

# Planning Committee

14 December 2017

**Reference:**  
**APP/17/00499**

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

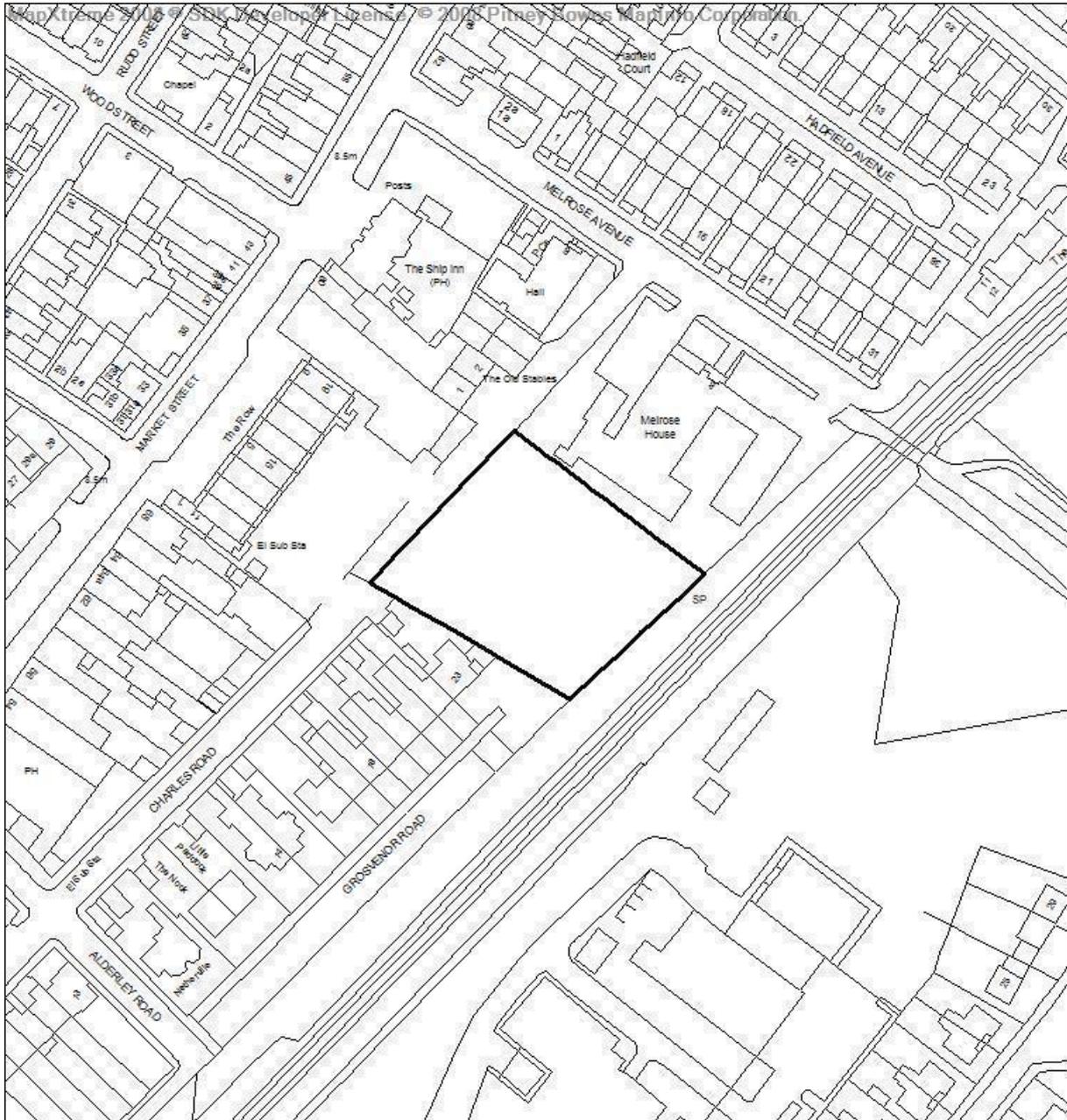
**Case Officer:**  
**Mr N Williams**

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

**Location:** St Lukes Tennis Club, CHARLES ROAD, HOYLAKE, CH47 2AB  
**Proposal:** Proposed residential development of 10 dwellings

**Applicant:** Blueoak Estates Limited  
**Agent :** M F Architecture Ltd

## Site Plan:



**Development Plan Designation:**

Primarily Residential Area

**Planning History:**

Location: St Lukes Tennis Club, CHARLES ROAD, HOYLAKE, 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Decision Type: Withdrawn

Location: St Lukes Tennis Club, CHARLES ROAD, HOYLAKE, CH47 2AB  
Application Type: Outline Planning Permission  
Proposal: Proposed residential development comprising 14 dwellings on land currently occupied by St Lukes Tennis Club, Charles Road, Hoylake  
Application No: OUT/14/00930  
Decision Date: 08/01/2016  
Decision Type: Approve

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

Councillor Gerry Ellis requested that the application be taken out of delegation due to concern from local residents about overdevelopment of the site, potential traffic congestion and poor access to the site.

Having regard to the Council's Guidance for Publicity on Planning Applications, 41 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been 4 objections received. The objections can be summarised as:

- Highway safety concerns over new access;
- Insufficient parking;
- Increased traffic;
- Drainage/sewer concerns;
- No affordable housing or mix of housing types;
- Loss of privacy;
- Impact on bats;

**CONSULTATIONS**

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

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

Hoylake Community Planning Forum - The current proposals appear appropriate when measured against Policy DI2 in attempting to reflect the identity of the local area. However, they advise that the proposal does not comply with Policy H2 as it does not provide a mix of housing types, tenures and sizes, including affordable and specialist housing.

**DIRECTORS COMMENTS:****REASON FOR REFERRAL**

Councillor Gerry Ellis requested that the application be taken out of delegation.

**INTRODUCTION**

The application is for the erection of ten houses on land previously used as St Luke's Tennis Club.

A previous application (OUT/14/00930) for fourteen units was approved in January 2016. The fourteen units consisted of a block of ten apartments alongside four houses. This is an extant permission and was subject to a Section 106 Agreement which required a contribution of £40,000 towards enhancing existing tennis courts in the area.

### **SITE AND SURROUNDINGS**

The application site contains two tennis courts, which was previously a private tennis club but which is no longer in use. The application site is designated as a Primarily Residential Area in Wirra'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**

The statutory development plan consists of the Wirral Unitary Development Plan (February 2000), the Joint Waste Local Plan for Merseyside and Halton (July 2013) and the Neighbourhood Development Plan for Hoylake (December 2016).

The proposal for residential development within a Primarily Residential Area is subject to Wirral Unitary Development Plan (UDP) 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.

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's Neighbourhood Development Plan for Hoylake (NDP), seeks to secure high quality public open space within an area including the application site, as part of a comprehensive redevelopment scheme or individual proposals through a phased master-plan approach under Policy HS3. Residential development is otherwise supported through Policies H1 and H2 subject to Policies DI2 and DI3, where there is no significant impact the character of the area and the living conditions of surrounding occupants and where the housing needs of the wider community would be addressed.

### **Material Considerations**

The National Planning Policy Framework a introduces a presumption in favour of sustainable development, subject to restrictions on the loss of existing open space, sports and recreational buildings and land, which are reflected in Draft Policy CS31 in the Core Strategy Proposed Submission Draft 2012. Both protect land use for sport unless it can be demonstrated:

- the site is genuinely surplus and not required for 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 weight, only insofar of its conformity with NPPF.

The latest evidence in the Playing Pitch Strategy & Action Plan, approved by the Cabinet Member for the Housing & Community Safety and Deputy Leader of the Council on 23 October 2017, takes account of the loss at St Luke's, noting that land has been sold and many members have joined other clubs; before finding that the remaining supply of tennis courts within the analysis area for Hoylake, Meols, West Kirby and Thurstaston is sufficient to service demand. The recommendation in the Strategy & Action Plan is to improve and sustain the quality of existing courts.

The extant outline planning permission has established that the redevelopment of this site for residential purposes, and the associated loss of the tennis courts, has been acceptable in principle in the past. Since then, the Neighbourhood Development Plan (NDP) has subsequently been adopted, which seeks to secure high quality public open space that integrates well into the key shopping area under Policy HS3. Whilst the current application would not achieve this and is a departure to the Neighbourhood Plan, the applicant has indicated that to offset the loss of the former tennis courts they will enter into a Section 106 Agreement to provide a contribution of £40,000 towards the improvement of two existing public tennis courts at Meols Parade. This sum would contribute towards the resurfacing of these courts, together with new netting and some repair of the outer fencing, and it is considered that the upgrade of free-to-use public courts would enhance opportunities for participation for the local community.

### **APPEARANCE AND AMENITY ISSUES**

The development will comprise of ten houses accessed from a new road at the end of Charles Road. The dwellings will be in three groups, with four dwellings at the head of, and facing, Charles Road (Plots 1-4) and two sets of three attached dwellings set within a new cul-de-sac (Plots 5-10). Each of the dwellings will have a single-storey outrigger to the rear.

As noted above, Charles Road predominantly contains the rear elevations of properties which front Market Street and Grosvenor Road, and this creates a rather enclosed and inactive street scene. The proposed dwellings at Plots 1 - 4 will actively face Charles Road and this will provide some interest and direct activity for the street scene, which is to be welcomed. Whilst the design of the proposed dwellings is fairly standard, there is sufficient interest provided by cills, brick headers, chimneys and front door canopies. The use of brick as the finishing material is in keeping with the area, with the majority of buildings along Charles Road being finished in brick. It is not considered that these dwellings would therefore have a positive impact on the street scene and would not harm the character of the area.

Each of these new houses will have large rear gardens, off-street parking and will be set within a good-sized plot - plots which are larger than many others within the Hoylake area and similar to many plots in the immediate area. They will therefore be in keeping with the area and will therefore not constitute an overdevelopment of the plot. The scheme also proposes four units fewer than the extant permission.

There will be a distance of 21 metres from first-floor habitable windows in the rear of Plots 1 - 4 and windows in Melrose House to the rear of the site, whilst the side elevation of Plot 5 (which contains no habitable windows) will be 14 metres from Melrose House. These distances will ensure that there is no loss of privacy or light to residents of Melrose House.

There will be a distance of 14 metres between the new dwelling at Plot 10 and the existing 23 Grosvenor Road to the south-west of the site. Although this new dwelling projects further back than 23 Grosvenor Road by about 8 metres, the distance between the two properties will ensure that it does not have an unacceptable adverse impact in terms of loss of light. There are no habitable windows in the side of Plot 10, whilst the front elevations of Plots 1 - 4 are over 20 metres away from the boundary with 23 Grosvenor Road and it is therefore considered that there will be no overlooking or loss of privacy created by the development.

### **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 one off-street parking space per dwelling, which is considered to be

acceptable given that this is a sustainable location close to Hoylake train station and the local amenities of Hoylake Town Centre.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

A Drainage Strategy was submitted and has been considered acceptable, subject to conditions being attached.

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

In conclusion, the proposed housing development of this site is considered to be acceptable under the terms of UDP Policy HS4; and NDP Policies H1 and H2. The proposal would not meet the terms of NDP Policy HS3, which seeks to secure public open space that integrates with the key shopping area. With the provision of a commuted sum to enhance other tennis courts within the area the loss of the former tennis courts can be accepted in line with NPPF paragraph 74, Policy CS31 in the emerging Core Strategy Local and the recommendation in the Playing Pitch Strategy. On balance, and taking account of the extant outline planning permission for residential development at the site, the application is recommended for approval.

### **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 proposed housing development of this site is considered to be acceptable under the terms of UDP Policy HS4; and NDP Policies H1 and H2. The proposal would not meet the terms of NDP Policy HS3 which seeks to secure public open space that integrates with the key shopping area. With the provision of a commuted sum to enhance other tennis courts within the area the loss of the former tennis courts can be accepted in line with NPPF paragraph 74, Policy CS31 in the emerging Core Strategy Local and the recommendation the Playing Pitch Strategy. On balance, and taking account the of the extant outline planning permission for residential development at the site, the application is recommended for approval.

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

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 3rd May 2017 and listed as follows: 697.01a; 697.02a; 697.03a; 697.04a; 697.05a, and the Site Waste Management Plan received on 23rd October 2017

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

3. The materials to be used in the construction of the development hereby permitted shall be the following, unless otherwise agreed in writing by the Local Planning Authority:

Brick: Weinerberger Olde Cheshire Red (Colorado) Multi (with natural mortar with red sand);

Roof: Sandtoft 20/20 concrete roof tile, Antique Slate

Paving: Marshall's Yorkstone Riven buff paving flags;

Windows: uPVC windows, RAL7016 Anthracite Grey;

Guttering and Downpipes: black uPVC rainwater goods

**Reason:** For the avoidance of doubt

4. The approved landscaping scheme, Drawing 697.50, shall be carried out no later than the first planting season following the completion of development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

**Reason:** To ensure satisfactory landscape treatment of the site which will protect the character and appearance of the site and to ensure the proposed development enhances the visual amenity of the locality, having regard to Policy GR5 of the Wirral Unitary Development Plan.

5. Notwithstanding the submitted drawings, no development shall take place until a full scheme of works and timetable for the construction of the new highway and/or amendment of the existing highway made necessary by this development, including new or amended carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, tactile paved pedestrian crossings, street furniture, access onto the adjacent highway has been submitted to and agreed in writing with the Local Planning Department. The works shall be completed in accordance with the approved details and timetable.

**Reason:** In the interest of highway safety and to comply with UDP Policy HS4: Criteria for New Housing Development

6. The development hereby permitted by this planning permission, including all components of the surface water drainage system, shall be carried out in accordance with the approved Sustainable Drainage Strategy <31/10/17 (revision 02) / Residential Development at St Luke's Tennis Club, Charles Road, Hoylake/ Flood Risk Assessment & Proposed Drainage Strategy / Ref 5450/ RBA Ltd>.

The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the surface water sustainable drainage system shall be managed and maintained in perpetuity via adoption by the Water and Sewerage Company.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy WA2 in the Wirral Unitary Development Plan, Paragraph 103 of the National Planning Policy Framework, HCWS 161 House of Commons Written Statement on Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

7. Prior to first occupation, a scheme of noise insulation for the habitable room windows facing the adjacent railway lines shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained as such thereafter

**Reason:** In the interest of the amenities of future occupiers

8. 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 Merseyside and Halton Joint Waste Local Plan.

- 9 NO DEVELOPMENT SHALL TAKE PLACE until arrangements for the storage, recycling and disposal of refuse, and vehicle access thereto, have been made within the curtilage of the buildings, 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 before any of the dwellings are occupied and shall be retained as such thereafter 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 Policy WM9 of the Merseyside and Halton Joint Waste Local Plan.

**Further Notes for Committee:**

**Last Comments By: 05/06/2017 15:40:50**

**Expiry Date: 02/08/2017**