

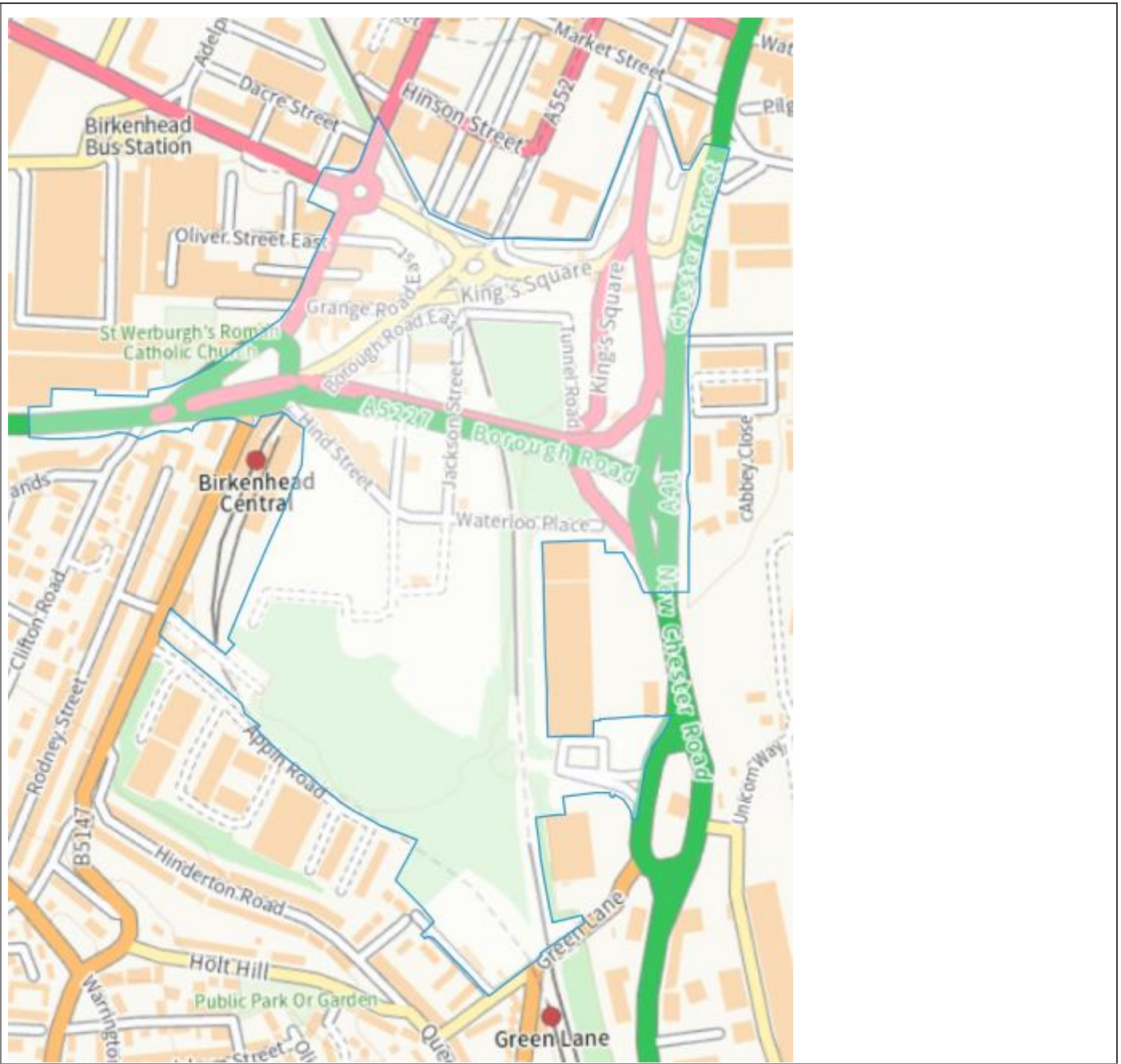
Strategic Applications Sub Committee	16th January 2025
---	--------------------------

Reference:	PS Development Code	Case Officer:	Ward:
OUT/23/01259	Q06 Other Major Development		Birkenhead and Tranmere

Location:	Land Bounded By Appin Rd, Birkenhead Central Station, Borough Rd, Clifton Crescent, Argyle Street, Conway Street, Kings Square, A41, Rock Retail Park, Green Lane And Helmingham Grove
Proposal:	<i>Hybrid Planning Application for the phased development of Hind Street Urban Garden Village: Full planning application for: i. Mollington Link to Hind Street active travel route. ii. Engineering and remediation works including demolition to reprofile land levels to create development platforms and tidal flood mitigation. iii. The creation of 'Dock Branch South' (community park). iv. Demolition of the Borough Road (A5227) and Queensway Tunnel flyovers and existing Cadent Gas Pressure Reduction Infrastructure. v. Diversion of United Utilities Combined Sewer to the North of Hind Street/Waterloo Place. Outline planning application (with all matters reserved for future consideration) for: i. Up to 1600 dwellings (use class C3) with ancillary car and cycle parking. ii. Ancillary floorspace for flexible E use classes (including office, retail, leisure [including food and beverage]) F1 uses classes (including health services, nursery services, primary school), F2 use classes (including halls, meeting places for local community), hotel (use class C1), and residential institution (use class C2). iii. Sui generis use classes including student accommodation, co-living, drinking establishments, hiring/selling and/or displaying motor vehicles, multi storey car park/mobility hub. iv. New public realm and spaces to serve the new dwellings and ancillary floorspace. v. Highway access and servicing arrangements. vi. Infrastructure provision, inclusive of a new primary sub-station, pumping station, electric vehicle charging hub, and all other associated works including demolition</i>
Applicant:	ION developments
Agent :	WSP

Reason for referral to Strategic Applications Sub Committee	Departure from Development Plan Large Scale Major Development
--	--

Site Plan:	
-------------------	--



© Crown copyright and database rights 2023 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

1. Development Plan designation:	Employment Development Area Primarily Industrial Area Primarily Commercial Area
---	---

2. Planning History:	None relevant to the development in terms of the whole regeneration development proposal
-----------------------------	--

3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments	No comments received.
---------------------------------	-----------------------

3.2 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 679 neighbouring addresses on 01 September 2023. The relevant site notices posted around the site and a notice published in the local press at that time and most recently in December 2024.

In response, one neutral comment was received asking what the diversion of the sewer would mean.

CONSULTATIONS

Highways, Traffic and Transport -

No objection subject to the attachment of planning conditions regarding:

- flyover demolition phasing,
- highway works,
- refuse storage,
- drainage,
- construction management plan,
- road safety audit,
- lighting,
- highway infrastructure maintenance,
- car parking surveys,
- car and cycle parking provision,
- refuse storage/servicing,
- cycle route design,
- highway improvement works,
- travel plan and
- signage.
- A condition is also recommended requiring that the Active Travel Route is subject to further review within the reserved matters applications and two-way traffic introduced if required.
- A commuted sum relating to the Active Travel Route, new traffic signals and a school crossing facility is requested.

National Highways – No objection.

Liverpool City Region Combined Authority (LCRCA) including Merseytravel– No objection.

There is clear policy alignment with the emerging Spatial Development Strategy. Concerns exist regarding the impact of the flyover removal. The LCRCA wish to continue to engage with Wirral Council in any future highway modelling and in the detailed design, phasing and implementation proposals of all flyover demolition and highway mitigation measures, and to be part of a Flyover Demolition Steering group. The LCRCA wish to see the first phase of development at Hind Street included in a heat network.

Active Travel England - No objection

Requests additional details, including in respect to the detailed design of the active travel route, cycle parking, a detailed travel plan, details of the mobility hub and the layout of the outline development which will be captured in the recommended travel plan condition.

Structures and Asset Performance – No objection

The demolition of the Borough Road flyover is supported.

Environment Agency – No objection

Subject to conditions imposed regarding contamination land and flood risk

LLFA – Objection

Concerns raised with regards to potential future surface water flood risk
Conditions are proposed for the reserved matters applications to include an updated FRA for each phase as and when submitted in order to manage and monitor surface water flood risk.

United Utilities – No objection

Sewer diversion included within the full details element of the application are considered acceptable subject to the mitigation for wastewater storage

Environmental Health – No objection

Subject to condition imposed to secure a Construction Environmental Management Plan and to manage contamination.

MEAS - No objection,

Subject to conditions, to assess future BNG gain, a landscape & Ecological management plan and bat surveys to be submitted at relevant points of the development and a financial contribution towards recreational mitigation via S106 agreement.

Natural England – No objection

Reserved matters application should be supported by further HRA submissions for the proposed phases to reduce recreational pressure, recreational pressure including financial contributions are considered effective mitigation if implemented.

Housing Services – No objection

Advises that the development would help meet housing targets and affordable housing needs.

Sport England - No objection

Supports the sports needs being assessed at reserved matters stage subject to this and appropriate financial contributions were required being secured via aS106 agreement.

Merseyside Fire and Rescue – No objection

Information to include within the decision notice is provided.

Merseyrail – No objection

Points raised with regards to any proposed upgrades to Birkenhead Central and Green Lane Station as part of the development and if rail replacement bus stops will be incorporated during development works, these points were addressed and no further comments offered.

Network Rail – Supportive in principle and is engaged in dialogue with the developer.

NHS – No objection

	The development will result in 1,600 homes and therefore will require mitigation in the form of a financial contribution to be secured via a S106 agreement.
	<p><u>Consultation by Applicant</u></p> <p>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:</p> <ul style="list-style-type: none"> • Discussions with transport stakeholders including representatives from Liverpool City Region Combined Authority, specialists in sustainable travel and the Mersey tunnels. • Letters or emails were sent to site landowners and occupiers and neighbouring businesses and residents. • A flyer was distributed to 8,368 properties close to the site. • A media release was issued to publicise the consultation and engagement event. • Social media channels and a dedicated consultation website were used. • A 2-day public exhibition was held where <u>m</u>embers of the project team were available to answer questions. • Feedback forms were used, and site tours offered. <p>The SCI sets out how the applicant responded positively to comments received and revised the proposed development in line with those comments. A Places Matter Design Review has also been undertaken and the proposals were discussed at a Homes England Design Surgery.</p>

4. Site and Surroundings	
4.1	The Site has an area of approximately 26.27 hectares and is located to the south of Birkenhead town centre
4.2	The Site boundaries extend to Appin Road and Green Lane in the south, Birkenhead Central train station in the west and Rock Road Retail Park and Mollington Link in the east. The northern boundary lies along the northern side of Market Place and Conway Street and includes the Mersey Tunnel toll plaza and Borough Road as it extends west away from the town centre. Included within the Site are the 1960's flyovers between Borough Road and the A41.
4.3	A large portion of the Site contains a former gas works site which has been cleared and partially remediated. The area to the south and east of the former gas works is mainly vacant land with the remainder of the site containing a mixture of existing businesses, vacant buildings and land. The land area to the north of Hind Street/Blackpool Street/Waterloo place has a mix of commercial occupiers, who predominantly use the land for open storage. A disused railway line runs north-south through the Site and associated with this are former railway sidings and the remains of Birkenhead Town and Grange stations
4.4	The area to the west of the Site, beyond Birkenhead Central Station, is mainly residential in character, while beyond the site's southern boundary is a small industrial estate and residential properties on Hinderton Road and Hinderton Close. Beyond the Sites eastern boundary is Rock Road Retail Park, the A41 and industrial premises along the River Mersey. Birkenhead Town Centre with its various commercial uses is to the north.
4.5	There are several listed buildings within the Site and the surrounding area, including the Mersey Tunnel Entrance (Grade II), the Mersey Tunnel Monument (Grade II) and Birkenhead Priory (Grade I)
4.6	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)

4.7	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%).
-----	---

5. Proposed Development	
--------------------------------	--

5.1	<p><u>Summary:</u> The proposed development is submitted as a hybrid planning application (part detailed, part outline) to allow for a multi-phase mixed-use masterplan. The proposals seek to deliver a low carbon, high density urban village.</p> <p>Full planning permission is sought for the following:</p> <ul style="list-style-type: none"> (i) Creation of an active travel route from Mollington Link to Hind Street. (ii) Engineering and remediation work including demolition and land reprofiling to create development platforms and tidal flood mitigation. (iii) Creation of Dock Branch Park South Park along the disused railway line. (iv) Demolition of the Borough Road (A5227) and Queensway Tunnel flyovers and the existing cadent gas pressure reduction infrastructure. (v) Diversion of a United Utilities combined sewer to the North of Hind Street/Waterloo Place.
-----	---

5.2	<p>Outline planning permission, with all matters reserved for future consideration is sought for:</p> <ul style="list-style-type: none"> (i) Up to 1600 dwellings (use class C3) with ancillary car and cycle parking. (ii) Ancillary floorspace for flexible E use classes (including office, retail, leisure, food and beverage), F1 use classes (including health services, nursery services, primary school), F2 use classes (including halls, meeting places for local community), hotel (use class C1), and residential institution (use class C2). (iii) Sui generis use classes including student accommodation, co-living, drinking establishments, hiring/selling and/or displaying motor vehicles, multi storey car park/mobility hub. (iv) Public realm and spaces to serve the proposed dwellings and ancillary floorspace. (v) Highway access and servicing arrangements. (vi) Infrastructure provision, including a new primary sub-station, pumping station, electric vehicle charging hub, and all other associated works including demolition.
-----	--

5.3	<p><u>Detailed planning proposal</u> Detailed planning permission is sought for the creation of an active travel route from Mollington Link to Hind Street, engineering and remediation works, the creation of Dock Branch Park South, demolition work and the diversion of a United Utilities combined sewer.</p> <p>Remediation of the site will comprise general site clearance, decommissioning of existing gas infrastructure and buildings, and removal of surface hardstanding and sub-surface obstructions including historic foundations. Shallow site soils will be excavated, treated and where possible re-engineered to form a development plateau for future residential development.</p> <p>It is proposed to divert existing sewers within Hind Street and Waterloo Place to the north.</p> <p>The active travel route to link Hind Street in the northwest to Mollington Link in the southeast, runs through the centre of the site and includes cycle ways, footpaths, bus stop/layby infrastructure, as well as a bus gate that allows full south-north bus movement but prevents other vehicles from using it to cut through the site.</p>
-----	--

	<p>A new linear park 'Dock Branch Park South' is proposed along the route of a disused high-level railway which runs from Corporation Street in the north to Green Lane Station in the south. The aim is to provide an active travel route and linear park containing walking and cycling paths. The park would contain play areas, extensive hard and soft landscaping, seating, artwork, arrival plaza and viewpoints.</p>
5.4	<p><u>Outline Proposal</u></p> <p>The application includes a Design and Access Statement and Design Code which sets out the key design and development principles in respect of the matters for which outline approval is sought. Parameters plans to define the limits for non-residential floor space and building heights across each of the plots have also been submitted. These accompany an illustrative masterplan which shows how the overall site could be developed. (Parameter Plan see Appendix A)</p> <p>For the purposes of the outline part of this application the Site has been divided into 8 plots. Plot 1 comprises the majority of the land south of Hind Street, with the exception of a small area adjacent to the eastern boundary which forms Plot 2. Plots 3, 4, 5 and 6 are located between Hind Street and Borough Road, and plots 7 and 8 lie to the north of Borough Road. Development within each plot is described below.</p>
5.5	<p><u>Plot 1</u></p> <p>A large parcel of land to the southern point of the side bounded by Hind Street to the north and Jackson Street South to the east.</p> <p>The buildings within Plot 1 would be between 2 and 7 storeys with a minimum density of 60dph (average of 90dph). The predominant use would be C3 residential with a combination of housing and apartment units.</p> <p>The Parameters Plan allows for some commercial units (up to 4,525m²) including retail, food and drink and work places, this is subject to reserved matters application and is a guide as to the space allocated for non-residential. These would be primarily on the ground floor and focussed around public open spaces and primary routes. The design codes for Plot 1 include:</p> <ul style="list-style-type: none"> • Within Plot 1 there should be a series of Local Area for Play (LAP) spaces to serve the local and surrounding communities. • The plot should provide 2 Local Equipped Area for Play (LEAP) spaces, one to the north in proximity of Hind Street and one to the south in proximity of Green Lane and Dock Branch South. • A Village Square, to provide the key public open space, should be incorporated. • There should be a minimum of 70% parking provision for houses and 10% parking provision for apartments. • View towards the Town Hall and Hamilton Square_train station tower should be maintained and celebrated within the layout. <p><u>Plot 2</u></p> <p>A rectangular parcel of land parallel to the rear of Rock Retail Park and bound to the west by Jackson Road South.</p> <p>Plot 2 would contain 3-6 storey buildings with a minimum density of 60dph (average of 90dph). This plot would be mainly residential with up to 5000m² of retail and sui generis uses (parking and utility infrastructure). The design codes for Plot 2 include:</p> <ul style="list-style-type: none"> - There should be at least one area of public open space. - There should be at least one public access point into Dock Branch South. - This plot should incorporate Mollington Square, which will provide the key public open space within the plot. - Plot 2 is the location of the gas pressure reduction infrastructure, the primary and foul/surface water pumping substations.

- There should be a minimum of 70% parking provision for houses and 10% parking provision for apartments.

Plot 3

A triangular shaped plot bounded by Thomas Street to the east and Hind Street to the south.

Taller buildings (4-7 storeys) are proposed within Plot 3 a potential for an increased average density of 200-400dph (min.100dph) were able regarding development constraints. There is an allowance for up to 1,275m² of non-residential floor space comprising shops, medical services and sport/recreation. The design codes for Plot 3 include:

- There should be a series of hard and soft landscaped areas.
- The massing of buildings should maintain key view corridors from Borough Road towards Birkenhead Priory when looking east.
- The buildings and landscape will need to incorporate the new sewer within the layout.
- There should be a minimum of 10% parking provision for apartments.

Plot 4

A rectangular parcel of land with Borough Road East to the North and bounded by Blackpool Street to the South.

Plot 4 would contain 3-7 storey buildings focused on residential apartments. The average density would be 200-400dph (min.100dph). A maximum floor area of 3,525m² is set for non-residential uses which would include shops, food and drink establishments, drinking establishments, medical serves and community uses. The design codes for Plot 4 include:

- There should be a series of hard and soft landscaped areas.
- Key view corridors towards Birkenhead Priory and Hamilton Street should be maintained.
- The layout of the buildings and landscape will need to incorporate the new sewer.
- There should be a minimum of 70% parking provision for houses and 10% for apartments.
- Parking for houses should be primarily on-street and parking for apartments within a multi-storey car park.

Plot 5

A large plot bounded by Borough Road East to the north and Waterloo Place to the south.

3-7 storey building are proposed within plot 5 at a density to match plots 3 and 4. There would be a mixture of residential apartments with up to 21,525m² of commercial uses. The commercial uses include a new primary school, multi-storey car park, hotel, student accommodation, and workspaces. The design codes for Plot 5 include:

- There should be a LAP space and a number of other hard and soft landscaped areas.
- There should be a level public access point into Dock Branch Park.
- Views from Borough Road and Grange towards Birkenhead should be maintained.
- There should be a minimum of 10% parking provision for apartments. These spaces should be primarily within a multi-storey car park.

Plot 6

The most easterly part of the site bounded by Tunnel Road to the west and adjacent to the Toll Plaza.

	<p>Buildings within plot 6 are set at 4-7 stories and would be predominately residential apartments. The non-residential floorspace limit is 650m2 and this would be focused on ground floor uses which would form the frontage of the buildings. The design codes for Plot 6 include:</p> <ul style="list-style-type: none"> • Within Plot 6 there should be a LAP space alongside other hard and soft landscaped areas. • The new sewer will need to be incorporated into the layout. • The massing of buildings should maintain views towards Birkenhead Priory. • A minimum of 10% parking should be provided for apartment, mainly within a multi-storey car park. <p><u>Plot 7</u> An irregular plot of land to the rear of the properties fronting Argyle Street and bounded to the south by Borough Road East.</p> <p>Plot 7 would contain mainly workspaces with some ground floor commercial uses and up to 6,825m2 of non-residential floorspace. Buildings would be either 6 or 7 stories. The design codes for this plot include:</p> <ul style="list-style-type: none"> • Plot 7 front onto public open space at Central Square. This space should form the connection between the development and the town centre. • Buildings should be positioned to maintain views from St.Werburghs Square towards Birkenhead Priory. • Parking provision should be primarily within a multistorey car park, supplemented with some on-street parking. <p><u>Plot 8</u> The most northerly parcel of land bounded by Conway Street to the north and Borough Road East to the south.</p> <p>There would be a mixture of residential apartments, commercial uses, workspaces and hotel provision within this plot, with up to 18,875m2 of commercial floorspace. Dwellings would be at an average density of 200-400dph (min.100dph) and buildings between 5 and 7 stories. The design codes include:</p> <ul style="list-style-type: none"> • Within Plot 8 there should be a LAP space and a number of other hard and soft landscaped areas. • This plot should incorporate Haymarket, which will provide the key public open space within the plot and house the LEAP space. • Key view corridors towards the Priory and Hamilton Street should be maintained. • There should be a minimum of 10% parking provision for apartments, primarily within a multi-storey car park. <p>See Appendix A</p>
5.6	<p><u>Phasing:</u> The development would be delivered in phases over an approximate 12-year period. For the purposes of this application the construction is divided into six phases. These are summarised below.</p> <p><u>Enabling Phase</u> The initial phase of the development would focus mainly on the site of phases A and B which are located to the south of Hind Street. The works would include the remediation of the former gasworks and railway sidings to allow for future development and the relocation of the gas infrastructure. Once remediation works have been undertaken the Mollington Link to Hind Street active travel route would be constructed. The combined sewer would be diverted as part of this phase, and it is also expected to commence work on Dock Branch Park South.</p>

	<p><u>Phases A and B</u> These relate to Plots 1 and 2 and encompass everything south of Hind Street and it is envisaged they would contain primarily mid-high density family housing with some low-mid-rise apartment buildings. These phases also include the primary substation, the foul and surface water pumping station and Dock Branch South.</p> <p><u>Phase C</u> Phase C is the area immediately to the north of Hind Street (southern part of Plots 3, -6). It is intended to contain residential led mixed development, with primarily mid-rise apartment buildings including some ground floor commercial units. This phase also includes the opportunity for a new primary school and multi-storey car park if required.</p> <p><u>Phases D and E</u> Phases D and E are within the northern most part of the site (northern parts of Plots 3-6 and Plots 7 and 8). Development here would include mid-rise apartments mixed with commercial uses such as offices and hotels.</p> <p>Due to the scale of the proposed development and the necessity to phase delivery, a planning permission which spans more than the customary 3 years is sought. Set against the proposed sequencing of development (as set out above), it is requested that planning permission for the outline part of the development be granted for a 15-year period.</p> <p>See Appendix B for Phasing Plan</p>
5.7	<p><u>EIA Matters</u> The Proposed Development falls within Category 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended):</p> <ul style="list-style-type: none"> • as an urban development project where the area of the development exceeds 5 hectares and includes more than 150 dwellings. <p>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.</p> <p>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. The ES covers the following topics:</p> <ul style="list-style-type: none"> • Reasonable Alternatives (ES Chapter 4); • Air Quality (ES Chapter 6); • Cultural Heritage (ES Chapter 7); • Ecology and Nature Conservation (ES Chapter 8). • Townscape and Visual Impact Assessment (ES Chapter 9); • Noise and Vibration (ES Chapter 10); • Socio-economic (ES Chapter 11); • Traffic and Transport (ES Chapter 12); • Water Resources, Flood Risk and Drainage (ES Chapter 13); • Ground Conditions and Contamination (ES Chapter 14); • Climate Change – Greenhouse Gases (ES Chapter 15); • Climate Change - Resilience (ES Chapter 16); • Daylight, Sunlight and Microclimate (ES Chapter 17); • Wind Microclimate (ES Chapter 18); and • Cumulative Effects (ES Chapter 20)

	<p>The Local Planning Authority consider the EIA to be robust and comprehensive, and for these reasons, the EIA is acceptable for determining the application.</p>
--	--

<p>6. Development Plan</p>	
<p>6.1</p>	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
<p>6.2</p>	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <p>Part 1 Policies:</p> <p>URN1 Development and Urban Regeneration URN2 Planning Agreements for Urban Regeneration EMP1 Provision of Employment Land HSG2 Affordable Housing CH01 The Protection of Heritage NC01 Principles of Nature Conservation LAN1 Principles for Landscape TRT1 Provision for Public Transport TRT3 Transport and the Environment SH01 Principles for New Retail Development REC1 Principles for Sport and Recreation</p> <p>Part 2 Policies:</p> <p>EM6 General Criteria for Employment Development EM7 Environmental Criteria for New Employment Development EM8 Development within Primarily Industrial Areas EM9 Non-Employment Uses in Industrial Areas HS4 Criteria for New Housing Development HS5 Density and Design Guidelines HS6 Principles for Affordable Housing Policy HS7 Sheltered Housing Policy HS8 Nursing Homes/ Residential Car Homes Policy HS9 Mobility Housing GR5 Landscaping and New Development GR6 Greenspace within family housing GR7 Trees and new development RE1 Criteria for Urban Recreation Facilities RE11 Criteria for Childrens Play Facilities CH1 Development Affecting Listed Buildings and Structures CH2 Development Affecting Conservation Areas CH25 Development Affecting Non-Scheduled Remains NC1 Protection of Sites of International Importance for Nature Conservation NC3 Protection of Sites of National Importance for Nature Conservation NC5 Protection of Sites of Local Importance for Nature Conservation NC7 Species Protection TR8 Criteria for the Design of Highway Schemes TR9 Requirements for Off-Street Parking TR 10 Cycle Routes TR11 Provision for Cyclists in Highway and Development Schemes TR12 Requirements for Cycle Parking TP13 Requirements for Disabled Access SH6 Development within Primarily Commercial Areas</p>

	<p>SH9 Criteria for Out of Centre and Edge of Centre Retail Development WA2 Development and Land Drainage WA3 Development and Groundwater Protection WA4 Safeguarding Water Resources WA5 Protecting Surface Waters P03 Noise P04 Noise Sensitive Development P05 Criteria for the Development of Contaminated Land</p>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18th July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> • WM8 Waste Prevention and Resource Management • WM9 Sustainable Waste Management Design and Layout for New Development

7. Other Material Planning Considerations	
7.1	<p>The National Planning Policy Framework (2024)</p> <p>The National Planning Policy Framework (December 2024) is a material consideration in planning decisions and the following sections contain policies relevant to the determination of this application. The full text of the Framework can be found at www.gov.uk.</p> <p>Section 2 – Achieving sustainable development. Section 5 - Delivering a Sufficient Supply of Homes Section 6 – Buildings a Strong, Competitive Economy Section 7 – Ensuring the Vitality of Town Centres Section 8 - Promoting Healthy and Safe Communities Section 9 - Promoting Sustainable Transport Section 11 - Making Effective Use of Land Section 12 - Achieving Well-Designed and Beautiful Places Section 14 - Meeting the Challenge of Climate Change, Flooding, and Coastal Change Section 15 - Conserving and Enhancing the Natural Environment Section 16 Conserving and enhancing the historic environment.</p> <p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2017</p> <p>Planning (Listed Building and Conservation Areas) Act 1990</p> <p>National Planning Policy Guidance (NPPG)</p> <p>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. The topics are relevant- 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.</p> <p>On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. On the same date, the Secretary of</p>

	<p>State made a written ministerial statement (WMS) entitled 'Building the homes we need'.</p> <p>The draft framework is not adopted and is subject to change and therefore can be afforded only limited weight. As the WMS is an expression of government policy, it is a material consideration which can be afforded moderate weight.</p>
7.2	<p>The Emerging Local Plan</p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th of October 2022. Hearings commenced in April 2023 and concluded in November 2023. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>On 4 March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors' view on certain matters and what should now be done. It should be read as the Inspectors' initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors' view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. The modifications required to make the Plan sound were published by the Council for public comment on 25 September 2024. For the purposes of decision making, the post-hearing note and the publication of the modifications do-not change the status of the emerging Local Plan. The Plan is at an advanced stage and weight may be given to relevant policies in the emerging Plan in accordance with the requirements of paragraph 49 of the National Planning Policy Framework as set out in the officer report.</p> <p>In attaching weight to individual policies, paragraph 49 of the NPPF is relevant as it states:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and 3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)." <p>The following emerging Local Plan policies are relevant to the determination of this planning application:</p> <p>WS 1 The Development and Regeneration Strategy for Wirral 2021 - 2037 WS 1.3 Infrastructure WS 2: Social Value WS 3: Strategy for Housing WS 3.1 Housing Design Standards WS 3.2 Housing Density (RES-DZ2-urban core and town centres) WS 3.3 Affordable Housing Requirements (zone 1) WS 3.4 Housing Mix WS 3.5 Self-build and custom build housing WS 3.6 Specialist Housing WS4 Strategy for Economy and Employment WS 4.1 Meeting the Strategy WS 5 Strategy for GBI, Open Space, Biodiversity and Landscape protection</p>

WS 5.1 Green and Blue Infrastructure Networks
 WS 5.2 Open Space Provision
 WS 5.3 Outdoor Sports Provision
 WS 5.4 Ecological Networks
 WS 5.5 Mitigating Recreational Disturbance on International Sites for Nature Conservation
 WS 5.7 Maintenance of Green Infrastructure and Open Space Provision
 WS 5.8 Landscape Character
 WS 5.9 Evidence of Approach
 WS 6 Placemaking for Wirral
 WS 6.1 Placemaking Principles
 WS 6.2 Gateway Areas
 WS 6.3 Masterplan Areas
 WS 7 Principles of Design
 WS 7.1 Design Principles
 WS 7.2 Privacy and Amenity
 WS 7.4 Parking
 WS 7.5 Tall Buildings
 WS8 Strategy for Sustainable Construction, Renewable and Low Carbon Energy
 WS 8.1 Energy Hierarchy
 WS 8.2 Sustainable Construction- Energy Efficiency, Overheating and Cooling, and Water Usage
 WS 8.4 On Site Renewable and Low Carbon Energy
 WS 8.5 Carbon Compensation through Renewable and Low Carbon Energy
 WS 8.6 Heat and Power Networks
 WS 8.7 Stand-alone Renewable and Low Carbon Energy Schemes
 WS 8.8 Climate Change and Energy Statement
 WS9 Strategy for Transport
 WS 9.1 Transport Schemes
 WS 9.2 Accessibility and Sustainable Transport
 WS 9.3 Servicing Development
 WS 9.4 Impact on Networks
 WS10 Infrastructure Delivery
 WS 10.1 Provision of Infrastructure
 WS 10.2 District Heat Networks
 WS 10.3 Enabling Broadband Connection
 WS 10.4 Facilities for Education, Health and Emergency Services
 WS 10.5 Community, Sport, Leisure and Cultural Facilities
 WS 10.6 Open Space
 RA 5 Hind Street and St Werburgh's Regeneration Area
 RES-RA5.1 Land at Hind Street- 14.65 hectares, 1,400 units
 MPA RA5.1 Hind Street Urban Garden Village Masterplan Area
 MPA RA5.2 St. Werburgh's Masterplan Area
 WP 2 - Policy for the Birkenhead Commercial Core
 WP 2.1 Conservation Areas- Hamilton Square (CON- 2.1)
 WP 2.2 Residential Sites
 WP 2.3 Employment Sites
 WD1 Landscaping
 WD 1.1 Landscaping Proposals
 WD 1.2 Trees
 WD 2 Heritage Assets
 WD 2.1 Protecting Heritage Assets
 WD 2.2 Conservation Areas
 WD 2.3 Archaeological Assets
 WD 3 Biodiversity and Geodiversity
 WD 4 Coastal Protection, Flood Risk, Sustainable Drainage & Natural Water Management
 WD 4.2 Flood Risk
 WD 4.3 Sustainable Drainage and Natural Flood Management
 WD 4.4 Wider Flood Risk Benefits
 WD 10 Non Residential Uses in Primarily Residential Areas
 WD 14 Pollution and Risk
 WD 15 Contamination and Instability
 WD 15.2 Migration of Landfill Gas
 WD 18 Health Impact Assessment

7.3	SPD4: Parking Standards SPD2 Designing for Self-contained flat developments and Conversions
7.4	Wirral Tree, Hedgerow and Woodland Strategy 2020-2030

8. Assessment	
8.1.1	<p>The application has been assessed against development plan policies, national planning policy and guidance, and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:</p> <ul style="list-style-type: none"> • Principle – residential development, employment land designation/allocation, retail • Highways and Transport • Drainage and Flood Risk • Biodiversity • Open Space • Heritage • Design • Residential Living Conditions • Environmental Considerations • Social infrastructure • Dock Branch Park • Sustainability • S106 agreement

8.2 Principle of Development	
8.2.1	<p>There is a presumption in favour of sustainable development under the terms of the NPPF. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.</p> <p>NPPF paragraph 11 indicates that development should be approved if it accords with an up to date development plan without delay, or where there are no relevant policies or the most important policies are out of date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.</p> <p>NPPF paragraphs 124 and 125 provide support for effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight is given to the use of brownfield land and para.125 (d) supports the development of underutilised land and buildings especially if this would help to meet identified needs for housing.</p> <p>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:</p> <ul style="list-style-type: none"> - 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.

8.2.2

Loss of industrial/employment land

The site is designated in the Wirral Unitary Development Plan (UDP) as a Primarily Industrial Area subject to Policy EM8 with part of the site allocated for general employment use under Proposal EM3.

Policy EM8 supports proposals for uses falling within Classes B1, B2 or B8 and proposals for the expansion of existing businesses.

Policy EM3/12 'Land for General Employment Use' allocated Former Mollington Street Depot (3.4 hectares), which falls within the application sites redline boundary, for use classes B1, B2 or B8.

Policy EM9 states that proposals for retail or housing uses on land allocated for employment purposes will not be permitted.

As a residential led development on a designated employment site, the proposal is a departure from the UDP.

The UDP was adopted in 2000, and its policies are now out of date. As such, the weight which can be afforded to the policies is dependent upon the degree of their consistency with the NPPF in accordance with paragraph 232.

UDP Policies EM8 and EM9 are considered to be broadly consistent with the aims of the NPPF insofar as they support a strong and competitive economy in Wirral, however, to achieve this objective paragraph 8 of the NPPF is clear this land must be of the right type, in the right places and at the right time to support growth. In addition, paragraph 127 of the NPPF requires decisions to reflect the changes in demand for land and allow alternative uses to come forward where there is no reasonable prospect of an application coming forward for that use and the land could contribute to meeting unmet need for development in the area.

A series of employment land studies have been carried out over the period of 2012 to 2021.

The documents prepared to support the Wirral Local Plan Submission Draft provide the most up to date evidence with regards to the borough's employment needs and land supply.

The Wirral Employment Land Options Study (ELOS) 2019 recommended that sites in the Hind Street Regeneration Area, Tranmere should be considered for residential-led development as part of a wider comprehensive review of Hind Street area and therefore removed from the overall employment land portfolio. It was recommended that opportunities to deliver employment as part of a mix of uses be explored if viable in this locality to create a vibrant community, opportunities for small business space and create local and highly accessible employment opportunities in a central and significant area (p32).

The Wirral Employment Land and Premises Study 2021 (WELPS), provides the most up-to-date review of supply and demand. The WELPS identified a very challenging viability position across all development types (paragraph 6.11, page 85). It found a potential excess of supply over demand (paragraph 10.6, page 143) and that it is important not to over-allocate land in areas of plentiful supply as this creates the risk of diluting the market and leaving land vacant which could come forward for alternative uses (paragraph 10.5, page 143). For the Hind Street sites the WELPS 2021 concludes that sites should not form part of the core employment land supply and consideration could be given to this site being used for employment or alternative use, where the Local Planning Authority considers there is no prospect of an application coming forward for employment use, potentially as part of the wider delivery of the regeneration of the Hind Street Area .

In the emerging Wirral Local Plan 2021-2037 Submission Draft (WLPSD) the site is a proposed residential allocation and sits within the Hind Street and St

Werburch's Regeneration Area and Hind Street Urban Garden Village Masterplan Area.

The Submission Draft Local Plan can be afforded weight in decision making in accordance with the guidance in paragraph 49 of the NPPF. Paragraph 49 advises that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.

The WLPSD is at an advanced stage and weight may be given to relevant policies in the emerging plan in accordance with the requirements of paragraph 49 of the National Planning Policy Framework.

The approach to employment land has been informed by up-to-date evidence including the Employment Land and Premises Study 2021. The Local Plan allocates an adequate supply of employment land to meet the borough's needs and accords with national planning policy.

Both the UDP and the WLPSD aim to deliver sustainable development through focusing investment and regeneration into the existing urban areas of the borough and maximising the re-use of previously developed land. However, the WLPSD allocation reflects a shift away from employment led regeneration to regeneration that is driven by new sustainable mixed-use neighbourhoods. This shift is supported by the Local Plan evidence base which confirmed that the site has been undeveloped and vacant for a number of years and is unlikely to come forward for commercial development.

Emerging Policy RA 5 Hind Street and St Werburgh's Regeneration Area has been produced to achieve a highly accessible exemplar low-carbon urban garden village-type residential neighbourhood. An illustrative masterplan has been submitted to demonstrate that the site has the capacity to deliver a high-quality urban village which meets the design requirements set out within emerging Policy RA5.

In the case of proposals contrary to Policies EM3 and EM8, having regard to NPPF paragraph 127 and the NPPG on the effective use of land [paragraph 001 Reference ID: 66-001-20190722](#)), previous policies in Wirral have required applicants to provide evidence of marketing information for the whole application site, including the marketing methodology, copies of the advertisements and evidence to show the site has been marketed for sale of the freehold and to let, solely for industrial purposes over a continuous period of at least 12 months; and where there are existing buildings on site how the price and terms of existing units are realistic in comparison with similar premises elsewhere within the Borough; and what interest has been shown for those units. This principle has been carried forward into Submission Draft Local Plan Policy WS 4.2 and paragraph 3.103. The applicant has not submitted any specific marketing evidence in relation to the application site but contends that given the passage of time and subsequent evidence base and actions to promote alternative uses, limited weight should be applied to the UDP Primarily Industrial designation and Employment Development Site allocation.

Whilst the proposal is contrary to UDP Policies EM3 and EM8 it is officer opinion that in the specific circumstances of this case, limited weight should be attached to these policies and the corresponding employment designations/allocation on the UDP Proposals Map, given that the site has remained largely undeveloped for the last 20 years and the weight of subsequent evidence supporting the site's release for alternative uses, coupled with the previous planning history which has supported alternative uses as far back as 2009 and most recently the promotion of a comprehensive housing-led Regeneration strategy for the site in the emerging Local Plan. The proposal is fully in accordance with Policy RA5

	<p>Hind Street and St Werburgh's Regeneration Area of the emerging Local Plan.</p> <p>The Local Plan is at an advanced stage following the consultation on main modifications required by the Inspector to make the plan sound. As Policy RA5 has not been identified by the Inspector for modification in order to make the plan sound significant weight may be attached to this policy in the overall planning balance. Therefore, it is considered that the principal of the use of the site for a mix of uses to create an urban village is acceptable.</p>
<p>8.2.3</p>	<p><u>Housing</u></p> <p>Boosting the supply of homes is a key objective of the NPPF (para.61) and paragraph 124 advocates the effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 125 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Paragraph 8 of the NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet the needs of present and future generations.</p> <p>NPPF paragraph 63 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.</p> <p>Paragraph 77 of the NPPF states; The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:</p> <ul style="list-style-type: none"> a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains; b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access; c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed homes to meet the needs of different groups in the community; d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size. <p>The existing adopted Unitary Development Plan (UDP) sets out criteria for new housing development including policies for affordable and mobility housing. 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.</p>

Policy HS8 'Nursing Homes/Residential Care Homes' sets out when nursing/residential care homes will be permitted as C2 use is included within the proposal for flexible ancillary floor space. Supplementary Planning Document 2 – Designing for self-contained flat development and conversions (October 2006) is also relevant.

UDP Policy SH6 does not identify residential development as a use that is supported within this location and therefore, the principle of housing is a departure from the development plan. The introduction of housing would also be contrary to UDP Policies EM9 and EM3. However, as outlined above these policies are considered to be out of date and should be afforded limited weight.

Policy WS 1.1 of WLPSPD commits to provide a minimum of 13,360 net additional dwellings including new affordable dwellings across the plan period 2021 – 2037, which equates to 835 homes per year. The preferred strategy is to meet the Borough's development needs within existing urban areas by developing urban sites and by increasing densities across all settlements in the Wirral ahead of any Green Belt release. Hind Street and St Werburgh's is allocated to provide 1,476 new homes. The Main Modifications to the Local Plan, published for public comment on the 25th of September propose an updated plan-wide housing requirement of a minimum of 14,400 dwellings over an extended Plan period of 2022/23 - 2039/40 and a revised minimum dwelling provision in Policy WS1 of 1,017 over the plan period for the Hind Street and St Werburgh's regeneration area.

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 1,600 new homes over the anticipated 15-year development period would make a significant and positive contribution to the Council's housing requirement.

The exact housing mix will be determined at the reserved matters stage. However, an indicative housing mix derived from the Illustrative Masterplan has been provided. This shows a mix of 500 1-bed apartments, 620 2-bed apartments, 47 3-bed apartments, 400 3-bed houses, 19 4-bed houses and 14 4-bed houses. A condition is recommended, to show the details of the mix of housing across each phase and a cumulative update to assess the mix across each phase and plot in order to secure appropriate mix across the site delivery as a whole.

Draft Policy WS 3.1 requires new build dwellings to meet appropriate standards for design, including accessibility and adaptability.

The applicant has committed to meeting requirements of Policy WS 3 which would be assessed in reserved matters applications and secured through a planning condition.

Under emerging Local Plan Draft Policy WS 3.2 the Site would be within the Urban Core and Town Centre density zone requiring a minimum density of 60 dwellings per hectare.

Draft Policy WS 3.1 requires compliance with national described space standard and the optional tighter water efficiency standard in line with G2 of the Building Regulations.

In this instance, draft Policy WS 3.1 requires that 94% of dwellings be accessible and adaptable (in line with M4 (2) of the Building Regulations), with 6% of dwellings to be 'wheelchair adaptable' (in line with M4 (3)(2) of the Building Regulations) or in the event where the Council are responsible for allocating or nominating a person for immediate occupation, those 6% are to be 'wheelchair user' (in line with M4 (3)(2) of the Building Regulations).

Across all phases the development density would be between 66 to 234 dwellings per hectare which complies with Draft Policy WS 3.2. The applicant

	<p>has committed to meeting the accessibility requirements of Draft Policy WS3.1.</p> <p>Draft Policy WS 3.4 requires all new residential developments to provide homes of an appropriate type, size and tenure to meet the needs of the local community and seeks a minimum of 30% of new market dwellings to be developed for larger dwellings, with three or more bedrooms within identified Regeneration Areas.</p> <p>To meet this requirement, the development makes an allowance for such specialist provision such as residential care, student accommodation and co-living schemes. The application also demonstrates that a minimum of 30% of market dwellings within the proposed development can be brought forward as larger dwellings of three or more bedrooms. A condition is recommended requiring that each reserved matters application includes details of the specialist accommodation that will be provided in that phase of the development.</p>
8.2.4	<p><u>Affordable Housing</u> NPPF (para.66) states where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.</p> <p>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.</p> <p>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.</p> <p>Policy WS 3.3 of the WLPSD sets out that within Viability Zone 1 development must include 10% affordable housing.</p> <p>It is proposed that 10% of the total number of homes (up to 160) would be affordable. These would be delivered within phases C to E. This complies with Draft Policy WS 3.3 which, for multiphase schemes, allows the full affordable housing requirement to be provided within later phases of development to permit a greater proportion of market housing to be delivered earlier and to accommodate any future rise in property or land values.</p> <p>Given that the proposed housing development forms part of the outline element of the planning application, the mix and type of affordable housing that will be provided is not yet defined and will be determined at reserved matters stage. The Proposed modifications to the Local Plan include a new proposed Policy WS2 on viability. Proposed modifications to WS3 indicate that any relaxation of the affordable housing requirements set out in the policy will only be supported if they comply with the new viability Policy WS2. If incorporated into the final adopted Plan these changes will be a material consideration at reserved matters stage.</p>
8.2.5	<p><u>Commercial Uses</u> The outline element includes the following town centre uses:</p> <ul style="list-style-type: none"> -11,325 sqm of hotel floorspace (use class C1), - 950 sqm of retail floorspace (use class E(a)), - 875 sqm of food & beverage floorspace (use class E(b)), - 450 sqm of sport & fitness floorspace (use class E(d)) - 16,725 sqm (GIA) of workspaces (use class E(g)), and - 1,250 sqm of pub and bar floorspace (use class Sui Generis).

Under the NPPF definitions the site is partially 'edge of centre' and partially 'out of centre'.

UDP Policy SHO1 'Principles for New Retail Development' establishes the Council's objective to sustain and enhance the viability and vitality of the defined centres and other areas of shopping provision in the Borough.

UDP Policy SH9 'Criteria for Out-of-Centre and Edge-of-Centre Retail Development' explains that development of edge and out-of-centre sites will be allowed providing applicants demonstrate that the benefits of the Proposed Development outweigh the disadvantages when assessed against policy criteria.

Supplementary Planning Document SPD3 – Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments provides advice on the development and use of premises in Wirral as a café, restaurant, hot food takeaway or as a drinking establishment such as a wine bar or public house.

UDP Policy SH10 'Design and Location of Out-of-Centre and Edge-of-Centre Retail Development' provides further criteria for when retail development considered acceptable under policy SH9 will be permitted and SH8 'Criteria for shop fronts' also applies.

Policy TLR1 'Principles for Tourism Development states that proposals for visitor facilities should be directed towards urban areas outside the primarily residential area. UDP Policies TL2 'Criteria for Urban Tourism' and TL7 'Criteria for Hotels and Guest Houses' also apply.

UDP Policy REC 1 Principles for Sport and Recreation requires sport and be directed towards the existing urban area where they are easily accessible by public transport.

Policy EM6: General Criteria for New Employment Development and Policy EM7: Environmental Criteria for New Employment Development are relevant for the proposed office development.

NPPF paragraph 91 states that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Draft Local Plan Policy WS 11.3 'Town and Local Centre Impact Assessments' states that development proposals for new retail, and leisure floorspace, in edge or out-of-centre locations not designated for such use will be required to submit an impact assessment, that includes consideration of impact on relevant centres in adjoining districts. The applicable threshold for an impact assessment of proposed new edge-of-centre floorspace in the Sub-Regional Centre is 1,500 square metres (gross).

Draft Local Plan Policy RA 5 'Hind Street and St Werburgh's Regeneration Area' sets out that within Hind Street a new exemplar low-carbon urban garden village will be developed. The policy sets out the mix of uses that are to be provided in addition to residential and a new school, there will be provision for ancillary uses including.

- Commercial, Business and Service uses (Use Class E),
- Local Community and Learning uses (Use Class F) and
- Hotels (Use Class C1).

Draft Local Plan policy WS 1.2 Employment determines that new employment development will be provided across a number of different types of land, including mixed use developments that are part of the regeneration and creation of new neighbourhoods.

A Town Centre Use Assessment including a sequential assessment and retail and leisure impact assessment has been submitted with the planning application which considers the following main town centre uses in line with the definition in the NPPF:

- Hotel (C1); (11,325sqm)
- Retail (E(a)); (950 sq m)
- Food and Beverages (E(b)) (inc. cafes & restaurants); (875 sqm)
- Sui Generis (p) (incl. public houses, wine bars, drinking establishments) (1,250 sqm)
- Sports and Fitness (E(d)) (incl. indoor sports and gyms); (450sqm)
- Workspace (E(g)) (offices) (16,725sqm)

The floorspace totals are upper limits and the Assessment states in paragraph 1.1.8 that the total quantum of these and other non-residential uses exceeds the available area to retain flexibility in response to market requirements.

The Assessment considers alternative 'in centre' and 'edge of centre' sites capable of accommodating up to 9.4 hectares of development. This area represents the extent of the northern part of the application site, where it is envisaged that the majority of town centre uses will be situated. The Assessment demonstrates that there are no sequentially preferable sites capable of accommodating all the main town centre uses proposed.

A quantitative assessment of the potential impact of the retail floorspace and a qualitative impact assessment of the leisure facilities on Birkenhead town centre has also been undertaken. The assessment is based on a maximum retail (E(a)) floor area of 1,500m², gross internal area as a worst-case scenario. Of this area, 1,200 sqm is assumed to be net sales area, with 960 sqm utilised for the sale of convenience goods, and 240 sqm utilised for the sale of comparison goods. The assessment also considers the cumulative impact of the proposal with existing commitments, which it is assumed will be implemented as planned. The assessment concludes that the amount of retail floorspace proposed would not have significant adverse impact on Birkenhead town centre.

There is no standard methodology to assess the quantitative impact of leisure uses and a qualitative assessment is undertaken based on health checks of Birkenhead Town Centre. In relation to the food and beverage units the assessment notes that the proposed units will primarily serve the new residential and employment floorspace on the application site as there is a strong variety of uses in Birkenhead town centre that is indicative of a resilient Food and Beverage sector the impact of the new floorspace on the town centre is expected to be low. The assessment notes that the provision for 450 sqm of sports and fitness floorspace is aimed at meeting expected demand from the new on-site residential population and office workers. At the time of the assessment there were only two sports and fitness units in Birkenhead town centre. Given the limited offer available, the applicant considers the proposals provide the opportunity to increase and diversify the offer available.

When considering the impact of the proposed commercial uses at Hind Street on existing, committed and planned public and private investment in Birkenhead Town Centre it is important to note that a planning application (application reference APP/20/01138) has been approved for a phased redevelopment of land within the 'Birkenhead Commercial District Mixed Use Quarter Masterplan Area' and 'Birkenhead town centre boundary' (as defined within the WLPSPD). The application is designed to deliver the comprehensive regeneration of Birkenhead town centre. The Hind Street proposals also deliver the requirements of the emerging Local Plan allocation, and it is considered that the proposed Hind Street Urban Garden Village would complement the regeneration of Birkenhead town centre and further support its vitality and viability.

The commercial floorspace would be provided in various units scattered across the development and is designed to cater for the residents and workers that will inhabit the new development. The retail and leisure floorspace proposed is ancillary to the residential and other commercial uses proposed and compliant with the requirements of the emerging policy

	<p>Masterplan Area MPA-RA5.1. It is considered that the quantum of ancillary floor spaces proposed is acceptable.</p>
<p>8.2.6</p>	<p><u>Summary of principle</u></p> <p>The proposed development would utilise previously developed land and underused sites within the established urban area of Birkenhead within close proximity to the town centre, thereby concentrating investment in the existing built-up area, redeveloping vacant land, upgrading and replacing the urban fabric and infrastructure. A number of significant regeneration benefits would be secured, including the removal of the flyovers, the creation of Dock Branch Park and an active travel route through the site. As set out above, this site is an allocated site within the emerging Local Plan and its delivery is essential to achieving a sufficient housing delivery. The development would make an important and valuable contribution towards meeting the existing and future housing needs of the borough by delivering up to 1,600 new homes, of which up to 160 would be affordable, on vacant and underused brownfield land. This is considered to be consistent with the aims of the NPPF paragraphs 61 and 124-125, UDP Policy URN1 and Draft Local Plan Policy WS 1.1.</p> <p>The application sets out parameters for the proposed commercial development and demonstrates that the quantum of development proposed is acceptable in terms of the impact on Birkenhead town centre and meeting the needs of future residents. The provision of commercial and leisure uses is considered to be acceptable in land use terms in accordance with the NPPF and emerging Policy RA 5.</p> <p>The development is a departure from UDP policies relating to employment land and housing. However, the evidence base for the WLPSD demonstrates that the site is not required to meet the borough's employment land needs and within the emerging Local Plan the site is allocated for residential led development. The proposal fully complies with Draft Policy RA 5.</p> <p>It is clear that the emerging Local Plan is supportive of the development of the site in principle. Although there are some areas of divergence from the UDP, on balance and in the specific circumstances of this case, when taking into account the advanced stage of the Local Plan and the significant regeneration benefits of the proposal, it is considered that the principle of the development is acceptable.</p>

<p>8.3 Highways and Transport</p>	
<p>8.3.1</p>	<p>The NPPF paragraph 116 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p> <p>Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.</p>

	<p>The NPPF paragraph 117 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and so far, as possible to facilitating access to high quality public transport and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.</p> <p>The NPPF paragraph 118 requires development that generates significant amounts of movement to be accompanied by a transport statement or transport assessment.</p> <p>Policies TRT1, TRT3, TR9, TR10, TR11, TR12 and TR13 of the UDP and SPD4, which sets out the Parking Standards are relevant to this section.</p> <p>Relevant policies from the WLPSD include WS 9.1, WS 9.2, WS 9.3 and WS 9.4. Emerging Policy RA 5 Hind Street and St Werburgh's Regeneration Area includes a requirement for development to incorporate a new highway network to accommodate changes arising from the removal of the flyovers, provide appropriate vehicle access to the site and high quality, safe and convenient pedestrian and cycling links.</p> <p>The application is supported by a Transport Assessment (TA) and Framework Travel Plan. An addendum to the TA has also been submitted to address initial Highway comments and provide evidence and clarifications, including revised modelling data.</p> <p>The three elements which form part of the full application will be examined in more details below.</p>
8.3.2	<p><u>Mollington Link to Hind Street Active Travel Route</u></p> <p>The Mollington Link to Hind Street active travel route comprises Mollington Link, Jackson Street South, Blackpool Street and Hind Street and would provide the principal points of vehicular access to the Site. The active travel route includes a bus gate to enable full uninterrupted connectivity for pedestrians, cyclists, and public transport users.</p> <p>At the southern end of the active travel route the existing eastern section of Mollington Link would be retained, with an option to widen the footway to provide a shared footway/cycleway. The section to the west of this would be upgraded to a 6.9m to 6.5m wide two-way carriageway with a two-way cycle lane. Jackson Street South would be formed by a 2-way carriageway with footways and cycle lanes on both sides and on-street parking on the east side. The northern section of Jackson Street South will benefit from a bus gate to manage through-traffic, providing positive emphasis to walking, cycling and public transport users. Beyond the bus gate the route comprises a one-way bus and cycle lane. Bus stands would be provided on Mollington Link and Hind Street.</p> <p>Wirral Highway officers are satisfied that the layout of the proposed active travel route is acceptable and includes adequate provision for turning at the bus gate, visibility, cycle lanes and crossings.</p> <p>The necessary works to the existing highway and the new road proposals which are combined to create this route would be subject to a bespoke legal agreement.</p>
8.3.3	<p><u>Accessibility</u></p> <p>An assessment of the walking, cycling and public transport facilities is included within the submitted Transport Assessment and has been found to be acceptable by Wirral Highway Officers. The proposals for the development have considered these elements satisfactorily and they exceed the minimum thresholds set out within the Institute of Highways document 'Guidance for Providing Journeys on Foot' which sets out suggested maximum walking distances to/from new developments for commuting and other journeys.</p>

Birkenhead Town Centre is the nearest centre to the north which provides access to Birkenhead Central Station, Birkenhead Bus Station, Birkenhead Park, Hamilton Square and various other retail, leisure, and commercial land uses. Green Lane Merseyrail train station and the residential areas of Tranmere in the south, and Oxton in the west, are also easily accessed on foot.

Dock Branch Park would stretch from Corporation Street in the north to Green Lane Station in the south, forming a key walking and cycling route and linking the boroughs key regeneration areas of Wirral Waters, Birkenhead Town Centre and Hind Street, Dock Branch South only is part of this current application but seeks in future to link up to Dock Branch North that will form a separate planning application. Access and egress from Dock Branch South would be via sloped/level access onto the elevated section of the scheme and one-stepped access point at Mollington Link due to the land ownership and space constraints.

There is a network of existing cycle routes within the vicinity which provide access to a large section of northeast Wirral, including residential suburbs, employment sites, shopping centres and ferry terminals. These terminals and ports provide access further afield to a wider region including Manchester and Liverpool. The nearest National Cycle Network is Route 56 which is located approximately 6km west of the site via A5027 Upton Road. In addition, the proposed development promotes improvements to the walking and cycling environment in the form of new routes, improved public realm and improved wayfinding.

It is considered that the existing cycling provision and the proposed enhancements show that the development would be accessible for cyclists. Cycle storage provision will need to be included for residential properties, employment uses and leisure within the detail applications in accordance with the current cycle parking policy requirements.

The site benefits from good public transport connectivity, including bus stops surrounding the site on the B5147 Argyle Street South (near Birkenhead Central Station), Hinderton Road, Queen Street (near Green Lane Station), and on the A41 New Chester Road / Wirral Circular Trail. The nearest railway stations are Birkenhead Central Station and Green Lane Station, which are within 500m walking distance of the site.

The development is designed around public transport, with improvements to the public realm outside Birkenhead Central Station and space to accommodate future bus services to route through the site, connecting Hind Street and the town centre to the north, with Mollington Link in the south through the proposed Mollington Link to Hind Street active travel route.

LCRCA has been involved in discussions regarding future bus provision and how the planned removal of the flyovers and Toll Plaza re-configuration will impact on their services. A range of measures are included within the planning application proposals for both the detailed application and for the outline proposals. The development and these measures are considered appropriate by Wirral Highway Officers and LCRCA.

For the future detail applications, the Council will further consult with LCRCA and seek approval of the proposals so that at each phased stage of development the provision of buses is satisfied, and this requirement can be suitably controlled by condition.

UDP Policy TR13 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. As explained above, all but one of the access points into Dock Branch Park would be level or sloped. The DASDC states that accessible parking should be provided at 10% of the total residential units and that inclusive design should be at the

	<p>heart of the development in order to assure that the scheme is accessible and usable by the broadest number of people. To ensure adherence with the NPPF and UPD Policy TR13 it is considered necessary to secure an accessibility plan via condition for the outline elements of the development on a phase-by-phase basis.</p>
<p>8.3.4</p>	<p><u>Flyover Demolition and Phasing</u> The demolition of the Borough Road (A5227) and Queensway Tunnel flyovers forms part of the detailed application. However, these demolition works do not include the infrastructure required to replace the flyovers. Instead, a series of planning conditions will be required to ensure that any required infrastructure is agreed on a phased basis as part of the consent attached to this application and/or future reserved matters applications before any physical demolition works can start. The key elements of each phase of the highway work are described below, please note these phases differ from the overall phasing of the development site (Phases A to E).</p> <p>Phase 1: This comprises the construction of the active travel link from Hind Street to Mollington Link. It includes a bus/cycle gate just south of the current Hind Street/Waterloo Place junction, meaning that through traffic cannot pass through the entire length. Hind Street would remain open to general traffic northbound during this time period to maintain access to this locality.</p> <p>A new Cycle Optimised Protected Signals (CYCLOPS) junction at Argyle Street (converting from the current roundabout), new signalised junction at Hamilton Street and a new link between them would also be opened to allow subsequent changes to the approaches to the tunnel from the west to be made.</p> <p>Phase 2: A two-way link from Hamilton Street across the western tunnel approaches would be created to link to Borough Road East and Jackson Street. The purpose of this is to form an alternative route to and from the tunnel from the east while also providing a new direct pedestrian and cycle link from development areas to the south of Hind Street to and from the Hamilton Square area.</p> <p>Phase 3: This includes the removal of the Kings Square ramp from the eastbound flyover, which would start to allow space for a temporary road to be built at the next phase (4), helping establish a new west to east link across the area.</p> <p>Phase 4: This phase is about creating an alternative route for east to west traffic to facilitate subsequent westbound flyover closure from the Tunnel to Borough Road. The principal intervention is the implementation of a one-way west to east route from the A41 to Borough Road using Tunnel Road.</p> <p>Phase 5: Having provided an alternative route at phase 4 the main work proposed under this phase is the demolition of the westbound flyover.</p> <p>Phase 6: Adjustment would be made to the tunnel toll booths and work started towards removing the large marshalling area on the tunnel approach. This falls outside of the application red line boundary and would be subsequent to the works as a whole for improvements to the tunnel access areas.</p> <p>Phase 7: At this stage the primary intervention is to reverse the flows on the current westbound flyover to provide a temporary eastbound route, prior to Tunnel Road/Borough Road becoming two way.</p> <p>Phase 8: The former A41 to Borough Road flyover link would be removed to free up space to create the final links between the A41 and Tunnel.</p>

	<p>Phase 9: Under this phase the final flyover would be removed allowing Tunnel Road to become 2-way, and the inbound tunnel link from the A41v would be completed.</p> <p>Phase 10 and 11: Under these final stages the last section of the eastern flyover would be removed and the Birkenhead Central gyratory altered to a signalised junction.</p>
8.3.5	<p><u>Traffic Impact & Assessment</u></p> <p>The scope of the transport assessment (TA) had previously been agreed with the Local Highway Authority. The use of the strategic Wirral Highways Model was also approved to assess the impact generated by the development proposals and specifically the removal of the tunnel flyovers and the provision of the east west links which replace the flyover removal and provide access into the site as part of the detail application (Mollington Link to Hind Street active travel route). The assessment is based on the road layout shown on the illustrative masterplan and within the DASDC.</p> <p>The TA sub is based on the 2019 Wirral Traffic Model as at the time of submission the 2022 Wirral Traffic Model was not complete. An addendum to the original TA has been submitted to address consultee comments and provide the further evidence and clarifications requested, including revised modelling and the use of the 2022 Wirral Traffic Model data.</p> <p>Four scenarios have been modelled namely 2015 (baseline traffic); 2025 Do Minimum (baseline traffic, traffic growth and committed development); 2025 Do Something 3 (the above plus removal of the flyovers and the modified highway layout); and 2025 Do Something 4 (Do Something 3 plus vehicle trips generated by the development). The assessment looks at 9 key junctions within the site and surrounding area. Four of these would not be altered by the development and 5 would be modified.</p> <p>Traffic modelling shows that most junctions would operate satisfactorily. The A41 Hotel California gyratory is already operating beyond preferred capacity levels of 90% and the modelling indicates that it could reach 100% capacity. To ensure that the operation of this junction is not compromised by the development Wirral's Highway Officers advise that further modelling will be required within future reserved matters applications to demonstrate its capacity and safe operation. This is mitigated by future reserved matters submissions as the impact of the development at each phase would be revisited, these figures are based on the whole development coming forward.</p> <p>Wirral Highway Officers note that the loss of capacity on the proposed tunnel road link has the potential to result in additional traffic using residential streets to the south. They recommend a condition requiring that the active travel route shall be subject to further review and modelling at reserved matters stage, and that if necessary two-way access should be allowed for all vehicles. It is officer advice that a condition regarding this is not necessary given that this matter can be dealt with under separate highway legislation as the active travel route will form part of the adopted highway.</p> <p>Any mitigation measures such as traffic calming, and signage would be designed as required by the proposed flyover demolition phasing condition.</p> <p>A review of the existing roads and infrastructure surrounding the development has been undertaken within the TA including analysis of the most recent 5-year collision history period, (2017 – 2021 inclusive) and their likely cause and severity documented. While the development would likely lead to a significant increase in pedestrian footfall and cyclists on routes surrounding the site, the number and severity of collisions that have occurred is not considered to be unusually high for a town centre location, and the roads layout is not considered to contribute to additional highway safety concerns. Furthermore, the re-established hierarchy of streets and junctions which are likely to occur as part of the proposals (such as removing the Borough Road (A5227) and Queensway Tunnel flyovers) and the 20mph speed limits proposed for future residential areas, would create a safer</p>

	<p>environment and decrease the likelihood of collisions, particularly for vulnerable road users.</p> <p>The collision record does not suggest there are any existing collision hotspots in the vicinity of the site, or material shortcomings in existing infrastructure which would be exasperated by the addition of the development.</p>
<p>8.3.6</p>	<p><u>Parking</u></p> <p>The layout, including off-street parking provision, is a matter reserved for future approval and appropriately worded conditions would ensure the Council have the opportunity to carefully consider this detail at the reserved matters stage. For the residential and commercial elements, the developer will be required to include EV charging, accessible parking, car parking surveys and parking strategies. There are no parking requirements for the development for which detailed planning permission is sought.</p> <p>The DASDC sets out that limited on-street and under croft parking would be provided for the residential element of the proposals and would be managed through a resident parking permit scheme. Parking for the residential uses would be limited to 70% provision for houses and 10% for the apartments, resulting in a 27% provision overall (approximately 432 spaces). Accessible parking would be provided at key locations across the development to ensure access is provided to all plots.</p> <p>It is proposed to provide parking for the non-residential uses within a multi-storey car park, the size of which will be determined in a future reserved matters application. The multi-storey car park would also act as a “mobility hub,” with sustainable transport options such as car hire, car club, cycle hire, and EV charging facilities, all of which will be considered in detail in a future reserved matters application.</p>
<p>8.3.7</p>	<p><u>Highway Improvements</u></p> <p>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:</p> <ul style="list-style-type: none"> • The provision of a suitable turning area at ‘Jackson Street South’ and prior to the Bus gate, to demonstrate appropriate swept paths of large HGV type vehicles. • The provision of new footways surrounding the active travel route, including pedestrian and cycle crossing facilities with tactile paving to all junctions. • The provision of parallel parking bays adjacent to the active travel route and the necessary TRO(s). • Any necessary works to renew the existing street lighting and any highway drainage requirements to accommodate the highway works. • The provision of cycle signage and fingerpost/direction signs appropriate to the development application site. • Any necessary traffic regulation orders and stopping up orders to accommodate the application proposals. • The provision of segregated pedestrian and cycle signal-controlled crossings to all arms of the Mollington Link / Hind Street proposed junction. • Pedestrian and cycle links along the active travel route, to the local highway network and to Dock Branch Park from Waterloo Place. • Any necessary highway drainage requirements to accommodate the highway works at Waterloo Place to prevent surface water discharge from the development onto the local highway network. • Any necessary works to provide an adoptable highway SuDS design in accordance with HA highway adoptable standards. • The provision of 2 bus stops (one eastbound one westbound) on Mollington Link and 2 Bus stands on Hind Street.

	<ul style="list-style-type: none"> • The provision of a plan showing any areas to be offered up for adoption upon completion of the works and an agreed maintenance strategy prior to the adoption taking effect. • The provision of a school crossing patrol facility serving the new school which may be included within the later phases of the development under the outline application. <p>Full details will be required for all of the above elements, including a programme for implementation and secured by suitably worded conditions and legal agreements.</p>
8.3.8	<p><u>Servicing</u></p> <p>The servicing requirements for the detail planning application are limited to road sweeping, cleaning and maintenance vehicles and no specific measures are required. Any servicing and waste management plans for the outline proposals will be dealt with at the reserved matters stage. An indication of how this will be considered has been included within the TA, with the provision of appropriate swept paths demonstrating safe turning provisions and/or circulatory routes and visibility sightlines, and that vehicles entering the development proposals, as submitted, are able to enter and leave in a forward gear.</p> <p>Servicing strategies for the outline elements can therefore be secured through appropriate planning conditions.</p>
8.3.9	<p><u>Summary</u></p> <p>In relation to Highways and Transport matters, given the comments of National Highways, LCRCA, and the Local Highway Authority the proposal is considered to be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan subject to conditions, including securing the highway works discussed above, via a S278 Agreement.</p>

8.4 Drainage and Flood Risk	
8.4.1	<p><u>Drainage</u></p> <p>Paragraph 182 of the NPPF states that major developments should incorporate sustainable drainage systems which are proportionate to the nature and scale of the proposal. 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. Emerging Policy WD 4.2 relating to sustainable drainage is also relevant.</p> <p>The submitted Drainage Strategy sets out the requirements for the detailed aspects of the planning application and defines parameters for future reserved matters applications. Climate change is considered as well as the potential for future urban creep. SuDs on site aims to achieve a reduction in water volumes within the combined sewer networks and therefore the treatment works at Woodside, an increase in water quality compared to untreated run-off, and increased amenity space and biodiversity through inclusion of planting and open spaces as part of the network.</p>
8.4.2	<p>Large scale surface attenuation is not considered appropriate for the urban environment within the development and therefore the proposed attenuation is mostly below ground with some containment within various surface level features such as sponge parks, filter strips, swale and tree pits. The underground attenuation would have a combined capacity of approximately 12,000m³. And would be located within Dock Branch Park.</p> <p>Areas to the south of the diverted sewer are unable to connect via gravity and therefore a pumping station is required. The indicative layout shows this located within a utility hub at the centre of the development.</p>

8.4.3	<p>The LLFA raised concerns to the development proposals with regards to surface water drainage, in line with the PPG and the NPPF it is considered that 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, surface water flood risk may be managed across the site as a whole subject to these details being submitted at each phase. 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 182 of the NPPF.</p> <p>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 could be achieved. The proposals comply with Policy WA2 of the UDP, paragraphs 181 and 182 of the NPPF and Policy WD 4.2 of the WLPSD.</p>
8.4.4	<p><u>Flood Risk</u></p> <p>Sequential Test</p> <p>Paragraph 181 of the NPPF states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <ul style="list-style-type: none"> a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan <p>UDP policies relevant to this section include WAT1, WA5 and WAT2.</p> <p>Policy WD 4.2 of the WLPSD reflects the requirement of NPPF to locate development in areas at lowest risk of flooding and development with the greater vulnerability to flooding must be located in areas with lower risk of flooding. Other requirements include preventing increased flood risk elsewhere and incorporating an integrated approach to the management of flood risk, surface water and foul drainage.</p>
8.4.5	<p>The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy addendum to the FRA in support of the application. Consultation has taken place with the Lead Local Flood Authority (LLFA), the Environment Agency (EA) and United Utilities.</p> <p>The site topography varies significantly, and the main body of the site sits within one of the lowest areas of Birkenhead. There is a variance of some 7m between the lowest area and the site boundaries. Existing drainage infrastructure is recorded within the old gas works area, and there are a number of gullies and channels which collect run-off from now abandoned carparking and road. Extensive highway drainage exists within the site with connections to the combined sewers. There are no known separate runs of drainage to manage surface water independently.</p>

	<p>The site is located within Flood Zone 1, with the lowest risk of flooding. The application site was subject to Level 1 and Level 2 SFRA assessments in support of the proposed allocation in the Local Plan and a Local Plan sequential and exception test report was prepared.</p>
<p>8.4.6</p>	<p>NPPF paragraph 180 states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However the Local Plan is not yet adopted albeit it is at such an advanced stage that significant weight can be attached.</p> <p>In addition, the Strategic Flood Risk Assessment carried out in support of the Local Plan identified a potential for future flood risk to increase, and in recognition of this a further sequential test has been undertaken by the applicant.</p> <p>NPPF paragraph 174 explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Planning Practice Guidance makes clear that it is for the Local Planning Authority to consider whether the sequential test is passed, and it needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere. Paragraph: 029 Reference ID: 7-029-20220825</p> <p>The sequential test undertaken by the applicant demonstrates that there are no sequentially preferable sites which are reasonably available within a lower flood risk area that are capable of accommodating the scale of development within the catchment area to which the development proposed could be steered. The Local Planning Authority are satisfied that the applicant has demonstrated that there are no sequentially preferable sites due to scale of provision for the regeneration proposal including the enabling works, the provision of a park, retail and residential mix to create the development as a whole and now considers the exception test.</p>
<p>8.4.7</p>	<p>Exception Test</p> <p>Residential development is categorised as more vulnerable development by in Annex 3 of the NPPF. The other uses proposed are classed as either more vulnerable, less vulnerable or essential Infrastructure. The exception test is not required to be passed for any of these uses within Flood Zone 1 on the basis of table 2 in the PPG Paragraph: 079 Reference ID: 7-079-20220825. However, this does not reflect the need to avoid flood risk from sources other than rivers or the sea and in this case the application site is subject to existing surface water and sewer flood risk as well as a future flood risk due to climate change. As such, a precautionary approach has been adopted and the exception test has been applied in line with NPPF paragraph 178 and Policy WD 4.2 for developments in high-risk flood areas. The exception test comprises two parts.</p> <p>Part 1 of paragraph 178 requires demonstration that the development provides wider sustainability benefits to the community that outweighs the residual risk.</p> <p style="padding-left: 40px;">a. Wider sustainability benefits for the community</p> <p>The site is currently derelict, underused, and heavily contaminated. It is described within the Draft Birkenhead 2040 Framework as offering a unique opportunity to deliver a regeneration scheme providing an exemplar urban village and community within an ultra-sustainable and high-quality urban garden setting. The proposal seeks to deliver a low carbon development containing a mixture of commercial uses and residential development with a low car ownership strategy, sustainable transport links, community infrastructure and public open space. The development would incorporate SUDs and seek to reduce the reliance on the combined sewer network. The sustainability appraisal of the Submission Draft Local Plan undertook a focused appraisal of urban sites including the application site allocation</p>

	<p>RES-RA5.1 to identify whether there were any sites which were ‘anomalies’, or with multiple constraints which might require focused mitigation (Appendix E, page 387 refers). It concluded that the site was likely to promote positive effects for Air Quality, Climate change adaptation and access to greenspace, schools and public transport. Possible negative effects (but with mitigation possible) were identified in relation to employment and heritage. However, this was only considering the principle of allocating the site for residential-led development, not the specifics of this application. On balance, therefore it is considered that the wider sustainable benefits of this proposal satisfy the requirements of Part 1 of the exception test.</p>
<p>8.4.8</p>	<p>Part 2 of the exemption test of NPPF paragraph 178 requires that the development will be safe for its lifetime (given to be 100 years) taking into account the vulnerability of its users without increasing flood risk elsewhere and, where possible, reduce flood risk overall.</p> <p>To determine if part 2 of the exception test is met is first necessary to consider the sources of flooding.</p> <p>The submitted FRA outlines that there is a medium risk from tidal flooding due to the impact of climate change which could be an issue if suitable mitigation measures were not implemented to prevent the ingress of water. The LLFA consider there may be a high risk but accept that this view is subjective. Surface water flood risk is also assessed by the developer as medium given that the site contains significant areas which could be susceptible to flooding in an extreme rainfall event. The presence of significant surface water flooding at Borough Road and New Chester Road is also noted. Through consultation with UU, it has been identified that there is a sewer flood risk to the site from the existing combined sewer within Hind St and Waterloo Place. Waterloo Place is the lowest point on their network and is impacted by surcharges within the network. The risk of sewer flooding is assessed as medium. All other flood risk sources are assessed as low or very low.</p> <p>The LPA needs to consider controlling flood risk before examining the matter of mitigation. The LPA have worked closely with United Utilities and accept that the principle of a pumped surface water drainage system is justified.</p>
<p>8.4.9</p>	<p>The LPA now turn to matters of mitigation. The submitted FRA sets out the various mitigations are required to overcome flood risk. Tidal flooding could reach the site via Waterloo Place, Mollington Link or directly through the existing railway embankment. Tidal flood mitigation measures include sewer diversions, infilling Waterloo Place bridge and increasing levels to the west of the Mollington Link bridge. It is proposed to mitigate surface water flooding by installing a modern and proper surface water drainage network with associated pumping stations. The drainage proposals are discussed in more detail below.</p> <p>NPPF paragraph 181 sets out a number of factors which the development should aim to meet. In order to demonstrate that the second part of the exception test is met and that the development can be considered safe for its lifetime, of 100 years. The paragraph below evaluates the proposal in relation to those aims along with the various mitigations set out in the FRA.</p> <p>(a) Location of vulnerable development The outline element of the hybrid application includes housing which is categorised as vulnerable development. The outline proposal includes parameters and phasing plans which show housing along with other uses proposed in the areas of greatest flood risk. The LLFA raise concerns that the increase in surface water run off rates do not meet the greenfield rates as sought in guidance. The LLFA goes on to state that there is some consistency in the data set out in the mFRA and addendum. It is important to note these measures are referred to in Planning Practice Guidance and non-statutory technical standards for sustainable drainage systems. However, the LPA consider that it is important to meet the 50% betterment in surface water run off rate for the site as a whole, desirable for</p>

redevelopment projects. The application is hybrid with any vulnerable development bought forward in future phases. Those phases have a combination of uses proposed through the plots which allows some consideration to be given at reserved matters stage to how the specific layout will work to have regard to the areas of greatest flood risk. This will be assessed by the imposition of a condition to require a flood risk assessment to be submitted with every reserved matters phase of the development. The LLFA have asked that further information be required on how the discharge rates will be apportioned across the site and how the drainage layout would be designed. However, at this stage of a very large strategic development, which could take over 25 years to fully build out and which will have a varied range of vulnerable and non-vulnerable uses it is impossible to apportion surface water run off rates and a specific drainage layout. The LPA considers the most acceptable measure is to require an FRA at each reserved matters stage which will be required to take account of the current circumstances at the point of submission.

The LLFA also object to the proposed Mollington Link to the Hind Street Active travel route because they have insufficient information available to assess the impact of the roadworks to surface water drainage at this stage of the application, due to large elements of the work being at outline stage only. Clearly the SFRA has allocated the site and the principle of development has been considered through the Local Plan examination. The Mollington Link and Hind Street were all likely routes of infrastructure to serve how the site could be developed. The LLFA assert that the route forms part of the full application and should be included in the wider drainage strategy. This will be secured by a condition and will require a site wide drainage strategy, with particular regard to sustainable drainage to serve the Mollington and Hind Street Active Travel route that will be required to be approved and implemented prior to the completion of the sewer diversion. The LPA consider that this is a satisfactory control measure, which will also take account of any particular changes in levels, preparatory work to be undertaken in Dock Branch Park south and any subsequent flow path changes.

The LLFA comments that there is insufficient information relating to the modelling of surface water drainage at the location, which is known to have significant surface water risk to Borough Road. There are extensive conditions imposed to consider demolition and construction measures to manage the demolition of the flyover and the subsequent opportunities to improve surface water management in the newly formed road network.

Future FRA's which will be required by condition will have to take account of all surface water and potential flood risk status at the time of submission. It will also need to demonstrate how the individual detailed proposal will address the exception and tests of flood resistance, resilience, sustainable drainage, managing risk and safe access and escape routes. Those measures will need to be agreed by the Local Planning Authority in order for any planning application to progress.

(b) Flood resistant and resilient

As outlined above an individual FRA will be required to be submitted with each reserved matters phase. This will require the developer to set out how any development is both flood resistant, in that it prevents flooding and that also the development is flood resilient. This means that the development, anticipated to be areas of infrastructure, open spaces, garden etc can recover from any flooding that does take place and quickly be brought back into use.

(c) sustainable drainage systems

An overall surface water drainage strategy will be required by condition prior to significant progression of infrastructure work. Also, the individual reserved matters application will have to set out measures to positively manage surface water through sustainable drainage methods where possible.

(d) residual risk can be safely managed; and

	<p>The LLFA have objected and raised concerns that based on the information submitted they cannot be certain that the residual risk can be safely managed for the life of the development, regarded to be 100 years. The FRA provides the upper end allowances for climate change for the tidal flood risk and surface water management proposals. For the tidal flood risk mitigation; principles have been applied to give further resilience against a theoretical future flood. In addition, the surface water design allows for the pumps proposed to fail for 24 hours in the most common 1 and 2-year storms with no risk of flooding to the development. Within the 1 in 30-year storm with a 40% climate change allowance there is no risk of flooding for up to 12 hours. The proposed pumps are to be adopted under S104 of the water industry act to ensure maintenance is carried out and any issues are resolved promptly. It is considered that with the range of conditions recommended by the LLFA and in accordance with the allowances and principles examined in the already submitted FRA and FRA addendum that any residual risk is capable of being safely managed through the development stages of the site and lifetime of the development.</p> <p>(e) safe access and escape routes are included where appropriate. Safe access and egress routes have been shown in the original master FRA submitted with the planning applications. However, in order to provide greater certainty at each reserved matters stage the required FRA must address in detail the proposed safe access and escape routes. This will enable the assessment of the circumstances of the development as a whole as it is built out and ensure there are appropriate measures in place.</p> <p>It is considered that the currently submitted master FRA and the required FRA's at reserved matters stages are sufficient to identify (or sufficiently identify) opportunities and measures to reduce flood risk overall and to demonstrate and ensure that the measures proposed go beyond just managing the flood risk resulting from the development and satisfy the requirements of part 2 of the exception test.</p>
8.4.10	<p><u>Summary</u> Through the implementation of the mitigation measures outlined within the master FRA and the addendum, a range of conditions imposed as recommended by United Utilities and the Local Lead Flood Authority the site is considered to be suitable for the proposed development and acceptable in terms of flood risk, including in accordance with relevant NPPF paragraphs and guidance within Planning Practice Guidance, the UDP and WLPSD policies outlined above.</p>

8.5 Biodiversity	
8.5.1	<p>Paragraph 187 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</p> <p>Paragraph 193 of the NPPF states that when determining planning applications LPAs should apply the following principles which include, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.</p> <p>Paragraph 195 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.</p> <p>UDP Policies relevant to this section include NCO1, NC1, NC2, NC3, NC4, NC5 and NC7.</p> <p>Policy WS 5.1 of the WLPSD relates to the protection and enhancement of green and blue infrastructure. The requirements of emerging Policy WS 5.4</p>

	<p>include protecting the biodiversity assets of the borough and the provision of biodiversity net gain (BNG). Emerging Policy WD 3 Biodiversity and Geodiversity is also relevant.</p> <p>An Ecological Impact Assessment, Biodiversity Net Gain Assessment, Bat Report and Invertebrate Report have been submitted in support of the application.</p>
<p>8.5.2</p>	<p><u>Habitats</u></p> <p>A variety of habitat types are found within the site including extensive areas of hard surfacing, landscaping, scrub, woodland, grassland and standing water. Open ground is present within the former gas site. While much of this comprises hardstanding which offers no opportunities for establishing vegetation, there are also areas which include some broken substrate that is capable of being colonised by vegetation. The most extensive area of woodland is within the area of the former Mollington Street Train Maintenance Depot with a second area on the former railway sidings in the north-east of the site and along the disused railway. Several species of rare or locally uncommon plant species were identified and invasive plant species (Japanese knotweed and Cotoneaster) are present in several areas throughout the site.</p> <p>One of the key habitat changes would be the loss of woodland. Compensation for the loss of woodland would be through the proposed enhancement and management of the retained woodland that will form part of Dock Branch South park. Whilst not compensation for woodland loss, the proposed development also includes significant tree planting. When viewed in the context of the benefits of the development the impact on secondary woodland is considered to be acceptable.</p> <p>The development would also result in the loss of moderately species-rich grassland. The provision of flower-rich habitat within the development would ensure that the type of habitat is maintained within the site. The number of trees would be significantly increased. The loss of un-common and rare plants could be mitigated by targeting key species in bespoke seeds mixes and retaining substrate favoured by these species for use elsewhere in the site. A condition is recommended for landscaping proposals for replacement planting and trees to be submitted during the reserved matters applications as well as the detailed elements of Dock Branch Park (south) to show improvements where possible through the wider site and as a whole.</p> <p>The Ecological Impact Assessment desk study identifies a large area of 'open mosaic on previously developed land' which is a Priority Habitat. Further information has been submitted regarding the specific nature of this habitat which demonstrates to the satisfaction of MEAS that it does not meet the Priority Habitat definition.</p>
<p>8.5.3</p>	<p><u>Bats</u></p> <p>No confirmed evidence of roosting bats was recorded upon the site and levels of bat foraging and commuting activity were also considered to be low. MEAS note that for safety reasons it was not possible to survey some areas of the site and that further information is required to determine how the limitations of the bat survey can be overcome. It is considered that the imposition of a condition in respect of a detailed bat mitigation method statement for each stage of the development would address this comment. Each reserved matters application affecting buildings, structures and trees will also need to be accompanied by complete and up to date bat survey.</p> <p>A lighting scheme has been submitted which provides details of the proposed lighting of the Dock Branch Park and the Mollington Link to Hind Street active travel route. This has been designed in order to minimise light spillage and refers to avoiding spillage onto bat roosting habitat. The external lighting for the outline elements of the development can be secured by a planning condition.</p> <p><u>Breeding birds</u></p>

	<p>The site provides a variety of different habitat types for breeding birds. These include particularly buildings and other built structures, secondary woodland and scrub. Bird Species of Principal Importance that were confirmed or likely to be breeding from the site include Herring Gull, House Sparrow, Linnets and Starling. The removal of woodland, scrub and buildings would reduce the habitat available and there are likely to be some permanent changes to the range of birds that use the area. The mitigation strategy does, however, target virtually all species that are currently present and nesting opportunities for certain urban birds such as House Sparrow and Starling would increase. A condition is required to prevent work during the bird breeding season unless an appropriate checking survey has been carried out is required.</p> <p><u>Invertebrates</u> The 176 species recorded in the survey of selected invertebrate groups were virtually all common species typical of the habitats that are present on the site. Three notable species were recorded but the Ecological Impact Assessment advises that these are increasing in number, and their status is likely to be downgraded in the future. Also, habitats proposed for creation within Dock Branch Park and public open space, would cater for a wide range of invertebrate's post-development.</p> <p><u>Mammals</u> No evidence of badger was recorded upon the site during the badger survey. However, due to the transient nature of badgers an updated badger survey will be required with each reserved matters application to assess changes to habitat prior to development commencing at that specific phase. Hedgehog was recorded rarely during nocturnal surveys and avoidance measures will therefore be required to ensure there are no adverse effects.</p>
8.5.4	<p><u>Biodiversity Net Gain</u> A Biodiversity Net Gain (BNG) Report has been produced, which assesses the predicted changes in biodiversity units resulting from the Proposed Development. This is an initial assessment which will be reassessed with each reserved matters application that comes forward subsequently. Biodiversity enhancement is a key objective of the proposed development, particularly the restoration and enhancement of Dock Branch South, the establishment of areas of species-rich grassland, the proposed widespread use of native species, and the proposed extensive urban tree planting. The development results in a BNG score of +15.99%</p> <p>MEAS have commented that the trading standards of the Metric are not met but consider that this is acceptable given that the application is not subject to statutory BNG, the nature of the habitat that would be lost and provided and that a net gain in biodiversity would be provided.</p> <p>It is noted that the majority of the BNG gain will be located within Dock Branch Park (south) however each phase should seek a betterment, provision of LEAPs/LAPs for each phase is recommended to be controlled through relevant conditions.</p> <p>Subject to conditions the development is considered to be acceptable in terms of the requirements of NPPF (para.187) and Policy WS 5.4 of the WLPSD.</p>
8.5.5	<p><u>Habitats Regulations Assessment</u> The following internationally designated sites are easily accessible by car and public transport from the proposed development site and UDP policies NC1 and NC2 apply:</p> <ul style="list-style-type: none"> • Liverpool Bay SPA; • Mersey Narrows and North Wirral Foreshore SPA; • Mersey Narrows and North Wirral Foreshore Ramsar; • Liverpool Bay SPA; • Mersey Estuary SPA; • Mersey Estuary Ramsar; • Dee Estuary SAC;

	<ul style="list-style-type: none"> • Dee Estuary SPA; and • Dee Estuary Ramsar. • <p>WLPSD Policy WD 3 requires development which may result in a likely significant effect on internationally important sites to be accompanied by sufficient evidence to enable the Council to make a Habitats Regulations Assessment (HRA). Mitigation measures are required to ensure that the site is protected. WLPSD policy WS 5.5 also sets out that contributions will be sought to mitigate any recreational disturbance impacts.</p> <p>The proposed development of up to 1600 residential units will result in increased visits to the sites listed above and increased recreational disturbance to the nearby SPA, SAC and Ramsar site.</p> <p>The mechanism to mitigating and managing any potential impact is identified in the Interim Approach to Avoid and Mitigate Recreational Pressure in Wirral (May 2022, version 2). This comprises the provision of an information leaflet to new residents to raise awareness of the issues, and payment of a commuted sum towards the management of the protected sites and the provision of suitable alternative natural greenspace. The applicant wishes to opt into this approach. However, the Council's adopted Information Note is due to be superseded by a Liverpool City Region-wide Recreational Mitigation Strategy, which is likely to set a different tariff payment per residential unit. Given the construction of the residential units will be phased over a 12-year period the tariff paid in this case should be that applicable at the commencement of each construction phase. Recreational pressure mitigation is provided through a financial contribution based on each residential dwelling constructed and would be secured by the S106 agreement.</p>
8.5.6	<p><u>Summary</u></p> <p>The proposal is considered to be compliant with the relevant policies in the UDP, WLPSD and the NPPF in relation to ecology and biodiversity matters subject to conditions and a S106 agreement to secure a contribution to mitigate the impact on protected coastal sites. Each reserved matters application will need to be accompanied by an Ecological Enhancement Plan, which sets out the enhancement measures that the development will provide for protected and notable species, an updated BNG assessment and updated bat surveys and bat mitigation strategies. A CEMP to manage and mitigate the main environmental effects during construction will also be required for each phase of development.</p>
8.6 Open Space, Play, Landscaping and Trees	
8.6.1	<p>UDP Policy LAN1 states in considering proposals for development, the local planning authority will have regard to the visual impact upon the local and wider landscape.</p> <p>Policy GR5 states that 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. Policy GR7 relates to the protection of existing trees. Policies GR6 (Greenspace within New family Housing Development) and Wirral's Tree, Hedgerow and Woodland Strategy 2020 – 2030 are also relevant.</p> <p>Policies WS 6.1 and WS 7.1 include a requirement to conserve and enhance trees and landscapes. Emerging Policy WD 1.2 relates to tree protection, works to trees and tree replacement.</p>
8.6.2	<p>The detailed landscaping proposals for much of the development will be determined at the reserved matters stage. However, the Illustrative Masterplan demonstrates how a range of green and hard landscaped spaces could be incorporated into the development and the DASDC and Public Open Space Parameter plan set out locations for key areas of public open space. The Public Open Space Parameter plan indicates the approximate location of Local Areas for Play (LPA), Locally Equipped Areas</p>

	<p>for Play (LEAP), Public Open Space and landscaped squares within the development.</p> <p>The public squares would be landscaped spaces acting as primary meeting and event spaces. The proposal also includes community spaces which are informal pockets interspersed across the scheme which provide active, engaging and playful neighbourhood destinations.</p>
8.6.3	<p>Landscape proposals for Dock Branch Park have been submitted in detail and include extensive areas of new planting, management and enhancement of existing overgrown planting and the introduction of new trees. The emphasis is on native species that add to the site's biodiversity value.</p> <p>The application is supported by an Arboricultural Impact Assessment (AIA). 9 individual trees and 56 groups of trees were recorded within influencing distance of the application site. There are no tree preservation orders and none of the trees are protected by virtue of their location within a conservation area.</p> <p>23 individual trees and tree groups comprising approximately 3.3520ha would need to be removed to deliver the elements of the proposed development for which full planning permission is sought. A significant proportion of these (68.9%) are Category A trees, 48.9% are Category B and the remainder are category C. The AIA advises that will a proportion of replacement planting can be delivered on site; off-site tree planting would be required to achieve no net loss of tree canopy cover.</p>
8.6.4	<p>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 level of replacement tree provision is agreed at each reserved matters stage to ensure that the development as a whole results in a net rise in tree canopy cover.</p> <p>Tree protection measures will be required in the form of a Tree Protection Plan and Arboricultural Method Statement. This can be secured by condition.</p> <p>There is an existing woodland area along the old railway tracks of Dock Branch South. The proposal is to retain as many existing trees as possible and manage the understorey vegetation. The approach for tree retention would be based on their current value and expected life span, taking into account the need to prioritise pedestrian access. Selective tree thinning and the removal of some trees will be required to create a 3m width path. This would be mitigated by the planting of a range of new trees to formalise some edges and create additional areas for canopy cover.</p>
8.6.5	<p><u>Summary</u></p> <p>Considering the above, and subject to appropriately worded planning conditions to ensure sufficient outdoor space is achieved for each phase of development, it is considered that the proposals would create a high quality and attractive landscaped environment across the Urban Village that stimulates wellbeing and brings positive benefits in terms of biodiversity. The proposals, therefore, accord with saved UDP Policies GR5 and LAN1 and Policies WD 1.2, WS 6.1 and WS 7.1 of the WLPSD.</p>

8.7 Heritage	
8.7.1	<p>Listed Buildings and Conservation Areas are afforded statutory protection under the provisions on the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 requires the decision maker to have special regard to the desirability of preserving the heritage significance of the listed buildings and any contribution made by their setting when exercising their planning functions.</p>

	<p>Section 72 requires that the decision maker must pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.</p> <p>Paragraph 212 of NPPF states “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.”</p> <p>Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; and harm to assets of the highest significance, should be wholly exceptional (NPPF par.213).</p> <p>Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm. Less than substantial harm should be weighed against the public benefits of the proposal (NPPF para.214-215).</p> <p>Paragraph 218 of the NPPF states that 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.</p> <p>Policy CH01 of the UDP seeks to protect buildings and structures of architectural or historic importance, historic areas of distinctive quality and character and archaeological sites. Policies CH1, CH2, CH5, CH24 and CH25 are also relevant.</p> <p>Policy WD2 of the WLPSD relates to heritage assets, conservation areas and archaeological assets. These proposed policies are subject to modification within the Local Plan to tidy up conformity or wording within heritage legislation</p> <p>Chapter 7 of the Environmental Statement contains an assessment of the effects of the development on Cultural Heritage. This is informed by a Historic Environment Desk Based Assessment.</p>
8.7.2	<p>There are four Grade II Listed Buildings within the site and two Grade II listed buildings within the wider Hind Street and St Werburgh’s Regeneration Area. Part of the site is located adjacent to Hamilton Square Conservation Area to the northern end at Conway Street and Cross Street and Clifton Park Conservation Area to the south at Borough Road. There are several other historic assets of note surrounding the site including Birkenhead Priory (Scheduled Monument and Grade I); Roman Catholic Church of St Werburgh’s and St Werburgh’s Presbytery (both Grade II); Chapter House Chapel at Birkenhead Priory (Grade II*); and Remains of Church of St Mary (Grade II).</p> <p>The following sensitive receptors have been assessed within the ES as those most likely to be affected by the development:</p> <ul style="list-style-type: none"> ▪ Buried archaeological resource (below ground receptors) of the Industrial period. ▪ Entrance to the Mersey Tunnel ▪ Edward VII Memorial Clock Tower ▪ Post Office ▪ Birkenhead Priory ▪ Chapter House Chapel at Birkenhead Priory.
8.7.3	<p>Parts of the site evidence the pioneering first phase of railway construction, namely the surviving elements Grange Lane Railway Station, Mersey</p>

	<p>Railway Tunnels and any surviving elements of the Birkenhead Town Railway Station. These receptors are of moderate importance and are the focus of an archaeological investigation which has been carried out.</p> <p>There is likely to be a permanent less than substantial harm on remains of post medieval and modern date associated with the railway infrastructure and 19th development on the site. This would be mitigated via fieldwork evaluation and recording which result in the residual effects being beneficial and supportive of the research objectives of the North West Historic Environment Research Framework.</p>
8.7.4	<p>There would be less than substantial harm to the Grade II listed Entrance to the Mersey Tunnel, Edward VII Memorial Clock Tower, Post Office and the Gade II* Listed Priory during the construction period due to noise, dust and vibration. However, these effects could be mitigated through appropriate construction methods and would be short term. All these listed buildings would be retained and therefore any long-term impacts would be limited to their setting.</p> <p>The setting of the Entrance to Mersey Tunnel would be changed by the alteration of the road infrastructure, the removal of the toll booths and the construction of residential and commercial uses within proximity of the structure. It is considered that the development would have an overall positive impact on its setting by enhancing visibility and improving the townscape setting. There would be similar benefits to the setting of Edward VII Memorial Clock Tower particularly as a result of the removal of intrusive road infrastructure and the provision of increased pedestrian space around the structure. New development would be introduced within the setting of the Post Office and while this would be 5-6 storeys in height it is considered that the overall impact on its setting would be positive. It is not envisaged that there would be any significant impact on the Grade II* Listed Priory and Chapter House Chapel at Birkenhead Priory due to the separation distance and the lack of relationship between these structures and the development.</p>
8.7.5	<p><u>Summary</u></p> <p>While the detailed layout and design of the development will be considered at reserved matters stage it is considered that the development would have a beneficial impact on heritage assets within the site and the surrounding area. The archaeological issues could be addressed through a programme of pre-construction archaeological works, historic building investigation, an archaeological watching brief and booklet publication secured by means of appropriately worded planning conditions. The proposal is considered to be in compliance with Chapter 16 of the NPPF and the relevant policies within in the UDP and the WLPSD.</p>

8.8 Design	
8.8.1	<p>Paragraph 131 of the NPPF states the creation of high quality, beautiful and sustainable 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.</p> <p>Paragraph 135 sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; establish or maintain a strong sense of place; optimise the site potential and create safe, inclusive and accessible spaces.</p> <p>“Decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a</p>

	<p>strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and 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”.</p> <p>Paragraph 139 states that development that is not well designed should be refused. The NPPF should be read alongside the National Design Guide (2021). Paragraph 21 of the Design Guide advises that a well-designed place is achieved through making the right choices at all levels, including: the layout; the form and scale of buildings; their appearance; landscape; materials; and their detailing.</p>
8.8.2	<p>The standards for new Housing and Care Home development are set out under UDP Policies HS4 and HS8 which includes visual implications.</p> <p>Draft Policy WS 6.1 of the emerging Local Plan sets out the design principles that should be applied to new development. These principles include (but are not limited to): being visually attractive and positively enhancing the character, the appearance and setting of the surrounding area; ensuring that the density, height, scale, massing and siting is appropriate in context; providing for the protection and enhancement of existing healthy trees and hedgerows of visual and wildlife value; and providing or protecting high quality landscaping including unifying features such as gates, piers, walls, boundary treatment between public and private areas.</p> <p>Draft Policy WS 6.1 lists a number of placemaking principles that must be adhered to. These include provide high quality and well-designed development; ensure permeability within the site through the provision of a choice of safe, direct and attractive routes; contribute to and where relevant provide for the strategic provision of facilities for open space and recreation, shops, schools and health services; and provide high quality, sustainable connections and access internally and externally to the site, with priority given to walking, cycling and public transport.</p> <p>Policy WS 6.3 sets out that development proposals within the Masterplan Areas shown on the Policies Map, must be in conformity with a Masterplan which has been endorsed by the Council.</p> <p>The masterplan submitted with the application seeks to comply with Policies WS6.3 and RA5 of the emerging Local Plan</p> <p>Draft Local Plan Policy RA 5 sets out the detailed requirements for the Hind Street Urban Garden Village Masterplan Area.</p>
8.8.3	<p>The Site is on the edge of Birkenhead Town Centre and comprises predominantly vacant land. The topography rises to the south of the site.</p> <p>Detailed planning permission is sought for remediation/engineering work, the diversion of a sewer, the demolition of the flyovers, an active travel route through the site and the creation of Dock Branch Park.</p> <p>Removing the Borough Road (A5227) and Queensway Tunnel flyovers that currently bisect the site is key to its regeneration and will enable the area to be re-linked to the adjoining town centre and waterfront and to the new residential quarter at St Werburgh’s, while releasing significant areas of well-located urban brownfield land for re-development.</p> <p>Draft Local Plan Policy RA 5 requires that development proposals for the Hind Street and St Werburgh’s Regeneration Area incorporate proposals for</p>

	<p>a new highway network to accommodate changes arising from the removal of the flyovers.</p> <p>While the new road network layout will be considered at reserved matters stage the application is supported by a Transport Assessment which demonstrates that there is a deliverable transport solution to the removal of the flyovers which includes consideration of the Mersey Tunnel Plaza configuration. This is discussed further in the Highways section of this report.</p>
8.8.4	<p>It is proposed to create a new linear park within a disused raiiling cutting that runs through the centre of the site. Since its closure in the 1990s the Dock Branch Line has fallen into disrepair, The application is supported by a Design and Access Statement which sets out the vision and detailed design principles for Dock Branch Park.</p> <p>The proposed park is split into three-character areas with a shared pedestrian and cycle path running along its length. The 'Elevated Line' forms the south part of the park and begins at Green Lane station. This section would contain a mix of hard and soft landscaping intersected by play features, areas of seating and mini-arrival plazas. The next character area to the north is 'The Platform', which forms the high point at Waterloo Place with key access points to the east and west. There is a significant level change in this area. To accommodate this level change it is proposed to remove and infill the existing bridge, lifting levels to allow an accessible ramped access to be created into the park. The final section, 'The Descent' slopes down from Waterloo Place towards a plaza at the northernmost point within the park. Within this area it is proposed to retain the heritage railway track with the wall of the old Town Station forming the eastern boundary and providing an opportunity for artwork.</p> <p>Dock Branch Park would create an active travel spine and leisure route, bring a derelict area into use, and provide recreational opportunities for existing and future residents. The provision of this park complies with Draft Local Plan Policy RA 5 (B).</p> <p>It is considered that those parts of the development applied for in detailed form are of an acceptable standard of design that would contribute positively towards the areas character.</p>
8.8.5	<p>All other parts of the development are in outline form and the detailed design and layout will be considered at reserved matters stage. The submitted parameter plans show the land uses, areas of open space and development heights, and the DASDC sets out core vision and design principles that must be adhered to in the preparation of Reserved Matters Applications for outline components of the development proposals.</p>
8.8.6	<p>Draft Policy RA 5 sets out specific requirements for development which are discussed in turn below.</p> <p>RA 5 (A) The illustrative masterplan demonstrates that the site has the capacity to accommodate the proposed development and deliver a high-quality urban village.</p> <p>RA 5 (B) The application is seeking full permission for Dock Branch South and the illustrative masterplan in conjunction with the DASDC demonstrate how the provision of a comprehensive network of high-quality public realm, landscaping and drainage can be achieved and delivered. Provision for a new primary school is included within Phase C of the development with phases A and B accommodated through additional temporary classrooms.</p> <p>RA 5 (C (1 + 2)) The detailed proposals include the removal of the existing flyovers and the submitted Transports Assessment (TA) demonstrates that there is a new highway network can be delivered to accommodate the changes arising from the flyover removal and serve the development. This includes the reconfiguration of the Mersey Tunnel Plaza to accommodate the</p>

	<p>needs of pedestrians, cyclists and buses and the Mollington Link to Hind Street active travel route. This is applied for in detail and is designed to prioritise bus, cycle and walking over car-based movement.</p> <p>RA 5(C (3-9)) While the detailed design is not being considered under the current application, the Parameters Plan shows the highest buildings (6-7 storey) within the northern parts of the site towards Birkenhead Town Centre and lower buildings within the more residential areas to the south. This gives the opportunity for landmark buildings to be provided in appropriate locations. It has also been demonstrated through a Townscape and Visual Assessment that regard has been had to strategic views in context with the waterfront skyline. A note for applicant will be attached to ensure developers are aware they may be required to submit a fire statement if the reserved matters application includes seven storey buildings or exceeds 18m in height.</p>
8.8.7	<p>The Public Open Spaces Parameters Plan shows the approximate locations of areas of open space and public realm, the open spaces located to support the residential areas will be managed through relevant management companies, Dock Branch Park (south) would become a Council asset. Four landscaped squares are included at the heart of the development (Village Square) and at the key gateways into the site. These are in addition to Dock Branch Park, which is discussed above, and informal pockets of open space interspersed across the development. Haymarket Square is designed to provide a new high-quality gateway to Central Birkenhead Regeneration Area and act as a nodal point of a series of pedestrian and cycle routes.</p>
8.8.8	<p>The indicative layout and DASDC demonstrate how the proposed development promotes intensification of development around the public transport provision at the railway stations.</p>
8.8.9	<p>The Parameters Plan makes an allowance for non-residential development within each plot and the appropriateness of these uses has been justified through the submitted Main Town Centre Uses Assessment.</p>
8.8.10	<p>It is considered that the illustrative masterplan, DASDC and parameter plans demonstrate that the site has the capacity to deliver a development centred around low carbon, high density family living, with streets focused on people and cycles and a range of green and hard landscaped space. It is considered that it has been demonstrated that the requirements emerging policies WS 6.3 and RA 5, have been met.</p>
8.8.11	<p>In terms of the visual and landscape impacts, it is envisaged that during the construction period the presence of machinery and material stockpiles would have an adverse effect on the landscape character of the site and an adverse visual impact. However, these effects would be relatively short term and would improve as the site is developed. Once the development is complete it is considered that there would be significant benefits to the character of site and surroundings and on views from surrounding residential properties and other viewpoints.</p>
8.8.12	<p><u>Summary</u> In summary, the design of the proposal, albeit in partially illustrative form, is considered to be acceptable and in accordance with relevant policies from the development plan, the NPPF and the emerging Local Plan. A condition is recommended to ensure that the submitted design parameters and design code are complied with at reserved matters stage.</p>

8.9 Residential Living Conditions	
8.9.1	<p>Paragraph 135 of NPPF states that planning should always seek to 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.</p>

	<p>Policies WS 7.1 and WS 7.2 of the emerging Local Plan require developments to provide a high standard of amenity for existing and future occupiers and to take account of the privacy and amenity of the development's users and neighbours. Relevant Detailed Policies include WD 10 'Non- residential uses in Primarily residential Areas' and WD 14 'Pollution and Risk'.</p>
<p>8.9.2</p>	<p>The closest existing residential properties to the site are located to the west of Birkenhead Central Station and to the south of the Site on Hinderton Road and Hinderton Close.</p> <p>As noted, only the remedial works, sewer diversion, flyover demolition and Dock Branch Park are subject to an application for full planning permission with all the residential and commercial development subject to an application for outline permission with all matters reserved for consideration at a later stage.</p> <p>The remediation of the site may result in some short-term disturbance while the work is carried out. However, this can be mitigated through conditions requiring a construction management plan and to control the working hours. The proposed sewer diversion is within the northern part of the site and is well distanced from surrounding housing. Dock Branch Park is located within the eastern part of the site which lies adjacent to commercial premises and again any potential impacts can be mitigated through conditions. For these reasons, it is considered that the detailed planning application is acceptable in terms of residential amenity impacts.</p> <p>The indicative masterplan demonstrates that the proposed outline development could be accommodated on this site without having a direct adverse impact on surrounding residential properties, in terms of overlooking or loss of light or outlook. It also demonstrates that it is possible to provide adequate separation between buildings within the site and private amenity space. The Public Open Spaces Parameters Plan establishes the principles for open space provision. In addition to Dock Branch Park, it proposed to provide 9 play areas and 4 landscaped squares. The indicative masterplan demonstrates that there is scope to incorporate numerous areas of informal green space throughout the development which would provide amenity space for residents of the apartments and social/activity spaces.</p>
<p>8.9.3</p>	<p>The outline proposal includes residential and commercial uses within close proximity and the potential impact of noise on future occupiers is an important consideration. The relationship between these uses can be controlled through the detailed layout and conditions at reserved matters stage.</p> <p>As layout is reserved for future assessment, it is considered at this stage that there is sufficient comfort that the development would not directly harm residential amenity.</p> <p>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.</p>
<p>8.9.4</p>	<p><u>Affordable Housing</u></p> <p>It is proposed that 10% of the total number of homes (up to 160) would be affordable. These would be delivered within phases C to E. This complies with Draft Policy WS 3.3 which, for multiphase schemes, allows the full affordable housing requirement to be provide within later phases of development to permit a greater proportion of market housing to be delivered earlier and to accommodate any future rise in property or land values</p>
<p>8.9.5</p>	<p><u>Summary</u></p> <p>Subject to appropriately worded conditions and carefully designed development at reserve matters stage it is considered that the development proposals would safeguard the living conditions of existing neighbouring</p>

	<p>residents and the future residents on the site. The proposal is considered to comply with NPPF para.135, Policies WS 7.1 and WS 7.2 of the emerging Local Plan and Policy WD 10 and WD 14 of the UDP.</p>
--	--

<p>8.10 Environmental Considerations</p>	
<p>8.10.1</p>	<p>Paragraph 198 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.</p> <p>Paragraph 199 of the NPPF states that planning policies 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 Clear 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.</p> <p>NPPF paragraph 210 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.</p> <p>UDP policies PO3 and PO4 set out the current policy relating to noise and noise sensitive development. Policy PO5 and P06, relating to contaminated land and landfill gas are also relevant.</p> <p>Policy WD 14 of the WLPSD aims to minimise the potential risk and harm from development on public health and emerging policy WS 7.2 requires development proposals to adequately address issues of vibration, noise, dust, fumes, odour, light pollution, air quality, waste collection and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities. Emerging Policy WD 15 (Contamination and Ground Stability) is also relevant.</p>
<p>8.10.2</p>	<p><u>Noise</u></p> <p>An assessment of the impact of the Proposed Development on noise and vibration effects has been carried out, and its conclusions are presented in Chapter 10 of the Environmental Statement. This considers noise and vibration from demolition/construction, construction/demolition traffic and operational road traffic noise.</p> <p>Calculations indicate that the demolition and construction works could cause potential moderate or major effects in terms of noise. There is the potential for existing residential dwellings on Argyle Street and Helmingham Grove to be affected as well as residents in the earlier phases of the development as the later phases are built. With embedded mitigation in the form of a CEMP, construction noise is not expected to result in a significant effect as there will be appropriate controls in place to minimise impacts. Construction vibration is also considered to have a negligible impact.</p> <p>The change in road traffic noise with and without the development in 2025 at existing receptors during the daytime has been assessed. Potential noise and vibration effects as a direct result of the development are not anticipated. However, indirect effects due to the removal of the flyover and changes to the road infrastructure in and around the site are anticipated to result in a significant effect at the Premier Inn north of Conway Street, and at dwellings on Green Lane, south of the Proposed Scheme, due to re-routing of traffic following the removal of the flyover. The assessment identifies eight</p>

	<p>properties that may qualify for noise insulation under the Noise Insulation Regulations and recommends that a detailed assessment should be undertaken. Significant effects due to vibration are assessed as unlikely.</p> <p>Measures suggested to mitigate against any potential future noise impact on existing and future residents include: consideration of the layout of the buildings and the orientation to maximise acoustic screening of noise-sensitive external areas from nearby noise sources and use of acoustic barriers to reduce noise levels in areas adjacent to the existing and proposed noise sources. These measures are key to ensuring the development sits well within the existing context of its surroundings and will be matters for future reserved matters applications. A condition requiring a noise strategy at each reserved matters application is considered necessary.</p> <p>Subject to the above-mentioned conditions, it is considered that the development is acceptable in terms of noise in accordance with Policy PO3 of the UDP, WLPSD policies WD 14 and WS 7.2 and paragraph 198 of the NPPF.</p>
8.10.3	<p><u>Air Quality</u></p> <p>An assessment of the impact on air quality has been carried out, and its conclusions are presented in Chapter 6 of the submitted Environmental Statement. It assesses the effects of construction dust, construction phase road traffic emissions and the effects of operational phase road traffic emissions.</p> <p>There are a number of sensitive receptors (including existing residential properties and residential properties in earlier phases of the development) located within 350m of the Site boundary and within 50m of the likely routes that will be used by demolition and construction vehicles.</p> <p>Based on the assessment the site is 'high risk' with respect to dust impacts. Mitigation measures recommended by IAQM guidance will be required within a CEMP. With appropriate mitigation measures the effects of dust and PM₁₀ during the construction phase are considered to be not significant.</p> <p>Road traffic emission impacts during the operational phase have been assessed and the overall effect is found to be not significant. While no mitigation is considered necessary it is proposed to produce a Travel Plan which will reduce any operational air quality impacts. This would be provided at reserved matters stage.</p> <p>Subject to the mitigation measures, which can be controlled by appropriately worded planning conditions, the proposal is considered to comply with WLPSD policies WD 13 and WS 7.2 and NPPF paragraph 198.</p>
8.10.4	<p><u>Land Contamination</u></p> <p>A Phase 1 Preliminary Risk Assessment, Phase 2 Ground Investigation and Remediation Strategy have been submitted as part of the application.</p> <p>The Phase 1 Preliminary Site Assessment includes the whole of the development area and is intended to provide an overview of the current and historic land use and environmental conditions and present an initial assessment of any risks that could be presented to the development and the wider environment. The risk from contamination posed to the construction workers and site's end-users is considered to be high due to the anticipated presence of contamination from the site's historical industrial land use. The risk presented to groundwater and surface water receptors is considered to be Moderate. The risk posed to site end-users from ground generating gases is considered to be Moderate.</p> <p>The following recommendations are made with regards to further works at the site:</p> <ul style="list-style-type: none"> - Undertake an intrusive ground investigation prior to each phase of re-development;

	<ul style="list-style-type: none"> - Undertake a generic quantitative risk assessments as part of the ground investigation; - Undertake Ground Gas Monitoring over a period of two-three months; and - Provide UXO risk mitigation for ground investigation works <p>The Phase 2 Ground Investigation Report targets the former gas works site, located south of Hind Street only. There is soil contamination in this area associated with historic land use as a gas works. Remedial activities were undertaken in the 1990s and in 2018, however residual contamination remains in place. The Phase 2 Report is intended to determine the risk to the end-user from potential contamination in shallow site soils and from gases, the risk to controlled waters (groundwater and surface water), characterise site wide natural soils and make design recommendations.</p> <p>The impacts identified include a very high risk to end users from direct contact, inhalation and ingestion of contaminants and the report includes recommendations and mitigation measures to address these risks.</p> <p>A Remediation Strategy has been submitted for the former gas works site. The aim of this is to mitigate the risks to receptors, including human health and the environment from any chemical contaminants at the site.</p> <p>The Environmental Officer has reviewed the submitted reports and raises no objections, subject to the imposition of conditions requiring the provision of site investigation reports and remediation strategies for the parts of the site that have not currently been assessed, implementation of the remediation for the former gas works site and that verification and monitoring reports are submitted. Subject to these conditions it is considered that the development complies with WLPSD policies WD 14 and WD 15, NPPF paragraphs 196 and 198, and UDP policies PO5 and PO6.</p>
8.10.5	<p><u>Summary</u></p> <p>Having regard to the above it is considered that subject to conditions, the development is acceptable in terms of the impact on noise levels, air quality, ground conditions/contamination and flood risk/drainage, in accordance with NPPF para's 196, 198, 199 and 201 and the relevant policies of the UDP and WLPSD.</p>

8.11 Social Infrastructure	
8.11.1	<p>Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, are safe and accessible and enable and support healthy lifestyles.</p> <p>NPPF paragraph 100 sets out the importance of ensuring a sufficient choice of school places to meet the needs of existing and new communities while paragraph 103 explains the importance of access to high quality open spaces and sport/recreation.</p> <p>UDP Policy GR6 relates to the provision of greenspace within new developments and the need to include specific provision for children's play.</p> <p>Policy WS 6.1 (part 4) of the WLPSD states that developments are required to contribute to and where relevant provide for the strategic provision of facilities for open space and recreation, shops, schools and health services.</p> <p>Policy WS10 relates to the provision of social infrastructure, including schools, sport/leisure and open space. The provision of a primary school and open space is also a requirement of Policy RA 5, relating to the Hind Street and St Werburgh's Regeneration Area.</p>
8.11.2	<p><u>Schools</u></p> <p>It has been agreed that a contribution will be made to the provision of temporary accommodation for the duration of Phase A and B that is</p>

	<p>proportionate to the pupil yield generated by the new homes within these phases. The illustrative masterplan in conjunction with the submitted DASDC includes provision for a new primary school to accommodate pupil yield from phases C-E of the development if needed. The final number of residential units for phases C onwards is currently unknown and would be submitted as part of the details for those subsequent phases, a commuted sum based on the current proposed housing numbers to provide additional educational facilities through either extensions to nearby schools or the construction of a new 2 form entry primary school will be secured through the S106 agreement. The figures set out within the S106 are based on the current number of houses proposed at each phase, it is noted that these numbers may change.</p>
8.11.3	<p><u>Health</u></p> <p>The development will result in 1,600 new homes with a population of c.3,800, which would have an impact on local healthcare services. There are 4 existing GP practices within 1 miles of the site.</p> <p>Current figures indicate that there is capacity within these practices to accommodate additional patients from the early phases of the outline part of the development but the NHS have identified a need to improve existing facilities and that there are high levels of health deprivation in the area.</p> <p>The initial phase of the development, subject to full planning permission, will not impact on health services and it is not therefore intended to seek any health-related contributions for this element. NHS funding will be secured through a S106 contribution relating to phases C, D and E. For these later stages, a phased approach to the S106 contributions will be adopted to allow the contributions to be assessed at each reserved matters application in line with the adopted policy and identified needs at the time.</p>
8.11.4	<p><u>Sport/leisure</u></p> <p>The enabling works include Dock Branch Park, whilst this provides outdoor recreational space, this element of the application does not include details of what sports either indoor or outdoor would be provided with the reserved matters applications. Future applications may include new indoor and outdoor provision, but this detail is not yet known, financial contributions are included within the S106 in order to secure upgrading of existing indoor and outdoor sport provision within the locality, such as improvements to Birkenhead Park pitches other sports/leisure facilities. This provision will be managed through the S106 and reserved matters submissions.</p> <p><u>Outdoor Sport</u></p> <p>It has been agreed that outdoors sports provision or upgrading of existing local facilities will be supported through commuted sums during each relevant phase of the application process. The outdoor sports provision relates to the number of houses constructed, this will vary at each phase and the final numbers of residential units have not yet been determined. The commuted sum will be secured via a S106 agreement.</p> <p><u>Indoor sport</u></p> <p>It has been agreed that indoor sport provision or the upgrading of local established facilities shall be subject to a commuted sum at each phase based on the number of houses proposed at each phase, this is subject to the reserved matters stages and the commuted sums will therefore be secured via a S106 agreement.</p>
8.11.5	<p><u>Summary</u></p> <p>The provision of financial contributions to upgrading existing nearby facilities over the phased application is considered acceptable in accordance with Wirrals UDP, the NPPF and the emerging Local Plan.</p>

8.12 Dock Branch Park	
------------------------------	--

8.12.1	<p>The application includes as part of the detailed submission, the inclusion and development of Dock Branch Park South, the linear park will provide public outdoor recreation, provision of this park prior to the occupation of residential plots in phases A and B coming forward under the reserved matters phases and will be conditioned in order to secure the implementation of Dock Branch Park South and access into/out of the park.</p> <p>Smaller areas of public open space are provided within the site, however this element forms part of the reserved matters and would be subject to final design based on the phases and the plot developments within those phases, inclusion of open space provision within the detailed application will be conditioned in order to secure the appropriate level of open space for the masterplan area.</p> <p>The public open space is provided within the masterplan area in the following forms;</p> <ul style="list-style-type: none"> • A publicly accessible open space (Dock Branch South) that is potentially within a 720m direct walking distance of all new homes, the provision of the park should be complete prior to the first occupation of the first dwellings that come forward, this is recommended to be secured through a planning condition. • Two Local Equipped Areas for Play (LEAP) (open access appropriately equipped facility for children's play) that are 400m² or more in size, set within larger areas of public open space (cumulatively in excess of 0.4ha), and are located to ensure that all homes are within 400m direct walking distance. • A number of Local Areas for Play (LAP) across the site.
8.12.2	<p><u>Summary</u> The open space provision as set out within the details and proposed reserved matters are considered appropriate to the level of development as set out within the Masterplan area.</p>

8.13 Sustainability	
8.13.1	<p>The site is making use of brownfield unused industrial land, bringing large scale urban regeneration into the heart of Birkenhead, and avoiding the need for out of town green belt development, and providing strategic housing in a sustainable location for wider population.</p> <p>The masterplan is predominantly utilising the historic Laird grid orientation which is offset significantly from north allowing all aspects of plots to have good solar orientation. Where the site does use another historic street pattern of Jackson Street any north facing aspect are minimised in the planning of the development plots</p> <p>The sites' location adjacent to the town centre and its amenities will minimise the need for the use of privately owned vehicles, promoting walking and cycling, and improving air quality and the health of residents, and will also serve to maximise the use of existing infrastructure helping over all viability and vitality. This relates to its proximity to major employment, shopping, leisure and education facilities that will be in walking/cycling distance of the site.</p> <p>Located adjacent to two train stations (Birkenhead Central and Green Lane) and within close proximity to the Bus Interchange provides enviable levels of sustainable and affordable public transport. The scheme will bring enhanced use of the public transport assets, boosting the sustainability of the network and provides the opportunity for residents to have a wider connectivity to major surrounding cities whilst enjoying a high-quality living environment in Birkenhead. This makes the site a City Region wide asset as it will benefit employment, retail leisure and education uses across the region.</p>
8.13.2	<p><u>Core Plot Development Sustainability Principals:</u></p> <ul style="list-style-type: none"> • All buildings will comply with Emerging Local Plan Sustainability targets, where possible and viable.

	<ul style="list-style-type: none"> • All buildings will be expected to achieve compliance with the Future Homes Standard and compliance with the new Part L and F and O of the Building Regulations 2025. This will be regulated through the Building Control process. • Allow opportunity for integration into the emerging WMBC district heating network being proposed for Birkenhead. • Where appropriate and viable, buildings will include renewable energy generation including heat pumps, solar panels and battery storage.
8.13.3	<p><u>Summary</u> The details of the development sustainability will be secured through condition for each development phase, the enabling works that are subject to the full element of the application will not be subject to the majority of these details as they will be reserved for future submissions.</p>

8.14 Section 106 agreement	
8.14.1	<p>Ordinarily all parties with a material interest in an application site will enter into the s.106 Agreement prior to the grant of planning permission. In this case parts of the site are in the ownership of a range of third parties, outside of the applicant and the Council. It is proposed that the land owned by the applicant will be bound by a s106 agreement signed prior to the grant of the planning permission, that Dock Branch Park will remain within the ownership of the Council and the other areas of the site will become bound by the s106 agreement prior to being developed. The Council is unable to enter into a s106 Agreement with itself and cannot therefore bind its own land through the ordinary s106 route.</p> <p>In these circumstances, an alternative legal method to secure the mitigation necessary to make the development acceptable in planning terms has been identified.</p> <p>The method places stronger reliance on planning conditions than in a more conventional application context due to the novel circumstances that exist. Those circumstances being the fact that there are a number of landowners across the site where it would be unreasonable, difficult and time consuming to require them all to be bound by the S106 prior to the grant of planning permission. In addition, the Council owns areas of the site and would be unable to enter into a s106 agreement for those parts.</p> <p>In these novel circumstances it is proposed that the s106 obligations for the land outside of the applicants land ownership (or mitigation and requirements that would otherwise be secured by the s106 Obligation on it) are secured by negatively worded planning condition attached to the planning permission that would require</p> <ul style="list-style-type: none"> - That if the Council as landowner divests its land interests to a third-party developer for that developer to implement the permission, development is prohibited unless the third-party developer enters into the agreed form of s106 Agreement with the Local Planning Authority prior to commencement of development on that land. - That to the extent the permission covers third party land, the commencement of development is prohibited until the relevant third-party landowner has entered into the agreed form of s.106 Agreement prior to commencement of development on that land. <p>Subject to this condition it means that there is no way to implement the planning permission that can take free of the s106 requirements that make this development acceptable in planning terms.</p> <p>The Planning Practice Guidance (PPG) advises that negatively worded conditions requiring a s106 agreement to be entered into prior to certain development taking place are unlikely to be appropriate in the majority of cases, but that they may be required in exceptional circumstances. Particularly complex development schemes and schemes where delivery could otherwise be at risk are identified as examples of exceptional circumstances.</p>

	<p>Important considerations are the size of this scheme and the importance of its delivery as a gateway site to Birkenhead, forming a key part of the regeneration of the area and delivering significant infrastructure improvements, including removing the flyovers and opening up the green spine of Dock Branch Park, together with the potential of delay that may put the delivery of the scheme at risk by jeopardising the use of significant time-limited public funding. As such it is considered that this development would satisfy the exceptional circumstances criteria set out in the PPG.</p> <p>The negatively worded condition (sometime known as Arsenal conditions) would still need to meet the standard condition tests that are set out in the National Planning Policy Framework and the PPG. This proposal is not without risk and members should note that utilising a more bespoke solution is open to legal challenge. However, to provide reassurance enforcement through breach of condition would still be available as well as normal enforcement routes for the part of the site already covered by the s106 Agreement.</p> <p>When considering the potential content of a s106 Agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations in a s106 Agreement can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.</p> <p>Contributions/Provisions for the following are to be secured to ensure the proposal is policy compliant:</p> <p>The Heads of Terms will include the following:</p> <p><u>S106 monitoring fee £30'000</u> <u>AH provision 10% provision</u> <u>Travel Plan Monitoring fee £90'000</u> <u>Recreational Pressure £280 per dwelling</u> <u>Employment/Skills monitoring £757.56 per year</u> Long term management and maintenance of local open space areas</p> <p>Formulaic criteria will be applied to calculate requirements, if needed at reserved matters stage for: <u>Education</u> <u>NHS</u> <u>Outdoor Sports provision</u> <u>Indoor Sports provision</u></p>
--	--

9. Summary of Decision (planning Balance)	
9.1	Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton, the submission draft of the Wirral Local Plan and the NPPF and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: -
9.2	The application with regards to the full element of the proposal is considered acceptable in accordance with the regeneration priority for the masterplan of Hind Street in line with the objectives of the emerging Local Plan. The proposal provides positive contributions through residential development, open space, play facilities and highway network improvements.

	<p>The uses proposed in the outline part of the application have been assessed taking into account current local and national policies, land restrictions within the masterplan boundary and the emerging local plan. Subject to appropriate mitigation to be conditioned or secured through the Section 106 agreement, the scheme as a whole regeneration proposal is considered to benefit the wider local area with additional residential and commercial development, therefore based on planning balance the contributions of the proposed scheme outweigh any perceived harm and it is the opinion of the Local Authority that subject to future potential mitigation needs, the scheme could be delivered successfully.</p>
--	--

<p>10. Recommended Decision:</p>	
<p>10.1</p>	<p>That the Chief Planner, Assistant Director of Regeneration and Place be authorised to approve the application subject to:</p> <ol style="list-style-type: none"> 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 S106 of the Town and Country Planning Act 1990 that will secure the planning obligations set out at section 8.14 of this report on land owned by the Applicant; 3. The conditions set out below.
<p>10.2</p>	<p>That delegated authority is given to the Chief Planner, Assistant Director of Regeneration and Place in consultation with the Chair of the Strategic Applications Sub-Committee to make minor non substantive amendments to the S106 Heads of Terms and planning conditions as necessary.</p>
<p>10.3</p>	<p>That the Chief Planner, Assistant Director of Regeneration and Place be authorised to refuse the application in the event that a satisfactory section 106 agreement is not received within 12 months of the date on which Strategic Applications Sub Committee resolve to approve the application unless an extension of time is agreed to the satisfaction of the Chief Planner, Assistant Director of Regeneration of Place in consultation with the Chair and Spokespersons of the Planning Committee.</p>

<p>Recommended Conditions and Reasons:</p>
<p>A. Conditions - full planning permission only (1-5) B. Conditions - outline planning/reserved matters permission only (6-45) C. Conditions - both planning permissions (46-82) D. Notes to Applicant</p>
<p><u>Glossary of Terms;</u></p>
<p>Where a condition refers to “remediation or enabling works”, this refers to the works in Phase A and B as sought under the full approval, with particular regard to; construction of Mollington Link Active Travel Route, bus gate, remediation works including but not limited to demolition, reprofiling of land levels, tidal flood mitigation, gas decommissioning, sewer diversion works and works to create Dock Branch Park, where stated.</p>
<p><u>A. Conditions - full planning permission only (1-5)</u></p>
<p>1. The development hereby permitted IN FULL (as indicated in Design and Access Statement & Design Code: Part 3 Phasing & Delivery, 13.1 Enabling Phase and 13.2 Phase A; (BDP Architects) - HSM-BDP-XX-XX-RP-A-000014-P06) shall be begun before the expiration of 3 years from the date of this permission. Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p>
<p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 23rd August 2023 and listed as follows: <i>Demolition & Retention Plan - HSM-BDP-YY-XX-DR-A-000015 P07;</i></p>

Parameter Plan_01 (PP1) - Uses & Horizontal Limits of Deviation - HSM-BDP--ZZ-XX-DR-A-202001 P11 (revised received 13th November 2024);
Parameter Plan_02 (PP2) - Vertical Limits of Deviation - HSM-BDP--ZZ-XX-DR-A-202002 P09 (revised received 13th November 2024);
Parameter Plan_03 (PP3) - Public Open Spaces - HSM-BDP--ZZ-XX-DR-A-202003 P09 (revised received 13th November 2024);
Mollington Link to Hind Street Active Travel Route - HSM-CUR-XX-XX-D-C-04401-P05;
Play Features & Art - 2879-PLA-XX-XX-DR-L-4001 P03 ;
Furniture GA - 2879-PLA-XX-XX-DR-L-4000 P03;
Levels GA - 2879-PLA-XX-XX-DR-L-3000 P05 (revised received 13th November 2024);
Softworks Trees GA - 2879-PLA-XX-XX-DR-L-2001 P04 (revised received 13th November 2024);
Softworks GA - 2879-PLA-XX-XX-DR-L-2000 P04 (revised received 13th November 2024);
Hardworks GA - 2879-PLA-XX-XX-DR-L-1000 P05 (revised received 13th November 2024);
DBS General Arrangement - 2879-PLA-XX-XX-DR-L-0002 P04 (revised received 13th November 2024);
DBS Landscape General Arrangement - 2879-PLA-XX-XX-DR-L-0001 P06 (revised received 13th November 2024);
Hind Street Landscape GA - 2879-PLA-01-XX-DR-L-0002 P06;
Design and Access Statement & Design Code Including Infrastructure Plan / Delivery Strategy (BDP Architects) - HSM-BDP-XX-XX-RP-A-000014-P06 ;
Dock Branch South Design and Access Statement (Plant-IE) - 2879-PLA-00-XX-RP-0001 – P04 (revised received 13th November 2024); and
Demolition Method Statement (ION; June 2023)

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

Highways/Flyovers

3.

The stopping up and demolition of the Queensway (Birkenhead Tunnel) Approaches and Borough Road (A5227) Flyovers, and the delivery of associated highway mitigation shall be undertaken in a phased manner following the approval processes set out in parts A to D below. Prior to works commencing on site, the applicant shall establish a Flyover Demolition Steering Group to inform consideration by the Local Highway Authority and the LCRCA of the detailed design, phasing and implementation proposals of all flyover demolition and highway mitigation measures. The make-up of the group shall be approved by the Local Highway Authority with, as a minimum, representatives being invited from, the applicant, the Local Highway Authority, Local Planning Authority, and the Liverpool City Region Combined Authority.

- A. The implementation of the element of the overall Flyover stopping up order as it relates to the Queensway (Birkenhead Tunnel) Approaches off ramp into King's Square and its subsequent demolition and the Tunnel Approaches/Marshalling area to the west of the proposed King Square Link Road cannot take place until the following works illustrated on plans labelled Highway Stage 01 and Highways Stage 02 on Page 200 of the Hind Street Urban Gardens Village Design and Access Statement & Design Code have been designed and implemented to the satisfaction of the Local Planning Authority.
- I. The upgrading of the Argyle Street/Conway Street junction to a traffic signalled controlled junction incorporating pedestrian and cycle facilities.
 - II. The upgrading of the Hamilton Street/Conway Street junction to a traffic signalled controlled junction incorporating pedestrian and cycle facilities.
 - III. The upgrading of the Borough Rd East/Jackson Street junction to a traffic signalled controlled junction incorporating pedestrian and cycle facilities.
 - IV. The rationalisation of the highway link incorporating cycle paths between the Argyle Street/ Conway Street and Hamilton Street/Conway Street junctions.
 - V. The construction of a new highway link incorporating cycle paths between the Hamilton Street/Conway Street junctions and Borough Rd East /Jackson Street junctions.
 - VI. Hamilton Street being made 2-way between Conway Street and Hinson Street
 - VII. Making the turn from William Street into Conway Street left turn only.

Discussion Note – 29th November – It may be that the off ramp will need to be closed traffic in order to build the link referenced at V. above. If this is the case the works outlined at point 5 will need to be undertaken as part of B below.

Reason *To establish a suitable alternative route between Borough Road and the Queensway (Birkenhead Tunnel) entrance and to ensure that the development is implemented in a way that delivers the sustainable transport benefits in a co-ordinated way and to benefit the safe and efficient movement of pedestrians, cyclists and bus users.*

B. The implementation of the element of the overall Flyover stopping up order as it relates to the Queensway (Birkenhead Tunnel) Approaches exit flyover from the tunnel exit to the east of Argyle Street and its subsequent demolition cannot take place until the works identified in Part A above and the following works illustrated on plans labelled Highway Stage 03 and Highways Stage 04 on Page 200/221 of the Hind Street Urban Gardens Village Design and Access Statement & Design Code have been designed and implemented to the satisfaction of the Local Planning Authority t.

- I. The demolition of the King's Square – Queensway Tunnel flyover off ramp
- II. The upgrading of Jackson Street between Borough Road East and Waterloo Place to include active travel measures and a north bound contra flow bus lane.
- III. The introduction of a temporary road link across the Wilbraham Street Car Park between Clifton Crescent and Borough Road East
- IV. The upgrading of Borough Road East and Tunnel Road to make it capable of accommodating two-way traffic.
- V. The implementation of a suitable first phase of works to the A41 (Wirral Circular Trail)/Tunnel Road junction to accommodate additional traffic.
- VI. The implementation of suitable preparatory works to the Chester Street/ Tunnel Road junction to accommodate the eventual introduction of a traffic signal-controlled junction in this location.
- VII. The upgrading of the Chester Street tunnel exit toll booths arrangement.

Reason *To establish a suitable alternative route between Queensway (Birkenhead Tunnel) exit and Borough Rd and to ensure that the development is implemented in a way that delivers the sustainable transport benefits in a co-ordinated way and to benefit the safe and efficient movement of pedestrians, cyclists and bus users.*

C. The implementation of the element of the overall Flyover stopping up order as it relates to the off ramp section of the eastbound elevated section of Borough Rd (A5277) and its subsequent demolition of flyover cannot take place until the works identified in Part A and B above plus the following works illustrated on plans labelled Highway Stage 06 and Highways Stage 07 on Page 203 of the Hind Street Urban Gardens Village Design and Access Statement & Design Code have been designed and implemented to the satisfaction of the Local Planning Authority .

- I. The demolition of the Queensway (Birkenhead Tunnel) tunnel exit flyover permitted by Part B above.
- II. The remodelling of the Conway Street approach to the Tunnel entrance
- III. The construction of a new section of highway to accommodate northbound traffic between the A41/Wirral Circular Trail and the Tunnel entrance.
- IV. The remodelling of the tunnel entrance and exit toll booths.
- V. The remodelling of the southbound tunnel egress between the Tunnel exit and the A41.
- VI. Reversing the traffic flow on the current westbound Borough Road (A5227) flyover between Clifton Crescent and Chester Streer (A41).

Reason *To allow for the completion of the A41/Wirral Circular Trail northbound tunnel approach route and to ensure that the development is implemented in a way that delivers the sustainable transport benefits in a co-ordinated way and to benefit the safe and efficient movement of pedestrians, cyclists and bus users.*

D. The implementation of the element of the overall Flyover stopping up order as it relates to the current westbound and remainder of the eastbound Borough Road (A5227) flyover from Chester Street (A41) to Borough Road and its subsequent demolition together with closure of the remaining Tunnel Approaches/Marshalling areas cannot take place until the works identified in Part A, B and C above plus the following works illustrated n plan labelled Highway Stage 09 ON Page 204 of the Hind Street Urban Gardens

Village Design and Access Statement & Design Code have been designed and implemented to the satisfaction of the Local Planning Authority.

- I. The demolition of the section of the Borough Road (A5227) Flyover permitted by Part C
 - II. The construction of the balance of the A41/Wirral Circular Trail northbound approach to the tunnel entrance
 - III. The completion of the traffic signal control junction at New Chester Rd/A41 to accommodate 2-way traffic on Tunnel Road
 - IV. The completion of the traffic signal control junction at Tunnel Road/Chester Street to accommodate two-way traffic on Tunnel Road
 - V. Introducing two-way traffic movement on Tunnel Road/Borough Rd East and Clifton Crescent
- In addition, the design of the of the new Argyle Street/Borough Road junction will need to be approved by the Local Highway Authority

Reason *To allow for the completion of the flyover demolition works and facilitate the subsequent construction of the new Argyle Street/Borough Rd junction and to ensure that the development is implemented in a way that delivers the sustainable transport benefits in a co-ordinated way and to benefit the safe and efficient movement of pedestrians, cyclists and bus users.*

4. A Road Safety Audit (stages 1, 2, 3 and 4) shall be submitted and agreed in writing with LPA as the Overseeing Authority at appropriate stages of the highway design and construction to ensure highway safety.

Following completion of the off-site highway works and prior to the first opening of the active travel route a Stage 3 Road Safety Audit shall be provided for assessment by the Local Highway Authority. Safety Audit monitoring will be carried out at the appropriate stage following the opening of the active travel route. The measures agreed will be retained thereafter.

Reason: In the interest of highway safety and to comply with UDP Policy SH1.

S106

5. No development approved by this planning permission (other than the enabling and remediation works and Dock Branch Park) shall take place on any land within any phase or sub phase on the land edged red on the plan annexed to the Section 106 Agreement dated [X] unless and until all parties with any legal or equitable interest in the said phase or sub phase on the land have entered into an Agreement including any such agreements as may be required in support of any Reserved Matters Approval or any Additional Planning Permissions pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) binding such interest with the obligations contained within the Section 106 Agreement dated [X] and title to such area of land has been properly deduced to the Council with the intent that all of the covenants, obligations and restrictions contained therein will be enforceable not only against the original covenantor but also their successors in title and any person corporate or otherwise claiming through or under them an interest or estate in that land to ensure satisfactory enforcement of the obligations contained in the S106 Agreement

Reason: The planning permission has been granted subject to a S106 Agreement dated [X] and at the time of this permission being issued, the applicant is not able to bind all relevant parties and interests in the site to the terms of the planning obligations that it contains.

B. Conditions outline planning permission/reserved matters only (6-45)

Time Limits

6. Application(s) for the approval of all the reserved matters pertaining to phase A-E of the 'OUTLINE' component of the development, (as indicated in Design and Access Statement & Design Code: Part 3 Phasing & Delivery, 13.3 - 13.5; (BDP Architects) - HSM-BDP-XX-XX-RP-A-000014-P06), must be made no later than the expiration of 15 years from the date of this permission and shall begin no later than two years from the date of approval of the last reserved matters to be approved, whichever is later.

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

Design & Layout

7. Approval of the appearance, scale, layout, access and landscaping for the phase approved in outline, hereafter called the "reserved matters" shall be obtained from the Local Planning Authority before any development is commenced on that phase of the application site.

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 approved within the adopted highway.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990.

8. Applications for the reserved matters for each phase of the development hereby approved shall include the following information:

- (i) a statement to demonstrate how the development will conform with the updated Environmental Statement;
- (ii) an updated Design & Access Statement based on the Hind Street Urban Garden Village Masterplan Area (MPA-RA5.1) within the emerging Local Plans setting
- (iii) details demonstrating accordance with the principles and parameters described and illustrated in (Design and Access Statement & Design Code: Part 7. 0 Building Design Parameters and Part 8.0 Street Design Principles; (BDP Architects) - HSM-BDP-XX-XX-RP-A-000014-P06)
- (iv) a Design Code (as identified in the Design and Access Statement & Design Code: Part 12. 0 Plot Design Code; (BDP Architects) - HSM-BDP-XX-XX-RP-A-000014-P06) to demonstrate how the proposed development will relate to neighbouring sites and or phase(s);
- (v) a detailed Design Brief
- (vi) An updated Economic Impact Assessment when:
 - a. the overall floor space for purposes within Uses (E(a0, E(b), E(d), E(g), F1(a) and F2(b)) would exceed 39,250 square metres
 - b. the overall floor space for purposes within Use Class Sui Generis would exceed 25375 square metres
- (vii) a housing delivery plan linked to scaled drawings (for applications involving residential development) showing:
 - a. the number, size, type and tenure mix for each dwelling;
 - b. the tendering/procurement stage for any social rented, shared ownership and key worker sub market rented units;
 - c. the dates for the start of construction and completion;
 - d. the ownership and management arrangements for each tenure of affordable housing units;
 - e. the number, unit size and mix of wheelchair accessible homes and their storey, level,
 - f. and the quantity and type of private residential amenity space;
- (viii) an updated retail assessment here appropriate for retail development within Use Classes E;

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990.

9. All reserved matters applications shall be brought forward in accordance with the maximum and minimum development parameters identified on the drawings Parameter Plan_01 (PP1) - Uses & Horizontal Limits of Deviation - HSM-BDP--ZZ-XX-DR-A-202001 P11; Parameter Plan_02 (PP2) - Vertical Limits of Deviation - HSM-BDP--ZZ-XX-DR-A-202002 P09; Parameter Plan_03 (PP3) - Public Open Spaces - HSM-BDP--ZZ-XX-DR-A-202003 P09.

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.

10. Reserved matters applications for development on phases (A-E) ,shall be submitted with a masterplan for the whole phase, where possible demonstrating a comprehensive and phased approach to delivery including timescales for development of associated infrastructure and public realm and demonstrating how the phase and sub-phases of the development will be in accordance with the approved Design Code and Parameters Plan.

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

11. All reserved matters shall be designed to consider and 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,:

- 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

The approved measures shall be implemented and retained thereafter.

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

12. Each reserved matters application which includes non-residential uses shall include a breakdown of the non-residential floorspace within that phase and all previous phases.

Reason: In the interests of safeguarding the vitality and viability of nearby town centres and having regard to the NPPF.

Ecology

13. An updated preliminary ecological appraisal for each phase or sub-phase of the development hereby permitted in outline shall be undertaken in accordance with CIEEM (2017) guidelines and submitted as part of any reserved matters application relating to that phase or sub-phase. The agreed recommendations shall be fully implemented and if relevant retained thereafter.

Reason: To safeguard protected species and their habitats and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 187 of the NPPF

14. Prior to development of phase C, no development shall commence until a programme of Historic Building Investigation and Archaeological Works has been undertaken in accordance with a Written Scheme of Investigation which must be submitted to and approved in writing by the Council prior to archaeological work being carried out.

Reason: To safeguard any archaeological interest of the site

15. An up-to-date bat survey for each phase (post Phase A & B) of the development hereby permitted in outline shall be undertaken in line with best practice and submitted as part of the reserved matters application relating to that phase. The agreed recommendations shall be fully implemented and if relevant retained thereafter.

Reason: To safeguard protected species and their habitats and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 187 of the NPPF

16. Each reserved matters application shall include details of how the impact on bats will be mitigated for any buildings and structures which cannot be accessed for safety reasons. Any agreed mitigation shall be implemented and if relevant retained thereafter.

Reason: To safeguard protected species and their habitats and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 187 of the NPPF

17. For each phase or sub-phase of the development hereby permitted in outline a lighting scheme for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting. All lighting shall be designed to protect ecology and minimise light spill into habitats in accordance with "Bats and Artificial Lighting at Night". The lighting shall thereafter be installed in accordance with the agreed details and retained thereafter.

Reason: To safeguard protected species and their habitats and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 187 of the NPPF

18. Prior to the commencement of above ground works on each phase or sub-phase subject of the outline permission 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 prior to occupation in accordance with the approved details and adhered to thereafter

Reason: To ensure that the proposed development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, whilst to ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, to accord with Policies WM8 and WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP), National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49).

19. No development shall be occupied on each phase or sub-phase subject of the outline permission until details of servicing arrangements in accordance with the Servicing Strategy approved pursuant to Condition 18 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 phase or sub-phase;
- (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.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).

Trees/Landscaping

20. 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

21. No plot containing residential development (Use Class C3), shall be occupied until details of the walls, fencing or any other form of boundary treatment proposed as part of that plot have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the development and retained thereafter.

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

22. 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

Highways

23 **Prior to the occupation of the development hereby approved on** Plot 1, a Travel Plan designed in accordance with the Framework Travel Plan shall be submitted to and approved by the local planning authority. The approved Travel Plan must be implemented in full within 3 months of occupation and shall be adhered to at all times thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of Highway safety

24 No development shall take place on each phase subject of the outline permission until details of the advisory traffic signage strategy and relevant Traffic Regulation Order's for Heavy Goods Vehicles, long-axel vehicle or the movements of vehicles carrying abnormal loads have been approved by the local planning authority. The approved details shall be implemented in accordance with the approved programme.

Reason: In the interests of Highway Safety.

25. No development shall take place on each phase subject of the outline permission until details of the advisory traffic signage strategy and relevant Traffic Regulation Order's for access and egress movements for Queensway Tunnel for all vehicles have been approved by the local planning authority. The approved details shall be implemented in accordance with the approved programme .

Reason: To direct traffic to the most appropriate route (Queensway Tunnel left exit or towards the Hotel California gyratory to U-turn) through appropriate traffic signage to limit the traffic impact throughout the local highway network.

26 All reserved matters applications (other than those relating solely to residential) shall be accompanied by a Car Parking Strategy which shall include a Car Parking Survey. The Survey shall provide 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 provided and maintained with the addition of each phase of development. Any agreed car parking shall be laid out before occupation or use of the associated development and retained thereafter.

Reason: To ensure adequate provision is made for each phase of development; in the interests of highway safety and the convenience of car park uses 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

27. All reserved matters applications shall be accompanied by a programme for the following in respect of car parking for the relevant (phase/sub-phase) subject to that application:

- total number of spaces (including EV charging points) having regard to the Car Park Survey required under Condition 26 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 with the agreed infrastructure shall be retained in accordance with the approved proposals.

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

Employment/Economy

28. Prior to first occupation of each building approved as part of any phase by an occupier with over 20 Full time equivalent employees, each occupier shall submit an Employment and Skills occupation plan to the Local Planning Authority and such plan shall be approved by the LPA. The plan will set out proportionate and appropriate measures to provide training opportunities to prepare young people and out of work residents for employment and provide opportunities for local residents to obtain work. Each Employment and Skills Occupation Plan shall be implemented in accordance with the agreed details.

Reason: To safeguard and provide local employment opportunities

29. Prior to the commencement of development on phase C, an Employment and Skills Plan relating to the construction phase of phase/building/plot (where appropriate) must be submitted to and agreed in writing with the local planning authority. The Employment and Skills Management Plan should include measures to provide training opportunities to prepare young people and out of work residents for employment, including new jobs created at or for the Development as appropriate. This should include, but is not be limited to:

- working with local employment and skills providers to provide pre-recruitment training opportunities for out of work residents to prepare to apply for vacancies at or for the Development;
- providing mentoring/coaching for workless residents to prepare for employment, including but not limited to open days, speaking at events, CV assistance, and mock interviews;
- working with schools, colleges and training providers to raise the aspiration of young people and support them to make informed career choices and prepare for the transition into the labour market;
- providing apprenticeship job opportunities; and
- targeting specific support for out of work residents who are furthest from the labour market, including but not limited to, Care Leavers; residents who have a health condition or disability; young people aged 16 to 25 who are not in employment, education or training.

The Employment and Skills plan shall be in place prior to the commencement of the development and shall be kept in place throughout the construction period.

30. Prior to the commencement of development of each plot a Digital Infrastructure Strategy setting out full details of all internet provisions for the phase including consideration of provision to link to fibre network, 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 plot.

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

31. Any reserved matters applications which contain residential use shall demonstrate that 94% of residential units within that reserved matters application are accessible and adaptable (in accordance with M4(2) of the Building Regulations); and that a minimum of 6% of residential units are either 'wheelchair adaptable' (in accordance with M4(3)(2) of the Building Regulations); or, where the Council are responsible for allocating or nominating a person for immediate occupation, those 6 % will be 'wheelchair user' (in accordance with M4(3)(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.

Reason: To provide adequate wheelchair accessible dwellings having regards to Wirral Unitary Development Plan Policy HS9 and emerging Local Plan Policy WS 3.1.

32. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any legislation revoking, re-enacting or modifying that Order) the total gross floorspace for uses, other than those falling within Use Class C3 (dwelling houses) shall not exceed 64, 625 sq m, of which:

i) Not more than 21,425 sq m gross internal area shall fall within Use Classes E,

ii) Not more than 25,375 sq m shall fall within Use Class Sui Generis.

iii) Not more than 11,325 sq m shall fall within (Hotel and conference facilities).

iv) Not more than 4,125 sq m shall fall within (culture, education, leisure, community and amenity uses).

v) Within the total maximum floorspace, and subject to the limits set out in clauses (i) to (iv)

of this condition, a maximum of 21,425 sq m shall only be subject to Schedule 2, Part A, Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) for the following uses: E(a), E(b), E(d), and E(g)

Reason: In the interests of safeguarding the vitality and viability of nearby town centres and having regard to the NPPF.

33. Prior to the occupation of any units for purposes within Use Classes identified within Condition (32), the operating hours shall be submitted to and agreed in writing by the Local Planning Authority. No part of the (non-residential) floorspace approved under this application shall be occupied other than in accordance with the particulars so approved.

Reason: In the interests of safeguarding the vitality and viability of nearby town centres and having regard to the NPPF.

Amenity

34. 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: In the interest of protecting residential amenity

35. 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: In the interest of protecting residential amenity

Climate/Energy

36. Each plot subject of the outline permission shall be designed subject to the systems and technology available at the time of design. The Developer will use reasonable endeavours (and subject to viability, impact on delivery timescales and potential adverse impact on the sustainability rating of the developed plot) to consider as part of each Reserved Matters application the potential connection of any relevant plot to a potential district heating network being brought forward in Birkenhead.

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

37 Each reserved matters application shall include an updated energy statement to demonstrate how all NPPF climate change and energy policies can be met.

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

Drainage

United Utilities:

Foul and Surface Water Drainage Details for Each Phase Granted in Outline

38. As part of the submission of any reserved matter for a phase or part phase granted in outline, full details of a foul and surface water drainage scheme for that phase or part phase based wholly on sustainable drainage principles shall be submitted to and approved by the local planning authority in writing. The details for each phase must be consistent with the Updated Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition [75] below and shall include a timetable for implementation including temporary arrangements during construction. The drainage schemes shall include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Storage requirements and rate of discharge for any pumped discharge;
- (v) Foul and surface water shall drain on separate systems; and
- (vi) A drainage management and maintenance plan for the lifetime of the development (including a management and maintenance plan for on-site watercourses / culverts). The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the foul and surface water drainage scheme throughout their lifetime.

The surface water drainage details shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development shall be completed, maintained and managed in accordance with the approved details. Prior to first occupation of the proposed development, the drainage schemes for that phase or part phase shall be completed in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Foul and Surface Water Drainage Details for Each Phase Granted at Reserved Matters

39. Prior to the commencement of development for any phase or part phase granted as part of the reserved matters stage, full details of a foul and surface water drainage scheme for that phase or part phase based wholly on sustainable drainage principles shall be submitted to and approved by the local planning authority in writing. Foul and surface water shall drain on separate systems. The details for each phase / part phase must be consistent with the Updated Site-Wide Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition [75] below and shall include a timetable for implementation including temporary arrangements during construction. The drainage schemes shall include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Storage requirements and rate of discharge for any pumped discharge; and
- (v) Foul and surface water shall drain on separate systems;
- (vi) A drainage management and maintenance plan for the lifetime of the development (including a management and maintenance plan for on-site watercourses/culverts). The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company where appropriate; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the foul and surface water drainage scheme throughout their lifetime.

The surface water drainage details shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development shall be completed, maintained and managed in accordance with the approved details. Prior to first occupation of the proposed development, the drainage schemes for that phase or part phase shall be completed in accordance with the approved details and thereafter retained .

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Asset Protection for Each Phase Granted in Outline

40. As part of the submission of any reserved matter for a phase or part phase granted in outline, details of the means of ensuring that any water main and public sewer that are laid within the site boundary for each phase are protected from damage as a result of the development shall be submitted to and approved by the Local Planning Authority in writing. The details shall include a survey of the exact location of the water mains and public sewers (line and depth) and outline the potential impacts on the water mains / public sewers from construction activities and the impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water mains / public sewers both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details and retained thereafter.

Reason: To safeguard United Utilities' assets

41. At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval, such Strategy to include as a minimum the details listed below at condition [76].

The detailed drainage schemes for each phase or part phase of development required by conditions 38], and [39], shall be submitted for approval in accordance with the site-wide foul and surface water drainage strategy approved under this condition.

Reason: To prevent flooding and pollution and to ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site and to ensure a proliferation of pumping stations is avoided.

LLFA:

42. Except for site clearance and remediation, no development shall commence until full details of the proposed finished floor levels for the development and the surrounding ground levels in comparison with existing ground levels within and adjoining the site and in accordance with the most up to date Flood Risk Assessment for that phase, have been submitted to and approved in writing by the Local Planning Authority. Ground floor and basement access levels of all development should be at least a minimum of 300mm above the 1 in 100 annual probability surface water flood level, considering the residual risks of failure of the surface water drainage system. The development shall be carried out in accordance with the agreed levels and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants pursuant to Policy WD 4 of the submitted draft Local Plan and comply with Section 14 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change" and the "Flood risk and coastal change" section of the Planning Practice Guidance

43. Except for site clearance and remediation, no development shall commence until a surface water drainage phasing plan and accompanying schedule is submitted. The approved surface water drainage phasing plan shall be implemented in full to ensure any cumulative impacts of flood risk are avoided, controlled and mitigated by developing high risk sites first.

Reason: To reduce the risk of flooding to the proposed development and future occupants by ensuring satisfactory drainage facilities are provided to serve the site during all phases pursuant to Policy WD 4 of the submitted draft Local Plan and to comply with Section 14 of the National Planning Policy Framework “Meeting the challenge of climate change, flooding and coastal change” and the “Flood risk and coastal change” section of the Planning Practice Guidance

44. Applications for the reserved matters for each phase of the development hereby approved shall include detailed plans and particulars of the sustainable drainage system, in the form of a Final Sustainable Drainage Strategy, for the management and disposal of surface water from the site subject to approval in writing by the Local Planning Authority.

The strategy and supporting modelling must demonstrate that flooding does not occur on any part of the site for a 1 in 30-year rainfall event (including climate change allowance) and that no part of a building or any utility plant is flooded for the 1 in 100 year rainfall event (including climate change allowance and 10% urban creep). The discharge rate for the area served by the proposed new surface water drainage system (and each phase within that area) shall be limited to greenfield rates. Where existing drainage systems will be reused, the discharge rate must demonstrate betterment in accordance with the Strategic Flood Risk Assessment.

The Final Sustainable Drainage Strategy shall be in accordance with the following submitted documents:

- **Drainage Strategy – Hind St Urban Garden Village** [10 August 2023/ Ref: 1HSM-CUR-XX-XX-T-C-00102/ Rev P04/ Curtins]

The Final Sustainable Drainage Strategy must comply with DEFRA’s technical standards for sustainable drainage systems, and the CIRIA SuDS Manual (or subsequent replacement standards) and include:

- Justification of final design, referencing the FRA as appropriate and including evidence that the discharge hierarchy has been appropriately followed.
- Completed North-West SuDS proforma
- Relevant drawings and plans to support assertions in final sustainable drainage strategy
- Hydraulic modelling to support assertions in final sustainable drainage strategy
- Timetable demonstrating completed SuDS construction prior to occupation
- Secure means of access for maintenance and easements, where applicable
- A note for applicant sets out the recommended content of final submitted plans and drawings and the hydraulic modelling to be included as part of the strategy.

Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraphs 173 & 175 of the National Planning Policy Framework, Planning Practice Guidance and Non-statutory technical standards for sustainable drainage systems.

45. As part of the submission of any reserved matter for a phase or part phase granted in outline, a Flood Emergency Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The commitments explicitly stated in the Flood Emergency Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the measures contained in the Flood Emergency Plan are being undertaken at any given time.

Reason: So that the proposal does not present a significant flood risk to the development and to comply with UDP Policy WAT1 (Fluvial and Tidal Flooding), WA1 (Development and Flood Risk), WA2 (Development and Land

Drainage) and NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change), NPPG (Flood Risk and Coastal Change), WLP Policy WD4.2 (Flood Risk) and EA FRA Standing Advice for LPAs (2015)

C. Conditions - both planning permissions (46-82)

46. A monitoring schedule detailing the implementation and completion of Dock Branch Park including the access points into the park from the public realm shall be submitted to and agreed in writing prior to the construction of any dwellings. The Dock Branch Park works shall be implemented as agreed and shall be completed in their entirety prior to first occupation of the 100th dwelling.

Reason: To safeguard accessibility

47. Construction & Phasing

- (i) The development hereby permitted shall not be carried out save in accordance with the phasing programme as set out in Design and Access Statement & Design Code: Part 3 Phasing & Delivery, 13.3 - 13.5; (BDP Architects) - HSM-BDP-XX-XX-RP-A-000014-P06), which shall define Development Phases, is approved by the local planning authority before the development hereby permitted is begun.
- (ii) The development shall thereafter only be carried out in accordance with the approved construction phasing programme. The approved construction phasing programme shall be monitored and reviewed in accordance with review mechanisms agreed by the Council in writing as part of the initial construction and phasing programme submission.
- (iii) The construction phasing programme (per phase) shall comprise the following three documents :
 - A construction Programme which shall set out the timetable for the construction of Development Blocks and for demolition works, earthworks, replacement of key Town Centre uses, public realm works, landscaping works, highways works, and utility works.
 - A Planning Submission Programme on the submission of reserved matters which shall set out the order and dates for the submission of reserved matters, strategies, other details and samples of materials as referred to in other conditions attached to this permission and the reserved matters, strategies, other details and samples of materials shall thereafter be submitted in accordance with the approved Phasing Programme unless otherwise agreed in writing by the local planning authority, and in any event, within the time limits set out in Condition 2.
 - Staged Phasing Diagrams relating to each phase submission shall include the following details:
 - Development Block by Development Block works commencement and completion dates
 - Landscape and highways works/highway drainage works/ private public realm works on Development Zone by Development Zone basis
 - Access for vehicles and pedestrians
 - Scaffolding and hoarding lines
 - Services
 - Access arrangements for existing and new premises

Reason: In order to ensure a phased programme of development in the interests of the proper planning and the comprehensive re-development of the area.

Ecology

48. Soft felling techniques shall be used to remove any trees identified as having a low suitability for nesting bats.

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

49. No tree felling, scrub clearance, vegetation management, ground clearance and/or building works shall take place during the period 1 March to 31 August inclusive unless the buildings, trees, scrub and vegetation have been first checked by an appropriately qualified ecologist to ensure no breeding birds are present. If birds are present,

details of how they will be protected shall be submitted to and approved in writing by the Local Planning Authority before the work is carried out.

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

50. For each phase of the development no development shall commence until a protocol for avoiding harm to nesting pigeons during works to buildings, bridges and structures has been submitted to and approved in writing by the Local Planning Authority. The protocol shall thereafter be implemented in accordance with the agreed 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

51. For each phase of the development details of all boundary enclosures shall be submitted for approval prior to occupation of the phase. Hedgehog highways (13cm x 13cm gaps) shall be installed into any close board fences.

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

52 For each phase of the development (excluding the enabling works and Phase A & B), no development shall commence until an updated badger survey has been submitted to and approved in writing by the Local Planning Authority. Unless the LPA have previously received a badger survey within the last 12 months for an adjacent phase.'

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

53. For each phase of the development no development shall commence until a method statement for the regrowth of rare species (including bee orchid, southern marsh orchid, broad-leaved helleborine, hare's-foot clover, rough hawkbit

and yellow wort as identified in Environmental Statement Appendix 8.1) within that phase has been submitted to and approved in writing by the Local Planning Authority.- The Method Statement shall include:

- Timing of the works;
- Details of soil stripping;
- Details of how the soil will be stored; and
- Details of the translocation site, including location.

The method statement shall be implemented as agreed by the Local Planning Authority and relevant mitigation measure retained thereafter.

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

54. For each phase of the development (excluding the enabling works), no development shall commence until an Ecological Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the species-specific measures that will be adopted in order to enhance habitat for protected and notable species, namely breeding bird, roosting bats, hedgehog and invertebrates. The Plan should show the location, type and specification of each feature provided and include a timetable for implementation. The development shall be carried out in accordance with the approved Ecological Enhancement Plan and retained as such thereafter.

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

55. For each phase of the development where invasive species have been identified, no development shall commence until a method statement for the treatment of Japanese Knotweed, Japanese rose, several species of cotoneaster and false acacia has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

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

Following completion of the agreed work a validation report (for Japanese knotweed only) shall be submitted to and approved in writing by the Local Planning Authority to confirm that the remediation treatment has been carried out and that the site is free of the Japanese knotweed.

Reason: To eradicate Japanese Knotweed from the development site, to prevent the spread of the plant through development works and to accord with National Planning Practice Guidance: How to stop invasive non-native plants from spreading.

56. For each phase of the development, no development shall commence until a CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Details of how retained habitats, including trees, will be protected during works;
- Pollution prevention measures;
- Details of construction lighting designed to avoid light spillage onto retained habitats;
- Bat mitigation measures;
- Measures to avoid harm to breeding birds;
- Hedgehog RAMs;
- Notable plant species translocation method statement; and
- Invasive species method statements.

The approved CEMP to be accessible to site managers, all contractors and sub-contractors working on site and shall be complied with for the duration of the development.

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

57. For each phase of the development, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority prior to development of that phase commencing. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Merseyside and Halton Joint Waste Local Plan (WLP), National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49).

Landscaping

58. The landscaping hard and soft works set out in the document ' Dock Branch South Design and Access Statement (Planit-IE, 2879-PLA-00-XX-RP-0001 - P04) shall be completed in full prior to the occupation of the 100th dwelling.

Detailed drawings shall be submitted to and approved by the Local Planning Authority before any above groundwork is commenced at each phase 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.

Once constructed, individual Plots shall be managed in accordance with the Landscape Management Plan . 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 provide appropriate open space in accordance with the Local Plan and the NPPF.

59. Other than the remediation and enabling works and Dock Branch Park prior to the commencement of any phase, details of any LEAPS and LAPS associated with the developments, including a Development Management Plan, shall be submitted to the Local Planning Authority for approval. On completion of 50% of the housing of that phase the LEAPS and LAPS shall be implemented and available for use in full accordance with the agreed details.

Reason: To provide appropriate open space in accordance with the Local Plan and the NPPF.

Highways

60. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction 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 plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: In the interests of highway safety and residential amenity.

61. Prior to the commencement of development of each phase, with the exception of remediation and enabling works and Dock Branch Park , full details including a timetable of works, scaled plans and/or written specifications as necessary, shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following :

- (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 shall be carried out in accordance with the approved drawings and details.

Reason: In the interests of highway safety

62. Prior to the commencement of a Phase or sub phase_ with the exception of remediation and enabling works and Dock Branch Park the details of the cycle parking arrangements are to be submitted including: 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 to each Development Phase. The approved cycle parking arrangements shall be implemented in full prior to occupation of the associated development phase or part thereof.

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

63. The commencement of a -Phase shall not begin 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 have been approved in writing by the local planning authority. The Development Plot shall not be occupied until the approved details have been implemented as approved and shall thereafter be retained and kept available for use

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

64. Prior to a Phase or sub phase becoming occupied/operational, details are required of satisfactory waste and recycle goods storage, including bin store locations and the size of any purpose-built storage buildings. These details are required to be submitted and approved by the LPA and those approved details implemented in full prior to any occupation of the development as approved and retained thereafter

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).

65. The development of any Phase shall not begin until details of all cycle routes within and serving that phase and including linkages to the local cycle route network and details of associated road markings and signage, and a programme for the provision thereof have been 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,

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

66. Prior to first use of each phase, details of advisory pedestrian and cyclist direction signs for all cycle routes and places of interest and a programme for their provision have been approved by the local planning authority. The approved details shall be implemented in accordance with the approved programme and the signs shall thereafter be retained and kept available at all times,

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

67. Within 9 months of the commencement of development 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 shall be submitted to and approved in writing 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,

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

68. Prior to a Phase being brought into use a Framework Travel Plan shall be submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing, and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- a) Involvement of employees

- b) Information on existing transport policies, services and facilities, travel behaviour and attitudes
- c) Access for all modes of transport
- d) Targets for mode share
- e) Resource allocation including Travel Plan Co-ordinator and budget
- f) A parking management strategy
- g) A marketing and communications strategy
- h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel
- i) An action plan including a timetable for the implementation of each such element of the above
- j) Mechanisms for monitoring, reviewing, and implementing the travel plan

The Approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable.

69. Except for site clearance, remediation enabling works and Dock Branch Park, no development shall commence until a scheme for the design and construction of highway works, associated with the proposed Active Travel Route, has been submitted to and approved in writing by the Council as Local Planning Authority. For avoidance of doubt, the works shall include:

- proposed highway layout and design details to the satisfaction of LPA and in accordance with WBC Highway Authority Adoptable highway standards.
- The provision of a suitable signage to prohibit access for HGVs.
- The provision of new footways and cycleways within the active travel route,
- The provision of TRO(s) for the Bus gate, parking bays and cycleways along the proposed active travel route.
- The provision of parallel parking bays adjacent to the active travel route and the necessary TRO(s).
- Any necessary works to renew the existing street lighting and existing highway drainage requirements to accommodate the proposed adoptable highway works.
- The provision of cycle signage and fingerpost/direction signs appropriate to the development application site.
- Any necessary amendments or required new TRO's to accommodate the application proposals.
- The stopping up of any adopted highway and the dedication of highway necessary to accommodate the development proposals.
- The provision of segregated pedestrian and cycle signal-controlled crossings to all arms of the Mollington Link / Hind Street proposed junction.
- Pedestrian and cycle links along the active travel route including pedestrian & cycle crossing facilities with tactile paving to all junctions.
- Pedestrian and cycle links from the active travel route to the local existing highway network.
- Pedestrian and cycle links to the proposed Dock Branch Park from Waterloo Place
- Any necessary highway drainage requirements to accommodate the highway works at Waterloo Place to prevent surface water discharge from the development onto the local highway network.
- Any necessary works to provide an adoptable highway SuDS design in accordance with HA highway adoptable standards.
- The provision of 2 bus stops (one eastbound one westbound) on Mollington Link and 2 Bus stands on Hind Street.
- The provision of traffic directional signage associated with the development proposals.
- Provision of street lighting necessary as part of the detailed design.
- A plan showing any areas to be offered up for adoption upon completion of the works and an agreed maintenance strategy prior to the adoption taking effect.

The approved scheme shall subsequently be implemented prior to first occupation of the development hereby approved.

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

Contamination

70. Prior to development on each phase (excluding Phase A) 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.

The scheme shall be implemented as approved.

Reason: To protect groundwater quality and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework

71. 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 68 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 protect groundwater quality and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework

72. For each phase of the development (excluding Phase A), where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use. Thereafter the development shall be carried out in accordance with the approved remediation scheme.

Reason: To protect groundwater quality and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework

73. For each phase of the development in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

Reason: To protect groundwater quality and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework

74. For each phase of the development, where required by the Local Planning Authority, a monitoring and maintenance scheme of the effectiveness of the proposed remediation must be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented, and any reports produced as a result, shall be submitted and approved in writing by the Local Planning Authority.

Reason: To protect groundwater quality and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework

Drainage

United Utilities:

Phasing

75. Prior to the commencement of development, other than enabling and remediation works and Dock Branch Park, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the nature of development (including the approximate quantum) to be implemented within each phase of the development. At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Phasing Plan shall be submitted to the Local Planning Authority for approval. The development shall only be implemented in accordance with the latest approved Phasing Plan.

Reason: To ensure the satisfactory phasing of the development and to ensure that utility infrastructure is delivered in a coordinated and planned way.

An Overall Site Wide Strategy for Foul and Surface Water Drainage

76. Prior to the commencement of development, other than enabling and remediation works and Dock Branch Park an updated Site-Wide Drainage Strategy for foul and surface water based on sustainable drainage principles shall be submitted to the Local Planning Authority for approval and agreed in writing. The strategy shall relate to the entirety of the application site and be in accordance with the principles established in [latest flood risk and drainage strategy document references to be inserted]. The updated Site-Wide Foul and Surface Water Drainage Strategy shall include the following details as a minimum:

- a. Any proposed foul and surface water connection points to the existing public sewerage infrastructure for the entire site;
- b. any drainage infrastructure connections (foul and surface water) including the rates and volume of flows between the different phases/parcels of the development;
- c. identify any parts of the site where foul pumping is necessary and shall minimise the number of pumping stations throughout the site;
- d. a strategy for any temporary arrangements for foul and surface water drainage during the construction of the development;
- e. There shall be no foul and surface water connections between phases of development other than in accordance with the connections identified and approved under item [2b]; and
- f. The rates of surface water discharge shall not exceed those outlined in (latest document reference to be inserted when updated).

Reason: To prevent flooding and pollution and to ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site and to ensure a proliferation of pumping stations is avoided.

Sewer Diversion

77. Prior to abandonment or alteration of any public sewer on site or any change in land levels to the public sewers on site, the applicant shall submit written evidence to the Local Planning Authority that the full details of the diversion and the offline storm storage tank for the public sewer system identified in the Flood Risk Assessment and Drainage Strategy Addendum Reference HSM-CUR-XX-XX-T-C-00200 Revision P01 dated 13 September 2024 has been agreed with the relevant statutory undertaker in writing. The details shall include the timing for completion of the approved works. The development shall be implemented in accordance with approved details. If the applicant proposes to change any levels on site prior to the completion of the approved works to the public sewer system, the applicant shall submit written evidence of agreement with the relevant statutory undertaker that the proposed change in levels do not adversely affect the performance of the public sewerage system including any exceedance paths.

Reason: To safeguard the operation of existing public sewer network and to mitigate any adverse impacts of flooding.

Asset Protection for Each Phase Granted in Full/Reserved Matters

78. Prior to the commencement of development in each phase or part phase granted in full or as reserved matters (including any earthworks), details of the means of ensuring that any water main and public sewer that are laid within the site boundary for each phase are protected from damage as a result of the development shall be submitted to and approved by the Local Planning Authority in writing. The details shall include a survey of the exact location of the water main/s and public sewers (line and depth) and outline the potential impacts on the water mains / public sewers from construction activities and the impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water mains / public sewers both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: To safeguard United Utilities' assets

Water Efficiency

79. The dwellings hereby permitted shall incorporate water efficiency measures to achieve usage of no more than 110 litres of water per person per day under Part G of Schedule 1 and regulation 36 of The Building Regulations 2010. No occupation of any dwelling shall take place until a Building Regulations assessment confirms that the development has been constructed in accordance with Part G of Schedule 1 and regulation 36 of the Building Regulations 2010 for water efficiency and has been submitted to and agreed in writing by the local planning authority.

Reason: In order to meet part G of Building Regulations in achieving water efficiency

LLFA:

80. The development permitted by this planning permission, including associated highway works, shall only be carried out in accordance with the master Flood Risk Assessment (FRA) (22nd November 2024/ Ref: HSM-CUR-XX-XX-T-C-00101/ Revision P06/ Curtins) in addition to the following specific measures:

- I. Detailed design of flood protection and mitigation measures are to be proposed through the submission of additional site-specific FRAs as part of reserved matters applications for individual phases of development on the site. Each FRA will be subject to the need to comply with the planning policy and guidance requirements in use at the time of each individual submission.
- II. Plots modelled at residual risk of surface water flooding during pump failure for the 1 in 100 year critical storm within the site-specific FRA submitted at reserved matters, must include appropriate flood resistance and resilience measures to mitigate that risk. No residential accommodation shall be provided at ground floor level in any part of the site at residual risk of surface water flooding during pump failure without appropriate flood resistance and resilience measures.
- III. The sustainable surface water drainage scheme for each phase shall be designed to ensure that there is no flooding in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development onsite or elsewhere up to and including

the 1 in 100 year rainfall event including allowances for future climate change and urban creep. The design will be subject to the need to comply with the planning policy and guidance requirements in use at the time of each individual submission.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the phasing arrangements agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and ensure the site is safe for its lifetime pursuant to Policy WD 4 of the submitted draft Local Plan and comply with Section 14 of the National Planning Policy Framework “Meeting the challenge of climate change, flooding and coastal change” and the “Flood risk and coastal change” section of the Planning Practice Guidance

81. No development shall commence until details of how surface water flood risk will be managed during the construction phase in the form of a Construction Phase Surface Water Management Plan have been submitted to and approved in writing by the local planning authority and thereafter submitted as part of any future reserved matters application.

Those details shall include, as a minimum:

- Location plan
- Roles & responsibilities for key members of staff, contact details and company
- How surface water will be managed:
 1. Build use and remediate permanent surface water drainage system
 2. Install, use and remove a temporary surface water drainage system, or
 3. Utilise existing system with pollution control measures (brownfield only)
- Construction Surface Water Drainage System Design
- Construction Management, Maintenance and Remediation Schedules
- Required Consents (e.g. Land Drainage Act, Environmental Permit etc)
- Flood Risk Controls
- Pollution, Water Quality & Emergency Control Measures
- Phasing Plan
- Construction Site Plan showing compounds, material storage areas, temporary site parking etc

Construction shall only be carried out in accordance with the approved Construction Phase Surface Water Management Plan

Reason: To ensure satisfactory drainage facilities are provided to serve the site during construction phase of the development in accordance with Policy WD 4 of the submitted draft Local Plan and to comply with Section 14 of the National Planning Policy Framework “*Meeting the challenge of climate change, flooding and coastal change*” and the “*Flood risk and coastal change*” section of the Planning Practice Guidance

82. 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.

The approved drainage scheme for each phase shall be **fully constructed prior to occupation of that phase**. ‘As built’ drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements in accordance with the approved details, shall be submitted prior to occupation of each phase

Reason: To ensure a satisfactory drainage system serves the site for its lifetime in accordance with Paragraphs 173 & 175 of the National Planning Policy Framework, Planning Practice Guidance and Non-statutory technical standards for sustainable drainage systems.

--

Notes to Applicant	
	<p><u>Fire Safety:</u> Any building proposed over 7 storeys or 18m or more in height requires a supporting fire statement as set out in the Fire safety and high-rise residential buildings (from 1 August 2021)</p> <p><u>Highways:</u></p> <p>1. In order to fulfil the highway condition 1 set out for the detailed planning application, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out in association with the proposed Active Travel Route including all necessary new carriageways, cycleway provisions, footways, street lighting, surface water drainage, highway adoptable SuDS features, traffic signs, TRO's, road markings, traffic calming, tactile pedestrian paved crossings, street furniture, Road Safety Audit and Road Safety Audit monitoring.</p> <p>2. For the avoidance of doubt the requested further refined traffic modelling review of the proposed Active Travel Route (Mollington Link) at reserved matters applications is required should the submitted development transport modelling prove inaccurate. If the proposed measures fail to adequately control traffic, adversely impacting the local highway network following the removal of the flyovers the HA will require the following amendments to the ATR highway layout:</p> <ul style="list-style-type: none"> • the removal of the bus gate feature and associated traffic signage • revocation and amendments to the TRO/traffic signage and rad markings • highway layout amendments to allow two-way traffic along the full extents of Mollington Link-minimum carriageway width of 6.2m • amendments to the bus stop layout and details • amendments to the kerblines and cycleway arrangements • junction amendments to Borough Rd/Argyle St junction (junction 9) to allow two way traffic movements to Hind Street for all traffic. Proposed junction design details are subject to outline planning approval. • Junction amendments to Hind St/Thomas St junction • Junction amendments to Jackson St/ Blackpool St junction <p>3. "Consent is required for the formal closure of an existing highway. All costs will be recharged to the applicant, who should contact the Council's Highways & Infrastructure team via www.wirral.gov.uk for further information."</p> <p>4. Submission of a S50 Permit under the NRASWA 1991 is required prior to commencement of any works on the adopted highway. Please contact the Council Street Works Team via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details."</p> <p><u>United Utilities:</u></p> <p>5. Whilst we provide the following information to support the design and delivery of the proposed scheme, we strongly recommend that the applicant, or any subsequent developer, contacts our Developer Services team at the earliest opportunity, using our pre-development enquiry service, to ensure they have fully considered all aspects of development and to avoid any potential issues or unexpected costs at a later date. Full details of the services offered to developers, guidance and application forms are available on our website: Building & Developing - United Utilities</p>

1.0 DRAINAGE DESIGN

1.1 The importance of sustainable drainage systems

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

1.2 Adoption and construction of drainage systems

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

If the proposal incorporates a SuDS component(s) which interacts with a sewer network that may be offered for adoption by United Utilities, we recommend the applicant seeks further advice regarding the SuDS design; detailed information is available on our website.

Our acceptance of any drainage strategy submitted by an applicant to the Local Planning Authority for approval does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design has been submitted directly to United Utilities, assessed and accepted in writing. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

2.0 UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

2.1 Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

For any works in the vicinity of water pipelines, including drainage, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: Working near our pipes - United Utilities

2.2 Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).

2.3 Water and wastewater pipelines and apparatus

A number of providers offer a paid for mapping service, including United Utilities (see Section 4.0 'Contacts' (below)). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. Where additional information is requested to enable an assessment of the proximity of proposed development features to United Utilities assets, the proven location of pipelines should be confirmed by site survey; an extract of asset maps will not suffice. The applicant should seek advice from our Developer Services team on this matter. See Section 4.0. 'Contacts' (below). United Utilities Water will not accept liability for any loss or damage caused by the actual

position of our assets and infrastructure being different from those shown on asset maps.

Developers should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include sustainable drainage features, earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: Working near our pipes - United Utilities

The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently in operation.

It is the applicant's responsibility to ensure that United Utilities' required access is provided within any proposed layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity.

3.0 WATER AND WASTEWATER SERVICES, METERING AND CHARGES

If the applicant intends to receive water and/or wastewater services from United Utilities they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See Section 4.0 'Contacts' (below).

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that any existing metering arrangements will suffice. In addition, if reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for. In some circumstances a water meter must be installed to premises. Detailed guidance on whether the development will require a compulsory meter is available on our website within our published Charges Schemes; Our charges 2024/25 | United Utilities (Section 8.7).

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services and metering arrangements, at the earliest opportunity. See Section 4.0 'Contacts' (below).

To promote sustainable development United Utilities offers a reduction in infrastructure charges to applicant's delivering water efficient homes and draining surface water

sustainably (criteria applies). Further information can be found on our website:
Sustainability - United Utilities

Business customers can find additional information on our sustainable drainage incentive scheme at Incentive schemes | United Utilities

4.0 CONTACTS

For advice on your development contact our **DEVELOPER SERVICES** team as follows:

Website (including 'Live Chat'): Building & Developing - United Utilities

Email:

WATER (water mains, supply and metering): DeveloperServicesWater@uuplc.co.uk

WASTEWATER (public sewers and drainage): SewerAdoptions@uuplc.co.uk

SLUDGE PIPELINES: DeveloperServicesWater@uuplc.co.uk

Telephone (Monday-Friday, 8am-6pm): 0345 072 6067

PROPERTY SEARCHES (FOR ASSET MAPS):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit Property Searches | United Utilities

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

UNITED UTILITIES LEGAL SERVICES (FOR EASEMENT DOCUMENTS):

Copies of relevant deeds may be purchased from United Utilities Legal Services. This information is also available from Land Registry.

To purchase a copy of easement documents from United Utilities, please email:

LegalServices@uuplc.co.uk

LLFA:

Maintenance of SuDS

The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development.

It is the advice of the LLFA that the LPA should be satisfied that maintenance of all components has been secured in perpetuity via an appropriate mechanism / agreement.

Guidance for content of drawings as part of final sustainable drainage strategy required:

The recommendation of the LLFA is to include all the elements below within the plans and drawings submitted as part of the final sustainable drainage strategy. This will facilitate the discharge of the relevant LLFA conditions.

- Final layout of site with proposed ground and finished floor levels
- Pre and post development flow paths
- Plan showing hatched permeable/impermeable areas. Pervious paving must be included in impermeable area for calculation of runoff.
- Final layout of sewers; outfalls; SuDS. Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; emergency overflows and annotation that correlates to the hydraulic calculations.
- Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows.
- Surface water flood extents and depths for the 1 in 100-year critical storm pump failure scenario with proposed flood resistance/resilience measures overlaid

	<ul style="list-style-type: none"> ○ Surface water flood extents and depths for the 1 in 30-year critical storm inlet blockage scenario with proposed flood resistance/resilience measures overlaid ○ Plan showing ownership and maintenance responsibility for all SuDS components, including hard engineered and landscaped. □ <ul style="list-style-type: none"> • <u>Guidance for content of</u> Hydraulic modelling for final drainage strategy to include: <ul style="list-style-type: none"> ○ System performance for following return periods; 1, 2, 30, 100, 100 plus appropriate climate change allowance and 10% urban creep applied to roof areas where applicable ○ Demonstration of sufficient storage within the drainage system so that no floods occur for rainfall events up to and including the 1 in 30 year (plus climate change) critical rainfall event. ○ Demonstration of sufficient on-site storage for the 1 in 100 year (plus climate change and urban creep) critical rainfall event, so that no parts of a building are flooded, or any utility plant susceptible to water. ○ Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs ○ Volumetric runoff co-efficient (Cv) should be set to '1' ○ Where a 24 hour half drain time cannot be achieved it should be demonstrated that after 24 hours there is capacity for a subsequent 1 in 10 year rainfall event
--	--

Last Comments By:	
Expiry Date:	20- November- 2024

