



**Lambert
Smith
Hampton**

www.lsh.co.uk

Planning Statement

In respect of the proposed development at

Noctorum Field, Prenton

On behalf of

**Birkenhead
School**

Prepared by: Lambert Smith Hampton
6th Floor Hardman Street
Spinningfields
Manchester M3 3HF

Tel: +(0)161 242 8055
Fax: +(0)161 242 7354
Date: 13/07/2021

Contents

1	Introduction.....	3
2	Site and Surroundings.....	8
3	Development Proposals	12
4	Planning Policy Context	16
5	Planning Assessment.....	27
6	Additional Considerations	44
7	Sustainable Development	57
8	Conclusions.....	61

Appendices:

Appendix 1 – Correspondence from the Rugby Football Union (RFU)

Appendix 2 – Correspondence from Old Parkonians RUFC

Appendix 3 – Correspondence from Prenton RUFC

Appendix 4 – Proposed Provisional Sport Pitch Design at Prenton RUFC and Old Parkonians RUFC

1 Introduction

1.1 This Planning Statement has been prepared by Lambert Smith Hampton [LSH] on behalf of Birkenhead School [the Applicant]. It accompanies an outline planning application for the erection of residential development together with associated infrastructure at the Noctorum Field, Prenton [the Site].

1.2 The purpose of this Statement is to assist Wirral Council [WC] in its consideration of an outline planning application for:

“The demolition of the existing pavilion and erection of up to 33 dwellings and associated infrastructure. All matters are reserved with the exception of access.”

1.3 Having regard to Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, this statement considers the proposals conformity with the Development Plan, relevant national policy and guidance, as well as any other material considerations.

1.4 The following drawings accompany this application:

- Site Location Plan [Ref. 100022432];
- Existing Site Layout [Ref: none];
- Indicative Masterplan prepared by LSH [Ref.SK01]; and,
- Indicative Landscape Masterplan prepared by RSK [Ref: P.662375\01\04\02].

1.5 In addition to this Planning Statement, the application is supported by the following technical reports:

- Design and Access Statement, prepared by LSH;
- Transport Assessment prepared by Mode Transport;
- Noctorum Field Sport Mitigation Note prepared by Tetra Tech;
- Arboricultural Assessment prepared by RSK;
- Flood Risk Assessment prepared by RSK;
- Drainage Strategy prepared by RSK;
- Sustainability Statement prepared by RSK;
- Statement of Community Involvement prepared by BECG;
- Ecological Assessment prepared by RSK;
- Bat Survey prepared by RSK;
- Preliminary Risk Assessment (Phase 1 Desk Study) prepared by RSK,
- Bio-Diversity Net Gain Assessment; and
- Draft heads of terms for a Section 106 agreement.

Validation Checklist

- 1.6 The Council's Validation Checklist has been consulted as part of the proposals. Accordingly, the aforementioned plans and technical reports have been submitted in support of this outline application. The supporting information provided accords with the provisions of the Council's validation checklist and is sufficient to ensure the validation of the application in a prompt and timely manner.

Structure of the Report

- 1.7 The remainder of this report is structured as follows:
- **Section 2.0** considers the Site's context and provides a description of its existing form;
 - **Section 3.0** sets out the development proposals for the Site;
 - **Section 4.0** sets out the national and local policy framework which will be used to assess the proposals;
 - **Section 5.0** demonstrates that the proposals are in accordance with national and local policy guidance;
 - **Section 6.0** explains that there are no overriding technical or environmental constraints which would impact on the delivery of the proposals;
 - **Section 7.0** demonstrates that the proposals will constitute sustainable development and will deliver social, economic and environmental benefits; and,
 - **Section 8.0** summarises the key points and concludes that the proposals should be positively determined.

Pre-Application Discussions

- 1.8 The Council has been engaged with as part of its pre-application services and following a meeting on August 2019 a formal written response was received from Marc Woods, Senior Planning Officer on the 18th October 2019. A summary of the response is provided below:
- The application site is a protected sports ground as allocated by the Unitary Development Plan [UDP];
 - The site is not considered surplus to requirements on a strategic level as highlighted by latest Playing Pitch Strategy (2016) which suggests it should be retained for school use;
 - The principle of loss hinges upon the assessment as to harm of loss.
 - UDP Policy HS5 states that there is a requirement to deliver 10 dwellings per hectare on a site in this location;

- As 10 or more dwellings are proposed, the Council would expect to see an affordable housing target in line with current policy (currently 20% in this area) with the preference being for onsite units;
- In order to provide an adequate level of amenity for prospective occupiers the Council expects dwellings to comply with nationally prescribed space standards;
- Habitable windows should be 21 metres apart, and should be a minimum of 14 metres from blank elevations. This relates to both proposed dwellings and existing properties surrounding the site;
- Visibility splays from the entrance should be provided on the plans together with the dimensions of the car parking areas to ensure that they comply with the requirements of the Supplementary Planning Document;
- A commuted sum may be required in relation to recreational pressure on the coastal European sites; and
- It is recommended that prior to detailed design work taking place that consultation takes place with the local community to offer an opportunity to fully play their part in the planning process.

1.9 In terms of the loss of the sports pitch, we can confirm that positive and collaborative discussions have taken place with the Rugby Football Union [RFU] as well as with Prenton RUFC and Old Parkonians RUFC in relation to the proposals for replacement provision elsewhere in the local area. The correspondence with the RFU has been appended to this Statement [Appendix 1]. The response from the RFU is summarised below:

- The Site comprises one undersized rugby pitch (87m x 70m with 6.5m goal areas).
- The deficit of rugby pitches within the area is largely down to carrying capacity (or the qualitative standard) of the existing pitches which are generally of poor quality and poor drainage. The pitches are also often used for training.
- It states that to satisfy the requirements of the RFU the proposals will need to result in qualitative improvement in rugby pitch provision rather than a simple quantitative improvement.
- Subject to how the qualitative improvements are delivered to the two rugby clubs, the RFU is supportive of the proposals on the premise that they would contribute towards the net improvement to the quality and enjoyment for rugby in the locality of Birkenhead.
- The letter concludes stating that the proposed solution as a result of the development of Noctorum Field will lead to a demonstrable equivalent and better rugby provision in terms of both the quantity and quality as well as being well connected to existing and well established facilities. This will allow both

clubs to grow and prosper from their existing locations and extend their excellent reputation in the North West.

- 1.10 The applicant has also been able to positively agree the mitigation with the Old Parkonians Association (OPAL) who manages the Old Parkonians RUFC at Holm Lane. The correspondence with OPAL is attached in Appendix 2. OPAL considered Noctorum Field as an additional rugby facility. As it does not meet Sport England requirements for rugby or cricket formats, they considered it best to focus and sustain improved facilities at their Holm Lane site, which is a well-recognised and established home for the existing sporting community. It is agreed that the mitigation capital is better reinvested in existing facilities, as it would contribute towards a sustainable and consolidated sporting platform for OPAL and the wider sporting community. The monies would both increase pitch capacity and playing time and provide improved access for other local high school rugby events. It would also maintain both adult and junior rugby participation at OPAL, which again contributes positively to its on-going future.
- 1.11 The applicant has also been in positive engagement with Prenton Rugby Club, whereby the proposed mitigation will lead to an additional grass playing pitch to be created in addition to the two recognised sports pitches. The correspondence from Prenton RC is attached in Appendix 3.
- 1.12 Sport England has also been engaged with as part of the proposals over the past eighteen months. The response from the Sport England to date is summarised below:
- Broad acceptance of the qualitative benefits at Prenton and Old Parkonians of the proposals contribute to the loss of Noctorum Field;
 - The Old Parkonians qualitative improvements are welcomed as a sports development opportunity;
 - Disagreement on the quantitative satisfaction of Exception policy E4.
- 1.13 In addition, the School undertook focused public engagement with the neighbouring residents around Noctorum Road and Noctorum Lane to present the proposals that the School were considering and the investment the disposal of the application site would be able to facilitate to the wider community. The School sought constructive feedback to help inform their future decision-making and to review any raised concerns and respond if appropriate and possible.
- 1.14 LSH can also confirm that this outline planning application has been submitted in conjunction with the full planning application for the new £3.52m Sports Hall at the Beresford

Road campus. This forms an extension to the existing sports hall and a significant investment by the School, which is intrinsically linked to this planning application. In the planning portal reference (PP-09271486), the School proposes that both applications be considered in parallel and they are committed to the delivery of the sports hall if the planning application at Noctorum Field is approved by the Council.

2 Site and Surroundings

Introduction

- 2.1 The application site comprises the Noctorum Field, Prenton. A Site Location Plan [Ref. 100022432] is provided as part of this application that identifies the proposed development site.

Background and Context

- 2.2 Following discussions between the Bursar, other Executive Officers, and Governors, Birkenhead School are proposing to dispose of the underutilised Noctorum Field. This is on the basis that the field is infrequently used by the School – primarily once a fortnight during term time for a sports fixture - and the charity's resources can be better deployed elsewhere for sports, bursaries and community involvement. The reason for this is fourfold:

- The Site is located 1.4km to the north west of the main school campus. The travel time between the Site and main school campus makes any use of the Field during the School Day impractical and is having a significant impact on active and effective teaching time at Noctorum Field. As a result, the Site has not been used for curriculum sport and physical education for many years.
- Curriculum sport and physical education is successfully taught at the McAllester Field and main school campus.
- The existing rugby pitch is undersized measuring 70m in width, 87m from try line to try line with 6.5m in goal areas; and
- The existing cricket pitch does not meet the boundary length requirements of the England and Wales Cricket Board.

- 2.3 In light of this, the School's trustees have decided to dispose of the Site; the capital generated from its sale would be reinvested into improving the School's existing sports facilities and its bursary programme. Given that the School is a charity, it has a legal requirement to ensure that it gains maximum value from the disposal of the Site but also balance this with sustainable re-investment into the school's infrastructure. To achieve a maximum value, it is necessary that the Site gains outline planning permission to enable it to be redeveloped for residential purposes. All research has suggested that this it is a good location for such.

- 2.4 Whilst the Site is identified for private recreation and is not publically accessible, the School proposes to offset the loss of the sports facility by making significant financial contributions to improve existing community and sports facilities in the local area.

Planning History

- 2.5 A review of the Council's online planning register did not identify any applications of relevance to the proposals.
- 2.6 The Wirral Unitary Development Plan [UDP] Policies Map identifies the Site as being included within wider 'Primarily Residential Area', and designated for 'Sports and Recreation'.

Site Location

- 2.7 The Site is located on the edge of the urban area of Birkenhead, included within the residential suburb of Noctorum. It is approximately 3.1km to the west of Birkenhead town centre, and approximately 3.8km to the east of Greasby. The site is surrounded by a mix of land use including residential, leisure and education. The surrounding residential development is characterised by large two and three storey-detached dwellings.
- 2.8 The Site is bounded:
- To the **north** by a mature tree belt and the junction of Noctorum Road and Noctorum Lane. Beyond this lies further residential development and the Dundoran Care Home facility;
 - To the **east** by a mature tree belt and Noctorum Lane. Beyond this lies Wirral Golf Club and further residential development;
 - To the **south** by a mature tree belt and the curtilage of a dwelling. Beyond this lies further low density residential development; and,
 - To the **west** by a mature tree belt and Noctorum Road. Beyond this lies further residential development and the facilities associated with Hillside Primary School.

Site Description

- 2.9 The Site extends to 2.25 ha (gross), is irregular in shape and currently comprises underutilised sports pitches (1 junior cricket, 1 under sized adult rugby) associated with Birkenhead School. The Site has a relatively flat topography. The Site is not located within a Conservation Area, nor are there any listed buildings or other designated or non-designated heritages assets on, or adjacent to it. A Grade II listed building is located 300m to the south of the Site. The Site is located in Flood Zone 1 and is at low risk of flooding. A small part of the Site is identified at low risk of surface water flooding. The site is covered by a Tree Preservation Order [TPO] (Ref. BK0030A001) which covers the extensive tree coverage along the site boundaries.

Access

- 2.10 The Site is adjacent to, and will be accessed from Noctorum Road, which runs to the west, via an existing access point. The access to the Site will remain the same as existing and will remain unaltered as part of the proposals. A secondary / emergency access could also be delivered off Noctorum Lane, which runs to the east of the Site. The indicative masterplan also details an additional point of access to the north of the Site, which would provide access to a single residential development plot.
- 2.11 The Site is well connected to the surrounding area. Noctorum Road run to the east of the Site, providing access to the A5207, which connects to the M53 and the wider strategic road network. Noctorum Lane that runs to the west of the site is unadopted road.
- 2.12 The Site is sustainably located in relation to its proximity to local services and facilities together with education opportunities. It is well served by public transport. A bus service is in operation along Upton Road, which runs to the north of the Site and provides access to Liverpool and West Kirby, together with the other surrounding centres. The nearest bus stop is located 370m to the north of the Site. The table below shows the routes and frequencies of the services, together with the relative bus number and bus stops. A 400-metre walking distance to a bus stop is considered acceptable under guidance within Institute Highway and Transport (IHT, 2000) within residential areas.

Service No.	Route	Bus Stop Location	Operator	Weekday Service Frequency
437	Liverpool – West Kirby	Upton Salacre Lane	Arriva	Every 10 minutes
611	Caughton – Poll Hill	Bidston opposite Noctorum Lane	Selwyn's Travel	Two services a day (School)
621	Newton – Oxton	Noctorum, Upton Station	Selwyn's Travel	Two services a day (School)

- 2.13 The nearest train station is Upton 980m to the west of the Site and is operated by Transport for Wales and provides access to their services.
- 2.14 The Site is located in a highly sustainable location and is within walking distance of a range of facilities and services. This includes:
- 1km from a local convenience shop (Tesco Express);
 - 1.15km from a local convenience shop (McColl's);

- 1.18km from a restaurant (Georgio's);
- 1.27km from a pharmacy (Claughton Pharmacy);
- 1.27km from a medical centre (Claughton Medical Centre);
- 1.09km from St Bede's Chapel and Community Centre;
- 0.97km from St John's Hospice;
- 0.9km from St James with St Bede Church
- 0.98km from Oxton Cricket Club;
- 1km from Birkenhead Lawn Tennis Club; and,
- 0.3km from Wirral Golf Club.

2.15 The Site is well connected to Birkenhead's town centre that provides access to a wider range of shops and facilities. In terms of education opportunities, the Site is within 2km of Birkenhead School, Birkenhead Sixth Form College, Birkenhead High School Academy, Hillside Primary School, Bidston Avenue Primary School, St Anelam's College, Ridgeway High School and Townfield Primary school

2.16 In summary, the Site is sustainably located in relation to its proximity to existing services and facilities. It is also highly accessible by sustainable modes of transport. Furthermore, the Site is well located to the existing settlement; its redevelopment would represent infill within the urban area.

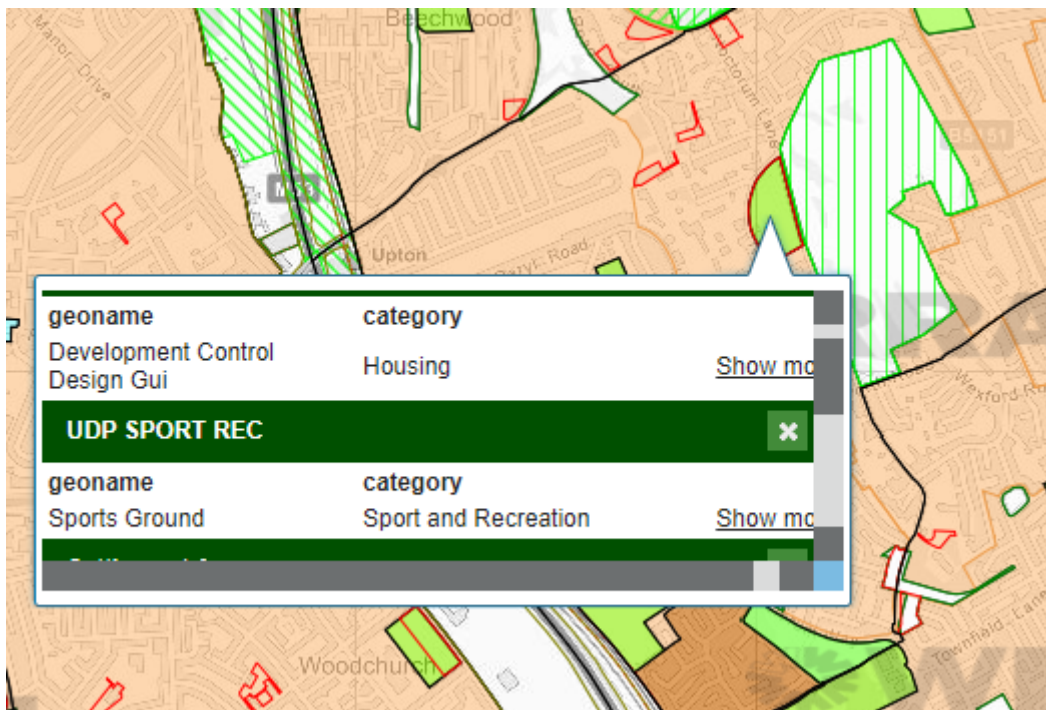


Figure 1 – Extract from the Council's UDP Proposals Map

3 Development Proposals

- 3.1 Outline planning permission is sought for:

“The demolition of the existing pavilion and erection of up to 33 dwellings (Use Class C3) and associated infrastructure. All matters are reserved with the exception of access.”

Residential Development

- 3.2 The Site can accommodate up to 33 dwellings at a density of 14.8 dwellings per hectare [dph]. An indicative site layout accompanies this application submission. Details in relation to the scale, massing, design and layout of the proposed development will be agreed through the submission of a reserved matters application.
- 3.3 It is envisaged that the proposed development will comprise a mix of two and three storey dwellings. Given the context of the surrounding residential development, it is likely that the dwellings will take the form of large detached family housing with associated gardens. The housing typologies are to be focussed on 4 to 5 bedroom homes (and possibly 6 bedroom homes). This is appropriate when considered in the context of the surrounding residential development.
- 3.4 Affordable Housing provision would be sought through a commuted sum in lieu of onsite provision. This would be secured through a Section 106 Agreement with the Council.
- 3.5 It is envisaged that the principal access to the Site would be retained via Noctorum Road, which runs to the west. An existing vehicular access is located on the western boundary, adjacent to the sports pavilion. A secondary / single access could be delivered off Noctorum Road to the north. Parking would be included within the curtilage of the dwellings and would be considered in the context of the Council's parking standards.

Design and Layout

- 3.6 The indicative layout demonstrates how the proposals can be designed to respond to the Site's physical context and respect the character or the surrounding environs.
- 3.7 The design principles for the outline proposals have been curated to guide and inform both this outline application but also sought to inform any future reserved matters submission if this application is considered acceptable. The principles have been informed by the site constraints and opportunities and these are set out in more detail in the submitted Design and Access Statement (D&AS). The proposal seeks to respond positively to the local character by creating a new low-density high quality residential environment amongst the setting of the retained trees. The design seeks to protect amenity of the existing properties

and access rights to the neighbouring golf course and the culverted watercourse in the south of the application site. The design seeks to retain the special charm of Noctorum Lane and this will remain as a strong pedestrian friendly thoroughfare for local residents. The design has purposely sought not to create any vehicle access off this important route to retain that special tree lined character. Likewise, the proposal seeks to utilise the existing access into the site and create an efficient network of internal streets, which would meet manual for streets guidance. Lastly, the proposals seek to open up the site to provide open space and formal footpaths around the perimeter of the site to allow improved and safe pedestrian movement into and around the site.

- 3.8 To minimise the impact on the significant bio-diversity on the site, the design has sought to retain and protect the existing mature tree coverage as this significantly adds to the important character and setting of Noctorum Field. Where existing trees are to be removed to facilitate safe and appropriate access then replacement and qualitative improved tree planting will be provided across the proposal through both garden and specimen trees. This can be dealt with through conditions and through future reserved matters stages.
- 3.9 The indicative masterplan provides a layout that retains the vast majority of the existing tree coverage along the edges of the site. To minimise the impact the proposal shows that the new residential plots will be provided within the centre of the application site. This design approach maximises opportunities for green views both to the front and rear of properties.
- 3.10 The proposed development plots and their dimensions are efficient to allow perimeter blocks to be curated with active frontages and private rear gardens with sufficient back-to-back distances to protect existing and future residents' amenity. Varying layouts (3) were considered (see page 15 of the D&AS) and it was considered that Option 3 was the most appropriate in terms of delivery of the key design principles.
- 3.11 On the southern part of the site, the development plots provide rear gardens adjacent to the existing properties to avoid overlooking and to protect the amenity of existing properties to avoid overlooking and to protect the amenity of existing residents. These plots avoid building private residential development on the culverted watercourse to ensure future access and maintenance.

Scale

- 3.12 The indicative masterplan sets out the maximum parameters of the residential development whereby up to 33 residential plots (max) are set out. The masterplan can be detailed through a future reserved matters application and could subject to the end house builder/developer proposed plan that may involve less than 33 units. We believe that the site could accommodate between 26 and 33 large family residential units with allocated gardens.

- 3.13 We can also confirm that the scale of any future residential properties on the site can be limited to two storey with a pitched roof construction. This would fully accord with the surrounding built residential vernacular that is mainly two storey in nature and scale.

Appearance

- 3.14 The appearance of any proposed family homes are not subject to this outline planning, but these will be large mainly detached and semi-detached homes with separate garage blocks. Any future reserved matters application will appropriately deal with the appearance of the proposed homes. The D&AS does provide a number of reference points of large 4 to 5 bedroom detached homes that could be built at the application site. The buildings are likely to be in traditional red-brick or stone building material, with slate roof material.

Access

- 3.15 The proposed movement and access arrangements of the design principles seek to utilise the existing vehicle and pedestrian access point on Noctorum Road. As set out earlier following consultations with the local residents, we have sought to not provide any vehicle access on to Noctorum Lane so to retain the existing character of the Lane, which is very much a pedestrian friendly environment and thoroughfare for walking. A new pedestrian access point is proposed in the south of the site as an alternative route to the eastern side of Noctorum Road, which has no formal footpath. This footpath addition is proposed in response to concerns raised by residents on pedestrian safety; this footpath will allow pedestrians to navigate around the perimeter of site within the retained tree areas in a safe pedestrian friendly environment.
- 3.16 The proposed layout creates a street network that retains as many of the existing trees along the perimeter of the site as possible and is the most efficient way of retaining the existing character of the site whilst also ensuring that the development can facilitate refuse/recycling and emergency vehicles. It creates a single loop to the south of the site incorporating the retained culvert and the two outward facing facades to the north.
- 3.17 The proposed visibility splays that are required for the two vehicle entrances will require some (33) trees to be removed for highway safety to be increased, However, these will be replaced with a net addition of 39 trees across the application site (72 trees will be replanted across the site) through specimen and mature stock planting.
- 3.18 The proposed street design has been designed to meet Council adoption criteria in the future.
- 3.19 The proposal will seek to provide electric vehicle charging points to each of the proposed residential properties to encourage the transition to more sustainable transport modes by

2030 in line with HM Government mandate and to actively encourage future residents to consider the use of electric vehicles as a means to tackling climate change at the local level.

Landscaping

- 3.20 The landscaping vision and strategy is set out in the D&AS, beyond the key aim to retain the integrity of the tree character and density, the strategy seeks to create a desirable and sought after place to live and this will be through the enhancement and diversification of the current vegetation and increased and improved access both through and around the application site, including the existing public right of way.
- 3.21 The only trees to be removed (33 of 124 individual trees and/or 150 tree features) will be those that either are poor in quality or are required to facilitate a safe driver visibility position egress. The technical reports confirm that 19 trees need to be removed without development in a no-development scenario due to being of poor specimens, with 14 trees to be removed to facilitate the proposed development. As above, the proposals seek to deliver a ratio of above 1:2 tree replacements, or 72 new trees to be planted. In addition, the applicant is committed to the consideration of a tree management plan prior to any development to provide a positive and on-going tree management strategy to be implemented.
- 3.22 The submitted illustrative landscaping plans provide a formal guide to future development and seeks to retain existing vegetation on the site that acts as a natural screening buffer to the surrounding area. The strategy proposes ornamental planting, hedges and specimen trees to be located at the entrance to create a sense of arrival as well as celebrating the importance of increased bio-diversity on the site for existing and future generations to enjoy.
- 3.23 Further to the increased and enhanced tree planting, it is proposed that along the main routes around the scheme, garden trees and hedgerows will separate individual residential properties and plots. Additional tree planting in rear gardens are key along the southern boundary to mitigate views from the existing neighbouring properties. Further additional understory planting beneath the retained trees including shrubs, annuals and a wildflower meadow are all proposed to support local bio-diversity. The applicant is happy for these to be conditioned to ensure that the net bio-diversity gain of the scheme satisfies the objectives of the emerging Environment Act.
- 3.24 In relation to the surface materials of the proposal, the landscape strategy seeks to provide rumble strip and textured paving to help slow vehicle movement whilst encouraging shared space. These measures are set out in the indicative masterplan and the indicative planting species schedule.

4 Planning Policy Context

Introduction

- 4.1 Section 70(2) of the 1990 Act and Section 38(6) of the 2004 Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicated otherwise.

National Policy

- 4.2 National guidance is provided by the National Planning Policy Framework [the Framework] (February 2019), and the National Planning Practice Guidance [the Practice Guidance]. Both are material to the consideration and determination of the planning application.

Development Plan

- 4.3 The Development Plan for the Site comprises 'saved' policies of the Wirral Unitary Development Plan [UDP] that was adopted in February 2000 and covered the period 1986 to 2001. Parts of the UDP have been 'saved' under the provisions of the Planning and Compulsory Purchase Act 2004. The policies and proposals of the UDP were initially 'saved', to remain in force for a period of three years. A number of policies were then subsequently saved in 2007 for an on-going period.
- 4.4 The UDP is significantly out of date and there is no up-to-date evidence base to justify the existing policies. Consequently, very limited weight can be afforded to the policies therein which do not accord with the Framework¹.

Principle of Development

- 4.5 The pertinent UDP policies relating the principle of development are:
- UDP 'saved' Policy URN1 (Development and Urban Regeneration); and,
 - UDP 'saved' Policy HS4 (New Housing Developments).
- 4.6 The Framework² states that for decision taking, applications for proposals that accord with an up-to-date development plan should be granted without delay.
- 4.7 The Framework³ sets out that decision-makers at every level should seek to approve applications for sustainable development where possible.

¹ National Planning Policy Framework - §11 (d)(ii)

² National Planning Policy Framework - §11(c)

³ National Planning Policy Framework - §38

4.8 The Framework⁴ stipulates that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.

4.9 The Framework⁵ sets out that planning policies and decisions should support development that makes efficient use of land.

Loss of Sports Pitches

4.10 The relevant UDP policy relating to the loss of sports pitches is:

- UDP 'saved' Policy RE6 (Sports Grounds for Protection from Development)

4.11 The Framework⁶ sets out existing open space, sports and recreational buildings, including playing fields should not be built upon unless:

- An assessment has been undertaken which clearly demonstrates that the open space is surplus to requirement; 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.

Housing Land Supply

4.12 There are no relevant Development Plan policies that solely relate to the Council's five year housing land supply position.

4.13 The Framework⁷ states that Local Planning Authorities should identify sites to provide a five-year housing land supply against their housing requirements.

Affordable Housing

4.14 The pertinent UDP policies relating to affordable housing are:

- UDP 'saved' Policy HSG2 (Affordable Housing); and,
- UDP 'saved' Policy HS6 (Principles for Affordable Housing).

4.15 The Framework⁸ seeks to significantly boost the supply of homes, stipulating that it is important that a sufficient amount and variety of land can come forward where it is needed,

⁴ National Planning Policy Framework - §117

⁵ National Planning Policy Framework - §122

⁶ National Planning Policy Framework - §97

⁷ National Planning Policy Framework - §73

⁸ National Planning Policy Framework - §59

that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Design and Layout

- 4.16 The pertinent UDP policies relating to design and layout are:
- UDP 'saved' Policy HS4 (Criteria for New Housing Development); and,
 - UDP 'saved' Policy HS5 (Density and Design Guidelines Policy).
- 4.17 The Framework⁹ seeks to secure high quality buildings and places and states that good design is a key aspect of sustainable development, creating better places to live and work.
- 4.18 The Practice Guidance¹⁰ emphasises the importance of good design. Good quality design is an integral part of sustainable development and national policy recognises that design quality matters and that planning should drive up standards across all forms of development.

Highways, Accessibility and Parking

- 4.19 The UDP policies relative to highways, accessibility and parking include:
- UDP 'saved' Policy TR1 (Provision for Public Transport);
 - UDP 'saved' Policy TR3 (Transport and the Environment); and,
 - UDP 'saved' Policy TR9 (Requirements for Off Street Parking).
- 4.20 The Framework¹¹ states that the planning system should actively manage patterns of growth, and that significant developments should be focussed on locations, which are, or can be made sustainable through limiting the need for travel and offering a genuine choice of transport modes. However, development should only be prevented or refused on transport grounds where the residual cumulative impact would have a severe impact on the road network¹².

Environmental

- 4.21 The relevant UDP policies relating to the environment include:
- UDP 'saved' Policy NCO1 (Principles for Nature Conservation);
 - UDP 'saved' Policy NC7 (Species Protection);
 - UDP 'saved' Policy LAN1 (Principles for Landscape);
 - UDP 'saved' Policy WA2 (Development and Land Drainage);

⁹ National Planning Policy Framework - §124

¹⁰ ID: 26-004-20140306 and ID: 26-001-20140306 – The Practice Guidance

¹¹ National Planning Policy Framework - §103

¹² National Planning Policy Framework - §110

- UDP 'saved' Policy WA1 (Development and Flood Risk);
- UDP 'saved' Policy WA2 (Development and Land Drainage);
- UDP 'saved' Policy WA4 (Safeguarding Water Resources);
- UDP 'saved' Policy WA5 (Protecting Surface Waters);
- UDP 'saved' Policy PO5 (Criteria for the Development of Contaminated Land).

4.22 The Framework¹³ seeks to protect any value deriving from the natural environment and any assets of the natural environment.

Sustainable Development

4.23 There are no relevant Development Plan policies, which solely relate to the delivery of sustainable development.

4.24 The Framework¹⁴ identifies three dimensions to sustainable development: economic, social and environmental, which should not be undertaken in isolation as they are mutually dependent. The Framework indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Emerging Planning Policy

4.25 The Council is in the process of preparing a new Development Plan which will eventually replace the UDP. A Submission Draft Plan was produced in 2012 following earlier rounds of consultation. The Plan was not produced having regard to the Framework, and the evidence base that supported the previous draft document are now out of conformity with the latest guidance and also significantly out of date. Consequently, the Council has been updating its evidence base.

4.26 The Council adopted its Local Development Scheme [LDS] in March 2018, which sets out the timescales for the preparation of the new Development Plan. The timescales for the preparation of the Development Plan have been subject to delay. The Council's website indicates in late 2019 that a consultation on the Regulation 18 stage of the Development Plan will commence in January 2020 with a view to consulting on a Submission Draft in summer 2020. However, it is now understood that the Council seek to approve the publication of the Wirral Local Plan in November 2021 and this will be subject to a six-week consultation period before being submitted to the Secretary of State for examination. The plan period for the new Local Plan will need to be extended due to delays and will now cover the plan period 2020 to 2037 (previously to 2035). The Council has released a number of evidential studies in early 2021 that seek to inform the local plan.

¹³ National Planning Policy Framework - §170

¹⁴ National Planning Policy Framework - §8

- 4.27 The Council has confirmed that if approved the local plan will be adopted by 2023. The local plan has been controversial due to the level of green belt release for housing delivery, which has been further reviewed with the Council continuing to undertake further intensive work to increase the supply of land in the urban areas.
- 4.28 Given that the Development Plan is still in the relatively early stages of plan preparation and is yet to be subject to any consultation or receive Inspector's comments, it is considered that limited weight can be afforded to the policies therein in accordance with the Framework¹⁵. It is, hoped that this proposal may play a part in reducing the need to release the level of green belt for housing delivery.

Liverpool City Region Joint Local Plan

- 4.29 The Liverpool City Region [LCR] consulted upon an initial evidence base for the Joint Local Plan in December 2016 / January 2017. The consultation principally focussed on large-scale employment sites and the Housing and Employment Land Market Assessment [SHELMA]. The LCR also published its Brownfield Land Register in February 2018. The Site is not identified for development in any of the documents.

Supplementary Planning Documents

- 4.30 The Parking Standards Supplementary Planning Document (SPD) was adopted in 2007 and provides advice on the maximum levels of parking provision for motor vehicles necessary to serve new development or changes of use for retail, residential, industrial, non-residential institutions, and assembly and leisure uses.
- 4.31 The SPD states that for dwelling houses with three or more bedrooms a maximum of two parking spaces should be provided.

Evidence Base and Other Documents

Strategic Housing Market Assessment

- 4.32 The Wirral Strategic Housing Market Assessment [SHMA] and Housing Needs Study (May 2016) identifies a need to provide between 875 dwellings per annum [dpa] and 1,235 dpa over the plan period 2014-2032. The requirement set out within the SHMA (May 2016) has been superseded by the introduction of the Government's Local Housing Need [LHN] calculation. The LHN assessment identifies a requirement to provide a minimum of 803 dpa. This is derived from the 2014-based data as opposed to the 2016-data as per the Government's consultation in October 2016.

¹⁵ National Planning Policy Framework - §48

Strategic Housing Land Availability Assessment

- 4.33 The Strategic Housing Land Availability Assessment [SHLAA] was published in January 2020 and provides an update on the SHLAA from 2016 and 2018. The Council's online mapping tool indicates that the Site was considered in the SHLAA (2019) [Ref. 0926]. The SHLAA confirms that the site is a detached independent school playing pitch and changing rooms. The SHLAA states that the site is an *“active sports facility with no replacement yet identified, therefore suitability is uncertain. No developer has come forward to support residential development on this site, therefore achievability is uncertain”*.

Annual Monitoring Report

- 4.34 The most recent Annual Monitoring Report [AMR] that has been produced by the Council was published in December 2018. It covers the period 2017/18 specifically and sets out the progress on the delivery of the Council's Local Plan and the extent to which national and local priorities are being achieved.

- 4.35 In relation to housing, the AMR sets out that:

- Gross housing completions increased to 806 new dwellings in 2017/18, from 384 new dwellings in 2016/17 but the number of new dwellings under construction had fallen to 1,138 in April 2018 from 1,315 in April 2017;
- The capacity of land with planning permission for new housing, outside Wirral Waters, had continued to rise, to 2,637 dwellings in April 2018, compared to 2,577 dwellings in April 2017;
- The estimated capacity of additional sites without planning permission had, however, reduced to 4,097 dwellings at April 2018 from 4,531 dwellings at April 2017;
- The proportion of new dwellings completed on previously developed land remained high at 83% in 2017/18, compared to 84% in 2016/17;
- The number of new affordable dwellings completed in 2017/18 increased to 153, from 83 in 2016/17; and
- The proportion of new housing located more than 400 metres away from a high-frequency public transport service continued to remain low, at less than 2%, with only 13 dwellings in 2017/18.

- 4.36 Appendix 3 of the AMR (2018) sets out the Council's five-year housing land position. Against a requirement of 795 dpa, the Council is able to demonstrate a 2.9 years supply with a 5% buffer, a 2.8 years supply with a 10% buffer and a 2.6 years supply with a 20% buffer. In this regard, the Council is unable to demonstrate a five year supply of deliverable

housing sites against its most up to date housing requirement, as derived from the LHN assessment.

Playing Pitch and Outdoor Sports Strategy Report (2016)

- 4.37 The Council published its Playing Pitch and Outdoor Sports Strategy in August 2016. This was prepared by Knight, Kavanagh & Page (KKP). The Strategy seeks to provide evidence to the Council and its partners to provide a framework for the maintenance and improvement of existing outdoor sports pitches and ancillary facilities between 2016 and 2022. The Strategy covers a number of playing pitches including football, cricket, rugby union, hockey, tennis and bowling.
- 4.38 In the context of this outline planning application, the strategy seeks to provide planning guidance to assess development proposals affecting playing fields, direct open space contributions secured through development and informing local planning policy. The strategy informs land use decisions in respect of future use of existing outdoor sports areas and playing fields across the Borough. The strategy also provides a framework for the provision and management to ensure the use, distribution, function, quality and accessibility of outdoor sports to the community is maintained.
- 4.39 The Site is included within Analysis Area 6 (Claughton, Oxtan, and Prenton). With regard to the sports pitch provision on the Site, the Analysis Area was assessed as having spare cricket pitch capacity, however future demand indicates a shortfall. With regard to rugby pitches, the assessment sets out the current pitch provision is of poor quality and identifies an existing and future shortfall.
- 4.40 The Strategy recognises that rugby union is a priority area with eleven clubs providing 120 competitive rugby union teams across all age groups. This is supported by 65 grass rugby union pitches at 22 locations. The Strategy confirms that 47 pitches of the 65 are available for community use, with three pitches available for community use but not used. Five of the clubs rate the quality of the changing rooms as poor. The Strategy confirms that there is a shortfall of 50 match equivalent sessions across the pitches in Wirral and this could increase in the future. The strategy recommends improving pitch quality through drainage systems and therefore increasing carrying capacity. These improvements would result in a further 41 match equivalent sessions of capacity of senior pitches and alleviate over play at all sites.
- 4.41 The strategy also recognises that installing floodlighting or additional floodlighting would increase the spread of training demand across more pitches and create extra pitch capacity and alleviate overplay on existing pitches. Lastly, additional pitches where the space allows would allow the transfer of play and increase capacity.

4.42 The Site is identified within the Assessment [Ref. 148] comprising four good quality cricket strips, and one standard (M1/D1) senior rugby pitch. None of these are available for community use.

Sport England: Towards an Active Nation Strategy 2016-2021

4.43 In December 2015, the Government published Sporting Future: A New Strategy for an Active Nation. It sets a bold and ambitious direction for sport policy, which has been widely welcomed. It looks beyond simple participation to how sport changes lives and becomes a force for social good. At its heart are five outcomes: physical wellbeing, mental wellbeing, individual development, social and community development and economic development. This Active Nation Strategy sets out how Sport England will deliver on the Government's objectives by:

- Focusing more money and resources on tackling inactivity;
- Investing more in children and young people from the age of five to build positive attitudes to sport and activity as the foundations of an active life;
- Helping those who are active now to carry on, but at lower cost to the public purse over time;
- Putting customers at the heart of what Sport England do, responding to how they organise their lives and helping the sector to be more welcoming and inclusive, especially of those groups currently under-represented in sport;
- Helping sport to keep pace with the digital expectations of customers;
- Working nationally where it makes sense to do so (for example on infrastructure and workforce) but encouraging stronger local collaboration to deliver a more joined-up experience of sport and activity for customers;
- Working with a wider range of partners, including the private sector, using expertise and investment to help others align their resources; and,
- Working within the sector to encourage innovation and share best practice particularly through applying the principles and practical learning of behaviour change.

Sport England: Playing Fields Policy

4.44 The Playing Fields Policy was adopted in March 2018 and updated in August 2018 following the changes to the Framework in July 2018. The Playing Fields Policy seeks to assist Sport England in their response to planning applications, which affect playing fields.

4.45 Sport England will generally oppose the grant of planning permission for developments which lead to the loss of, or would prejudice the use of:

- All or any part of a playing fields;

- Land which has been used as a playing field and remains undeveloped; or,
- Land allocated for use as a playing field.

4.46 There are five exceptions to this which are summarised below:

- **Exception 1** - A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment;
- **Exception 2** - The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches;
- **Exception 3** - The proposed development affects only land incapable of forming part of a playing pitch;
- **Exception 4** - The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
 - of equivalent or better quality;
 - of equivalent or greater *quantity*;
 - in a suitable location; and,
 - Subject to equivalent or better accessibility and management arrangements.
- **Exception 5** - The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

Sport England: Uniting the Movement (2021)

4.47 In 2021 Sport England have just set out a new 10-year vision to transform the live and communities through helping grassroots sports and access to physical activity to recover from the coronavirus pandemic through investment in tackling the challenges of the next decade up to 2031. This strategy is also supported by £50 million to be available in 2021 and this is in addition to the £200 million allocated from the National Lottery and the Exchequer Funding that is already being invested in response to the pandemic since March 2020.

4.48 The strategy recognises the need to invest in sport and physical activity to make it a formal part of life for everyone in England. The strategy seeks to get people involved in sport and activity to benefit from the active regardless of background, gender, and postcode. This is seeking to tackle inequality and unlock the advantages of sport and physical activity for everyone. This involves the removal of barriers to sport and activity through the investment

by the governing bodies, others sport bodies and local sports clubs, organisations and community group to increase overall engagement. The strategy has three key objectives:

- Advocating for movement, sport and physical activity;
- Joining forces on five big issues; and
- Creating the catalyst for changes.

4.49 Sport England recognise the responsibility of advocating for the transformation impact sport and activity can have on people's health and well-being and they will lead on this common purpose and agenda.

4.50 The strategy recognises the five key big challenges that the nation faces, and these include:

- Recover and reinvest to ensure there is a vibrant, relevant and sustainable network of organisation delivering sport and physical activity that meets the needs of different people;
- Connecting communities by focusing on sport and physical activity and the ability to make a better place to live and bring people together;
- To provide positive experience for children and young people as the foundations for a long and healthy life;
- Strengthening the connections between sport, physical activity, health and well-being so people can feel the benefits of and advocate for an active life; and
- Creating and protecting the places and spaces that make it easier for people to be active.

4.51 The strategy seeks to create the catalyst for change by addressing the above challenges and provide the right conditions for change across the people, organisations and partnerships to contribute and help shared plans and ideas into action. This will include:

- Effective investment models that create the right kind of investment, timed well and delivered skilfully to stimulate demand, provide opportunities to get active, enable innovation, encourage collaboration, reduce inequalities and enable greater sustainability;

- Realising the power of people and leadership by allowing people to spend their time helping others to be active are our most precious resource and their potential is limitless. They're the key to adopting and achieving the ambitions in this strategy;
- Applying innovation and digital to reflect the changing times and people's expectation;
- The application of High quality data, insight and learning are key to collaborative action and delivering a shared understanding of the opportunities; and
- Instil good governance and commitment to positive, effective and safe delivery of opportunities at every level.

4.52 To deliver these the Strategy seeks to invest most in those area need to most through well balanced and targeted provision that is proportionate to the need. This will focus on the right blend of national and local action.

Conclusion

4.53 In conclusion, this section has set out the prevailing development plan policies relevant to the proposed development at Noctorum Field as well as other key guidance documents that would be material considerations in the determination of this planning application.

5 Planning Assessment

Introduction

- 5.1 This Section of the report considers the compliance of the proposed development with the relevant policies of the statutory development plan and supplementary planning guidance, alongside the Framework as a material consideration, which should be afforded substantial weight.
- 5.2 This Section demonstrates that the proposed development accords with the relevant policies of the adopted development plan. There are no other material considerations that indicate that permission should not be granted in accordance with Section 70(2) of the 1990 Act and Section 38(6) of the 2004 Act.

Principle of Development

- 5.3 As outlined, the Council's UDP is significantly out of date, and limited weight can be afforded to the policies therein which do not accord with the Framework (2019). The proposals should therefore be considered in the context of the Framework¹⁶, which states that where Development Plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 5.4 The Site is designated on the UDP Policies Map for 'Sports and Recreation', abutting 'Primarily Residential Area'. It is therefore subject to the provisions of UDP Policies URN1, HS4 and RE6.
- 5.5 UDP Policy URN1 seeks to maximise the use of urban land. The Policy sets out that when considering new development proposals, the Council will be concerned to ensure that:
- full and effective use is made of land within the urban area; and,
 - neglected, unused and derelict land is brought into use.
- 5.6 This Policy is reflective of the provisions of the Framework¹⁷, which sets out that decisions should promote an effective use of land in meeting the need for homes. Indeed, it¹⁸ goes on to state that decisions should support development of underutilised land, especially if this would help to meet identified need for housing where land supply is constrained. This is

¹⁶ National Planning Policy Framework - §11 (c)

¹⁷ National Planning Policy Framework - §117

¹⁸ National Planning Policy Framework - §11 8(d)

particularly pertinent given that the Council has not yet demonstrated a deliverable five-year housing land supply position, as set out in the preceding section¹⁹.

5.7 Furthermore, as stated, and discussed in further detail in the next section of this Statement, the Site is very sparsely utilised by the School (which can fulfil its considerable sporting provision at other sites) and is surplus to their playing pitch requirement. The proposals therefore trigger the second part of Policy URN1 and will repurpose an unused/underutilised site, bringing it back into use for residential purposes, which will assist the Council in meeting its housing requirement, together with contributing towards housing land supply position.

5.8 As outlined, the UDP is significantly out of date and there is no up-to-date evidence base to justify policies relating to housing. Consequently, very little weight can be apportioned to the existing development plan policies, which do not accord with the policies contained in the Framework (2019). The principle of residential development should be accepted at the Site on the premise:

- The Site is vastly underused for its allocated purpose and has been for many years; its redevelopment for residential purposes would contribute towards the Council's five-year housing land supply position, and would assist in meeting the housing requirement.
- The Site is a suitable for residential development in the context of its surrounding area. Its redevelopment would represent infilling within the urban area.
- The delivery of the Site for residential development would constitute sustainable development.

5.9 It is submitted that the proposals accord with UDP Policy URN1. It is considered that the proposed development will assist the Council in meeting its strategic objectives for housing in the following ways:

- The Council cannot currently demonstrate a five-year supply of deliverable housing sites (see below). The development of this site for housing will contribute towards this supply and help meet the identified need that has arisen because of the growth in the number of households.
- The Site can accommodate up to 33 dwellings and will provide a financial contribution towards affordable housing in lieu of onsite provision.
- The Site and is no longer used to its full capacity by the School and is therefore surplus to requirements. In this regard, it is prudent to redevelop the Site for residential purposes, capitalising on its sustainable location within the urban

¹⁹ Reference §4.8

area. Indeed, the redevelopment of the Site for residential purposes would assist in meeting the Council's housing requirement, and would ensure that new housing is delivered in a sustainable location.

- 5.10 In terms of the Site's suitability for development, the surrounding land use is predominantly residential. The Site is closely linked to the surrounding residential areas and therefore the most appropriate use for it, given the immediate character of the area, is housing. Indeed, as the proposals would constitute a natural infilling in the urban area - residential development is entirely appropriate for this location.
- 5.11 Moreover, by allowing the development of this Site for housing, which is located within the urban area, the Council is in turn protecting their existing Green Belt boundary, providing the requisite housing supply within the urban area. This is particularly pertinent given that the Leader of the Council has pledged²⁰ that there will be no Green Belt release as part of the preparation of the new Local Plan to enable the borough to meet its development needs. In this context, the delivery of the Site for residential development will contribute towards the Council's housing land supply position, enabling it to meet its identified housing requirement.

Loss of Sports Pitches

- 5.12 A detailed policy analysis of the Loss of Sports Pitch is provided in the Noctorum Field Sports Mitigation (NFSM) note, prepared by Tetra Tech and accompanies the planning application. The below commentary should be read in conjunction with this note.
- 5.13 As stated, the UDP Proposals Map identifies the Site as a sports ground protected from development, subject to the provisions of UDP 'saved' Policy RE6 whilst the Playing Pitch strategy suggests it should be retained for school use. The Framework²¹ sets out existing open space, sports and recreational buildings, including playing fields should not be built upon unless:
- An assessment has been undertaken which clearly demonstrates that the open space is surplus to requirement; 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 and former use

²⁰ Place North West Article 19th November 2019

²¹ National Planning Policy Framework - §97

5.14 The wording of this Policy is part reflective of Exception Test Four of Sports England's Playing Fields Policy (August 2018). Exception Test Four states Sports England will oppose the grant of planning permission which will result in the loss of playing fields, unless:

“The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.”*

5.15 The application site [Ref. 148] is included within the Playing Pitch Strategy [PPS] (December 2017) identified within Analysis Area 6 (Claughton; Oxtun; Prenton). The assessment identifies the Site as comprising 4 good quality grass wickets, and one standard senior rugby pitch; none of which are for community use. The assessment recommends that the Site is retained for the use of the school.

5.16 The Analysis Area was assessed as having spare cricket pitch capacity, however future demand indicates a slight shortfall. With regard to rugby pitches, the assessment sets out the current pitch provision is of poor quality and identifies an existing and future shortfall.

5.17 The Site is not available for community use. As stated, the Site is surplus to requirement for use from the School. The reason for this is fourfold:

- The Site is located 1.4km to the north west of the main school campus. The travel time between the Site and main school campus would have a significant impact on teaching and learning time. As a result, the Site is not being used for curriculum sport and physical education, and has not been for many years.
- Curriculum sport and physical education is successfully taught at the McAllester Field and main school campus.
- The existing rugby pitch is undersized measuring 70m in width, 87m from try line to try line with 6.5m in goal areas.
- The existing cricket wickets do not meet the boundary length requirements of the England and Wales Cricket Board.

5.18 On the basis that the Site being very sparsely used by the School, and is not available for use by the community it can therefore be considered as surplus to requirement. Furthermore, the use of the Site for residential purposes cannot be considered as impacting on the deficit of cricket and rugby pitch provision within Analysis Area 6; this is on the premise that it is not available for use by the community.

5.19 Notwithstanding, irrespective of the Site not being available for use by the community, and to demonstrate that it is surplus to requirement in the context of the Framework²² the School has sought to engage with cricket and rugby clubs within the Analysis Area to ascertain whether they would be interested in relocating their existing facilities to the Site. None of the cricket and rugby clubs within the Analysis Area were interested in relocating their facilities to the Site. The reasons for this are summarised below:

- There is capacity within their existing facilities to enable them to grow;
- The existing pitches do not meet national standards; and
- The clubs are established in their present locations and would not benefit from a satellite location.

5.20 It is considered that this assessment clearly demonstrates that the Site is surplus to requirement both for use by the School and the cricket and rugby clubs within the Analysis Area. In this regard, it is considered that the loss of the sports pitches for residential development wholly accords with the Framework²³.

5.21 The NFSM confirms that the proposed mitigation will increase the pitch capacity (the quantity of activity that be sustained), delivered through qualitative improvements. The NFSM confirms that the quantity of matches than can be sustained and the quality of pitches will be improved. This is in the context in an area of known deficiency. The NFSM clearly concludes that the proposed improvements will result in better provision for the community in terms of quantity and quality and therefore wholly satisfies the paragraph 97b of the NPPF.

5.22 The second test of the Framework²⁴ that needs to be satisfied to justify the loss of sports pitches is whether 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. As set out within the Pre-Application Update note submitted to the Council on the 30th August 2019, the School has been in discussions with Prenton Rugby Union Football Club [RUFC] and Old Parkonians RUFC. Initial discussions took place to ascertain whether either of these clubs would be interested in using the existing rugby pitch at the Site. Both clubs came back and confirmed that they were generally happy with the location of their existing facilities, considering themselves to be firmly established. Furthermore, it was clear from discussions with Prenton RUFC that it is already investing in its facilities, recently gaining planning permission [LPA Ref. APP/18/00140] for the erection of a single storey side extension to the existing clubhouse and their existing location would be their preference.

²² National Planning Policy Framework - §97(a)

²³ National Planning Policy Framework - §97(a)

²⁴ National Planning Policy Framework - §97(b)

5.23 Consequently, it was agreed that a financial contribution to both would be more appropriate to enable them to upgrade and refurbish their existing facilities and build on existing investment plans. The financial contributions would be spent on the construction of a new grass pitch with floodlights at Prenton. At Old Parkonians the financial contribution would be spent on upgrading the drainage of their main pitch and the installation of floodlights. A schedule of costs has been provided below which sets out the costs associated with the proposed improvement and refurbishment works at the two rugby clubs.

5.24 The estimated works have been informed by Agronomy Reports prepared by PSD Agronomy a specialist sports pitch consultant. The reports confirm that the locations of the improved pitches are suitable for the works and would provide genuine and viable locations for new improved grass sports pitches for rugby (and other grass pitch sports). The reports have been provided to the two clubs, the RFU and Sport England for validation and can be provided to the LPA if required.

Table 5.1: Summary of Agreed Mitigation Works at Existing RUFs

	Old Parkonians	Prenton
Pitch Works	£104,737.50	£153,720.00
Flood Lights	£67,000.00	£60,000.00
Labour	£12,295.00	£16,185.00
Total Cost	£184,032.50	£229,905.00
Combined Total	£413,937.50	

Note: The above figures exclude VAT.

Figures taken from PSD Report (can be provided)

5.25 As stated, discussions have taken place with the RFU, which has confirmed its support for the proposals subject to a legal agreement and Sport England support. Its support acknowledges the net improvement to the quality and enjoyment for rugby in this locality and for Birkenhead overall. It concludes within its letter of support to Sport England that the proposed solution as a result of the loss of Noctorum Field for sports use will lead to a demonstrable equivalent and better rugby provision in terms of both the quantity and quality as well as being well connected to existing and well established facilities. This in or view will allow both clubs to grow and thrive from their existing locations and extend their excellent reputation in the North West and beyond.

5.26 As set out in Appendix 4, the applicant has provided two layouts for the playing pitches for the two aforementioned clubs and would create the following quantitative improvement to the amount of functional grass sports pitches in the local area.

5.27 For example, at Old Parkonians, the proposed improved drainage of the 1st XV pitch would be able to facilitate a qualitatively improved sports pitch of up to 9,028 sq.m which would include in-goal and run off area. The proposed new pitch at Prenton would create a new pitch of dimensions 122 m x 75m which would create a 9,150 sq.m sports pitch that would satisfy NGB recommended pitch sizes.

5.28 We can also confirm from the Wirral Playing Pitch Strategy (2016) that the facilities at Prenton Rugby will increase from two recognised grass pitches to three with the proposed new pitch. As set out in the Study, the club has ‘two senior poor quality pitches which are not floodlit’. It further confirms that both pitches are overplayed by 1.5 matches a week and the strategy is to improve pitch quality. The proposed mitigation will add a third usable pitch which will help increase the carrying capacity (match equivalent) of the clubs and reduce the overplayed nature of the facilities. As such, this will increase the quantitative match equivalent capacity to reduce the overplaying position and also create a quantitative increase in the number of pitches (2 to 3).

Table 5.2: Wirral Playing Pitch Strategy (Prenton Rugby Club) (2016)

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Hierarchy tier/priority level	Timescales
58	Prenton Rugby Club	Rugby union	Club	Two senior poor (M/D) quality pitches which are not floodlit. Both pitches are overplayed by 1.5 matches a week. Changing facilities required investment.	Explore options to improve pitch quality and look to reduce training on the floodlit pitches and ensure access to appropriate floodlit training facilities. Explore options to improve clubhouse facilities as required.	Club RFU Council	Local Site (M)	S
15	Borough Road Playing Fields	Football	Local Authority	One adult standard quality pitch which has one match equivalent of spare capacity. One youth (11v11) standard quality pitch which is played to capacity.	Retain spare capacity and ensure maintenance is appropriate.	Council FA	Local Site (L)	L
64	Shottesbury Youth	Football	Club	Privately owned but pitches are available to	Retain spare capacity and seek options to	FA	Key Centre	S

5.29 Table 5.3 below shows the increased functional playing sport pitch areas that would be created as part of the mitigation proposals that have been costed by the applicant. We can confirm that despite the possible loss of Noctorum Field playing pitch, which as confirmed is not available to the community use (as validated by Wirral Council’s planning pitch evidence (2016)) the proposed mitigation will result in +2,866 sq.m of additional functional, laid out and formal grass playing pitches to the local community.

Table 5.3: Summary of Existing and Proposed Playing Sports Pitches

Facility	Current Pitch Provision Size (sq.m)	Proposed Pitch Provision Size (sq.m)
Noctorum Field (non-community)	6,264	-6,264 (lost)
Prenton RFU (1 st XV)	8,120	8,120 (unchanged)
(2 nd XV)	6,489	6,489 (unchanged)
New 3 rd pitch		+9,150
Old Parkonians (1 st XV)	9,028	9,028 (unchanged)
(2 nd XV)	7,480	7,480 (unchanged)
Total	37,401	40,267
Difference		+2,866

- 5.30 The mitigation will result in a quantitative increased level of functional sports pitches in community use. The School is seeking to secure the agreed financial contributions with the Council as part of a Section 106 Agreement. To provide reassurance to the Council that the contributions will be spent on appropriate upgrades to the two clubs, the School will request that the RFU and Wirral Council is a signatory on the legal agreement. We are also satisfied to agree a condition to ensure that the new pitches are secured in advance of development commencing at Noctorum Field. We can also confirm that the required works to the two playing pitches are unlikely to require planning permission and the pitches could be delivered relatively quickly if the School's proposals are approved.
- 5.31 Notwithstanding the above consideration on sq.m, The Tetra Tech (TT) mitigation note acknowledges that the strict interpretation of Sports England's E4 policy shows that there is no excess in playing pitch when considered on a hectare of land that is to be replaced. However, TT confirm that the uplift in pitch capacity (match equivalents) is significant and will lead to an additional 4.5 MES session per week. TT confirm that this is significantly more than the capacity that is currently available at Noctorum Field (estimated at 3 MES sessions per week capacity). TT also confirm that the mitigation delivers the key priorities of the 2015 Wirral PPS which seeks to improve pitch quality at Old Parkonians and Prenton RUFC and that the proposals meet the objectives of both clubs and the RFU as governing body. TT confirm that the proposals would exceed most of the policy requirements of E4, namely:
- The new provision will at secured club sites, are fully accessible to the local community, represent an improvement to the current position on Noctorum Field
 - Investment into pitch quality will ensure that the standard of facilities at both clubs is better than that at Noctorum Field ;
 - There is no net loss of pitch capacity available to the community at Noctorum Field as pitches are not available to the community and the cricket pitches have been re-provided for at the McAllester Fields site.
- 5.32 This is important as it provides a strong and resilient response to the Covid19 situation and allows investment in sports to be delivered expediently and without delay. This in the view of the applicant should be fully supported by Sport England and the RFU as it seeks to invest in sports and more precisely rugby in an area of known deficiency. It will also provide a short-term investment to well established clubs in the Borough that are recovering from an extended period of closure as a result of the global and national lockdowns.
- 5.33 If the Council were minded to approve this planning application, then both rugby clubs may need to seek to submit the required planning application for the works (flood lights) to the

proposed pitches through the agreed commuted sums. However, neither clubs are able to fiscally pursue these investments directly due to the significant upfront costs associated with the works. Therefore, these quantitative and qualitative improvements to sports provision can only be facilitated by the future disposal and sale of the application site.

- 5.34 To mitigate the loss of the four grass cricket strips as a result of the proposals, the School have already replaced the four new grass match wickets at McAllester Field. These replacement match wickets were implemented in mid-2020 to ensure continuity of the sport at the cost of £32,000 and are now situated between the two existing rugby pitches located on McAllester Field. This location provides for a larger playing area that meets the boundary length requirements of the English Cricket Board (ECB). The photos in Figure 5.1 below show the extent and location of the new facilities and again shows the School's commitment to improved sports provision for the School and the wider community.

Figure 5.1: Implemented New Grass Cricket Pitches, McAllester Field



- 5.35 The strategy to mitigate the loss of the grass match wickets will ensure that they are replaced by better quality facilities that meet the ECB boundary length requirements, and are better located for use by the School. Relocating the cricket strips to McAllester Field

consolidates the School's sports and playing pitch provision and mean that it is suitably located for use.

- 5.36 Overall, it is considered that the financial contributions towards the improvement of facilities at Prenton RUFC and Old Parkonians RUFC, together with the replacement of grass cricket strips at the McAllester Field appropriately justify the loss of the playing field facility at Noctorum Field. The proposals will ensure that the loss of sports pitches resulting from the proposed development is appropriately mitigated by providing quantitatively and qualitatively better sports facilities, which will improve public participation in sport overall. In this regard, it is considered by LSH and TT and the applicant that the proposals wholly accord with the Framework²⁵ together and the majority of the criteria within Exception Four of Sport England's Playing Fields Policy (March 2018).
- 5.37 Whilst not forming part of the mitigation strategy, the capital generated from the sale of the site will largely be reinvested into the School's sports facilities. A review of the existing sports facilities indicates that the provision at the main school campus and McAllester Field are in good condition; however, would benefit from increased provision. The School's Governors have expressed their desire to provide more improved facilities for girl's sport in particular. Historically the School admitted only biys, but if successfully became fully co-educationally in 2008. This does mean that more sports are being played that would benefit from indoor facilities, of course, and while current facilities were adapted to coeducational provision, further investment would ensure equivalent opportunities for girls' sport and increased opportunities for boys and the wider community.
- 5.38 A full planning application [Ref. PP-09271486] is submitted in conjunction with this outline planning application and involves the part demolition of the existing sports hall with the erection of an extension to the existing hall facility at the School's Beresford Road campus. The extension to the sports hall will deliver +630 sq.m new sports hall that will accommodate a multi-purpose court that meets Sport England requirements. In addition, the sports hall extension will incorporate a new multi-purpose conference room, a new climbing area, a new informal teaching area, a gym and external viewing terrace. This represents a £3.52m investment in the School's teaching and sport infrastructure. The proposal will also provide increased storage areas for sport equipment and also seek to improve an internal toilet and shower block to be available for students.
- 5.39 An artistic impression of the primary elevation is shown on Figure 5.2 below and shows the planned sport investment on the left of the image:

²⁵ National Planning Policy Framework - §97(b)

Figure 5.2: Primary Elevation from existing Cricket Ground (Source: Ellis Williams Architects).



- 5.40 The School will ensure that the new and improved sports facilities (the left part of the above image) are retained and available for use by the wider community outside of School days. As discussed previously the School is a vital part of the local and wider community. The proposed new sports facility was welcomed by Sport England in their pre-application consultation.
- 5.41 Additional funds raised from the sale of the Site will also be put back into the School's bursary programme to create permanent new transformational bursary. These bursaries will therefore increasingly be available talented children who are from disadvantaged family circumstances that mean they cannot afford the School fees. The bursaries will pay for their education at the School in Seniors (from Year 7) through to the end of Sixth Form. The bursaries seek to make the School accessible to children who would not otherwise be able to attend, and provide them with best guidance and tuition to nurture their talent
- 5.42 It is anticipated the net capital receipts will provide between one and four additional transformational bursaries in perpetuity.
- 5.43 In summary, sale of the Site will generate a substantial sum of money, which, on top of sports mitigation and an investment in affordable housing. This will be reinvested into existing community sports facilities and the School for the benefit of its students and the community.
- 5.44 It is considered that loss of the sports pitches as a result of the development proposal is justified and will be appropriately mitigated to the benefit of the community. It is considered that the proposals will result in a quantitative and qualitative improvement of sports facilities within the area, which complies with the NPPF²⁶ and substantially adheres to the Exception

²⁶ National Planning Policy Framework - §97

Test 4 of the Sport England Playing Fields Policy (although additional hectares were unavailable).

- 5.45 It is considered that the loss of the sports pitches is appropriate in the context of the tests set out in the Framework²⁷, and accords with the provisions of UDP 'saved' Policy RE6 whereby the loss of the playing pitch (non-community) is clearly justified, The replacement provision at two well established rugby clubs will facilitate at least an equivalent improvement both in terms of quantitative and qualitative playing pitches in the Borough and importantly in an area recognised deficiency. This private investment is being provided at no cost to the public and is resolving a identified community deficiency. Lastly the re-provision will significant help in the regeneration of the two clubs in suitable and sustainable locations with significantly better management and accessibility to enhance sporting excellence in the Borough. This will facilitate significant public and community benefit that will outweigh the loss of a underused private asset.

Housing Land Supply

- 5.46 The Annual Monitoring Report [AMR] (December 2018) sets out the Council's most up-to-date five year housing land position. The AMR sets out the Council's five-year housing land position. Against a requirement of 795 dpa, the Council is able to demonstrate a 2.9 years supply with a 5% buffer, a 2.8 years supply with a 10% buffer and a 2.6 years supply with a 20% buffer. In this regard, the Council is unable to demonstrate a five-year supply of deliverable housing sites against its most up to date housing requirement, as derived from the LHN assessment.
- 5.47 The lack of five-year supply has been recently clarified in appeal decision (Ref: APP/W4325/W/20/3253026) which related to a residential scheme in Eastham, Wirral. The Inspectorate confirms in paragraph 25 of the appeal that:

"The Council does not dispute the appellant's point that it is currently unable to demonstrate a five year supply of deliverable housing site as required by the Framework paragraph 173. I also agree with the main parties that the proposal would deliver benefits through the provision of housing on an accessible site, and that these could be realised relatively quickly due to the scale of the scheme. Moreover, the proposal would represent an efficient use of land".

- 5.48 This is consistent with the LPA statement submitted, whereby 6.11 confirms:

"The Local Planning Authority does not dispute that it cannot demonstrate a five year supply of deliverable housing sites."

²⁷ National Planning Policy Framework - §97

- 5.49 The five-year position is fully supported by Secretary of State in correspondence to Wirral Council (28th January 2019) that confirms the Council did not have a five year housing supply and that the identified supply is between 1.7 and 2.6 years. The correspondence (page 3) states:

“There is higher housing pressure: The former Secretary of State’s letter of 23 March 2018 recognised that Wirral is not an area where there was higher housing pressure, based on average affordability ratios in England, when he decided to continue with the intervention process. However, Wirral Council’s failure to plan for and deliver the homes people need is clear. The area has an annual housing need of 803 dwellings⁴, with a locally assessed annual need of 875–1,235 dwellings. Wirral have a five-year housing land supply of 1.7–2.6 years. Despite this criterion not being met, I consider that intervention is nevertheless appropriate for the reasons set out below”

- 5.50 LSH can also confirm that since the Eastham appeal in August 2020, there have been a further two appeals (Ref: APP/W4325/W/20/3254486 (October 2020), APP/W4325/W/20/3255525 (November 2020) that have confirmed that the Council do not have a five year supply of homes.
- 5.51 The Government published the Housing Delivery Test in February 2018, 2019 and 2020. This provides an annual measurement of housing delivery in the area of a relevant plan making authority. The Framework²⁸ sets out that where the delivery of housing was substantially below (less than 75%) the housing requirement for the previous three years, the policies contained within the Development Plan, relating to housing, will be considered out of date. The Housing Delivery Test data sets out that Wirral delivered 1,664 dwellings over the preceding three years against a requirement of 2,156 dwellings. It consequently has a Housing Delivery Test measurement of 76%, which is just above the 75% and the consequence is that the Council should consider a 20% buffer in relation to calculating the five-year supply position.
- 5.52 With Wirral Council not being able to demonstrate a 5-year supply of housing, the policies contained within the UDP, which relate to housing can therefore be considered to be out of date. Presumption should therefore be in favour of the delivery of sustainable development under paragraph 11 of the Framework. In this context, the Council should be supportive of the delivery of the application site for residential development, on the premise that it constitutes sustainable development, and will assist the Council in meeting its housing requirement and will contribute towards its housing land supply position. The proposals will also secure significant quantitative and qualitative sports pitch improvements and enable significant re-investment in sport hall development at the School’s main campus alongside

²⁸ National Planning Policy Framework – Annex 1

the provision of further transformational education in accordance with the School's charitable purpose.

- 5.53 We are not aware of any adverse impacts as a result of the proposed development that could significantly and demonstrably outweigh the clear benefits that the proposal will provide to the Borough and the wider community.

Other Material Considerations

- 5.54 A review of the Council's online planning register identified a number of applications, which are similar in nature to that of the proposed development. Since 2018, the Council has permitted residential development on three designated playing fields within the borough. It is considered that these applications are of material consideration to the determination of the proposals. Whilst "precedence" is not a concept which is applicable in reaching planning decisions consistency of decision making is. In *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137 Mann LJ explained:

"One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [...]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system."

- 5.55 Planning permission [LPA Ref. APP/17/00179] was granted on the 17th May 2018 for a mixed use development following the demolition of the existing pavilion including the erection of 21 dwellings, and the erection of a sport pavilion, the construction of a car/coach park, the repositioning of flood lights, the layout of new pitches and the erection of ball catchment fencing at the Anselmians Rugby Club, Eastham, Wirral. The site was regarded as sports pitches, and falls within the Green Belt and Eastham Village Conservation Area. The proposals were considered appropriate, cross funding the redevelopment of the rugby club which would be for the benefit of the local community and facilitating wider participation in sport. This is similar to that of the proposed development; financial contributions will be secured for the qualitative improvement of the existing facilities at Prenton RUFC and Old Parkonians RUFC. The improvement works will benefit the local community and will encourage wider participation in rugby. Furthermore, capital generated from the sale of the Site will be reinvested into the School's sports facilities, which will be made available for use by the community, within which it plays a pivotal role.
- 5.56 Planning permission [LPA Ref. APP/18/00522] was granted on the 10th January 2019 for the erection of 28 dwellings and associated infrastructure at the former Pershore House School Playing Fields. The site was a former independent school playing field; the school ceased to exist. Permission was granted for the proposals on the premise that the playing fields

were surplus to requirement and that that site is surrounded by residential development and abuts a 'Primarily Residential Area'. As demonstrated within this Planning Statement the Site is surplus to requirement by use from the School and is not required for use by any cricket or rugby clubs within the area. The Site is also surrounded by residential development and abuts a '*Primarily Residential Area*'; its redevelopment for a residential purpose is therefore entirely appropriate in its context.

- 5.57 Planning permission [LPA Ref. APP/19/00014] was granted for the erection of a new sixth form block and the erection of 25 dwellings of a section of existing playing fields at Kingsmead School on the 5th November 2019. The application was granted permission on the premise that the existing sport facilities at Kingsmead were being retained and that fund improvement would be delivered to the Sandringham Avenue playing fields. These benefits were considered to significantly outweigh the partial loss of the sports fields coupled with the contribution the site would make to Council's housing land supply and the economic benefits that would arise from the scheme both during construction and operation. As such, there are a number of parallels that can be drawn between this permission and the proposed development. The proposals seek to retain and enhance the existing sports facilities at the School at Beresford Road and McAllester Fields. To mitigate the loss of the four grass match wickets the School has already replaced the four new grass match wickets with new wickets at their existing McAllester Field sports campus. Although not forming part of the mitigation strategy capital generated from the sale of the Site will be reinvested into the School's sports facilities.
- 5.58 Planning permission [LPA Ref APP/18/01266] was granted for the development of 35 affordable new homes on the former playing pitch of the Pensby Children's school. The scheme was approved on the basis that the Council could not demonstrate a five-year supply of housing and would make a significant contribution to housing land supply and could therefore be given significant weight alongside any benefits associated with the jobs during construction and the provision of affordable homes. The committee reports confirms that paragraph 117 (effective use of land), 118 (under-utilised land) and 119 (public land) were key material considerations in the planning balance. The proposals were also approved on the basis that the proceeds of disposal of the site would lead to contribution towards paying for the renewal of 3G playing pitches at Pensby High School, sensory garden and sports barns at other schools in the Borough. The similarities with the proposals at Noctorum Field are paramount and therefore for consistency in decision-making we would ask that the Council consider the planning balance arguments agreed at Pensby for Noctorum Field.
- 5.59 Finally, significant financial contributions will be secured as part of the proposals, which will enable the quantitative and qualitative improvement of the existing facilities at Prenton RFU

and Old Parkonians RUFC. These contributions are agreed with the RFU and the two rugby clubs.

5.60 It is clear from the review of other similar applications that have been granted permission that the Council is amenable to the loss of sports pitches where it has been demonstrated that:

- The pitches are surplus to requirement;
- Their redevelopment for residential purposes is justified;
- The benefits of the proposals clearly outweigh the harm of loss; and,
- The proposals will benefit the wider community and encourage participation in sport.

5.61 In the context of the proposed development it has been demonstrated that:

- The Site is surplus to requirement for use by the School and the wider community;
- Its redevelopment for residential purposes is justified in terms of its location and against the back drop that the Council is unable to demonstrate a deliverable five-year housing land supply or provide a satisfactory housing delivery test;
- The proposals will deliver economic and fiscal benefits as discussed towards the latter part of this Statement;
- Significant financial contributions will be secured as a result of the proposals, which will enable Prenton RUFC and Old Parkonians RUFC to quantitatively and qualitatively improve their existing facilities, which will be of benefit to the community, and will encourage wider public participation in rugby. Investment in these two clubs will also create a sustainable platform for them to grow in the long term. It also builds on current investments that are planned at the two clubs

Conclusions on the Principle of Development

5.62 It has been demonstrated within this section that the proposals accord with the relevant development policies²⁹ and the policies contained within the Framework³⁰ relating to the loss of sports pitches. The proposals should therefore be considered in the context of Section 70(2) of the 1990 Act and Section 38(6) of the 2004 Act. Furthermore, there are a number of material considerations which weigh in favour of the proposed development being positively determined:

²⁹ UDP 'saved' Policies URN1, HS4 and RE6

³⁰ National Planning Policy Framework - §97

- The UDP is out of date and there is no up-to-date evidence base to justify policies relating to housing and the protection of sports pitches. Consequently, little weight can be apportioned to the existing development plan, except for those policies, which accord with the Framework (2019).
- The Council are unable to demonstrate a five year supply of housing and therefore the tilted balance is triggered and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole;
- The application site is surplus to requirement both for use by the School and the local community. Its redevelopment will secure significant financial contributions, which will enable Prenton RUFC and Old Parkonians RUFC to improve their existing facilities to the benefit of the local community.
- To mitigate the loss of the four grass cricket strips as a result of the proposals, the School has replaced the four cricket strips with new installation at McAllester Field. This ensures that they are replaced by better quality facilities that meet the ECB boundary length requirements, and are better located for use by the School.
- Capital generated from the sale of the Site will be reinvested into improving the School's existing sports facilities [Ref. PP- PP-09271486] which will be available for use by the community, together with providing new transformational bursary fund available for locally talented young students.
- The redevelopment of the Site for residential purposes is entirely appropriate when considered in the context of the surrounding development and the Council's failure to demonstrate a deliverable five-year housing land supply. Its delivery for residential development will increase the provision of high quality, family, market housing and will contribute towards the Council's housing land supply which currently stands between a 1.7 years to 2.6 years supply.
- The proposed development will provide policy compliant affordable housing provision through a section 106 agreement;
- The Council has permitted the redevelopment of a number of sports pitches within the borough since 2018. This indicates that the Council is amenable to the loss of sports pitches if it can be appropriately mitigated and that the benefits of the proposals significantly outweigh the harm of loss.

6 Additional Considerations

Design and Layout

- 6.1 The indicative layout demonstrates how residential development at the Site can be laid out to ensure a sustainable pattern of development is promoted. UDP 'saved' Policy HS4 states that for all proposals for new housing development on allocated sites and in 'Primarily Residential Areas' the Council will consider the following design criteria when assessing the proposals:
- The scale of the proposed development and how it relates to its surrounding context;
 - Whether the proposals will result in a detrimental change to the character of the areas;
 - Access and services being capable of satisfactory provision;
 - Provision of appropriate landscaping and boundary treatment;
 - Provision of appropriate design features;
 - Incorporating accessible open space provision; and,
 - Provision of adequate individual private or communal garden space to each dwelling.
- 6.2 Whilst the Site is not allocated for residential development, nor designated as part of a wider 'Primarily Residential Area', it is surrounded by residential development and abuts a 'Primarily Residential Area' designation. It is therefore appropriate to consider the proposals in the context of this Policy.
- 6.3 Whilst the final design and layout will be agreed at the reserved matters stage, the indicative masterplan demonstrates how the proposed residential development can be laid out to promote a sustainable pattern of development. Given that the Site is surrounded by built development, its redevelopment would represent infilling within the urban area. It cannot therefore be considered as having a detrimental impact on the character of the surrounding 'Primarily Residential Area'.
- 6.4 As stated, the Site is included within the urban area and is therefore well located to capitalise on existing services provided there is sufficient residual capacity within the existing network.
- 6.5 The indicative masterplan demonstrates how the proposals can be laid out to ensure a policy compliant scheme is delivered. It details how:
- The proposed dwellings can be laid out to ensure that the residential amenity between the existing properties that interface with the Site can be retained.

- That parking can be provided within the curtilage of the proposed dwellings. Sufficient parking can be provided in accordance with Council guidance.
- Public open space can be provided on-site in accordance with Council Policy.
- The existing trees and landscape features can be retained and incorporated into the design and layout of the proposals.
- Generous rear gardens and landscape areas can be provided around the proposed dwellings.

6.6 It is considered that the proposals accord with the relevant provisions of UDP 'saved' Policy HS4.

6.7 UDP 'saved' Policy HS5 sets out the density and design guidelines for the residential areas as outlined on the proposals map. The Site falls within Zone 1 of the Noctorum Ridge residential area. The Policy states that development in this area will be expected to achieve a maximum density of 10 dwellings per hectare [dph] for low rise developments.

6.8 The indicative layout demonstrates that the Site has the capacity to deliver up to 33 dwellings. This represents a maximum density of 14.8 dph. Whilst the indicative density proposed is higher than the 10 dph as stated in the policy, this is reflective of the Site's sustainable location, and respectful of the character of the surrounding development and in accordance with more recent policy principle concerning development density.

6.9 As stated, the UDP is significantly out of date and only limited weight can be afforded to the policies therein, except for those that accord with the Framework (2019). In this regard, there is no up to date evidence to justify why a maximum of 10 dph is appropriate for Zone One. It is considered that this Policy is overly restrictive and does not reflect the overarching aim of the Framework which is to significantly boost the supply of new homes in sustainable locations and making more efficient use of land in sustainable locations. In relation to achieving appropriate densities, the Framework³¹ is clear that planning policies and decisions should support development that makes an efficient use of land.

6.10 The Framework³² goes on to state that where there is an existing or anticipated shortage of land for meeting identified housing need, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Given that the Council is unable to demonstrate a deliverable five-year housing land supply, and failed to meet the requirements of the Housing Delivery Test it should be supportive of proposals which seek to secure a higher density of development. This is on the premise that delivering a higher density of

³¹ National Planning Policy Framework - §122

³² National Planning Policy Framework - §123

development will assist the Council in meeting its housing requirement, and will contribute towards its housing land supply position.

6.11 Drawing these points together, it is considered that the delivery of the Site for residential development at a density of 14.8 dph is entirely appropriate and justified and will still fully respect the local character of the area. This is on the basis that:

- The Site is sustainably located in relation to its proximity to services, facilities, education, and employment opportunities. It also benefits from accessibility by modes of public transport and is well connected to the wider strategic road network.
- The delivery of the Site at up to 14.8 dph will not have a detrimental impact on the character of the surrounding residential area and the introduction of large 4 and 5 bed family homes is consistent with the local residential market.
- The development of the Site at up to 14.8 dph will not impact on the ability to deliver a policy compliant scheme.
- There is no up to date evidence to justify the 10 dph density in Zone 1.
- The restrictive nature of UDP 'saved' Policy HS5 does not accord with the overarching objective of the Framework which seeks to significantly boost the supply of homes in sustainable locations.
- The delivery of residential development at 10 dph does not make efficient use of the Site and puts the proposals at risk of viability constraints.
- The Council is unable to demonstrate a deliverable five-year housing land supply position and failed to meet the requirements of the Housing Delivery Test. The delivery of the Site at up to 14.8 dph should therefore be supported by the Council on the premise that this will assist in meeting its housing requirement and will contribute towards its housing land supply position.

6.12 It is considered that the delivery of residential development at the Site at up to 15 dph should be viewed favourably in accordance with the Framework³³.

Housing Mix and Affordability

6.13 The housing mix on the Site will be agreed as part of the submission of a reserved matters application. The surrounding residential development is characterised by large detached, family homes which sit within a large curtilage. In this context, it is envisaged that the Site will comprise a mix of large detached, family homes, comprising between four to five bedrooms, and accompanied by generous rear gardens. In this regard, it is considered that the delivery of the Site for large, detached family homes is appropriate when considered in the context of the surrounding residential development.

³³ National Planning Policy Framework - §122 & §123

- 6.14 Furthermore, the delivery of residential development comprising one and two bedroom dwellings, at a density of 10-15 dph would not make efficient use of the Site. As stated, the surrounding residential development is characterised by low density, large detached family dwellings. Restricting the density of development, coupled with limiting the delivery of residential development to one and two bedroom dwellings will not make an efficient use of the Site therefore conflicts with the provisions of the Framework³⁴.
- 6.15 It is acknowledged that the Strategic Housing Market Assessment [SHMA] (2016) recommends that 40% of all new housing should be one and two bedroom dwellings. However, it goes on to state that *“this level of ‘need’ does not factor in critical issues such as aspirations and viability.”* This is particularly pertinent given that significant financial contributions are proposed to improve the facilities at Prenton RUFC and Old Parkonians RUFC; delivering a scheme of one and two bedrooms on the Site is likely to have significant viability implications which will ultimately impact on the contributions that can be secured to enable improvements to the facilities at these two clubs.
- 6.16 This aspiration for large family homes in the borough is reflected in the responses received to the household survey that informed the SHMA. In summary, the response states:
- “There is a general aspiration of households across Wirral for larger 4+ bed properties rather than smaller 1 and 2-bed units. For example, 36% of Wirral respondents would like to move into 4-bed properties or larger, despite current ‘need’ being estimated at less than 4%. The total stock of such dwellings is around 21%.”*
- 6.17 The delivery of the Site for large family homes will meet the aspirations of residents within the area, and is less likely to impact on the viability of the scheme and its ability to secure financial contributions for the improvement of facilities at Prenton RUFC and Old Parkonians RUFC.
- 6.18 If approved, the provision of large family homes in this location will also provide Wirral Council with access to New Homes Bonus which provides a grant paid by central Government to Council’s on the delivery of homes in their area. The bonus is to incentivise housing growth in their areas. In addition, the proposed development could facilitate a Council Tax income of between £90,000 and £125,000 per annum (based on Council Tax Bands F to H) (a median of this range would be £107,000 per annum) which can be reinvested by the Local Authority in local services across the Borough.
- 6.19 It is considered that the delivery of the Site for large, four and five bed family homes is appropriate. The context for this is threefold:

³⁴ National Planning Policy Framework - §122

- The surrounding residential development is characterised by large detached, family homes which sit within a large curtilage.
- The delivery of a scheme comprising one and two bedroom dwellings, coupled with a restriction to achieve a low density of development will not make for an efficient use of the Site.
- The delivery of the Site for large family homes will meet the aspirations of residents within the borough, and is less likely to impact on the viability of the scheme.

Affordable Housing

- 6.20 UDP 'saved' Policies HSG2 and HS6 sets out that where appropriate the Council will negotiate with developers and housing associations to secure the provision of affordable housing. As outlined in the preceding sections, the Applicant is seeking to secure the provision of affordable housing with a contribution in lieu of onsite provision. This is considered appropriate when considered in the context of the surrounding residential development which is characterised by low density, large family dwellings.
- 6.21 With more than 10 dwellings proposed, the Council would rightly expect to see an affordable housing target in line with current policy (currently 20% in this area) with the preference being for on-site provision.
- 6.22 In December 2019, the applicant liaised with the Council's housing investment manager to understand the requirement for affordable housing. As part of this process, the Council provided a list of all the relevant registered providers to understand the level of interest for providing affordable housing on site. From this, LSH contacted all the registered providers and provided a period of two months to register their interest in the site.
- 6.23 From our response, we received some interest from five providers; however, the majority confirmed that the site was not suitable for their needs. This was on the basis that they would prefer two and three-bedroom accommodation and not the larger family homes as proposed. The introduction of small homes in this location would conflict with low density requirement required in the UDP. The imposition of small homes in this locality would not reflect the local residential character as set out in the UDP. This is further compounded by the limited appetite for affordable homes in this location by the registered providers.
- 6.24 Given the lack of enthusiasm from the registered providers, the applicant is seeking to provide a commuted sum to the Council to cover the provision of affordable housing in lieu of provision on site. We understand that the commuted sum would be at 4% of the value of all the units in the scheme on the open market. We understand that the 4% figure is derived from:

- The Council accept that units would be transferred to a Registered Social Landlord at 80% of the open market value. The 'cost' to the developer is therefore **20%**;
- The policy requirement for affordable housing is **20%**;
- Therefore, **4%** (20% of the 20%) of the total open market value of the site will be required as a commuted sum;
- The open market value of each type of property should be based on the most up-to-date Land Registry average ward house price date, or other verifiable source.

6.25 The applicant is content to agree to the provision of a contribution to affordable housing to be provided in lieu of the provision of such on the site; this best reflects the response received to date from the registered providers and also responds better to the built environment and character of Noctorum Field that is dominated by large single residential properties. The applicant has included this within the draft heads of terms as submitted.

Highways, Accessibility and Parking

6.26 A Transport Statement prepared by Mode Transport Plan has been submitted in support of this application. The Transport Statement assesses the development proposal in the context of trip generation, accessibility by sustainable modes of travel, servicing arrangements, onsite car parking provisions and local highway capacity impact. In summary, the Statement concludes:

- The site is accessible by a range of sustainable modes of transport, including walking, cycling, bus and tram services. These travel options provide a realistic alternative to single occupancy car travel, particular for amenity trips and commuting. The proposals are therefore in accordance with local and national policy and guidance;
- Following a review of the most recent personal injury collision records, there is no evidence to show the proposed development will have a detrimental impact on highway safety;
- The internal site road layout has been designed in accordance with Manual for Streets 2 guidance;
- Car and cycle parking spaces will be provided in accordance with local parking standards, as specified in Wirral's 'Adoptable Roads Specification' document;
- Swept path analysis has been undertaken which demonstrates that a refuse collection vehicle can safely enter/egress the site in forward gear, and manoeuvre safely within the turning heads;
- The proposed residential use is expected to generate 17 two-way trips during the AM peak hour and 16 two-way trips during the PM peak hour; and,

- Considering the low number of trips generated, the proposed development will have a minimal impact on the local highway network.

6.27 The Statement concludes that there are highways or transport planning reasons that prevent this planning application from being positively determined. It is considered that the proposals accord with UDP 'saved' Policies TR1, TR3 and TR9

Environmental

Ecology

6.28 A Preliminary Ecological Assessment, prepared by RSK Environment Ltd has been submitted in support of this application. The Assessment concluded that:

- The Site is a sufficient distance from all statutory and non-statutory designated sites, which would not be impacted as a result of the proposed development;
- The habitats present at the Site are not species rich and have little botanical value and are common in the wider area;
- Two non-native, invasive species are present at the Site. As the plants are only present in low number, it is considered possible to manage them through good site environment management. The Assessment recommends that the plants be hand dug out and disposed of responsibly on the Site;
- No badgers are present on the Site;
- The trees and shrubs at the Site are likely to be used by nesting birds. The Assessment recommends that if site clearance works take place during a nesting bird season a check for active nests should undertaken no more than two days prior to the work commencing; and,
- Due to the relatively low ecological value of the Site, it would not be difficult for the Site to be enhanced for local wildlife species. It is recommended that the mature trees around the perimeter of the Site are retained. Bird and bat boxes should be installed at a reasonable density on the retained trees and incorporated onto the proposed dwellings.

6.29 A Bat Survey prepared by ADAS accompanies this application submission. The survey assessed the trees and existing pavilion to ascertain whether they have the potential to support roosting bats. The surveys found the following with respect to roosting bats:

- The assessment of the Site classified the building as having low potential to support roosting bats;
- No evidence of roosting bats was found during the emergence survey;

- No further bat survey is recommended before demolition of the building commences;
- A small number of trees surrounding the Site were found to have low potential to support roosting bats at certain times of year. Should it be proposed to fell mature trees around the site perimeter, then further advice should be sought once trees earmarked for removal have been selected.

6.30 It is considered that the proposals accord with UDP 'saved' Policies NCO1 and NC7. The applicant is satisfied with agreeing to any the recommendations within the bat survey to be conditioned if the Council are minded to approve the proposals

Flood Risk and Drainage

6.31 A Flood Risk Assessment [FRA] has been prepared by RSK Land and Development Engineering Ltd in support of this application submission. The FRA concludes:

- The proposed development site lies in an area designated by the EA as Flood Zone 1 and is outlined to have a chance of flooding of less than 1 in 1,000 (<0.1%) in any year;
- The proposed development will increase the impermeable area on site resulting in an increase in surface water runoff if unmanaged. The proposals will follow best practice regarding site drainage to ensure that any surface water runoff from the development is managed; ensuring flood risk is not increased elsewhere;
- The Site will discharge to the on-site piped system / assumed culverted ordinary watercourse, at a rate of 14l/s, as agreed with United Utilities (LLFA agreement to be confirmed);
- It is recommended that infiltration testing and groundwater monitoring are undertaken to determine whether this site could drain via infiltration measures.

6.32 It concludes that the development of the site should not be precluded on flood risk grounds provided that measures are put in place to manage the risks on-site. Overall it is considered that the proposals accord with UDP 'saved' Policies WA1, WA2, WA4 and WA5.

Land Contamination

6.33 A Preliminary Risk Assessment [PRA], prepared by RSK Environment Ltd accompanies this application submission. The Assessment shows following the results of the site investigation, the contaminant linkages are identified to be potentially complete. Further action is required for made ground associated with the current pavilion building and historic, small buildings in the northern and south eastern corners – oral, dermal and inhalation

exposure with impacted soil, soil vapour and dust/ fibres, ingestion of home-grown produce – future end users.

6.34 The PRA makes the following recommendations for further assessment of the Site to refine the initial CSM, validate the risks identified above and remaining data gaps and uncertainties:

- Intrusive investigation to determine the ground conditions below the site including the extent and nature of any made ground and depth to bedrock.
- The investigation should include chemical testing of soils and if encountered, groundwater.
- A gas and groundwater monitoring programme should be included if significant depths of made ground are encountered or shallow groundwater is encountered.

6.35 The investigation may be combined with a geotechnical investigation to support the final building design. This would be agreed via planning condition.

6.36 Publicly available UXO maps indicate the site is situated within a potential high-risk area of unexplored ordnance, whereby further assessment will be necessary before undertaking any intrusive works. It is recommended that a pre-desk study report is obtained in order to further assess any potential risks to the site. A more detailed desk study and potentially mitigation requirements may be required before breaking ground.

6.37 It goes on to state that it would be prudent to undertake an internal inspection of the building, including an asbestos survey to determine the presence or absence of asbestos/asbestos containing materials, and inspect the area of fly tipping in the northern corner of the Site for any potentially hazardous wastes that may require further assessment and/or controlled waste disposal.

6.38 The proposals are therefore considered to accord with UDP 'saved' Policy PO5 and the Framework

Arboricultural

6.39 An Arboricultural Constraints Report prepared by ADA has been submitted in support of this application.

6.40 An ADAS Arboricultural Consultant carried out a full arboricultural survey of the site on Thursday 13th June and Wednesday 19th June 2019. The tree survey identified a total of 124 individual trees, 25 groups of trees and one hedgerow, which have the potential to be impacted by the development proposals. Of these tree features, 17 were awarded a

moderate B grade, 114 were awarded a low C grade and 19 were awarded a very low U grade. None were awarded an A grade. Of the 150 tree features on site at the time of the survey, 19 individual trees and one group of trees are recommended to be removed due to them being unsuitable for retention. To facilitate the access to development 14 trees are proposed to be felled, therefore increasing the total level of tree removal to 33 trees. As such, 12.6% of the tree coverage would need to be felled in a no development world, increasing to 22% to respond to the proposed development. A review of the Council's website indicates that the Site is covered by a Tree Preservation Order [TPO] but is not within a conservation area. A TPO application will therefore need to be submitted to the Council before any tree work can be undertaken. To ensure the successful integration of retained trees into any proposed development, various arboricultural considerations have been suggested and are summarised below:

- To avoid damage to the roots or rooting environment of retained trees it is recommended to protection the rooting area. The Root Protection Area (RPA) is defined as the minimum area around a tree deemed to support sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.
- It is vital that the above ground parts of the trees are protected throughout any proposed development of the site.
- Any new hard surfaces or building foundations should be designed in a way that avoids the RPAs of any trees to be retained.
- If ground levels are to be raised within the RPA such as to accommodate dips and level changes in the existing ground levels, or to create the sub-base for the hard-surface, this should be achieved by the use of a granular material which does not inhibit vertical gaseous diffusion.
- Consideration should be given at the design stage to the practicalities of construction when working in close proximity to any trees to be retained. Storage of spoil and materials, positioning of site vehicles and site compounds should avoid the RPA of any retained trees on site. Consideration should be given to the provision of adequate working space around any proposed construction.
- To avoid damage to any of the retained trees, the following services will avoid the RPA's and any requirement to excavate within the RPA:
 - Foul and surface water drains

- Land drains
 - Soakaways
 - Gas
 - Oil
 - Electricity
 - Telephone
 - Lighting
 - Signage
- Consideration should be given at the design stage to the practicalities of construction when working in close proximity to any trees to be retained. Storage of spoil and materials, positioning of site vehicles and site compounds should avoid the RPA of any retained trees on site. Consideration should be given to the provision of adequate working space around any proposed construction.
 - To compensate for any tree losses, consideration should be given to 1:2 replacement.

6.41 The report concludes that providing the recommendations contained within this report are followed, the proposed development of the Site can be successfully achieved without causing undue harm to those trees identified for retention. It should be possible to retain all moderate value trees on-site, and the proposed tree losses will not have a significant negative impact on the treescape of the area.

6.42 We can also confirm that the proposed replanting (72 new trees) of removed trees on a 1:2 basis will significantly contribute to the improved bio-diversity on the site in conjunction with other measures that have been set out in the indicative landscape masterplan. We can confirm that the proposed strategy will result in nearly 190 tree features post development and would present a 26% increase on the “no development” position. LSH can confirm that this level of increased net biodiversity gain would satisfy the emerging Environment Act requirements at 10%.

6.43 It is considered that the proposals accord with UDP ‘saved’ Policy GR7.

Community Engagement

6.44 As part of their commitment to engage with the local community and in advance of the submission of this planning application, and in accordance paragraph 39 to 41 of the NPPF. Section 122 of the Localism Act (2011) and Wirral Council Statement of Community Involvement (SCI) the School commissioned BECG to undertake a programme of

consultation in support of the proposed development in January 2020 and February 2020. A summary of the consultation activities undertaken is summarised below:

- One to One sessions with immediate neighbours;
- An invite to the three ward members;
- A newsletter and feedback postcode was sent to 1,200 households and businesses in the local area;
- A dedicated scheme specific Freephone information number was set up and offered the opportunity for visitors to speak to the project team if any issues arose.

6.45 A statement of community involvement (SCI) by BECG has been prepared and submitted as part of this planning application. The SCI confirms that 34 direct comments were received, from local neighbours, parents of pupils and former pupils of the school. BECG confirm that 62% of the response from the community considered that the proposals would have a positive impact on the area, with 12% having a neutral position and 26% felt that the proposals were negative for the area.

6.46 In terms of the response from the reply card feedback, BECG confirmed that 61 responses were received from 1,200 households circulated the newsletter, which represents a 5% return rate. Conversely, to the neighbour's response, just 18% felt that the proposals would be positive for the local area, with 44% of respondents stating that the proposals would be negative, and 38% being neutral. The main 'negative' concerns focused on perceived local highway network impact, loss of green space and the density of development, and house prices. However, positives themes recognised the need for more schools in the Wirral and the benefits the release of the site would have to the school and the community.

6.47 In addition, to the two sets out consultation, a series of one-to-one sessions with local residents in the immediate areas was undertaken, the main issues raised again focused on the perceived impact on the local highway network and the density of development. Other concerns raised related to social housing being included, house prices being affected, and impact on drainage and the concerns on the semi-rural feel of the area.

6.48 The SCI provides a response to those positive and negative received and the design team has sought to make amendments where possible, and many of these concerns have been adequately addressed in the technical submission that are submitted as part of this planning application. The conclusion of the SCI confirms that of the overall response levels from the varying formats, it found that 71% of respondents were either positive or neutral to the proposed development, with 38% opposed.

- 6.49 LSH can also confirm that a separate community engagement exercise has been undertaken in relation to the proposed new sports hall at the Beresford Road campus site. The response from that exercise also needs to be considered with the views of the Noctorum Field response.

Conclusion

- 6.50 In conclusion, this section has sought to deal with a significant level of considerations that have affected the delivery of a viable residential masterplan whilst managing a number of sensitive matters. This section has clearly demonstrated that the application proposals meet the requirements of the relevant policies contained within the adopted Wirral UDP and the NPPF, relating to the principles of flood risk and drainage, noise and amenity, air quality, ecology and biodiversity, landscape character, heritage, Arboricultural, transportation and highway matters, contaminated land and community engagement amongst others.
- 6.51 Not only does the proposed development satisfy local planning policy, it also accords with relevant corresponding policies contained within the NPPF and the wider national policy objective of delivering sustainable growth through a balanced approach to environment and social matters.

7 Sustainable Development

Introduction

- 7.1 It has been demonstrated in Section 5.0 that the proposed development is compliant with the relevant Development Plan policies, and there are no material considerations which would outweigh the presumption in favour of granting permission in accordance with the development plan.
- 7.2 In accordance with the Framework³⁵ the proposed development should therefore be granted planning permission without delay.
- 7.3 For the reasons set out below, there are other material considerations which support the granting of planning permission. The proposed development will secure the benefits of the three objectives of sustainable development identified in the Framework³⁶.

Economic Role

- 7.4 The proposed development will contribute to building a strong, responsive and competitive economy. In particular, the proposals will bring a number of economic and fiscal benefits in terms of job creation and increased expenditure in the local economy. The associated sport investment will assist the sustainability, quality and affordability of the Borough's only remaining independent "all-through" / secondary School – adding to the attraction of the area for some families / businesses. The proposals will ensure that School remains a cornerstone of the local community and provide access local students from all backgrounds to an excellent teaching and learning environment with improved sports facilities.
- 7.5 The development of the site will sustain on-site construction jobs and support off-site jobs in construction related industries over the period of the build. This will equate to additional GVA. The construction of the site will also provide training opportunities, in the form of apprenticeships.
- 7.6 In the longer term it is expected that new residents will spend in the local area which will boost the local economy and sustain local jobs. It is also anticipated that operational jobs will be created in the local economy as a direct result of the development.
- 7.7 New residents will spend on first occupation expenditure on goods that relate and services that are purchased to make a house 'feel like home'. A sizeable proportion of this expenditure would be captured locally.

³⁵ National Planning Policy Framework - §11

³⁶ National Planning Policy Framework - §8

- 7.8 The Council will benefit from the Government's New Homes Bonus Scheme and additional annual council tax income as a result of the development, this income would be available to support wider community and social infrastructure.
- 7.9 Overall, it is considered that the proposal will help support sustainable economic growth, delivering the homes, supporting existing businesses, infrastructure and thriving local places in accordance the Framework³⁷. Whilst housing is excluded from the definition of "economic development" in the Framework, it will assist the Council in meeting the economic component of sustainable development.

Social Role

- 7.10 The proposed development will support the creation of a strong, vibrant and healthy community by increasing the supply of housing, delivering a variety of house types and tenures to meet the needs of the area in sustainable locations.
- 7.11 The social role and impact of the application proposals have been considered in detail and the main benefits are:
- The proposed development responds to the need for new homes in Wirral, providing opportunities for new owner occupation;
 - The provision of a commuted sum in lieu of onsite affordable housing provision is policy compliant at 20% and reflects the market response received by registered providers who would reinvest this in local projects elsewhere where the demand for affordable homes is more appropriate and required;
 - The proposals increase the availability of large family homes in a highly effective and functional housing market;
 - The proposals assist in creating a high quality built environment;
 - The Site is located within the urban area, its development representing infill. It is located in a highly accessible location and benefits from being within proximity to sustainable transport networks that connects the Site to the wider sub region.
 - The proposals will support new quantitative and qualitative grass playing pitch improvements to the cricket and rugby communities, both at Prenton RUFC and Old Parkonians RUFC (and at the School's McAllester Field). These improvements will bring significant benefits to these well-established sports clubs and their members and together will contribute to improved access to sport for all the community;

³⁷ National Planning Policy Framework - §8

- The sporting mitigations also provides a significant increase in the level of pitch carrying capacity from 3MES to 4.5MES, this represents a 33% increase in capacity in an area with known and evidenced deficiency;
- The disposal of the site for residential purposes will facilitate a £3.52m investment in a new sport infrastructure at the School's Beresford Road campus with a new sports hall and associated uses that will benefit pupils well-being through to access to fitness facilities, collectively provide health benefits to pupils and the wider community; and
- The disposal of the site will also permanently extend the Schools' transformational bursary scheme to be made available to talented children who are from disadvantaged family's circumstances and that unable to afford the quality education offered by the School. The bursary will pay for their education at the School in seniors (Year 7 through to Sixth Form). The bursary seeks to make the School accessible to children who would not otherwise be able to attend, and provide them with best educational opportunities in which to flourish and to nurture their talent.

Environmental Role

7.12 The documents submitted with the planning application demonstrate that the proposed development will not harm the natural, built or historic environment and will help to retain and improve biodiversity as well as using natural resources prudently and addressing climate change through the design of the proposed dwellings. In particular:

- No designated nature conservation sites will be affected by the proposed development;
- The application scheme will provide energy efficient design principles to help meet CO2 reductions and we can look to agree to possible environment accreditations for future housing energy performance that will be delivered through Part L and Part F of Building Regulations that are all aimed at low carbon and reducing CO2 emissions by 31% on current levels. The proposal is also proposing 100% EV charging coverage on the proposed houses to actively encourage electric vehicle use;
- The re-use of land in the urban area will reduce the need for the Council to release Green Belt elsewhere in the borough to identify housing land supply sites, in which they are severely deficient;
- The proposals seek to retain the integrity of the tree coverage and the TPO covering the site and any loss of trees will be replaced and improved;
- The net bio-diversity gain from the proposed tree replanting alone would lead to a 26% increase on the "no development" position, with other proposed meadow, hedgerow and ornamental planting the net gain will further improve

the outcome above the minimum threshold of 10% of the incoming Environment Bill; and,

- The proposals include gardens and landscaping that will provide a new habitat for wildlife and enhance biodiversity.

7.13 For the reasons outlined it is considered that there are material considerations which support the granting of planning permission. The proposed development achieves the three dimensions of sustainable development as set out in the Framework³⁸.

³⁸ National Planning Policy Framework - §8

8 Conclusions

- 8.1 As demonstrated within this Planning Statement, the proposed development represents a sensitive, comprehensive redevelopment of what is currently an unused, surplus to requirements sports pitch. The proposed mitigation for the loss of the rugby pitch at Noctorum Field will be focussed at Prenton RUFC and Old Parkonians RUFC (plus replacement cricket strips at McAllester Field) and proposed works demonstrates a quantitative and qualitative improvement to the level of grass sports pitches in this specific local area. For context this is in an identified area of deficiency of sport (rugby) provision and, the proposals positively seek to deliver on some of the recommendations in the Council's Sport Pitch Strategy (2016). Significant weight needs to be placed on these sports-related benefits to the wider community.
- 8.2 The UDP is out of date and there is no dependable evidence base within it to justify either existing or emerging policies relating to housing in the context of the protection of sports pitch provision. On this basis, it is considered that limited weight can be afforded therein.
- 8.3 The proposed development will deliver high quality market and affordable dwellings (through a commuted sum for provision off-site) which will assist in meeting the identified local housing need for the borough and will contribute towards the Council's housing land supply which currently stands between a 1.7 years to 2.6 years supply. The Council's inability to demonstrate a deliverable five-year housing land supply weighs significantly in favour of the proposals. The proposed development will not, on its own, solve the housing land supply crisis in this part of Wirral, but it will make a significant and material contribution. This factor weighs heavily in favour of the proposed development.
- 8.4 Based on the above and in accordance with the balance of considerations in the Framework,³⁹ the proposal amounts to sustainable development, and there are no significant demonstrable adverse impacts arising from the proposals that would outweigh the considerable benefits of the scheme. The proposals accord with the Policies contained within the Development Plan and bearing in mind Section 38(6) of the Planning and Compulsory Purchase Act 2004, we therefore consider that planning permission should be granted for the proposed development without delay.

³⁹ National Planning Policy Framework - §11(d)(ii)

Appendix 1

Correspondence from the Rugby Football Union (RFU)



Rugby Football Union
Rugby House, Twickenham Stadium
200 Whitton Road, Twickenham TW2 7BA
T: 0871 222 2120 F: 020 8892 9816
englandrugby.com

Marc Woods
Senior Planning Officer Wirral Council
Wallasey Town Hall
South Annexe
Brighton Street
Wallasey CH44 8ED

11 October 2019

Dear Mr Woods

DISPOSAL OF PLAYING FIELDS AT BIRKENHEAD SCHOOL

The RFU have been consulted on a proposal to dispose of a playing pitch that is underused by Birkenhead School. The site in question is 1.4 KM away from the main school site on Nocturum Road and as such cannot be used for curriculum P. It is only therefore used for infrequent team sport at the weekends.

The site consists of one undersized rugby pitch (87m x 70m with 6.5m in goal areas), a cricket square with 4 match wickets, a small changing block and a car park limited to ten cars. It is only used by the school for rugby on approximately 14 occasions per year.

The school is aware that the Local Authority Playing Pitch Strategy (2017) states that there is an under supply of good quality rugby pitches in the local area. This under provision is largely down to carrying capacity (or the qualitative standard) of existing pitches, which are generally of poor quality. If the RFU is to support a mitigation package from the school for the loss of the Nocturum Road site, we would require to provide input to the most suitable solution.

To this end, the school (via its consultants Club Design Ltd) have met with the RFU over the last six months and have discussed how this can best be achieved to a satisfactory standard and quantum. This would need to satisfy us in that the net result would lead to a qualitative improvement in the position for rugby in the PPS rather than a simple quantitative improvement.

That has resulted in agreement that the main pitch at Old Parkonians RUFC will be fully drained and floodlit and that a new pitch at Prenton RUFC will be created and fully drained and floodlit. Club Design have used the services of one of the RFU's framework agronomists – PSD, to carry out reports on both sites and have provided robust budgets for this work to be carried out, together with quotes from one of the RFU's approved floodlight installers – Musco – to floodlight each pitch. That has produced the following set of expected costs that will need to be secured via an appropriate planning agreement and agreed means of delivery if the Local Planning Authority were to approve any development on the surplus Nocturum Road site: -

	Old Parkonians	Prenton
Pitch works	£104,737.50	£153,720.00
Floodlights	£67,000.00	£60,000.00
Fees	£12,295.00	£16,185.00
Total	£184,032.50	£229,905.00
GRAND TOTAL		£413,937.50

Subject to agreement of how this is to be delivered, and on the basis that it meets Sports England's Playing Fields Policy, I can confirm that the RFU would be supportive of Birkenhead School's plans, as it will contribute to a net improvement to the quality and enjoyment for rugby in the locality and for Birkenhead overall.

We conclude that the proposed solution as a result of the loss of Nocturum Road will lead to a demonstrable equivalent and better rugby provision in terms of both the quantity and quality as well as being well connected to existing and well established facilities. This will allow both clubs to grow and prosper from their existing locations and extend their excellent reputation in the North West and beyond.

Yours sincerely



Ted Mitchell
National Facilities Manager

Appendix 2

Correspondence from Old Parkonians RUFC

Old Parkonians Association



Marc Woods
Senior Planning Officer Wirral Council
Wallasey Town Hall
South Annexe
Brighton Street
Wallasey CH44 8ED

Dear Mr Woods

Proposed Mitigation Secured for Old Parkonians Association Ltd (Encompassing Oxton Parkonians RUFC and Old Parkonians Cricket Club), Oxton.

We are writing to Wirral Council to confirm that following over seven months of consultation between the RFU, Old Parkonians Association Ltd (OPAL) and Birkenhead School, we are delighted to confirm a consensus that will secure the long term future of rugby (and cricket) provision at our club.

We can confirm that a series of positive and pragmatic discussions have been held with the School to secure appropriate mitigation to offset the loss of the private sports pitch at Noctorum Fields. First, we can confirm that we held discussions of using the Noctorum Fields for providing alternative rugby facilities for OPAL. However, OPAL felt that the existing pitches at Noctorum Fields are not sufficient to meet current Sports England requirements for either rugby or cricket formats and therefore it was agreed that it would be more appropriate to focus sporting activity at the current facility at Holm Lane. Holm Lane is our recognised home and any movement of activities to Noctorum Fields would first prejudice our existing operations and secondly diminish our strong sense of community.

In our view the use of the agreed mitigation monies would be better reinvested in our existing facility at Holm Lane and would make a significant contribution towards a sustainable and consolidated sporting platform for our club. This will benefit our past, existing and future members to enjoy our club and facilities over the long term. Reinvesting in the existing site and buildings will retain our local heritage in the area and build on our existing excellent sporting reputation. The agreed monies would be used to improve pitch and drainage works as well as contribute to a new floodlighting scheme. These measures would improve our sporting offer by positively addressing identified qualitative deficiencies in the sporting offer in the Wirral over the short to long term.

The Old Parkonians Association Limited

Registered in England and Wales as a Company Limited by Guarantee – Number 8670419

Registered Office: HM Curphey Memorial Ground, Holm Lane, Oxton, Birkenhead, Merseyside, CH43 2HU

This is important as it will help us achieve a number of goals:

- To increase pitch capacity in an area of known deficiency.
- To increase the amount of playing time for our pitches. This will allow us to support school's rugby to a greater extent. We have previously allowed local schools to use our club pitches, but this is becoming harder to do given the drainage issues we are now experiencing. We have previously supported Woodchurch High School and Ridgeway High School with school's rugby events.
- To maintain both adult & junior rugby participation at the club. At present we have issues training or playing rugby for prolonged periods given the drainage issues. As a result, we have concerns that participation will reduce. We find that juniors in particular tend to drift away if regular and structured rugby is not available. This also applies to an extent with senior rugby.
- To maintain and improve both adult and junior cricket participation at the club. The improvements funded by the monies will allow the club to use our own resources to make improvements to other areas of the club. This would include improving other areas that are used for rugby and cricket. We run an ECB initiative for children's cricket known as All Stars, we are this year reinstating a junior cricket team and we therefore need to maintain and improve the cricket pitches and outfield area.
- To allow continued community use of our pitches and facilities. For example, on occasions we host Shooting Boots who are a Community Interest Company running soccer skills schools. Improved drainage would allow us to continue this support.

Kind Regards

Ken Cooke

Chairman Old Parkonians Association Ltd.

Email: info@oldparkonians.org.uk

Appendix 3

Correspondence from Prenton RUFC



Prenton RUFC

**Founded 1992
The Club House
Prenton Dell Road
Prenton
Wirral
CH43 3BS**

Dear Sir

Prenton RUFC Limited and Birkenhead School Rugby Pitch location.

We are writing to Wirral Borough Council to confirm Prenton RUFC's commitment to work with Birkenhead School to relocate a sports pitch within the designated location.

Over the past year we have had discussions with the School, RFU and Council officers as to the suitability of the Prenton site for the locating of the new sports pitch and have concluded that the site has numerous advantages.

Land is available to construct a new pitch which will allow the latest thinking on pitch design to be utilised so as to best ensure its continued playability throughout the Year.

As the new pitch will be located well away from residential areas, flood lighting can be installed giving the benefit of a longer playing time while minimising the risk of causing a nuisance to neighbours.

As Prenton RUFC have 2 pitches already the new pitch will not be required for the club's fixtures thus minimising wear and tear to the playing surface. Along with no issues regarding availability because of fixture clashes between school and club.

With 2 pitches already in situ. going forward the addition of a third pitch would open up the opportunity for the School to organise tournament's and occasionally host more than one team.

The installation of the new pitch would work hand in hand with Prenton RUFC's own development plans. To improve the changing and training facilities at Prenton Dell along with the plans to involve the Prenton Community by opening up as a social hub so the local community have a location where they can meet and organise activities and events for Prenton Residents.

Over the past year Prenton RUFC with the help of local councillors have worked hard to make the Rugby Club and adjoining lands a place for the local residents to enjoy by adding a community Garden/Allotment, creating a nature trail and Picnic Area,

clearing land of fly tipped waste to create wild flower meadows and a habitat for wild life.

In conclusion the locating of the Birkenhead Schools sports pitch at Prenton would add another asset to Wirral's sporting portfolio.

Yours sincerely

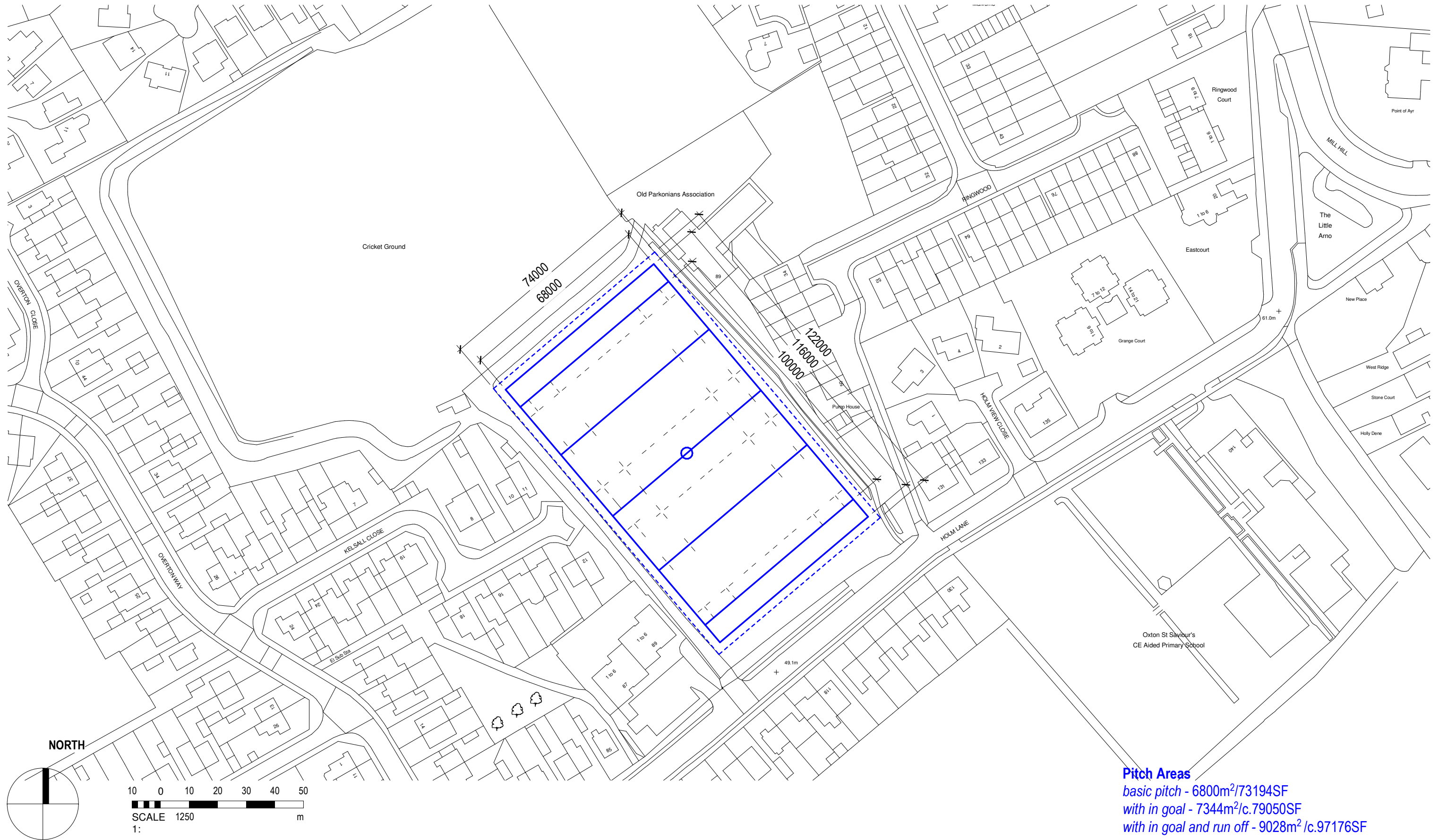
Paul Foster
Hon Secretary Prenton RUFC.

Appendix 4

Proposed Provisional Sport Pitch Design at Prenton RUFC and Old Parkonians RUFC

NOTES

Copyright: All rights reserved.
 This drawing must not be reproduced without permission.
 This drawing must not be scaled. Dimensions are in millimetres unless specified.



Pitch Areas
 basic pitch - 6800m²/73194SF
 with in goal - 7344m²/c.79050SF
 with in goal and run off - 9028m² /c.97176SF

P1	26.11.20	Notes Updated	LA	LS
REV	DATE	REVISION NOTE	BY	CHECK



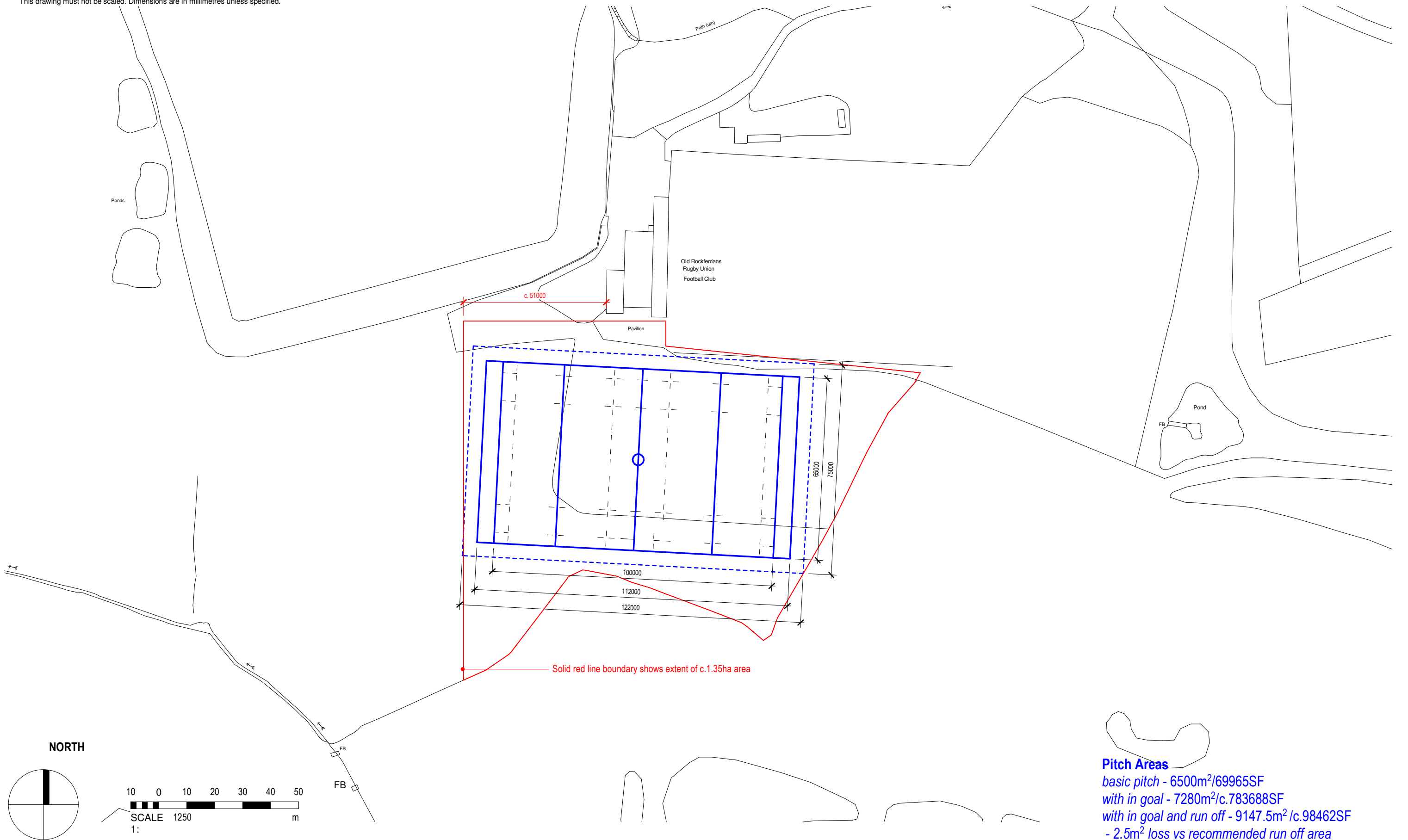
Wellfield Chester Road Preston Brook WA7 3BA
 T: +44 1928 752 200 E:info@ewa.co.uk

RUG
 Old Parkonians Rugby Club - Proposed Pitch
 2577_ 10404
 STATUS | PRELIMINARY SCALE | 1 : 1250
 DRAWN BY | LA DATE | 11/25/20
 RUG- EWA- ZZ- ZZ- DR- A- 10404

REV P1

NOTES

Copyright: All rights reserved.
 This drawing must not be reproduced without permission.
 This drawing must not be scaled. Dimensions are in millimetres unless specified.



Pitch Areas
 basic pitch - 6500m²/69965SF
 with in goal - 7280m²/c.783688SF
 with in goal and run off - 9147.5m² /c.98462SF
 - 2.5m² loss vs recommended run off area

P4	21.06.08	1.35Ha area shown	LA	LS
P3	05.01.21	Additional Area Added	LA	LS
REV	DATE	REVISION NOTE	BY	CHECK

elliswilliams
 ARCHITECTS

Wellfield Chester Road Preston Brook WA7 3BA
 T: +44 1928 752 200 E:info@ewa.co.uk

RUG
 Prenton Rugby Club - Proposed Pitch Seniors
 2577_ 10406
 STATUS | PRELIMINARY SCALE | 1 : 1250
 DRAWN BY | LA DATE | 11/26/20
 RUG- EWA- ZZ- ZZ- DR- A- 10406
 REV P4