

Planning Committee

18 January 2017

Reference:
APP/16/01311

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 8no self-contained apartments with cycle stores, refuse store and 10 car parking spaces.

Applicant: Blueoak Estates
Agent : Falconer Chester Hall Ltd

Site Plan:



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Development Plan designation and policies:

Primarily Residential Area

Planning History:

Location: 51 SOUTH PARADE, WEST KIRBY, CH48 0QQ
Application Type: Full Planning Permission
Proposal: New build residential scheme comprising of 10 no. apartments, cycle stores, refuse store and 10 car parking spaces. (Amended Plans)
Application No: APP/15/00033
Decision Date: 21/08/2015
Decision Type: Refused

Appeal Details

Application No APP/15/00033
Appeal Decision Dismissed
Appeal Decision Date 31/05/2016

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

Having regard to the Council's Guidance for Publicity of Applications, 124 neighbour notifications were sent to nearby and adjoining properties. A Site Notice was also displayed adjacent to the site. 18 representations have been received. 16 objecting to the proposals and 2 in support. The objections can be summarised as follows:

1. The site is not suitable for the additional number of units being proposed;
2. Insufficient parking proposed for the number of units outlined;
3. Additional noise and disturbance from the additional cars that would be using the site;
4. Design/appearance of the development is inappropriate for the area;
5. Overdevelopment of the site;
6. Out of character with the local area;
7. Overlooking/Loss of Privacy; and
8. Insufficient landscaping proposed

Those supporting the application consider it to be a breath of fresh air next to some quite run-down and dated architecture. The modern/contemporary design would be a welcome addition to the area.

CONSULTATIONS:

Highways - No objections

Environmental Health - No objections

Environment Agency - No objections in principle provided that the measure(s) detailed in the Flood Risk Assessment submitted with the application are implemented.

United Utilities - No objections

Merseyside Fire & Rescue Service - Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations. Water supplies for fire-fighting purposes should be risk assessed in liaison with the water undertakers (United Utilities) with suitable and sufficient fire hydrants supplied.

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Gerry Ellis requested that the application be taken out of delegation due to representations he has received regarding the height of the development, a potential increase in traffic and unsatisfactory access/egress arrangements. In addition, 18 separate letters of objection have been

received. As such, having regards to the Scheme of Delegation for Determining Planning Applications, this application is required to be considered by the Planning Committee.

INTRODUCTION

The proposals seek permission for the demolition of the existing dwelling and the redevelopment of the site with a four-storey apartment block which will house 8 apartments. The development will also provide 10 parking spaces and 2 visitors' spaces along with cycle parking stores for each apartment. The application is an amended proposal following the refusal of planning permission on 20 August 2015 for 10 apartments, which was subsequently dismissed on appeal.

PRINCIPLE OF DEVELOPMENT

The site is located within the Primarily Residential Area and as such, residential development is considered acceptable in principle in this location, subject to Policy HS4 in the Wirral Unitary Development Plan (UDP).

SITE AND SURROUNDINGS

The site is located on South Parade opposite the West Kirby Marine Lake and overlooking the River Dee. The area is predominantly residential in nature with a single detached dwelling currently occupying the site. 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 which fronts onto the application site. These buildings are separated from the application site by a bollarded walkway leading to Hoscot Park. The properties within Groveside comprise of terraces of two storey family housing. South of the site sits substantial three and a half storey Victorian houses, some of which have been converted to flats. The properties along South Parade comprise a 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 UDP Policy HS4 and its Supplementary Planning Document SPD2Local planning policy.

UDP Policy HS4 of the Wirral Unitary Development Plan aims to safeguard the quality of the residential environment and ensure development brings positive benefits by requiring proposals to fulfil all of its criteria which requires new housing developments to be of a scale which relates well to the surrounding property with particular regards to existing density and form, not result in a detrimental change to the character of the area, have satisfactory accesses, services, parking arrangements, appropriate landscaping and boundary treatment, private and/or communal garden space, accessible public open space and reduce the likelihood of crime.

SPD2 - Designing For Self Contained Flat Development and Conversions indicates 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 and sets out detailed design guidance including specifications for layout, garden space, scale entrances, parking and servicing etc.

When assessing the impact of such proposals on neighbouring properties the guidance advises 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 property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

UDP Policy TR9 set out a number of considerations for assessing off street parking provision, including the availability of alternative modes of transport, road safety and the likelihood of cars being parked on residential roads. This is supplemented by SPD4, which provides detailed guidance on parking standards and layouts. In this instance there is a requirement to provide a maximum of one space per self-contained flat.

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 requires 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 that fails to take opportunities available for improving the character and quality of an area and the way it function should be refused (NPPF paragraphs 56 & 64 refer).

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.

APPEARANCE AND AMENITY ISSUES

As previously outlined, the site has recently been subject to a refusal of planning permission and a subsequent appeal which was dismissed. The refused application sought consent for 10 apartments and 10 parking spaces. This revised application seeks to address the previous refusal and the appeal decision.

The proposed development has been designed with a number of key design principles being carried forward. These include maximising views from the front (west facing) elevation over the West Kirby Marine Lake and the River Dee; respecting the building line and relationship of the application site with adjacent properties; maintaining the open nature of the site to the rear; retaining the local sandstone wall and the adoption of a contemporary approach to design whilst picking up the local use of red sandstone in the locality.

The scheme has been revisited since the earlier refusal and subsequent dismissal at appeal to ensure that the scale and massing of the proposed development does not impact on sunlight and daylight to neighbouring properties and as such the revised proposals have reduced the new developments potential impact with regards to overshadowing of adjacent properties.

At the appeal, the Inspector considered there were two main issues: the effect of the proposal on the living conditions of existing occupiers of adjacent properties (with specific reference to privacy, daylight/sunlight, overshadowing and outlook) and the effect of the proposed development on the character and appearance of the area. The Council's reason for refusal had also identified the impact of the proposals in terms of its relationship with adjoining residential properties and considered the scale, massing and siting of the previous proposals would result in an unneighbourly form of development.

The effect of the proposed development on the character and appearance of the area did not form part of the Council's previous reason for refusal and the Inspector at the Appeal also concluded that the previous proposal would not have a harmful effect on the character and appearance of the area and was of a scale which relates well to existing densities and form of development and would not result in a detrimental change in the character of the area. The Inspector also concluded that the proposals provided an appropriate transition in terms of both scale and design between the traditional 3 and a half storey terraced properties to the south of the site and the more modern 3-storey apartments to the north. The emphasis on horizontal to vertical reflecting existing buildings in the locality and the use of red sandstone and white render reflect local materials and these aspects have been carried forward with the revised submission now being considered. In summary, therefore, the issues relating to the design, materials, landscaping, access and parking, together with the principle of residential redevelopment of the site, were considered to be acceptable by the Inspector in her appeal decision and had not formed any part of the Council's previous reason for refusal either.

The revised application has focused on reducing the impact on the effect of the development on the living conditions of existing occupiers of adjacent properties. In her appeal decision, the Inspector concluded that the development would not have a harmful effect on the living conditions of the occupiers of 7-13 Simon Court (the flats to the north of the site) and that there was insufficient evidence to assess whether the effects of the proposal on 1-6 Simon Court would be within acceptable limits. The Inspector was satisfied that the previous (larger) proposals would not adversely affect the living conditions of the occupiers of other adjacent residential properties, including those in Marina Court (to the east) and 53 South Parade (to the south) and as such, the focus of this revised application has been to address the Inspector's concerns that there was insufficient evidence submitted to assess any potential harmful impacts with regards to 1-6 Simon Court.

At the appeal, the Inspector felt that as the proposed development would have a significantly greater footprint and massing than the existing single residential property currently on site that there was the potential for the development to block out daylight and sunlight from the main habitable room windows facing the application site. As a result, this current application has been revised to address that concern. In short, the mass of the proposed building has been significantly reduced to ensure the building will not impact on the daylight/sunlight into adjacent properties. The building footprint has been reduced on each level with considerable reductions being achieved on both the second and third floors. This has resulted in the number of apartments being brought forward with this scheme being reduced from the original proposed 10 apartments down to the 8 now being brought forward with this revised application.

The proposals have also been supported by a detailed daylight/sunlight report which assesses the impacts of the development on adjacent properties. The Inspector acknowledged the importance of such an assessment and whilst she noted that the Building Research Establishment Guidelines 'Site Layout Planning for Daylight/Sunlight - A Guide to Good Practice' is only a guideline and should not be slavishly adhered to, she did nevertheless conclude that the parameters contained therein are a useful indicator against which development proposals can be assessed. These revised proposals comply with every measurable target set out in the BRE Guide and due to the reduced footprint and overall massing of the revised proposals, the application now presented to Members is considered to meet minimum interface distances and ensure that there would not be any harmful effect on the living conditions of the occupiers of neighbouring properties, particularly 1-6 Simon Court, in terms of any potential for loss of daylight/sunlight, loss of privacy or overbearing/dominant effect.

SEPARATION DISTANCES

The proposed development is 4-storeys in height and Simon Court to the north is 3-storey. 53 South Parade to the south is 3 and a half storeys. In respect to the relationship with Simon Court, there should be a distance of 18 metres. The proposed building would be 19.3 metres from the side elevation of 7-13 Simon Court at ground floor and the third floor (the uppermost level) would be 17.9 metres away. Although the Inspector in her decision had concluded that the original application would not have a harmful impact on the living conditions of 7-13 Simon Court, these separation distances are nevertheless an improvement on the original application.

The reduced footprint and the overall scale/massing of the revised proposals providing for a more significant reduction in height between the proposed apartments and the adjacent Simon Court and 53 South Parade ensures that interface distances are achieved, including between 1-6 Simon Court as the second and third floors have been significantly reduced to pull the rear elevation back in line with the building line at 7-13 Simon Court. These changes are a considerable improvement on the earlier proposals and ensure the development now proposed will not impact on 1-6 Simon Court in terms of overshadowing with a distance of 18 metres being achieved at this point with that part of the proposed development nearest to 1-6 Simon Court reading as 2-storey. The BRE assessment submitted in support of the proposals confirms that daylight/sunlight impacts on adjacent dwellings fall within measurable targets set out in the BRE Guide.

HIGHWAY/TRAFFIC IMPLICATIONS

The proposal incorporates 10 parking spaces for the 8 apartments plus two visitors' spaces. The traffic generated by 8 apartments is not considered to have any significant impact on the highway. The site is also located close within easy access to the public transport network. Therefore, there are no highway/traffic implications arising from this development.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The development site is adjacent to a number of internationally and nationally designated sites including the Dee Estuary Special Protection Area, Dee Estuary RAMSAR, SSSI and Special Area of Conservation. The proposals have been reviewed with regard to any possibility of likely significant effects on these sites. A Habitat Regulations Assessment has been carried out and concludes that the proposals will not have any likely significant effect on the above designated sites.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Having regards to the previous reason for refusal and the Inspector's subsequent decision following the appeal, these revised proposals are considered to have addressed those earlier concerns. The proposal represents positive economic and social benefits, including the contribution which the proposal would make to housing land supply. The development would not have any harmful effect on the character and appearance of the area and is of a scale that would relate well to surrounding property, particularly having regard to existing densities and form of development. The development represents an appropriate transition in terms of both scale and design between the more traditional 3.5 storey terraced properties to the south of the application site and the more modern 3-storey apartments to the north. The design of the development, emphasising the horizontal to vertical appearance of other properties in the area, together with the palette of materials proposed are modern and contemporary whilst reflecting local materials used in existing properties in the locality. In summary, the proposed development will provide a high quality residential scheme in a sustainable location and satisfies all relevant national and local policy considerations.

Summary of Decision:

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

The proposal represents positive economic and social benefits, including the contribution which the proposal would make to housing land supply. The development would not have any harmful effect on the character and appearance of the area and is of a scale that would relate well to surrounding property, particularly having regard to existing densities and form of development. The development represents an appropriate transition in terms of both scale and design between the more traditional 3.5 storey terraced properties to the south of the application site and the more modern 3-storey apartments to the north. The design of the development, emphasising the horizontal to vertical appearance of other properties in the area, together with the palette of materials proposed are modern and contemporary whilst reflecting local materials used in existing properties in the locality. In summary, the proposed development will provide a high quality residential scheme in a sustainable location and satisfies all relevant national and local policy considerations.

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 27 September 2016 and listed as follows: Project No. P14-079 Drawing No. 02-02-001; Project No. P14-079 Drawing No. 02-03-001_I; Project No. P14-079 Drawing No. 02-03-002_G; Project No. P14-079 Drawing No. 02-03-003_G; Project No. P14-079 Drawing No. 02-03-004_A; Project No. P14-079 Drawing No. 02-05-001_G; Project No. P14-079 Drawing No. 02-05-002_G; Project No. P14-079 Drawing No. 02-05-003_H and Project No. P14-079 Drawing No. 02-05-004_G

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. 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 permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by RBA Ltd and dated September 2016 (Ref:4018) and the Proposed Mitigation Measures detailed in Paragraph 5.0 (Page 3) of the FRA including:

1. Construction of finished floor levels of the proposed development at a minimum level of 7.80m AOD;
2. Incorporation of the development onto the Environment Agency's Flood Warnings Direct Service;
3. Service entries (gas, electricity, etc.) should be located 600mm above finished ground floor level; and
4. Flood resistant and resilient building materials and construction techniques shall be incorporated into the construction of the ground floor of the development.

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.

7. 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.

8. 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.

9. 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

10. NO DEVELOPMENT SHALL TAKE PLACE until details of the proposed green roof (including time scales for implementation) for the garages has been submitted to and approved 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.

11. NO DEVELOPMENT SHALL TAKE PLACE until 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

12. 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.

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.

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

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

Wirral Unitary Development Plan.

15. NO DEVELOPMENT SHALL TAKE PLACE (including any demolition works) UNTIL a Construction Management Plan or Construction Method Statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved details.

Details submitted in respect of the method statement shall provide for routes for construction traffic, the provision of parking facilities for contractors and visitors during all stages of the development, hours of operation, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development and/or method(s) of prevention of mud being carried onto the highway.

Reason: In the interests of the safe operation of the local highway network and having regards to visual and residential amenities of the area.

16. Notwithstanding the submitted details showing the site sections, NO DEVELOPMENT SHALL TAKE PLACE until a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

17. NO DEVELOPMENT SHALL TAKE PLACE until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy HS4 of the UDP.

18. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme as required by Condition 17 above shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy GR5 of the UDP.

Last Comments By: 08/11/2016
Expiry Date: 22/11/2016