

# Planning Committee

23 July 2015

**Reference:**  
**APP/15/00033**

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

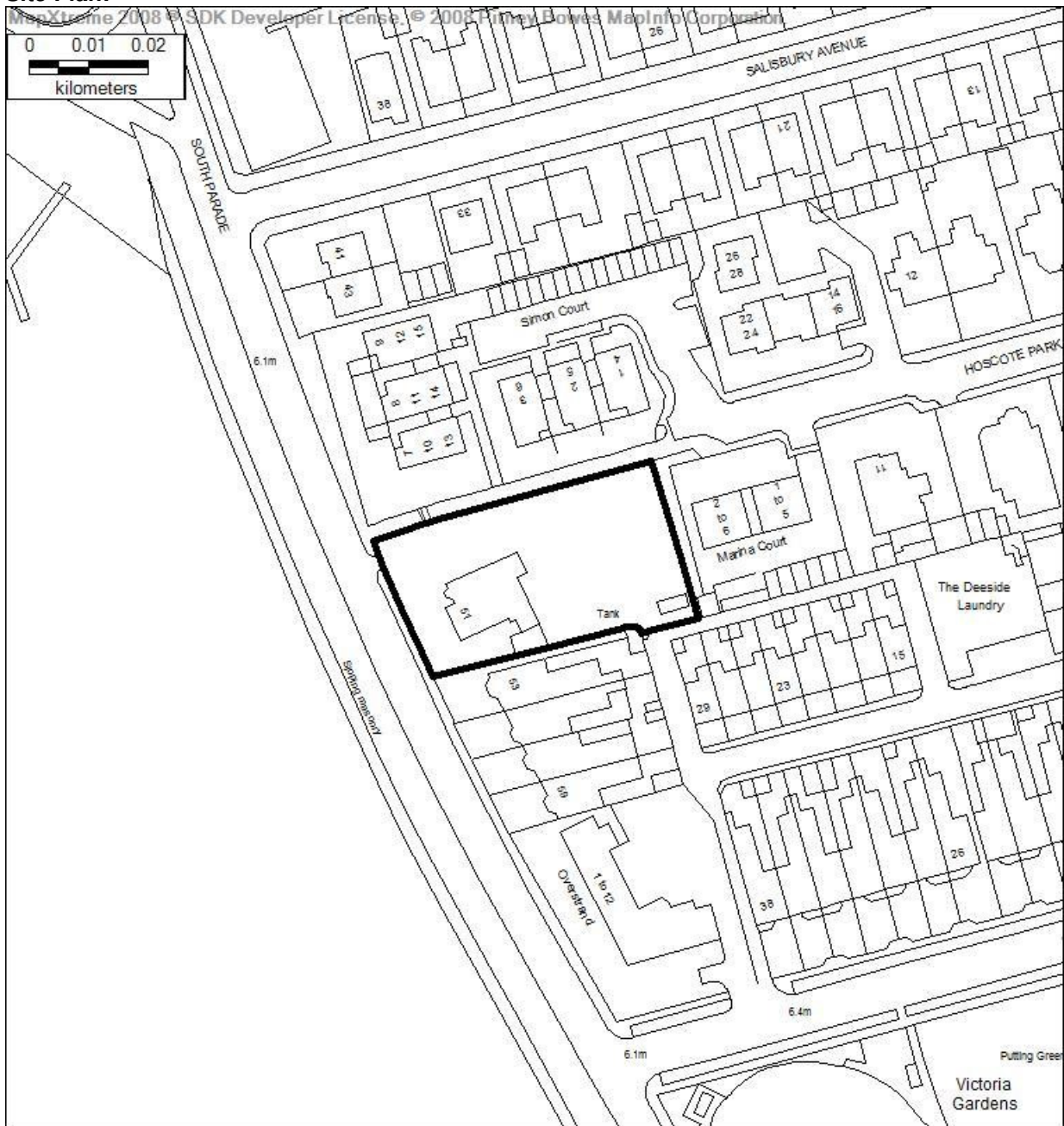
**Case Officer:**  
**Ms J Storey**

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

**Location:** 51 SOUTH PARADE, WEST KIRBY, CH48 0QQ  
**Proposal:** New build residential scheme comprising of 10 no. apartments, cycle stores, refuse store and 10 car parking spaces. (Amended Plans)

**Applicant:** Blueoak Estates  
**Agent :** Falconer Chester Hall Ltd

## Site Plan:



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**Development Plan allocation and policies:**

Coastal Zone

Primarily Residential Area

**Planning History:**

There is no planning history on this site.

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

Having Regard to the Council's Guidance for Publicity on Planning Applications, 24 notifications were sent to adjoining properties and 3 Site Notices were displayed near the site. At the time of writing this report, there have been 51 letters of objection and 2 petitions containing a total of 132 signatures. 11 individual letters of support for the proposal have also been received.

The objections can be summarised as:

1. size, scale and design is over dominant for the site
2. design out of keeping in the area
3. choice of materials - use of aluminium would lead to early deterioration of screening panels, leaving the building looking run down
4. flat roof is significantly higher than the roof of existing house
5. large proportion of glass and grey panelling which is considered inappropriate for the neighbourhood
6. four storey building out of character alongside existing buildings
7. loss of view
8. parking/traffic issues
9. intensifies the use of the plot beyond an acceptable number per hec
10. proposed access to the site via the alley at the end of Groveside cul-de-sac which would create a hazard
11. documentation is inadequate, no front side or elevations which include the elevation of adjoining properties
12. has correct notice been displayed
13. covenant states only one dwelling on the site
14. frontage forward of current building line affecting the view and privacy of the flats in no 53
15. loss of trees and no planned replacement
16. loss of daylight
17. where will the bins be stored
18. existing house is part of West Kirby's iconic sights to lose it would be a shame
19. modern apartment block will spoil the vista
20. many apartments for sale - lets fill them before building more
21. damage to the character of the approach to the promenade from Hesketh Park
22. would be a giant compared with Simon Court
23. developers proposed massing is grossly misleading
24. proposed location of the garages mean that no replacement trees can be planted at this end of the site altering the character and approach to the Promenade from Hesketh Park
25. The development fails to provide private/communal garden space - site occupied by building or car parking space
26. flats accessed by a driveway with a gradient of at least 1 in 5 inappropriately steep potentially unsafe for pedestrians crossing the driveway
27. doesn't comply with SPD2 interface distances
28. steep slope down to the prom
29. problems with high tide and flooding
30. steep gradient of vehicular access from a one way traffic system that only allows single line traffic

The representations of support can be summarised as follows:

1. development would be a huge asset as some of the properties along South Parade are run down and at odds with stunning surroundings

2. promenade would benefit from something contemporary
3. existing properties are a result of speculative building and do not have any significant design merit
4. West Kirby Sea front needs revitalising, requiring facilities and buildings which will raise it out of the mediocre
5. present proposal reflects the scale of adjoining buildings, does not tower over them or dominate the water's edge
6. introduces the architectural language of the 21st Century to the sea front
7. balconies attributes of a yacht club, appropriate to its setting
8. development would achieve a moribund frontage with the clean-lined simplicity of a modern stylish design and should be encouraged.
9. long overdue for decent sized apartments in West Kirby. looking to down size and cannot find an apartment of note. This is just what is needed to accommodate modern day living which is in ever increasing demand
10. an excellent addition to the number of enabled access dwellings
11. will add value and class to a road which is in need of modernising
12. time for West Kirby to move forward and this development shows forward thinking
13. something positive for the area, will go a long way to smarten up the area and bring much needed revenue
14. I have seen the recent developments in New Brighton and have watched the seafront developed and greatly improve. As a west Kirby resident I wish to see the same for WK
15. There is a housing shortage, this sort of development should be encouraged and would increase property value in the immediate area

**Councillor Gerry Ellis** requested that the application be taken out of delegation for reasons of size, height and scale of the development, unsatisfactory landscaping and boundary treatment, overlooking and loss of privacy to some Simon Court residents and general industrial appearance.

Further neighbour notification letters were issued following amendments to the scheme. At the time of writing this report 12 further letters have been received reiterating objections to the proposal, which can be summarised as follows:

1. the possibility of bats at the site,
2. original comments still stand, spoil the promenade,
3. distress and privacy theft is still totally unacceptable,
4. roof height reduction is trivial and the proposal remains out of character and scale,
5. the change in the arrangement of the cladding panels at the front of the building will not achieve the claimed vertical emphasis
6. roof and balcony lines are too striking and dominant for it to work
7. use of sandstone on the ground floor and panels is irrelevant
8. green roofs on the garage a minor improvement, but trees will still be lost and replaced with fewer, having a negative impact on views from the street
9. minimal communal space, contravening the council's policies
10. the access driveway remains steep and access to the prom appears to give complete priority to vehicles,
11. previous objections still stand
12. changes are only cosmetic, building is still an eyesore
13. insufficient parking
14. fails to protect the privacy and light of the residents of 1 - 6 Simon Court
15. no meaningful private or communal garden space
16. scale of building is too large and prominent and out of character
17. the developers proposed massing drawings indicate the height of the new building is 3.82m higher is misleading
18. general appearance out of keeping
19. no decent landscaping proposed
20. still concerned about the height

## CONSULTATIONS

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

**Environment Agency** - No objections subject to conditions

**United Utilities** - No objections subject to conditions

**Fire and Rescue Service** - No objections

**Director's Comments:**

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Gerry Ellis requested that the application be taken out of delegation for reasons of size, height and scale of the development, unsatisfactory landscaping and boundary treatment, overlooking and loss of privacy to some Simon Court residents and general industrial appearance. In addition two petitions containing a total of 132 signatures and 51 letters of objection have been received.

**INTRODUCTION**

This is a full detailed application for the demolition of the existing house and for the construction of a four storey apartment block containing ten apartments comprising of a mix of 1, 2 and 2/3 bedroomed apartments. The scheme includes for garaging for 10 cars plus a parking space in front equating to two parking spaces for each unit created. In addition there are two visitors' parking spaces to the side. Cycle parking for residents is to be provided within each garage and there is provision for further visitor cycle stands at the rear of the proposed building.

**Places Matter Design Review Panel**

Since the original submission, the applicants have taken the proposal to Places Matter Design Review Panel. This is a recognised method of improving the quality of new development by offering constructive, impartial and expert advice. Design Review panel meetings allow local authorities, clients, developers and design teams to present their schemes at the planning stage to a panel of experts from the built environment sector and benefit from the discussion and constructive advice of the panel.

The review panel consists of built environment professionals providing expertise from a range of fields including: Development, Architecture, Engineering, Planning, Landscape Architecture, Urban Design, Public Art and local planning.

The review is independent and conducted by people who are separate from the scheme promoter and decision-maker, and it protects against conflicts of interest.

The comments of the review panel are summarised as :-

- we can only support a scheme of the highest quality, not a pastiche of what is there already.
- strongly advise you to persevere with your contemporary solution, can see there is a huge aspiration to create a residential type that will appeal to a group that is not necessarily catered for, the design has not entirely met that aspiration.
- there is a distinctive local context which is the vertical quality to the other buildings
- suggest that you return to the crank that was suggested in your presentation which would help create a more vertical expression to this facade.
- not convinced by the way your building sits on the site and appears to be a mix of materials which do not anchor the building well
- should reconsider the wood finish at the ground floor, could be stone to match the boundary wall which will help to anchor the building
- two areas where value could be added to the scheme is a) work with the council to on the pedestrian access to the north to improve the relationship and the overlooking and lighting of the walk way to make it a pleasant and active route for the town. b) create a single substantial piece of landscape rather than small bits in between the car park and garages
- we support the aspiration and refreshing approach to the development in this part of the Wirral, it will be an exciting addition to the area

**PRINCIPLE OF DEVELOPMENT**

The site is located within the designated Primarily Residential Area and as such, residential development is considered acceptable in principle in this location, subject to both national and local planning policies set out below.

## **SITE AND SURROUNDINGS**

As previously highlighted, the site is situated within an area that is designated for primarily residential use. The site is currently occupied by a detached dwelling house. To the north of the site is a 3-storey apartment block fronting onto South Parade, and Simon Court a 2-storey apartment block is located to the rear of these apartments. Simon Court fronts onto the Application site. These buildings are separated from the application site by a bollarded walkway leading to Hoscot Park. The site to the rear contains a further apartment block. The properties within Groveside comprise of terraces of two storey family housing. The adjacent properties to the south comprise of substantial 3.5 storey Victorian houses some of which appear to have been converted to flats.

The properties along South Parade do not follow any particular era and are a complex mix of designs and materials that vary in scale and height.

## **POLICY CONTEXT**

The site is designated as a primarily residential area in the Unitary Development Plan (UDP) and as such, residential development is permitted subject to the proposal complying with both National and Local planning policy.

UDP Policy HS4 of the Wirral Unitary Development Plan sets out the parameters for acceptable residential development stating that the proposal should be of a scale which relates well to the surrounding property with particular regards to existing density and form.

SPD2 - Designing For Self Contained Flat Development and Conversions advises that all development for self-contained flats should be in locations that are close to services and facilities and that are genuinely accessible by a choice of means of transport.

When assessing the impact of such proposals on neighbouring properties the guidance indicates that development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties, nor be visually overbearing or dominant when viewed from adjoining property. To achieve this, habitable room windows directly facing each other should be at least 21metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three storey development adjacent to two storey properties, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

UDP Policy TR9 requires off-street parking to be viewed on the context of overall transport policy and particularly the need to reduce travel by private car, especially within areas that are well served by public transport

UDP Policy TR12 requires provision of cycle parking where it is considered both practicable and desirable.

UDP Policy GR5 - Landscape and new development. The Local Planning Authority will require applicants to submit full landscape proposals before full planning permission is granted.

UDP Policy GR7- In assessing the protection given to trees on site, the Local Planning Authority will consider the general health, structure and life expectancy of tree, their visual value within the locality and their value for nature conservation.

National Planning Policy Framework (NPPF) states that the purpose of planning is to achieve sustainable development and that good design is a key aspect which should contribute positively for making places better for people. Sustainable housing development should encompass good design and widen the choice of high quality homes. Development should also make a positive contribution to an area and use opportunities to improve the character of an area.

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.

Supplementary Planning Document 4 'Parking Standards' sets out the maximum number of off street parking spaces that should be provided alongside new development and changes of use. In this case there is a requirement to provide a maximum of one space per self-contained flat.

### **APPEARANCE AND AMENITY ISSUES**

The proposed scheme comprises of a four storey apartment block to be constructed within a similar position to the existing property, abet on a larger footprint. No 53 South Parade stands at 21. 4m to the ridge, 1.45m taller than the proposal and no's 7 - 13 Simon Court to the north of the site is 18.42 to the ridge, 1.53m lower than the proposed scheme. The upper floor has been set in by 2.5m from the main elevations.

The proposed building will be sited 14.2m away (at upper floor levels) from the side elevation of the Simon Court block that sides onto this site. The position of the proposed building is such that the bulk of the proposed development does not extend back beyond the Simon Court blocks that face the site (no's 1-6). There is a small element, 1m in projection at the rear of the proposed scheme that is sited at the corner of Simon Court, however this is some 20m away.

The proposed northern elevation facing 7-13 Simon Court contains secondary windows and will face obscurely glazed bathroom windows and windows serving a staircase serving the existing block. The interface distances between the rear windows in the proposed development and Marina court at the rear of the rear of the site is some 27 metres away.

The applicant has submitted amended drawings that propose to obscurely glaze all the windows on the southern side elevation. The windows on the northern elevation are "V" shaped and angled so that one half will be obscurely glazed that face Simon Court and the other half facing out to South Parade will be clear.

The proposed development is considered to accord with the advice contained within SPD4 insofar as the proposed development meets the required interface distances and will not therefore have a detrimental impact on the residential amenities of surrounding properties through overlooking or poor outlook.

The buildings around the application site are a mix of styles, scales and heights with no one style or palette of materials dominating the street scene. The proposed building will contain four storeys, but will be lower in height than the adjacent property at no 53 and is seen to provide a gradual decline in height between the two flanking properties. The proposed building will be located along the same building line as the existing property. In addition the existing stone boundary walls are to be retained. This will assist in maintaining the continuity of buildings within the street scene

In terms of design, the proposal takes a contemporary approach, with large areas of glazing and open terraces to the front elevation. The building will be constructed from red sandstone at ground floor level which will reflect boundary walls and is the local material to this area. Upper floors will contain white render and grey aluminium louvered screens and grey aluminium window frames are proposed throughout. In addition large overhanging eaves are proposed which will give the scheme depth.

The applicants maintain that main principles of the facade refer to Art Deco style in the United Kingdom and specifically the marine inspired architecture of the early 1930's. The scheme incorporates white rendered frontage, flat roof and tall windows which is reminiscent of the main principles of the Art Deco style which is appropriate in this coastal location.

Following the meeting with Places Matter, the applicants have made amendments to the scheme in line with the suggestions of the panel. These include the changing the emphasis from horizontal to vertical which is a strong feature of the buildings within the immediate area. The ground floor will be constructed in red sand stone which provides an anchor to the base of the building, complements the existing sandstone walls along this part of South Parade and incorporates materials that are traditional to West Kirby within the proposed scheme.

The amended scheme includes some additional landscaping along the western side boundary. In addition, the proposed garages will contain green roofs. This will assist in performing a vital role in

helping places adapt to the effects of climate change by reducing the need for artificial cooling in hot weather and attenuating or capturing rainwater runoff, as well as providing a range of habitats for urban wildlife and providing a further visual green element of the scheme to the surrounding apartment dwellers.

The scheme contains limited out door amenity space for residents due to the provision of car parking within the site. However, the proposal contains private balconies for outdoor seating and the site is located within metres of West Kirby beach. All bin storage and resident's cycle parking is to be accommodated within the building. New trees are to be planted within the site, which is within easy walking distance of a number of parks and areas of public open space.

With regards to the removal of some existing trees on the site, the application is accompanied by an Arboricultural Impact Assessment. The report notes that in order to facilitate the proposed development, it will be necessary to remove all the trees from the site. The trees comprise of predominately of small self set Sycamores of poor structural form and diminished health and vigour due to past unsympathetic pruning works. The report concludes that all the trees on site are of low quality and value or in advanced decline with an estimated remaining life expectancy of less than 10 years. They are of low amenity value and add no significant contribution to the landscape character and setting of the locale.

The proposal allows for new better quality tree planting as mitigation to the loss of trees. New trees will enhance the landscape value of the area making this a more sustainable management solution to ensuring continued tree cover.

There have been concerns raised that the development if constructed would obstruct views and that the development appears likely to be inaccessible to the promenade for people with any mobility impairment. In planning terms there is no right to a view and is not addressed in this report.

#### **SEPARATION DISTANCES**

Separation distances have been addressed in the main body of the report.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

The proposal incorporates a garage and one parking space for each apartment plus two visitor's spaces. This is double the amount that the Authority would normally request. There was some concern raised by surrounding residents that the original proposal included some emergency access gates from the site. This was viewed by those residents as an opportunity for future residents to park in adjoining streets and take a short cut through the gates. The amended drawings submitted have removed the emergency access from the scheme. The traffic generated by 10 no apartments is considered to have an insignificant impact on the highway.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

The Environment Agency Flood Map indicates that the site is at the edge of Flood Zone 2. The Environment Agency have been consulted and have raised no objections to the proposal subject to a number of conditions attached at the end of this report.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The proposed development by reason of layout, scale and design are considered to represent an appropriate development within this area. It is further considered that the proposal will make a positive contribution to the area by providing a mix of housing to this part of West Kirby. The proposal is in a sustainable location with good access to local shops, amenities and public transport. The development will be constructed to lifetime homes standards and encompasses good design and widens the choice of quality homes. It is considered that the proposal will not result in any harm to the amenities of occupiers of surrounding properties and is in keeping with the pattern of development within the area. The proposal therefore accords with the National Planning Policy Framework and in Particular Unitary Development Plan Policy HS4.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has

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

The proposed development by reason of layout, scale and design are considered to represent an appropriate development within this area. It is further considered that the proposal will make a positive contribution to the area by providing a mix of housing to this part of West Kirby. The proposal is in a sustainable location with good access to local shops, amenities and public transport. The development will be constructed to lifetime homes standards and encompasses good design and widens the choice of quality homes. It is considered that the proposal will not result in any harm to the amenities of occupiers of surrounding properties and is in keeping with the pattern of development within the area. The proposal therefore accords with the National Planning Policy Framework and in Particular Unitary Development Plan Policy HS4.

**Recommended                      Approve**  
**Decision:**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the materials to be used in the external construction of this development have been 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.

3. The development hereby permitted shall be carried out in accordance with the original submission as amended by the approved plans received by the local planning authority on the 2nd June 2015 and listed as follows: 02-05-006C, 03-03-001G and the Design, Access and Planning Statement June 2015\_REV H

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

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 plans 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. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Richard Broun Associates, November 2014 and the following mitigation measures detailed within the FRA:

1. Finished floor levels of development shall be set at a minimum level of 8.00m AOD.
2. Surface water discharge rates from the site shall be limited to those currently discharged, while taking allowances for climate change into account over the lifetime of the development.
3. Incorporation of flood resilience measures into the design & construction of the



development.

4. Building service entries should be located a minimum of 0.6m above finished

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

6. NO DEVELOPMENT SHALL BE COMMENCED UNTIL a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied or brought into use until surface water drainage has been constructed in accordance with the approved scheme.

**Reason:** To ensure that the development can be adequately drained.

7. NO DEVELOPMENT SHALL COMMENCE UNTIL a scheme to create adequate exceedance flood flow paths and routing across the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

8. NO DEVELOPMENT SHALL TAKE PLACE UNTIL details of the foul drainage scheme has been submitted to and agreed in writing with the Local Planning authority. Foul shall be drained on a separate system. The building shall not be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. The development shall be completed and managed and maintained in accordance with the approved details.

**Reason:** To provide adequate foul drainage

9. Prior to the commencement of development, details of the proposed green roofs and time scales for implementation for the garages shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and shall remain in perpetuity.

**Reason:** To provide a satisfactory form of development.

10. Prior to the commencement of development, details of the works for the reinstatement to standard footway levels of the vehicular access from the highway that is rendered obsolete by the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been completed in accordance with the approved plans.

**Reason:** In the interest of highway safety

11. NO DEVELOPMENT SHALL BEGIN UNTIL details of a full scheme of works to provide an illuminated "One Way Traffic" sign opposite the site access has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall have regards to diagram No's 606 and 607 of The Traffic Signs Regulations and General Directions 2002. THE DEVELOPMENT SHALL NOT BE FIRST OCCUPIED OR BROUGHT INTO USE until those works have been certified in writing as completed by the Local Planning Authority.

**Reason:** In the interest of highway safety.

12. 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

13. NO DEVELOPMENT SHALL TAKE PLACE UNTIL full details of the vehicular access to the site have been submitted to and approved in writing by the Local Planning Authority. The gradient of the access way shall not at any point be steeper than 1:12 for a distance of 5 metres from its junction with the public highway. THE DEVELOPMENT SHALL NOT BE FIRST OCCUPIED OR BROUGHT INTO USE until such works have been certified as being completed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety, having regards to Policy HS4 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

1. This is a general code set up for the 'Notes to Committee' code option, and will aid the user to set up a general test document to be used within the DC aid Standard Client Server ACOLAID system, developed for the use within various councils, at Plantech LTD.

**Last Comments By:** 02/07/2015 12:54:50

**Expiry Date:** 30/04/2015