

## Planning Committee

25 October 2011

**Reference:**  
**APP/10/01105**

**Area Team:**  
**South Team**

**Case Officer:**  
**Ms C Berry**

**Ward:**  
**Bromborough**

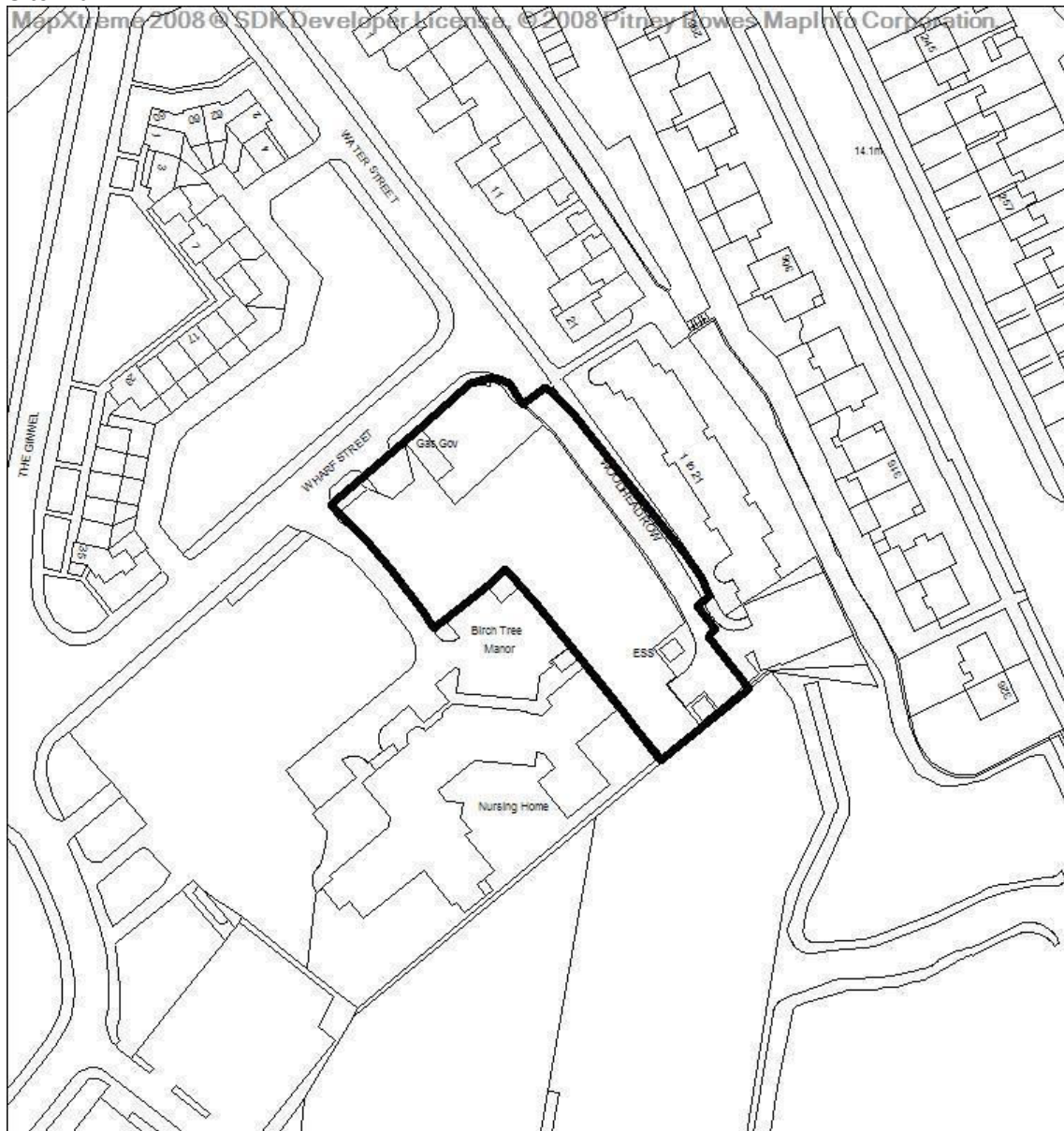
**Location:** Continental Landscapes, WHARF STREET, PORT SUNLIGHT, CH62 5HD

**Proposal:** Construction of 12no. family houses on vacant land at the junction of Water and Wharf Street and associated landscaping works (Amended Plans)

**Applicant:** Port Sunlight Village Trust

**Agent :** Paddock Johnson Partnership

### Site Plan:



**Development Plan allocation and policies:**

Conservation Area (for illustrative purposes)  
Primarily Residential Area

**Planning History:**

APP/1998/6434 - Erection of a nursing home and 38 close care apartments on land south of 35 The Ginnel - approved 23.10.87

APP/04/5809 - Erection of 19 town houses and 76 apartments - refused 12.1.05

APP/04/7202 - Erection of 21 apartments -approved 12.1.02

APP/04/7203 - Erection of 24 apartments and variation of Condition 3 of approval 1998/6434 to allow use of 38 close care apartments as residential apartments - approved 12.1.05

CON/06/5158 - Demolition of buildings to facilitate the construction of 21 apartments - approved 7.4.06

APP/06/5566 - Amended design for 38 apartments- approved, 25.8.06

APP/06/7564 - Amendment of 04/7202 - erection of 21 apartments, withdrawn

Conservation area consent application - CON/10/1106 - Construction of 12no. family houses on vacant land at the junction of Water and Wharf Street and associated landscaping works (Amended Plans) - Conservation Area consent not required as no demolition will take place

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

Having regard to the Council's Guidance on Publicity for Applications, 21 notifications were sent to adjacent properties. A site notice was also displayed and a press notice was placed in the Wirral Globe. 31 representations have been received including letters, emails and on line comments objecting to the proposal due to:

1. Inappropriate scale, design and density not in accordance with the original plans of the village
2. The development would not preserve or enhance the Conservation Area or respect the nearby listed buildings
3. Overdevelopment, inappropriate bulk and massing is not in keeping
4. Three storey is out of keeping
5. cumulative impact of this development with other nearby developments
6. The site should be retained as an area of open space
7. Impact on the character, appearance and amenity of the area
8. The proposal would transform this part of Port Sunlight into a high density housing area
9. No provision for leisure or amenity
10. Solar panels would be out of place
11. Proposal is contrary to the ethics and ethos of the Village.
12. The application is about money and greed especially if the Trust sell the land to a private developer
13. Loss of green space and trees
14. Port Sunlight is a conservation area and should not be built on as it will detract from the uniqueness of the village.
15. Traffic and parking problems will increase
16. Road safety issues
17. The Trust is undermining its value as guardian of architectural heritage and custodian of one of the areas most popular and most appreciated tourist spots
18. Insufficient drainage and risk of flooding
19. Noise and disturbance due to construction works
20. Existing residents have restrictions due to listed building status
21. Loss of amenity

Port Sunlight Residents and Conservation Society: Object to the application on the grounds of increase in density; residents want the site as green space and want to present the Trust with an alternative plan; disruption to residents during construction; increase in traffic and parking issues; details of materials should be submitted at application stage; poor quality of adjacent developments and should be avoided; impact of three-store; problems with drainage.

3 separate qualifying petitions have been received:-

Petition 1 contains signatures from 126 separate households and states objection to the proposal relating to UDP and statutory requirements; lack of consultation with the Trust and main stakeholder's; no alternative avenues investigated and its presence and sustainability to enhance and not to erode the conservation area.

Petition 2 contains signatures from 99 separate households and state objections relating to alternatives for the site; not sustainable and the land should be returned to the community for allotments.

Petition 3 contains signatures from 27 separate households and state objections due to:

1. Loss of light to apartments in Woodhead Row
2. Increase in traffic and highway safety issues
3. Drainage problems
4. Woodhead Row is a development for people with no children and pets and the current residents will have to worry about children or pets running into the road.
5. Exceed density agreed by the Village Trust
6. Village Trust promised that the site would be a Wildflower Garden
7. South end of Water Street is quiet and the erection of family houses bringing children, pets and more cars will destroy privacy

Amended plans were received and 52 further notifications were sent to the same households notified originally and the objectors and a further site notice was displayed. 16 representations and 3 further petitions have been received in response to the amended plans reiterating the above objections and additionally stating:

1. The Trust did not consult the residents on the amended plans
2. Original concerns have not been addressed
3. Problems with the attitude of the Trust

### **Consultations**

Director of Technical Services - Traffic Management: No objection subject to conditions

Director of Law, HR and Asset Management - Environmental Protection: No objection

English Heritage: Letter received dated 21 October 2010 stating no objection however recommended amendments. Letter received 6 July 2011 following receipt of amended plans suggesting further minor amendments.

The Environment Agency: No objection

### **Director's Comments:**

Consideration of this application was deferred at Planning Committee on 25 October 2011 to allow Members to undertake a formal Site Visit.

### **REASON FOR REFERRAL**

The application is classed as a major residential development that requires Committee determination. Three qualifying petitions of objection have been received.

## **INTRODUCTION**

The proposal is a full application for the erection of 12 family houses with associated car parking and landscaping.

## **PRINCIPLE OF DEVELOPMENT**

The site is within an area designated as Primarily Industrial and a Regeneration Priority Area and as such the principle of a residential development on this site is acceptable.

## **SITE AND SURROUNDINGS**

The site is within Port Sunlight Village Conservation Area. The site is classed as previously developed brownfield land as it previously comprised a landscape depot. The vacant site is located on the corner of Water Street and Wharf Street and is currently unkempt in appearance. There have been recent developments constructed in the immediate area, Woodhead Row Apartments opposite on Water Street and a nursing home to the south. There has been a previous planning permission for apartments adjacent to the west of the site fronting onto Wharf Street, currently not implemented.

## **POLICY CONTEXT**

The site is within Port Sunlight Conservation Area and an area designated as Primarily Residential Area. It is also in an area where residential development is not restricted under the Interim Planning Policy. As such the following national and local policies are applicable:

### National

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development states that development should protect and enhance the natural and historic environment; ensure high quality development to support existing communities and contributes to safe, sustainable, liveable and mixed communities and advocates good design.

Planning Policy Statement 3 (PPS3) - Housing states that residential development should be high quality with a mix of housing to meet needs and demand and recognises the effective use of previously developed land.

Planning Policy Guidance 13 (PPG13) - Transport states the importance of locating development to ensure access to a choice of modes of transport.

Planning Policy Guidance Note 15 (PPG15) - Planning and the Historic Environment emphasises the importance of the protection of the historic environment and particularly states that open or gap sites in Conservation Areas should be a "stimulus to imaginative, high quality design and seen as an opportunity to enhance the area" and "what is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own".

### Regional Spatial Strategy

Policy DP1 - Spatial Principles sets out the need to promote sustainable communities, making the best use of existing resources and infrastructure and recognises the need to reduce emissions and adapt to climate change.

Policy DP9 - Reduce Emissions and Adapt to Climate Change - specifically advocates the need to increase urban density and encourages better built houses that are energy efficient, eco-friendly and adaptable.

### Wirral Unitary Development Plan

URN1 - Development and Urban Regeneration  
CH1 - Development Affecting Listed Buildings and Structures  
CH2 - Development Affecting Conservation Areas  
CH9 - Port Sunlight Conservation Area  
GR5 - Landscaping and New Development

## HS4 - Criteria for New Housing Development

Policy URN1 states that full and effective use should be made of land and focuses on the importance of bringing neglected, unused or derelict land into use.

Policies CH1, CH2 and CH9 permit proposals that are of a nature and scale that preserves or enhances the character and setting of listed building and surrounding conservation area.

Policy HS4 considers scale, layout, access, provision of adequate garden areas, design features that contribute to a secure environment and ensures no detrimental impact on the character of the area.

The site is within an area that is not restricted by the Interim Planning Policy (IPP) and as such is classed as a Regeneration Priority Area.

Policy GR5 states that landscaping details should form part of proposals for new development.

### **APPEARANCE AND AMENITY ISSUES**

The 12 houses will be located in two blocks, a terraced row of 9 fronting on to the west side of Water Street opposite Woodhead Row apartments and a row of 3 fronting onto Wharf Street. It is usual within the Village for blocks to 'turn the corner' however, the layout of the houses has been restricted due to easements on the site, which has resulted in the two separate blocks. English Heritage did originally comment that the layout should turn the corner but respect the fact that in this case site constraints dictated otherwise and in any event do not object to the scheme. There is existing 2 metre high boarded fence located on the boundary with the adjacent nursing home that will remain. There are existing car parking spaces at the top of the cul-de-sac on Water Street provided for Woodhead Row. An additional 12 spaces are proposed that will extend around the turning head to the south of the row of proposed houses on Water Street. Front and rear gardens are provided for each dwelling that include grassed areas with provision of landscaping and planting in both private and public open areas within the application site. Some of the objections received relate to loss of green space if the site is developed. The site is not designated as formal open or green space and is previously developed land that is currently unkempt in appearance. The development of the site and proposed planting and grassed areas will ensure that the site is brought into use whilst improving its appearance.

Objections have been received on the grounds that the scale, density and design is out of keeping with the Village and three storey dwellings are inappropriate. The dwellings have been designed to reflect the scale and massing of houses within the village and the layout of the blocks represent other blocks in the Village. Although a third floor is provided within the roof space, a common eaves line is maintained in line with the houses in the immediate area and the scale and massing of the roofs match the varying gable and hip features of many houses throughout the village. Rear dormers are proposed, which are a common feature in the immediate area. The windows have been designed with differing proportions to reflect the varying window patterns in the Village and the 'no two block alike' principle. Proposed materials include clay roof tiles and red facing brickwork which again reflect existing and traditional materials within the Village. As such, it is considered that the scale, density, massing and design of the dwellings are acceptable and would not be an overdevelopment of the site.

In addition to this, the development will not detract from the character of the Conservation Area. The development of the site as proposed will enhance the visual appearance of the area. Many of the objections received state that as Port Sunlight is a conservation area it should not be built on. English Heritage state in their general guidance relating to conservation areas that "they (conservation areas) don't have to remain frozen in time, change is often necessary to accommodate the demands of modern living". This adequately describes the fact that solar panels are proposed, which has attracted some objection. The solar panels will be a new feature in the Village, much the same as satellite dishes would have been at one time, however, the inclusion of the panels in the development will not harm the visual amenity of the area. The principle of developing the site is acceptable and the main issue is that any proposal should not detract from but preserve and enhance the area. It is considered that the design and layout of the proposal reflects the special features in the Village and will add to the special character of the conservation area.

It is recognised that there has been development in the immediate area, notably the nursing home and the apartments opposite and concerns have been raised over the cumulative impact. Each planning application is assessed on its own merits having regard to the relevant planning policies and this would have been the case for the previous proposals. In this case it is considered that there would be no harm to the character of the Conservation Area and in fact, the development of the site would enhance this part of the Village bringing a vacant, untidy site into use. As set out above, the scale, layout and massing even when compared contextually to neighbouring buildings, is not overdevelopment or out of keeping with the character of the area.

English Heritage commented on the originally submitted plans and although they did not object to the proposal, recommended amendments relating to architectural features including timber detailing and Arts and Crafts ornate chimneys. Amended plans were received in May 2011 showing revised materials, windows, chimneys and porch details taking into account the advice from English Heritage. The Council's guidance on publicity for planning applications states that there are no statutory requirements to publicise amendments only where there are significant alterations or increase in size of the development. Although this was not the case for the amendments received as they related to design details, given the amount of public comments received, it was considered appropriate to re-consult on the amendments. As a result further comments have been received reiterating the same objections and stating concern over the conduct of the Port Sunlight Village Trust, which is not a material planning consideration. Further comments from English Heritage received in July this year recommend further 'cosmetic' revisions to design details, including the addition of a chimney breast to the western end gable to the Wharf Street block and revisions to chimney design. Some of the details recommended are covered by the imposition of conditions, for example submission of details of materials and detailing of eaves. Amended plans have been received illustrating the minor detailed design revisions, which are considered acceptable. In accordance with the advice in the guidance on publicity for planning applications as the amendments are relatively minor, will improve the appearance in line with the advice from English Heritage and the Council's Conservation Team and will not significantly impact on the scale, layout or massing of the development it is not considered necessary to re-consult on the amended plans.

Some objections relate to restrictions to their properties due to listed building status and this is a legislative requirement and not directly applicable to this proposal. Objections stating that the applicant, Port Sunlight Village Trust has not kept residents informed, explored alternative avenues/proposals and that the application is about greed and money are issues outside the remit and control of the Local Planning Authority and are not material planning considerations. Likewise the wish for the site to be used as community allotments or a wildflower garden is out of the control of the Local Planning Authority and not a material planning consideration relating to this planning application.

Objections have been received stating insufficient drainage and risk of flooding, the Environment Agency raise no concern and do not object to the proposal.

Concern over noise and disturbance during construction and that family housing will bring children and pets are not material planning considerations that can be taken into account when considering the merit of the proposal.

In terms of affordable housing provision, the applicant has stated that it is not viable to provide the required 20% mainly due to house prices and cost of the build especially to a high specification with quality materials. A viability assessment has been submitted and at the time of writing this report is being reviewed by an independent consultant and the findings will be reported. A suitable condition could be imposed requiring a provision of affordable housing if the findings do not concur with the applicants viability assessment.

### **SEPARATION DISTANCES**

The proposed houses will be located opposite Woodhead Row apartments where habitable room windows will face each other. As such guidance on separation distances advocate that a distance of 21 metres should be achieved. This distance is achieved apart from one end dwelling. The most southerly end house on Water Street measures a distance of 20 metres from the opposite apartment and is mainly due to the design concept of providing a gable as a feature to result in an acceptable appearance. Notwithstanding this, the shortfall of 1 metre is considered not to result in any undue

harm or loss of privacy that would be detrimental to the occupier(s) of both the apartment opposite or the future occupier of the proposed development to warrant refusal.

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

Objections have been received with regards to the increase in the volume of traffic and parking issues. The proposals have been assessed by the Council's highway engineers who have confirmed that highway safety will not be affected and there is adequate provision of parking provided to serve the development. As such, it is considered that the proposal will not have an adverse impact on highway safety that would warrant a refusal of planning permission.

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

A tree survey has been carried out which identifies that the main trees on the site comprise ash, horse chestnut and lime as well as some self seeded species. It is proposed to remove 3 trees located at the front of the site on the corner of Wharf Street and Water Street. Although the trees form part of the treescape their spacing is erratic and they have not been maintained. It is considered that the removal of these trees will not be harmful to the character of the area and the proposal includes a landscaping scheme, which is considered acceptable and will add to the visual amenity of the area. In terms of environmental benefits, a source of renewable energy is included in the form of solar panels, which is considered a positive and acceptable feature in the area.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The proposals would not result in a detrimental change in the character of the area, and will contribute towards the special character of Port Sunlight's form and layout. Local and national policies relating to Conservation Areas permits development where it can be demonstrated that the proposals will preserve or enhance the distinctive characteristics of the area. It is considered that the redevelopment of this site for residential use would make beneficial use of a vacant and unkempt site, significantly improving this part of the conservation area. The proposed development considers the general design and layout of the area and this is reflected in the elevations and layout of the proposed dwellings. The proposal preserves the planned layout of the village and attempts to replicate unifying features, such as the scale and design of buildings found elsewhere in Port Sunlight. In addition, it is considered that there will be no detrimental impact or loss of residential amenity. The proposal accords with Policies HS4, CH1, CH2, CH9 and GR9 of the Wirral Unitary Development Plan and 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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposals would not result in a detrimental change in the character of the area, and will contribute towards the special character of Port Sunlight's form and layout. Local and national policies relating to Conservation Areas permits development where it can be demonstrated that the proposals will preserve or enhance the distinctive characteristics of the area. It is considered that the redevelopment of this site for residential use would make beneficial use of a vacant and unkempt site, significantly improving this part of the conservation area. The proposed development considers the general design and layout of the area and this is reflected in the elevations and layout of the proposed dwellings. The proposal preserves the planned layout of the village and attempts to replicate unifying features, such as the scale and design of buildings found elsewhere in Port Sunlight. In addition, it is considered that there will be no detrimental impact or loss of residential amenity. The proposal accords with Policies HS4, CH1, CH2, CH9 and GR9 of the Wirral Unitary Development Plan and is recommended for approval.

**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. Before any construction commences, full details and samples of the all the facing, roofing, chimney, window materials and door surrounds including canopies 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 Policies HS4, CH1, CH2 and CH9 of the Wirral Unitary Development Plan.

3. Before any construction commences, full details and plans to a scale of 1:10 showing the eaves to each of the proposed gables shall be submitted to and approved in writing by the Local Planning Authority. The approved eaves details 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 Policies HS4, CH1, CH2 and CH9 of the Wirral Unitary Development Plan.

4. Notwithstanding the details submitted with the planning application, full details of the access onto Wharf Street and Water Street shall be submitted to and approved in writing by the Local Planning Authority. The access shall be formed in accordance with the approved details and prior to the first occupation of the development hereby approved.

**Reason:** In the interest of highway safety having regard to Policy HS4 of the adopted Wirral Unitary Development Plan.

5. No part of the development shall be brought into use until the existing vehicular access rendered obsolete have been permanently closed off and the footway reinstated. These works shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy HS4 of the Wirral Unitary Development Plan.

6. No development shall take place until details of landfill gas monitoring of the site, together with a scheme for gas exclusion control relating to the construction of the building and/or the application site, have been submitted to, and, in the case of the scheme, approved by the Local Planning Authority. The approved scheme shall be implemented before the first building is occupied.

**Reason:** In the interest of the safety of the users of the site.

7. No development shall commence until a ground contamination survey has been undertaken, taking into account any potential contaminants from all known previous land uses. Should this survey identify any such contaminants, then a scheme of remediation to render the site suitable for use shall be submitted to and approved in writing by the Local Planning Authority prior to such works being undertaken. A statement giving precise details of the nature and extent of any such remediation, together with certification that the site has been made suitable for its intended use, shall also be submitted to and approved in writing by the Local Planning Authority.



**Reason:** In the interests of the residential amenity of future occupiers.

8. The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

**Reason:** In the interests of visual amenity and to ensure a satisfactory standard of appearance having regard to Policies HS4 and GR5 of the Wirral Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to the dwellings or any addition to the roof or the construction of a porch shall be erected unless expressly authorised.

**Reason:** In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policies HS4, CH1, CH2 and CH9 of the Wirral Unitary Development Plan.

10. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the buildings are occupied and the development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policies HS4, CH1, CH2 and CH9 of the Wirral Unitary Development Plan.

11. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

**Reason:** To ensure that the proposed development does not prejudice the appearance of the locality having regard to Policies HS4 and GR5 of the Wirral Unitary Development Plan.

12. No equipment, machinery or materials are to be brought on the site for the purpose of the development until all the trees to be retained have been protected by fences or other suitable means of enclosure to the distance of the outermost limit of the branch spread or as per recommendations given in BS5837 (2005), 5.2, Table 2, "A Guide for Trees in Relation to Construction" whichever is the further from the tree and with regard to this proposal the protective fencing shall be at least 1.5m high, comprising a scaffolding framework, as in 9.2.2. of BS5837 (2005), supporting a minimum of 20mm exterior grade ply or other approved robust man-made boards as shown in BS5837 (2005), Figure 2, within which no activities associated with building operations shall take place, such areas also being free of the storage of materials or temporary structures. No fire shall be lit within 10m from the outside of the crown spread of the trees to be retained.

**Reason:** To ensure that the tree (s) are not damaged or otherwise adversely affected by building operations and soil compaction having regard to Policies HS4 and GR5 of the Wirral Unitary Development Plan.

13. No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

**Reason:** In the interests of visual amenity and to ensure a satisfactory standard of appearance having regard to Policies HS4 and GR5 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

**Last Comments By:** 06/07/2011 13:49:58

**Expiry Date:** 06/12/2010