

# Planning Committee

19 March 2015

**Reference:**  
**OUT/14/00930**

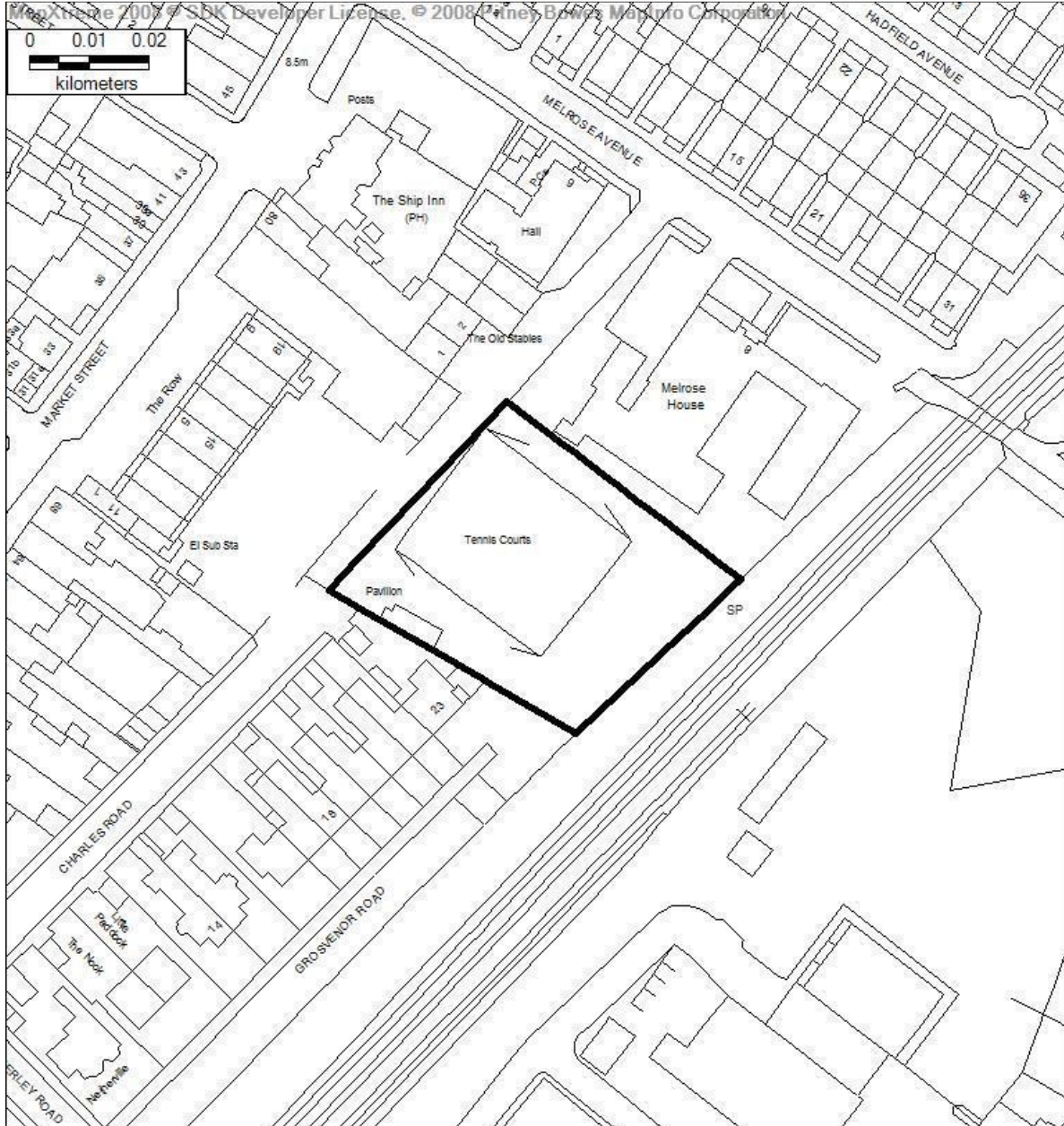
**Area Team:**  
**North Team**

**Case Officer:**  
**Mr N Williams**

**Ward:**  
**Hoylake and Meols**

**Location:** St Lukes Tennis Club, CHARLES ROAD, HOYLAKE, CH47 2AB  
**Proposal:** Proposed residential development comprising 14 dwellings  
**Applicant:** The Managing Trustees of St Lukes Methodist Church  
**Agent :** SHACK Architecture Ltd

## Site Plan:



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## **Development Plan allocation and policies:**

Primarily Residential Area

## **Planning History:**

Location: St. Lukes Tennis Club, Charles Road, Hoylake. L47 3  
Application Type: Full Planning Permission  
Proposal: Construction of new tennis court and erection of 3m. high fencing and 4m. high boundary fencing.  
Application No: APP/88/05667  
Decision Date: 19/05/1988  
Decision Type: Approve

Location: St. Lukes Memorial Tennis Club, Charles Road, Hoylake. L47 3  
Application Type: Full Planning Permission  
Proposal: Erection of a garage.  
Application No: APP/94/05958  
Decision Date: 09/08/1994  
Decision Type: Approve

Location: St Lukes Tennis Club, CHARLES ROAD, HOYLAK, CH47 2AB  
Application Type: Outline Planning Permission  
Proposal: Proposed residential development comprising of 17 dwellings  
Application No: OUT/13/01008  
Decision Date: 04/11/2013  
Decision Type: Withdrawn

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

### REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 31 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been 6 individual letters of objection received and a petition of objection containing 96 signatures was received. The objections can be summarised as:

1. Loss of environment and amenities for future generations;
2. Danger from increased traffic and congestion, with commercial vehicles using Charles Road to service Market Street premises;
3. Loss of parking and parking problems;
4. Potential sewage system problems;
5. Block of flats would not be in keeping with area;
6. Loss of war memorial tennis courts;
7. Bin store located adjacent to residential property;

**Councillor Gerry Ellis** requested that the application be taken out of delegation due to the above concerns of neighbouring properties.

**Network Rail** have commented that the proposed development should not prejudice any further plans by Network Rail to construct a footbridge, together with other stipulations relating to the maintenance and use of the railway, most of which are not controlled through the planning process.

### CONSULTATIONS

**Head of Environment & Regulation (Pollution Control Division)** - No objection

**Head of Environment & Regulation (Traffic and Transportation Division)** - No objection

## **DIRECTORS COMMENTS:**

The application was deferred from Planning Committee on 19th February 2015 to allow members to conduct a site visit.

## **REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Ellis requested that the application be taken out of delegation due to concerns of neighbours. In addition, a petition of objection containing 96 signatures was received.

## **INTRODUCTION**

The proposal is for a residential development of 14 units on land currently used as St Luke's Tennis Club. Whilst the application is only at outline stage, approval of the layout and access of the scheme is being sought at this stage. The proposed development will comprise of four houses, and a building containing 10 apartments.

A previous application (OUT/13/01008) for seventeen units on this site was withdrawn.

## **PRINCIPLE OF DEVELOPMENT**

The principle of a residential development within a Primarily Residential Area is acceptable, subject to relevant policy guidelines.

## **SITE AND SURROUNDINGS**

The application site is currently a small private tennis facility containing two tennis courts. The application site is designated as a Primarily Residential Area in Wirral's Unitary Development Plan - although whilst the area is predominantly residential, there are some non-residential uses within the area. The dwellings on the south east of Charles Road back onto the road, with high walls and garages largely screening the houses from the street scene. The opposite side of Charles Road predominantly contains the rear of commercial premises (and the flats above) of Market Street, with high walls, garages and blank elevations addressing Charles Road. Overall, this combines to give a rather enclosed and inactive street scene. In addition to this, there is a section of unmade and unadopted road directly adjacent to the application site, with a residential home (Melrose House) to the other side of this, directly adjoining the application site. There is also a car park and a vehicle repairs/MOT centre near to the application site, and a railway line directly adjoining the south east of the site.

## **POLICY CONTEXT**

### General Planning Policy

The proposal for residential development within a Primarily Residential Area is subject to Wirral Unitary Development Plan Policy HS4: Criteria for New Housing Development. This policy states that proposals should be of a scale which relate well to surrounding property, should not result in a detrimental change in the character of the area, and should provide adequate individual private garden space for each dwelling.

The National Planning Policy Framework introduces a presumption in favour of sustainable development, subject to restrictions on the loss of existing open space, sports and recreational buildings and land.

Draft Policy CS31 in the Core Strategy Proposed Submission Draft would protect land use for sport unless it can be demonstrated:

- the site is genuinely surplus and not required for another recreational purpose;
- it has been continuously marketed at realistic prices and there is no reasonable prospect of re-use for recreational purposes;
- it is not needed for other purposes such as landscape character, biodiversity, drainage of flood defence;

- it would be replaced with an equivalent or better facility to serve the same community

The Core Strategy Proposed Submission Draft was approved by the Council on 15 October 2012 (minute 60 refers) as material consideration in the determination of planning applications. This could carry limited weight, insofar of its conformity with NPPF.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources. Policy WM9 also requires development to provide measures for waste collection and recycling.

Hoylake Vision are currently consulting on a pre-submission Neighbourhood Development Plan for Hoylake, which includes a proposal to secure high quality public open space within an area including the application site, as part of a comprehensive redevelopment scheme or phased master-plan approach under Draft Policy HS3 (the proposed Neighbourhood Development Plan can be viewed at: <http://www.hoylakevision.org.uk/wp-content/uploads/2012/11/Hoylake-NDP-pre-submission-consultation-draft-17.01.15.pdf>)

#### Affordable Housing

Given the location of the site, the application requires the provision of 20% affordable housing. In this case, this equates to three of the proposed units being affordable housing. The applicant has agreed to this and this will be secured through a Section 106 Agreement.

#### Loss of Tennis Courts

In relation to the loss of the tennis courts, Paragraph 74 of the National Planning Policy Framework states that existing sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

The applicant has submitted evidence in an attempt to demonstrate that the existing tennis courts are surplus to requirements. This evidence includes a survey of spare capacity at other local tennis clubs, as well as a comparison of the number of courts within the Hoylake area and other parts of Wirral. This information suggests there may be a surplus of tennis courts within the Hoylake and Meols area in comparison to other parts of Wirral. The Council's Open Space Assessment 2011 shows there are 1.09 tennis courts per population compared to 0.5 per 1,000 population for Wirral as whole. However, whilst Hoylake may have more tennis courts per population than other local areas; this does not in itself constitute sufficient evidence that there is a surplus in Hoylake in that it could be indicative of the number of people who play tennis in the area. The continued use of St Luke's (at the time of writing) also demonstrates some need for this facility.

The applicants survey of other local tennis clubs appears to show that the remaining members of St Luke's Tennis Club, reported to be 26 playing members, could be accommodated in these other local clubs if they were willing to join them.

The applicant has agreed to contribute £40,000 towards the upgrade of two existing public tennis courts at Meols Parade. These courts are currently in an extremely poor condition and are in clear need of an upgrade in order to attract significant numbers of the public, and to be fully fit-for-purpose, but are unlikely to be available for clubs to play on. The £40,000 would enable the complete resurfacing of the courts, together with new netting and some repair of the outer fencing. Whilst the upgrade of these public tennis courts would not strictly result in equivalent or better provision, in terms of quantity or quality (as required in Paragraph 74 of the NPPF) as the proposal would also lead to a net loss of two tennis courts, the upgrade of free-to-use public courts could enhance opportunities for participation. Improved public facilities could also be used more than two privately-owned courts. The £40,000 sum would be secured through a Section 106 Agreement.

Sport England who are in this case a, non-statutory consultee object to the proposal even with the inclusion of a commuted sum to improve other tennis facilities. They contend that so long as the courts are in use, then it is unlikely that any evidence can be provided to demonstrate that they are surplus to requirements and therefore the proposal cannot comply with the NPPF.

The emerging Hoylake Neighbourhood Development Plan shows that the site could have the potential to contribute as part of public open space. As the preparation of the Neighbourhood Plan is at the pre-submission consultation stage before examination it could only carry limited weight, as an indication of how the community envisage local development could take place at the application site.

Representations have been received which state that these courts are a war memorial dedicated in 1947 by St Luke's Church to local people who lost their lives. However, the site is not on land scheduled as an ancient monument, within a Conservation Area, nor is it a Listed Building or structure. As such, planning legislation and the development plan do not require that special attention is given to preserving its character or appearance. It is also important to note that any covenants applied to the site are not a material planning consideration and as such it is not considered that the development of the site should be prevented on those grounds.

### **APPEARANCE AND AMENITY ISSUES**

The development will comprise of four houses, alongside a block of ten apartments. As the application is only at outline stage, the design of these buildings have not been submitted and it is merely the layout and access which permission is being sought for at this stage. The design of the proposal will be finalised in a subsequent reserved matters application.

The houses will front onto a new turning head at the top of Charles Road, with a front garden providing off-street parking and large rear gardens projecting towards Melrose House at the rear of the site. Each of these new houses will be set within a good-sized plot - plots which are larger than many dwellings within the Hoylake area and they will therefore not have a negative impact on the character of the area.

The block of ten apartments will be located to the South East of the site, adjacent to the railway line. The building is set out in an 'L' shape, with parking to the front and a substantial communal garden area to the rear. There will be a minimum distance of 14 metres from the windows on the front of the apartment block to the garden area of 23 Grosvenor Road, and this will be sufficient to ensure that there is no unacceptable loss of privacy to this property. Proposed tree planting will further screen this boundary. There will be a distance of between 17 metres and 20 metres from rear windows in the proposed development and the boundary with Melrose House - which again, is sufficient to prevent any loss of privacy or overlooking.

The proposed layout will result in a development which is considered to be acceptable for this site, making good use of the land. Each of the fourteen units will have an off-street parking space, whilst the houses have large rear garden and the apartments have a large communal garden area - as such, the proposal is not considered to be an overdevelopment of the site. The mixture of houses and flats is generally in keeping with the wider nature of Hoylake. The development equates to approximately 56 dwellings per hectare which is not considered to be excessive at all, especially given that the site is within a sustainable location within 400 metres of Hoylake train station, and close to good bus links along Market Street.

Overall, the layout and proposed scale of the development is in keeping with the nature and character of the surrounding area and the development will therefore not have an adverse impact upon the character of the area or the street scene.

### **SEPARATION DISTANCES**

All required separation distances are met within this development.

## **HIGHWAY/TRAFFIC IMPLICATIONS**

The proposal will provide some highway gain in providing a turning head for Charles Road. The proposal itself provides 14 off-street parking spaces, equating to one per new unit. The development may create some additional parking within Charles Road; however, parking in adjacent streets from previous uses as tennis club will be reduced.

## **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

The loss of existing open space, sports and recreational land has environmental sustainability implications as set out in this report.

The Joint Waste Local Plan for Merseyside and Halton Policy WM8 requires development to incorporate measures for achieving efficient use of resources; Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting. Conditions are proposed to ensure this is achieved.

## **HEALTH ISSUES**

Potential health benefits through provision to improve and encourage increased use of public tennis courts need to be balanced against the proposed loss of existing private open space, sports and recreational land.

## **CONCLUSION**

In conclusion, the development of this site could be considered to be acceptable subject to the provision of a commuted sum to enhance other publically accessible tennis courts within the area. The proposed layout and access arrangements are considered to acceptable and will result in a development which does not harm the character or appearance of the area in line with Wirral Unitary Development Plan HS4 and the National Planning Policy Framework.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The development of this site is considered to be acceptable subject to the provision of a commuted sum to enhance other tennis courts within the area. The proposed layout and access arrangements are considered to acceptable and will result in a development which does not harm the character or appearance of the area. As such in line with Wirral Unitary Development Plan HS4 and the National Planning Policy Framework.

**Recommended Decision:**                      **Approve subject to Section 106 Agreement**

### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

**Reason:** To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

(a) Scale

- (b) Appearance; and
- (c) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. Before any construction commences, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

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

4. NO DEVELOPMENT SHALL TAKE PLACE UNTIL a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policy WM8 of the Waste Local Plan.

5. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

6. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 16th July 2014 and listed as follows: A101 Revision C

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

7. NO DEVELOPMENT SHALL TAKE PLACE UNTIL details of secure parking provision for cycles have been submitted to and approved in writing by the Local Planning Authority. Such provision as may be approved shall be provided before the building(s) hereby permitted is/are occupied and shall be retained permanently thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy TR12 Requirements for Cycle Parking of the adopted Wirral Unitary Development Plan.

#### **Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street

furniture and vegetation as necessary. Please contact the Council's Highway Maintenance team on 0151 606 2004 prior to the commencement of development for further information

**Last Comments By:** 03/09/2014 15:31:30  
**Expiry Date:** 15/10/2014