

## Appeal Decision

Site visit made on 1 November 2016

**by Jonathan Bore MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 November 2016**

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**Appeal Ref: APP/W4325/W/16/3156168**

**Pershore House School Playing Field, Glenavon Road, Prenton, Wirral, CH43 0RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr M Hilton against the decision of Wirral Metropolitan Borough Council.
  - The application Ref OUT/14/00407, dated 24 March 2014, was refused by notice dated 18 February 2016.
  - The development proposed is residential development.
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### Decision

1. The appeal is allowed and outline planning permission is granted for residential development at Pershore House School Playing Field, Glenavon Road, Prenton, Wirral, CH43 0RD in accordance with the terms of the application, Ref OUT/14/00407, dated 24 March 2014, subject to the conditions set out in Appendix 1.

### Clarification

2. The application was submitted in outline with all matters reserved. The description of development, originally "Affordable housing under a shared ownership scheme", was changed prior to determination by the Council to "Residential development".

### Main Issue

3. The main issue in this case is the impact of the scheme on the availability of open space, and in particular playing pitches, in the locality.

### Reasons

4. This 1.1ha site is identified in Policy RES6 of the Wirral UDP (adopted 2000) as a sports ground that will be protected from development. Residential development would thus be contrary to the development plan. However, there are a number of factors that indicate a decision otherwise than in accordance with the plan. The playing field has not been used since about 2000 and Pershore House School ceased to exist following the grant of planning permission in 2002 for the construction of flats, and there is no convincing evidence that the site is likely to be taken up for pitches or any other form of open space. The letter of objection to the present scheme from the Treasurer
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of Glenavon Junior Football Club (GJFC) expresses a need for pitches and mentions the appeal site as a location for potential use, but there is no evaluation from the GJFC or any other party of the likely cost of acquisition, refurbishment and maintenance and no evidence of any positive initiative such as a committee resolution to commit funds or to pursue actively the acquisition of an interest in the site. In terms of evidence this falls well short of establishing a clear need to retain this site. The Council's Wirral Playing Pitch Strategy (2004) stated that an analysis of football pitches in the A41 corridor (in which the site is located) showed no shortfall in provision; at the time there was a need for junior pitches but the main issue in the area was the poor quality of existing public pitches and related facilities, many of which were Council-owned, with the clear implication that the primary need was of qualitative improvements to existing provision which would help to improve their capacity. The National Planning Policy Framework states that existing open space including playing fields should not be built on unless an assessment has been made which shows that they are surplus to requirements; in my assessment it is very clear from all the evidence, including the length of time the site has remained unused, the contents of the last playing pitch strategy, and the lack of convincing evidence of the likelihood of re-use as a playing field, that the land is surplus to requirements.

5. The National Planning Policy Framework indicates that the loss of open space including playing fields should be replaced by equivalent or better provision in a suitable location, and Policy CS31 of the Core Strategy Proposed Submission Draft contains similar wording (although this emerging plan is in its very early stages and carries very little weight). Both the Council and Sport England argue that alternative sports provision should be made if the site is to be developed for housing. In this case, however, it would not be appropriate to do so, because in effect the site currently has no sports or open space value, nor has it had any such value for a long time. As private land it has no access for informal recreation, nor is there any evidence of a deficiency in this area of such land. As a school playing field it is redundant, the school is long gone and there is no evidence of another school wishing to acquire it. As a sports field for the wider community it has been little used: when Pershore House School was operational, the Head Teacher offered the use of the playing field to a football club for use outside school hours, but this was opposed by residents on the grounds of noise and disturbance – the field is surrounded by residential property and has a narrow access – and the arrangement was terminated. There is thus no educational playing field or public sports facility to replace: even before the school closed, the playing field did not contribute to any significant degree to the provision of sports pitches for the wider community and the site has made no open space or sports contribution at all for the past 16 years. In these circumstances it would not be appropriate to seek alternative playing field provision through a planning obligation or Grampian condition; such an approach would fail the test of necessity and, since no site has been identified, it would unnecessarily and potentially indefinitely delay the provision of housing.
6. The proposal would provide a useful addition to the stock of housing in Wirral and would also contribute towards the provision of affordable housing, of which there is a recognised local need. The most recent analysis available indicates a need in Prenton Ward, depending on the calculation method, of 117 to 129 affordable housing units per annum. To address this, the Council normally

requires schemes of this size to provide affordable housing at rate of 20% on site, unless it can be demonstrated that the site is not viable. The value to the district of new housing far outweighs the loss of a long-redundant school playing field, which has made almost no contribution to the community as open space or as a sports field and for which there is no convincing evidence of likely re-use. These factors considerably outweigh the conflict with Policy RES6 of the Wirral UDP.

7. In 2011 a scheme for a nursing home on the site was dismissed on appeal (Ref No APP/W4325/A/11/2151208). The circumstances now are different. Since that date the National Planning Policy Framework has been published, with its emphasis on boosting the supply of housing. The site has lain fallow for a further 5 years and is eminently suitable for housing.
8. The indicative scheme shows that 81 Glenavon Road, the house adjacent to the current field entrance, would be demolished to gain access to the site. This is an acceptable solution, which would allow sufficient room for a drive without causing significant harm to the living conditions of neighbours. The design of the access would be a reserved matter within the Council's control. The roads in the vicinity of the site are residential and are not particularly busy; the scheme would not make traffic conditions unacceptable or spoil the relatively quiet character of the area. Design, layout, landscaping and scale would also be reserved matters for the Council to determine at a later date and there is no doubt that a scheme can be designed which would be in keeping with the surrounding area and would not harm the living conditions of the residents near the site.
9. The submitted flood risk assessment shows a low level of flood risk, and the site has the potential to accommodate a sustainable drainage scheme. The submitted ecological appraisal indicates that the land proposed for development is species-poor and of moderate biodiversity value, with no protected species present. The scheme is acceptable in terms of flood risk and biodiversity.
10. A restrictive covenant preventing development is mentioned in some of the representations. If such a covenant exists, it is a separate legal matter and not something that can be taken into account in this decision. The scheme is acceptable on its planning merits.
11. Regarding conditions, this is an outline application, so details of access, appearance, landscaping, layout, and scale are required as reserved matters. It is necessary to attach a condition requiring affordable housing provision to meet local need in accordance with UDP Policy HSG2 and section 6 of the National Planning Policy Framework. Conditions are also required for landscape retention and replacement to ensure that the development retains an acceptable appearance; a construction method statement, to protect the living conditions of nearby residents during construction; and a sustainable drainage scheme. It is essential to resolve certain matters before work starts, including the reserved matters, the affordable housing, construction arrangements and drainage arrangements, so these are expressed as pre-commencement conditions. However, several of the Council's suggested conditions are unnecessary. These include suggested conditions 3 (materials), 5 (heights and levels), 7 (refuse storage and vehicle access) and 12 (road access) since these will be covered by reserved matters applications; 4 (restricting the time for

tree felling), since the development site is mostly clear of trees; 6 (demolition and construction waste), which is covered by the construction method statement; and 9 and 10 (removal of permitted development rights for garages, extensions, windows and dormer windows) since the site is not constrained enough to justify preventing the future residents from exercising such rights. Suggested condition 11 (playing field replacement) is not necessary, for the reasons given in paragraph 5 above.

12. I have considered all the other matters raised but they do not alter the balance of my conclusions. For all the above reasons the appeal is allowed, subject to the conditions set out in Appendix 1.

*Jonathan Bore*

INSPECTOR

## APPENDIX 1

### CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall not begin 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 in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 5) All planting, seeding 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the 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 approval to any variation.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of

security hoarding; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

- 7) No development shall take place until details of a sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.