

Planning Committee

17 April 2019

Reference:
APP/19/00001

Area Team:
Development
Management Team

Case Officer:
Ms J Storey

Ward:
Prenton

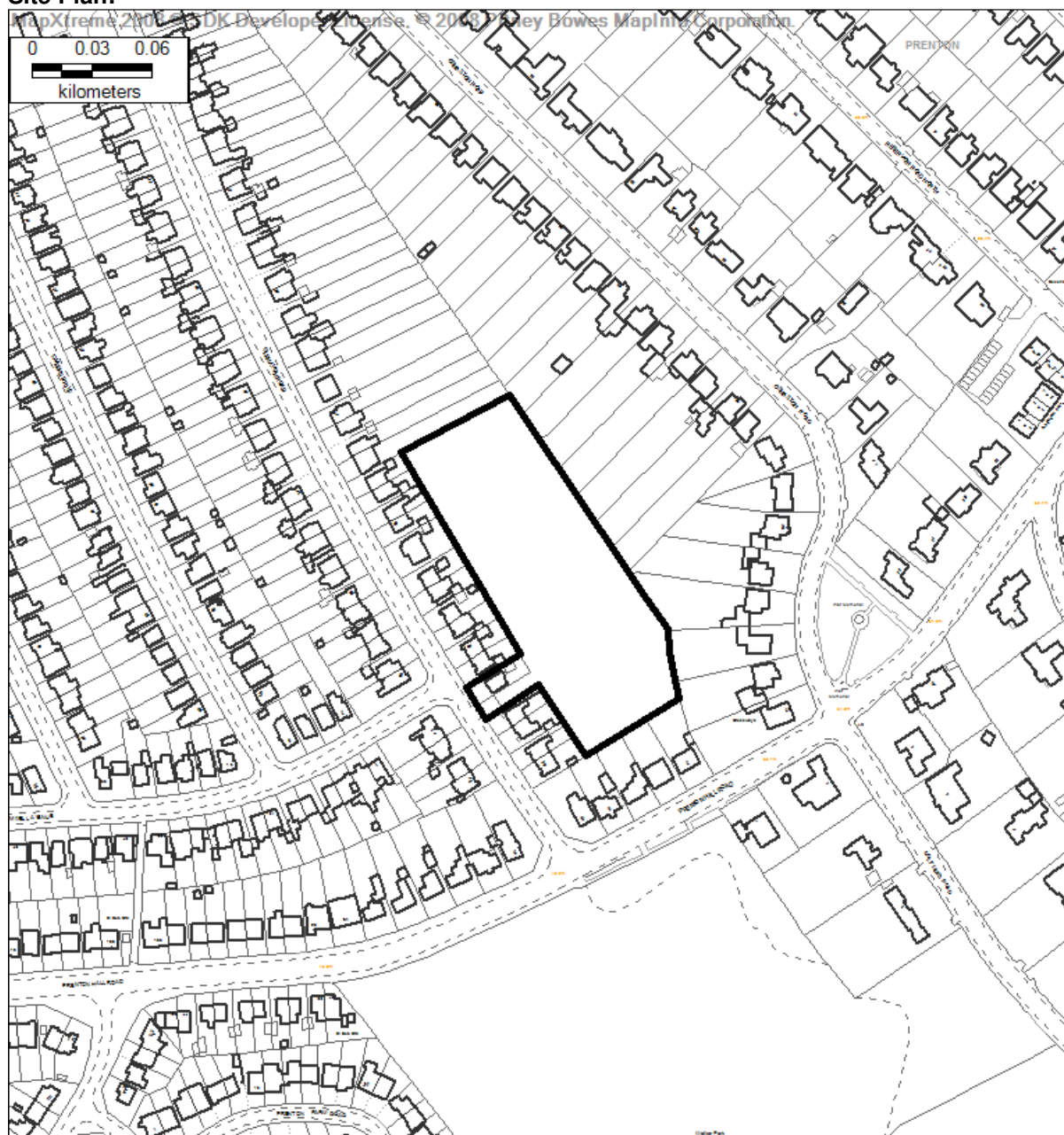
Location: Former Pershore House School Playing Fields, GLENAVON ROAD, PRENTON

Proposal: Demolition of no. 81 Glenavon Road and its replacement with a single dwelling and domestic curtilage, and the erection of 31 new build homes (of which 6 are semi-detached affordable homes and the remainder detached market homes) with associated garages, driveways, private gardens, bin stores, means of enclosure and a sustainable drainage system (SUDS), all to be accessed from a single point of access via Glenavon Road (utilising the existing access point).

Applicant: Elite Land Group Ltd
Agent : Roman Summer Associates Ltd

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area
Sports Ground

Planning History:**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 Councillors Davies and Norbury Have requested that the application be taken out of delegation on the basis of over development and out of character with the existing area

2.0 SUMMARY OF REPRESENTATIONS

2.1 Having regard to the Council's Guidance on Publicity for Planning Applications, letters were sent to 62 properties and site notices displayed at the site. At the time of writing this report, 15 objections have been received. The objections relate to:

1. The land is protected by a covenant and cannot be built on
2. loss of light
3. does not appear to be affordable housing as per original plans
4. Impact on privacy
5. increase in traffic and impact on the existing road network, including waste collection, emergency service and safety issues
6. overdevelopment of the site
7. Increase in noise and general disturbance
8. wildlife on the site
9. covenant removed for a sum of money
10. application rejected at appeal
11. drains could not cope with additional pressure
12. overcrowding
13. Glenavon Road is used as a cut through, traffic already too high
14. concerned about the single access to the site
15. Previous plans have been rejected on the site, why allow this?
16. It would be dangerous to build on the land due to the lack of access for emergency vehicles
17. disruption to wildlife and residents
18. adverse impact due to volume of housing
19. land was left for the use of the children in a covenant, however it has now been sold by the council
20. Impact of wildlife (bats, birds, foxes and Great Crested newts)
21. Prenton primary is already full
22. reconsider the number of dwellings and the house type
23. understand that the covenant on the field has been sold to the council for £270,00

2.2 CONSULTATIONS

Engineers - no objection, subject to the attached conditions

Environmental Protection - No Objections

Merseyside Environmental Advisory Service (MEAS) - No objections

Natural England - No objections

Housing - No objection

Lead Local Flood Authority - No objection

Sport England - Objects on the grounds that there is no alternative sports pitch provision provided

3.1 Reason for referral to Planning Committee

3.1.1 The application has been taken out of delegated powers by Councillors Davies and Norbury on the grounds that the development constitutes over development and is out of character with the existing area.

The application was deferred from the Planning Committee on 21 March 2019 to allow external consultees time to assess the additional information submitted.

3.2 Site and Surroundings

- 3.2.1 The application site is the former Pershore House School Playing Field and comprises of 1.1 hectares of relatively open land containing mature trees to the North and West of the site.
- 3.2.2 The site is surrounded by on all sides by houses. Access to the site would be gained from between 81 and 83 Glenavon Road which are large two storey dwelling houses. No 81 is a detached dwelling and as part of the permission would be demolished to ensure adequate access is provided into the site.

3.3 Proposed Development

- 3.3.1 This application is for the demolition of No 81 Glenavon Road and its replacement with a single dwelling and the erection of 31 new dwellings, 25 detached and six semi-detached affordable units. Access to the site will be from Glenavon Road.
- 3.3.2 The proposal also includes a sustainable drainage system.
- 3.3.3 A previous application for the development of the site for a similar scheme for 29 dwellings was approved last year following a resolution by the Planning Committee to approve the application subject to a referral to the Secretary of State. This was due to an objection from Sport England. The Secretary of State confirmed that the decision should be taken by the Local Planning Authority.
- 3.3.4 The previous scheme, following the submission of a financial viability assessment for affordable housing proposed to provide 6, detached, 4 bedroomed dwellings. This current application is an amendment to the earlier scheme and provides six, semi-detached, 3 bedroomed affordable units.

3.4 Development Plan

- 3.4.1 The proposal for the erection of a residential development on a former private school playing field, which is a departure from the Wirral Unitary Development Plan because the site is identified as a sports ground on the UDP Proposals Map and in UDP Proposal RE6. The aim of Proposal RE6 is to protect the provision of playing fields within the urban area.
- 3.4.2 Policy HS4 - Criteria for New Housing Development is applicable to proposals for new housing development on allocated sites and within the Primarily Residential Areas. The following criteria is considered to be relevant development and advises that such proposals will be acceptable providing -
 - i. the proposal being of a scale which relates well to surrounding property, in particular regards to density and form
 - ii. does not result in a detrimental change in the character of the area
 - iii. access and servicing can be satisfactorily accommodated
 - iv. appropriate landscaping is proposed
 - v. design features should contribute to a secure a safe environment
 - vi. accessible public open space and children's play space
 - vii. provision of adequate individual private or communal garden space to each dwelling
- 3.4.3 Policy HSG2 enables the Local Planning Authority to negotiate for affordable housing, where appropriate in line with the findings in the Council's latest Strategic Housing Market Assessment. To address this, the Council normally requires schemes of this size to provide affordable housing at rate of 20% on site, unless it can be demonstrated that the site is not viable.
- 3.4.4 Policy GR5 The Local Planning Authority will require applicants to submit full landscape

proposals before planning permission is granted.

- 3.4.5 Policy GR7 - Trees and New Development sets out the criteria to assess the need to protect trees by having regard to health and structure of existing trees with a view to provide replacement trees.
- 3.4.6 UDP Policy TR9 requires off-street parking to be viewed on the context of overall transport policy and particularly, the need to reduce travel by private car, especially within areas that are well served by public transport.
- 3.4.7 UDP Policy TR11 seeks provision for cyclists in highway and development schemes.
- 3.4.8 Policies WAT1, WA2, WA3, WA4, and WA5 only permit development that would not increase the risk of flooding, where drainage and surface water runoff can be controlled with regard to the need for the protection of water resources including groundwater. In addition, Waste Local Plan Policies WM8 and WM9 set out the requirements for waste management, recycling and efficient use of resources.
- 3.4.9 Policies NCO1 and NC7 only permit proposals that would not adversely affect protected wildlife and habitats.
- 3.4.10 Policies TRT3, TR11 and TR13 make it clear that regard will be given to minimising vehicular and pedestrian conflict, securing access for disabled people, minimising the need to travel, parking and servicing arrangements and ensuring there is no negative impact on routes used by cyclists when assessing the impacts of the proposed development.
- 3.4.11 Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources; Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting. This can be addressed through the use of relevant planning conditions.

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF).

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Achieving well-designed places

Emerging Local Plan

- Policy CS22 - Affordable Housing Requirements
- Policy CS31 - Recreational Land and Buildings
- Policy CS42 – Development Management

Playing Pitch & Outdoor Sports Strategy (2016)

3.6 Assessment

3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development
- Design;
- Highways and PROW;
- Ecology; and
- Amenity
- Flood Risk and Drainage
- Alternative sports provision
- Affordable housing

- 3.7 Principle of Development:
- 3.7.1 The site is allocated as a 'Sports Ground' in the Unitary Development Plan (UDP). The criteria for protecting sports ground in UDP Policy RE5 did not remain in force following a Direction issued by the Secretary of State on 18 September 2007. In which case the loss of the existing open space and former sports ground must be assessed against the National Planning Policy Framework (NPPF, 19 February 2019).
- 3.7.2 NPPF sets a presumption in favour of sustainable development which includes; ensuring that sufficient land is available to support growth, a sufficient range and number of homes can be provided and by fostering a well-designed safe environment with accessible services and open spaces to meet current and future needs. For decision making this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless; the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- 3.7.3 NPPF paragraph 97 of the revised National Planning Policy Framework applies. Paragraph 97 states that 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 benefits of which clearly outweigh the loss of the current or former use.
- 3.7.4 The Core Strategy Proposed Submission Draft, which has been approved the Council as material consideration in the determination of planning applications could carry some weight, insofar as it's consistent with NPPF. Draft Policy CS31 would protect land use for sport unless it can be demonstrated:
- the site is genuinely surplus and not required for required for another recreational purpose;
 - it has been continuously marketed at realistic prices and there is no reasonable prospect of re-use for recreational purposes;
 - it is not needed for other purposes such as landscape character, biodiversity, drainage of flood defence;
 - it would be replaced with an equivalent or better facility to serve the same community.
- 3.7.5 NPPF paragraph 96 indicates that planning policies should be based on robust up-to-date assessments and information gained should be used to determine what provision is needed, which plans should seek to accommodate.
- 3.7.6 The latest Playing Pitch Strategy, adopted as a material consideration in the determination of planning applications by Council on 11 December 2017 (Minute 97 refers), indicates that for the Cloughton, Oxtun and Prenton area that there is:
- a current shortfall of an artificial 3G football playing pitch;
 - a current shortage shortfall of 2 mini match sessions for football increasing to a potential shortfall of 0.5 youth and 7 mini match sessions by 2025;
 - a current shortfall of 16 rugby match sessions, potentially increasing to 18 by 2025; and
 - a potential need to re-surface artificial pitches for hockey by 2025.
- 3.7.7 With regard to Glenavon Road Playing Field, the Strategy indicates that if disposal of the site is inevitable it must meet the requirements of the second criterion of former paragraph 74 of NPPF (now at paragraph 97 b). This requires replacement provision of an equivalent or better quantity and quality in a suitable location.
- 3.7.8 However, following dismissal of an appeal against the refusal of housing on this site on 4th November 2016 (Appeal ref 3156168) a further planning application was approved last year for the demolition of no 81 Glenavon Road and its replacement with a new dwelling and the

erection of 29 x 4 bedroomed detached dwellings. Planning Committee had resolved to approve the application subject to referral to the Secretary of State as there was a formal objection from Sport England on the basis that there was no alternative sports pitch provision in lieu of developing this site.

3.7.9 The Secretary of State responded that there would be no intervention and the decision should lie with the Local Planning Authority. Approval of the previous application was the subject to a Section 106 agreement for the provision of affordable housing on the site. This equated to 6 units at 20% of the total number proposed.

3.7.10 This application proposes a slight amendment to the approved scheme insofar as the proposed affordable units are 3 pairs of three bedroomed semi-detached properties, bringing the total number of units to 32 (3 more units in total than the previous approval)

3.7.11 Given the previous planning permission, it is considered that the current proposal is acceptable subject to the issues set out below.

3.8 Design:

3.8.1 The submitted drawing show 31 dwellings (of which 6 are semi-detached affordable properties and the remainder are detached market houses), each with front parking/amenity space and a rear garden comparable with the dwellings located on Glenavon Road. Visually the siting of the dwellings on this site maintains the character of the area with semi-detached dwellings evenly spaced on either side of the new access road and provides sufficient spacing to secure appropriate living standards and separation distances. It is considered that dwellings could therefore be accommodated within the site without detriment to neighbouring properties, offering sufficient amenity space without detriment to the existing neighbouring properties.

3.8.2 The design of the properties are traditional in style with bay windows and stone call and headers and will complement the surrounding properties. The dwellings will be constructed in a mix of brick and render with integral garages. It is considered that the proposed houses are well designed to respond to the prevailing type and character of housing in the local area.

3.8.3 The NPPF promotes good design, and suggests this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective use of land and existing infrastructure, in particular vacant and derelict sites. It is considered that the application addresses these key policy aims and objectives through the design and layout of the proposed dwellings and by making use of a vacant unused site in a sustainable location.

3.8.3 The proposed dwellings will be of a traditional aesthetic, reflecting and responding to the local distinctiveness of homes in the locality. All houses will be detached apart from six semi-detached affordable homes, and their orientation has been carefully considered to maximise light penetration and to create south facing gardens where possible. Each property is served by garages and /or driveway parking spaces, providing each dwelling with 2 spaces. The houses will have front gardens and larger rear gardens with a minimum depth of 10m, and over 100sqm in size in line with policy. All bins will be within a covered store to the rear of the property as indicated on the proposed site plan. Boundary treatment around the site edge will not exceed 2 metres height, and as such will cause no undue loss of light to the neighbouring gardens.

3.9 Highways:

3.9.1 The Authorities Highways Officers have assessed the submitted Transport Statement, which pays attention to the safety and efficiency of the site access and circulation, and considered the likely wider impacts, concluding that those would be negligible. Car parking has been provided strictly in accordance with the Council's standards. There are no Highway Implications relating to this proposal. The Engineers have no objections to the scheme with regards to the capacity of the highway, traffic safety and parking.

3.10 Ecology:

3.10.1 Merseyside Environmental Advisory Service have reviewed the proposal submitted by the applicant and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. Pathways exist for impacts on the European sites in-combination with the quantum of development and as such an Appropriate Assessment has been included. The Appropriate Assessment has concluded that with the inclusion of mitigation, in this instance a committed sum to contribute to off-site open space and an information leaflet to be included with sales packs, that there will be no adverse effect

on the integrity of the European Sites (Mersey Estuary and Mersey Narrows & North Wirral Foreshore SPA and Ramsar sites) from the proposed development

3.10.2 The applicant has agreed to contribute a total commuted sum of £5254.50 as mitigation for in-combination recreation pressure impacts, to be used to improve, monitor and report on Suitable Alternative Natural Greenspace (SANG). This will be secured through a 106 agreement.

3.10.3 Natural England have now withdrawn their objection subject to the implementation of the mitigation measures.

3.10.4 There are a number of trees along both side boundaries and the rear boundaries. An Arboricultural impact assessment has been submitted that indicates a number of trees are of poor quality. The removal of these will allow for better quality specimens to be planted. A condition is attached requiring the submission of the proposed landscaping for the site.

3.11 Amenity:

3.11.1 The proposal would remove the potential for noise and disturbance from sports activities on land immediately behind the housing along Glenavon Road, Prenton Hall Road and Osmaston Road.

3.11.2 The submitted drawing show 32 dwellings, each with front parking/amenity space and a rear garden comparable with the dwellings located on Glenavon Road. Visually the siting of the dwellings on this site maintains the character of the area with semi-detached dwellings evenly spaced on either side of the new access road and provides sufficient spacing to secure appropriate living standards and separation distances. It is considered that dwellings could therefore be accommodated within the site without detriment to neighbouring properties, offering sufficient amenity space without detriment to the existing neighbouring properties.

3.11.2 The design of the properties are traditional in style with bay windows and stone cill and headers and will complement the surrounding properties. The dwellings will be constructed in a mix of brick and render.

3.11.3 Habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three-storey development adjacent to two-storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres. The proposed development meets these guidelines.

3.11.4 There have been a number of objections to this proposal based on the following grounds:

1. Too much traffic, lack of parking, and road safety concern

Highways have assessed the submitted Transport Statement, which pays attention to the safety and efficiency of the site access and circulation, and considered the likely wider impacts, concluding that those would be negligible. Car parking has been provided strictly in accordance with the Council's standards. There are no objections on highway grounds

2. Loss of privacy / proximity to existing homes / loss of light

The entire scheme accords with all standard interface distances, such that there will be no loss of light or privacy.

3. A number of observers refer to the Covenant that is in place

This is a separate legal matter outside the planning system, and will be dealt with accordingly. Added to which this matter was not deemed to be an issue by the Inspector in allowing the previous appeal.

4. Impact on wildlife

The application is supported by ecological survey work. In short, the ecological survey found no evidence of any protected species, but has made a number of recommendations, which form part of the attached conditions.

5. There does not appear to be affordable housing as per original plans

Affordable housing will be provided to the required 20%

6. The houses are "not in keeping"

It is considered that the proposed houses are well designed to respond to the prevailing type and character of housing in the local area.

7. Increase in noise and general disturbance

It is considered that the use of the site for 32 dwellings will have less impact on the amenities of the surrounding occupiers than the use of the site as a sports pitch.

8. Too many houses / overdevelopment/overcrowding

It is considered that this is an efficient use of land within the urban area and reflective of the density of its residential surroundings.

9. application rejected at appeal

The last appeal on the site for residential development was allowed at appeal.

10. drains could not cope with additional pressure

There are no objections from United Utilities

11. It would be dangerous to build on the land due to the lack of access for emergency vehicles

Access to the site is of a width that can accommodate emergency vehicles.

3.12 Flood Risk and Drainage

The application is supported by a Flood Risk Assessment (MDA) and Drainage Strategy drawing (by Muir Associates (UK) Ltd. The Flood Risk Assessment was submitted in support of the allowed appeal scheme, and confirms that the site is not within a Flood Zone as identified on the Environment Agency Flood Map. It suggests that the principal source of flooding to this site risk of pluvial and sewer flooding. Predicted flood levels obtained from the EA show that no properties on site are at risk of fluvial flooding during the 1% AEP event. Minimal flooding could occur in the location of properties at the north of the site during the extreme 0.1% AEP event. There are no records of past flooding affecting the site.

- 3.12.1 Furthermore, the report suggests that minimum raised finished floor levels of 150mm above eventual ground levels will ensure no flooding to properties during the 0.1% AEP event. Surface water run-off will be discharged via soakaway system and attenuation, sized to accommodate run-off volumes during the 1% AEP + CCA storm event. The attenuation will discharge into the upper average 1m permeable sand layer. UU are to confirm their surface water sewer run-off rate and whether non or part of the system is to be connected. The report also notes that foul flows should discharge into the Existing foul sewer Glenavon Road, as confirmed by United Utilities. The Lead Local Flood Authority have no objection to the proposal.

3.13 Alternative sports pitch provision:

- 3.13.1 Glenavon Road Playing Field is a former private school playing field, which is now in separate private ownership and is vacant. The site is entirely surrounded by housing within the adjoining Primarily Residential Area as shown on the UDP Proposal Map. The former school ceased to exist following the grant of planning permission on 25 Jan 2002 for the construction of flats at 9 Prenton Lane (ref: 01/07005). It is understood that the playing field has previously been used for junior football by Glenavon JFC, which has since grown to become one of the largest clubs in Wirral and now uses larger alternative facilities at Woodchurch Road as well as other sites elsewhere. The applicant states that the school closed in 2000 and that the playing fields at Glenavon Rd have not been used since then.

- 3.13.2 Relevant to the previous decision and this current proposal is a previous outline planning application for housing development with an offer for funding to secure alternative playing pitch provision (reference OUT14/00407) was refused by Planning Committee on 18 February 2016.

- 3.13.3 A subsequent appeal was allowed in relation to . The Planning Inspector after taking account that the Council's previous 2004 Playing Pitch Strategy showed no shortfall in provision stated in his decision letter that "The National Planning Policy Framework indicates that the loss of open space, including playing fields should be replaced by equivalent or better provisioning a suitable location, and Policy CS31 of the Core Strategy Proposed submission Draft contains similar wording (although this emerging plan is in its very early stages and carries very little weight). Both the Council and Sport England argue that alternative sports provision should be made if the site is developed for housing. In this case, however, it would not be appropriate to do so, because in effect the site currently has no sports or open space value, nor has it had any such value for a long time. As private land it has no access for informal recreation, nor is there any evidence in this area of such land. As a school playing field it is redundant, the school is long gone and there is no evidence of another school wishing to acquire it. As a sports field for the wider community it has been little used: When Pershore House School was operational, the Head Teacher offered the use of the playing field to a football club for use outside school hours, but this was opposed by residents on the grounds of noise and disturbance - the field is surrounded by residential development and has a narrow access and the arrangement was terminated" the Inspector concluded that "there is thus no educational playing field or public sports facility to replace: even before the school closed, the playing field did not contribute to any significant degree to the provision of sports pitches for the wider community and the site has made no open space or sports contributions all for the past 16 yrs. In these circumstances it would not be appropriate to seek alternative playing field provision through a planning obligation or Grampian condition, such an approach would fail the test of necessity and since no site has been identified, it would unnecessarily and potentially indefinitely delay the provision of housing".
- 3.13.4 Sport England, a statutory consultee, objected to the previous application (ref APP/18/00552) and to this current proposal on the same grounds that the application conflicts with their objective to: Protect - To protect the right opportunities in the right places. NPPF paragraph 74 (now paragraph 97 and unchanged) must still apply and has no limitations on its role in making decisions. The robust and up to date evidence in the Council's Playing Pitch Strategy must inform the planning decision as recognised in paragraph 73 (now replaced at paragraph 96) in the NPPF. If suitable compensation measures can be put in place and secured by a condition or a S106 then they would have been happy to reconsider this objection.
- 3.13.5 The planning committee resolved to approve the previous application subject to the referral to the Secretary of State due to the objection from Sports England. The Secretary of State who advised that He was content that it should be determined by the local planning authority. Should the Planning Committee be minded to approve the revised scheme the application would need to be referred to the Secretary of State.
- 3.14 Affordable Housing:
- 3.14.1 UDP Policy HSG2 enables the Local Planning Authority to negotiate for affordable housing, where appropriate in line with the findings of the latest Strategic Housing Market Assessment. To address this, the Council normally requires schemes of this size to provide affordable housing at rate of 20% on site, unless it can be demonstrated that the site is not viable.
- 3.14.2 The applicants have confirmed that following discussions with a number of registered providers, the affordable housing provision will be secured on site. This will be secured through a 106 agreement.
- 3.15 Conclusion
- 3.15.1 The site has a planning history in which housing development has been refused and dismissed at appeal up to 2010. Although local and national policy indicates that playing fields should not be built on unless assessed to be surplus to requirements, or the loss can be replaced with equivalent or better, or development is for alternative sport provision, planning permission for residential development has subsequently been granted upon appeal on 4 November 2016. The Inspector found there was no convincing evidence that the site is likely to be taken up for pitches or any other form of open space and the value to the district of new housing far outweighs the loss of a long-redundant school playing field, which has made almost no contribution to the community as open space or as a sports field. The applicants have been asked to make a contribution to provide a facility of at least equivalent quantity and quality to address the objection from Sport England. The applicants have

declined on the basis that it is not financially viable to do so, on top of a contribution for affordable housing. The conclusions in the Playing Pitch Strategy were made in August 2016, but were not formally adopted as a material consideration by the Council until 11 December 2017 (minute 97 refers) and did not, therefore, feature in the Inspector's deliberations. It is not possible to say whether if the Inspector would have come to a different conclusion on the proposals at that time. However, the extant planning permission granted through the appeal decision and the Inspectors comments in relation to the former playing pitch are a significant material consideration. It is, therefore, considered that a recommendation for refusal is unlikely to be sustained; but the application remains subject to referral to the Secretary of State in view of the Objection from Sport England which remains in place.

- 3.15.2 The proposed housing should make a contribution to the affordable housing supply. The requirement in this instance is 20% on site unless it can be demonstrated that the proposed development will not be viable. In this instance the scheme will deliver the required number of affordable houses within the current scheme.
- 3.15.3 The submitted drawing show 32 dwellings, each with front parking/amenity space and a rear garden comparable with the dwellings located on Glenavon Road. Visually the siting of the dwellings on this site maintains the character of the area with semi-detached dwellings evenly spaced on either side of the new access road and provides sufficient spacing to secure appropriate living standards and separation distances. It is considered that dwellings could therefore be accommodated within the site without detriment to neighbouring properties, offering sufficient amenity space without detriment to the existing neighbouring properties.
- 3.15.4 The application is therefore recommended for approval subject to a 106 for affordable housing and ecological mitigation. The application is referred to the Secretary of State due to objection from Sport England.

Summary of Decision:

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

The site has a planning history in which housing development has been refused and dismissed at appeal up to 2010. Although local and national policy indicates that playing fields should not be built on unless assessed to be surplus to requirements, or the loss can be replaced with equivalent or better, or development is for alternative sport provision, planning permission for residential development has subsequently been granted upon appeal on 4 November 2016. The Inspector found there was no convincing evidence that the site is likely to be taken up for pitches or any other form of open space and the value to the district of new housing far outweighs the loss of a long-redundant school playing field, which has made almost no contribution to the community as open space or as a sports field. The applicants have been asked to make a contribution to provide a facility of at least equivalent quantity and quality to address the objection from Sport England. The applicants have declined on the basis that it is not financially viable to do so, on top of a contribution for affordable housing. The conclusions in the Playing Pitch Strategy were made in August 2016, but were not formally adopted as a material consideration by the Council until 11 December 2017 (minute 97 refers) and did not, therefore, feature in the Inspector's deliberations. It is not possible to say whether if the Inspector would have come to a different conclusion on the proposals at that time. However, the extant planning permission granted through the appeal decision and the Inspectors comments in relation to the former playing pitch are a significant material consideration. This application follows a recent resolution of the planning committee in September last year to support a similar scheme. The application was referred to the Secretary of State following an objection from Sport England who referred the decision back to the Local Authority to determine in line with the committees decision. It is, therefore, considered that a recommendation for refusal is unlikely to be sustained; but the application remains subject to referral to the Secretary of State in view of the Objection from Sport England which remains in place. The proposed housing should make a contribution to the affordable housing supply. The requirement in this instance is 20% on site or 4% off site unless it can be demonstrated that the proposed development will not be viable. In this instance the scheme will deliver the required number of affordable houses within the current scheme.

**Recommended
Decision:**

Approve subject to a Section 106 Legal Agreement

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. Details of materials for all external work including samples, shall be submitted to and approved by the Local Planning Authority before any work is commenced.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.
3. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM9 of the Waste Local Plan.
4. Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure a proper standard of separation from, and standard of amenity with respect to neighbouring property and in the interest of visual amenity and to comply with UDP HS4
5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity and conservation and to comply with Policy HS4 of the Wirral Unitary Development Plan.
6. Within 3 months of the date of this permission a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.
7. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies of the Wirral Unitary Development Plan.
8. No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local

Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy HS4 of the Wirral Unitary Development Plan.

9. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. This is in line with the recommendations within the consultants Protected Species Report. If present, details of how they will be protected would be required to be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

10. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land, to ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees and hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 and GR7 of the adopted Wirral Unitary Development Plan.

11. Construction of the development hereby approved shall not commence until the Local Planning Authority has approved in writing details and a timetable of works to provide an access road within the site. The work shall be implemented in accordance with the approved plans prior to the first occupation and retained as such thereafter.

Reason: In the interest of highway safety and to comply with UDP Policy HS4 Criteria for new development.

12. No development shall commence until the final detailed sustainable drainage design¹ (including a timetable for implementation), for the management and disposal of surface water from the site based on the principles and details identified in the following documents including but not limited to layout, method of discharge, storm water storage provisions and discharge rate has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Drainage Strategy: Proposed residential development at Glenavon Road, Prenton, CH43 0RD (June 2018 issue no P3 /18-1011-REP001-P3/Muir)
-
- Drainage Strategy drawing (March 2018/ rev P5/ Drawing Number 18-1011210/ Muir)

The approved drainage scheme shall be implemented in full in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with UDP Policy WA2 and Policy WA5, Paragraph 103 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

13. The hard and soft landscaping scheme to be approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy DQ3 of the Wirral Unitary Development Plan.

14. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 21st December 2019 and listed as follows: RBA_294_(2-)_A001 rev P01, RBA_294_(2-)_A002 rev P01, RBA_294_(2-)_A003rev P03, RBA_294_(2-)_004 rev P05 rev P03, RBA_294_(2-)_rev P04, RBA_294_(2-)_A102 rev P01, RBA_294_(2-)_A103 rev P01, RBA_294_(2-)_104 rev P01, RBA_294_(2-)_A105 rev P01, RBA_294_(2-)_A106rev P01, RBA_294_(2-)_106 rev P01, RBA_294_(2-),rev P01, RBA_294_(2-) rev P01, RBA_294_(2-)_A110 rev P01, RBA_294_(2-)_A111 revP01, RBA_294_(2-)_A112rev P01, RBA_294_(2-)_A113rev P01, RBA_294_(2-)_A114 rev PO1, & 18-1011-210

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

15. Prior to the first occupation of the development, the proposed lighting scheme shall be submitted to and agreed in writing with the Local Planning Authority, The lighting scheme should be designed so that it protects ecology and does not result in excessive light spill onto the areas in line with in line with recommendations within the consultant's Protected Species Report (Bats) and Bat Transect & Automated Survey Report. The approved scheme shall be implemented in full.

Reason: In the interest of conservation and to comply with the policies within Wirral's UDP and NPPF para180

16. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

17. Prior to occupation details of the leaflet for the sales pack that will identify, describe and promote the use of local parks and leisure centres shall be submitted to and agreed in writing with the Local Planning Authority. The approved leaflet shall be given to all new residents of the scheme.

Reason: To assist in reducing recreational pressures that might rise on ecologically sensitive destinations, and to secure implementation, monitoring and reporting of effectiveness of the measures in the planning mechanism and to comply with UDP Policy NC5 .

18. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details

Reason: In the interest of Nature Conservation and to comply with Policy NC5 of the Wirral Unitary Development Plan

19. No development shall take place until an assessment is carried out in accordance with authoritative technical guidance (CLR11), has been submitted to and approved in writing by the Local Planning Authority.

If any contamination posing unacceptable risks is then found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority.

The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

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 be submitted to and approved by the Local Planning Authority.

Reason: to ensure that the site is suitable for its intended end use, in line with the requirements of the NPPF.

20. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) Any rate of surface water discharge shall be restricted to 5 l/s (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the combined public sewer. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

21. **Foul** and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Further Notes for Committee:

1. Final Detailed Sustainable Drainage Design to comply with DEFRA's technical standards for sustainable drainage systems and include:

Justification of final design

Drawings to include:

- i. Final layout of roads and properties including plot numbers, finished floor levels and boundaries with exceedance routing clearly shown
- ii. Final layout of sewers; outfalls; SuDS; flow controls and overland flow paths (designed for exceedance)
- iii. Invert levels (to OS datum), cover levels, manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations
- iv. Hydraulic modelling for final drainage strategy to include:
- v. System performance for the following return periods; 1, 30, 100, 100 plus appropriate climate change allowance, pre and post development
- vi. System performance demonstrating adequate storage for the 1 in 100 year 6 hour rainfall event (plus appropriate climate change allowance)
- vii. Runoff volume from the development in the 1 in 100 year, 6 hour rainfall event pre and post development
- viii. Design criteria summary, Full network details table, Contributing area summary,

Control/storage structure details, Results summary print outs

- ix. Volumetric runoff co-efficient (Cv) should be set to 100%
 - x. Sensitivity checking for climate change at 40% if lower allowance used
 - xi. Urban creep allowance of 10% should be included
 - xii. Timetable demonstrating completed SuDS construction prior to occupation
 - xiii. Evidence of United Utilities agreement in principle to adopt the sustainable surface water drainage system.
2. In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Street works Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, road markings, tactile pedestrian paved crossings and street furniture.

Last Comments By: 04/02/2019
Expiry Date: 22/03/2019