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APP/2009/5057

WARD Oxton

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**Location:** 2-2A Village Road Oxton Wirral CH43 5SR

**Proposal:** Proposed demolition of existing building and 2 bed residential unit and erection of 3.5 storey building comprising of 4 no retail units, 8 no offices and a single residential unit (amended scheme)

**Applicant:** Mr M Hercules  
Eraklis Developments Ltd  
C/o 10 Rokus Manor  
Claughton Firs  
Oxton  
Wirral, CH34 5TG

**Agent:** Mr Martin Fletcher  
Martin Fletcher Architects  
4A Lucerne Street  
Aigburth  
Liverpool  
Merseyside L17 8XT

**Development Plan allocation and policies:** Oxton Conservation Area  
HS4 - Criteria for New Housing Development  
SH4 - Small shopping Centres and Parades  
CH7 - Oxton Village Conservation Area  
SPD4 - Parking Standards  
SPD2 - Self contained flat developments and conversions.

**Planning History:** No related permission - previous histories relate to the vacant bank.

**Representations and consultations received:** Representations:

A site notice was displayed by the applicant. A total of 25 letters of notification have been sent to properties in the area. At the time of writing this report 14 objections have been received, listing the following grounds:

- . Car parking (problems due to increase in car numbers and not enough parking)
- . Problems with deliveries
- . Height of the proposed building
- . Overlooking
- . Noise problems
- . Dominant elevation to neighbouring property
- . Overshadow
- . Site access
- . Bin store located near to residential properties
- . Unattractive design to side and rear of the building
- . Overdevelopment

A qualifying petition of 29 separate household signatures has been submitted on the grounds that the proposal is too tall, increase in traffic and overlooking.

Consultations:

Director of Regeneration - Housing & Environmental Protection Division: No objection.

Director of Technical Services - Traffic Management Division: No objection subject to condition.

Merseyside Cycling Campaign: No details provided as to secure cycle storage for use of the flat, insufficient provision for the scale of the building.

Oxton Society: In principle support the overall proposal, however the plans show a featureless gable and a balcony, which is out of character with the traditional character of the building.

**Directors comments: PROPOSAL**

The application was deferred from Planning Committee on the 30 April 2009 to allow for a Committee Site Visit.

The proposal is for the demolition of existing building and the erection of a 3.5 storey mixed use building comprising of 4 retail units, 8 offices and 1 flat.

The building will comprise 4 retail units at ground floor, 4 office units at first floor, 4 offices at second floor and 1 split level flat at third floor.

The application has been amended, the original scheme included a roof terrace to the rear of the more westerly building at the rear, this has since been removed and the ridge height lowered.

**PRINCIPLE OF DEVELOPMENT**

The site is located within Oxton Village Conservation Area, the site is located at the end of an existing row of commercial units to the east and residential dwellings to the west and north, the proposed mixed use is representative of the immediate area and as such the use is acceptable in principle.

**SITE AND SURROUNDINGS**

The current site comprises of a vacant part single part two-storey bank with a single storey residential unit to the rear. To the east and south of the building are predominantly three storey Victorian buildings that comprise of retail/commercial units at ground floor. To the south and west are more modern residential dwellings that are typically two-storey in height.

Within the centre of the Village there is a variety of heights that runs alongside each other, some are in consistent blocks of 3 storey and others in consistent blocks of 2 storey, the more modern properties are typically 2 storey in height.

The land runs lower to the rear of the site, sections and site levels will be required as part of any approved building to ensure that there is no detrimental impact onto the residential and site levels properties at the rear.

There is limited parking within the Village with on street parking time restricted, as well as double yellow lines along junctions and one-way road systems in place along Palm Hill and Claughton Firs.

**POLICY CONTEXT**

In terms of the proposed uses, the layout and number of commercial units is acceptable within this location. The proposed residential unit is to replace an existing residential unit to the rear of the site.

In terms of the built development, the building has been designed with the traditional buildings of the Village in mind; the building has been located with the bulk of the building nearest the existing 3 storey buildings to the east. The layout of the buildings has been staggered due to the un-uniform nature of the building line and the dramatic height reduction of the detached dwelling no2 to the west.

The proposed building is staggered in height and along the building line, the building most near to the west boundary has a maximum height of 11.5m, the most eastern building has a maximum height of 12m, the most eastern building has dormer windows to the front and rear elevation. There is a difference in land levels across the site, to the south of the site the land is approximately 1.5m higher than to the rear north of the site near to the boundary with the dwellings on Jarow Close.

**APPEARANCE AND AMENITY ISSUES**

The proposed building is set back along the front elevation, so that the building as a

whole does not project so far forward of the neighbouring building no2 Village Road to cause an over dominant structure. The building is set 4m from the side elevation of the dwelling and projects 4.5m forward and 2m outward to the rear, the building is approximately 4m higher than no2 Village Road, however the main gable form sits in line with the dwelling and creates a relationship between the modern detached dwelling and the existing buildings within the Village.

To the rear of the eastern elevation of the building, the proposal runs up alongside no62 Christchurch Road and projects further out to the rear, however the extension at the rear is at single storey level only and the three storey element is pushed back away from the party boundary by 7m reducing the overall impact of the building onto the existing properties.

In terms of dominance of the proposed building, the development meets the separation distances and does not result in any direct overlooking. The building has been designed to incorporate the traditional features and heights of the existing buildings to the east whilst trying to complement the modern dwelling to the west. Whilst the height of the building (approximately 4m) is higher than the adjacent house, the main bulk is located within the building lines of the house and the two buildings are separated by a 4m distance. The buildings are south facing so a minimal level of overshadowing will occur to the front elevation of the dwelling at no2 Village Road.

Access to the private flat is at the rear of the building via the access road, there is a lift to the rear of the building as well as an internal stairwell that provides access to all of the floors, access to the retail units is available at front and rear.

The proposal is a mixed use development, whilst the proposal shows offices to the upper floors, the ground floor is designated as retail. However due to the close proximity of the building to residential properties the ground floor use will be restricted to A1 so as to control and reduce any harmful impact onto the residential dwellings, any intensification of the ground floor use will therefore be subject to a planning application.

#### SEPARATION DISTANCES

The proposal is set approximately 18m from the side elevation of no2 Jarrow Close, however the windows to the rear elevations at floor levels ground, first and second are for commercial units and not residential. The residential element is located within the roof space to the eastern section of the building and as such does not overlook a gable end but gardens to the rear of no2 Jarrow Close. The dormer windows to the rear elevation of the flat within the roof space are set into the roof and are set 5.5m from the main rear building line of the development (measured at single storey) and so are set approximately 21m from the boundary with no2 Jarrow Close.

The property opposite the site at the closest point would be no1 Village Road which is set 25m from the front elevation of the proposed development, this is not directly opposite and is a three storey building, as such the requirement of 21m window to window (habitable room guidance) would be met in this instance.

#### CONSERVATION

Comments received from the Local Authority Conservation Officer is for a recommendation of approval, the proposal is seen to fit in well with the traditional style of the Village and whilst the building is seen as tall, any change to this element of the design would be seen as detrimental to the overall design of the building.

The existing building is of no architectural merit; the proposed building has a design that is more in keeping with the style of the Village.

In terms of Policy CH7 the proposal seeks to preserve the design and scale of the more traditional dense buildings within the immediate Village and retain a relationship with the more modern dwellings.

#### HIGHWAY/TRAFFIC IMPLICATIONS

The proposal provides gated parking to the rear of the site, there are 11 parking spaces 1 of which is for disabled parking. Cycle storage is provided with parking for 14 cycles.

The front garden area of the site has been amended due to the impact of servicing vehicles on the site and within the Village. The plan has been amended to show the existing one-way in and out access retained so as to remove large vehicles from the nearby junction.

#### ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

#### CONCLUSION

The proposed design and scale of the building relates well with the traditional elements of Oxton Village, the applicant has staggered the building to provide a relationship with the existing and more modern residential dwellings to the west. The mixed-use element of the proposal complements existing ground floor uses within the Village and retains the commercial atmosphere of the immediate area.

**Summary of Decision:** The proposal is acceptable in terms of Wirral's UDP Policy CH7, SH4 and HS4.

**Recommendation:** **Approve**

#### Condition(s):

- 1 Full planning permission: standard commencement date. (C03A)
- 2 Development according to plans received on 20 March 2009 and 4 April 2009. (C24C)
- 3 samples of the materials to be submitted and approved prior to commencement (C59B)
- 4 Gates etc. agreed/built prior to first occupation of the building. (C11F)
- 5 Cycle parking scheme on plan 180.12e to be completed prior to occupation (C61M)
- 6 Prior to first occupation of any part of the development, the windows on the west facing side elevation shall be fixed and obscurely glazed and shall be retained as such thereafter.
- 7 restrict use to A1 retail at ground floor within Use Class 1
- 8 Detailed landscaping scheme to be agreed prior to commencement (C71A)
- 9 Landscaping works to be carried out in accordance with the approved details as set out in Condition 9. (C71J)
- 10 Prior to first occupation of the building, detailed section drawings of any security shutters shall be submitted to the Local Planning Authority and agreed in writing. The details as agreed shall be implemented and retained as such.
- 11 Servicing area scheme to be submitted and agreed before commencement. (C14A)
- 12 Before the development hereby permitted is first commenced, 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 plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

#### Reason for conditions

- 1 Standard (CR86)
- 2 For the avoidance of doubt. (CR33)
- 3 In the interests of visual amenity. Policy EM6 or HS4 of the UDP (CR66)
- 4 In the interests of amenity. (CR17)
- 5 To promote more sustainable forms of transport. Policy TR12 of the UDP (CR69)
- 6 In the interests of residential privacy.
- 7 Additional uses to those specified would require individual assessment to avoid detrimental impact on area. (CR59)
- 8 In the interests of the visual amenities of the area. Policy GR5 of the UDP (CR79)
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## Planning Committee 21 May 2009

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- 10 Having regard to the character and appearance of the Conservation Area.
- 11 To provide adequate servicing. (CR20)
- 12 To ensure a satisfactory appearance and avoid overlooking having regard to Policy HS4 of the Wirral Unitary Development Plan.

**Last Comments By:** 09 April 2009

**56 Day Expires On:** 06 May 2009

**Case Officer:** Miss A McDougall