

Reference:	PS Development Code	Case Officer:	Ward:
APP/23/01821	Q18 - Other minor development	Mr P Roberts	Seacombe

Location:	Poulton Victoria Football Ground Clayton Lane, Poulton, Wallasey, Wirral, CH44 5TB
Proposal:	Erection of a new function room at south-eastern edge of site (retrospective)
Applicant:	Mr Sean Corser
Agent:	Mr Sean Corser, SC Design & Construction LTD

Reason for referral to Planning Committee	Councillor Stuart requested that the application be taken out of delegation over concerns that have been expressed by local residents.
--	--

Site Plan:



© Crown copyright and database rights 2023 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

1. Development Plan designation:	Sports Ground
---	---------------

2. Planning History:	<p>Applications APP/23/00959 Erection of a new function room toward the east end of the site. REFUSED</p> <p>APP/22/01054 To convert shipping containers to provide accommodation as a sports pavilion including bar facilities and match viewing areas. APPROVED</p>
-----------------------------	---

3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments

Councillor Stuart noted the concerns raised by local residents and the fact that despite planning permission being refused the applicant has progressed the works in any case.

3.2 Summary of Representations

REPRESENTATIONS

Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 30 notification letters were sent to neighbouring properties on 11th December 2023 and a site notice was also posted close to the site. In response, 2 representations objecting to the application were also received. Comments made within submitted representations are summarised below:

- Negative impact on parking in local streets
- Noise and disturbance
- Loss of privacy from platform level
- Light disturbance from cars
- Unsocial behaviour from visitors to the site
- Heightened risk of criminal behaviour, including drink/drug driving
- Litter pollution

CONSULTATIONS

Traffic and Transportation – Following the submission of further parking details no objections raised.

United Utilities – No comments

Environmental Health – No objections

Mersey Fire – Recommendations made in respect to fire safety

4. Site and Surroundings

4.1

The application site comprises a football pitch and associated grounds located to the south of the A59 (Wallasey Tunnel Approach) and accessed off Clayton Lane. The pitch is enclosed by fencing and lighting columns and is sited in a mixed area with residential housing to the north and east (beyond the A59) with commercial activities to the south. The land to the immediate south/south-east is wooded.

5. Proposed Development

5.1

The application seeks retrospective planning permission for the installation of three attached shipping containers across the south-eastern edge of the site to create a function room which will be available for hire. The space incorporates a bar, storage and toilets and has railings at roof level with areas of seating which can be accessed via an external staircase. As part of the submission a total of 29 parking

	bays are proposed along the northern boundary of this site in addition to the existing.
--	---

6. Development Plan	
6.1	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application:</p> <p>URN1 - Development and Urban Regeneration GR5 - Landscaping and New Development GR7 - Trees and New Development REC1 - Principles for Sport and Recreation RE6 - Sports Grounds for Protection from Development RE10 - Criteria for Community Centres and Facilities TR9 - Requirements for off-street parking TR12 - Requirements for cycle parking PO3 – Noise</p>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18th July 2013) is also applicable. Relevant policies are:</p> <p>WM9 - Sustainable Waste Management Design and Layout of New Development</p>

7. Other Material Planning Considerations	
7.1	<p><u>The National Planning Policy Framework (2023)</u> Section 4 – Decision-making Section 9 - Promoting Sustainable Transport Section 11 - Making Effective Use of Land Section 12 - Achieving well-designed and beautiful places Section 14 - Meeting the Challenge of Climate Change, Flooding, and Coastal Change</p>
7.2	<p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on</p>

	<p>the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors' view on certain matters and what should now be done. It should be read as the Inspectors' initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors' view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. For the purposes of decision making, the post-hearing note does not change the status of the emerging Local Plan. The Plan is at an advanced stage and weight may be given to relevant policies in the emerging plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.</p> <p>In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>"Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and 3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)." <p>The following emerging plan policies are relevant to the determination of this planning application: WS1, WS2, WS3, WS4, WS5, WS6, WS7, WS8, WS9, WS10, WS11, WP6, RES DZ2, WD1, WD2, WD3, WD4, WD6, WD14.</p>
7.3	Wirral SPD 4 Parking Standards (2007)
7.4	Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)

8. Assessment	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of Development; • Design; • Highways; • Residential Amenity

8.2 Principle of Development	
8.2.1	<p>Policy RE1 supports new facilities within the urban area subject to visual, highway and amenity issues. Policy RE6 states that this site, as a sports ground, is protected from development. Policy WS 10.6 from the emerging Local Plan sets out that development that would be incompatible with the continued use and</p>

	<p>benefits of sport and recreation sites will not be permitted unless in specified limited circumstances. The proposed development will not impact directly on the existing playing field.</p>
<p>8.2.2</p>	<p>The football club is an established presence locally. Planning permission was granted in May 2023 for the erection of a pavilion to the north of the site to provide covered and external viewing plus bar area to be used in connection with and directly related to football matches (ref: APP/22/01054).</p> <p>This current planning application reflects that of a similar application (APP/23/00959) which was refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development by reason of its scale, appearance and deficient design quality, is considered to be out of keeping with the open and green nature of this site, prejudicial to the visual amenity of the area, contrary to saved UDP Policy RE1. 2. The applicant has failed to provide sufficient information to demonstrate that the facility will provide adequate levels of accessible and vehicle parking, cycle parking and servicing arrangements without being prejudicial to the adjoining residential network, parking provision and highway safety, contrary to saved Policies RE1, TR9 and TR12 of the Wirral UDP. 3. With no detailed information provided on the level, frequency of use and management of the proposed function room, the applicant has failed to demonstrate that the proposal will not result in unacceptable levels of noise and disturbance to neighbouring residential occupiers during daytime, evening and night -time hours, contrary to the requirements of saved UDP Policy RE1. <p>This current application has been submitted with further details about the proposed use of the facility together with a premises licence granted by the Council in September 2023 which sets out that it is a facility that would be available for hire for functions as well as in connection with football matches. The application also now includes a parking layout.</p>
<p>8.2.3</p>	<p>The submitted application form proposes that the premises would be used for the hours granted via the September 2023 Premises Licence, that is 0900 – 0000 Monday to Thursday and 0900 – 0100 Friday to Sunday. The function room would be available to hire out for birthday parties, funerals, christenings etc. The applicant has advised that it will not be used for such purposes during football matches.</p>
<p>8.2.4</p>	<p>Policy RE1 states that development for sports and recreation facilities will be permitted subject to criteria in respect of siting, scale and visual amenity; noise and disturbance impacts from the proposal; and adequate provision for off-site parking and safe highway access. The applicant has stated that the function room will be used both alongside the main football use of the site and at other times. The nature of the facility is one (notwithstanding design and other implications referred to below) that is not uncommon to sporting venues where many utilise function rooms as part of their offer and as a way of helping the running costs of local sports clubs. In that sense the principle of such a facility is thought acceptable as there is a link between it and the sporting activity. Consequently, subject to a consideration of the wider impacts as set out below, the principle of the function room is regarded as acceptable.</p>

8.3 Design	
8.3.1	<p>The shipping containers have already been installed on the site and the application is therefore retrospective. They are conjoined and are functional in appearance and reflect the smaller pavilion which has also been installed on the north of the site, in accordance with the previously granted planning permission (APP/22/01054). This facility was considered to represent a functional and practical form of design given the site location and nature of use, in the support of this local football club. This function room facility proposed under this current application continues this design approach, with shipping containers painted blue (the club colours) with the name of the club and other detail painted on. It is located on a piece of land free of vegetation in a position with limited visibility, except from the adjoining open space, commercial sites to the south and from the rear windows of neighbouring housing to the north. The scale of the structures is limited being less than 3 metres in height (plus metal railing), sitting below the adjoining treeline.</p>
8.3.2	<p>Policy RE1 states that development for new sporting and recreational facilities will be permitted in the urban area where <i>"the siting, scale and visual impact of any related buildings or structures is appropriate within the surrounding area and well related to associated outdoor facilities"</i>. The application was previously refused on the basis of the potential negative impact on visual amenity of 36-metre-wide connected shipping containers and the lack of any attempt to mitigate concerns about the long-term impact of such an intervention in this context.</p>
8.3.3	<p>Despite the previous application being refused, the containers have subsequently been installed on site. Whilst the Local Planning Authority would always discourage such practice and this is done at the applicant's risk, the installed containers have allowed for a fuller assessment of the design and visual amenity implications of them. The good quality of the painting and mural on the containers is acknowledged and the finished piece has design merit, adding some interest to the established football ground. Accordingly, with continued maintenance, it is considered that the structure would represent an appropriate and cost-effective addition to this sports facility. In that regard, a condition is recommended securing the maintenance of the structure into the future so that it retains the level of design quality finish required by Policy RE1 and on that basis the previous refusal reason is considered to be overcome.</p>
8.4 Highways	
8.4.1	<p>The requirements for off-street vehicle and cycle parking are set out as maximums under the Supplementary Planning Document on Parking Standards. Policy RE1 sets out that a sports and recreation development should make adequate provision for access and off-street parking.</p>
8.4.2	<p>The proposed new function room is to be located within a private boundary to the Poulton Victoria Football Ground and will cater for up to 150 persons at any one time. The revised parking arrangement set out within this current application provides for 45 parking spaces within the site curtilage, substantially more than are currently present at the site, including 3 accessible spaces. This provision is considered appropriate for the scale of the new development and the extra staff (approximately 10) including cleaners, bar staff and ground maintenance workers. It is assumed that the function room will be serving drinks/alcoholic beverages and as such, it is not unrealistic to assume that a large proportion of customers visiting an event would travel by sustainable means through nearby public transport and/or as part of linked trips by private car or taxi, and that high levels of additional parking to cover the 150-person capacity would therefore not be required. Moreover, the</p>

	function room is located over 150 metres from the entrance to the site with the distance likely limiting customers choosing to park on adjacent residential streets.
8.4.3	The existing vehicle access to the venue and the servicing circulation routes will remain unaffected by the proposals and are considered satisfactory. A servicing vehicle is therefore able to enter and leave the site in a forward gear.
8.4.4	As there is only a single pitch at the Poulton Victoria Football Ground this would limit any associated additional traffic to manageable levels and would therefore not lead to large numbers of parked cars overspilling onto Clayton Lane and the surrounding roads. The increased parking arrangement is noted as both a highway improvement and a benefit to residential amenity by reducing overspill parking on the public highway during football matches.
8.4.5	The Council's Traffic and Transportation team raised no objection to the application and subject to conditions, including the provision of cycle parking storage, the application is considered acceptable in highway terms.

8.5 Residential Amenity	
8.5.1	The structures are placed at the south-east of the site, away from adjoining housing. It is considered that the amenity of neighbouring residents with regard to daylight/sunlight, overshadowing or by reason of overbearing will not be prejudiced by this development due to the substantial distance between houses and the development. Neighbouring occupiers have raised concern regarding the nature of the use, the hours of operation and how that could affect their living conditions. In the previous submission, the applicant failed to provide sufficient information on the nature, scale and management of the proposed uses, with one of the reasons for refusal based on this inability to measure residential amenity impact.
8.5.2	The applicant has now provided additional detail within this current planning application, setting out that the function room can cater for up to 150 customers and that it will be available to hire for functions. All booking forms related to the venue discourage people from coming by car so as to prevent overspill onto local streets. Moreover, security systems have been updated with 14 more cameras (now 21 in total) installed around the grounds, to aid safety and security of the site and visitors. It is also stated that the new access road within the site will be subject to a 5mph limit which will be well signed upon entry. Additionally, the applicant has provided detail of a Premises Licence granted by Wirral Council for the function room for the hours proposed in this submission. The licence is subject to a number of conditions including prominent signage requesting customers respect the needs of residents, that lighting does not prejudice neighbouring amenity and to maintain an incident log of any unsociable behaviour to made available on request to the licensing authority. As with any premises licence, it can be reviewed or revoked.
8.5.3	The function room is over 150 metres away from the nearest residential property and lies adjacent to the Mersey Tunnel approach which will provide some background noise most times of the day. Its location and distances to housing will limit any direct impact to neighbours from the premises itself. However, the hours of use proposed are significant, with closing times of midnight or later seven days a week, 365 days a year. Whilst this could be said to be appropriate in terms of the actual use of the function room itself (given its distance from residents), there remains some concern that such unfettered hours could have the potential to disturb those residents adjacent to the entrance of the site through the movement

	<p>of vehicles and people late into the night. The premises licence was unopposed and therefore was granted with the hours requested. However, the impact of noise and disturbance is still a material consideration in the planning decision-making process, and the nature of the single and confined site entrance immediately adjacent to houses does raise concern about movements in and around what is generally a quiet residential setting. Consequently, it is recommended that more restrictive late-night hours are imposed to safeguard residential amenity, in addition to one regarding external amplified music at times when background noise is less intense. Subject to these conditions and having regards to those associated with the Premises Licence and other legislation, it is considered that this development will not have an unacceptable detrimental impact on the amenity of local residents.</p>
--	--

9. Summary of Decision (planning Balance)	
9.1	<p>Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: -</p>
9.2	<p>The proposed development will serve to support the continued operation of Poulton Victoria Football Club in keeping with the aspirations of both the adopted Wirral Unitary Development Plan, the emerging Local Plan and the National Planning Policy Framework. Subject to planning conditions it is considered that the proposed development will preserve visual and neighbouring amenity and the proposal is therefore recommended for approval.</p>

10. Recommended Decision:	Conditional Approval
----------------------------------	----------------------

Recommended Conditions and Reasons:
<p>1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 29th November 2023 and listed as follows:</p> <p>PV01-SDC-XX-XX-DR-B-0001 Rev C01 PV01-SDC-XX-XX-DR-B-0003 Rev C01 PV01-E3C-B1-00-DR-B-2001 Rev C01 PV01-E3C-B1-00-DR-B-2001 Rev C01 PV01-E3C-B1-00-DR-B-2001 Rev C01</p> <p>Reason: For the avoidance of doubt and to define the permission.</p> <p>2. Within 3 months of the date of this decision an Operational and Management Plan for the shipping containers shall be submitted to, and approved in writing by, the local planning authority. The Plan shall set out full details of the maintenance schedule of the containers, including their appearance, and shall be adhered to in full thereafter.</p>

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy RE1.

3. Within 3 months of this decision, those areas indicated on the submitted plan (PV01-SDC-XX-XX-DR-B-0003 Rev C01) to be set aside for parking and servicing shall be surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

4. The function room hereby permitted shall only be used between the hours of 0900 and 2230 Sunday to Thursday and 0900 and 0000 on Fridays, Saturdays and Bank Holidays and shall be cleared, with all ancillary activity completed, within 30 minutes of closing time.

Reason: To protect the amenities of nearby residential occupiers having regards to Wirral Unitary Development Plan Policy RE1.

5. There shall be no amplified music to the external areas after 2000 on any day. Any music shall only be played within the function room after 2000 provided the external doors are closed to prevent music being emitted from the function room.

Reason: To protect the amenities of nearby residential occupiers having regards to Wirral Unitary Development Plan Policy RE1.

6. Within 3 months of this decision, full details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided/installed no later than 3 months following their approval and retained as such for use thereafter.

Reason: To ensure that adequate provision is made for cycle parking having regards to Wirral Unitary Development Plan Policy TR12

Infomative(s):

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which **will not** require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where:

- i) the application for planning permission was made before 2 April 2024; or

- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

Last Comments By:	03-01-2024
Expiry Date:	19-07-2024