

Planning Committee

31 March 2010

Reference:
APP/10/00061

Area Team:
South Team

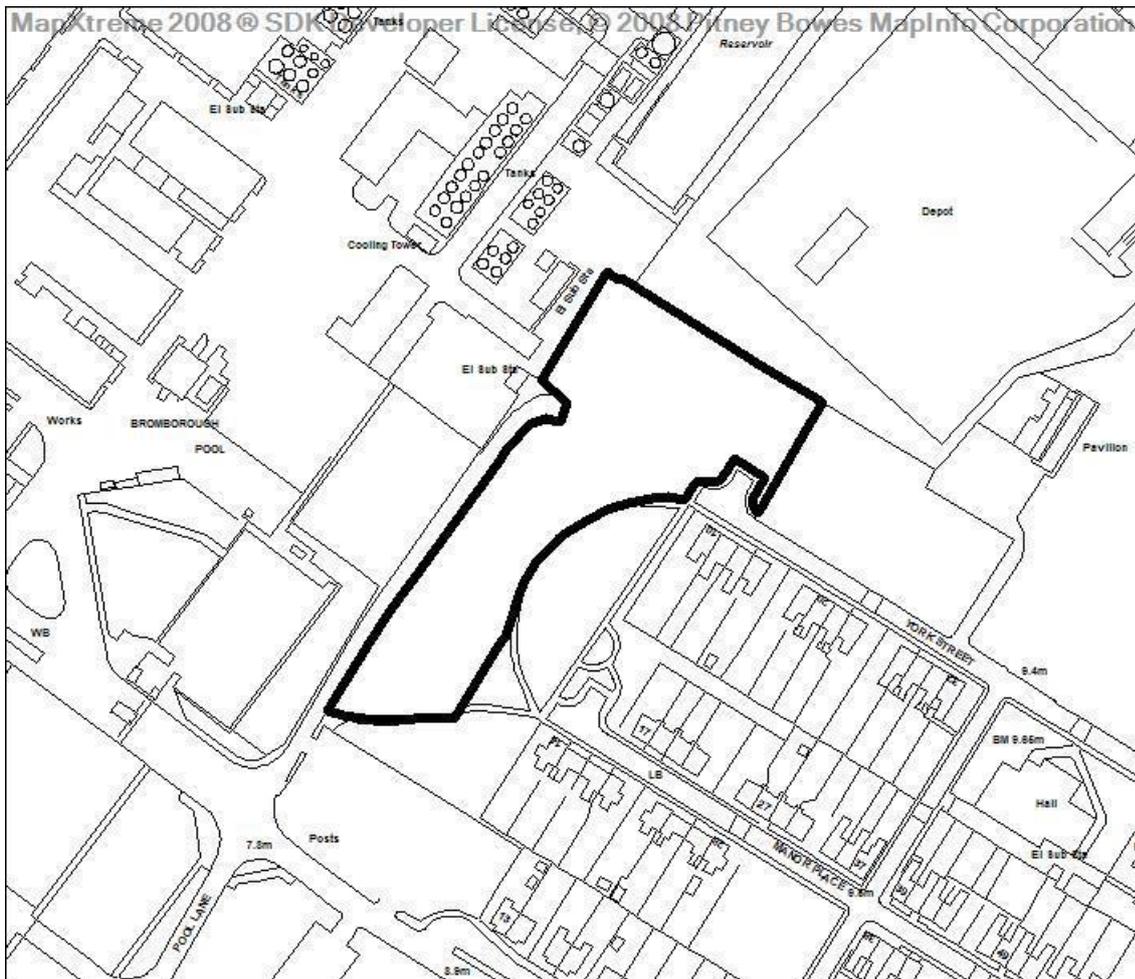
Case Officer:
Ms C Berry

Ward:
Bromborough

Location: Amenity Open Space, POOL LANE, BROMBOROUGH
Proposal: Construction of a new children's play area on public open space

Applicant: Riverside Housing
Agent : 2020 Liverpool Ltd

Site Plan:



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Development Plan allocation and policies:

Conservation Area (for illustrative purposes)
Primarily Residential Area
Primarily Industrial Area

Planning History:

APP/87/6657 - Closure of roads and landscaping scheme, approved 12.11.87

Summary Of Representations and Consultations Received:

43 neighbours were notified, a site notice was displayed and a press notice issued. No comments have been received at the time of writing this report

Director of Technical Services (Traffic Management): no objection.

Director of Technical Services (Highway Maintenance): no objection

Director of Regeneration (Pollution Control): No comments received at the time of writing this report

Director's Comments:**REASON FOR REFERRAL**

Part of the site is located within an area designated as Primarily Industrial Area and as such the proposal is a departure from Policy EM8 of the Unitary Development Plan.

INTRODUCTION

The proposal is for a children's play area on an open area of land to the north east of York Street in Bromborough Pool Village. The proposal includes the provision of play equipment such as a climbing net, rope bridge, swings and roundabout and landscaping.

PRINCIPLE OF DEVELOPMENT

The site is within Bromborough Pool Conservation Area and the main part is within the Primarily Residential Area as set out in the adopted Unitary Development Plan and the principle of the provision of a play area is acceptable subject to meeting the relevant policy criteria. A small area of the northernmost part of the application site is allocated as part of the Primarily Industrial Area. UDP Policy EM8 makes provision for business uses in Use Classes B1, B2 and B8. This part of the application is a departure from the Development Plan.

SITE AND SURROUNDINGS

The application site is located at the end of York Street with houses sited on the south side of the street. There is an open area to the east of the site on York Street, which had planning permission for residential development and is now time expired. The area bounding the site to the north and west is industrial. The site is an open grassed area with groups of mature established trees.

POLICY CONTEXT

The proposal is assessed against the following UDP policies:

Policy RE11 - Criteria for Children's Play Facilities - sets out the criteria for play facilities and how they should minimise the potential for disturbance to adjacent property whilst allowing for informal supervision.

Policy CH2 - Development Affecting Conservation Areas - states that the proposal needs to demonstrate how it preserves or enhances the distinctive characteristics of the area.

Policy CH22 - Bromborough Pool Conservation Area - states that proposals should retain the form of the historic village; preserve the open aspect of land particularly retaining an open aspect between the village and the modern factory premises nearby.

Policy EM8 - Development within Primarily Industrial Areas - relates to industrial and business uses.

Policy HS15 - Non-Residential Uses in Primarily Residential Areas - allows for non-residential development where it is an appropriate scale; it would not result in any detrimental change to the character of the area or cause nuisance to neighbouring uses.

Policy GR7 - Trees and New Development - provides for the protection of trees where they are visually valuable within the locality

The proposal is in accordance with Policy RE11 as it is located a sufficient distance away from residential properties so as not to result in disturbance but enables a level of informal surveillance. In

terms of the Conservation Area policies, it is considered that the proposal is acceptable and that the open aspect and characteristics of the Conservation Area are preserved. The proposal is an acceptable feature within a Primarily Residential Area and would not cause any nuisance to the adjacent houses. Although the proposal is classed as a departure from UDP Policy EM8 it is considered that the proposed play area is a more 'neighbour friendly' development than an industrial development given its proximity to houses and within the Conservation Area. An industrial development at this location would be classed as undesirable and it is unlikely that an industrial development would be forthcoming. In addition, the loss of the industrial land is minimal and would not harm the economic strategy of the Borough. It is considered that these reasons provide adequate justification that weigh in favour of overriding the provisions of Policy EM8. A tree survey has been submitted, which has highlighted that no trees will be lost. Conditions are recommended at the end of this report to ensure the protection of the trees.

APPEARANCE AND AMENITY ISSUES

The play area has been designed with the use of natural materials, for example, there will be a willow tunnel using existing vegetation. There are trees on site with most substantial groups located on the northern boundary, which serve as screening to the adjacent industrial units. No trees will be lost and only a few groups require thinning. The retention of the trees is supported given their visual amenity value within the Conservation Area and their screening attributes.

The play area is located at the end of a cul-de-sac, a residential street. There are no houses immediately adjacent to the play equipment, the nearest house is diagonally opposite and located a sufficient distance away to result in any undue noise and disturbance. The row of terraced houses closer to the site at the end of the cul-de-sac will serve as natural surveillance. The proposal will not have a detrimental impact on the character of the area or on residential amenity and will benefit the local community.

SEPARATION DISTANCES

As stated above, the nearest house is diagonally opposite the site and the top of the existing turning head, approximately 16 metres away from the front corner of the house. The majority of the play equipment is located beyond this distance away from the houses and as such, is considered an acceptable separation distance to avoid any noise and disturbance to residents.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are groups of trees within the application site, none of which will be lost. The trees are considered to be valuable in terms of visual amenity and add to the character of the Conservation Area as well as providing important screening from the adjacent industrial area. The tree survey submitted with the application sets out recommendations to safeguard the trees and appropriate conditions are recommended to secure this. The use of natural materials and the proposed landscaping will blend in and enhance the natural and built landscape.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposed play area will have a positive effect and benefit the local community. The layout and location of the play equipment along with the use of natural materials ensures that there is no detrimental impact on the character of the Conservation Area and the Primarily Residential Area. The loss of part of the site from an area designated as Primarily Industrial land will not harm the economic strategy of the area and will provide a more 'neighbour friendly' development, which will safeguard the amenity of area. Therefore the proposal is 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 proposed play area will have a positive effect and benefit the local community. The layout and location of the play equipment along with the use of natural materials ensures that there is no detrimental impact on the character of the Conservation Area and the Primarily Residential Area. The loss of part of the site from an area designated as Primarily Industrial land will not harm the economic strategy of the area and will provide a more 'neighbour friendly' development, which will safeguard the amenity of area. Therefore the proposal is recommended for approval.

Recommended Decision: Approve

Recommended Conditions and Reasons:

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

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the details shown on the approved details and plans.

Reason: For the avoidance of doubt and to ensure a satisfactory development having regard to Policies CH2, CH22, RE11 and HS15 of the Wirral Unitary Development Plan

3. A management plan, including long term design objectives, management responsibilities and maintenance schedules for the play area and all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the first use 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 Policies RE11, CH2, CH22 and HS15 of the Wirral Unitary Development Plan.

4. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

1. A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
2. The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
3. A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
4. The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
5. The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
6. The details and positions (shown on the plan at paragraph (a) above) of the

Construction Exclusion Zones (section 9 of BS5837).

7. The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

8. The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

9. The details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

10. The details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

11. The details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).

12. The details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

13. The timing of the various phases of the works or development in the context of the tree protection measures.

The development shall be carried out with the approved detail.

Reason: To protect trees which are of significant amenity value to the area having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan.

5. The following activities must not be carried out under any circumstances:
- a, No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - b, No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
 - d, No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
 - e, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To protect trees which are of significant amenity value to the area having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan.

6. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To protect trees which are of significant amenity value to the area having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 24/03/2010 17:38:18

Expiry Date: 14/04/2010