

## Planning Committee

21 July 2010

**Reference:**  
**APP/10/00583**

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

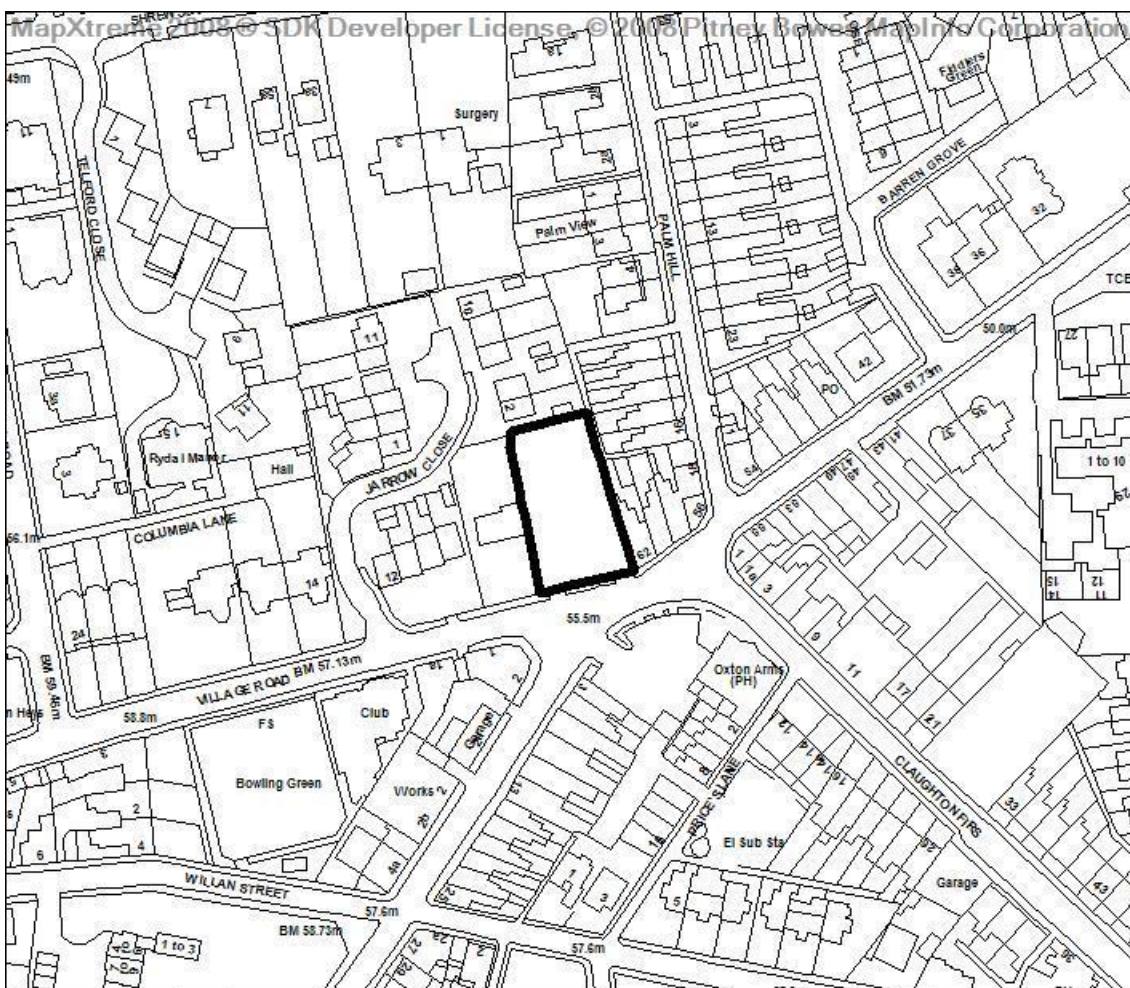
**Case Officer:**  
**Miss S Hesketh**

**Ward:**  
**Oxton**

**Location:** Unused Land, VILLAGE ROAD, OXTON, CH43 5SR  
**Proposal:** Proposed demolition of existing building and 2 bed residential unit and erection of 3/ 3.5 storey building comprising of 4No. retail units, 8No. offices and a single residential unit.

**Applicant:** Eraklis Developments  
**Agent :** MARTIN FLETCHER ARCHITECTS

### Site Plan:



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### Development Plan allocation and policies:

Density and Design Guidelines Area  
Primarily Residential Area  
Conservation Area (for illustrative purposes)

### Planning History:

APP/09/05057 - Demolition of existing building a 2-bed residential unit and erection of 3.5 storey

building comprising of 4no. retail units, 8no. offices and a single residential unit (amended scheme) - Refused 22/05/2009 (Appeal Dismissed)

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

#### **Representations:**

22 letters of notification have been sent to properties in the area and a site notice was displayed. At the time of writing this report 8 letters of objection and a qualifying petition of 36 signatures have been received citing the following concerns:

- The development would have an overbearing effect on the area by virtue of its size;
- The height and massing of the building would fail to provide a sufficient visual transition to the properties on Village Road and Jarrow Close;
- The proposal presents the same problems of scale and design as the application refused by the Planning Inspectorate;
- The proposal is not sympathetic to the surrounding development

One email requested a condition recommending an acoustic fence prior to the commencement of works.

#### **Consultations:**

Director of Technical Services – Traffic Management Division: No objection

Director of Technical Services – Tree/Landscaping Officer: No objection subject to a condition

The Director of Law, HR & Asset Management - Pollution Control Section: No objection

Merseyside Cycling Campaign objected on the lack of secure, covered cycle storage for staff, visitors and residents

The Oxtan Society had no objection to the amended plans subject to a landscaping condition

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

### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition with signatures from 37 separate households has been received.

### **INTRODUCTION**

The application proposes a resubmission of refused application APP/09/05057 for the erection of a 3/3.5 storey mixed use building comprising of 4 retail units, 8 offices and 1 flat. The application was dismissed by the Planning Inspectorate for reasons of its height and massing which would fail to provide a sufficient visual transition to the much lower residential properties along Village Road, and would be overbearing from No.4 Village Road and No.2 Jarrow Close. He considered the proposal would create a significant discontinuity in the street scene in juxtaposition to the adjacent property No.4 Village Road. The application has been amended and the ridge height lowered.

### **PRINCIPLE OF DEVELOPMENT**

The site is located within Oxtan Village Conservation Area 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 site comprises a vacant plot which is boarded up along Village Road. 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 building heights that run 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. 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**

The application shall be assessed against HS4 – Criteria for New Housing Development, SH4 – Small shopping Centres and Parade, CH7 – Oxtan Village Conservation Area of the adopted Wirral Unitary

Development Plan and SPD4 – Parking Standards and SPD2 – Self contained flat developments and conversions.

### **APPEARANCE AND AMENITY ISSUES**

The previous application was refused by the Planning Committee and dismissed at appeal by reason of its height and massing which would fail to provide a sufficient visual transition to the much lower residential properties along Village Road and resulted in an overbearing structure. The plans have been amended and the ridge height adjacent to No.4 Village Road has been dropped from 12.3m to 11m. As such the proposal has been reduced in height to measure approximately 2.9m higher than the adjacent property No.4 Village Road, and is considered to relate in size to the modern two-storey detached dwelling and reduce the bulk of the building when viewed from neighbouring properties. The amended plans are considered to have overcome the Inspector's reason for refusal.

The impact of the proposed building is further reduced as it is set back along the front elevation of No.62, and staggered so not to cause an over dominant structure. The building is set 4m from the side elevation of No.4 Village Road and 19.4m from No.2 Jarrow Close.

To the rear of the eastern elevation of the building, the proposal runs up alongside No.62 Christchurch Road and is single-storey level only to reduce its impact onto the surrounding properties.

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. The design of the pitch roof dormers is considered acceptable. The bulk of the building is located within the existing building lines. The buildings are south facing so a minimal level of overshadowing will occur to the front elevation of the dwelling at No.4 Village Road at sunrise to the east.

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 and is not considered to undermine the Interim Planning Policy - New Housing Development. The flat is of an acceptable layout with adequate levels of daylight and outlook. 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. Due to the close proximity of the building to residential properties the ground floor use will be restricted to A1 retail 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.

Conservation Officers are satisfied with the proposals and raise no objections to the scheme. The proposal compliments the traditional style of the village and whilst the building is seen as tall, further reductions in height would be considered detrimental to the overall design of the building. The existing building (demolished) was of no architectural merit and 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.

### **SEPARATION DISTANCES**

In terms of dominance of the proposed building, the development meets the separation distances and does not overlook a property directly. The Planning Inspector did not refuse the application on separation distances. Having regards to SPD2 a habitable room window should be set 14m from a blank gable wall, for every metre difference in ridge height the above distances should be increased by 2m. The proposal is set approximately 19m from the side elevation of No.2 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 No.2 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 No.2 Jarrow Close.

The property opposite the site at the closest point would be No.1 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.

The Planning Inspector recommended an obscured glazing condition to the rear elevation to prevent overlooking, which the applicant has indicated on the plans. This can be conditioned.

#### **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. The proposal complies with SPD4 Parking Standards. A cycle store area has been indicated on the plans and can be conditioned. The Director of Technical Services (Forward Planning Highways) requested a travel plan. The Director of Technical Services (Highway Engineers) had no objection to the proposal.

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

There are no Environmental/Sustainability issues relating to these proposals. The Planning Inspector suggested acoustic fencing would reduce noise and disturbance to neighbouring properties, and this can be conditioned.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The proposed design and scale of the building relates well with the traditional elements of Oxton Village, is not considered detrimental to the amenities neighbouring properties should expect to enjoy, and is considered to have overcome the Planning Inspectorate's previous reason for refusal. The scale of the proposal has been amended to provide a better transition between the differing building heights adjacent to the site. 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:**

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 proposal is not considered to have a harmful visual impact on its surroundings or the character of the area. It is deemed not to adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design and complies with Policy HS4 – Criteria for New Housing Development SH4 – Small shopping Centres and Parades, and CH7 – Oxton Village Conservation Area of the adopted Wirral Unitary Development Plan and SPD4 – Parking Standards and SPD2 – Self Contained Flat Developments and Conversions.

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

#### **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. Development shall be built in accordance with plans received on 09 June 2010.

**Reason:** For the avoidance of doubt.

3. Before any construction commences, samples of the materials 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:** In the interests of visual amenity and in accordance with policy CH7 of the UDP

4. Details of gates and acoustic fencing shall be agreed in writing by the Local Planning Authority and built prior to first occupation of the building. Any enclosures shall remain as such thereafter unless agreed in writing by the Local Planning Authority.

**Reason:** In the interests of amenity.

5. No part of the development shall be brought into use until details of cycle parking has been agreed in writing by the Local Planning Authority. These facilities shall be permanently retained thereafter.

**Reason:** In the interests of highway safety and to accord with Policy TR12 in the in the Wirral Unitary Development Plan 2000

6. The approved Travel Plan shall be implemented in accordance with the timetable approved in writing by the Local Planning Authority. The approved Travel Plan shall continue to be implemented as long as any part of the development is occupied.

**Reason:** In the interests of highway safety and to accord with SPD4 Parking Standards

7. 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.

**Reason:** In the interests of residential privacy.

8. Prior to first occupation of any part of the development, the windows on the north facing side elevation shall be fixed and obscurely glazed and shall be retained as such thereafter.

**Reason:** In the interests of residential privacy.

9. The ground floor premises shall be used only for the purpose of A1 retail specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended nor for any other purpose without the prior permission of the Local Planning Authority.

**Reason:** To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits, and to to avoid detrimental impact on area.

10. Details of a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The proposed landscaping shall be completed before the proposal hereby approved is occupied and thereafter shall be maintained to the satisfaction of the Local Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

11. Landscaping works to be carried out in accordance with the approved details as set out in Condition 10

**Reason:** In the interests of the visual amenities of the area. Policy GR5 of the UDP

12. 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.

**Reason:** In the interests of the visual amenities of the area.

13. No part of the development shall be occupied until facilities clear of the highway have been provided as part of the development hereby approved for the loading/unloading/turning of vehicles in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority; such drawings shall detail means of access, size, siting and surface treatment, and the areas so provided shall at no time be used for any other purpose.

**Reason:** To ensure that the proposed development does not prejudice the free flow of traffic, the conditions of general safety along the neighbouring highway or the amenities of the area and to accord with Policy HS15 of the Wirral Unitary Development Plan.

14. 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:** To ensure a satisfactory appearance and avoid overlooking having regard to Policy HS4 of the Wirral Unitary Development Plan.

15. The design of the vehicular access and parking areas, shall take account of all trees situated on or off site and must be in line with appropriate guide lines (BS 5837: 'Trees in Relation to Construction' 2005 and Arboricultural Advisory and Information Service, Practice Note 'Driveways Close to Trees 1996'). The driveway / parking areas, which are within 4 m of existing trees, must be constructed utilising minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to withstand any influence of existing trees with regard to future potential indirect/direct tree related damage. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of the proposed driveway / parking, which are within 4m of existing trees, to include their dimensions (in relation to existing ground levels), specifications (materials) and when they are to be constructed in relation to other development works.

**Reason:** To ensure that existing third party trees, are not damaged or put under pressure of removal due to actual or perceived risk of potential driveway damage. Which will maintain the visual and environmental quality of the site and surrounding area.

16. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:
- 1; a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - 2; the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
  - 3; a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological,

hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

4; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

5; the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping).

The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

6; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

7; the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

8; the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.

9; the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).

10; the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

11; the timing of the various phases of the works or development in the context of the tree protection measures.

**Reason:** To maintain the visual and environmental quality of the site and surrounding area.

17. The following activities must not be carried out under any circumstances:
- a, No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - b, No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
  - c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
  - d, No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
  - e, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

**Reason:** To maintain the visual and environmental quality of the site and surrounding area.

18. 21 days before any development is commenced resulting in any alteration of existing ground levels, demolition or alteration of the structure, written notice shall be given to the local planning authority whereupon the local planning authority, within 21 days of receipt of such notice, shall specify in writing to the developer which persons authorised by the local planning authority shall be allowed access to the site to inspect tree protection measures and construction of driveways / access near trees, for the purpose of arboricultural investigation.

**Reason:** To maintain the visual and environmental quality of the site and surrounding area.

19. Before any construction commences, details of the windows shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be used in the construction of the development and retained thereafter.

**Reason:** In the interests of visual amenity and in accordance with policy CH7 of the UDP

**Further Notes for Commitee:**

**Last Comments By: 24/06/2010 10:36:20**

**Expiry Date: 02/07/2010**