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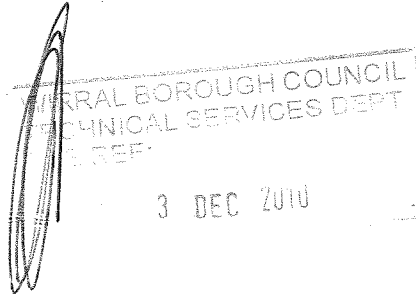
BY E-MAIL AND POST

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29 November 2010

Your Ref: OUT/2209/06509
Our Ref: PNW/5094/219/28

Dear *Ms Storey,*

TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AT EAST FLOAT QUAY, DOCK ROAD, SEACOMBE, WIRRAL, AND CREATION OF NEW CITY NEIGHBOURHOOD OF URBAN QUARTERS CONSISTING OF A MAXIMUM OF 13,521 RESIDENTIAL UNITS (C3), A MAXIMUM OF 422,757 SQ M OF OFFICE AND RESEARCH AND DEVELOPMENT USES (B1), 60,000 SQ M RETAIL USES (A1-A5), A MAXIMUM OF 38,000 SQ M OF HOTEL AND CONFERENCE FACILITIES (C1) AND 100,000 SQ M OF CULTURE, EDUCATION, LEISURE, AMENITY AND COMMUNITY FLOORSFACE (D1 AND D2). WITHIN THE OVERALL MAXIMUM FLOORSFACE 48,500 SQ M OF FLEXIBLE USE IS SOUGHT UNDER GPDO CLASS E

PLANNING APPLICATION NUMBER: OUT/2209/06509

1. I refer to your letter dated 8 September 2010 referring to the Secretary of State for Communities and Local Government, under the Town and Country Planning (Consultation) (England) Direction 2009, the planning application detailed above. On 27th October 2010 the Secretary of State directed under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, that your Council should not grant planning permission on the application without specific authorisation. This Direction was issued to enable the Government Office to have further time in which to consider the application.



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2. As you know, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that, in general, they should be free to carry out their duties responsibly with the minimum of interference.
3. There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine it himself instead of leaving it to the local planning authority. His policy is to be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved and if those issues need to be decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.
4. This application involves substantial proposals. The Secretary of State has carefully considered all the relevant planning issues raised by the application and the documentation received. The issue before the Secretary of State for decision is not whether the application should be granted planning permission but whether or not he should call it in for his own determination. In particular, in deciding whether or not this case raises issues which would justify a decision by him rather than the local planning authority, the Secretary of State considers that the main matters relevant to his decision on this case are his policies with regard to:
- Design (PPS1: Delivering Sustainable Development);
 - The issue of prematurity (also addressed in PPS1);
 - Housing (PPS3);
 - Economic development and regeneration; including the Government's objectives for prosperous economies and policies for sustainable economic growth, and the need for sequential and impact assessment in considering planning applications for development for main town centre uses that are not in a centre and not in accordance with an up-to-date development plan (PPS4: Planning for Sustainable Economic Growth);
 - Transport, including parking standards (PPG 13: Transport).
5. Some parties have expressed concerns about design issues. However, the proposal is in outline and these would appear to the Secretary of State to be resolvable when detailed designs are fleshed out at reserved matters stage. They do not appear to raise issues of more than local importance.
6. The issue of prematurity has been raised by some interested parties. However, the emerging Core Strategy has not yet reached a stage where it has any firm policies or proposals that could be pre-empted by a decision in this case, and the Secretary of State finds no compelling case to call in the proposals on prematurity grounds.
7. There are complex issues around the level of housing need in Wirral and what targets will be appropriate. However the Secretary of State notes the general support for provision of substantial housing growth on this previously developed site and he finds no significant conflict with national policy in regard to housing.



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8. As regards the office, research and development floorspace elements of the proposals, the Secretary of State considers that job creation on the scale envisaged would accord well with the overarching objective of PPS4 to promote sustainable economic growth. In terms of the sequential approach he queries whether there has been exhaustive consideration of the potential for at least some further business development to be located within Birkenhead town centre. However, given the particular circumstances of the Wirral with its need for dockland regeneration he does not find any significant conflict with national policy in this respect.
9. The Secretary of State has given careful consideration of whether the proposals for retail conflict with national policy in PPS4, particularly in regard to the sequential approach and assessment of impacts on town centres. He has some concerns, particularly concerning what proportion of the retail space can be regarded as ancillary and some of the parameters used in the sequential assessment. However, he notes that the Council intends to use conditions to control the rate of retail development and limit the amount and size of units in any one phase of development, so that the total quantum and therefore potential impacts are spread over the whole period of development of about 40 years. The Secretary of State considers that this approach does not raise significant issues in terms of national planning policy on town centres.
10. Turning to transport matters, the proposals raise important issues in relation to the level of non-residential parking provision. However the Secretary of State notes that the Council also proposes to use conditions to control the level of provision allowed at each phase of development. This being so, he does not consider there is any significant conflict with national policy on transport.
11. Although the retail aspects of the proposal have generated considerable opposition from existing retail interests locally, and there have been concerns about other matters such as design and parking, the proposals as a whole have not given rise to substantial national or regional controversy.
12. Having carefully considered all relevant planning issues and the representations received, in the light of his policy on call in the Secretary of State has concluded that neither prematurity considerations nor the potential conflict between certain aspects of the proposals with national planning policy are sufficient to warrant calling in the application for his own determination. He has also concluded there is no other sufficient reason to justify the exercise of his discretion and he has therefore decided that he should leave the decision on whether or not to grant planning permission in this case to the local planning authority.
13. The Article 25 Direction issued pursuant to the Secretary of State's letter of 27 October 2010 is hereby withdrawn.
14. In considering whether to exercise his discretion to call in this application, the Secretary of State has not considered the matter of whether this application is EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The local planning authority responsible for determining this application remains the relevant authority responsible for considering whether these regulations apply to this proposed development and, if so, for ensuring that the requirements of the Regulations are complied with.
15. A copy of this letter is being sent to Angela Eagle MP, Esther McVey MP, Stephen Twigg MP, Derek Twigg MP, Alison McGovern MP, Luciana Berger MP, Frank Field MP and Arlene McCarthy MEP, and to all other third parties who made representations on this application.



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16. A copy of the permission that may be granted by the Council for the development should be sent to the Secretary of State at the above address in due course.

Yours sincerely
Jo Lappin

Jo Lappin

Authorised by the Secretary of State
to sign in that behalf.