and timescale of works, shall be submitted to and approved in writing by the Local Planning Authority:

- The closure of the vehicular access from the Bus station into Claughton Road and the reinstatement of the kerbline and footway;
- The closure of the Bus Only access from Conway Street leading to Claughton Road and the reinstatement of the kerbline and footway;
- Designs for the provision of additional bus stops in the proximity of Birkenhead bus station;
- The Decommissioning of the pedestrian crossings on Claughton Road at the Bus station access;
- Amendments to the Hemingford Street / Conway Street junction to accommodate the turning requirements of the relocated Bus services from Claughton Road and the Bus station.

The development shall be carried out strictly in accordance with the approved details and in any case **prior to first occupation of any development on Plot E** unless otherwise agreed in writing by the local planning authority

**Reason:** For the avoidance of doubt and to ensure that the environment within Plot E and the surroundings are not harmed by the current bus station configuration

40. All reserved matters application (other than those relating solely to Plots D, F, I or J) shall be accompanied by a Car Parking Survey which provides details of the current parking demands within the town centre car parks and considers those spaces calculated and required for each plot being brought forward, together with any lost as part of the reserved matters application. The parking surveys must have been undertaken within 12 months of the date of the relevant reserved matters application and are required to satisfactorily demonstrate to the Local Planning Authority that sufficient parking capacity is maintained with the addition of each phase of development.

For the avoidance of doubt, the findings of any surveys under this condition do not override the requirements of Condition 47

**Reason:** To ensure adequate provision is made for each phase of development; in the interests of highway safety and the convenience of car park users and to ensure that an adequate level of parking capacity and the safety of car users and pedestrians is accommodated within each phase during the course of the development and on completion

41. All reserved matters applications shall be accompanied by a programme for the following in respect of car parking for the relevant plot subject to that application:

- total number of spaces (including EV charging points) having regard to the Car Park Survey required under Condition 40 and the Council's most up-to-date Parking Strategy at the date of submission of the reserved matters application;
- directional signs and their locations;
- surface markings;
- pedestrian routes within the car parks (if any);
- details of car parking for people with disabilities, parents with toddlers;
- car parking signage including car park guidance systems;
- lighting;
- means of access and egress control, including location of any barriers;
- working details of any ramps and entrances/exits, including any consequent amendments to their widths;
- the layout and operation of car parks, including a detailed dynamic capacity study to demonstrate whether there is sufficient reservoir capacity to prevent queuing extending onto the public highway;
- details of the ventilation of basement car parks.

The approved proposals shall be implemented in accordance with the approved programme and thereafter car parking shall be retained in accordance with the approved proposals unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure adequate provision is made for each phase of development; in the interests of the convenience of car park users and to ensure that an adequate level of safety for car users and pedestrians will be provided during the course of the development and on completion.

42. Prior to the commencement of any building, details of the cycle parking arrangements for the relevant building are to be submitted to and approved in writing by the Local Planning Authority. These details shall include number, type and location of cycle parking stands and spaces to be provided within the private and public areas together with details of proposed cycle hubs including lockers and any electric cycle charging facilities. The approved cycle parking shall be provided and made available for use prior to first use or occupation of that building and retained as such thereafter

**Reason:** In the interest of amenity and highway safety and to ensure a satisfactory standard of development having regards to Wirral Unitary Development Plan Policy TR12

43. No development shall take place on each plot until details of the means of vehicular access, parking and turning facilities together with associated means of access for mobility

impaired pedestrians and, where appropriate, community transport vehicles and vehicles over 2 metres in height for the relevant plot have been submitted to and approved in writing by the local planning authority. The relevant plot shall not be occupied until the approved details have been implemented as approved and shall thereafter be retained and kept available for use unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of accessibility and to ensure compliance with the principles of the National Planning Policy Framework

44. Prior to commencement of development of each plot a Servicing and Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the strategy shall set out design and operational proposals for servicing and the storage, transfer and collection of waste ensuring that appropriate arrangements are made and that logistical requirements are appropriately considered and addressed. The Strategy shall be subsequently implemented in prior to occupation in accordance with the approved details and adhered to thereafter

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy EM9.

45. No development above ground shall take place on each plot until details of servicing arrangements in accordance with the Servicing Strategy approved pursuant to Condition 44 above and a programme for their implementation has been approved by the local planning authority. The servicing details shall include the following:
- (a) details for the servicing of the units to be provided as part of each plot;
  - (b) details of the proposed changes in servicing to the existing retained units;
  - (c) the proposed management of the service areas

The approved details shall be implemented in accordance with the approved programme and the facilities shall be retained thereafter unless otherwise agreed in writing by the local planning authority

**Reason:** To ensure the proper planning and operation of servicing provision both during and following completion of the development

46. No development shall take place on each plot until details of all cycle routes within and serving that plot and including linkages to the local cycle route network (including to Dock Branch Park) and details of associated road markings and signage, and a programme for the provision thereof have been submitted to and approved by the local planning authority. The approved details shall be implemented in full in accordance with the approved programme and the cycle routes, markings and signage shall thereafter be retained and kept available at all times, unless otherwise agreed in writing by the local planning authority.

**Reason:** To encourage and make provision for cycle transport as an alternative mode of transport having regards to Wirral Unitary Development Plan Policy TR11

47. No development shall take place on Plots E or G (besides the multi-storey car park subject to this condition) until a multi-storey car park has been erected and made available for public use on Plot G. The number of spaces provided within the car park shall be determined by a Car Parking Survey to be submitted to and agreed in writing by the Local Planning Authority no later than 2 weeks before an application for the multi-storey car park is submitted.

For the avoidance of doubt, the proposed car park shall have regard to the approved Parameters Plan and Design Code; and the Car Parking Survey shall consider, but is not limited to, details of the current parking demands within the town centre car parks, spaces required for each plot already approved or developed, spaces required for any future development approved by this permission and other neighbouring planning permissions,

and any lost as a result of this permission

**Reason:** To ensure adequate car parking provision is provided having regards to Wirral Unitary Development Plan Policy TR9

48. A proposed car park Management Strategy shall be submitted as part of the reserved matters application for the multi storey car park referenced in Condition 47. The strategy shall include:
- Management and allocation of the car park spaces;
  - Pricing strategy;
  - EV charging points;
  - Cycle parking provision;
  - Overall management of the building including security;
  - Hours of operation

The car park shall then be operated in accordance with the agreed Management Strategy, unless otherwise agreed in writing by the local planning authority

**Reason:** To ensure adequate car parking provision having regards to Wirral Unitary Development Plan Policy TR9

49. Each plot shall be designed subject to the systems and technology available at the time of design, in order to avoid the use of fossil fuels on site as recommended by the UK Green Building Council.

Reasonable infrastructure provision will be made in the design of each plot so as to allow conversion at a later date of the scheme to accept the introduction of a district heating connection should this become available and is viable for each reserved matters application to do so.

**Reason:** In the interests of reducing use of fossil fuels and ensuring a more sustainable development

50. Any reserved matters applications which contain residential use shall demonstrate that a minimum of 5% of residential units in that reserved matters application are capable of easy adaptation to wheelchair standards (in accordance with M4(2) of the Building Regulations).

The number of wheelchair accessible units to be provided and fitted out on a plot by plot basis shall be agreed in writing by the Local Planning Authority prior to first occupation, and the accessible units shall be made available for occupation in accordance with a timescale to be agreed as part of the reserved matters application.

**Reason:** To provide adequate wheelchair accessible dwellings having regards to Wirral Unitary Development Plan Policy HS9 of the Wirral Unitary Development Plan

51. A Method Statement, prepared by a competent person must be submitted to and approved in writing by the local planning authority prior to commencement of any landscaping works to Europa Boulevard, which includes the following information:

- A plan showing the extent of the Cotoneaster Plants;
- The methods that will be used to prevent the Cotoneaster Plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring; and
- How the Cotoneaster Plants will be disposed of after treatment/removal.

**Reason:** To prevent the spread of invasive species having regards to the National Planning Policy Framework

**The following conditions relate solely to the full permission:**

52. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19th August 2020 and listed as follows:  
WGC-AHR-S0-XX-DR-A-20-210; WGC-AHR-S0-XX-DR-A-20-114;  
WGC-AHR-S0-XX-DR-A-20-113; WGC-AHR-S0-XX-DR-A-20-112;  
WGC-AHR-S0-XX-DR-A-20-111; WGC-AHR-S0-XX-DR-A-20-110;  
WGC-AHR-S0-XX-DR-A-20-016; WGC-AHR-S0-XX-DR-A-20-015;  
WGC-AHR-S0-XX-DR-A-20-014; WGC-AHR-S0-XX-DR-A-20-013;  
WGC-AHR-S0-XX-DR-A-20-012; WGC-AHR-S0-XX-DR-A-20-011;  
WGC-AHR-S0-XX-DR-A-20-010; WGC-AHR-S0-XX-DR-A-20-005;  
WGC-AHR-S0-XX-DR-A-20-000; WGC-AHR-H1-XX-DR-A-20-200;  
WGC-AHR-H1-XX-DR-A-20-100; WGC-AHR-H1-XX-DR-A-20-010;  
WGC-AHR-H1-XX-DR-A-20-001

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

53. The measures set out in the document 'Plot A Energy and Sustainability Statement (dated August 2020)' by Hannan Associates shall be implemented in full prior to the occupation of the development.

**Reason:** To achieve sustainable, low-carbon development in accordance with the National Planning Policy Framework.

54. Prior to commencement of works above ground level on Plot A or Plot H, a full landscaping scheme relating to the relevant plot shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be based on the submitted Phase 1B General Arrangement Plan Render 9P11386-00-001-GIL-0110 P04 and General Arrangement Plan P11386-00-002-GIL-1150 P02, and shall be completed either:

(a) not later than the first planting season following practical completion of the development or

(b) during the appropriate planting season progressively as the development proceeds, in accordance with a programme to be agreed in writing with the local planning authority.

Any trees or shrubs which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees and shrubs of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation"

**Reason:** In the interests of visual amenity and in accordance with Policy GR5 of the Wirral Unitary Development Plan.

55. Once constructed, Plots A1 and A2 shall be managed in accordance with the Landscape Management Plan (11386-00-001-GIL-0725, 14th April 2021 Revision 01, Gillespies). The Plan shall be implemented in full as soon as that phase of the development is occupied and adhered to in full for the stated period thereafter

**Reason:** To ensure that the site is managed and maintained in a suitable condition

56. Once constructed, Plot H shall be managed in accordance with the Landscape Management Plan (11386-00-001-GIL-0725, 14th April 2021 Revision 01, Gillespies). The Plan shall be implemented in full as soon as that phase of the development is brought into use and adhered to in full for the stated period thereafter

**Reason:** To ensure that the site is managed and maintained in a suitable condition

57. Except for site clearance and remediation, no development shall commence until a scheme

for the design and construction of highway improvement works has been submitted to and approved in writing by the Local Planning Authority. For avoidance of doubt, the works shall include:

- The provision of a junction improvement to the Hemingford Street / Claughton Road roundabout including kerb realignments to accommodate servicing vehicles;
- Temporary replacement of the existing taxi rank to the north of the development;
- Reconstruction of the adopted highway to Claughton Road contiguous with/along the development site frontage;
- The provision of limited waiting loading bays/service bays adjacent to the development and accessed from the western service road;
- The provision of new traffic regulation orders and any necessary amendments or revocations to the existing traffic regulation orders in Claughton Road, Hemingford Street and the service road to accommodate the highway works;
- The provision of way finder and directional signage associated with the development proposals;
- The necessary amendments to the Europa Pools car park to accommodate the sub-station including the provision of 4 new/relocated coach parking bays and kerb realignments;
- Replacement/upgrade of street lighting necessary as part of the detailed design;
- Drainage works necessary to facilitate the highway works;
- Submission of as-constructed plans showing any areas to be offered up for adoption to the HA upon completion of the works;
- Submission of an agreed maintenance strategy for any private public realm areas associated within the development upon completion of the works;

The approved scheme shall subsequently be completed in accordance with the approved details prior to first occupation of the development hereby approved.

**Reason:** To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions

58. The development shall not be occupied until detailed drawings showing that the surface water drainage of the site has been designed to prevent the discharge of water on to the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved drainage design shall be installed in accordance with the approved details prior to first occupation.

**Reason:** To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.

59. Prior to first use of the development hereby permitted, all parking and servicing areas shown on plan number WGC-AHR-S0-XX-DR-A-20-010 shall be surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown on the plan. The parking and servicing areas shall be made available for use prior to first use of the development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

60. Prior to first use of the development hereby permitted, the cycle parking indicated on plan number WGC-AHR-S0-XX-DR-A-20-010 shall be provided and made available for use in accordance with the details and specifications shown on the plan. The cycle parking shall be retained as such thereafter.

**Reason:** To ensure that adequate provision is made for parking cycles on the site; and to

establish measures to encourage non-car modes of transport.

61. The development shall be carried out and operated in accordance with the submitted Waste Management Strategy (Vectos Transport Planning Ref: VN81110 dated August 2020) unless otherwise agreed in writing by the local planning authority.

**Reason:** To accord with the Merseyside and Halton Waste Joint Local Plan and National Planning Policy for Waste paragraph 8 and Planning Practice Guidance paragraph 49.

62. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land. The development shall be carried out and completed in accordance with the approved details.

**Reason:** To ensure that the development is satisfactorily sited and designed in relation to adjacent development

**Last Comments By:** 10/04/2021 10:33:00

**Expiry Date:** 14/05/2021