

# Planning Committee

20 January 2016

**Reference:**  
**OUT/14/00407**

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

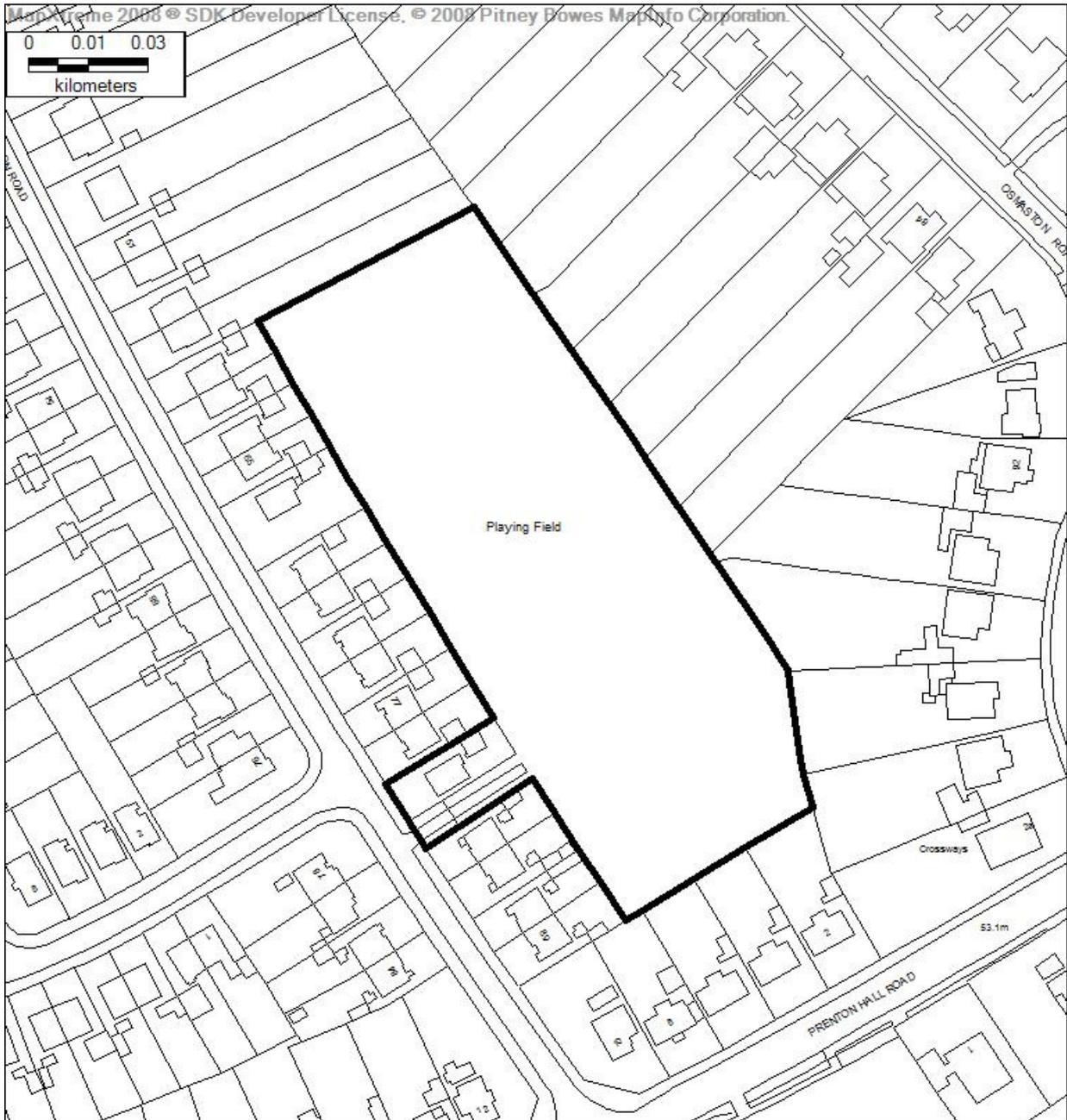
**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Prenton**

**Location:** Pershore House School Playing Fields, GLENAVON ROAD, PRENTON  
**Proposal:** Change of use to a residential development (Outline application with all matters reserved) (amended description).

**Applicant:** Design Planning Ltd  
**Agent :** N/A

## Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area  
Sports Ground

**Planning History:**

Location: Pershore House School Playing Fields Glenavon Road and 81 Glenavon Road Prenton, Wirral, CH43 0RD (amended location)  
Application Type: Outline Planning Permission  
Proposal: Residential development.  
Application No: OUT/05/05633  
Decision Date: 03/06/2005  
Decision Type: Refuse

Location: South-east end of playing fields, rear of 83-89, Glenavon Road, Prenton. L43 0R  
Application Type: Outline Planning Permission  
Proposal: Erection of three detached dwellings and relocation of existing pavilion.  
Application No: OUT/89/07584  
Decision Date: 16/01/1990  
Decision Type: Refuse

Location: South east end of playing fields, rear of 83-89, Glenavon Road, Prenton. L43 0R  
Application Type: Outline Planning Permission  
Proposal: Erection of three detached bungalows with garages, (outline).  
Application No: OUT/91/06902  
Decision Date: 13/12/1991  
Decision Type: Refuse

Location: Playing fields east 59-89 Glenavon Road, Prenton, L43 0RD  
Application Type: Full Planning Permission  
Proposal: Change of use from Local Authority playing fields to private tennis club  
Application No: APP/80/16743  
Decision Date: 27/11/1980  
Decision Type: Refuse

Location: 81 GLENAVON ROAD, PRENTON, CH43 0RD  
Application Type: Full Planning Permission  
Proposal: Change of use from former playing field to land for a nursing home.  
Application No: OUT/10/01080  
Decision Date: 25/02/2011  
Decision Type: Refuse

Location: 81 Glenavon Road and land rear of 59-89 Glenavon Road Prenton, Wirral, CH43 0RD  
Application Type: Outline Planning Permission  
Proposal: Erection of a single storey 40 bed nursing home (outline)  
Application No: OUT/07/06013  
Decision Date: 18/12/2007  
Decision Type: Withdrawn

**Appeal Details**

Application No	OUT/91/06902
Appeal Decision	Dismissed
Appeal Decision Date	17/09/1992

Application No	OUT/91/06902
Appeal Decision	Dismissed
Appeal Decision Date	17/09/1992

Application No                   OUT/10/01080  
Appeal Decision                 Dismissed  
Appeal Decision Date         02/09/2011

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

#### REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 63 representations have been received as well as a qualifying petition of objection. The objections are summarised as follows:

1. The land is protected by a covenant and cannot be built on
2. Previous plans have been rejected on the site, why allow this?
3. It would be dangerous to build on the land due to the lack of access for emergency vehicles
4. Disruption to wildlife and residents
5. Who is the affordable housing for and will it devalue our property.
6. It is scary what is happening to our urban greenspace.
7. The field should be used for local children (local football teams)
8. Loss of outlook from surrounding dwellings
9. The development would lead to increased traffic congestion
10. What profit will the owner make from the development? The development may drive people from the area.
11. Increase in noise
12. Why not build on brownfield land?
13. Overlooking introduced to surrounding properties.
14. The findings of the applicant's surveys are questioned.
15. The development will be out of character with the area.
16. The application is contrary to PPG17
17. The land has been left to become overgrown and unusable by the owner.
18. The access road would be within close proximity to adjacent dwellings
19. Inconvenience to the road by way of parking restrictions
20. Safety hazard caused by new road
21. Impact upon drainage system
22. Security risk?
23. Restrictive covenant on land prevents this development
24. Loss of council profits
25. Impact of wildlife (bats, birds, foxes and Great Crested newts)
26. Loss of value to surrounding properties
27. Impact of shared ownership on character of area
28. The development is contrary to policy
29. How can residents make comments on an outline application with all matters reserved?
30. The field is the only place for Glenavon Junior football club to play?

#### CONSULTATIONS:

**Head of Environment & Regulation (Traffic & Transportation Division)** - No Objections

**Head of Environment & Regulation (Pollution Control Division)** - No Objections

**Sport England** - No Objection subject to condition

**Merseyside Environmental Advisory Service** - No Objection

**Lead Local Flood Authority (LLFA)** - No Objection subject to conditions

#### **Director's Comments:**

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

A qualifying petition signed by 169 people and more than 15 separate letters of objection have been

received and as such, under the provisions of the Council's Scheme of Delegation for Determining Planning Applications, this application is required to be considered by the Planning Committee.

## **INTRODUCTION**

The proposal is an outline application for a residential development with all matters reserved for subsequent approval. The indicative plans indicate the erection of up to 32 dwelling houses at the former Pershore House School Playing Field. The title of the development was amended at the request of the applicant and as such neighbours were renotified of the development.

## **PRINCIPLE OF DEVELOPMENT**

The proposed development is a departure from the Wirral Unitary Development Plan (UDP), as the site is identified as a sports ground on the UDP Proposals Map and in UDP Proposal RE6 'Sports Grounds for Protection from Development'. Material considerations must be identified to outweigh the provisions of the statutory development plan in favour of the application before planning permission could be granted.

## **SITE AND SURROUNDINGS**

The site is a land locked field 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. 81 is a detached dwelling and as part of the permission would be demolished to ensure adequate access is provided into the site.

## **POLICY CONTEXT**

The proposal for the erection of a residential development on a former private school playing field 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.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Material considerations that could weigh in favour of the proposal in this particular case include:

- i. the extent of conformity with the National Planning Policy Framework (NPPF);
- ii. the emerging Core Strategy for Wirral;
- iii. future prospects of the site being used as a sports ground;
- iv. the provision to be made for replacement facilities, including the availability of an alternative site;
- v. the suitability of the site for new housing development; and
- vi. the need for affordable housing.

## **Material Policy Considerations**

NPPF, which is a significant material consideration in relation to this proposal, sets a presumption in favour of sustainable development and states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- a. an assessment clearly shows the land to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location (paragraphs 14 and 74 refer).

The Core Strategy Proposed Submission Draft, which has been approved the Council as material consideration in the determination of planning applications could carry some limited weight, insofar as it conforms with NPPF. Draft Policy CS31 would protect land use for sport unless it can be demonstrated:

- i. the site is genuinely surplus and not required for required for another recreational purpose;
- ii. it has been continuously marketed at realistic prices and there is no reasonable prospect of re-use for recreational purposes;
- iii. it is not needed for other purposes such as landscape character, biodiversity, drainage of flood defence;
- iv. it would be replaced with an equivalent or better facility to serve the same community.

Evidence in the Wirral Playing Pitch Strategy (April 2004), indicates a shortage of good quality junior playing pitches in the area and recommends that additional junior pitches should be identified. The Strategy also recommends that the loss of any existing playing field should not be permitted unless replaced, on a one-for-one basis, at another site within the catchment area. A shortfall in outdoor sports facilities is also identified in the Council's Wirral Open Space Assessment 2012. A more up to date playing pitch assessment is due to be commissioned by the Council, but is not scheduled for publication until the end of 2016.

### **Material Site Considerations**

Glenavon Road Playing Field is a former private school playing field, which is now in separate private ownership and is vacant. 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.

The site has a history of planning refusals, some of which have been upheld at appeal, on the basis of the loss of playing fields, for proposals that would not have secured a replacement facility. The applicant has now offered funding with the current application that could be secured through a legal agreement to cover the cost of alternative provision to cover the loss of the land at Glenavon Rd that is physically capable of accommodating two junior pitches.

The applicant has undertaken pre-application consultation within the local community and has sought to negotiate with the Council with an offer to provide alternative pitches on a site of the Council's choice. There is divided local public opinion over the use of the nearest available site at Walker Park, which has no existing formal provision, with the Friends of Walker Park opposed and Prenton Tenants and Residents Association in support. No other suitable local site has yet been able to be identified. The Council's Parks and Countryside Service consider that it is not appropriate to commit significant funds to any particular site prior to the completion of a more up to date strategic playing pitch assessment, which is scheduled for publication by the end 2016. The Head of Service would, however, agree to receive and hold any proposed funding, with a commitment to use it for two additional replacement junior pitches on a suitable site, in agreement Sport England, following this strategic review.

Sport England has indicated that its original objection would be withdrawn if a planning condition was applied to secure a scheme for the replacement of the playing field.

The existing site is entirely surrounded by the adjoining Primarily Residential Area as shown on the UDP Proposal Map. UDP Policy HS4 (New Housing Development) would be relevant to the assessment of the proposed dwellings. Any residential proposal should be of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development, the proposal should not result in a detrimental change in the character of the area. All proposals whose main elevations that are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

The National Planning Policy Framework states that good design is a key aspect of sustainable development, but decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness

UDP Policy HSG4 enables the Local Planning Authority to negotiate for affordable housing, where appropriate. 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. No viability study has been submitted as it is currently proposed to provide 100% affordable housing at the site.

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, which can be secured through planning conditions.

### **APPEARANCE AND AMENITY ISSUES**

At the time of writing this report 63 objections have been received in addition to a qualifying petition of objection. A number of the objections are from the same household as the Local Planning Authority renotified neighbours following a change of the description of development.

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.

The indicative plan with the outline application for the proposed development shows the footprints of 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.

Following the receipt of the representation stating that there was wildlife on the land the applicant was asked to prepare an Ecological Survey. This was forwarded to Merseyside Environmental Advisory Service (MEAS) for assessment. MEAS have responded that they consider the Ecological Survey is acceptable. The report concludes that there will be no impact on Great Crested Newt as the site is isolated from the nearest records for the species by housing and roads. There are no ponds within the zone of influence of the site. MEAS advise that no further consideration with regards to the proposals and any impact on Great Crested Newts is required. The Ecological Report recommends bat activity surveys to assess the level of bat use within the site as potential bat roosting opportunities exist adjacent to the site in mature trees. However, advice from MEAS is that it is unlikely the development (and therefore the loss of) the grass playing field would have a significant effect on the local bat population.

As the planning application is for all matters reserved, any subsequent planning application will include layout, scale, access, appearance and landscaping. Whilst the development will need to be refined in order to ensure that all of the dwellings meet the required policies, at outline stage the overall principle of dwelling houses in this location is considered acceptable in terms of the criteria set out in UDP Policy HS4.

### **SEPARATION DISTANCES**

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 site levels are consistent in this area with no differences. As discussed above, a future submission of reserved matters will consider the scale and appearance to prevent any overlooking.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

The Head of Environment & Regulation (Traffic & Transportation Division) has been consulted as part of the application and has raised no objections to the scheme with regards to the capacity of the highway, traffic safety and parking.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no environmental/sustainability implications relating to the proposed development.

### **HEALTH ISSUES**

Provision for usable junior playing pitches could have positive health benefits.

### **CONCLUSION**

Whilst the proposal is contrary to the intended land use in the Unitary Development Plan, the prospects of bringing the site back into use as a sports ground under private ownership without backing from an official club are considered limited. Funding to provide usable junior playing pitches once a strategic assessment has been made in consultation with Sport England is a material consideration to be weighed in favour of the proposed development. The proposed housing would make a contribution to the affordable housing supply and is capable of compliance with UDP Policy HS4 and the National Planning Policy Framework subject to approval of reserved matters in a future detailed planning application. The application is therefore recommended for approval subject to a Section 106 Agreement securing funds for the replacement of the application site's 1.1ha of playing field and 20% affordable housing.

**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:-

Whilst the proposal is contrary to the intended land use in the Unitary Development Plan, the prospects of bringing the site back into use as a sports ground under private ownership without backing from an official club are considered limited. Funding to provide usable junior playing pitches once a strategic assessment has been made in consultation with Sport England is a material consideration to be weighed in favour of the proposed development. The proposed housing would make a contribution to the affordable housing supply and is capable of compliance with UDP Policy HS4 and the National Planning Policy Framework subject to approval of reserved matters in a future detailed planning application. The application is therefore recommended for approval subject to a section 106 agreement securing funds for the replacement of the application site's 1.1ha of playing field and 20% affordable housing.

**Recommended Decision:**                      **Approve subject to a Section 106 Legal Agreement**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

**Reason:** To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - (a) Layout
  - (b) Scale
  - (c) Appearance
  - (d) Access and
  - (e) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990.

3. Before any construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

4. 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 unless otherwise agreed 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.

5. 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.

6. 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 WM8 of the Waste Local Plan.

7. Full details of the arrangements for the storage and disposal of refuse, and vehicle access thereto, within the curtilage of the site, shall be submitted as part of the reserved matters application for approval by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy WM9.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

**Reason:** In the interests of the amenities of adjoining residents and having regard to Policy HS4 of the Wirral Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to the

dwellings shall be erected unless expressly authorised by the Local Planning Authority.

**Reason:** In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

**Reason:** In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

11. No development shall commence until a scheme for the replacement of the application site's 1.1ha of playing field has been agreed in writing with the Council and Sport England. The scheme will show the type and size of pitches to be set out on the replacement playing field and will include timetable with a project plan for their implementation. The approved scheme shall be completed and made available for use in accordance with the agreed timetable.

**Reason:** To ensure the provision of replacement playing fields in accordance with the National Planning Policy Framework (paragraph 74) and Sport England Playing Field Policy E4

12. Notwithstanding the indicative site plan submitted with the application, 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.

13. As part an application for the approval of the reserved matters for layout, appearance, landscaping and access, full details a scheme for a sustainable drainage system to serve the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include for, but not be restricted to, the following:

- a) Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
- b) Demonstrate that the surface water run-off would not exceed the pre-development greenfield runoff rate for the existing greenfield site;
- c) Include details of a site investigation and test results to confirm infiltrations rates, where appropriate;
- f) Secure arrangements for adoption by an appropriate public body or statutory undertaker or, management and maintenance by a Residents' Management Company through an appropriate legal agreement;
- g) Secure arrangements, through an appropriate legal agreement, for appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition

- assessments
- ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and
- h) Secure means of access for maintenance and easements, where applicable.

The approved scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

**Reason:**

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 102 and 103 of the National Planning Policy Framework, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

**Last Comments By:** 30/06/2015 15:32:32  
**Expiry Date:** 14/07/2014