

Planning Committee

Reference:
APP/18/01266

Area Team:
**Development
Management Team**

Case Officer:
Mr P Howson

Ward:
**Pensby and
Thingwall**

Location:
Proposal:

FISHERS LANE, PENSBY, CH61 8SB
The proposed development looks to introduce 35No. new build dwellings onto land currently allocated to the Pensby Children's Centre, located on Fishers Lane.

Applicant:
Agent :

One Vision Housing
Michael Dyson Associates Ltd.

Qualifying Petition: Yes, Number of Signatures: 58

Site Plan:



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Development Plan designation:

School Playing Field
Primarily Residential Area

Planning History:

Location: Pensby Park Primary School, FISHERS LANE, PENSBY, CH61 8SD
Application Type: Full Planning Permission
Proposal: Internal alterations to change the use of part of the existing redundant primary school building into an office for approx 90 council staff. The works also include the filling in/roofing over of an internal courtyard to add office accommodation.
Application No: APP/10/01324
Decision Date: 12/01/2011
Decision Type: Approve

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

1.1 Councillor Brightmore has expressed support for some of the neighbours concerns.

2.0 SUMMARY OF REPRESENTATIONSREPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications 71 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing a ten letters of representation have been received objecting to the proposal, summary of comments;

- a) The proposal is not in keeping with the surrounding bungalows
- b) Loss of privacy
- c) Loss of light
- d) Increased congestion
- e) Loss of playing field

CONSULTATIONS

No objections have been received from:-

Sport England

Merseyside Fire and Rescue Service

United Utilities

Head of Environment & Regulation (Traffic and Transportation Division)

Environmental Protection

Merseyside Environmental Advice Service

Lead Local Flood Authority

No comments received from:-

Tree Officer

3.1 Reason for referral to Planning Committee

3.1.1 The application has been referred to Committee due to a qualifying petition comprising of 58 signatures.

3.2 Site and Surroundings

3.2.1 The proposed development site comprises of an area of open grassland which previously functioned as the school playing field for the former Pensby Park Primary School. The former school building is a simple flat roof structure and is currently utilised as a children's centre and retains an area of outdoor play space.

3.2.2 The proposed development site is irregular in shape and is defined by the boundary treatment of the bungalows which back onto the site. There are a number of trees sited at regular intervals along the southern axis of the site.

3.3 Proposed Development

3.3.1 The application proposes to erect 35 residential dwellings on the playing field of the former Pensby Park Primary School. The proposed scheme is a mix of affordable rent, rent to buy and shared ownership.

3.4 Development Plan

3.4.1 The Wirral Unitary Development Plan 2000

- HS4 Criteria for New Housing Development
- GR5 Landscaping and New Development
- GR7 Trees and New Development

3.5 Other Material Planning Considerations

3.5.1 The National Planning Policy Framework (2018)

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Achieving well-designed places

Policy CS31 Recreational Land and Buildings in the emerging Local Plan

Playing Pitch & Outdoor Sports Strategy (2016)

3.6 Assessment

3.6.1 The main issues pertinent in the assessment of the proposal are;

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

3.7 Principle of Development:

3.7.1 The site is designated as a 'School Playing Field' in the Unitary Development Plan (UDP). The criteria for protecting school playing fields in UDP Policy RE7 did not remain in force following a Direction issued by the Secretary of State on 18 September 2007. In which case the loss of the existing open space and former playing field must be assessed against the National Planning Policy Framework (NPPF, 19 February 2019).

3.7.2 NPPF sets a presumption in favour of sustainable development which includes; ensuring that

sufficient land is available to support growth, a sufficient range and number of homes can be provided and by fostering a well-designed safe environment with accessible services and open spaces to meet current and future needs.. For decision making this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless; the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

- 3.7.3 NPPF paragraph 97 of the revised National Planning Policy Framework applies. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless; an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 3.7.4 The Playing Pitch and Outdoor Sports Strategy and Action Plan approved by the Council as material consideration in the determination of planning applications on 11 December 2017 indicated that there is a current shortfall for 4 youth football match sessions and predicted shortfall of 6 youth match and 2 mini match sessions by 2025 in the Pensby, Thingwall and Heswall area.
- 3.7.5 The applicant has cited the past and the current assessments and notes that whilst the site was last in use as a playing field, this was purely in association with the Pensby Park Primary School which closed in 2008 and has not since been in use with public access restricted.
- 3.7.6 The applicant acknowledges the current a shortfall of 4 youth football match sessions, but has asked that account is given to the other finding of the assessment, which indicates that Pensby and Thingwall area are otherwise provided for in respect of all other sports with demand being met. The applicant has also submitted a copy of the Council's (Asset Management) application to the Secretary of State for the disposal of the playing field, which indicates an intention to invest the proceeds from the sale of land to contribute towards paying for:
- 3G Pitch Renewal at Pensby High School;
 - Provision of a Sensory Gardens at Stanley, Foxfield and Pensby Primary Schools;
 - Sports Barns at New Brighton Primary School & Liscard Primary School.

The applicant also notes that site is currently in use as part of a large play area for the existing Children's Centre. If planning permission for is granted the outdoor play area for the Children's Centre would be re-arranged.

- 3.7.7 Sport England have assessed the proposal against their playing field policy and have subsequently raised no objection to the proposed development as they consider it meets exception 4 of their playing field policy but have stated that they will only maintain this stance on the basis that funding for alternative provision is secured.
- 3.7.8 The site was proposed as a potential housing allocation in the recent consultation on the development options for the future Local Plan in September 2018. Whilst this cannot yet be given any substantial weight, the Council cannot currently demonstrate a 5 year housing land supply, and is seeking to address this through the pending Local Plan process. The contribution to the housing land supply could therefore be give significant weight alongside any benefits associated with jobs during construction and the provision of affordable homes.
- 3.7.9 NPPP paragraph 117 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 118 of the Framework states that planning decision should promote and support the development of under-utilised land and

buildings, especially if this would help to meet identified needs for housing. Paragraph 119 of the Framework requires local planning authorities to take a proactive role in identifying and helping bring forward land that may be suitable for meeting development needs including sites held in public ownership

3.7.10 Taking all of the above into account, on balance, it is considered the loss of the former playing field and open space could therefore be accepted in this particular case subject to the following details being appropriate.

3.8 Design:

3.8.1 The standards for new residential development are set out under Policy HS4 of the Wirral Unitary Development Plan. Proposals should be of a scale which relates well to surrounding property and not result in detrimental change in the character of the area.

3.8.2 NPPF Paragraph 127 indicates that 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 effective landscaping, are sympathetic to local character, whilst creating safe accessible places with a high standard of amenity for existing and future users.

3.8.3 The application proposes five house types which would be traditionally constructed and dispersed across the site add variation and visual interest. The area is characterised by a coarser grain of development with a series of lower ranking street running off primary through routes. The proposed development would be accessed via Fishers Lane with a significant proportion of the proposed development set behind the former school building which makes up the primary frontage which would be consistent with the existing prevailing pattern of development.

3.8.4 As the proposal is for 35 dwellings there is no requirement for making provision for accessible public open space with safe children's play under UDP Policy GR6.

3.9 Highways:

3.9.1 The Highways Engineer initially requested that the proposed access include a dropped kerb with tactile paving on either side of the junction. Concerns were also raised with regard to the layout of the site, the width of proposed parking bays and the ability for large scale vehicles to move within the site. Revised plans were submitted and the Engineer has subsequently removed their objection.

3.10 Ecology:

3.10.1 The Lead Local Flood Authority (LLFA) raised an initial objection to the proposed development citing concerns over the proposed soakaway design and the future maintenance of the proposed system. Revised details were submitted and the LLFA subsequently removed their objection subject to conditions.

3.11 Amenity:

3.11.1 Policy HS4 of the Wirral Unitary Development Plan requires new residential developments to provide adequate private amenity space for each dwelling. Adequate distances should be kept between habitable rooms in separate dwellings and blank gables. Whilst Policy HS4 does not prescribe adequate interface distances the Local Planning Authority adopts the following standard; habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be 14 metres from any blank gable.

3.11.2 The majority of the proposed dwellings would be positioned not less than 22 metres from the main rear faces of the adjacent bungalows. Plots 01 & 02 (as shown on drawing No. 003-(PL)-8334 Rev. A) would be 21 metres from the rear of the adjacent bungalows. Each of the proposed dwellinghouses would provide a reasonable garden area and the application is

considered acceptable in this respect.

3.12 Other:

3.12.1 The applicant has submitted a supporting Planning Statement which states that the proposed dwellings would be 100% affordable. The tenure of the proposed dwellings would be a mix of affordable rent, rent to buy and shared ownership via a registered provider. A condition has been imposed to this effect.

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:-

The application is considered acceptable having regard to the Wirral Unitary Development Plan 2000 and the National Planning Policy Framework (2018). Subject to conditions the proposal is not considered to result in any significant materially adverse impacts to the character and appearance of the area or the amenity of the surrounding dwellings.

Recommended Decision: **Approve**

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 01 October 2018 and listed as follows: 001-PL-8334 Rev. A, 002-(PL)-8334 Rev. A, 003-(PL)-8334 Rev. B, 004-(PL)-8334, 005-(PL)-8334, 006-(PL)-8334 Rev. A, 101-(PL)-8334, 102-(PL)-8334, 103-(PL)-8334, 104-(PL)-8334, 105-(PL)-8334, 201-(PL)-8334, 202-(PL)-8334, 203-(PL)-8334, 204-(PL)-8334, 205-(PL)-8334, 301-(PL)-8334, 302-(PL)-8334, 303-(PL)-8334, 401-(PL)-8334, 402-(PL)-8334, 403-(PL)-8334, 404-(PL)-8334, 405-(PL)-8334, 406-(PL)-8334, 407-(PL)-8334, 18390/TCP/01,

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

3. The development shall be carried out in accordance with the materials specified within the submitted Design & Access Statement unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the materials are as follows;

- a) Off white through colour render K-rend, silicone render
- b) Grey interlocking roof tiles, Marley Eternit, modern interlocking smooth grey
- c) Red facing brick, Lagan brick

Reason: To ensure that the external appearance of the building is satisfactory.

4. NO OCCUPATION OR USE OF THE DEVELOPMENT SHALL TAKE PLACE UNTIL all walls and fences indicated on the approved plans have been erected. Thereafter the hereby approved boundary treatment(s) shall be permanently retained and maintained.

Reason: To ensure a satisfactory external appearance and quality of environment in accordance with Policy HS4 of the Wirral Unitary Development Plan.

5. 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 Policies NC7 and GR5 of the Wirral UDP

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land having regard to Policy HS4 (criteria i, ii, vii) of the Wirral UDP and the requirements of Paragraph 127 of the revised NPPF.

7. No development shall commence until the final detailed sustainable drainage design¹, for the management and disposal of surface water from the site based on the principles and details identified in the following documents has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority:

- Email titled: "Fishers lane - LLFA Objection" (including attachments)
From: John Marshall (JohnMarshall@ajpstructeng.com)
To: Allison Chapman (allisonchapman@wirral.gov.uk)
Email sent: Mon 18/02/2019 15:39
- Email titled: "Fishers lane - LLFA Objection (APP/18/01266)"
From: John Marshall (JohnMarshall@ajpstructeng.com)
To: Allison Chapman (allisonchapman@wirral.gov.uk)
Email sent: Mon 25/02/2019 16:00

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

8. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be **fully constructed prior to occupation** in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the

Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 165 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

9. No development shall take place until a full scheme of works and timetable for the construction of the new highways and/or amendment of the existing highway made necessary by this development, including new carriageways, footways, street lighting, surface water drainage, TRO's, road markings, traffic calming, tactile paved pedestrian crossings, street furniture and access onto the adjacent highway has been submitted to and agreed in writing with the Local Planning Department. The approved works shall be completed in accordance with the LPA written approval prior to occupation of the development.

Reason: In the interest of highway safety and to comply with UDP Policy HS4 Criteria for New Housing Development.

10. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

11. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works 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. 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 Wirral Unitary Development Plan.

13. The development shall not be occupied until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained, unless otherwise agreed in writing with the Local Planning Authority in accordance with the approved scheme. The scheme shall include:

- 1) The numbers, type, tenure and location of the site of the affordable housing provision to be made;
- 2) The timing of the construction of the affordable housing;
- 3) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy can be enforced.

Reason: To comply with the principles of UDP Policy HSG2 - Affordable Housing and Policy HS6 - Principles for affordable Housing.

Further Notes for Committee:

1. The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development.

It is the advice of the LLFA that the maintenance arrangements capable of **ensuring** an acceptable standard of operation for the lifetime of the development, to satisfy paragraph 165 of the NPPF, are adoption by a statutory undertaker/public body or a s106 agreement with the developer to ensure maintenance/replacement of all communal components of the system as per the approved Operation and Maintenance Plan and that any property-level SuDS remain in situ as per the approved surface water drainage strategy.

The LPA should be aware that the surface water drainage proposals include:

- **Communal components that will not be adopted by the Water and Sewerage Company** - the LPA should be satisfied that maintenance of all communal components has been secured in perpetuity via an appropriate mechanism / agreement.
- **Property-level soakaways that will not be adopted by the Water and Sewerage Company and must remain in-situ and operational for the lifetime of the development** - the LPA should be satisfied that the retention of the property-level SuDS has been secured in perpetuity via an appropriate mechanism / agreement.

2. ¹Terms of Condition 7

Final Detailed Sustainable Drainage Design to comply with DEFRA's technical standards for sustainable drainage systems and include:

- Justification of final design
- Where infiltration is proposed, infiltration test results, trial pit records and completed table B.6 Infiltration assessment checklist from The SuDS Manual C753
- Drawings to include:
 - Final layout of roads and properties including plot numbers, finished floor levels and boundaries with exceedance routing clearly shown
 - Final layout of soakaways; sewers; outfalls; SuDS; flow controls and overland flow paths (designed for exceedance)
 - Invert levels (to OS datum), cover levels, manhole and pipe sizes; pipe gradients; SuDS; materials; emergency overflows and annotation that correlates to the hydraulic calculations
- Hydraulic modelling for final drainage strategy to include:
 - System performance for the following return periods; 1, 30, 100 plus appropriate climate change allowance
 - System performance demonstrating adequate storage for the 1 in 100 year critical rainfall event (plus appropriate climate change allowance and correct FoS)
 - Design criteria summary, Full network details table, Contributing area summary, Control/storage structure details, Results summary print outs
 - Volumetric runoff co-efficient (Cv) should be set to 100%
 - Sensitivity checking for climate change at 40% if lower allowance used
 - Urban creep allowance of 10% should be included
- Timetable demonstrating completed SuDS construction prior to occupation
- All necessary consents for off-site works
- Agreement in principle to adopt surface water drainage system from United Utilities
- Provisional Operation and Maintenance Plan

3. In order to fulfil the highway condition, it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, TROs, road markings, traffic calming, tactile pedestrian paved crossings and street furniture.

Last Comments By: 14/11/2018 07:58:17

Expiry Date: 31/12/2018