

**Planning Committee**

24 May 2012

**Reference:**  
**APP/12/00416**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mr K Spilsbury**

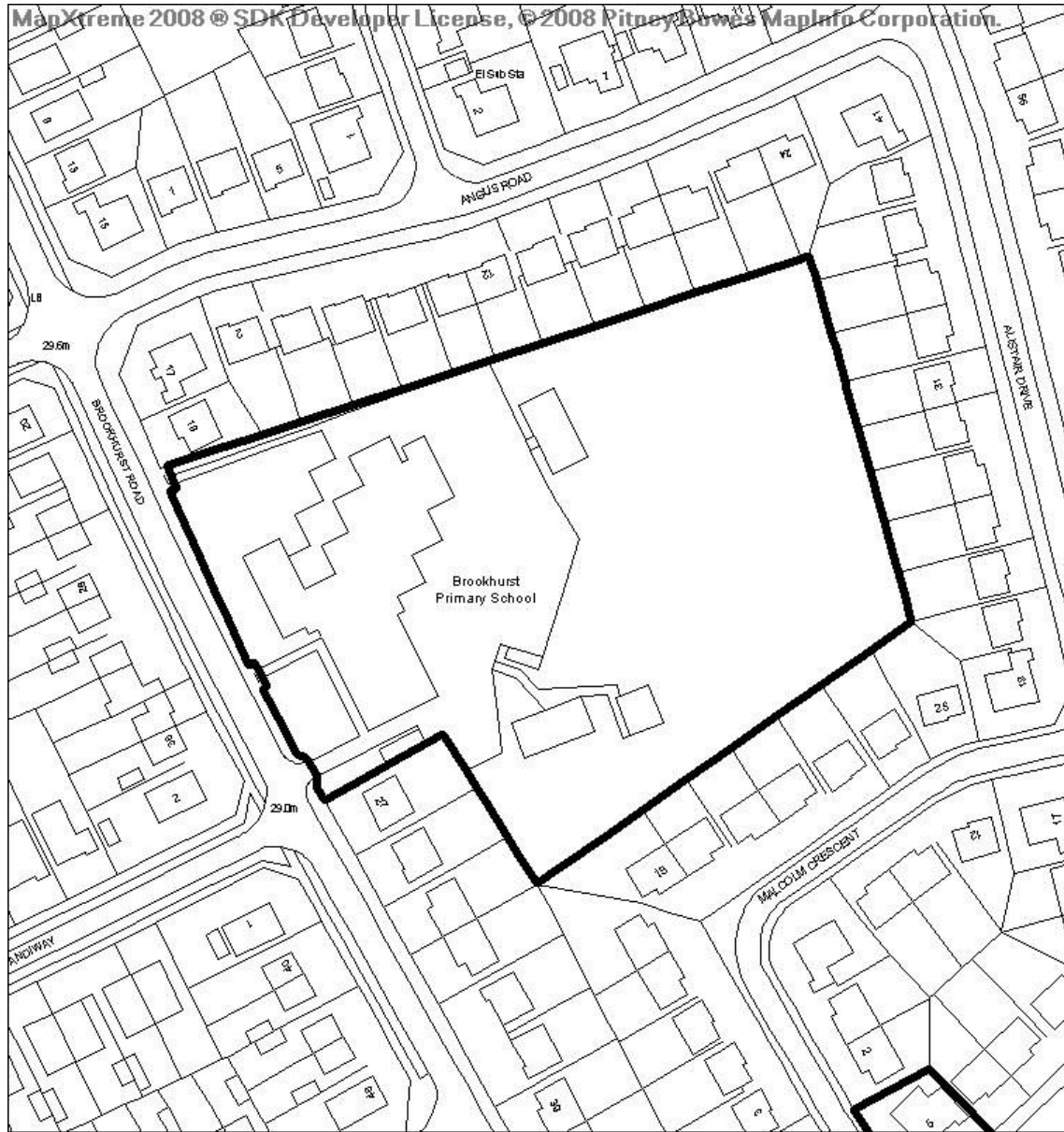
**Ward:**  
**Clatterbridge**

**Location:** Brookhurst Primary School, BROOKHURST ROAD,  
BROMBOROUGH, CH63 0EH

**Proposal:** Retrospective planning application for the erection of trim-trail climbing apparatus within the rear playground area of the school site.

**Applicant:** Director of CYPD  
**Agent :** Wirral Council

**Site Plan:**



**Development Plan allocation and policies:**

Primarily Residential Area  
School Playing Field

**Planning History:**

APP/12/00147 Retrospective planning application for the erection of trim-trail climbing apparatus within the rear playground area of the school site. WITHDRAWN 15/03/12

APP/09/05200 Replacement of existing nursery unit to the rear and erection of new purpose built nursery in modular accommodation APPROVED CONDITIONALLY 21/04/09

DPP3/10/01111 Alteration and making good to soft and hard playground area, alterations to existing car parking area and removal of external play equipment storage container APPROVED CONDITIONALLY 17/12/10

**Summary Of Representations and Consultations Received:**

**REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Applications, neighbour notification letters were issued to 52 adjoining properties, and a site notice erected at the site. At the time of writing this report two representations have been received from the occupiers of 17 and 19 Malcolm Crescent. These objections can be summarised as follows;

1. The Location of the development is 5.5m from the rear of 17 Malcolm Crescent and under 5m from 19 Malcolm Crescent. This is contrary to policy RE11 of Wirral's Unitary Development Plan. They state that Council guidance suggests that the development should be at least 20m away.
2. Loss of Privacy as a result of children using the equipment.
3. The development has resulted in an intensification of use of the field resulting in noise and general disturbance outside of school hours.
4. The siting of the equipment is within an area that is liable to floods, why was a flood risk assessment not undertaken.
5. There are other more suitable areas for the equipment away from neighbouring properties.
6. Inadequate consultation with neighbouring residents by the applicant prior to construction.

Councillor Kearney has asked for the application to be taken out of delegation for the following reasons:

1. CYPD allowed this unauthorised development to be constructed without prior consultation with neighbouring residents and before planning permission was obtained.
2. Detrimental visual impact of the activity area on to neighbouring residential property.
3. Loss of privacy.
4. Visually obtrusive construction.
5. Location of activity area contrary to the Council's UDP RE11 policy (criteria for children's play facilities policy) because the edge of the activity area is within 20 metres of the nearest residential property boundary.

Councillor McLachlan has also requested that the Planning Committee undertake a site visit.

**CONSULTATIONS**

Director of Technical Services (Traffic and Transportation Division) – no objection

Director of Law, Human Resources and Asset Management (Environmental Health Division) – no objection.

United Utilities - No Objection

**Directors Comments:**

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application has been taken out of delegated powers by Councillor Kearney. Councillor Ann McLaughlin has also requested a Committee site visit

**INTRODUCTION**

The proposal is retrospective planning application for the erection of a trim trail climbing apparatus within the rear playground area of the school site.

**PRINCIPLE OF DEVELOPMENT**

The site is located within a primarily residential area and is therefore acceptable in principle subject to policy HS15.

**SITE AND SURROUNDINGS**

Brookhurst Primary School is a predominant single storey school located within a primarily residential area.

The school is set back from the road and is surrounded by a low level hedgerow separating it from the pavement on Brookhurst Road.

The Trim Trail is located within the rear field area of the school towards the southern boundary of the site and is approximately 6m from the rear fence area of those properties located on Malcolm Crescent.

There is an area of hardstanding to the west of the site that is used as a playground, in addition to an existing wooden shelter directly adjacent to the site.

Surrounding dwellings vary in design, those backing onto the site on Malcolm Drive are predominantly detached dwellings with large rear gardens separated from the site by approximately 2m high close bard fencing and hedgerows.

**POLICY CONTEXT**

Policy HS15 - Non Residential Uses in Primarily Residential Areas is relevant in this instance.

The policy states that within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

- (i) be of such scale as to be inappropriate to surrounding development;
- (ii) result in a detrimental change in the character of the area; and,
- (iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

The land has previously been designated as School Playing Field within Wirral's Unitary Development Plan, however this policy has not been saved.

The National Planning Policy Framework para 74 is also relevant. This states;

" Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss".

It is considered that whilst the introduction of the play equipment is technically deemed as a loss of part of the sports field, the development is considered acceptable under point three of paragraph 74, as it represents an alternative provision which has been identified by the school as an essential facility for sport and recreation and therefore clearly outweighs the loss. There is also considered sufficient playing field left within the curtilage of the site for sport and recreation as the overall site measures 0.17ha with approximately half the site dedicated to school playing field.

### **APPEARANCE AND AMENITY ISSUES**

The proposal is already in situ within the site and is approximately 5.5-6m from the nearest residential boundary.

There have been two objections received from the occupiers of 17 and 19 Malcolm Crescent who immediately back onto the site of the development. There objections can be summarised as follows;

1. The Location of the development is 5.5m from the rear of 17 Malcolm Crescent and under 5m from 19 Malcolm Crescent. This is contrary to policy RE11 of Wirral's Unitary Development Plan. They states that Council guidance suggests that the development should be at least 20m away.

Policy RE11 is not directly relevant in this instance. This policy relates to the requirement for developers to provide suitable areas for children's play within the layout of proposals for new housing development. In any case there is no set distance within planning policy for a 20m separation distance.

2. Loss of Privacy as a result of children using the equipment.

The equipment is 2.4m high at its highest point. This provides a supporting beam for hanging wires which extend below the beam allowing children to hand from them. The wires are approximately 800mm in length which is below the level of the boundary fence with 17 and 19 Malcolm Crescent. As such the equipment is not deemed to result in any loss of privacy that of children standing on the field approximately 5.5-6m from the neighbouring properties.

3. The development has resulted in an intensification of use of the field resulting in noise and general disturbance outside of school hours.

It is considered that as the site of the development is located within an existing school field there is likely to be some level of noise and disturbance associated with the field. It is unknown why after/out of school activities have increased on the site, however there is no evidence to support the claim that the new trim trail is the result of this activity in addition it could also be argued that this increase activity would have occurred even if the equipment did not exist as there are no conditions attached to the site which limits its usage.

4. The siting of the equipment is within an area that is liable to floods, why was a flood risk assessment not undertaken.

As the size of the development site is only 7m x 10.8m it does not trigger the requirement for a flood risk assessment. Floodrisk assessments are only required on sites that are in excess of a hectare or located within a flood plain. However, United Utilities have been consulted as part of the applications consultation process and no objection have been received.

5. There are other more suitable areas for the equipment away from neighbouring properties.

The rationale behind the location of the scheme is not for the Planning Department to consider. The development therefore must be assessed against all relevant policy in its current location. Finding an alternative location is not considered a planning matter.

6. Inadequate consultation with neighbouring residents by the applicant prior to construction.

This is not a planning matter.

As the development is located within an existing school field which already contains other play equipment including a wooden shelter of a similar height and scale immediately to the east of the development, the trim trail is considered to be acceptable in terms of design and scale and will not result in a detrimental change in the character of the area.

The height, design and siting in relation to neighbouring residential properties is considered acceptable as it is located approximately 5m-6m from the nearest residential property and there is sufficient screening in the way of an approximately 2m high close board fence to prevent overlooking into the residential curtilage.

The noise and disturbance associated with the scheme is not considered materially different from that generated by that generated by the existing school field and as such the proposed development is deemed acceptable in terms of the criteria set out in Policy HS15 of Wirral's Unitary Development Plan.

#### **SEPARATION DISTANCES**

It is considered that the location of the trim trail is a sufficient distance away from neighbouring residents not to result in any additional noise, disturbance or overlooking that of the existing field and is therefore acceptable in terms of the criteria set out in Policy HS15 of Wirral's Unitary Development Plan.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

The Director of Technical Services - Traffic management Division has no objection to the scheme subject to conditions.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The retention of the trim trail climbing apparatus within this location is deemed acceptable with regards to residential amenity and in terms of the criteria set out in Policy HS15 of Wirral's Unitary Development Plan and the National Planning Policy Framework and is therefore recommended for approval.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The retention of the trim trail climbing apparatus within this location is deemed acceptable with regards to residential amenity and in terms of the criteria set out in Policy HS15 of Wirral's Unitary Development Plan and the National Planning Policy Framework and is therefore recommended for approval.

**Recommended  
Decision:**

**Approve**

**Last Comments By: 02/05/2012 14:09:42**  
**Expiry Date: 15/05/2012**