

<b>Strategic Applications Sub Committee</b>	<b>6 February 2025</b>
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<b>Reference:</b>	<b>PS Development Code</b>	<b>Case Officer:</b>	<b>Ward:</b>
OUT/22/00956	Q01 - Major Dwelling	Mr S Crawshaw	Bromborough

<b>Location:</b>	Bromborough Wharf East, Dock Road South, Bromborough, CH62 3JQ
<b>Proposal:</b>	Application for outline planning permission with access considered for the demolition of all existing buildings and structures and the erection of up to 598 dwellings and associated infrastructure.
<b>Applicant:</b>	Mr Nick Uzel (Grammont Group)
<b>Agent:</b>	Andrew Bradshaw (Cre8 Land and Planning)

<b>Reason for referral to Strategic Applications Sub Committee</b>	Departure from Development Plan Large scale major development
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**Site Plan:**



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<b>1. Development Plan designation:</b>	<u>Wirral Unitary Development Plan:</u> Primarily Industrial Area
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	<p>Employment Development Site Coastal Zone Within Setting of Bromborough Pool Conservation Area</p> <p><u>Emerging Wirral Local Plan:</u></p> <p>Housing allocation RES-SA4.7 Masterplan Area MPA-SA4.1</p>
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<p><b>2. Planning History:</b></p>	<p><u>SCR/18/01535</u> Request for Environmental Impact Assessment Screening Opinion Environmental Impact Assessment Required 19 December 2018</p> <p>The following neighbouring application is of relevance:</p> <p><u>OUT/22/00957</u> Bromborough Wharf West. Dock Road South, Bromborough, CH62 3JQ Application for outline planning permission with access considered for the demolition of all existing buildings and structures and the erection of up to 377 dwellings and associated infrastructure. Awaiting Determination</p>
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<p><b>3. Summary Of Representations and Consultations Received:</b></p>
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<p><b>3.1 Ward Member Comments</b></p>	<p>Cllr Jo Bird submitted comments on behalf of herself and ward colleagues Cllr Ruth Molyneux and Cllr Kieran Murphy. The comments can be summarised as follows, and express neither support for nor objection to the proposal:</p> <ul style="list-style-type: none"> <li>• Welcome remediation of polluted land</li> <li>• Welcome development of almost 1,000 houses</li> <li>• Would oppose scheme incorporating anything less than 20% affordable homes</li> <li>• Seek contributions for primary school places and safety enhancements to road crossings at Woodslee Primary School</li> <li>• Seek 30-minute peak time bus services through sites to minimise dependence on private cars</li> <li>• Welcome walking and cycling connectivity to the waterfront and established routes</li> <li>• Seek assurance regarding renewable energy use and EPC C rating for new homes</li> <li>• Seek suitable proportion of accessible homes</li> </ul>
<p><b>3.2 Summary of Representations</b></p>	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the council guidance on publicity for applications and the Statement of Community Involvement, notification letters</p>

were sent to 51 neighbouring properties and businesses with site notices posted and press notice published.

A further consultation was conducted in February 2024 following the submission of a revised environment statement, plans and documents.

Three responses in objection were received from neighbouring businesses:

Marine Specialised Technology (MST) operate a maritime construction, repair and maintenance facility bounding the south of the site.

- Noise from the MST site, and other local businesses, would impact amenity of future residents and could lead to businesses having to leave
- Site allocation in emerging local plan carries limited weight
- Agent of change principle requires new development integrate with existing uses without placing unreasonable restrictions on them
- Disputed noise assessment submitted with application and provided own noise assessment
- Questioned effectiveness of deflection of noise and suggested 100m buffer which would significantly reduce developable area
- Viability position calls into question claims about quality of scheme
- Council EHO not consulted by applicant in preparation of noise report
- Have unsuccessfully sought dialogue with applicants

Redsun Projects, a commercial property development business.

- Disagrees that there is limited demand for employment space in this location, and considers that employment land should be protected,
- There should be a significant buffer between residential development and neighbouring commercial uses
- Access should be restricted to Dock Road South only
- Residential development in this location could risk the viability of future industrial development in the area through the need for increased consideration of residential amenity implications.

Harbison Walker International who, at the time of submission operated a refractory plant adjacent to the site on Dock Road South but, at the time of reporting, have vacated and the site is now vacant.

- Risk of residential development in close proximity putting unacceptable restrictions on operation of plant and its future development as a result of perceived noise nuisance
- Risk of unauthorised access to plant by neighbouring residents,

- Risk of conflict between residents and HGVs operating to and from the plant,
- Risk of overshadowing of dwellings from the existing buildings forming the plant.

One objection was received from a resident of Bromborough Pool village stating that vehicular access should be taken from Riverbank Road so as not to disrupt existing residents.

Cheshire Wildlife Trust and Wirral Wildlife jointly object to the development on the basis that it does not provide a genuine net gain for biodiversity as a result of the biodiversity value of the site being eroded prior to the submission of the application because of site stripping, and that as a result of this site stripping the development actually results in a significant net loss for biodiversity.

39 responses supported the proposal. The reasons for support can be summarised as follows:

- Need for new homes
- Regeneration of brownfield land
- Cycle lanes, EV charging points and energy efficient houses
- Larger 4 and 5 bed homes
- Affordable housing would benefit first time homeowners
- Riverside location
- Diverse neighbourhood catering for people at different stage of life
- High quality landscaping and promenade
- Served by bus

Two responses had a neutral stance. The content of the response can be summarised as follows:

- The houses must be affordable
- The access should be via Riverbank Road to avoid disrupting local area, particularly during construction.
- Community Facilities such as schools, doctor and dentist surgeries need to be considered
- Former public footpath along the river edge should be reinstated
- Additional parking should be provided to serve the northern end of Eastham Country Park to accommodate additional visitors.

## CONSULTATIONS

### **Environment Agency no objection**

Subject to requested conditions relating to flood risk and contaminated land. In addition, advice to the LPA and applicant is made in respect to waste on-site and off-site, dewatering, and piling and penetrative ground improvement methods.

**Lead Local Flood Authority** - no objection

Subject to conditions requiring details of SuDS drainage system to be submitted at Reserved Matters stage, and the construction, operation and maintenance of approved surface water drainage system.

**Natural England** No objection

Subject to appropriate mitigation being secured in the form of a Construction Environmental Management Plan and opt-in to council's mitigation measures for recreational disturbance.

**Sport England** - Objection

On the grounds the proposal would make no contribution to formal sports facilities and is therefore not compliant with NPPF or UDP policy URN2 and Sport England's Planning for Sport principles.

**National Highways** - no objection

Following review of the applicant's transport evidence, confident this proposal would not lead to a severe impact on the strategic road network.

**Historic England** - no objection

There would be no impact on the setting of the scheduled ancient monument St Warburgh's Abbey.

**Health and Safety Executive** - no objection

Does not advise against approval on safety grounds.

**NHS Commissioning** - no objection

The development will generate additional pressure on primary care services in the vicinity of the site and subject to viability an appropriate financial contribution should be sought at reserved matters stage via a claw-back mechanism.

**Merseyside Environmental Advisory Service** - no objection

Subject to conditions including a comprehensive construction environmental management plan, and financial contribution towards recreational mitigation via S106 agreement.

**Liverpool City Region Combined Authority** - no objection

Recommends measures to mitigate danger of car dependence including access to nearby amenities, the spine road designed for bus use, bus stops within 400m of all houses, high standards of active travel provision, implementation of travel plan, and appropriate digital connectivity.

**Merseyside Fire and Rescue Service** - no objection

Request informative comment regarding suitable access for fire appliances and water supply for the purpose of firefighting.

**United Utilities** - no objection

Subject to condition relating to foul and surface water drainage, management and maintenance of SuDS, and asset protection.

**Local Highways Authority** - no objection

Subject to conditions relating to site access, off-site highway improvement works, discharge of surface water, laying out of parking and servicing areas, cycle parking provision, and construction management plan.

**Environmental Health** - no objection

- Noise - no objection subject to implementation of noise mitigation measures
- Air quality - recommend all mitigation measures regarding dust and aggregate management
- Contaminated land - no objection subject to conditions relating to submission of a further assessment, preparation and implementation of a remediation report (if required), and reporting of any contamination risks found on site.

**Housing Strategy** - no objection

Site falls within area requiring 20% affordable housing in UDP and eLP. Submitted Planning Statement and design code acknowledge requirement but state this would be subject to viability appraisal to determine level of on-site affordable housing provision.

**Conservation** - no objection

There are no heritage assets within the site, and the development would respect the character and setting of nearby Bromborough Pool Conservation Area nor impact the setting of the scheduled monument of Bromborough Pool Courthouse and fishponds.

**Merseyside Police** – No objection

The external design layout in general, appears well structured with plenty of surveillance opportunities around the site. There is suitable parking and a perimeter which incorporates defensive planting and trees. The current crime risk to the development is assessed as low although there is a potential for this to increase as the construction phase begins. It is recommended that the applicant seeks Secured by Design accreditation as the detailed plans for the site are drawn up.

**SP Energy Networks** – no objection

SP Energy Networks who operate and manage the electricity network up to 132kV on behalf of the licenced network operator, SP Manweb, for the area including the application site. In general, SP Energy Networks has no objection to the proposed development subject to required measures to protect SP Manweb network assets and ensure safe working around the affected network. The applicant must be made aware of the need to work safely around these assets. There would need to be safe working during construction and post construction and unfettered long-term access. The applicant should be advised of this in an informative added to any consent and also prior to starting work on site to contact SP Energy Networks.

**Active Travel England (ATE)** - no comments to make

Active Travel England (ATE) has no comment to make as its statutory consultee remit applies only to qualifying applications that were made

	valid by the local planning authority (LPA) on or after 1 <sup>st</sup> June 2023. However, we have produced a standing advice note that may assist the LPA in assessing the application.
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<b>4. Site and Surroundings</b>	
4.1	The application site covers a total area of 14.4ha of long-term vacant former industrial land. The site comprises two parts, the larger of which spans a length of 617m adjacent to the River Mersey and comprises land reclaimed from the river for the purposes of industrial development during the mid-20 <sup>th</sup> century. Mostly rectangular in shape, this larger site is approximately 170m in width but elongated along the southern boundary to provide access at Riverbank Road and includes a further protrusion along the western boundary.
4.2	The smaller separate parcel, known as the Gatehouse Site, is rectangular in shape with a length of 171m and spans a width of 91m along Dock Road South. The two parts of the site are separated by land belonging to the neighbouring development site subject to application OUT/22/00957.
4.3	A small part of the larger site had until recently been used as a waste recycling facility operated by North West Construction and this land has recently been cleared by the applicant. Directly adjacent to the northern boundary stands an on-demand power station. The eastern boundary is formed by a narrow strip of land abutting the shoreline of the River Mersey. Beyond the southern boundary, MST Specialist Technology operate a ship repair and breaking business on a site formerly operated by Carmet Marine, and the west of the site bounds the former D1 Oils site subject to application OUT/22/00957.
4.4	The smaller part of the site is situated to the south of the neighbouring housing comprising the Bromborough Pool Conservation Area, with warehousing located beyond the southern and western boundaries.

<b>5. Proposed Development</b>	
5.1	The application seeks outline planning consent for the construction of a maximum of 598 dwellings with access considered and all other matters reserved. Vehicular access would be off Dock Road South and Riverbank Road, to the north and south of the site respectively, with further pedestrian and cycle connectivity envisaged to the adjacent Bromborough Wharf West site.
5.2	The application is submitted alongside OUT/22/00957 which together would form a master planned development of up to 975 houses. The applications are submitted by two ownership groups and while they should form a cohesive whole, each application must be considered separately on its own merits.
5.3	The outline proposal includes a design and access statement and design code supported by parameter plans which determine road

	<p>hierarchy, building height and density, open space, active travel routes, and character areas across the development. The content of these parameter plans is discussed within section 8.5 of this report – Design Parameters.</p>
5.4	<p><b><u>ENVIRONMENTAL IMPACT ASSESSMENT</u></b></p> <p>The proposal falls within Category 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as an urban development project where the area of the development exceeds five hectares and includes more than 150 dwellings.</p>
5.5	<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>
5.6	<p>An EIA was undertaken and the findings presented within an Environment Statement (ES) in support of the planning application, which covers the following:</p> <p>ES Chapter 6 - Socio Economics  ES Chapter 7 - Ecology  ES Chapter 8 - Air Quality  ES Chapter 9 - Noise and Vibration  ES Chapter 10 - Transport and Access  ES Chapter 11 - Ground Conditions and Soils  ES Chapter 12 - Hydrology and Flood Risk  ES Chapter 13 - Cultural Heritage and Townscape  ES Chapter 14 - Climate Change</p>
5.7	<p>The ES includes 30 technical appendices (identified as Volume 2) and a non-technical summary document (Volume 3).</p>
5.8	<p>The EIA is considered to be robust, comprehensive, and acceptable for determining the application.</p>
5.9	<p>The Secretary of State was notified that the ES has been published on the council website to satisfy the requirements of Part 5 Regulation 19(3), a suitable newspaper notice was published and site notice posted.</p>
<b>6. Development Plan</b>	
6.1	<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</p>



	<p>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>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application:</p> <p><u>Part 1 policies:</u></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 for Nature Conservation;  LAN1 - Principles for Landscape;  TRT1 - Provision for Public Transport;  TRT3 – Transport and the Environment;  COA1 – Principles for the Coastal Zone;  WAT1 – Fluvial and Tidal Flooding and,  REC1 - Principles for Sport and Recreation.</p> <p><u>Part 2 policies:</u></p> <p>EM5 - Land at Dock Road South, Bromborough;  EM8 - Development within Primarily Industrial Areas;  EM9 - Non-Employment Uses in Industrial Areas;  HS4 - Criteria for New Housing Development;  HS6 - Principles for Affordable Housing;  HS9 – Mobility Housing  GR5 - Landscaping and New Development;  GR6 - Greenspace within New Family Housing Development;  GR7 - Trees and New Development;  RE1 - Criteria for Urban Recreation Facilities;  RE11 - Criteria for Children's Play Facilities;  CH1 - Development Affecting Listed Buildings and Structures;  CH2 - Development Affecting Conservation Areas;  CH22 - Bromborough Pool Conservation Area;  NC1 - The Protection of Sites of International Importance for Nature Conservation;  NC2 - Sites of International Importance for Nature Conservation;  NC3 - The Protection of Sites of National Importance for Nature Conservation;  NC4 - Sites of National Importance for Nature Conservation;  NC5 - The Protection of Sites of Local Importance for Nature Conservation;  NC7 - Species Protection;  TR6 - Minor Highway Improvements;  TR8 - Criteria for the Design of Highway Schemes;</p>

	<p>TR9 - Requirements for Off Street Parking;  TR11 - Provision for Cyclists in Highway and Development Schemes;  TR12 - Requirements for Cycle Parking;  TR13 - Requirements for Disabled Access;  WA1 - Development and Flood Risk;  WA2 - Development and Land Drainage;  WA3 - Development and Ground Water Protection;  WA4 - Safeguarding Water Resources;  WA5 - Protecting Surface Waters;  WA6 - Development Within River Corridors;  CO1 – Development within the Developed Coastal Zone;  CO8 – Development in the Coastal Zone requiring Environmental Assessment  PO2 - Development Near Existing Sources of Pollution;  PO3 - Noise;  PO4 - Noise-Sensitive Development;  PO5 - Criteria for the Development of Contaminated Land;  PO6 - Migration of Landfill Gas;  PO7 - Development on Unstable Land; and,  PO9 - Criteria for Development Near Notifiable Hazards.</p>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18<sup>th</sup> July 2013) is also applicable. Relevant policies are:</p> <p>WM3 - Restoration and Aftercare of Landfill Waste Disposal Sites;  WM8 - Waste Prevention and Resource Management; and,  WM9 - Sustainable Waste Management Design and Layout of New Development.</p>

<b>7. Other Material Planning Considerations</b>	
7.1	<p>NATIONAL PLANNING POLICY FRAMEWORK (NPPF 2024)</p> <p>The relevant chapters of the NPPF are:</p> <p>Chapter 1 - Introduction;  Chapter 2 - Achieving sustainable development;  Chapter 4 - Decision-making;  Chapter 5 - Delivering a sufficient supply of homes;  Chapter 6 - Building a strong, competitive economy;  Chapter 8 - Promoting healthy and safe communities;  Chapter 9 - Promoting sustainable transport;  Chapter 11 - Making effective use of the land;  Chapter 12 - Achieving well-designed places;  Chapter 14 - Meeting the challenge of climate change, flooding and coastal change and Annex 3 - Flood risk vulnerability classification;  Chapter 15 - Conserving and enhancing the natural environment;  and,  Chapter 16 - Conserving and enhancing the historic environment.</p>
7.2	NATIONAL PLANNING POLICY GUIDANCE

	NPPG (Effective Use of Land); NPPG (Housing and Economic Land Availability Assessment); and non-statutory technical standards for sustainable drainage systems.
7.3	<p>THE EMERGING WIRRAL LOCAL PLAN</p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p>
7.4	<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. The local plan and supporting evidence base can be viewed online at <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></p>
7.5	<p>On 4th 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 does not change the status of the emerging Local Plan. The Plan is however at an advanced stage and weight may be given to relevant policies in the emerging Plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.</p>
7.6	<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> <ul style="list-style-type: none"> <li>• the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>• 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</li> <li>• 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).”</li> </ul>

7.7

The following emerging Local Plan policies are relevant to the determination of this planning application:

WS 1 - The Development and Regeneration Strategy for Wirral 2021-2037;

WS 1.1 - Homes;

WS 1.3 - Infrastructure;

WS 1.4 - Flooding and Drainage;

WS 2 - Social Value;

WS 3 - Strategy for Housing;

WS 3.1 - Housing Design Standards;

WS 3.2 - Housing Density;

WS 3.3 - Affordable Housing Requirements (Viability Zone 3);

WS 3.4 - Housing Mix;

WS 3.5 - Self-build and custom build housing;

WS 3.6 - Specialist Housing;

WS 5 - Strategy for Green and Blue Infrastructure, Open Space, Biodiversity and Landscape protection;

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 5.6 - Protecting Geodiversity;

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 7.3 - Agent of Change;

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 8.8 - Climate Change and Energy Statement;

WS9 - Strategy for Transport;

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;

	<p>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;          WS 12 - Monitoring and Review;          WP 4 - Policy for Bebington, Bromborough and Eastham;          WP 4.2 - Residential Sites (RES-SA4.7/MPA-SA4.1 Former D1 Oils);          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 3 - Biodiversity and Geodiversity;          WD 4 - Coastal Protection, Flood Risk, Sustainable Drainage &amp; 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 6 - Self-Contained Flats;          WD 8 - Specialist Housing;          WD 14 - Pollution and Risk;          WD 15 - Contamination and Ground Stability;          WD 15.2 - Migration of Landfill Gas;          WD 18 - Health Impact Assessment;          WM 2 - Maintaining a Supply of Aggregates; and,          WM 2.2 - Substitute, Secondary and Recycled Aggregates.</p>
7.8	<p>SUPPLEMENTARY PLANNING DOCUMENTS AND GUIDANCE</p> <p>SPD 2 - Designing for Self-Contained Flat Developments and Conversions; and,          SPD 4 - Parking Standards.</p> <p>Wirral Tree, Hedgerow and Woodland Strategy 2020-2030.</p>

<p><b>8.1 Officer Assessment</b></p>	
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 main issues in the assessment of this application are as follows:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Environmental considerations</li> <li>• Ecology</li> <li>• Design parameters</li> <li>• Residential amenity</li> <li>• Housing</li> <li>• Public open space</li> </ul>

	<ul style="list-style-type: none"> <li>• Highways and transport</li> <li>• Conservation</li> <li>• Social infrastructure</li> <li>• Sustainability</li> <li>• S106 agreement</li> </ul>
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<b>8.2 Principle of Development</b>	
8.2.1	The NPPF requires planning policies and decisions to promote an 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. It requires substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated, or unstable land.
8.2.2	The current development plan identifies the site as employment land, partially within a Primarily Industrial Area designation, and partially as an employment site allocation, principally for the expansion of the business which formerly stood on the land subject of application OUT/22/00957, for which the presumption would be against development for purposes other than business uses. As such the proposal represents a departure from the extant development plan insofar as it is a residential development in a primarily industrial area.
8.2.3	However, the site together with the neighbouring Bromborough Wharf (West) site, is recognised by the emerging local plan as a residential site allocation for the development of up to 1,225 houses, making a substantial contribution towards meeting the authority's housing needs. Policy WP4 of the eLP requires development of the site allocation for housing to conform to a comprehensive masterplan to coordinate the built form and to deliver an integrated and sustainable community, identifying an anticipated delivery of 2024/25 onwards.
8.2.4	The site was added to Part 1 of the Brownfield Land Register at the planning committee meeting of 16 March 2023. The amended Register contains a potential minimum capacity of 10,917 dwellings and therefore, together with the adjoining Bromborough Wharf West site (OUT/22/00957), this application comprises approximately 10% of all brownfield capacity in the borough, underlining the importance of the site to the delivery of local plan housing targets.
8.2.5	The requirement of the land for employment formed part of the Liverpool City Region Strategy Housing and Employment Land Market Assessment (LCR SHELMA)(2017).
8.2.6	Under the existing Unitary Development Plan, the majority of the site is allocated under saved policy EM5 for the expansion of an existing business and is suitable for development in connection with that business or by others for uses within Classes B1, B2 or B8 of the

	<p>Town and Country Planning (Use Classes) Order 1987 as amended, or for processes registrable under the Alkali etc Works Regulation Act 1906 subject to Policy EM6, Policy EM7, Policy EM9, Policy CO1, Policy PO1 and Policy PO8. The remainder of the application site is within the Primarily Industrial Area subject to Policy EM8. Policy EM9 states that proposals for retail or housing uses on land allocated for employment purposes will not be permitted.</p>
8.2.7	<p>The development site is covered by three site assessments within the UDP Employment Land Study. In relation to that part of the site allocated under Proposal EM5, Policy EM9 states that proposals for retail or housing uses on land allocated for employment purposes will not be permitted. The applicant contends that the allocation under proposal EM5 and policy EM8 and the restriction of other non-employment uses under Policy EM9 should have very little weight attached to them due to the fact that the policies relating to employment expired over 15 years ago and are not considered consistent with national planning policy and guidance, in the form of the NPPF and PPG. Furthermore, the allocation of the site for employment use to support the expansion of the adjacent employment use (former Lubrizol Works) under Policy EM5 is no longer relevant or appropriate as the Lubrizol Works closed in 2012 and the subsequent use as a biofuels site closed in 2015.</p>
8.2.8	<p>It is accepted that there is no longer a need to retain that part of the site allocated under Proposals EM5 as expansion land given the closure of the Lubrizol works in 2012 and D1 Oils in 2015 and the subsequent clearance of the site, but it's future use remains closely linked to that of the adjoining site. In relation to the remainder of the application site, which is within the Primarily Industrial Area, UDP Policy EM8 is considered to be consistent with the Framework and its focus on building a strong, competitive economy (NPPF chapter 6). However, it does not seek to protect any site that has no reasonable prospect of being used for employment purposes.</p>
8.2.9	<p><b>The need for employment land</b></p> <p>The process for determining the selection of housing and employment sites is detailed in the Wirral Local Plan Site Selection Report 2022, which was published alongside the Proposed Submission Draft Local Plan in May 2022. The application site was first identified as a potential additional urban housing allocation in the Wirral Local Plan (Regulation 18) Issues and Options Consultation published in January 2020, as another potentially deliverable site.</p>
8.2.10	<p>The application site was included after being identified as one of 24 sites for potential re-designation for housing or mixed-use development in the Wirral Employment Land Options Study (ELOS) 2019. In relation to the cluster of three sites which cover the D1 Oils site and the adjacent south reclamation area (the UDP allocation under Proposal EM5), the ELOS recommended that they should be considered alongside neighbouring sites in Wirral International Business Park (North) as a strategic regeneration area for residential-led development, with potential for B1a/b floorspace</p>

	<p>alongside other supporting uses. The application site was included in the housing capacity calculations associated with the Council's preferred option of urban intensification.</p>
8.2.11	<p>The Wirral Employment Land and Premises Study 2021 (WELPS), also published in May 2022, provides the most up-to-date review of supply and demand. It found a potential excess of supply of employment land over demand 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. With regard to Wirral International Business Park, it concluded that whilst the Park needs to be protected as a whole, there was potential for some of the periphery sites to be released for alternative use.</p>
8.2.12	<p>Most of the application site has been assessed in the WELPS - split into three plots based on the understanding of ownership at the time - Site 66 - East of former Lubrizol/D1 Oils, Site 67 (Rear of AP Refractories, now Harbison Walker) and site 68 (Former D1 Oils) – the latter includes the smaller separate plot fronting Dock Road South included in this application. All three sites were given an overall site rating of “poor.”</p>
8.2.13	<p><b>Marketing and market signals</b></p> <p>National planning practice guidance indicates that it may also be relevant to consider whether a site has been actively marketed for its intended use for a reasonable period and at a realistic price. In Wirral, previous policies 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 within Use Classes B1, B2 and B8, 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.</p>
8.2.14	<p>The applicant has submitted an Industrial Market Report prepared by B8 Real Estate to ascertain the demand for industrial uses on the site. The report concludes that while there is demand for smaller B2 employment uses in the area the viability of new B2 industrial uses on site is extremely challenging due to the high abnormal costs on the site and the low current market values for such uses resulting in a large shortfall between cost and value.</p>
8.2.15	<p>Speculative new build floor industrial floor space has only capable of being delivered with gap funding and now that the availability of grant funding is limited the delivery of new employment floor space is even more challenging. A brief report by Colliers is appended to the Industrial Market Report providing detail on the marketing of the south reclamation site (the UDP allocation plus some additional land to the west) for employment uses that has been undertaken since 2019. Also appended is a marketing brochure by B8 Real Estate dated 2013 for a now-demolished warehouse unit on the D1 Oils site, and a further brochure relating to the marketing of land adjacent and</p>



	to the rear of Harbison Walker on Dock Road South, known as 'Generator Park' between 2012 and 2017. In summary there has clearly been evidence of marketing the site at various times.
8.2.16	<p><b>Summary - principle of development</b></p> <p>The emerging Local Plan attracts significant weight in the overall planning balance as it is at an advanced stage, following completion of consultation and publication of main modification responses. The site is allocated in the Plan for housing as part of a strategy to provide for the need for housing within the urban area.</p>
8.2.17	As outlined above, extensive evidence has been tested through the Local Plan examination process of the quality and supply of employment land. There is no evidence presented in this application or from consultees which outweighs the weight to be attached to the allocation of this site for housing in the emerging Local Plan.
8.2.18	The principle of development is therefore considered to be acceptable for the residential development of the site.

<b>8.3 Environmental considerations</b>	
8.3.1	Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land. It also requires the prevention of new development being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution or land instability.
8.3.2	NPPF paragraph 196 adds that a site must be suitable for its proposed use taking account of ground conditions and risks arising from land instability and contamination.
8.3.3	Paragraph 198 of the framework 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.
8.3.4	NPPF paragraph 199 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.
8.3.5	Saved UDP policies PO3 and PO4 set out the current policy relating to noise and noise sensitive development. Policy PO5 and PO6, relating to contaminated land and landfill gas are also relevant.

8.3.6	Policy WD 14 of the emerging Local Plan aims to minimise the potential risk and harm from development on public health and 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.
8.3.7	<p><b><u>Contaminated land</u></b></p> <p>The majority of the site was previously within the River Mersey Estuary high water mark and historically this land was reclaimed. Ground investigation recorded a variable thickness of made ground, which is underlain by tidal flat deposits and Devensian Till to the northwest, with Chester Sandstone formation which forms the principal aquifer. The closest groundwater extraction is 30m southwest of the site used for cooling and no potable water abstraction points have been identified within 2km of the site.</p>
8.3.8	Now vacant, the site was previously occupied by industrial uses including waste storage, operated by Lubrizol Landfill, and as such the land would be susceptible to contamination.
8.3.9	The NPPF supports remediation and mitigation of derelict and contaminated land. The environmental statement includes assessment of the likely significant effects of the proposed development on human health and the environment in relation to ground contamination, hazardous ground gases, land stability, and controlled waters. Environmental Health were consulted on land contamination matters, and the Environment Agency provided comment on controlled waters, both provided no objection.
8.3.10	The minimum expected reporting requirement for planning applications on land affected by contamination with a sensitive end use would normally amount to a desktop study and site walkover. But given the former uses, Environmental Health advised that in this case a level of intrusive site investigation would be required, and preliminary Phase 2 reports from Capita and Delta-Simons for the most sensitive areas. These including the former waste storage and Gateway site areas and provide site investigation coverage of the whole of the site with the exception of the area around the southern boundary.
8.3.11	The assessment identifies potential receptors which could be affected by contamination and a range of mitigation measures to prevent pollutant pathways forming. The reports recommend further supplemental site investigation to assess the potential for contamination and the production of a Construction and Environment Management Plan and Material Management Plan as detailed in ecology and waste sections of the committee report
8.3.12	The Council's Environmental Protection Officer considers that appropriate reporting has been submitted by the applicant to demonstrate that the land can be remediated for the end use as a

	major housing scheme. As the reports indicate, further site investigation works would be required to develop a remediation strategy.
8.3.13	The Environment Agency considers that the proposed development would be acceptable subject to a number of planning conditions that would be included. The applicant's land contamination risk assessments demonstrate that it would be possible to manage the risks posed to controlled waters by the development. Further detailed information will be required before built development is undertaken, but it is the Environment Agency's opinion that it would place an unreasonable burden on the developer to provide any more detailed information prior to the granting of outline planning permission.
8.3.14	<p><b>Summary - contaminated land</b></p> <p>Subject to appropriate remediation and verification being secured by condition, it is considered that the applicant has demonstrated the development can be undertaken without risk to the health of future occupants. This view is supported by the Environment Agency and the council's Environmental Health team.</p>
8.3.15	<p><b><u>Water resources and flood risk</u></b></p> <p>The emerging local plan residential site designation (RES-SA4.7) specifically requires the site to be developed with an appropriate drainage strategy. Following Environment Agency guidance, the application includes a site specific Flood Risk Assessment (FRA) and Drainage Assessment which considers the risk of flooding at the site, the potential impacts of the proposed development and proposes suitable mitigation measures, in accordance with the requirements of the NPPF (paragraphs 170-171), UDP policy WA2, and eLP policy WD4.</p>
8.3.16	Land towards the north of the main site together with a small area at the southeast corner is classified by the Environment Agency as Flood Zones 2 and 3a, indicating a medium or high risk of flooding respectively. The remaining areas of the main site and all of the Gatehouse Site are in Flood Zone 1 and have a low probability of flooding.
8.3.17	The supplied flood risk assessment finds that the site is at low to moderate risk of tidal and fluvial flooding, but the risks from surface water, groundwater, and public sewer flooding are considered to be low.
8.3.18	The main potential source of flooding to the site is tidal flooding from the River Mersey. It is proposed to mitigate the identified flood risk by raising site levels to a minimum of 7.87m across the site. The topographical survey shows that the main site generally slopes towards the river, with levels ranging from a low point of 6.42m above ordinance datum (AOD) along the northeastern section of the site boundary to 14.63m in the west. As a result of the engineering

	works, at 7.87m AOD the land level would be 300mm above the Environment Agency modelled, one-in-two hundred years climate change tidal flood scenario. The finished floor levels of the proposed houses would be set to 8.50m AOD to seek to ensure there is no risk of internal flooding to the properties during the lifetime of the scheme.
8.3.19	The nationally recommended surface water drainage hierarchy is to utilise soakaway systems or infiltration as the preferred option, followed by discharging to an appropriate watercourse, with discharge to an existing public sewer as a final option.
8.3.20	In this case, for the main site the application proposes discharging surface water runoff directly into the River Mersey via two outfalls which can be acceptably achieved without any requirement for attenuation. For the Gatehouse site, surface water will discharge to the public sewer in Dock Road south with appropriate attenuation agreed with the LLFA and United Utilities.
8.3.21	Infiltration disposal of surface water is not deemed suitable as a result of the geological assessment of the site showing 'impeded drainage' and the proposed increase to site levels will introduce made ground which is unsuitable for soakaways. However, given that this stretch of the Mersey is tidal, free discharge of runoff from the site into the river could be achieved at an unrestricted rate. In addition, sufficient space is available on site to utilise above ground attenuation features at the lower western part of the site.
8.3.22	<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>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>Having regard to work carried out as part of the emerging Local Plan site allocation process, the Local Planning Authority is satisfied that there are no sequentially preferable sites reasonably available within an area of lower flood risk that are capable of accommodating the scale of development proposed in the catchment area to be served whilst also delivering the regeneration benefits that would arise from the proposed development in this location. As such the Local Planning Authority considers the sequential test to have been passed.</p>

	<p><b>Exception Test</b></p> <p>Part 1 of the exception test requires demonstration that the development provides wider sustainability benefits to the community that outweighs the residual risk.</p> <p>The site is currently derelict, unused and contaminated. It offers an opportunity to deliver a regeneration scheme that would make a significant contribution to the Council's housing land supply within an existing urban area, incorporating sustainable transport links and provision of high quality open space, including a riverfront promenade, opening up views of the waterfront to the public that have not previously been available. The development would not add to pressure on the existing combined sewer network as a result of the disposal of surface water directly into the River Mersey. Having regard to the limited areas of the site that are situated within Flood Zones 2 and 3a, the sustainability benefits of development are considered to outweigh the residual risk.</p> <p>Part 2 of the exception test 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>With the support of the Environment Agency, the site is to be regraded to ensure no part of it sits below a level of 7.87m AOD. Furthermore, finished ground floor levels of all dwellings will be set no lower than 8.5m AOD, ensuring they sit above the maximum predicted flood level. By raising land levels in this way to ensure the site is elevated out of Flood Zones 2 and 3, the development will be considered safe from flood risk for its lifetime. Given that the source of the flood risk is tidal flooding, this raising of ground levels will not result in flood risk being increased elsewhere. As such, the Local Planning Authority considers both parts of the Exception Test to have been passed.</p>
8.3.23	<p>The Lead Local Flood Authority raised no objection, subject to the inclusion of standard planning conditions requiring the reserved matters application to include proposals for a sustainable drainage system in accordance with the FRA and drainage strategy documents (for the main site and Gatehouse site) submitted with this outline application. A condition would also require the drainage system to be fully operational before houses are occupied.</p>
8.3.24	<p>The Environment Agency raised no objection to the proposal, and with regard to flood risk were satisfied that the development should be carried out in accordance with the submitted FRA recommendation that finished floor levels shall be no lower than 8.50m AOD to reduce flooding risk and meet NPPF requirements.</p>
8.3.25	<p>United Utilities (UU) has reviewed the application and provided planning conditions to be attached to the decision and raises no objection to the development in principle. The statutory undertaker commented that an existing foul sewer crossing the site would need</p>

	<p>to be diverted, and the diversion would need to be modelled to determine whether the diversion route is feasible and would not result in an increased risk of flooding from the sewer as a result of the proposed diversion. A formal application to divert the sewer would be required which could be undertaken following determination of this application for outline consent, in parallel with or before consideration of the reserved matters.</p>
8.3.26	<p><b>Summary – water resources and flood risk</b></p> <p>The submitted FRA and drainage strategy satisfies the sequential and exception tests and via the proposed raising of land levels and finished floor levels would ensure the site is not at risk from tidal/fluvial flood risk in accordance with Environment Agency modelling of the maximum flood level. The Environment Agency, Lead Local Flood Authority and United Utilities have examined the application and raised no objection subject to conditions attached. The application complies with UDP policy WAT1 (Fluvial and Tidal Flooding), WA2 (Development and Land Drainage), emerging local plan policy WD4 (Coastal Protection, Flood Risk, Sustainable Drainage &amp; Natural Water Management), and NPPF chapter 14 (Meeting the Challenge of Climate Change Flooding and Coastal Change) and the risk from flooding and drainage design is considered to be acceptable.</p>
8.3.27	<p><b>Noise and vibration</b></p> <p>Comprising former industrial land, the site is bounded by other industrial uses which give rise to a noise environment that, if left unmitigated, could negatively impact the living conditions of future residents and risk noise complaints from future residents affecting the operation of nearby businesses.</p>
8.3.28	<p>To determine the existing noise climate, both attended and unattended environmental noise surveys were conducted at various locations within and around the site in April/May 2023. Previous noise surveys had also been conducted during June and July 2018 and in March 2020. Following the receipt of objections from Marine Specialist Technology Ltd (MST) a further set of environmental noise surveys were carried out in the centre and south of the main site during June/July 2024.</p>
8.3.29	<p>The daytime noise levels at the site are calculated to generally range from 50 dB to 52 dB LAeq,16hr. This puts the site between the negligible and low risk categories during the day, depending on the area within the site. These noise levels indicate that the majority of the development site is likely to be acceptable from a noise perspective, however the adverse impacts of noise should be mitigated and minimised for the areas of the site which are identified as medium risk.</p>
8.3.30	<p>The night-time noise levels at the site are calculated to generally range from 46 dB to 50 dB LAeq,8hr. This puts the site between the negligible and medium risk categories during the night, depending</p>

	<p>on the area within the site. The site is likely to be acceptable from a noise perspective provided that a good acoustic design process is followed and is demonstrated in an Acoustic Design Statement which confirms how the adverse impacts of noise will be mitigated and minimised in the finished development.</p>
8.3.31	<p>General mitigation would include orienting houses near the boundary with the Harbison Walker International site with front facades facing the potential noise source so that amenity-sensitive rear garden uses would be on the opposite side. It is also intended to install a 3m high imperforate barrier to the boundaries of the Harbison Walker site to further mitigate noise transmission from this industrial site. To the south of the site, adjacent Riverbank Road, a 2m high imperforate barrier would be installed to restrict noise transmission from nearby industrial uses in this direction.</p>
8.3.32	<p>An on-demand electricity generating station powered by gas turbine engines is located immediately adjacent to the northern boundary of the main site. The facility is generally dormant, but during periods of peak demand the gas-powered electricity generators are operational resulting in a significant noise impact that can be heard across the northern half of the open land of the main site.</p>
8.3.33	<p>The generators operate up to a maximum of 300 hours per year, which would average 50 minutes per day, but it is understood that the actual use might be less. The northern area of the site would be exposed to noise levels in the region of 72 dB LAeq,T during operation. This average noise level would average to be in the region of 60 dB LAeq,16hr over a 16-hour daytime period, and 63 dB LAeq,8hr over an 8-hour night-time period, if the generators were to operate for a 1-hour period. This area of the development would therefore be categorised as high risk due to the nature of the noise.</p>
8.3.34	<p>The application seeks to mitigate the noise impact of the gas turbine engines via the layout of the site. As can be observed currently site transmits efficiently over open land and a very wide buffer zone would be necessary that would significantly reduce the capacity of the site for housing. Instead it is proposed to baffle the sound of the generator by the location of an unbroken block of apartments, five storeys in height, adjacent to the electricity generators.</p>
8.3.35	<p>The block would form an unbroken barrier from the river-front boundary and spanning the whole width of the generating facility and approximately 60m further to the west. The apartments would include triple glazed windows and would have no windows to habitable rooms on the rear elevation facing the power station. Mechanical ventilation and heat recovery (MVHR) systems complying with Part F of the Building Regulations, which would enable the flats to be cooled and ventilated satisfactorily without necessitating the opening of windows. The masterplan suggests the flats would have a 'saw fronted' design to the front elevation providing dual aspect with views of the river and towards the main site, although final plans would be a reserved matter.</p> <p>Noise levels in the majority of the proposed gardens at the site are predicted to be below 50 d LAeq,16hr during the daytime. However,</p>

	<p>there are a number of units on the north-western and southern perimeters of the site which are predicted to marginally exceed the upper guideline value of 55 dB LAeq,T by up to 3 dB. Whilst this is not ideal, it is not uncommon for noise levels in gardens in urban areas, or areas near roads, to be higher than the recommended levels, and therefore this marginal exceedance in outdoor areas for small parts of the site would not be sufficient to justify a refusal of planning permission on harm to amenity by way of noise disturbance. The proposed imperforate barriers to the northern and southern boundaries of the site adjacent to the nearest noise sources would mitigate this limited exceedance.</p>
8.3.36	<p>A detailed objection was received from MST relating to the potential for industrial noise from their site to the south of the development, including ship breaking activities, to unacceptably impact future residents resulting in large numbers of noise complaints threatening the future operation of their business contrary to the agent of change principle embodied in paragraph 200 of the NPPF and eLP policy WS 7.3. The objection questioned the noise assessment undertaken by the applicant, provided an alternative assessment based on noise from projected uses, and suggested that acceptable mitigation would comprise a 100m buffer of open land between the site boundary bounding the MST site and new housing rather than the use and orientation of high buildings facing the southern site boundary that is proposed.</p>
8.3.37	<p>In response to the objection the applicant carried out a further environmental noise survey with unattended readings taken between 25 June and 10 July and attended surveys on 2 July 2024. The results of the measurements taken in the southern part of the site, and with a clear line of sight between the monitoring position and the MSTG site, were compared to results from a previous long-term survey carried out in 2023. The measured noise levels during the 2024 survey were found to be similar to what was measured during the long-term unattended survey in 2023 and used as the basis for the noise impact assessment for the proposed development.</p>
8.3.38	<p>While it is acknowledged that MST state the operation of their site is periodic in nature, the applicant has nonetheless demonstrated that objective measures carried out over a total of 5 weeks at various times of the year had shown no unacceptable noise impact. In mitigation, the submitted noise report demonstrates the provision of apartment buildings of up to six storeys alongside the southern boundary along with a 3m imperforate barrier adjacent to the boundary with the MST site. Together these mitigation measures would ensure acceptable internal noise levels can be achieved within the proposed dwellings across the site. In the absence of any compelling objective evidence to the contrary, it is considered that the applicant has met their responsibility to demonstrate the noise environment resulting from the operation of the MST facility should not unacceptably impact the development.</p>



8.3.39	<p><b>Summary - noise and vibration</b></p> <p>Environmental Health was consulted, and it is considered that the applicant has demonstrated that the proposal could be acceptably mitigated to provide satisfactory living conditions for future residents and minimise the potential for noise complaints relating to existing industrial uses in accordance with the agent of change principle. However, the final design and location of the buildings on site would be agreed as a reserved matter and therefore any future application would need to be accompanied by a detailed noise and vibration assessment to demonstrate that the noise experienced by all sensitive receptors would be acceptable in accordance with the requirements of UDP policy PO3 and eLP policy WS 7.3 and the NPPF.</p>
8.3.40	<p><b>Air quality</b></p> <p>An air quality assessment has been undertaken to assess impacts from the proposed development at both construction and operational phases.</p>
8.3.41	<p>The main likely effects on local air quality during construction relates to dust. A range of measures to minimise or prevent dust generated from construction activities would be implemented as a matter of best practice throughout the works. Therefore, it is considered that likely residual effects would be 'not significant'.</p>
8.3.42	<p>Any emissions from equipment and machinery operating on the Site during construction would be small in comparison to the emissions from the volume of vehicles travelling on roads in the surrounding area of the site and would not significantly affect air quality. It is anticipated that the effect of construction vehicles entering and egressing the site during the construction period would be not significant, in the context of local background pollutant concentrations and existing local road traffic emissions.</p>
8.3.43	<p>Dispersion modelling has been carried out to predict the impact of future traffic-related exhaust emissions. The effect of the Development on local air quality has been predicted for existing sensitive receptor locations surrounding the site. Following completion, the development is predicted to have a negligible impact on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. The overall effect of the development on air quality is therefore considered to be not significant. A cumulative assessment has also been undertaken which was also predicted to be 'not significant'.</p>
8.3.44	<p>Environmental Health was consulted and raised no objection on air quality. The recommended dust mitigation measures as outlined in the air quality assessment were welcomed and it was recommended that the all of the relevant site specific mitigation measures mentioned in the IAQM guidance on the assessment of dust from demolition and construction are included, such as ensuring that sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in</p>

	which case ensure that appropriate additional control measures are in place.
8.3.45	<p><b>Summary – air quality</b></p> <p>Based on the findings of the submitted air quality assessment the development would accord with the requirements of UDP policy PO1, eLP policy WD 14 and NPPF paragraph 199.</p>

<b>8.4 Ecology</b>	
8.4.1	NPPF paragraph 187 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.
8.4.2	Paragraph 193 of the framework requires the local planning authority to apply principles which include: if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused; and development on land outside a SSSI and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted, except where the benefits clearly outweigh its likely impact.
8.4.3	Furthermore NPPF paragraph 195 clarifies 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 projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
8.4.4	UDP Policies relevant to this section include NCO1, NC1, NC2, NC3, NC4, NC5 and NC7.
8.4.5	Policy WS 5.1 of the Local Plan relates to the protection and enhancement of green and blue infrastructure. The requirements of emerging Policy WS 5.4 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.
8.4.6	<p><b>Species protection</b></p> <p>The application is supported by an environmental statement, preliminary ecological appraisal together with biodiversity proposals which were submitted through the period of consideration of the application.</p>
8.4.7	<u>Amphibians</u>

	<p>No evidence of Great Crested Newt use or presence was found, and the three tests of the Habitats Regulations are not a consideration. The recent site clearance is likely to have reduced the suitability of the site for other amphibians, but precautionary measures would be included within a Construction Environmental Management Plan (CEMP) which would be secured by planning condition. These would include existing vegetation on site being gradually cut and removed under ecological supervision, measures to prevent amphibians seeking shelter in works debris, and any excavations being covered at the end of each working day.</p>
8.4.8	<p><u>Bats</u></p> <p>An assessment for bat roost potential was submitted with the application which showed that no signs of bats were recorded and the buildings on site are of negligible value for bats. The survey was conducted in July 2021 and is therefore more than three years old. However, since that time the site clearance has been completed. It is considered that despite the age of the study, on a site largely surrounded by industrial uses and bounded by the River Mersey, and that has been largely cleared of vegetation there would be no greater likelihood of bat activity on site. However, given the protection afforded to bats, were activity to be discovered works in the affected area would cease until suitable protective action could be taken. MEAS were consulted and agreed that this represents a suitable approach.</p>
8.4.9	<p><u>Breeding birds</u></p> <p>Site clearance has significantly reduced the breeding habitat available for passerine birds and the Ecological Impact Assessment (EclA) findings are accepted by MEAS, which conclude that the development will have a minor adverse effect on breeding bird species which is considered to be not significant. However, the site continues to provide habitat for breeding birds and standard breeding bird avoidance measures would be included within the recommended CEMP. In mitigation for the loss of bird breeding habitat, details of bird nesting boxes would be required by planning condition in accordance with Local Plan policy NC7.</p>
8.4.10	<p><u>Terrestrial mammals</u></p> <p>On-site habitats are suitable for hedgehog which is a priority species and Local Plan policy NC7 applies. Reasonable avoidance measures would be included in the CEMP. These would include pre-commencement check for badger and hedgehog, excavations to be fitted with a ramp escape, open pipe systems to be capped to prevent mammals gaining access, and appropriate storage of materials to ensure mammals do not use them. Hedgehog highways within close boarded fencing should also be installed to allow connectivity.</p>
8.4.11	<p><u>Invasive species</u></p> <p>The applicant states that no evidence of invasive species was recorded during the survey. However, MEAS understands that</p>

	ongoing eradication of Japanese knotweed is being undertaken on site and a condition would be included requiring the submission of a validation report to confirm the site has been free of Japanese knotweed for twelve consecutive months.
8.4.12	The EclA proposes the use of a CEMP which will include: the appointment of an Ecological Clerk of Works; an appropriate scheme for checking and managing invasive species; standard breeding bird habitat regulations mitigation; pre-construction check for badger; boundary fencing and acoustic and visual barriers; during low tide works to the east of the site to be avoided where practical; piling and other works to be limited seasonally during low tide; and, noise management and mitigation.
8.4.13	<p><b>Habitats Regulations Assessment (HRA)</b></p> <p>The development site is near to ten national and international sites protected under the Conservation of Habitats and Species Regulations and saved UDP policies NC1 and NC3 apply. The sites are all located within 14km of the application site and two, the Mersey Estuary SPA and Mersey Estuary Ramsar site, are immediately adjacent. The proposal for up to 598 new dwellings will result in increased visits to the sites, the recreational pressure from which may result in significant effects on habitats and species, identified as a likely significant effect alone and in combination with the HRA of the emerging Local Plan.</p>
8.4.14	The applicant has confirmed they wish to opt-in to the mitigation measures set out in the council's adopted information note on recreational pressure. An appropriate assessment was undertaken by MEAS which concluded that with mitigation/preventative measures there will be no adverse effect on the integrity of national and international sites.
8.4.15	The mitigation measures would be secured by planning condition and legal agreement and require that all works are to be carried out in accordance with a full and detailed CEMP which includes how best practice noise reduction measures will be used during piling works and includes best practice pollution measures. A commuted sum contribution of £280.26 for each new home would be secured by s106 agreement, a total sum of up to £167,595.48 based upon the maximum proposed development of 598 dwellings. An information leaflet would also be provided by the applicant to all first-time occupiers which can also be made available in digital form.
8.4.16	Natural England confirmed the HRA is acceptable provided the mitigation measures are secured, and on this basis the application would meet the requirements of national and local planning policy to avoid a significant adverse effect on designated international and national nature conservation sites.
8.4.17	<p><b>Biodiversity Net Gain (BNG)</b></p>

	<p>The application was submitted in 2022 prior to the introduction of the mandatory BNG requirement in February 2024. Cheshire Wildlife Trust and Wirral Wildlife submitted objections citing pre-application site clearance resulting in a lower biodiversity value than would otherwise be the case leading to the proposed development not resulting in a genuine biodiversity net gain. At the time the application was submitted and the objections made, paragraph 026 of the natural environment section of the National Planning Policy Guidance (NPPG) would have required the predevelopment biodiversity value of the site to be calculated based on its value immediately before the site clearance works.</p>
8.4.18	<p>However, subsequently paragraph 026 was deleted and paragraph 036 of the current NPPG relating to BNG addresses only how habitat degradation should be dealt with when calculating the pre-development biodiversity value of onsite habitat with regard to mandatory BNG, which because of the age of the application this site is not subject to.</p>
8.4.19	<p>Therefore, it is considered that in the absence of a supporting policy or NPPG paragraph the baseline habitat must now be accepted as it existed at the point the application was submitted. MEAS were consulted separately on this point and are in agreement with this assessment.</p>
8.4.20	<p>The proposed landscaping proposals would result in a small net gain of 0.74% in habitat units over and above the baseline habitat, due largely to the replacement of low value arable habitats being replaced by higher value neutral grassland, managed to achieve at least moderate condition and the creation of hedgerows forming linear habitats. This is based on estimates because there is limited data available at outline planning stage. The production of a full and detailed Landscape and Ecological Management Plan covering management of the site in perpetuity or for the duration of the development would be secured by condition. On this basis the development meets the requirement of the NPPF to secure measurable net gains for Biodiversity, and avoid a net loss, as far as is possible in a planning application that is not subject to mandatory 10% Biodiversity Net Gain.</p>
8.4.21	<p><b>Summary – ecology</b></p> <p>The application would not cause significant impacts on protected species subject to submission of a detailed Construction Environmental Management Plan. Recreational pressure on ten nearby national and international sites would be mitigated by a payment of £167,595.48 secured via s106 agreement, as well as the provision of leaflets for new occupants, and as a result there is considered to be no adverse effect on the integrity of the sites. The proposal would secure a small uplift in habitat value above the baseline when the application was submitted.</p>

<b>8.5 Design parameters</b>	
8.5.1	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.
8.5.2	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.
8.5.3	Paragraph 137 states that design quality should be considered throughout the evolution and assessment of the proposal. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. The applicant should, where applicable, provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy, and should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
8.5.4	The standards for new Housing, including design requirements, are set out under UDP Policy HS4.
8.5.5	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.
8.5.6	Draft Policy WS 6.1 also 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.
8.5.7	Policy WS 6.3 sets out that development proposals within the Masterplan Areas shown on the Policies Map, must be in conformity

	<p>with a Masterplan which has been endorsed by the council. The masterplan submitted with the application seeks to comply with Policies WS6.3 and WP4.2 of the emerging Local Plan. Policy WP4.2 sets out the detailed requirements for the Bromborough Wharf Masterplan Area.</p>
8.5.8	<p>The application is submitted in outline, with all matters of detail excepting site access to be provided in subsequent reserved matters applications, including access within the site, layout, scale, appearance, and landscaping. Nevertheless, consideration must be given to the eLP (RES-SA4.7 and MPA-SA4.1) residential site allocation and masterplan area requirement that development of the site should be in conformity with a comprehensive masterplan and design code that would deliver an integrated sustainable community with a high quality design residential area with accessible public open space within the site and along the Mersey waterfront.</p>
8.5.9	<p>It is confirmed that this application is supported by a masterplan, whilst this application and also the land covered by application OUT/22/00957 are supported by a joint masterplan, parameters plans, and design code to secure an integrated development across the two application sites. Planning conditions can be used to ensure reserved matters applications are brought forward in accordance with the masterplan and design code.</p>
8.5.10	<p><b>Scale</b></p> <p>The masterplan suggests that storey heights and density would be greatest along the northeastern quadrant, and the southern boundary of the main site, where apartment blocks of four to six storeys would be situated. Throughout the rest of the main site, and the Gatehouse site building heights of up to three storeys are identified by the parameter plans.</p>
8.5.11	<p>The scale and massing would therefore be appropriate for the surrounding townscape context. The building heights proposed would ensure that the degree of enclosure around the public realm is comfortable and on a human scale whilst responding to the surrounding built form context.</p>
8.5.12	<p><b>Appearance</b></p> <p>The street design would also be subject to approval at reserved matters stage. The submitted parameter plan shows a primary route linking the main site accesses to Dock Road South at the north of the site, and Riverbank Road to the south, which would deviate from a direct course at the centre of the main site via a projection towards the river. Secondary streets are shown to the north of the main site and providing access to and within the Gateway site. Elsewhere, shared surface streetscapes are suggested.</p>
8.5.13	<p>The Design Code sets parameters for building design and materiality, which is envisaged to be contemporary but using traditional facing materials of brick, in a range of tones and textures alongside render</p>

	<p>and other contemporary cladding panels. Given the limited existing residential context in the vicinity, the opportunity exists for this site to create its own visual character, and on this basis the broad parameters set out in the design code are acceptable and demonstrate to the satisfaction of the Local Planning Authority that appropriate dwelling design and appearance can be achieved.</p>
8.5.14	<p><b>Trees, public realm and landscaping</b></p> <p>Open space requirement will be considered separately, but in terms of layout the site would feature a riverfront promenade with a cycling/pedestrian pathway spanning virtually the entire length of the site. This would connect to a linear park that would bisect the centre of the site with a southwest/north-easterly orientation and extend into the former D1 Oils site, providing a unifying feature between the two sites. The built form should provide a strong edge to these spaces supplemented through increased storey heights, particularly at key intersections connecting the rest of the site to these spaces, increasing legibility.</p>
8.5.15	<p>Street trees would line the primary route and, to a lower density, the secondary streets with occasional planting within front gardens on the minor routes. The parameters plan designates a variety of open spaces in addition to the linear park and promenade, including pocket parks in the centre of the Gateway site and close to the flat development to the north of the main site. Parks should be located on strategic routes and the gateways to the site to provide focal points to enhance movement through the site and ease of access.</p>
8.5.16	<p>NPPF paragraph 135 requires planning decisions to ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping Development should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development, including green and other public space, and which promote health and well-being.</p>
8.5.17	<p>Paragraph 136 adds that trees make an important contribution to the character and quality of urban environments, and decisions should ensure that new streets are tree-lined and opportunities are taken to incorporate trees elsewhere in developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees.</p>
8.5.18	<p>Site specific requirements as set out in Policy WP4.2 of the emerging local plan specify coherent active frontages facing Bromborough Pool Conservation Area on Dock Road South and throughout the public realm that will encourage social interaction and enhance the setting of the buildings. A permeable layout with cycle and pedestrian routes that enables public access between all parts of the neighbourhood and neighbouring areas and public access to the coast for cyclists and pedestrians.</p>
8.5.19	<p>The development will not result in the loss of any trees because none remain within the site boundary at the point in time the application was submitted. The development is also unlikely to affect any nearby trees but in the event that at reserved matters construction may</p>



	<p>impact the root protection area of any adjacent trees, then suitable protective measures would be required via an arboricultural method statement, in accordance with the Council's Tree Strategy.</p>
8.5.20	<p>The masterplan for the wider, combined development includes park spaces, a riverside promenade and internal streets serving the development plots. Together with a supporting parameter plan, the masterplan also sets out clear principles for the hierarchy of streets and spaces, and how design quality and placemaking for public spaces can be achieved through selection of materials and planting. These include:</p> <ul style="list-style-type: none"> <li>• Primary route - buff sett paving for driveways and crossings and tarmac surface to carriageway; boundaries to public realm constructed of same materials as dwellings to provide visual continuity; semi-mature small to medium sized trees planted within front gardens.</li> <li>• Secondary streets - tarmac for driveways, crossings and footway; boundaries to public realm generally constructed in materials matching housing; heavy standard stock small to medium sized trees planted in front gardens.</li> <li>• Shared surface streets - tarmac for driveways and crossings and red/brown block paving to carriageway; hedgerow boundary treatment or materials to match dwellings; extra heavy standard stock small to medium sized trees planted within front gardens.</li> <li>• Private drives - tarmac for driveways, crossings and carriageway; open plan layout without boundary treatment to frontage; extra heavy stock small to medium sized trees planted in front gardens.</li> </ul>
8.5.21	<p>Green spaces would be linked through a network of pedestrian routes and cycleways and provide access to woodland beyond the site. The parameters plan designates a variety of public open spaces including green amenity spaces with signage and specimen planting at the northern and southern site access points to signify arrival. Community spaces provide for gathering, exercise and recreation, and the linear park and promenade provide green links through the site. Play areas at the north and south of the development will be contemporary, use natural materials and create an attractive gateway feature. The contribution made by these spaces to the public realm would also accord with the requirements of the open space strategy discussed elsewhere in the committee report. Boundary buffer tree planting would provide screening and softening of non-residential neighbouring uses. A central avenue of trees would also be planted along the primary route to segregate the combined footway/cycleway from the main carriageway.</p>
8.5.22	<p><b>Summary – design parameters</b></p> <p>Adherence to the mandatory requirements set out in the design code and parameters plans would ensure that the development would be built out in a coherent and harmonious way across the two site</p>

	ownership areas, and the two site areas (the main site and Gateway site). The masterplan offers the opportunity for a diverse range of planting of native tree species, hedgerows and meadow grass, the details of which would be secured by condition to ensure the proposal meets the requirements of the site specification, and relevant UDP and eLP public realm requirements. The proposal would thus satisfy the development plan design requirements of UDP policy HS4, HS5 and eLP policy WS7 and the NPPF.
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<b>8.6 Residential amenity</b>	
8.6.1	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.
8.6.2	UDP policy HS4 (Criteria for New Housing Development) stipulates requirements for acceptable amenity standards in new development.
8.6.3	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.
8.6.4	While the application is in outline and layout is reserved, it must be demonstrated that the proposed housing numbers could be accommodated within the site without risk to the living conditions at existing houses in the vicinity of the site as a result of significant overbearing, overlooking or overshadowing, or between the new properties within the site.
8.6.5	The main site is bounded to the north and south by employment sites, to the east by the River Mersey, and to the West by the Bromborough Wharf West site. The nearest residential properties are located to the northwest of the Gateway site on the opposite side of Dock Road South on South View, presenting a windowed gable end to the development site. However, at a minimum interface distance of circa 40m, the existing houses are unlikely to experience any undue loss of amenity as a result of the development.
8.6.6	In terms of securing suitable levels of amenity between residences within the site, the housing density associated with up to 598 dwellings accommodated with structures ranging from two to six storeys in height on a site area of 14.4ha would give rise to no significant concern that the houses could not be arranged in accordance with the required interface distances and offer the occupants acceptable privacy.
8.6.7	<b>Summary – residential amenity</b>

	<p>The site is large enough to accommodate the proposed housing without giving rise to residential amenity concerns, and indeed it is noted that in combination with the west site the 975 housing numbers applied for are somewhat below the local plan residential site allocation of 1,225 units. The development also avoids compromising the residential amenity of the small number of houses that bound the site.</p>
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<b>8.7 Housing</b>	
8.7.1	<p>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>
8.7.2	<p>Paragraphs 124 and 125 provide support for efficient 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 value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.</p>
8.7.3	<p>Paragraph 129 requires decisions to support development that makes efficient use of land, taking into account the identified need for different types of housing, local market conditions and viability, the availability and capacity of existing and proposed infrastructure and services and the scope to promote sustainable travel modes that limit future car use. It stresses the importance of securing well-designed, attractive and healthy places.</p>
8.7.4	<p>Development plan policies HSG2 'Affordable Housing', HS4 'Criteria for New Housing Development', HS6 'Principles for Affordable Housing' would be relevant to the consideration. Emerging local plan policy WS 3 and supporting policies regarding design standards, density, affordable housing, housing mix, and self-build and custom build housing as well as the residential site allocation (RES-SA4.7/MPA-SA4.1) set out in eLP policy WP 4.2 would also carry weight in the committee's decision.</p>
8.7.5	<p><b>Affordable Housing</b></p> <p>NPPF paragraph 66 states that major housing development 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>
8.7.6	<p>UDP policy HSG2 sets out that, where appropriate, the local planning authority will encourage the provision of an element of affordable housing to be secured via legal agreement. Principles for affordable housing set out in policy HS6 include the requirement to negotiate provision on sites of over one hectare.</p>

8.7.7	<p>Emerging Local Plan policy WS 3.3 identifies the site as being within a viability zone 3 (upper medium value area), requiring the development to provide tenure blind affordable housing rate of 20% which would equate to 120 houses for this development comprising the provision of affordable home ownership products, affordable rent and social rent dwellings in line with national policy and the needs identified in the latest Strategic Housing Market Assessment. Where relevant, affordable housing for rent should be designed to facilitate transfer to an appropriate registered social landlord or equivalent provider.</p>
8.7.8	<p>In this case, 20% provision would equate to 120 units of affordable housing being required in total. Of these, a minimum of 30 should be First Homes, and of the remaining number 30 would be for affordable home ownership, and to meet locally assessed need 42 must be for Social Rent, and 18 for affordable housing for rent (which could also be Social Rent). Affordable housing for rent must be allocated through the council's choice-based lettings scheme.</p>
8.7.9	<p>Viability considerations are discussed in more detail elsewhere in this report, but Members should note that the agreed viability position for the site is challenging, and the evidence put forward has been independently evaluated by two different surveyors who have verified the challenging position.</p> <p>If the proposal were to provide the 20% affordable housing this would, even with associated funding generate a negative land value and the site would be unviable. The viability testing examined what the maximum amount of affordable housing which could be provided whilst reaching a positive land value for the site, and this has not resulted in any provision of affordable housing being viable on this site. There are a number of mitigating factors which have impacted on the deliverability and viability of the site, such as the loss of 250 units due to less developable areas and development constraints and rising costs. However, officers have negotiated with the developer that land values could change, and the viability of the site could become more favourable. Officer's recommend that a mechanism is applied by which the Council tests the re-appraisal of viability at agreed stages of development with a mechanism, for claw-back included in the S106 agreement in the case that the site and land values experienced a favourable uplift which could then be recycled back into delivering affordable homes, prioritised to be provided on site where possible.</p>
8.7.10	<p><b>Housing mix</b></p> <p>Local Plan policy WS 3.4 requires all new residential development to provide homes of an appropriate type, size and tenure to meet the needs of the local community. A minimum of 70% of market dwellings should be developed for larger dwellings of three or more bedrooms.</p>
8.7.11	<p>Criteria taken into account when assessing whether sites are capable and suitable of accommodating larger dwellings are: whether the resulting development will be appropriate in character to the surrounding area; whether it will support a viable form of</p>

	<p>development securing social, economic and environmental benefits; whether local evidence of housing need and demand indicates that an alternative mix would be more appropriate; and whether alternative provision would meet another aim of the council such as for elderly persons or other specialist housing needs.</p>
8.7.12	<p>In this case the exact housing types would be confirmed through subsequent reserved matters applications. The supplied design code and planning statement includes an indicative housing mix of 400no. 2, 3 and 4 bed houses of up to 3 storeys, and 198no. 1 and 2 bed apartments of up to 5 storeys. If this were to come forward at reserved matters stage it would represent 67% of the new homes being three bedrooms or larger which would fall slightly short of the 70% required by policy WS 3.4. However, the requirement of larger numbers of flats arranged at the perimeter of the site in higher buildings to assist in mitigating noise from neighbouring uses, this fractional disparity is considered to be acceptable.</p>
8.7.13	<p><b>Housing Density</b></p> <p>Policy WS 3.2 states that for sites outside the identified residential density zones, new residential development must still achieve efficient use of land having regard to the prevailing character of the area. Sites with an area of one hectare or more should achieve a minimum density of 30 dwellings per hectare unless it can be demonstrated that this would not be appropriate having regard to site characteristics.</p>
8.7.14	<p>This is an outline application so density will be examined at reserved matters stage, however the indicative layout in the masterplan shows at 14.4 hectares, the proposal for up to 598 dwellings would achieve a density of circa 40 dwellings per hectare, exceeding the 30 dwelling per hectare minimum requirement in accordance with WS 3.2. Moreover, excluding roads, open space and physical constraints as directed by paragraph 3.62 of the policy, the net development area would exhibit an effective density of more than 50 houses per hectare across the combined site of both applications. At a macro level, the supplied design code describes a minimum density of 30 homes per hectare rising to 70 dwellings per hectare within the apartment building areas towards the peripheral areas of the site. This is considered to be appropriate for the scheme characteristics set out in the parameters plan and demonstrate efficient use of land in accordance with paragraph 129 of the NPPF.</p>
8.7.15	<p><b>Housing design standards</b></p> <p>Local Plan policy WS 3.1 stipulates new build dwellings should be built to the following standards. Compliance with the nationally-described space standards (NDSS) which sets out minimum requirements for the gross internal floor area of new dwellings and dimensions for key parts of the home such as bedrooms, storage and floor to ceiling height. Compliance with the higher water efficiency standard of 110 litres per person per day under the Building</p>

	Regulations. New properties should be 'zero carbon ready by design' in line with policy WS 8 Strategy for Sustainable Construction, Renewable and Low Cost Energy.
8.7.16	The policy requires all new build dwellings will be accessible and adaptable in line with Part M4(2) of the Building Regulations as a minimum standard. In addition, at least 6% (36 new homes) will be wheelchair adaptable in line with Part M4(3)(2)(a) of the Building Regulations.
8.7.27	As set out in application supporting documentation, the applicant has agreed to meet the standards set out in emerging policy WS 3.1 which would be secured by planning condition.
8.7.18	<p><b>Summary - housing</b></p> <p>The tested and agreed viability position precludes the 20% affordable housing provision, at this time, that would be required and no affordable dwellings are to be secured at this time. mechanisms to test the viability of the development, in order to try to achieve more provision of affordable housing, will be applied at agreed stages of development. The development would demonstrate a highly efficient use of brownfield land with an acceptable housing mix and density, all new homes would satisfy 'lifetime homes' standard as a minimum and 36 of the houses would be wheelchair adaptable. The houses would also satisfy sustainable building criteria with respect to water consumption and construction standards, and the scheme would comply with all relevant national and local housing policies and guidance.</p>

<b>8.8 Highways and transportation</b>	
8.8.1	NPPF paragraph 116 clearly states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this context paragraph 117 requires priority to be given to pedestrian and cycle movements, and as far as possible access should be provided to high quality public transport that maximise the catchment for bus or other services, and appropriate facilities that encourage public transport use. Paragraph 118 stipulates that all development that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or assessment to assess and monitor impacts of the proposal.
8.8.2	UDP policies TRT1, TRT3, TR9, TR10, TR11, TR12 and TR13 are relevant, as well as local parking standards as set out in SPD4. Emerging Local Plan policies WS 9.1, WS 9.2, WS 9.3, WS 9.4 also carry very significant weight.

8.8.3	The site allocation (RES-SA4.7) includes the requirement to provide a new bus route between Dock Road South and Riverbank and new bus stop infrastructure within the new neighbourhood. This bus infrastructure is required to serve the whole combined site but will be provided along the spine road of either this site, or the neighbouring Bromborough Wharf West site. As each application is independent, both spine roads will be constructed to accommodate bus access. In addition, public access is specified to the coast for cyclists and pedestrians with continuous links to neighbouring coastal land and the Wirral Circular Trail.
8.8.4	The application is supported by a Transport Assessment and Framework Travel Plan.
8.8.5	<p><b>Access and servicing</b></p> <p>Access to the site is not a reserved matter and therefore access arrangements from the existing public highway are being determined by this application. The site would be accessed off Dock Road South and Riverbank Road via three priority junctions.</p>
8.8.6	A swept path analysis was carried out to demonstrate that a large refuse vehicle could access and egress the site via the proposed site entrance junctions, showing that the visibility splays are achievable in line with the requirements of the Manual for Streets. Personal injury accident data has been analysed for the most recent five-year period available and does not indicate any inherent road safety issues with the existing roads and junctions.
8.8.7	The proposed access points into the site are therefore acceptable and would be required to be taken forward as a package of highway improvement works associated with the outline application. The works will be subject to design checking and road safety audits and are subject to the s38 adoption process.
8.8.8	To secure safe pedestrian connectivity from the site west towards the A41 and south west towards the Croft Retail Park, enhancements to footways and pedestrian crossing facilities are required and these are as set out in the site requirements within the emerging Local Plan and the Infrastructure Delivery Plan, an evidence base document to the emerging Local Plan. The required infrastructure comprises:
8.8.9	<p>a) The enhancement of controlled crossing facilities at the junction of Thermal Road with Dock Road South, and the junction of Port Causeway with the A41 New Chester Road, to comprise the upgrade of existing crossing equipment and the provision of missing links. These works will provide the necessary connectivity via the shortest route between the site and the A41 for bus stops on the interurban 1 and X1 services between Liverpool, Birkenhead, Ellesmere Port and Chester;</p> <p>b) The provision of a signalised junction with controlled crossing facilities at the junction of Riverbank Road with Thermal</p>

	<p>Road, and the upgrade of an existing uncontrolled crossing to a controlled Toucan crossing on Stadium Road. These latter two sets of works will provide necessary connectivity for pedestrians between the site and the Croft Retail Park to the south: and</p> <p>c) Enhancements to the footway to the south side of Dock Road South between the site accesses and its junction with Thermal Road, to ensure a minimum width of 2 metres with dropped kerb tactile paved access crossings, and the raising to standard footway height of any redundant vehicular crossings.</p>
8.8.10	<p>As these highway works can all take place within the adopted highway boundary, they can be secured by condition with the developer entering into a Section 278 agreement with the Local Highway Authority to deliver the works as the build out of the housing development progresses.</p>
8.8.11	<p><b>Network capacity</b></p> <p>A scoping report was submitted prior to submission of the application and meetings were held with the Local Highway Authority and National Highways to agree a total of thirteen junctions to be included in the assessment. The subsequent junction modelling used traffic data taken from agreed surveys from 2018/19 and these were projected to the opening year 2032 and 5 years hence to 2037. National Highways also required that the modelling was projected to 10 years hence to a horizon year of 2042. The traffic data also considered committed development from the location, and this methodology was considered satisfactory.</p>
8.8.12	<p>A trip rate assessment using the industry standard TRICS database was undertaken to show the expected trips generated by the development and its likely impact on the network during both peak periods.</p>
8.8.13	<p>The analysis demonstrated that the proposed development would generate approximately four vehicle trips every minute during the weekday morning and evening peak hour. The trip generation exercise is largely considered to represent the worst-case scenario as all proposed apartments and houses are assumed to be privately owned, therefore generating higher trip rates.</p>
8.8.14	<p>A trip generation comparison exercise has also been undertaken with these values to compare the overall Bromborough Wharf development trip generation versus the extant industrial use on site if it was operational. The comparison assessment satisfactorily demonstrated that the proposed development would generate only two additional two-way trips every minute during the highway network</p>



	<p>morning peak hour and approximately three additional two-way trips every minute during the highway network evening peak hour and this impact is accepted by the Local Highway Authority.</p>
8.8.15	<p>National Highways were consulted, and following scrutiny of the supplied projected trip data as relates to the strategic road network and nearby motorway junctions, raised no objection to the proposal and are satisfied that the development would not lead to an unacceptable impact on the strategic road network.</p>
8.8.16	<p>The junction modelling within the transport assessment was satisfactory and showed that the impact from the development is acceptable and that only a minimal impact would be generated by the proposals. As such, the proposed development does not result in a 'severe impact' on the operation of the highway network, nor does it cause any unacceptable impacts on highway safety. Consequently, there is no justification to refuse the application on highways grounds.</p>
8.8.17	<p><b>Sustainable transport</b></p> <p>A Framework Travel Plan has been submitted in support of the application, with the intention of reducing the need to travel by single occupancy car, and to encourage walking, cycling and travel by public transport to become a natural choice for many day-to-day trips.</p>
8.8.18	<p>In their consultation responses, Liverpool City Region Combined Authority note that given the peripheral location of the site there is a risk that it could become car dependent without good planning. Within the site, the central spine road will include segregated cycle provision, allowing the site to form part of the Wirral Circular Trail cycle route, connecting into the existing signed route at both the north and south ends. The off-site highways works listed above are secured to improve pedestrian connectivity west towards the A41 and Croft Retail Park with safe crossing facilities</p>
8.8.19	<p>S106 funding will secure a financial contribution to ensure bus routing through the site and this figure will be negotiated as part of the legal agreement. There are options for how this funding could be allocated but the most likely scenario is a re-routing of the 38/38A bus service through the site with a half-hourly frequency of service at all reasonable times of day. Furthermore, the legal agreement will secure the installation of bus stops within 400m of all dwellings, which is likely to require two pairs of 'Merseytravel Standard' bus stops within the site</p>
8.8.20	<p><b>Summary - highways and transportation</b></p> <p>The Local Highway Authority and National Highways have confirmed that it has been demonstrated there would be no unacceptable impact on highway safety, and the cumulative impacts on the road network would not be severe and therefore the scheme would satisfy the requirement of paragraph 116 of the NPPF and should not be refused on highway grounds. The scheme would promote sustainable transport options, making provision for public transport</p>

	penetration through the site, and would satisfy relevant Development Plan and emerging Local Plan policies, subject to planning conditions, including a s278 agreement to secure necessary highway infrastructure works.
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<b>8.9 Conservation</b>	
8.9.1	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.
8.9.2	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.
8.9.3	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.”
8.9.4	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 paragraph 214).
8.9.5	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.215-216).
8.9.6	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.
8.9.7	Emerging Local Plan policy WD2 relates to heritage assets, conservation areas and archaeological assets.
8.9.8	Chapter 13 of the Environment Statement assesses the effects of the development on cultural heritage, informed by a detailed desk-based study including a categorisation and assessment of the impact of the proposal on all archaeological and heritage assets.

8.9.9	There are no listed buildings or heritage assets located within the site. However, the site lies adjacent to Bromborough Pool Conservation Area which is located on the opposite side of Dock Road South. The application site also lies a few hundred metres south-east of Bromborough Court House moated site and fishponds, an earthwork surrounding the site of the 11th-century manor and courthouse of St Werburgh's Abbey. Its significance as a particularly large and impressive example of a moated site is recognised by its scheduling as an ancient monument (National Heritage List for England entry number 1012503).
8.9.10	The Gatehouse site, the smaller part of the proposed site fronting onto Dock Road South, would face the boundary of the Bromborough Pool Conservation Area and therefore it is recommended that this part of the development respects the character and setting of the conservation area, taking the existing character into consideration when exploring design solutions for the layout and design of the finished houses that will come forward at reserved matters stage. On the basis of the submitted information, the Local Planning Authority has confidence that the layout and appearance of development on the Gatehouse site that is expected to come forward at reserved matters stage will not harm the significance or setting of the Bromborough Pool Conservation Area.
8.9.11	Given the distance between the scheduled monument and the site of the proposed development, and the extent and nature of intervening development, it is not considered that there will be any impact on the setting of the scheduled monument, Bromborough Court House moated site and fishponds.
8.9.12	An archaeological desk-based assessment was submitted with the application which found that the potential for significant Prehistoric remains to be found within the site boundary is low. The eastern part of the site remained partly underwater until the 1910s and while it is thought that archaeological activity may survive on the eastern undeveloped part of the site, construction of the industrial buildings is likely to have impacted any surviving Medieval or earlier deposits. Any surviving archaeology would be of low to medium significance.
8.9.13	Historic England, and the council's Senior Heritage Officer were consulted and raised no objection to the proposal on the grounds of heritage conservation.
8.9.14	<p><b>Summary – conservation</b></p> <p>The development would have no appreciable impact on the setting of the nearby scheduled ancient monument. Consideration would be given at reserved matters stage to the design and layout of the smaller Gatehouse site adjacent to Bromborough Pool Conservation Area in order to respect the distinctive characteristics of the area.</p>

<b>8.10 Sustainability</b>	
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8.10.1	The development would bring disused brownfield industrial land back into productive use and in so doing contribute to targets for new housing without the need for development in the Green Belt.
8.10.2	The site is situated in a sustainable location with existing bus routes within adjacent residential areas to the north and west of the site with direct services to Liverpool and Chester routed along the A41. The masterplan seeks to provide pedestrian and cycle connections towards key active travel routes and Port Sunlight and Spital Merseyrail train stations would be within reasonable cycling distance. The Croft Retail and Leisure Park offers a wide range of amenities accessed from Riverbank Road to the south of the site which, being within 1 mile of the whole of the site, is considered to be within reasonable walking distance. Taken together, residents would have access to jobs, shops, and leisure facilities without being dependent upon the private car.
8.10.3	The submitted design code details how forthcoming detailed plans for the build out would comply with the requirements of emerging Local Plan policies WS 8.1 'Energy Hierarchy', WS 8.2 'Sustainable Construction - Energy Efficiency, Overheating and Cooling, and Water Usage', WS 8.5 'Carbon Compensation Through Renewable and Low Carbon Energy', and WS 8.8 'Climate Change and Energy Statement'.
8.10.4	<p><b>Summary - sustainability</b></p> <p>The core plot development sustainability principles will be secured through conditions at reserved matters stage to ensure delivery of sustainable construction methods, observance of the energy hierarchy and renewable energy sources via a detailed Energy and Sustainability Statement.</p>

<b>8.11 Social infrastructure</b>	
8.11.1	NPPF paragraph 96 sets out the requirement for planning decisions to aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lives through the promotion of good health and prevention of ill-health and reduce health inequalities. An example of this would be through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
8.11.2	Paragraph 100 of the NPPF sets out the importance of ensuring a sufficient choice of early years, school and post-16 places to meet the needs of existing and new communities, while paragraph 101 places significant weight on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development. Matters relating to education are examined in a later part of the report.

8.11.3	UDP policy GR6 relates to the provision of green space within new developments and the need to include specific provision for children's play. The masterplan shows provision for children's play space.
8.11.4	Emerging Local Plan policy WS 6.1 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. The connectivity proposed throughout the development seeks to provide a choice of travel to access the existing services such as shops and schools.
8.11.5	Policy WS10 relates to the provision of social infrastructure, including schools, sport and leisure, and open space. The provision of appropriate infrastructure as set out in the Infrastructure Delivery Plan including provision for a new bus route between Dock Road South and Riverbank and new bus stop infrastructure within the new neighbourhood and public access to neighbouring coastal land for cyclists and pedestrians is a specific requirement of policy WP 4.2 as it relates to the site (RES-SA4.7/MPA-SA4.1). In addition, the policy specifies appropriate and proportional contributions for primary school places, public open space including children's play within the site.
8.11.6	<p><b>Viability considerations</b></p> <p>National Planning Policy Guidance (NPPG) states that where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Where a viability assessment is submitted, the weight given to it is a matter for the decision maker having regard to the circumstances in the case.</p>
8.11.7	With regard to the viability of schemes, the emerging Local Plan states that the contributions developers are expected to make as part of their development are set out in the plan and in order for the council to require a S106 obligation it must meet the legal tests that they are necessary to make the development acceptable in planning terms. It also states that in respect of the infrastructure requirements in the plan, where the council is satisfied that the applicant has demonstrated that the submission of a viability assessment is justified, the council will give due weight to the assessment having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and change in site circumstances and the transparency and assumptions behind evidence submitted as part of the assessment.
8.11.8	In this case a viability assessment was submitted by the applicant detailing building cost assumptions (based on the normal costs for the proposed housing mix) and the abnormal costs specific to the site. These costs have been separately assessed by two separate surveyors acting for the applicant and the council and have therefore been robustly challenged and examined to allow officers to accept the findings.

8.11.9	<p>The LPA commissioned an independent viability assessment the findings of which have been accepted by the applicant and represent the agreed viability position. The independent assessment finds that in a 'target policy compliant' scenario where 20% affordable housing is provided, a very significant negative land value would be generated and the development would be deemed unviable. A second scenario in which no affordable housing is provided has also been tested and found to generate a negative land value. As such it is accepted by the Local Planning Authority that no affordable housing provision will be sought under this application at this time.</p>
8.11.10	<p>However, members should note that the assumptions underpinning these findings remain valid for a period of six months from the date of the report (15 November 2024) and market conditions could change beyond this timeframe. A mechanism would therefore be required to allow for a re-appraisal of viability at agreed stages of development, with a mechanism for claw-back included in the S106 agreement in the case that the scheme became viable at a later date.</p>
8.11.11	<p><b>Education</b></p> <p>New housing resulting in population growth in an area may increase the number of pupils, which may place additional demands on local schools and education facilities. Where these pupils cannot be accommodated within the capacity of existing schools, it is necessary to ensure that additional capacity is created through direct provision, or to collect capital funding through developer contributions to expand the capacity of schools and education facilities.</p>
8.11.12	<p>The Infrastructure Delivery Plan concluded in relation to the original site allocation for the combined site of approximately 1,225 dwellings, that the anticipated pupil yield arising from the development of the site for housing would be higher than the spare capacity available and there would be a requirement for a developer contribution towards additional primary classroom provision. The dwellings proposed under this outline application are lower than this, but it remains the case that this development would likely produce more children requiring school spaces than are likely to be available in the future.</p>
8.11.13	<p>Financial contributions for educational provision are subject to accurately assessing the pupil capacity, working with education services at the time of the reserved matters application and to relevant viability considerations. As the development is currently considered viable only for the public transport contribution no contribution is sought at this time for education provision. The S106 legal agreement for this development will make provision for the re-appraisal of viability at agreed stages of development; to allow the potential for funding to be secured should future land values increase the viability of the site to a favourable position.</p>
8.11.14	<p><b>Health</b></p>

	<p>New housing resulting in population growth in an area may increase the number of patients seeking to register with a GP. Where these patients cannot be accommodated by existing healthcare provision, planning conditions and more typically planning obligation agreements will be used to secure the provision and or improvement and maintenance of infrastructure if there is a proven need in order to meet appropriate S106 tests.</p>
8.11.15	<p>In order to determine whether there is sufficient projected capacity in healthcare services, the NHS Wirral Clinical Commissioning Group will assess and liaise with the GP practices which serve the area of a development. Where it is determined there is insufficient capacity and services cannot accommodate the anticipated number of new residents, consideration will be given to whether the facilities can be physically extended, or if there are other measures which could increase the capacity of the practices. Where this is deemed possible a developer contribution will be sought.</p>
8.11.16	<p>NHS Cheshire and Merseyside raised no objection to the proposal but did draw attention to additional pressure that could be placed on local primary care provision as a result of the development and submitted evidence in support. The challenging viability position was accepted by NHS Cheshire and Merseyside And it is therefore considered appropriate to include a clause in the S106 agreement to allow for re-testing of the viability position at agreed stages of development with the potential for contributions to primary care being included should both viability be shown to exist for the scheme at that time and that there is a demonstrable requirement for additional capacity.</p>
8.11.17	<p><b>Public open space</b></p> <p>Policy WS 5.2 provides for securing a mix of on-site provision and off-site contribution depending on the size, type and location of the proposed development. The basic level of requirement will be equivalent to 37sqm new open space and 2.5sqm for children and young people's play per person. All new dwellings should be within 720m safe walking distance of a publicly accessible open space and 400m of an appropriately equipped open-access facility for children's play. Where 50 or more new dwellings will be further than 720m of a publicly accessible open space, new on-site provision will be required at the specified quotient.</p>
8.11.18	<p>In this case, the required financial contribution would be calculated at a cost per dwelling of £3,833 which would equate to £2,292,134 for the 598 dwelling scheme. Over half of the site would not be within the 720m walking distance requirement and therefore on-site provision would be required. Charges incurred by the developer on providing open space is deductible from the baseline contribution.</p>
8.11.19	<p>The submitted parameters plan for open space shows a centrally located linear park, a waterfront promenade and three pocket parks within the site. This provision would exceed the 1.5ha minimum on-site requirement. A neighbourhood equipped area for play (NEAP) is shown at the centre of the linear park within the site boundary, but</p>

	<p>this is supplemented by a similar facility in an extended area of the linear park within the adjoining site which, in combination would provide a minimum of 0.4ha for play which is considered to accord with the aims and objectives of the policy. This provision would also be supplemented by a number of local areas for play (LAP) across the two sites. Given the poor viability of the development, no financial contribution for the enhancement of off-site public open space is being sought at this time. On balance, the provision of the on-site public open space including areas for formal children's play and the provision of the riverfront promenade is sufficient to conclude that adequate open space provision is being made for the benefit of future occupiers.</p>
8.11.20	<p><b>Sports provision</b></p> <p>New residential development will be required to contribute to the provision of appropriate facilities for outdoor sport and recreation in line with the needs identified within the latest Playing Pitch and Outdoor Sports Strategy and Indoor Sports and Build Facility Strategy. Where on-site provision would not be appropriate or achievable, an appropriate financial contribution will be required to secure improvements to existing facilities and/or to support the delivery of appropriate strategic provision to serve the development proposed.</p>
8.11.21	<p>In this case a requirement for two new playing pitches with changing rooms would be generated by the development, according to Sport England's Playing Pitch Calculator. Dependent on location these may require further ancillary facilities such as car parking. A baseline contribution of £779,792 would be required, but charges incurred by the developer are deductible.</p>
8.11.22	<p>A further baseline contribution of £181,792 would be required for indoor sports provision based on an estimate of additional levels of use likely to be generated by the proposal. Any contributions would be spent on improvements to existing facilities in line with the Leisure Facilities Masterplan. As the viability position of the development is poor, no financial contribution is being sought at this time for the provision or enhancement of indoor or outdoor sports facilities.</p>
8.11.24	<p><b>Public transport</b></p> <p>The Infrastructure Delivery Plan and residential site allocation for the former D1 Oils site requires a new bus route between Dock Road South and Riverbank Road with bus stop infrastructure. All new houses within the site should be within 400m walking distance of an adequately equipped bus stop which is likely to require two-pairs of bus stops to deal with the requirement generated by both sites.</p>
8.11.25	<p>Existing bus services 38, 38A and the less frequent 811 run along Thermal Road, and 41, 41A and 42 are frequent and available throughout the week. The 1 and X1 services providing connectivity to Liverpool and Chester operate along the A41. Funding will be secured through the S106 legal agreement to ensure bus service routing through the site and, to achieve this the main spine road</p>



	through the development would be constructed to a standard to accommodate a two-way bus route for 12m buses.
8.11.26	<p><b>Summary - social infrastructure</b></p> <p>The high levels of abnormal costs associated with remediating the previously industrial site alongside extensive flood prevention works means that the viability of the scheme is poor, which has limited the ability to secure the financial contributions that would normally be required. This is in line with NPPG requirements that any contributions should be fair and proportional.</p>
8.11.27	However, the scheme would provide on-site public open space which exceeds the minimum requirement, with play facilities for young people and a new bus service supported by suitable infrastructure to ensure that every house is within 400m of a bus stop.
8.11.28	A requirement to re-test viability at reserved matters stage at agreed stages as the development progresses will be secured under the S106 agreement and, were it to be demonstrated that the viability position of the development had improved, a claw-back mechanism in the S106 agreement would be triggered.

<b>8.12 Planning obligations</b>	
8.12.1	Paragraph 57 of the National Planning Policy Guidance advises that planning obligations must only be sought where 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.
8.12.2	Paragraph 270 of the draft Infrastructure Delivery Plan states that developer contributions will be sought towards infrastructure requirements in accordance with Local Plan policies.
8.12.3	Local Plan Appendix 10 'Developer Contributions' sets out an approach to negotiate planning obligations depending on the individual circumstances of a site and proposal, where obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Planning obligations will be secured via S106 agreement. Contributions may be financial or 'in kind' (where a developer builds or directly provides the infrastructure or mitigation necessary to fulfil the obligation) negotiated as part of the application. A section 278 agreement will be included where planning permission is to be granted for a development that requires improvements to public highways.
8.12.4	As set out previously a viability appraisal has been submitted with the outline application and independently assessed. The agreed position is that currently, without the inclusion of any S106 contributions, except for the agreed public transport contribution, the scheme has negative viability.

8.12.5	In this case the following contributions have been negotiated and agreed with the applicant, and are considered to be appropriate, reasonable and necessary to make the development acceptable in planning terms:
8.12.6	Affordable housing: Within viability zone 3 (upper medium value area) eLP policy WS 3.3 requires the development to provide a rate of 20% affordable housing. In this case, the outline application for 598 dwellings would require 120 units of affordable housing. Accepting the agreed viability position, no provision of affordable housing is being sought at this stage.
8.12.7	Education: Provision for education is subject to viability considerations and therefore no financial contribution is being sought at this stage.
8.12.8	Health: The Infrastructure Delivery Plan does not identify any need for additional health infrastructure in relation to the site allocation. Nonetheless officers require that the applicant reviews the viability position at agreed stages as development progresses and should market conditions change sufficiently a contribution to local primary care provision could be made.
8.12.9	Public open space: Developers are required to make appropriate provision for recreational open space to meet the needs generated by the development. A baseline contribution of £3,833 per dwelling would be required as a baseline contribution, equating to a total contribution of £2,292,134 for 598 dwellings (with costs of on-site provision deductible). Open space provision is subject to viability considerations and therefore no financial contribution for off-site provision is being sought at this stage. However, in order to comply with the requirements of eLP policy WS 5.2 a minimum on site provision of 1.5ha of onsite open space will have to be provided.
8.12.10	Sports provision: In the absence of on-site provision, Sport England require as a minimum two playing pitches with changing rooms requiring a baseline contribution of £1,304 per dwelling, which equates to a total of £779,792. An additional contribution of £304 per dwelling would be required for indoor sport provision, totalling £181,792 baseline contribution. These contributions are subject to viability and therefore no financial contributions are being sought at this stage.
8.12.11	Public transport: The applicant has agreed to the inclusion of a clause in the S106 legal agreement requiring: (i) Funding to secure the routing of a suitable bus service through the site; and (ii) payment of all costs necessary to create the necessary bus stop infrastructure within the site in order that no new house shall be more than 400m from bus stops with services running in each direction.
8.12.12	Recreational pressure: Necessary mitigation measures are not subject to viability considerations and the applicant has opted in to the council's Interim Approach on Recreational Pressure Mitigation in order to ensure the Appropriate Assessment under the Habitat

	Regulations is passed. Therefore, a commuted sum of £280.26 for each new home would be secured equating to a total of £167,595.48 in accordance with the council's interim approach on recreational pressure. An information leaflet would also be provided by the applicant to all first-time occupiers which can also be made available in digital form.
8.12.13	<p>The heads of terms will therefore include the following:</p> <ul style="list-style-type: none"> <li>i) Minimum on site public open space provision of 1.5ha to include formal children's play spaces and arrangements for the future management and maintenance of the same;</li> <li>ii) Funding to facilitate the re-routing of a suitable bus service through the site and to provide 'Merseytravel standard' bus stops within 400m of all dwellings</li> <li>iii) Funding to cover the Council's costs of promoting a Traffic Regulation Order to create a 20mph residential zone within the site, protect junction visibility by introducing waiting restrictions, and to create a clearway for bus access along the spine road.</li> <li>iv) Recreational pressure mitigation payment of £167,595.48;</li> <li>v) S106 monitoring fee;</li> <li>vi) Travel plan monitoring fee; and</li> <li>vii) Employment and skills monitoring fee.</li> </ul>
8.12.14	The S106 agreement will include a schedule to allow for a further viability assessment at agreed stages of development. If factors result in positive viability this clause will require a recalculation of planning obligations.

<b>8.13 Summary of decision (planning balance)</b>	
8.13.1	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:-
8.13.2	The outline application is considered acceptable in accordance with the regeneration priority for the masterplan of the larger D1 Oils/Bromborough Wharf site in line with the objectives of the emerging Local Plan. The proposal would make a significant contribution towards the council's ambitious brownfield housing targets and would mitigate contamination and flood risk on a disused

	industrial site at the developer's expense. The proposal provides positive contributions through open space, play facilities, highway network improvements, and a bus service.
8.13.3	Having due regard to viability and subject to appropriate mitigation to be secured through planning conditions and the S106 agreement, the scheme would benefit the wider area with sustainable residential development that would not unacceptably impact surrounding commercial uses, and therefore based on the planning balance the economic, social and environmental benefits of the scheme outweigh any perceived harm and it is the opinion of the Local Planning Authority that the development could be delivered successfully.

<b>9. Recommended Decision</b>	
9.1	That the Chief Planner, Assistant Director of Regeneration and Place be authorised to approve the application subject to: <ul style="list-style-type: none"> <li>1. Referral to Secretary of State as the application is a departure from the Unitary Development Plan;</li> <li>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 8.13 of this report on land owned by the Applicant; and,</li> <li>3. The conditions set out below.</li> </ul>
9.2	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.
9.3	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 9 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.

<b>Recommended Conditions and Reasons</b>
1. Details of the access (within the site), appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

**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

2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

3. The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

4. The development hereby permitted, insofar as it relates to access to the site, including access from the land subject to planning application OUT/22/00957, shall be carried out in accordance with the following approved plans:

Drawing Number BRM-GLH-00-XX-DR-L-0001 P01 (Location Plan)

Drawing Number 21 5474 17 (Proposed Masterplan – Grammont Group Parcel) dated December 2023

Drawing Number 21 5474 08 (Proposed Access – Parameter Plan) dated April 2023

Drawing Number 21 5474 06 (Pedestrian Movement – Parameter Plan) dated April 2023

Drawing Number 21 5474 02 (Road Hierarchy – Parameter Plan) dated April 2023

Drawing Number ED000115-CAP-TP-XX-SK-TPL-003 Revision P01 (Proposed Site Access off Dock Road South) dated March 2022

Drawing Number ED000115-CAP-TP-XX-SK-TPL-004 Revision P01 (Proposed Site Access off Dock Road South) dated March 2022; and

Drawing Number ED000115-CAP-TP-XX-SK-TPL-005 Revision P01 (Proposed Site Access off Riverbank Road) dated March 2022

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

5. No more than 598 dwellings shall be constructed pursuant to this permission.

**Reason:** In the interests of proper planning and for the avoidance of doubt.

## **RESERVED MATTERS CONDITIONS**

6. The reserved matters submitted pursuant to condition 1 shall be in accordance with:

Bromborough Wharf East and West Design Code Version 04 Dated November 2023

Drawing Number 21 5474 17 (Proposed Masterplan – Grammont Group Parcel) dated December 2023

Drawing Number 21 5474 08 (Proposed Access – Parameter Plan) dated April 2023

Drawing Number 21 5474 06 (Pedestrian Movement – Parameter Plan) dated April 2023

Drawing Number 21 5474 02 (Road Hierarchy – Parameter Plan) dated April 2023

Drawing Number 21-5474-09 (Character Areas – Parameter Plan) dated April 2023

Drawing Number 21-5474-07 (Open Space – Parameter Plan) dated April 2023

Drawing Number 21-5474-05 (Density – Parameter Plan) dated April 2023

Drawing Number 21-5474-04 (Use – Parameter Plan) dated April 2023

Drawing Number 21-5474-03 (Height – Parameter Plan) dated April 2023

**Reason:** To ensure the development is well-designed in accordance with paragraph 135 of the National Planning Policy Framework.

7. The reserved matters submitted pursuant to condition 1 shall be accompanied by:

A) A statement demonstrating how the development is in conformity with the approved Environmental Statement;

B) A statement demonstrating how the development is in conformity with the approved Design Code;

C) A statement demonstrating how the development will meet the principles of Secured by Design; for both construction and operational phases, to include construction phase security measures, the provision of street lighting and CCTV, and a site layout that avoids blank elevations and ambiguous open space and maximises natural surveillance.

D) A completed statutory biodiversity metric and Biodiversity Net Gain Report, completed by a qualified ecologist, along with habitat and planting plans demonstrating how the development will achieve, through site landscaping, a net gain for Biodiversity against the agreed baseline position submitted with the application in May 2022;

E) A statement and relevant plans to confirm that at least 6% of dwellings will be 'wheelchair adaptable' in line with Part M4(3)(2)(a) of the Building Regulations or any successor standard, and that all remaining dwellings will be accessible and

adaptable in line with Part M4(2) of the Building Regulations or any successor standard.

F) An Acoustic Assessment carried out by a qualified acoustic consultant along with associated supporting plans, demonstrating how the detailed Appearance, Landscaping, Layout, and Scale of the development has been designed to achieve acceptable internal and external noise levels at all dwellings, having regard to the recommendations contained within the WSP Bromborough Wharf East Noise Impact Assessment (document ref 62290568-NV-001) dated November 2023.

G) An Energy and Climate Change Statement demonstrating how the final design of the development will be 'zero carbon ready by design' in accordance with policy WS8 of the emerging Wirral Local Plan, and in all other respects meets the 'Planning for climate change' objectives of Section 14 of the National Planning Policy Framework.

H) A Phasing Plan demonstrating the number, size, and type of dwellings to be delivered in each phase, the expected timescales for the commencement of marketing, construction and first occupation of dwellings within each phase, and the site landscaping and public open space (including where relevant, formal children's play) to be completed and made available for use alongside the completion of dwellings within each phase.

I) Notwithstanding the approved masterplan and parameters plans, a site layout plan demonstrating the provision of a continuous, segregated, pedestrian and cycle route along the waterfront promenade and extending to the site access points on Dock Road South and Riverview Road.

J) Notwithstanding the approved masterplan and parameters plans, a site layout plan demonstrating the provision of a spine road constructed to a width and standard that would allow ease of access and use by buses of up to 12 metres in length between Dock Road South and Riverview Road, with provision of bus stops (including shelters) in both directions located to ensure that all dwellings are situated within 400 metres safe walking distance of a bus stop.

K) Plans demonstrating the vehicular and cycle parking arrangements for each dwelling, the refuse storage and collection arrangements for each dwelling, and the highways proposed to be offered for adoption; and

L) A Heritage Statement demonstrating how the detailed appearance, landscaping, layout, and scale of development within the 'Gatehouse' site will preserve or enhance the setting of the Bromborough Pool Conservation Area.

**Reason:** To enable the Local Planning Authority to control the development in detail, in the interests of proper planning to ensure a well-designed development that achieves a high standard of amenity for users.

#### **PRIOR TO COMMENCEMENT CONDITIONS**

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

All previous uses.

Potential contaminants associated with those uses.

A conceptual model of the site indicating sources, pathways and receptors.

Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.

4. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

**Reason:** 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 187 of the National Planning Policy Framework.

9. No development shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.



**Reason:** To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the National Planning Policy Framework and the 'The Environment Agency's approach to groundwater protection'.

10. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the principles identified in the Flood Risk Assessment and Surface Water Drainage Strategy: Flood Risk Assessment and Drainage Strategy – Bromborough Wharf East [15th December 2023/ Project No. 21-0441.01 /Issue No. 5/ Delta Simons] and the Flood Risk Assessment and Drainage Strategy – Bromborough Wharf East (Gatehouse site) [15th December 2023/ Project No. 21-0441.04 /Issue No. 3/ Delta Simons] and incorporate sustainable drainage details, including any off-site works and any permissions for connections to private drainage systems/land drainage consents. The submitted scheme must include:

a) Strategy to demonstrate how surface water will be managed throughout the construction phase.

b) Detailed hydraulic modelling calculations, the method employed to delay and control the surface water discharged from the Gatehouse site, the measures taken to prevent pollution of the receiving groundwater and/or surface waters, and the measures taken to prevent surface water from non-highway areas discharging into the highway.

c) A timetable for its phased implementation.

d) The management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved details.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 182 of the National Planning Policy Framework.

11. No development shall commence on site until a foul water drainage strategy, including any phasing, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 182 of the National Planning Policy Framework.

12. No construction shall commence (including demolition, site clearance and any earthworks) until details of the means of ensuring the sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing.

These details shall include the following:

(i) Evidence that diversion works for the sewer has been agreed with the relevant statutory undertaker and that the approved works have been undertaken.

(ii) Details of the means of ensuring the sewer is protected from damage as a result of the development. These details shall include the potential impacts on the sewer from construction activities and the impacts post completion of the development, including landscaping, on the sewer infrastructure, and identify mitigation measures, to protect and prevent any damage to the sewer both during construction and post completion of the development.

Any mitigation measures identified by (ii) shall be implemented in full prior to commencement of development in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

**Reason:** In the interest of public health and safety and to ensure protection of essential services.

13 No site clearance, preparatory work or development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall meet the requirements of all ecological protection measures as set out in the Environmental Statement and the Council's Appropriate Assessment and shall be complied with throughout the construction period for the development and shall include details of:

#### Ecology

- a) Means of protection for ecological protection areas/buffer zones, including construction lighting and pollutants
- b) Working method statements for protected/priority species.
- c) A method statement for the treatment and removal of invasive species should these be identified on site, and for appropriate exclusion zones to be put in place following identification.
- d) Work schedules for activities with specific timing requirements to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

#### Waste Management

- a. The anticipated nature and volumes of waste that the demolition and construction phases of development will generate,
- b. The steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,
- c. The steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and
- d. Any other steps to be taken to manage the waste that cannot be incorporated into the new development.

**Reason:** In order to avoid harm to biodiversity and in the interests of the sustainable use of resources.

14. Should any phase of development include land falling within the root protection area of any tree or hedgerow, whether on-site or off-site, no development within that phase shall commence (to include demolition, site clearance, and any earthworks) until an Arboricultural Impact Assessment and Method Statement (to include Tree Protection Plan) carried out by a competent person in accordance with British Standard 5837 (2012) - Trees in Relation to Design, Demolition, and Construction, or any successor standard, has been submitted to, and approved in writing by the Local Planning Authority.

Thereafter, development shall be carried out in accordance with the approved details. with any root protection area fencing required being installed prior to any plant or materials being brought onto site and retained until all development within that phase is complete.

**Reason:** To ensure the continued health and amenity value of existing trees and hedgerows in accordance with saved policy GR7 of the Wirral Unitary Development Plan.

15. Unless existing hard surfaced accesses are to be used for construction vehicles, there shall be no access by construction vehicles between the highway and the application site for any phase (except for the purposes of constructing the initial site access) until the access for that phase, extending 20 metres into the site from the carriageway of the existing public highway has been made up and surfaced in accordance with the approved details or to the specification of the Local Highway Authority.

**Reason:** To ensure a satisfactory means of access to the site from the public highway in the interest of highway and pedestrian safety.

16. No development shall commence until:

- (i) The details of the following off site required highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority,
- (ii) An independent Stage 1/2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 -Road Safety Audit or any superseding

regulations and the recommendations of the Audit have been addressed in the proposed works.

(iii) A programme for the completion of the proposed works in relation to the phasing of the housing delivery has been submitted to and approved in writing by the Local Planning Authority.

The required highway improvements shall comprise:

- i. The provision of the three site access junctions off Dock Road South and Riverview Road as shown on drawings ED000115-CAP-TP-XX-SK-TPL-003 Revision P01, ED000115-CAP-TP-XX-SK-TPL-004 Revision P01, and ED000115-CAP-TP-XX-SK-TPL-005 Revision P01;
- ii. Enhancement of the existing footway to the south side of Dock Road South between the site accesses and the junction of Dock Road South with Thermal Road to include a minimum width of footway of 2 metres, the provision of dropped kerbs with tactile paving where vehicular accesses cross the footway, and the raising to standard footway level with kerbing of any redundant vehicular crossings.
- iii. Controlled crossing facilities at the junction of Dock Road South with Thermal Road,
- iv. Controlled crossing facilities at the junction of Port Causeway with the A41 New Chester Road,
- v. the upgrade of the uncontrolled crossing facility to the south of Port Causeway/ Thermal Road junction to a toucan crossing,
- vi. the upgrade of the junction of Riverbank Road/ Thermal Road to signal control incorporating controlled pedestrian crossing facilities.
- vii. Replacement/upgrade of street lighting necessary as part of the detailed design, and
- viii. Drainage works necessary to facilitate the highway works.

Thereafter, the highway works shall be constructed in accordance with the details approved by the Local Planning Authority.

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

17. No development shall commence on any phase of development, including any works of demolition, until a Highways and Neighbour Amenity Construction Method Statement (CMS) for that phase has been submitted to and approved in writing by the local planning authority. The approved CMS shall be complied with throughout the construction period for the development and shall include details of:

- a) site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
- b) a programme of works, including measures for traffic management and details of temporary signage;
- c) measures to prevent to deposit of mud/grit/dirt on the public highway, to include to provision of wheel washing facilities;

- d) Management, routing and control of HCV construction traffic;
- e) measures to control the emission of dust and dirt during construction; and,
- f) delivery, demolition and construction working hours.

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

18. No development in any phase containing any formal children's play (NEAP, LEAP, or LAP) shall commence until a play equipment specification demonstrating the play equipment to be provided within that phase has been submitted to and approved in writing by the Local Planning Authority, along with:

- i. A safety audit,
- ii. Confirmation of when the play equipment will be installed and made available for use in relation to the completion of the housing within that phase, and
- iii. Ongoing management and maintenance arrangements for the play equipment.

Thereafter, development shall be carried out in accordance with the approved details and the LAP, LEAP or NEAP shall be made available for use in accordance with the approved phasing plan and shall thereafter be retained for its intended purpose.

**Reason:** To ensure the development makes satisfactory provision for children's play in accordance with the objectives of saved policy RE11 of the Wirral Unitary Development Plan and paragraph 98 of the National Planning Policy Framework.

19. No development shall commence until an Employment and Skills Plan relating to the construction phase of development has been submitted to and agreed in writing by the Local Planning Authority. The Employment and Skills Management Plan shall 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 shall include, but not be limited to:

A) 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;

B) 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;

C) 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;

D) Providing apprenticeship job opportunities; and

E) 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.

Thereafter, 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.

**Reason:** To ensure that opportunities are provided for local people and businesses to benefit from employment, training, and supply chain opportunities directly arising from the development in accordance with the objectives of paragraph 85 of the National Planning Policy Framework.

20. No development within any phase shall take place until a Digital Infrastructure Strategy setting out full details of all internet provisions for that phase, including consideration of provision to link to fibre network, has been submitted to and approved in writing by the Local Authority.

Thereafter, the Digital Infrastructure Strategy shall be implemented in accordance with the approved details and no dwelling shall be occupied until it has been connected in accordance with the approved strategy.

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

## **CONSTRUCTION PHASE CONDITIONS**

21. No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** 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 from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

22 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and Position Statement J of the 'The Environment Agency's approach to groundwater protection'.

23. The development shall be carried out in accordance with the submitted flood risk assessments and the following mitigation measures they contain:

For the Main Site:

Delta Simons Reference 21-0441.01 issued December 2023

Finished floor levels shall be set no lower than 8.50 metres above Ordnance Datum (AOD)

For the Gatehouse Site

Delta Simons Reference 21-0441.04 issued December 2023

Finished floor levels shall be set no lower than 10.50 to 12.70m metres above Ordnance Datum (AOD). Document of exact FFL's is page 37 of the above FRA - drawing reference 1339/110 dated October 2023.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

24. If, during the course of development, any contamination posing unacceptable risks is found, which has not been previously identified, additional measures for the remediation of the land shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures, and a verification report shall then be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling within the affected area.

**Reason:** To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of ground contamination in line with paragraph 187 of the National Planning Policy Framework.

25. During the construction phase(s) the dust mitigation measures as set out in Chapter 7 of approved document 'Air Quality Assessment' (WSP, 62290568-AQ-001, October 2023), as well as those set out within the Institute of Air Quality Management (IAQM) guidance on the assessment of dust from demolition and construction shall be adhered to in full.

**Reason:** In the interests of amenity and to accord with saved policy PO1 of the Wirral Unitary Development Plan and NPPF paragraph 199.

26. No development above ground floor slab level shall take place within any phase until an external Lighting Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Lighting Strategy shall contain information on the type(s) of lighting appliance(s) to be installed, the height and position of fittings, illumination levels and light spillage. The Strategy will also demonstrate how it has been designed to protect ecology and avoid excessive light spill onto habitats including tree, hedgerow, grassland, woodland, ditches, mosaic and ponds.

Development shall thereafter be carried out in accordance with the approved lighting strategy.

**Reason:** To protect biodiversity and to avoid significant harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 193 of the National Planning Policy Framework.

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

**Reason:** To protect biodiversity and to avoid significant harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 193 of the National Planning Policy Framework.

28. No development above ground floor slab level shall take place within any phase until details of the bat boxes/bricks and bird boxes to be installed within that phase, to include their number, type, and location on a suitably scaled plan, as well as the timing of their installation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be installed in accordance with the approved details and retained.

**Reason:** To protect biodiversity and to avoid significant harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 193 of the National Planning Policy Framework.

#### **PRIOR TO OCCUPATION CONDITIONS**

29. No dwelling to which this planning permission relates shall be occupied until:

A) The carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation,



B) Its related vehicular and cycle parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and always retained for their intended purpose, and

C) The foul and surface water drainage network serving the dwelling has been completed.

**Reason:** In the interests of highway safety and amenity, and satisfactory and sustainable drainage.

30. No dwelling to which this planning permission relates shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:

(a) the appointment of a travel plan co-ordinator

(b) a partnership approach to influence travel behaviour

(c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site

(d) provision of up-to-date details of public transport services

(e) continual appraisal of travel patterns and measures provided through the travel plan, and

(f) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented, and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

**Reason:** To ensure the opportunities provided by the development to promote walking, cycling, and public transport use are pursued, in accordance with paragraph 109 of the National Planning Policy Framework.

31. No dwelling shall be occupied within any phase until a management scheme for the future management and maintenance of the Open Space within that phase has been submitted to and approved in writing by the Local Planning Authority. The management scheme shall include the following:

A. the maintenance requirements for the Open Space including all ongoing maintenance operations, specifically identifying the management objective, task, timing and frequency of the operation for all the features;

B. details of who (the relevant party) is to undertake the on-going future maintenance of the Open Space to ensure that these remain safe and available for public use and details of the appropriate remedies that will apply should the nominated party become insolvent or otherwise in default in relation to the management and maintenance of the Open Space;

- C. in relation to the Open Space the hard and soft landscaping, surfacing materials, furniture, refuse or other storage units, signs, lighting, boundary treatments, trees, shrubs and hedge plants (in line with the reserved matters details submitted in relation to condition 1);
- D. levels of charges for funding of the maintenance and funding the running of the management company (if a management company is appointed under the planning agreement attached to the planning permission); and
- E. insurance details.

Thereafter the development shall be carried out in accordance with the approved scheme which can be amended from time to time in writing with the Council.

**Reason:** In the interests of the proper maintenance of open space within the site.

32. No dwelling shall be occupied until a 30-year Landscape and Ecological Management Plan (LEMP) for biodiversity assets on the site has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- A) Ecological features (i.e. description and evaluation of the features to be managed);
- B) Ecological trends and constraints on site which may influence management;
- C) Landscape and Ecological Management Aims and Objectives;
- D) Appropriate management options for achieving aims and objectives;
- E) Prescriptions for management actions;
- F) Landscape Plan and Planting Schedule;
- G) Prescriptions for management actions/operations (general and specific e.g proposed tree specimen planting, modified grassland, mixed shrub, paths/hardstanding etc);
- H) Preparation of a work schedule for management actions/operations over 30-year period (i.e. annually and at year 5, year 10 and so on); and
- I) Review and implementation (e.g. Personnel responsible for implementation of the plan; confirmation of funding and ownership; details of a programme of monitoring and remedial measures triggered by monitoring etc)

Thereafter the site shall be managed in full accordance with the approved plan.

**Reason:** To secure the long-term management of the created habitats and their contribution to biodiversity and the local environment.

33. 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 within any phase shall take place until a Building Regulations assessment confirms that the development in that phase 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.

34. No dwelling within any phase shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy for that phase, and the effectiveness of the remediation, has been 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 ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met, and that remediation of the site is complete. This is in line with paragraph 187 of the National Planning Policy Framework.

35. No dwelling within any phase shall be occupied until a validation report confirming that the remediation treatment for the eradication invasive species, including Japanese Knotweed, within that phase has been carried out in accordance with the approved document 'Japanese Knotweed Management Plan' ( issue 2, Grammont Group , October 2021) and that the site has been free of invasive species for twelve consecutive months, has been submitted to and approved in writing by the Local Planning Authority.

**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.

36. No dwelling within a phase shall be occupied until an Acoustic Verification Report, carried out by a qualified acoustic consultant, demonstrating that acceptable internal and external noise levels have been achieved for dwellings within that phase, in accordance with the Acoustic Assessment submitted pursuant to condition 7, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To confirm that acceptable internal and external noise mitigation has been achieved, in the interests of residential amenity and to protect the operations of nearby businesses.

37. No dwelling to which this planning permission relates shall be occupied until 'Hedgehog Highways' (13cm by 13cm gaps) have been installed into the base of any close boarded fences surrounding that dwelling. Thereafter the hedgehog highways shall be retained.

**Reason:** In order to maintain habitat connectivity for hedgehogs.

## **POST OCCUPATION AND COMPLIANCE CONDITIONS**

38. Upon occupation, the occupier(s) of each dwelling shall be provided with a copy of the information leaflet 'Respecting Nature in Wirral: A voluntary code for responsible recreation' (or any document that supersedes or updates that document) as part of their homeowner/tenant information pack.

The developer shall maintain a register of the date on which each occupier was supplied with the leaflet and, no later than one month after occupation of the final dwelling comprised within each phase, the register for that phase shall be deposited in writing with the Local Planning Authority.

**Reason:** To avoid significant adverse effects upon statutory designated nature conservation sites arising from recreational disturbance to qualifying species, in accordance with saved policies NC1 and NC3 of the Wirral Unitary Development Plan and paragraph 193 of the National Planning Policy Framework.

## **END OF SCHEDULE**

### **BIODIVERSITY NET GAIN STATEMENT**

Biodiversity Net Gain – Biodiversity Gain Plan Not Required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

The application for planning permission was made before 12 February 2024.

