

Planning Committee

15 February 2018

Reference:
APP/17/01217

Area Team:
South Team

Case Officer:
Ms J Storey

Ward:
**Birkenhead and
Tranmere**

Location: LORD STREET & CLEVELAND STREET, BIRKENHEAD, CH41 6BL
Proposal: Alteration of the existing building to create a roof and a side extension.
Conversion of the existing building to create 200 student units with associated facilities, including external landscaping and recreational area and internal communal areas.

Applicant: Hamilton Studios Ltd
Agent : Knight Frank LLP

Site Plan:



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Development Plan designation:

Primarily Commercial Area
Primarily Residential Area

Planning History:

Location: New Municipal Building, 5 CLEVELAND STREET, BIRKENHEAD, CH41 6BL
Application Type: Work for Council by Council
Proposal: Temporary car park on site of former office building
Application No: DPP3/16/00566
Decision Date: 24/06/2016
Decision Type: Approve

Location: New Municipal Building, 5 CLEVELAND STREET, BIRKENHEAD, CH41 6BL
Application Type: Prior Notification of Demolition
Proposal: Demolition of disused office block
Application No: DEM/16/00530
Decision Date: 09/05/2016
Decision Type: Prior approval is not required

Location: New Municipal Building, 5 CLEVELAND STREET, BIRKENHEAD, CH41 6BL
Application Type: Full Planning Permission
Proposal: Carpark with low rail fencing
Application No: DPP3/17/00799
Decision Date: 24/08/2017
Decision Type: Withdrawn

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Councils Guidance on Publicity for applications 157 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report a qualifying petition has been received against the proposal, and 4 individual objections, on the following grounds:

1. Probability of excessive noise and litter
2. Encroachment of privacy
3. Height issues
4. Insufficient parking

Hamilton Square Conservation Area Advisory Committee advised "although the committee does not object to the proposal in principle, please see the suggested conditions, which we consider to be necessary in the interests of protecting the living conditions of the future occupants of the building and the existing residents of Brunswick Mews".

CONSULTATION

Head of Environmental & Regulations (Pollution Control) – No objection

Head of Environment & Regulations (Traffic and Transport Division) – No objection

Historic England – No objection

DIRECTORS COMMENTS:

REASON FOR REFERRAL

The proposal is for the conversion of former offices to student accommodation in a primarily commercial area and there is a qualifying petition of 25 signatures against this proposal.

INTRODUCTION

This application is for the conversion and extension of the existing building to create 200 student units with associated facilities, including external landscaping and recreational area and internal communal areas. (sui generis)

The student accommodation comprises of a mixture of fully furnished bedrooms and studios with kitchenettes which will be supported by onsite cooking facilities and managers office

The existing building comprises of a vacant, three storey office block on the corner of Lord Street and Cleveland Street. The proposal includes an extension to increase the height of the building to a maximum of five storeys. In addition, the basement will contain a communal lounge, and study area, laundry room, gym, games room and kitchen.

The upper floors are to be converted into student accommodation comprising of a mix of studio apartments and bedrooms with en-suit bathrooms. The lower ground floor will contain students lounge, gymnasium, central garden areas etc. The proposed extension in the corner of the site will provide a landscaped courtyard with a pavilion, planting and water features. The existing car park will be converted to an outdoor gym.

SITE AND SURROUNDINGS

The application site is located at the former Wirral MBC Treasury building. The building is currently vacant but has a lawful office use (B1). The site is bound to the north by Cleveland Street and the Egan Court residential development to the south. To the west the site is bounded by Lord Street, whilst employment uses bound the street to the east.

There are a number of uses in the immediate and surrounding area. Immediately surrounding the site is a number of residential properties, including houses on Athol Street and Brunswick Mews and apartments on Lord Street. On the opposite side of Cleveland Street there are a number of large warehouses.

The site is on the edge of Hamilton Square Conservation Area which contains a number of Grade I and Grade II listed buildings. To the south of the site is Birkenhead Town Centre.

POLICY CONTEXT

Wirral Unitary Development Plan

Policy SH6 – Development Within the Primarily Commercial Areas advises that only, uses falling within Class A1, Class A2, Class A3, Class B1 and Class D1 of the Town and Country Planning (Use Classes) Order 1987 will be permitted subject to the following criteria;

(i) the proposal meets highway access and servicing requirements and includes off-street car parking in line with Policy TR9 and cycle parking in line with Policy TR12;

(ii) the siting, scale, design, choice of materials and landscaping is not detrimental to the character of the area;

(iii) the proposal does not cause nuisance to neighbouring uses, or lead to loss of amenity, particularly in respect of noise and disturbance, on-street parking or delivery vehicles - where necessary, a suitable condition will be imposed on hours of opening/ operation;

The application site is designated as part of Primarily Commercial Area. The proposal is a departure from this designation and has been advertised as such. There is no provision for development comprising of student accommodation in UDP Policy SH6 and as such material considerations need to

be identified to outweigh the statutory development plan.

In 2015, the building was declared surplus to requirements and closed in spring 2015 following the relocation of staff

Soon after its closure, interest was shown in the building by the Isle of Man Information and Communication Technology University which proposed to open a Faculty in Birkenhead to be affiliated to a local University. It intended to acquire the Conway Building for teaching space and this building for associated student accommodation but the proposal fell through when the University identified alternative accommodation located on the Isle of Man.

Following this, a recommendation was then made at the Assets and Capital Group to demolish the building and use the site for temporary staff parking and an application was submitted for prior approval for the demolition of the building. Whilst tender demolitions were being considered an approach was made to the Council by the applicants with a proposal to convert the building to provide 200 units of student accommodation which would deliver an estimated investment of £6million.

This has been the only other interest shown in developing the site since 2015, over 2 years ago.

The applicants have advised that the students are expected to be from Liverpool colleges and Universities and from the courses that may be generated from future development proposals with Chester colleges.

There are significant issues in this particular case, which lead to a finely balanced recommendation.

The site has been vacant for over two years, with the only proposals coming forward for the development of the site is student accommodation or for the demolition of the building and use of the site for a car park. In this instance, it is considered that the policy requirements to support economic growth by retaining this site for employment purposes are outweighed by the prospects and benefits of securing development on a site, that can provide regeneration benefits to the whole area and that would otherwise be at risk of further deterioration without a willing investor for bringing the site back into employment use.

It is acknowledged that the site is in an accessible location and that benefits can be accrued from the development in terms of the provision of student accommodation, including bringing a derelict and vacant building back into full use, increased spending within local and Town Centres and potential employment in construction and maintenance. There is access from the ground floor to the lower ground floor to the student café, games rooms and gym all of which would be considered acceptable within areas designated as Primarily Commercial within Wirrals Unitary Development Plan.

There is no planning policy Criteria to define the appropriate location of this type of student accommodation. However, it is considered that the nature of the proposal is considered to broadly align with UDP Policy HS14 Houses in Multiple Occupation which advises that;-

Proposals for the conversion of existing buildings to multi-occupancy will not be permitted unless the proposal fulfils all the following criteria:

- (i) the property being of sufficient size to accommodate the proposal and not of modern domestic scale;
- (ii) if the property is not detached then adjoining property is not in single family occupation;
- (iii) the proposal not resulting in a private dwelling having an HMO on both sides;
- (iv) the proposal not resulting in a change in the character of the surrounding area which would be detrimental;
- (v) the proposal not resulting in a concentration of HMO's in a particular area such that the character of the area is adversely affected;
- (vi) the proposal ensuring the privacy of neighbours and occupants, including the layout of car parking areas, to prevent overlooking of habitable room windows;
- (vii) staircase access normally being provided within the main structure of the building. If external staircases have to be provided they must not result in significant overlooking of neighbours' windows or private amenity space;
- (viii) any extensions required complying with Policy HS11;
- (ix) any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree;
- (x) any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;
- (xi) adequate sound proofing being provided;
- (xii) any basement accommodation having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle access ways;

(xiii) main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls;

(xiv) access to rear yards/,gardens being provided from each flat;

(xv) adequate visibility at entrance and exit points and turning space for vehicles;

Due to the urban scale and design of this detached building, the proposed conversion and extension of this existing office building to student accommodation is considered to be acceptable in this location and will not result in a change in character of the surrounding area. In terms of the amenities of future students who will reside here, all habitable rooms will have windows and have reasonable outlook, either to the street or to the internal courtyard.

The application site is on the edge of Hamilton Square Conservation area, the following Policies are therefore relevant;-

CHO1 the Protection of Heritage Strategic Policy advises that in considering all development proposals the local planning authority will pay particular attention to the protection of buildings, structures and other features of recognised architectural or historic importance, historic areas of distinctive quality and character; and important archaeological sites and monuments. Proposals which would significantly prejudice these objectives will not be permitted.

CH1 Development Affecting Listed Buildings and Structures Policy states that development likely to affect a building or structure listed under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will be permitted where the proposals are of a nature and scale appropriate to retaining the character and design of the building or structure and its setting; and that adequate provision is made for the preservation of the special architectural or historic features of the building or structure.

CH2 Development Affecting Conservation Areas Policy advises that development located within, adjacent to, or otherwise affecting the setting or special character of a Conservation Area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance the distinctive characteristics of the Area, including important views into and out of the designated Area, the distinctive characteristics of the Area, including important views into and out of the designated Area, the general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces; and the character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the Area.

When granting consent, special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials proposed to be used.

CH5 Hamilton Square Conservation Area Policy In relation to Hamilton Square Conservation Area the principal planning objectives for the area will be to:

(i) preserve the historic character, formal setting and sense of enclosure within the central square;

(ii) retain the unity of design and elevational treatment of buildings overlooking the central gardens;

(iii) preserve the wider visual setting of the Square by controlling the design and scale of new buildings located outside but visible from the central square; and

(iv) secure renewed economic, residential and leisure activity within the Area.

Policy TR9 sets out the requirement for off street parking provision within new development and road safety and traffic management considerations.

Policy TR12 Requirements for Cycle Parking Policy promotes cycle parking for any new development and where considered practicable and desirable by the Local Planning Authority, new development will be required to provide cycle parking facilities in line with the attached guidance

Development Management Policies in the Joint Waste Plan for Merseyside and Halton are 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, including composting, which can be secured through conditions.

Emerging Core Strategy Local Plan (Proposed Submission Draft - 2012)

One of the main priorities in Policy CS5 is to focus regeneration to preserve and enhance the

character and appearance of the conservation Area at Hamilton Square, to secure the long-term mixed-use commercial future for the designated area and the setting of other designated and un-designated heritage assets. Another priority is to use the scale of new development within the area to significantly reduce the amount of vacant and underused, previously developed land. The National Planning Policy Framework (NPPF)

Paragraph 17 notes that there are twelve principles to the planning system, principle 4, requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Principle 8 requires planning to encourage the effective use of land by re-using land that has previously been developed. Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 58 sets out the design requirement for proposed development and seeks to ensure that:-

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping

APPEARANCE AND AMENITY ISSUES

The proposed use of the site for student accommodation will ensure that the existing building which is considered to be an iconic feature in this part of the town will be retained and refurbished.

The conversion of the vacant office building to student accommodation will include the construction of an extension of the existing building by “infilling” the corner block. This new element will create an internal courtyard development centred on a garden area for the students. The proposal also includes increasing the height of the building by an additional 2 storeys. The design utilises the existing building fabric and the additional storeys will be constructed using more modern, contemporary materials and design. It is considered that doing so, the visual scale of the building is reduced and begins to reflect the more domestic scale of the dwellings along Lord Street.

The applicants have advised that the extension will be clad in Steni gloss coloured panels. Bright white render is proposed on the existing structure, giving the vacant building crisp clean lines.

It is considered that the proposed development is well designed and will be constructed of materials which will “lift” the immediate area. The scheme provides appropriate landscaping which relates well to surrounding properties. The proposal also includes design features which contribute to a secure environment and reduce the likelihood of crime.

There have been concerns raised from surrounding residents with regards to increase in noise and

general disturbance, loss of privacy and height issues.

The facility is to be managed 24/7 and the building Managers apartment has been identified within the scheme. A condition requiring the submission of a management plan to secure adequate management of the facility is attached. Further measures to control noise include the provision of double glazed windows with 100mm restrictors to stop them opening fully and external rendered insulation.

The proposed elevation facing 5-9 Brunswick Mews contains no additional windows. The elevation facing 10-19 Brunswick Mews does contain additional windows at third floor level, amended plans have been received that show these windows angled away from these properties.

The applicants have submitted a shadowing plan that identifies any additional shadowing to surrounding residential occupiers through the provision of the proposed extension. The outcome identifies that increase in the amount of shadowing through the proposed extension, will have a minimal impact on the residential amenities of surrounding occupiers.

It can be concluded that reuse and alteration to the existing building would provide a visual improvement to the surrounding area and the increase the number of students living in this location thereby assisting in supporting local businesses and the wider regeneration of the area including Hamilton Square and Birkenhead Town Centre.

Impact on Hamilton Square Conservation Area and associated Listed Buildings

The application is accompanied by a Heritage Statement that identifies the relevant heritage assets that could be affected by this proposal and describes the potential impact and makes a series of conclusions. These conclusions are summarised below and supported by the Council's Conservation Officer.

The application site is located to the west of Hamilton Square, which is formed by a series of Grade I listed terraces. The proposed development occupies a corner within the Laird Grid; however the proposed development would only be glimpsed from one open corner of Hamilton Square and would be separated from the utilitarian rear elevation of Nos 19-34 Hamilton Square by a block of properties within the grid. It is considered that the proposed development would cause a minor change within the setting of the listed buildings that form the square.

The proposed development would be visible within the settings of the two Mersey Tunnel Ventilation Stations, however the scale and dominance of the structures within the wider townscape is such that the proposal would not impact on the ability to appreciate their special architectural interest. This can also be concluded in relation to the impact of the proposal on the stork hotel who's special interest is derived from the survival of the internal Plan form and the period decoration.

It is therefore considered that the special architectural and historic interest of the listed buildings located near to the application site and the character and appearance of Hamilton Square Conservation Area would be preserved by the proposed development and is therefore in accordance with the relevant statutory duties of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposals would sustain the significance of the identified heritage assets and would satisfy the requirements of the NPPF and Local plan policies.

SEPARATION DISTANCES

Separation distances are dealt with above.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

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

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Although the proposal is contrary the UDP designation as a Primarily Commercial Area, the site is currently occupied by a vacant three storey building which has been unoccupied for the last 18 months. The site is within a sustainable location that is well served by public transport and close to Birkenhead Town Centre. The attached conditions should ensure that any noise or anti-social behaviour is controlled. The proposed extensions are considered to be well designed and the scale appropriate to the mixed use of its surroundings. The proposal will bring into use will bring a vacant derelict building back into a use that will bring regeneration benefits to the area as a whole. In this particular case, on balance, the material considerations are considered sufficient to outweigh the statutory development plan.

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 site is currently occupied by a vacant three storey building which has been unoccupied for the last 18 months. The site is within a sustainable location that is well served by public transport and close to Birkenhead Town Centre. The attached conditions should ensure that any noise or anti-social behaviour is controlled. The proposed extensions are considered to be well designed and the scale appropriate to the mixed use of its surroundings. The proposal will bring into use will bring a vacant derelict building back into a use that will bring regeneration benefits to the area as a whole. For these reasons the proposal is considered acceptable and accords with both National and Local Planning Policy Advice.

Recommended Decision: **Approve**

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. 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: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS13 of the Wirral Unitary Development Plan.

3. 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.

4. 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.

5. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 5th December 2017 and listed as follows: Location Plan (dwg. number 01); Existing Block Plan (dwg. number 02); Proposed Block Plan (dwg. number 03); Existing Basement Plan (dwg. number 04); Existing Ground Floor Plan (dwg. number 05); Existing First Floor Plan (dwg. number 06); Existing Second Floor Plan (dwg. number 07); Existing Roof Plan (dwg. number 08); Existing External Elevations (dwg. number 09); Existing Courtyard Elevations (dwg. number 10); Proposed Basement Plan (dwg. number 11); Proposed Ground Floor Plan (dwg. number 12)

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

6. The development hereby permitted shall only be occupied as student housing accommodation and shall not be used for any other purpose within Class C2 of the Town and Country Planning (Use Classes) order 1987 (as amended) or any other change of use otherwise permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended), including any use as independent residential dwellings.

Reason: For the avoidance of doubt

7. The units of student accommodation hereby permitted shall not be occupied until details of a tenant management plan has been submitted to and agreed in writing by the LPA. The approved plan shall be implemented in full.

Reason: To protect to residential amenities of surrounding occupiers

8.
 1. No development shall take place until an assessment is carried out in accordance with authoritative technical guidance (CLR11), has been submitted to and approved in writing by the Local Planning Authority.
 2. If any contamination posing unacceptable risks is then found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority. The end use of this site is considered residential for the purpose of land contamination risk assessment and management.
 3. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.
 4. If, during the course of development, any contamination posing unacceptable risks is found, which has not been previously identified, additional measures for the remediation of the land shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development.

9. Prior to the commencement of the development acoustic details of the mechanical ventilation equipment including installation shall be submitted to and approved by the Local Planning Authority. The equipment shall be operated and maintained in accordance with the approved scheme for the duration of the use hereby permitted.

Reason: To protect the amenities of surrounding properties

10. The units of student accommodation hereby permitted shall not be occupied until details of a building management scheme have been submitted to and agreed in writing with the LPA. The agreed scheme shall include arrangements for the permanent presence of a manager and formal procedures for engaging with local residents in the event of disputes relating to the operation of the use. The scheme shall be fully implemented upon the first occupation of any of the units of student accommodation hereby permitted and continued for the full duration of the use.

Reason: For the avoidance of doubt

11. All windows fitted to the units of student accommodation hereby permitted shall only open to a maximum of 100mm and shall continue for the full duration of use.

Reason: For the avoidance of doubt

12. 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 Policy WM9 of the Waste Local Plan.

13. Prior to commencement of development, a full landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 comply with Policy GR5 of the Wirral Unitary Development Plan.

14. Prior to the commencement of development, a full scheme of works for the reinstatement to standard footway levels of any existing vehicle accesses from the highway that are rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development

Further Notes for Committee:

1. A pre-site inspection is required prior to the development works commencing with the LA-

any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developers expense, to the LA specifications and written approval. For further details contact Highway Management, area manager via www.wirral.gov.uk

Last Comments By: 02/02/2018 14:06:36
Expiry Date: 02/02/2018

