

**Planning Committee**

19 December 2013

**Reference:**  
**APP/12/01377**

**Area Team:**  
**North Team**

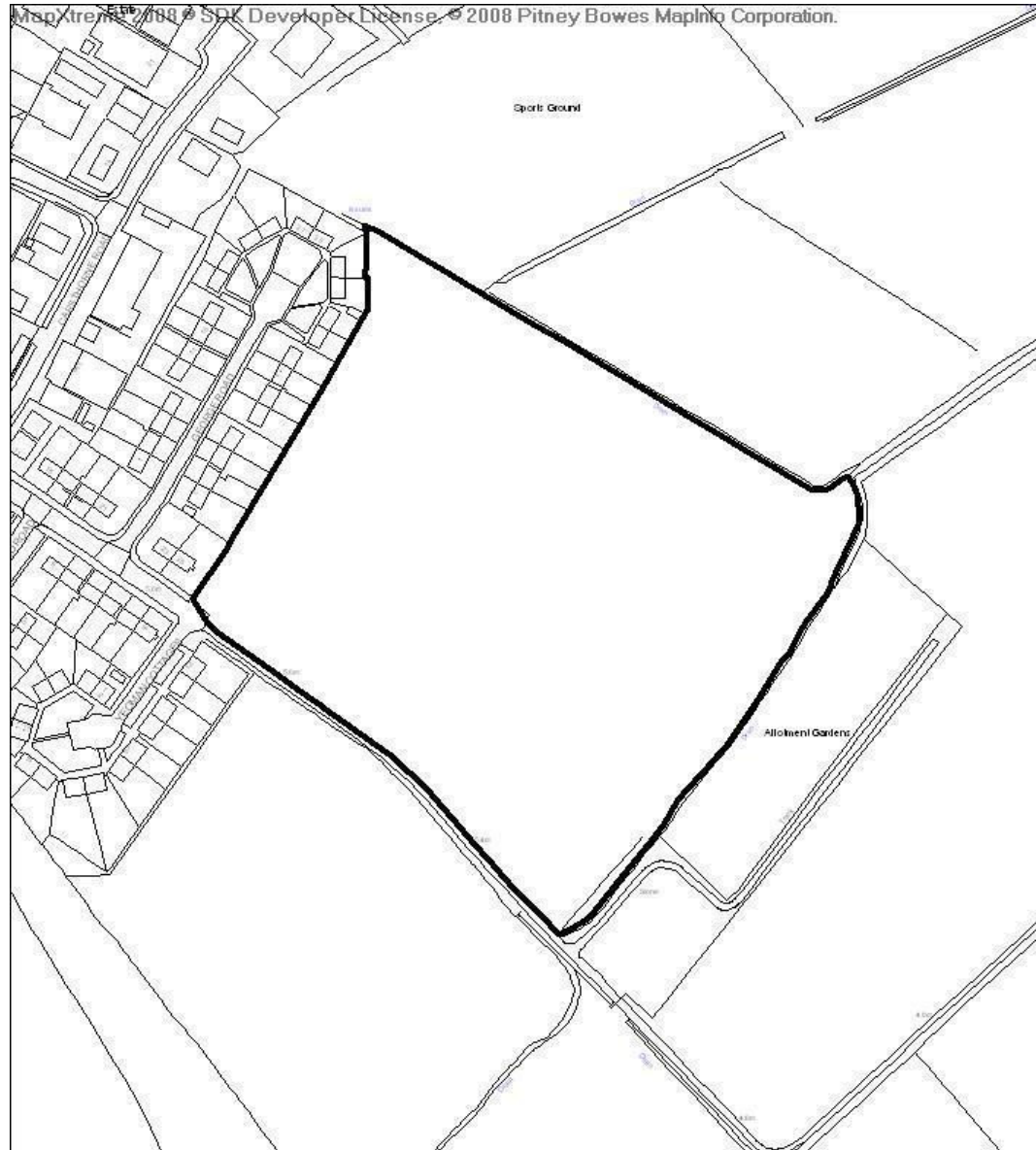
**Case Officer:**  
**Mr M Rushton**

**Ward:**  
**Hoylake and Meols**

**Location:** Unused Land, CARR LANE, HOYLAKE  
**Proposal:** The erection of 26 affordable homes together with associated works (AMENDED APPLICATION).

**Applicant:** Kirby Park Ltd  
**Agent :** Mr G McGaffney

**Site Plan:**



**Development Plan:**

Area Requiring Landscape Renewal  
Green Belt

**Planning History:**

- Location: La Mirage Club, Carr Lane, Hoylake. L47  
Application Type: Outline Planning Permission  
Proposal: Extension to existing club to form swimming pool, squash courts, changing rooms, restaurant and conference room.  
Application No: OUT/87/05548  
Decision Date: 24/09/1987  
Decision Type: Withdrawn
- Location: Sports Club ,East of George Rd ,Carr Lane ,Hoylake ,L47 4BG  
Application Type: Full Planning Permission  
Proposal: To retain alterations to external appearance of existing sports club and provision of temporary changing accommodation  
Application No: APP/84/24902  
Decision Date: 16/05/1985  
Decision Type: Conditional Approval
- Location: New Brighton Association Football Club, Football Ground, Carr Lane,Hoylake,Wirral  
Application Type: Full Planning Permission  
Proposal: Light industrial development.  
Application No: APP/80/15442  
Decision Date: 22/09/1980  
Decision Type: Refuse
- Location: Former Ellerman Lines sports ground, Carr Lane, Hoylake. L47 4AZ  
Application Type: Full Planning Permission  
Proposal: Land reclamation and site drainage scheme.  
Application No: APP/92/05459  
Decision Date: 22/05/1992  
Decision Type: Approve
- Location: La Mirage, Carr Lane, Hoylake. L47 4AZ  
Application Type: Section 53 Determination  
Proposal: Section 53 determination as to whether planning permission is required for use as a private members sports club.  
Application No: DTR/88/05379  
Decision Date: 05/07/1988  
Decision Type: Approve
- Location: La Mirage Club, Carr Lane, Hoylake. L47  
Application Type: Full Planning Permission  
Proposal: Erection of portakabin and outside seating area.  
Application No: APP/87/05549  
Decision Date: 17/06/1987  
Decision Type: Withdrawn
- Location: New Brighton association Football Club, Football Ground, Carr Lane, Hoylake  
Application Type: Full Planning Permission  
Proposal: Residential development  
Application No: APP/80/15441  
Decision Date: 22/09/1980  
Decision Type: Refuse

Location: New Brighton Afc ,Carr Lane ,Hoylake ,L47 4A  
Application Type: Full Planning Permission  
Proposal: Erection of Pre-fabricated buildings to provide three rooms for billiards, darts and keep-fit activities  
Application No: APP/79/12060  
Decision Date: 18/10/1979  
Decision Type: Conditional Approval

Location: New Brighton Fc Carr Lane Hoylake L474  
Application Type: Full Planning Permission  
Proposal: Residential development for 12 dwellings with garages and access road on part of sports ground  
Application No: APP/77/06769  
Decision Date: 29/06/1977  
Decision Type: Refuse

Location: New Brighton Fc Carr Lane Hoylake L474  
Application Type: Full Planning Permission  
Proposal: Development of sports facilities to provide squash courts, enlarged club premises, 2 bowling greens, tennis courts, cricket score board, football stand with additional car parking  
Application No: APP/77/06768  
Decision Date: 21/06/1977  
Decision Type: Conditional Approval

Location: Play Field Carr Ln Hoylake L474  
Application Type: Full Planning Permission  
Proposal: Football stand  
Application No: APP/76/05655  
Decision Date: 08/09/1976  
Decision Type: Conditional Approval

Location: New Brighton Fc Carr Lane Hoylake L474a  
Application Type: Full Planning Permission  
Proposal: Erection of canopy stand  
Application No: APP/77/07261  
Decision Date: 20/06/1977  
Decision Type: Conditional Approval

Location: Former Sports Ground ,Carr Lane ,Hoylake,L47 4A  
Application Type: Full Planning Permission  
Proposal: Change of use of land to riding school; conversion of existing pavilion to dwelling; office/reception and changing room and tack room; erection of stables, storeroom and barn  
Application No: APP/81/19107  
Decision Date: 05/11/1981  
Decision Type: Conditional Approval

Location: Unused Land, CARR LANE, HOYLAKE  
Application Type: Full Planning Permission  
Proposal: The erection of 62 affordable homes together with associated works.  
Application No: APP/11/01348  
Decision Date: 27/04/2012  
Decision Type: Refuse - appeal dismissed

#### **Summary Of Representations and Consultations Received:**

##### **REPRESENTATIONS**

Having regard to the Council's Guidance on Neighbour Notification, notification letters were issued to

44 adjoining properties in October 2013, a site notice erected at the site. In addition a newspaper advertisement was posted in the Wirral Globe on the 19th December 2012. At the time of writing, a qualifying petition of objection has been received objecting to the building of affordable homes and listing signatures from 35 separate households. 9 representations have been received. Representations were received from the following addresses: 14 Carr Lane, 38 Ferndale Road, 23 Carr Lane, 7 Chapel Road, 58 Alderley Road, and Ms S Gray (address not given), Mr J Priest (address not given), Ms J Hall (address not given).

Additional notification letters were issued to the same 44 properties following the amendment of the application to reduce the numbers of residential properties proposed. A Site Notice was also displayed. At the time of writing, no changes have been made to those representations submitted. A further letter of objection from the occupiers of no. 14 Carr Lane has been received.

The points raised by representations received can be summarised as:

1. There are affordable houses currently available on the market in Hoylake - the development will lead to an oversupply, it should be a mixed housing proposal;
2. Encroachment on Green Belt land;
3. There are more suitable sites for development within Hoylake;
4. Lack of consultation, both from the Council and the developer;
5. Traffic issues – impact to the already strained level crossing; congestion concerns; emergency vehicle access concerns; traffic counts were carried out during the summer and do not represent peaks; concern that there will be an increase in pedestrians crossing the railway line by the Rugby Club; disruption will be caused by construction traffic.
6. The adjoining allotments should be reinstated;
7. Concern at the capacity of drains;
8. Impact to school places - a number of local schools are oversubscribed, and other local services such as the Hoylake and Meols Medical Centre, and utilities provision.
9. Concern that the submitted Design Out Crime Assessment requires a secure fence, which would be at odds with the visualisations and architectural design submitted for the site.
10. The scale and nature of the application will have wider impacts.
11. Impact to the proposed Golf Resort plans.
12. There are other development opportunities for housing in Hoylake without looking to the Green Belt.
13. This land may be more advantageously developed as green space or a park for the community.
14. Approval of this scheme would pave the way for the development of the larger site previously refused permission.
15. There is no need for the development.
16. The development would obscure views of the countryside for existing residents.

Hoylake Village Life - comment that this planning application raises a number of concerns:

- The additional volume of traffic generated will create additional pressure on the railway crossing. If the development is permitted, then the developer should be required through a s.278 agreement to pay for comprehensive highway network improvements and/or a study into alternative access over the railway crossing, using a s.106 agreement
- However, there is a shortfall of local services, such as doctors and dentists in Hoylake and considerable pressure would be put upon the only primary school, which has limited room to expand. The developer should be required to demonstrate how this shortfall would be met.
- The provision of 62 affordable dwellings as part of this development, accompanied by the provision of affordable units on the ex-Heaps site adjacent to Manor Road station, and the proposed redevelopment of the Hoose Court site on Market Street is likely to result in an over-supply of affordable housing in Hoylake.

Hoylake Village Life concludes that the proposal highlights the need for a vision for Hoylake. Comment further that the proposal needs to be considered in the context of the Council's proposals for the Golf Resort to ensure that the proposed development would not affect these plans.

Network Rail - Network Rail (NR) comment that the proposed development would impact the Hoylake Level Crossing (Melrose Level Crossing being currently locked out of use except for emergency

vehicles). As the Hoylake Crossing is fully protected NR do not object in principle to the proposal. Wirral Council is, however, reminded that over time there is potential for cumulative impact and NR would need to review the impact upon Hoylake Level Crossing in any future developments. Further increases in type and volume of traffic may be objected to, with developers requested to meet the costs of any mitigation measures as set down by NR.

Councillor John Hale has objected to the development of 26 dwellings, referring to the representations made on behalf of Hoylake Village Life, and making the following points in opposing the application:

1. The proposal to build on green field land when the need for affordable housing does not justify the loss of this land.
2. The traffic conditions surrounding the only access to the site and the railway crossing which already has traffic backed up and blocking the main Hoylake and West Kirby road at peak times.
3. There has been frequent flooding in the area in the past.
4. The removal of this greenfield site would leave little or no green space for the existing properties already situated in the area.

### **CONSULTATIONS**

Head of Environment and Regulation (Traffic and Transportation Division) – no objection subject to the imposition of planning conditions and a s106 legal agreement. Refer to Director's Comments.

Head of Environment and Regulation (Environmental Protection Division) – no objection, subject to conditions to secure a ground contamination survey and subsequent remediation.

Head of Housing and Community Safety (Housing Strategy Division) – has no objection, but notes that Registered Providers have started to see an oversupply of 3 bed affordable homes following recent welfare reforms with the number of 3 beds properties being advertised as “available now” almost doubling from July-September 2012 to the same period in 2013 (refer to Director's Comments).

Merseyside Police Crime Reduction (Architectural Liaison Officer) – in and around the immediate area of the proposed development crime and disorder is assessed to be of a ‘medium’ level, and significant incidents of burglary and theft have taken place. A number of recommendations, covering issues of boundary treatment, landscape planting, surface treatment, use of materials, storage of bins, use of laminate glazing, lighting, and security systems, are made. The conclusion of the Design Out Crime Assessment undertaken (DOCA) is that, subject to the inclusion of measures to address these recommendations, the development can be consistent with the current principles and standards of Secured by Design (SBD).

Environment Agency – no objection in principle, but comment that any development permitted should only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Flood Risk Assessment, Ref: 1976/FRA\_v1.0, Weetwood Environmental Engineering, October 2011), and the mitigation measures detailed within the FRA including limits to the surface water discharge, provision of on site water attenuation, confirmation of finished floor levels at 300mm above surrounding levels. Further to this, it is noted that there are opportunities for habitat enhancement on Carr Drain, which the EA recommend, should be fully investigated to contribute to Water Framework Directive (WFD) objectives and Planning Policy Statement 9 (PPS9 - Biodiversity and Geological Conservation).

Wirral Society – expresses concern at the application and object to the development of Green Belt land. Whilst appreciating the need for affordable housing, it is questioned whether it is best planning practice to group additional affordable housing alongside that currently managed by Wirral Partnership Homes nearby; argued that the site is not previously developed; questioned whether housing need present the very special circumstances required to justify Green Belt development; the Council is reminded that the condition of Green Belt land is specifically excluded as a reason for development in PPG2, and; indicate that empty properties should be redeveloped first rather than sacrificing Green Belt land.

Sport England North West - as this application does not involve an existing or proposed sports facility and is for a residential development of less than 300 houses Sport England has no comment to make.

## **Director's Comments**

Consideration of this application was deferred at Planning Committee on 21 November 2013 to allow for a formal Member site visit.

## **REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor George Davies has requested that the application be presented to Planning Committee, expressing support for the development on the grounds that it would deliver a supply of affordable housing that might address identified housing needs.

## **INTRODUCTION**

The proposal is for the residential development of a site of approximately 1.9 hectares immediately to the southern end of Carr Lane. Whilst 62 units were initially proposed, following the dismissal of an appeal on 18 March 2013, heard at a Public Inquiry, related to the refusal of application APP/2011/01348, the application has been amended, reducing the number of residential properties to 26 and the extent of built development within the site to 0.79 hectares. All of the residential properties would be dwelling houses (no supported living apartments are now proposed), two-storey in height, and pitched-roof design - the application includes 24 no. 3-bedroom houses, and 2 no. 2-bedroom houses.

## **PRINCIPLE OF DEVELOPMENT**

The application site is within the adopted Green Belt in the Wirral Unitary Development Plan (UDP). The site is not designated as an infill village or for limited affordable housing for local community needs under policies set in a local plan. The proposed development is not appropriate in the Green Belt under terms of the National Planning Policy Framework (NPPF) or UDP Policy GB2 'Guidelines for Development in the Green Belt', which indicate that inappropriate development should not be approved except in very special circumstances and the potential harm to the Green Belt is clearly outweighed by other considerations. The application is a Departure from the Statutory Development Plan, proposing more than 1000m floorspace and having a significant impact to openness – as such it would need to be referred to the Secretary of State if the Local Planning Authority is minded to grant planning permission.

## **SITE AND SURROUNDINGS**

The application site is located on the Southern edge of Hoylake, at the end of the vehicular part of Carr Lane. The site was historically used as a playing field, with an associated pavilion/club house and changing rooms, car parking and score-board building. It is understood that this use ceased in the 1970s, and the last use supported by the site was a social club, which utilised the main buildings and car parking areas. The social club was subsequently used as a night club prior to demolition after fire damage and clearance of the site to leave an open grassed area. There are residential properties located to the north west, whilst open uses of land border the other three sides of the site. Surrounding uses include playing fields, a municipal golf course, and a redundant allotments site. A public right of way runs along the south east boundary - public footpath 19.

## **POLICY CONTEXT**

The National Planning Policy Framework (NPPF), 27th March 2012, is a material consideration in the determination of planning applications. The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 18 to 219 taken as a whole constitute the Government's view of what sustainable development in England means in practice for the planning system. The footnote to paragraph 14 makes it clear that development on land designated as Green Belt should be restricted and is not subject to the national presumption in favour of sustainable development,

Unitary Development Plan policies URN1, HS4, HSG2, HS13, GB2, GR5, GR6, GR7, TR9 and TR12, LAN1, LA7 and Supplementary Planning Document SPD4 (parking) are relevant..

Policies WM8 and WM9 in the Joint Merseyside and Halton Waste Local Plan are also applicable.

The emerging Core Strategy has been adopted by the Council as a material consideration in the determination of Planning Applications. Core Strategy Policies CS2, CS3, CS11, CS19, CS20, CS21, CS22, CS42 and CS43 are relevant to this particular case.

## **Green Belt**

The application site is located within the Green Belt, which is shown on the Adopted Wirral UDP Proposals Map. The NPPF attaches great importance to the Green Belts which should be kept permanently open (paragraph 79) to check unrestricted sprawl of large built up areas, to assist in safeguarding the countryside from encroachment and to assist in urban regeneration by encouraging the recycling of derelict and other priority areas (paragraph 80). Boundaries should only be altered in exceptional circumstances through review of the Local Plan at which time the consequences for sustainable development of channelling development towards urban areas or beyond the Green Belt should be considered (paragraphs 83 and 84).

Urban regeneration has been and still remains a long-term priority for Wirral through UDP Policy URN1. The Council continues to pursue a strategy of urban regeneration as indicated in Policy CS2, with support from Policy CS3 in the Proposed Submission Draft Core Strategy.

In line with NPPF, paragraph 87, UDP Policy URN1 protects Green Belt sites from inappropriate development. UDP Policy GB2 makes it clear that there is a general presumption against inappropriate development in the Green Belt and that such development will not be approved except in very special circumstances. The NPPF and UDP Policy GB2 only permit the extension, alteration or replacement of existing buildings, (subject to UDP Policy GB4 and GB5); or limited infilling in villages (listed in UDP Proposal GB7 and subject to UDP Policy GB6) and limited affordable housing for local community needs under policies set out in the Local Plan. The NPPF also allows redevelopment of brownfield land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than existing development. None of these circumstances apply in this case.

Inappropriate development is by definition, harmful to the Green Belt (NPPF, paragraph 87), and Local Planning Authorities are expected to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88).

The proposal would lead to urban sprawl, would encroach into open countryside and could undermine urban regeneration and the recycling of derelict and other urban land. On the basis of Green Belt policy alone there is a presumption in favour of refusal of this proposal on Green Belt grounds, unless the harm this proposal would cause can be outweighed by very special circumstances.

## **The Applicant's Case**

The applicant, whilst accepting that the proposed development will result in some harm to the openness of the Green Belt, considers that the benefits arising from the scheme outweigh the resulting harm, and contends that there are very special circumstances, as follows:

1. The benefits arising from affordable housing;
2. The lack of a demonstrable five year housing supply;
3. The lack of any available sites that might deliver such housing.

The applicant claims to have revised the application in light of the appeal decision to APP/11/13458, and contends in a supporting statement submitted with the application that the amendments address the conclusions of the appeal, as follows:

1. The scale of the development has been reduced, along with its consequential harm, from 62 to 26 dwellings;
2. The degree of encroachment has been significantly reduced - from 175m, to 77.5m, a reduction to 44.3% of that considered on appeal, a significantly smaller incursion;
3. As a consequence, the degree of 'unrestricted sprawl' and encroachment to the countryside is significantly reduced - this has reduced the degree of harm that arises to these two purposes of the Green Belt previously identified;
4. The degree to which the proposals amount to 'limited' affordable housing to meet an identified need, related to the Inspector's conclusions at paragraph 40 of her decision letter, needs to be reconsidered, as in relation to the settlement size (Hoylake and West Kirby) and population the

current (amended) proposal is now 'limited'.

5. The Council's SHMA identifies a need for 153 affordable dwellings per annum for Hoylake and Meols, which represents a significant portion of the needs in the Rural Area of the Borough (47.4%), an indication of the significance of need in this local area. Even using the Market Balance Approach identified in the SHMA, the proposal would represent just 1.5 years supply of need arising in Hoylake and Meols, and taking overall need (i.e. not Market Balanced) the development would be just 17% of the overall annual need for Hoylake and Meols.
6. The reduced extent of the development provides greater opportunities for soft landscaping to reinforce screening and soften views of it from the surrounding countryside.
7. The most recent Annual Monitoring Report (early 2013) confirms that there have been no completions of affordable housing in Hoylake and Meols in 2012, or in the Rural Area in the preceding 3 years.
8. The Inspector to the appeal had found that the development was an appropriate form of development in terms of detailed design and the layout of the proposed development with the provision of sufficient amenity space for each of the proposed dwellings, and that the development is sited in a sustainable location (accessibility).

A further statement was submitted by the applicant on 18th November 2013, which sets out a series of additional points:

1. The Inspector ruled that the site is in a sustainable location;
  2. A good portion (40%) of the revised application is on previously developed land;
  3. There is a presumption in favour of sustainable development where a 5-year supply of housing land cannot be demonstrated;
  4. The Inspector commented in the previous judgement that the proposal was an appropriate form of development in terms of detailed design and layout with sufficient amenity space for each dwelling.
- 4 a number of bullet-pointed statistics and statements highlighting completions of houses in Hoylake and West Kirby in 2012, figures from Property Pool Plus on affordable housing demand, figures on the supply of available housing land.

In summary, the applicant argues that, whilst the proposals may result in some harm to the purposes of the Green Belt, the proposed development is by definition appropriate development in the Green Belt as it is 'limited' affordable housing, and limited in the context of the degree of harm caused, even though there is no policy to approve this in the UDP. The app contended that the policies within the UDP are out of date, and RSS having been revoked, that the proposed development now accords with NPPF. Benefits would be accrued from the New Homes Bonus and local employment. If proposal is considered inappropriate, it is contended that these are very special circumstances outlined to outweigh such harm.

### **Comments on the Applicant's Case**

#### Impact

This Green Belt site is well vegetated, predominantly open in character and more akin to the open countryside as noted by the Planning Inspector before dismissing the appeal for 62 affordable homes on 18 March 2013 following a Public Inquiry.

The development now proposed would, however, protrude some 88 metres into open countryside when measured from the residential boundary. The developed part of the site would also cover a significant area (at 0.79 hectares). This would still be a significant encroachment into the Green Belt.

Hoylake's urban area is mainly contained between the coastline and the railway line to the north west. The one exception to this is the existing industrial and residential development along Carr Lane, which is to the south east of the railway line. Development either side of Carr Lane represents a rare incursion of built development into the open land to the south of the urban area. It is therefore considered that the proposed development would result in a significant further projection of the built form into the open countryside and the extent of the encroachment and sprawl would result in significant harm. The form of the proposed housing, along with the projection from the edge of the



settlement, would still result in a prominent and visually obtrusive development in views, such as that from the footpath along the side of the site to the south west, would cause considerable harm to the character and appearance of the area and the visual amenities of the Green Belt.

#### Greenfield Site

The NPPF establishes the definition for Previously Developed Land (PDL) at Annex 2. It excludes areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The site is a former sports ground and the former developed' elements of the site - a clubhouse, scoreboard and hard standings - now demolished, formed only a small proportion of the application site. Although the land has been subject to (unauthorised) stripping of topsoil and the deposit of waste materials, the nature of the site is not considered to have significantly altered. It is well vegetated (evidenced by the applicant's Ecological Assessment) and is considered to blend with the surrounding landscape. The site is therefore greenfield.

Whilst a small hard standing area exists in the location of the former buildings at the site, this does not amount to 40% of the site as contended by the applicant. The hardstanding can be viewed at the site, local residents have reported that vegetation was scraped from that area during the course of the previous planning application and appeal. The current extent of the hardstanding is not considered sufficient to define the site as previously developed land. In any case, the proposed development would have a greater impact on the openness and purpose of the Green Belt than the existing circumstances, contrary to NPPF, paragraph 89.

Planning Authorities are expected to encourage the reuse of brownfield land as a core planning principle and the section on conserving and enhancing the natural environment (NPPF, paragraphs 17 & 111). This approach is supported by UDP Policy URN1, which outlines that in considering development proposals, the local planning authority will be guided by the general principles of the urban regeneration strategy. In particular, the local planning authority will be concerned to ensure that: (i) full and effective use is made of land within the urban areas; (ii) neglected, unused or derelict land or buildings are brought into use and land is protected from inappropriate development in the approved Green Belt. Core Strategy Policy CS2 makes similar provisions, to focus growth to areas of greatest need of physical, social, economic and environmental regeneration.

#### Housing Land Supply

The NPPF expects authorities to deliver a wide choice of high quality homes by meeting objectively assessed needs for market and affordable housing and maintaining a five-year supply of specific developable housing sites, with a buffer of between 5% and 20% (NPPF paragraph 47). Relevant policies for the supply of housing should not be considered up-to-date if a five-year supply cannot be demonstrated (NPPF paragraph 49).

The Council's Annual Monitoring Report (AMR) for 2012 calculated the housing land supply within Wirral at April 2012 at 4.2 years with a 5% buffer in line with NPPF, paragraph 47, based on the former annual requirement for Wirral of 500 net additional dwellings set out in Table 7.1 of the former Regional Spatial Strategy (RSS). If a 20% buffer was applied, the supply would reduce to 3.7 years. RSS was however revoked in May 2013 and no longer forms part of the Development Plan for Wirral.

Cabinet on 2 February 2012 resolved that the 2008-based household projections be used as the basis for calculating the Borough's five-year housing land supply in the period between the abolition of the Regional Spatial Strategy and the adoption of the Core Strategy (minute 284 refers). On this basis, Wirral's housing land supply would be 6.3 years with a 5% buffer or 5.5 years with a 20% buffer.

The latest evidence based on the Government's Household Interim Projections 2011 to 2021 was published on 9 April 2013, in response to the findings of the 2011 Census. On this basis, the existing housing land supply would be 7.8 years with a 5% buffer in line with NPPF reducing to 6.9 years if a 20% buffer was applied.

The previous refusal, which was supported at appeal, was based on the supply being between 3.7 and 4.2 years calculated against RSS in the AMR 2012. The AMR for 2013 has not yet been approved for publication.

The Council's future housing requirement, which will replace the previous requirement in RSS, is currently being reviewed through the preparation of a new Strategic Housing Market Assessment (SHMA), which is expected to report in early 2014, to inform the Core Strategy Local Plan before submission to the Secretary of State.

#### Housing Need

The need for affordable housing is also under review as part of the work for the new SHMA.

The figures on housing need referred to be the applicant are derived from the Council's existing Strategic Housing Market Assessment Update 2010 (SHMA), using the CLG model and the Fordham Research market balance approach, which were based on household survey information from 2007.

Analysis using the CLG model suggested a net annual need of 2,784 affordable dwellings for the Borough as a whole. 11% of total provision or 323 units were needed within the RSS Rural Area, with 153 within the Electoral Ward of Hoylake and Meols (SHMA Update Table 6.14).

However, the Council's consultant concluded that it would not be feasible to base policy directly on these figures, given the lower total net annual requirement in the former RSS and recommended that an adjusted market balance model should be applied, based on the 2006-based CLG household projections. The model scenarios showed an annual need for between 9 to 62 affordable dwellings across the whole of the former RSS Rural Area, with additional provision for specialist housing, such as supported housing.

The NPPF states that authorities should identify and bring back into residential use empty housing and buildings (NPPF paragraph 51).

According to the Council's housing records at April 2013, there were 5,696 empty dwelling within the Borough. Hoylake & Meols has a higher than average vacancy rate with 261 empty properties recorded at 1st April 2013. This includes affordable homes. Bringing these empty properties back into use is a key corporate priority.

The AMR 2012 showed planning permission was in place for 3,250 dwellings in April 2012, of which 346 units were awaiting implementation on sites in the former RSS Rural Area to the west of the M53 motorway and another 203 units were under construction (AMR Appendix 4).

The Council's latest Strategic Housing Land Availability Assessment (SHLAA Update 2012) estimates that land is also available for a further 346 units on deliverable Category One sites within the former RSS Rural Area.

Overall, the SHLAA Update 2012 identifies sufficient land within the urban area of the Borough to accommodate up to 2,472 units on Category One sites assessed as available, suitable and achievable within the next 5 years, in addition to 1,952 units with planning permission which were awaiting implementation while another 1,298 units were under construction.

A revised SHLAA is currently being completed, to take account of the Wirral Local Plan Economic Viability Assessment, but will not report until early 2014.

The Director of Housing has noted that the development mainly comprises 3-bedroom houses, and reports that an oversupply is beginning to emerge for Registered Providers in the wake of recent welfare reforms, with the number of 3-bed properties being advertised as available almost doubling from July-September 2012 to the corresponding period of 2013.

## **APPEARANCE AND AMENITY ISSUES**

### **Design and Layout**

The proposed development would be two-storey, and proposes traditionally designed structures with pitched roofs. The applicant contends that the approach is designed to take advantage of existing landscape screening, ensuring the development would have the least visual impact upon the open character of the surrounding area. The design and access statement states that the development has been laid out to 'look outwards' in so far as is possible, through softer boundary treatment and the enclosure of parking and amenity spaces in 'courtyards' to the rear of properties. The appearance of each residential unit would be simple, with some interest to elevations given by the use of brick detailing, articulation to elevations, and variety in materials. The supporting letter submitted with the amended proposals indicates that the scheme provides greater opportunities for soft landscaping to the periphery of the scheme and on adjoining land.

The NPPF indicates that good design is a key aspect of sustainable development, indivisible from good planning and should contribute positively to making places better for people. At paragraph 60, the NPPF makes it clear that decisions should not impose particular styles or tastes, but that it is proper to seek to promote or reinforce local distinctiveness. Planning decisions should aim to ensure development responds to local character, is visually attractive and adds to the overall quality of the area. In accordance with these requirements, UDP Policies GB2 and LAN1 make it clear that proposals will not be permitted where the visual impact would damage the visual amenities of the Green Belt, and where they would be inappropriate in terms of the character, appearance and landscape setting of the surrounding area. UDP Policy LA7 also requires development to be sited in way that minimises visual intrusion at the urban fringe. The requirement to preserve and enhance the character of the area will be carried forward through Policies CS2, CS3, CS11, and CS43 in the emerging Core Strategy.

In this instance, the application is standard in its approach to the appearance of buildings, and is not considered to take the opportunity available to improve the character and quality of the area and respond to the openness of the Green Belt and the character of land uses on 3 sides of the site. The form of built development, along with its scale and the extent of its projection from the existing built up area of the settlement, would appear prominent and visually obtrusive in views along the public footpath from the south west, which is contrary to local and national planning policy despite the existing and proposed planting and proposed open space.

In determining whether development amounts to 'limited' affordable housing, the Inspector in the previous appeal acknowledged the applicant's reference to the size of the urban area at Hoylake and Meols, its population, and the need for affordable housing but concluded that the scale of the proposed development (in that particular case) both in terms of in terms of the site area and the extent of the built form, could not be deemed limited. The developed part of the site now under consideration would still occupy a significant parcel of land (0.79 hectares), which encroaches a substantial distance into the Green Belt. The proposed development, both in terms of the site area and the extent of the built form, is therefore still not considered to be 'limited' and is not provided for in the UDP or an adopted Local Plan. For these reasons, the proposal should still not be treated as appropriate development in the Green Belt.

The applicant contends that the Inspector in the previous appeal found the detailed design would be appropriate in terms of detailed design and layout. This should not be confused with the separate question of whether the development is considered 'appropriate development' in the Green Belt context. In this respect the Inspector noted no dispute between the main parties that the proposal would represent inappropriate development and concurred with this view (para 7). She went on to find at paragraphs 16 & 17 in the decision letter that the proposed development would appear prominent and visually obtrusive and would cause considerable harm to the character and appearance of the area and the visual amenities of the Green Belt. The development proposed in the current application extending some 88 metres into open countryside would also be visually intrusive and cause considerable harm to the character of the area.

## **SEPARATION DISTANCES**

### **Existing Properties**

There are existing residential properties to one side only of the application site, fronting George Road, and Yeoman Cottages. The proposed development would achieve the required separation distances

to these properties normally required under UDP Policy HS4 in residential areas (and detailed within SPD2). A 21m separation distance is required between habitable room windows in principle elevations which face each other. In this instance, the shortest separation distance achieved would be between no. 16 George Road and plot 14, at 25m. A 14m separation distance is required between a habitable room window and a blank gable, to preserve outlook. In this instance the shortest such separation distances are between plot 17 and no. 22 George Road, and between the supported housing apartments and no. 2 George Road - each achieves the required 14m distance.

### **Proposed Dwellings**

Within the development, the courtyard arrangement proposed for plots 14 to 26 ensures that the majority of dwellings are well separated, with separation distances between rear elevations in excess of 21m. There are a limited number of 'pinch points' within the development where the separation distances between elevations are less than 21m, but the properties have been designed to limit and stagger fenestration to these elevations, landscaped buffers are proposed between properties, and the functions of windows are largely secondary. Given this, it is not considered that the separation of properties and their impact on residential amenity would present a reason for refusal of the development proposed.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

The Head of Environment and Regulation (Traffic and Transportation Division) has commented that the drawings submitted are not sufficient to confirm the suitability of roads for adoption, and in the absence of that detail, there may be areas within the site where highway safety is compromised. Suitably worded planning conditions would be required to secure the detailed design of the highway layout, and a Grampian condition in relation to the junction onto Carr Lane where the applicant does not have ownership of the land.

A transport statement was submitted to assess the impacts of 62 dwellings/apartments in this location – no further statement or assessment has been made of the impacts of the amended scheme (for 26 dwellings). The transport statement initially submitted indicated that traffic generated by the development of 62 units would impact on queues at the Carr Lane Level Crossing, however, contended that the increase in queuing would be minimal and would take place in the opposite direction to the main traffic flows during peak times.

In order to secure the use of buses by residents it is considered necessary for the nearest bus stop on Carr Lane to be upgraded to current standards, in line with comments received from Merseytravel and to ensure the sustainability of the site. Conditions and a s106 agreement could be imposed to require the developer to make an appropriate contribution to the upgrade of the nearest bus stop located upon Carr Lane near Carsthorpe Road in order to bring it up to countywide best practice standards. The developer would also be required to create good quality walking routes between the development and the nearest bus stop at Carr Lane near Carsthorpe Road. This is due to the increase in residential properties that arise from the development and the rise in traffic that has been identified in the transport statement.

Subject to these conditions, the Head of Environment and Regulation (Traffic Management) has raised no objection to the proposed development. Each property is provided with an off-road parking space, in line with UDP Policy TR9 and Supplementary Planning Document SPD4. Given this, it is unlikely that adjoining streets would be impacted by the proposal, and it is not considered - subject to conditions - that the development would present significant highway safety or traffic congestion concerns.

Whilst Network Rail had raised concern at the proposed development of 62 dwellings initially submitted, the further response provided in relation to the amended proposal for 26 dwellings does not raise an objection, though it is noted future development may have the potential to affect the need for change in the crossing infrastructure. It is not considered that the scale of the development would have potential to impact on the level crossing or highway. In this circumstance it would be unreasonable to impose the requirement for additional crossing facilities in conjunction with the development proposed.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

## **Sustainability**

NPPF paragraph 8 makes it clear that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Good design is also a key aspect (NPPF paragraph 56 refers).

It is considered that the proposed development would create visually obtrusive urban sprawl in the Green Belt, it would encroach into open countryside and it would undermine urban regeneration, continued housing market renewal efforts to reduce unfit and vacant properties in the urban area and it would set an undesirable precedent that would perpetuate unsustainable patterns of development throughout the Borough.

Hoylake Town Centre and the railway station can be accessed from the site but direct bus services are limited and the approximately 680 metre pedestrian route to the railway station is via an industrial estate. The Inspector in the previous appeal nevertheless considered this to be a reasonably sustainable location.

The proposed development on a greenfield site within the Green Belt before brownfield sites in the urban area would however conflict with the Government's view of sustainable development at paragraphs 64, 79, 80, 87, 88, and 111 of the NPPF.

The applicant has indicated that the development would achieve the requirements of Code for Sustainable Homes Level 4 in addition to the requirements of Building Regulations Approved Document Part L.

## **Flood Risk**

The application is accompanied by a Flood Risk Assessment which concludes that the development may be completed without conflicting with the requirements of PPS25 (now replaced by the National Planning Policy Framework (Part 10)), subject to finished floor levels being set at a minimum of 300mm above adjacent ground levels and detailed drainage design. The Environment Agency has raised no concern at the development proposed, subject to the imposition of suitably worded conditions to secure the mitigation measures detailed within the FRA including limits to the surface water discharge, provision of onsite water attenuation, and appropriate finished floor levels.

## **Ecology**

The planning application is accompanied by an ecological assessment and report, which concludes that the proposed development is acceptable in terms of ecological considerations, though the proposals provide an opportunity to enhance and improve local biodiversity through landscape planting and habitat creation. No records of protected species or notable species are reported for the site. Protected species including Water Vole and bat species are present in the wider area, but not associated with the site, or with features adjacent to the site.

Features of local ecological value that would require consideration in relation to any development proposal include:

- The presence of a relatively large number of plant species at the site and the presence of Bee Orchid,
- The use of the site by a UK BAP Priority species (House Sparrow)
- The potential for the proposed development to provide features for the benefit of wildlife as part of good design (and compliance with the Code for Sustainable Homes criteria).

The report makes recommendations in relation to: tree retention, protection and compensatory provision; the maintenance of a buffer to preserve the potential of adjoining drains as local wildlife corridors; any shrubs or other suitable breeding bird habitat which are to be removed as part of the proposals are only to be removed outside the bird breeding season; the use of native species in the landscape planting (which will provide berry and invertebrate food for the adult and young birds) in conjunction with the installation of House Sparrow terrace nest boxes at the site will aim to conserve urban populations of House Sparrow in this area; the incorporation of features such as bat bricks into suitable elevations of the new properties would enhance the site's biodiversity value by providing opportunities for use by roosting bats, and; a method statement for the treatment of the stands of Japanese Knotweed throughout the site must be prepared and implemented prior to any construction

works in the vicinity of the stands.

The conclusions and recommendations of the ecological assessment are considered to be largely sound, though recommendations regarding wildflower grassland and bee orchids are not considered to be appropriate, given the difficulties in transplanting orchids and the proposed timescales for cutting regimes. It is considered that suitably worded planning conditions might, therefore be able to secure appropriate measures to retain and enhance the ecological value of the site.

#### Habitat Regulations

Part of the application site falls within the Wetlands Bird Survey (WeBS) Core Count Sector known as Gilroy Pond and Hoylake Langfields (Sector 46474), which provides supporting habitat for autumn and spring passage and over wintering birds from the nearby Natura 2000 sites (The Dee Estuary Special Protection Area (SPA) and Ramsar Wetland of International Importance; Mersey Narrows and North Wirral Foreshore possible SPA and possible Ramsar Wetland of International Importance). It should be noted, however, that the amended proposal would not proposed built development in this area. A report has been submitted by the applicant considering this matter. It concludes that the habitats within the site do not contribute to the suitability of the WeBS Core Count Sector for wildfowl. However, it states that the proposed development may still impact on the WeBS Core Count Sector via disturbance, both during the construction process and following completion, due to increased recreational activities. The report puts forward a number of recommendations which would minimise and, where possible, avoid, the potential for disturbance to birds. Further, the report concludes that the site does not contribute to the Dee Estuary SPA and Ramsar Site or the Mersey Narrows and North Wirral Foreshore SPA and Ramsar Site, nor their supporting habitats.

It is considered that on the basis of the evidence presented, there would be no material impact on the Dee Estuary SPA and Ramsar Site or the Mersey Narrows and North Wirral Foreshore SPA and Ramsar Site as a consequence of the proposed development, provided that the recommendations in the report are implemented. These recommendations include timing of construction activities to avoid the wintering period, retention of vegetation to boundaries, and the use of close boarded fencing at the site to reduce the likelihood of disturbance. Conditions might be imposed to secure the implementation of the recommendations made - however, it must be noted that the imposition in relation to fencing would have an impact to the Green Belt and character of the development itself. It is noted also that this conclusion was reached by the Inspector to the previous application (for 62 units), in determining that appeal.

#### **Environmental Impact Assessment**

As the site exceeds 0.5ha the development proposal falls within Schedule 2 of the 2011 EIA Regulations, under category 10 Infrastructure Projects, subcategory (b) Urban Development Projects. Following consideration of the information provided by the applicant and whether the development triggers the need for a full Environmental Impact Assessment (EIA) it was determined that the proposal is unlikely to have significant environmental effects and that a full EIA is not required.. The Local Planning Authority concludes that the proposals do not constitute EIA development.

#### **CONCLUSION**

An appeal against the refusal of 62 dwellings was dismissed at this site on 18 March 2013, following a Public Inquiry because any benefits, including affordable housing, were not considered sufficient to outweigh the harm from inappropriate development in the Green Belt. The Planning Policy context has not changed and the reduction in the number of houses to 26, along with the additional information provided by the applicant, is not considered to outweigh local and national policy in relation to the Green Belt or the conclusions of the Inspector in the previous decision.

The proposed development would still create obtrusive urban sprawl that would harm the openness of the Green Belt and would undermine the Councils approach to urban regeneration and housing market renewal efforts to reduce unfit and vacant properties in the urban area and could set an harmful and undesirable precedent in the Green Belt.

This is contrary to the National Planning Policy Framework and UDP Policy GB2, which makes it clear that there is a general presumption against inappropriate development and substantial weight must be given to the harm arising from inappropriate development. It is not considered that very special

circumstances have been demonstrated that would outweigh such harm.

The proposal also conflicts with the provisions of the National Planning Policy Framework and UDP Policies GB2, LAN1 and LA7, because its design and location would be obtrusive and detrimental to the open character of the area, and its design and siting would not improve the character and quality of the area. The proposal would also be contrary to the emerging Core Strategy, which the Council has adopted as material consideration in planning decisions, although at this stage would have limited weight.

It should be noted that Inspectors in more recent appeals have dismissed the construction of a single dwelling in the Green Belt at Heswall on 6 November 2013 and the use of caravan for overnight accommodation in the Green Belt at Thornton Hough on 7 November 2013 (W4325/A/13/2200491 and APP/W4325/A/13/2199075 refer).

Accepting a case on the need for housing in the Green Belt would inevitably lead to similar applications elsewhere. Members should be aware that approval of this proposal could set a precedent that would undermine urban regeneration and the recycling of derelict and other urban land, which could lead to unsustainable patterns of development which the Council is seeking to avoid.

**Recommended          Refuse**  
**Decision:**

**Recommended Conditions and Reasons:**

1. The site lies within the Green Belt, where the National Planning Policy Framework and Policies GB2 and URN1 in the Wirral Unitary Development Plan make it clear that there is a general presumption against inappropriate development and substantial weight must be given to the harm arising from inappropriate development. It is not considered that very special circumstances have been demonstrated that would outweigh such harm.
2. It is considered that the proposal conflicts with the provisions of the National Planning Policy Framework and Policies GB2, LAN1 and LA7 in the Wirral Unitary Development Plan because its siting, materials, design and layout would fail to improve the character and quality of the area and would be detrimental to the openness and visual amenities of the Green Belt.

**Last Comments By: 11/11/2013 11:59:58**  
**Expiry Date: 18/02/2013**