

Planning Committee

09 June 2020

Reference:
APP/19/01181

Area Team:
**Development
Management Team**

Case Officer:
Mr P Howson

Ward:
Oxton

Location: Townfield Primary School, TOWNFIELD LANE, OXTON, CH43 2LH
Proposal: Proposed single storey classroom block comprising of 6 no. classrooms and associated works including drop-off/pick-up area (revised proposal)

Applicant: Townfield Primary School
Agent: Mr D Dutton

Qualifying Petition: Yes, Number of Signatures: 46

Site Plan:



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Development Plan designation:

Housing Development Site
Primarily Residential Area
School Playing Field
Urban Greenspace

Planning History:

Location: Townfield School, Townfield Lane, Oxton, L43 2LH
Application Type: Deemed
Proposal: Prefabricated building for playgroup
Application No: DPP/84/25076
Decision Date: 12/07/1984
Decision Type: Approve

Location: Townfield Infant School, Townfield Lane, Oxton. L43 2LH
Application Type: Work for Council by Council
Proposal: Relocation of mobile classroom.
Application No: APP/88/05166
Decision Date: 17/03/1988
Decision Type: Approve

Location: Townfield Primary School, Townfield Lane, Oxton, Wirral, CH43 2LH
Application Type: Work for Council by Council
Proposal: Construction of Play Equipment and Play Area.
Application No: APP/02/05132
Decision Date: 15/03/2002
Decision Type: Approve

Location: Townfield Primary School, TOWNFIELD LANE, OXTON
Application Type: Work for Council by outside body
Proposal: New 2 storey multi-purpose hall within school grounds
Application No: DPP4/12/01242
Decision Date: 22/02/2013
Decision Type: Approve

Summary of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

- 1.1 Councillor Brame has expressed concern over the proposal and its impact upon the safe operation of the highway.

2.0 SUMMARY OF REPRESENTATIONS**2.1 REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications 92 notifications were sent to neighbouring properties and 3 Site Notices were displayed. At the time of writing a qualifying petition comprising of 46 signatures and 33 letters of representation have been received objecting to the proposal. Summary of comments:

1. Impact on the highway
2. Drainage
3. Loss of green space

2.2 CONSULTATIONS

Highways - No Objections subject to conditions and mitigation secured via s106

Environmental Health – No Objection

Wirral Wildlife – No Objection

Tree Officer – No Objection subject to conditions

United Utilities – No Objection

3.1 Site and Surroundings

3.1.1 Townfield Primary School sits off Townfield Lane. Access into the site is towards a bend in Townfield Lane. A pedestrian crossing, trees and shrubberies provide visual distraction, whilst the land levels appear to slope down east to west which ensures that the school complex is not immediately apparent upon passing.

3.1.2 The development site sits behind the main school building and comprises of an area of hardstanding and part of the adjacent wooded area.

3.2 Proposed Development

3.2.1 The application proposes to erect a classroom block and associated works, including a drop-off/pick-up area.

3.3 Development Plan

3.3.1 The Wirral Unitary Development Plan 2000

- HS15 Non-Residential Uses in Primarily Residential Areas
- GR5 Landscaping and New Development
- GR7 Trees and New Development
- NC7 Species Protection
- TR9 Requirements for Off Street Parking

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework (2019)

- Achieving sustainable development
- Decision-making
- Promoting healthy and safe communities
- Achieving well-designed places

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of development;
- Design;
- Highways;
- Ecology; and
- Amenity

3.6 Principle of Development:

3.6.1 The proposed development site is designated as a School Playing Field on the UDP Proposals Map 2000. However, this designation covers the entirety of the site, including the existing school buildings and associated parking areas etc.

3.6.2 UDP Policy RE7 (Criteria for the Protection of School Playing Fields) did not remain in force following a Direction issued by the Secretary of State on 18 September 2007 as national policy provided greater protection.

3.6.3 The National Planning Policy Framework (NPPF) sets out a presumption in favour of

sustainable development. Paragraph 11 of the Framework indicates that

- development should be approved if it accords with an up to date development plan or
- where there are no relevant policies or the policies which are most important for determining the application are out of date, planning permission should be granted unless
 - (i) the policies within the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or
 - (ii) any adverse impact would significantly outweigh the benefits when assessed against the policies in the NPPF as a whole.

3.6.4 The Core Strategy Proposed Submission Draft (December 2012), which has been approved by the Council as material consideration in the determination of planning applications carries some weight, insofar as it is consistent with the NPPF. Draft Policy CS31 states that land and buildings used for sports and recreation will be protected from incompatible development unless it can be demonstrated that:

- a. the site is genuinely surplus and is not required for any other recreational purpose; and
- b. the site has been continuously marketed for recreational uses at realistic prices for a period of at least two years and there is no reasonable prospect that the site will be re-used for recreational use; and
- c. the site does not need to be retained undeveloped for any other intrinsic or designated value, including landscape character, heritage, biodiversity, drainage requirements or flood defence; or
- d. the facility will be replaced with an equivalent or better facility, capable of serving the same local community and criterion 3 above would also be met

3.6.5 In this particular case, the proposed development site comprises as an area of hardstanding used for car parking and it is neither used for sport or recreational purposes. Townfield Primary School benefits from a grassed playing pitch west of the proposed development site, behind a wooded area used for recreational purposes. As the proposed development would not affect the playing pitch it is not considered contrary to the NPPF or the criteria of Emerging Local Plan Policy CS31. Sport England have considered the submitted proposals and raised no objection and the proposal is considered acceptable in principle subject to all other material considerations.

3.7 Design:

3.7.1 The NPPF sets out a presumption in favour of sustainable development. Section 12 of the Framework sets out the Government's policies in achieving well-designed places.

3.7.2 Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit (Paragraph 127 of NPPF refers). Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.7.3 Townfield Primary School is comprised of interconnected, single storey and (predominantly) flat roof structures which sit behind landscaped buffers. As there are differences in levels between the school complex and Townfield Lane, the school buildings are not immediately apparent within the local townscape.

3.7.4 The proposed building would be situated behind the main school complex. A landscaped buffer between the proposed development site and Noctorum Way in the north would

effectively obscure the proposed school building from view. The building itself would feature a simple flat roof and is proposed to be finished in a contemporary blackened timber, a contrasting brick would add visual interest. Overall, the building would create an attractive arrival experience into the school from the proposed under this submission.

3.7.5 In order to accommodate the development proposal, a number of trees are proposed to be removed. Whilst the site is not subject to a Tree Protection Order, UDP Policy GR7 requires the Local Planning Authority to consider the visual value of trees affected by development proposals.

3.7.6 The Tree Officer has raised no objection to the proposal and acknowledges that the amenity value of the trees which would be lost is low. However, they have advised that the scheme should allow for replacement planting and a condition has been imposed.

3.8 Highways:

3.8.1 The requirements for off-street vehicle and cycle parking are set out under Policies TR9 and TR12 of the UDP and the accompanying Supplementary Planning Document on Parking Standards.

3.8.2 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF states that development should:

- a. give priority first to pedestrian and cycle movement,
- b. address the needs of people with disabilities and reduced mobility in relation to all modes of transport
- c. create safe, secure and attractive places whilst minimising the scope for conflict between different users and
- d. allow for the efficient delivery of goods and emergency access.

3.8.3 The Highways Engineer has raised no objection to the proposed development and advises that the proposed drop-off/pick-up point will aid in preventing school traffic from stopping in surrounding residential roads. However, the Engineer advises a residents' parking scheme is required and funded by the development. This is calculated at a figure of £25,000. The Engineer also advises that the crossing island along Noctorum Way would be inadequate to serve the school once the proposed increase in pupil numbers takes effect. Therefore, a new crossing is required and is to be funded by the development by way of commuted sum of £15,000. Additional highway works would include double yellow lines along Stubbs Lane as this will become a principal vehicular route into the school. These will be secured by way of a Section 106 Legal Agreement.

3.8.4 The Highway Engineer has advised that a Travel Plan should be submitted by the applicant which can be secured via an appropriately worded condition. However, the applicant provided a plan which was considered by the Engineer and was unfortunately deemed inadequate. A condition will therefore be imposed.

3.9 Ecology:

3.9.1 Adopted Policy NC7 of the UDP states that development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of species can be secured through the use of planning conditions and/or planning obligations.

3.9.2 The Local Planning Authority rely on Wirral Wildlife to provide advice and guidance on ecological matters. Wirral Wildlife have essentially raised no objection subject to the mitigation measures contained within the suite of documents being implemented.

3.10 Amenity:

3.10.1 As the development site abuts a Primarily Residential Area UDP Policy HS15 applies. UDP Policy HS15 requires non-residential uses within Primarily Residential Areas to not cause

nuisance to neighbouring uses with regard to noise, disturbance, on-street parking and deliveries.

- 3.10.2 Paragraph 127 of the revised National Planning Policy Framework states that planning decisions should create places that provide a high standard of amenity for existing and future users.
- 3.10.3 The proposed school building itself would be set behind areas of landscaping and there would be an adequate interface between surrounding residences to not result in any materially adverse impacts. The principal concern would be the impact of the proposed drop-off/pick-up point on the residences within Stubbs Lane.
- 3.10.4 It is stated within the supporting Traffic Survey that traffic peaks within the area are between 08:00 to 09:00 and 16:15 to 17:15, which would roughly correlate with the start and end of the school day. The existing arrangement is for staff and pupils to access the site directly via Townfield Lane. As there is no formal drop-off/pick-up point this likely pushes pupils arriving by car (approximately 45%) into the surrounding subsidiary streets where parents can park and drop pupils off into the school.
- 3.10.5 If allowed, the development proposal would essentially formalise the drop-off/pick up arrangements with 'dwell' time contained within the curtilage of the school. Whilst it is accepted that an increase in pupil numbers as a result of the development proposal would generate more vehicular traffic the inconvenience would be relatively short lived and restricted to specific times of the day. As the residences along Stubbs Lane sit behind their own front gardens it is not anticipated that there would be a significant impact upon their amenity to warrant refusal.

3.11 Other:

3.11.1 At the time of writing, 33 letters of representation have been received objecting to the proposal. Summary of comments;

1. Impact on the highway
2. Drainage
3. Loss of green space

The proposed development's impact upon the highways has been considered in section 3.8. The Highways Engineer has raised no objection to the proposal.

The development proposal does not constitute 'major' development. Therefore, the proposal is not required to be supported by a drainage strategy. United Utilities have raised no objection to the proposal.

Whilst an area of soft landscaping would be turned over to the development this is within the private curtilage of the development site. Due to its location it offers limited visual and no public recreational benefits.

Summary of Decision:

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

The proposed development site and the surrounding land is designated as a School Playing Field on the current UDP Proposals Map 2000. However, as the proposed development would not prejudice the use of the playing field area Sport England have raised no objection.

The proposed school building is of a reasonable standard of design and would meet the criteria within the National Planning Policy Framework. With regard to the amenity of

surrounding residences, it is acknowledged that an increase in pupil numbers will inevitably increase vehicular traffic in the area. However, the inconvenience would be short lived as it would be restricted to specific times of the day. The drop-off and pick-up area would be within the curtilage of the school, as a consequence opportunity for vehicles to 'dwell' within surrounding streets would be reduced. Subject to improvements within the existing network the Highways Engineer has advised there would be no impact upon the safe operation of the road network and the application is considered acceptable.

Recommended Decision: **Approve subject to a Section 106 Legal Agreement** (*to secure a commuted sum which will enable a residents' parking scheme, a new road crossing for Noctorum Way, and associated highway works including double yellow lines along Stubbs Lane*).

Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12 March 2020 and listed as follows: (00)001, (00)002, (20)001 Rev. A, (20)100, (20)101

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

3. Prior to any development above ground level approval of the following details shall be obtained from the local planning authority;

- i. Samples or details of all facing materials including all new windows and doors

The stated details shall be approved in writing and such approved details shall be implemented in the development hereby approved in full:

Reason: These details are not included in the application and the Council wishes to ensure that they are satisfactory in the interests of visual, residential and environmental amenity.

4. A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of species protection and visual amenity and the character of the area and to ensure a satisfactory environment having regard to Policy GR5 of the Wirral UDP

5. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy GR7 of the Wirral UDP.

6. The following activities must not be carried out under any circumstances:
 - a. No fires to be lit within 20 metres of existing trees and shrubs to be retained.
 - b. Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
 - 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 builder's debris or other materials to be stored within the Root Protection Areas.
 - e. No mixing of cement, associate additives, chemicals, fuels, tar and other oil-based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be a used and located not within 10 metres of any Root Protection
 - f. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
 - g. No excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy GR7 of the Wirral UDP.

7. No works shall start on site until an Arboricultural Method Statement has been submitted to and approved in writing by The Local Planning Authority. These details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works and tree protection measures throughout the course of development. The development shall then be carried out strictly in accordance with the approved Arboricultural Method Statement.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy GR7 of the Wirral UDP

8. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country

Planning Act 1990 in accordance with Policy GR7 of the Wirral Unitary Development Plan.

9. The Arboricultural Method Statement submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with UDP Policy GR7

10. Prior to first use of the development hereby approved full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy GR5 of the Wirral Unitary Development Plan.

11. No tree felling, scrub clearance, hedgerow removal, vegetation management is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: In accordance with Policy NC7 of the Wirral Unitary Development Plan

12. Prior to first occupation, a "lighting design strategy for biodiversity" for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

and

- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim

of local planning policy

13. The development hereby approved shall be occupied in accordance with the hedgehog RAMMS unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy

14. The development hereby approved shall be occupied in accordance with the bat RAMMS unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy

15. Rhododendron and yellow variegated archangel is an invasive species and is identified as being within the site. The Invasive Species Management Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To eradicate rhododendron and yellow variegated archangel from the development site and to prevent the spread of the plant

16. Notwithstanding the submitted details, prior to the commencement of development the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of National Planning Policy Framework.

The applicant shall implement and monitor the approved travel plan and thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory and safe operation of the highway

Further Notes for Committee:

1. United Utilities advise the following;

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewath Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>. You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Last Comments By: 03/04/2020
Expiry Date: 26/09/2019