

## Planning Committee

13 February 2020

Reference:  
**APP/19/00888**

Area Team:  
**Development  
Management  
Team**

Case Officer:  
**Mrs S Lacey**

Ward:  
**Liscard**

**Location:** British Legion Club, 3 WITHENS LANE, LISCARD, CH44 1BB  
**Proposal:** Construction of 14 dwellings (100% affordable housing). A mix of houses and flats (amended description)  
**Applicant:** Mr Plant  
**Agent :** Ainsley Gommon Architects

**Qualifying Petition:** No

### Site Plan:



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### Development Plan designation:

Primarily Residential Area

### Planning History:

Location: British Legion Club, 3 Withens Lane, Liscard, Wirral, CH44 1BB  
Application Type: Full Planning Permission  
Proposal: Provision of timber fencing to boundary and external smoking shelter  
Application No: APP/08/06713  
Decision Date: 18/12/2008

Decision Type: Approve

Location: The Royal British Legion, Withens Lane, Liscard. L44 1BB  
Application Type: Full Planning Permission  
Proposal: Erection of entrance porch and relocation of entrance to car park.  
Application No: APP/94/06192  
Decision Date: 15/09/1994  
Decision Type: Approve

Location: Royal British Legion Bowling Club, Withens Lane, Liscard. L44 1BB  
Application Type: Full Planning Permission  
Proposal: Erection of players shelter.  
Application No: APP/92/07016  
Decision Date: 05/02/1993  
Decision Type: Approve

Location: British Legion ,3 Withens Lane, Liscard, L44 1BB  
Application Type: Full Planning Permission  
Proposal: Erection of timber store  
Application No: APP/78/09868  
Decision Date: 14/09/1978  
Decision Type: Approve

Location: Wallasey Royal British Legion Club, Withens Lane, Liscard, L44 1BB  
Application Type: Advertisement Consent  
Proposal: Erection of an illuminated fascia sign  
Application No: ADV/84/25858  
Decision Date: 22/11/1984  
Decision Type: Conditional Approval

Location: B Leg ,3 Withens Lane, Liscard, L44 1BB  
Application Type: Full Planning Permission  
Proposal: Erection of single storey extension at front of property forming entrance hall facilities  
Application No: APP/79/12049  
Decision Date: 22/05/1979  
Decision Type: Conditional Approval

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

### **1.0 WARD MEMBER COMMENTS**

- 1.1** Councillor Janette Williamson requested the application be removed from delegation on the grounds the proposal results in an overdevelopment of the site.

### **2.0 SUMMARY OF REPRESENTATIONS**

#### REPRESENTATIONS

Having regard to the Councils Guidance on Publicity for Applications, 26 letters were sent to adjacent properties and a site notice displayed. Four individual objections have been received. The reasons for objection relate to:

1. The bowling club is pleasant and quiet, and this will be undermined by the construction of new houses;
2. Overlooking and loss of privacy;
3. Loss of a recreational facility;
4. Brownfield sites should be considered first;
5. Devaluation of property;
6. Increased traffic levels adjacent to gardens;
7. Loss of light;
8. Drainage concerns.

## CONSULTATIONS

**Housing** - the development is 100% affordable and would help improve the overall housing offer in this area.

**Merseyside Environmental Advisory Service** - the applicant has submitted an acceptable Bat and Breeding Birds report in accordance with UDP policy NC7 which sets out the main building as having moderate suitability for roosting bats. A condition for bat boxes is required. An Appropriate Assessment concludes that with mitigation/preventative measures, there will be no adverse effect upon the integrity of European sites.

**Natural England** - Concurred with MEAS assessment conclusions of the Appropriate Assessment and the development will not result in adverse effects subject to a condition for a homeowner information leaflet.

**Highways** - No objection to the amended drawing received.

**Lead Local Flood Authority** - No objection subject to conditions.

### **3.1 Site and Surroundings**

3.1.1 The site is currently occupied by a British Legion bowling club which comprises of a single-storey building extending along the entire south boundary, a bowling green and walls to the boundaries.

3.1.2 The existing building is of no architectural merit and its loss is not considered harmful to the character of the area. The local vicinity is comprised of a mixture of high-density properties, including historic buildings such as the adjacent Public House and Victorian terraces, semi-detached properties, and modern in-fill buildings.

3.1.3 There is an attractive stone/Tudor-clad Public House, car park and lock-up garages to the south boundary adjacent to the proposal. No.79 is a bungalow directly adjacent to the south boundary and is set at a lower level than the proposed development.

3.1.4 To the rear (west) of the site are residential properties 1-7 Kingswood Road which have habitable windows to the rear elevation and 4m rear yards adjacent to the development.

3.1.5 To the north of the site is a detached building comprising a children's nursery with off-street parking and conifers adjacent to the boundary.

3.1.6 Opposite the site (east) on Withens Lane is a commercial garage and residential dwellings.

### **3.2 Proposed Development**

3.2.1 The application proposes the demolition of existing bowling club and construction of 14 residential units in a mix of 8no. two-storey houses and 6no. flats in 3no. 2-storey blocks. The application proposes 100% affordable housing. This can be secured through a Section 106 legal agreement.

### **3.3 Development Plan**

3.3.1 The proposal is for the erection of flats and is assessed primarily against the following policies:

#### 3.3.2 Wirral Unitary Development Plan

Policy HS4 - Criteria for new housing development. This requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

Policy TR9 - Sets out the requirement for off street parking provision within new development and road safety and traffic management considerations.

Policy TR12 - Sets out the requirement for cycle parking provision, one stand for every flat provided within the curtilage.

Policy GR5 - This policy establishes the requirement for new developments to make a

positive visual statement through new landscaping and the protection of existing landscape features.

- 3.3.3 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.

### **3.4 Other Material Planning Considerations**

- 3.4.1 The NPPF was updated 18th June 2019 and supports sustainable housing development which encompasses good design and achieves high quality homes. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area. NPPF para 97 indicates sport/recreational buildings and land should not be built on unless surplus to requirements, and the loss would be replaced by equivalent or better provision. Wirral Council adopted a Playing Pitch Strategy on 11th December 2017, which is a material consideration when determining the planning application.
- 3.4.2 Supplementary Planning Document 2: Designing for Self-Contained Flat Developments and Conversions. This establishes more specifically the considerations which should be applied to new build flats in terms of design, amenity space and parking.
- 3.4.3 Supplementary Planning Document 4: Parking Standards sets out the maximum number of off-street parking spaces (1 space per self-contained flat, 2 spaces for houses with 3 or more bedrooms) and facilities for cycle parking.

### **3.5 Assessment**

- 3.5.1 The main issues pertinent in the assessment of the proposal are;
- The principle of a housing development in a Primarily Residential Area;
  - Design - does the proposal provide high quality homes and contribute to the character of the area;
  - Highway safety implications;
  - Ecology;
  - Amenity to neighbouring properties, including issues of overlooking, loss of privacy and whether the proposal results in an overbearing structure; and
  - The loss of the bowling green.
- 3.6 Principle of Development:
- 3.6.1 The proposal for a residential development in a Primarily Residential Area and is acceptable in principle.
- 3.6.2 The Loss of the Bowling Green  
The Royal Legion Club has closed down and the bowling green has not been used since August 2019. The Council's Playing Pitch Strategy indicates there are 13 greens within Liscard, New Brighton, Seacombe and Wallasey, all of which have been assessed as good or standard quality. The supply was found to be sufficient to service demand. It was also assumed that there were sufficient numbers of bowling greens across the Borough to accommodate both current and future demand. Therefore, the proposal is not considered to result in a detrimental loss of sport and recreation land when weighted against the benefits of providing 100% affordable housing.
- 3.7 Design:
- 3.7.1 The proposal comprises of a row of 8no. two-storey brick terraced dwelling houses and an adjoining two-storey flat (flat C) along the south half of the plot. The dwellings have 8m long rear gardens and outlook to the front and rear elevations. Bins are to be located in the rear gardens and there are two gated alleyways for access, and space provided on the highway for refuse collection. The buildings benefit from one off-street parking space per dwelling. Flat C reflects the general design of the adjoining dwellings. It has outlook to the front, side and rear elevations and amenity space and bin storage to the rear.

- 3.7.2 Flats A and B to the north half of the site are of the same two-storey design. There is amenity space to the rear of both buildings and landscaped areas adjacent to the highway to provide a feeling of spaciousness. All three flats have 1 parking space per residential unit, and there is one additional visitor parking space.
- 3.7.3 Amended plans were received 25 September lowering the eaves on all the properties to reduce the height of roof line to reduce the impact on the surrounding properties. The eaves between the flats and the terrace have been lined up to read as a consistent elevation. The porch roof to the houses have been simplified to a single pitch. The window fenestration on the blocks of flats has been changed to better match the terrace of houses and create better opening windows.
- 3.7.4 The proposal is situated in an area of high density residential development, and the proposed scheme is not considered to result in an overdevelopment of the site, and all properties are considered acceptable in size with a good internal layout allowing for outlook and daylight, and have adequate amenity space. The elevations of flats B and C facing Withens Lane are deemed acceptable, and overall the scheme will improve the character of the area when viewed from the street scene.
- 3.8 Highways:
- 3.8.1 The site is located in a sustainable location close to Liscard Key Town Centre and local bus routes. Highways had no objection to the amended plans. There are no highway implications relating to this proposal. Neighbours raised concerns the proposed road would come close to their rear gardens. The proposed access is not considered harmful to the amenities of neighbouring properties.
- 3.9 Ecology:
- 3.9.1 The applicant has submitted a bat emergence survey report in accordance with UDP policy NC7. The club on site was categorised as having moderate suitability for roosting bats. Emergence surveys were undertaken which recorded no roosting activity, and MEAS confirmed bat box provision would compensate for the loss of habitat.
- 3.9.2 The site is within easy access by car of the Mersey Narrows and Wirral Foreshore SPA and Ramsar site. MEAS completed an Appropriate Assessment report which concluded that with mitigation/preventative measure there will be no adverse impacts upon the integrity of European sites. Natural England concurred with MEAS conclusions and requested a homeowner leaflet condition. There are no Environmental/Sustainability issues relating to these proposals, subject to conditions.
- 3.10 Amenity:
- 3.10.1 The site is located close to Liscard Key Town Centre and public transport routes along Manor Road. The site is deemed sustainable for residential development.
- 3.10.2 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.
- 3.10.3 The proposed dwellings achieve an adequate outlook and are considered to result good quality homes to occupy. There is only a 15m separation distance between flats A/B and the terrace/flat C, but this is considered acceptable as this is to the semi-public front elevations adjacent to the road. Overall all the properties will have adequate levels of privacy.
- 3.10.4 It is considered the proposal will have less impact on the bungalow to the south boundary, no.79, as it is set further away than the existing club. The plans show a 1.8m high fence, and it is considered necessary this is secured by condition.

- 3.10.5 The properties to the rear of the site objected regarding overlooking and loss of privacy. No.5 and 7 Kingswood Road will retain a good outlook down the centre of the proposed road. No.1 and 3 Kingswood Road will achieve the required 14m separation distance to the side elevation of flat A. There are no habitable windows proposed in this elevation, and the proposed landing windows can be obscurely glazed by condition.
- 3.10.6 There is a proposed first floor window in flat A facing the rear amenity space of the children's nursery, but this will not significantly increase the level of overlooking already experienced due to the surrounding neighbouring properties.
- 3.10.7 The 21m separation distance is achieved to the properties opposite on Withens Lane.
- 3.10.8 Overall the scale of the proposal is considered to provide a good living environment for occupiers with adequate room sizes and outlook. The proposal is not considered to result in overlooking or loss of privacy to neighbouring properties or result in an overbearing development. It is not considered necessary to remove permitted development rights for the proposed dwellings. The proposal complies with policy HS4, SPD2 and the NPPF.
- 3.11 Other:
- 3.11.1 A Section 106 agreement is required to secure 100% affordable housing, as set out in the applicant's description of development.

#### **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 loss of the former British Legion Club and bowling green and the re-use of a brownfield site to provide 14 affordable homes which accords with the advice set out in the National Planning Policy Framework. The design, scale and siting of the scheme is appropriate and is not considered to result in loss of amenity to surrounding properties. The development includes parking, landscaping and amenity space to a standard which satisfies the relevant Wirral Unitary Development Plan policies HS4, TR9 and GR5 and Supplementary Planning Document 2, Supplementary Planning Document 4 and having regard to the National Planning Policy Framework.

**Recommended Decision:**                      **Approve Subject to Section 106**

#### **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 amended plans received by the local planning authority on 25 September 2019 and listed as follows: drawing numbers

003 Rev B (dated 25.09.19)  
 004 Rev A (dated 25.09.19)  
 005 Rev A (dated 25.09.19)  
 006 Rev A (dated 25.09.19)

005.1-A Rev A (dated 25.09.19)  
 005.2-A Rev A (dated 25.09.19)  
 007.1-A Rev A (dated 25.09.19)  
 007.2-A Rev A (dated 25.09.19)

007.3-A Rev A (dated 25.09.19)  
007.4-A Rev A (dated 25.09.19)

005.1-B Rev A (dated 25.09.19)  
005.2-B Rev A (dated 25.09.19)  
007.1-B Rev A (dated 25.09.19)  
007.2-B Rev A (dated 25.09.19)  
007.3-B Rev A (dated 25.09.19)  
007.4-B Rev A (dated 25.09.19)

005.1-C Rev A (dated 25.09.19)  
005.2-C Rev A (dated 25.09.19)  
007.1-C Rev A (dated 25.09.19)  
007.2-C Rev A (dated 25.09.19)  
007.3-C Rev A (dated 25.09.19)

005.1-H (dated 06.09.19)  
005.2-H (dated 06.09.19)  
007.1-H (dated 06.09.19)  
007.2-H (dated 06.09.19)  
007.3-H (dated 06.09.19)

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

3. The materials to be used in the external construction of this development shall be Ibstock Westbrick Red Purple Multi brick (0662) and Marley Modern Interlocking tile in smooth grey, as set out in the submitted Materials Schedule (Rev A dated 25.09.2019) and retained thereafter unless otherwise agreed writing by the Local Planning Authority prior to any construction commencing. The approved materials shall then be used in the construction of the development and retained thereafter.

**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. The windows in the west elevation of flat block A shall not be glazed otherwise than with obscured glass and fixed shut and thereafter be permanently retained as such.

**Reason:** To safeguard the amenities of occupiers of adjoining properties and to comply with Policy HS4 of the Wirral Unitary Development Plan.

5. Prior to the commencement of development, details of fencing to all boundaries shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter.

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

6. NO WORKS SHALL COMMENCE until details of bat boxes to be installed, including type, location and position above adjacent ground level, with clear flight paths to and from the entrance have been submitted to and approved in writing by the Local Planning Authority. They should ideally be sited in open, sunny positions and in groups of 3 to 5 boxes facing different directions to provide a variety of micro-habitats. The bat boxes approved should be in place prior to the commencement of works on site and retained thereafter.

**Reason:** In the interest of protecting bats

7. A sales/information pack highlighting the location of, and promoting the use of, alternative greenspaces within the area and explaining the importance, sensitivities and vulnerabilities of protected European Sites to recreational impacts, shall be provided to every new home buyer for the development hereby permitted.

**Reason:** To protect European Sites from excessive recreational pressure having regards to the National Planning Policy Framework

8. 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 policies WM8 and WM9 of the Waste Local Plan.

9. Prior to first occupation of the hereby approved development, the bin store as shown on submitted drawings shall be provided made available for use and provide recycling facilities and shall be retained for use at all times thereafter.

**Reason:** To accord to with Policy WM9 in the Joint Waste Local Plan and ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

10. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

11. The development hereby permitted by this planning permission, shall be carried out in accordance with the following approved Sustainable Drainage Strategy documents, plans and emails (including all components of the sustainable drainage system, layout, discharge rate and adoption arrangements):

(i.) Drainage Strategy - Withens Lane, Wallasey (Subterranean Design)

(ii.) CES561 General Arrangement (27.09.2019/ Drawing no CES561/01/01/ Rev A/ CES)

(iii.) Email titled: "FW: WITHENS LANE ROYAL BRITISH LEGION, WALLASEY" (including attachments) From: Alf Plant (aplant@agarchitects.co.uk) To: Sarah Lacey (sarahlacey@wirral.gov.uk) Email sent: 04 November 2019 07:26

Prior to commencement of development, evidence of adoption arrangements, Construction Phase Surface Water Management Plan, along with timetable for completion and details of any phasing, shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be fully constructed prior to occupation in accordance with the submitted timetable/phasing, 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.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage Systems.

12. Prior to the occupation of development, the 'as built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Local Planning Authority, in accordance with any approved phasing, and approved in writing and retained thereafter.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework and House of Commons Written Statement 161 for Sustainable Drainage



Systems.

**Further Notes for Committee:**

1. No tree felling 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 trees 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.  
  
If bats are found on site all work must cease and advice sought through a licensed specialist.
2. United Utilities advise that foul and surface water shall be drained on separate systems in order to secure proper drainage and to manage the risk of flooding and pollution. Please contact United Utilities prior to the commencement of development  
[DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)
3. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.
4. Arrangements should be made to ensure that no surface water from the proposed development will drain onto the public highway.

**Last Comments By: 28/08/2019**  
**Expiry Date: 22/10/2019**