

# Planning Committee

19 July 2018

**Reference:**  
**APP/18/00552**

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

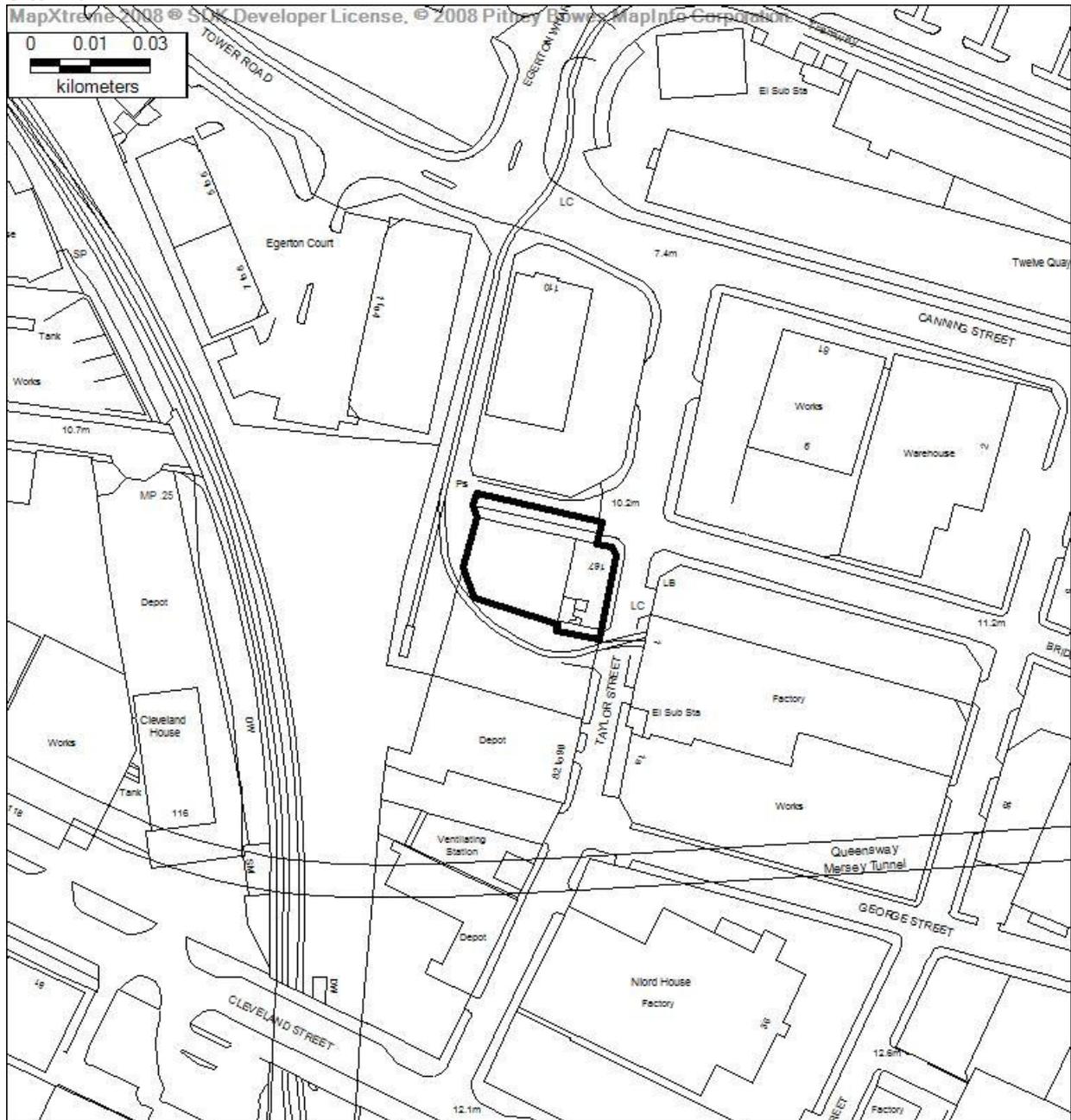
**Case Officer:**  
**Mr B Pratley**

**Ward:**  
**Birkenhead and  
Tranmere**

**Location:** The Old Colonial, 167 BRIDGE STREET, BIRKENHEAD, CH41 1AY  
**Proposal:** Restoration of basement into licensed premises, internal alterations and ground floor extensions.

**Applicant:** K Sutton  
**Agent :** Bryson Architecture

## Site Plan:



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**Development Plan designation:**

Primarily Industrial Area

**Planning History:**

Location: The Old Colonial, (formerly The Grapes), 167, Bridge Street, Birkenhead.  
L41 1A

Application Type: Advertisement Consent

Proposal: Erection of internally illuminated hanging sign and lamps, externally illuminated fascia signs and externally illuminated panel sign.

Application No: ADV/87/07133

Decision Date: 24/02/1988

Decision Type: Approve

Location: The Old Colonial, 167 Bridge Street, Birkenhead, Wirral, CH41 1AY

Application Type: Full Planning Permission

Proposal: Erection of fencing

Application No: APP/01/06807

Decision Date: 19/10/2001

Decision Type: Approve

Location: The Old Colonial, 167 Bridge Street, Birkenhead, Wirral, CH41 1AY

Application Type: Full Planning Permission

Proposal: Change of use from Public House to Office accommodation.

Application No: APP/09/06271

Decision Date: 22/12/2009

Decision Type: Approve

Location: Public Roadway BRIDGE STREET, BIRKENHEAD, CH41 1AY

Application Type: Full Planning Permission

Proposal: Proposed Change of use from public roadway to storage areas/carpark

Application No: APP/11/00111

Decision Date: 19/04/2011

Decision Type: Approve

Location: The Old Colonial, 167 BRIDGE STREET, BIRKENHEAD, CH41 1AY

Application Type: Advertisement Consent

Proposal: 4 no. company signs to new head office building.

Application No: ADV/10/00936

Decision Date: 21/09/2010

Decision Type: Approve

Location: The Colonial (Ex. The Grapes) Public House, 167, Bridge Street,  
Birkenhead. L41

Application Type: Full Planning Permission

Proposal: Erection of a single storey extension to form W.C.

Application No: APP/87/06287

Decision Date: 26/08/1987

Decision Type: Approve

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

Having regard to the Council Guidance on Publicity for Applications 6 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report no comments have been received.

**CONSULTATIONS:**

**Engineers** - No objection

**Environmental Health** – No objection received.

## **Directors Comments**

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

The proposal represents a departure from the Wirral Unitary Development Plan.

### **INTRODUCTION**

This application seeks approval for the use of the basement of the building as a drinking establishment (A4). The proposal also includes the provision of a covered seating area, a canopy used for external seating and a metal container accommodating WCs and a bar. The application also seeks permission for a small extension to the existing offices.

### **PRINCIPLE OF DEVELOPMENT**

The proposed development is a departure from the Wirral Unitary development plan, as the site is identified as a Primarily Industrial Area on the UDP Proposals map and UDP Policy EM8 only makes provision for employment development within Use Classes B1, B2 and B8 and alterations to existing businesses to protect employment land from other forms of development. Material considerations must be identified to outweigh the provisions of the statutory development plan in favour of the application before planning permission could be granted.

### **SITE AND SURROUNDINGS**

The site is a former public house that was granted permission for a change of use to office accommodation in 2009. It is understood that, when in use as a public house, the basement was used as an events room. The change of use applied to the entire building. However, the plans as submitted with this application indicate that the bar and stage are still in place, and the applicants agent confirms that this part of the building has not been used as part of the offices.

The site is located within a Primarily Industrial Area.

### **POLICY CONTEXT**

#### Policy URN1 – Development and Urban Regeneration

Policy URN1 states that the Local Planning Authority will be concerned to ensure that

- (i) Full and effective use is made of land within the Urban Areas;
- (ii) Neglected, unused or derelict land or buildings are brought into use;
- (iii) The need for new services is minimised by promoting the use of spare capacity in existing services

Whilst ensuring sensitive types of land or building are protected from inappropriate development.

#### Policy EM8 – Development within Primarily Industrial Areas

This Policy states that the following uses will be permitted within Primarily Industrial Areas:

- (i) Uses falling within Classes B1, B2 or B8
- (ii) Proposals for the reconstruction, extension, or expansion of existing businesses

#### Policy TRL1 - Principles for Tourism Development

This policy states that proposals for tourist attractions and visitor facilities should be directed to urban areas outside the Primarily Residential Area, and especially to the central and commercial areas of Birkenhead.

#### Policy TRN9 – Requirements for Off Street Parking

This policy requires the assessment of off-street parking provision to be guided by a number of considerations, including the availability of alternative modes of transport, road safety and traffic management issues.

SPD4 (Parking Standards) sets out maximum limits for vehicle parking spaces.

### Policy CH1 Development Affecting Listed Buildings and Structures

Development will be permitted where it does not harm listed buildings.

### Loss of employment land

Until 2009 the use of the application building was as a public house. Following planning permission APP/09/06271 the majority of the building was converted to an office use. It is understood, however, that the basement did not form part of the office accommodation, and has remained vacant. This proposal is for the change of use of the basement, and a small area of external space, back to a public house. The overall use of the site will remain in employment use. The use is considered to be compatible with the character of the surrounding area, would not restrict operation of other employment uses, and an ongoing supply of available, suitable, employment land would be retained.

The proposed use is also supported by the Merseyside Tramway Preservation Society Limited, who operate a nearby museum. They state that a restaurant and bar will create a synergy and be a welcome compliment for the museum. It is therefore considered that the proposal supports the aims of Policy TRL1.

### Sequential test and impact assessment

Paragraph 24 of the NPPF states that, "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan". The proposal is effectively the reversion of a small part of a public house to its former use. The scale of the proposal is relatively modest and this will restrict its impact on other public houses situated beyond the site in Birkenhead.

The NPPF states that an impact assessment should be provided for proposals with a floorspace of 2,500m<sup>2</sup> gross. The application proposal, at 246 square metres, is well below this limit.

### **APPEARANCE AND AMENITY ISSUES**

The majority of the public house use will be within the basement. The external structures proposed are a covered seating area with a polycarbonate roof, a canopy used for external seating and a metal container accommodating WCs and a bar. Such containers are increasingly being used, to good effect, as buildings and given the industrial character of the area it is considered to be an acceptable structure. The canopy and covered seating area are also considered to be visually acceptable structures.

The proposed office extension will have a floor area of 14 square metres. It will be a relatively small structure to the rear of the building and will have an acceptable impact on the character and appearance of the building.

The rear extension and external structures will be over 60 metres from the listed tunnel ventilation station. This is a large, robust structure, and its setting will not be harmed by these structures.

Given the industrial nature of the surrounding area and the lack of residential dwellings it is not considered necessary to restrict hours of opening for the proposed public house. The use will be subject to the restrictions of the licensing regime.

### **SEPARATION DISTANCES**

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

The Council's adopted parking standards (SPD4) set a maximum parking requirement, which the proposal complies with.

### **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

It is considered that the reuse of part of this site as a public house will not inhibit the wider employment use of the site. The scale of the proposal is relatively modest and this will restrict its impact on other public houses situated beyond the site in Birkenhead. The proposal is therefore considered to be in accordance with Wirral's UDP Policies URN1 (Development and Urban Regeneration) and EM8 (Development within Primarily Industrial Areas) and the National Planning Policy Framework.

### 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:-

It is considered that the reuse of part of this site as a public house will not inhibit the wider employment use of the site. The scale of the proposal is relatively modest and this will restrict its impact on other public houses situated beyond the site in Birkenhead. The proposal is therefore considered to be in accordance with Wirral's UDP Policies URN1 (Development and Urban Regeneration) and EM8 (Development within Primarily Industrial Areas) and the National Planning Policy Framework.

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

### Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 7 June 2018 and listed as follows: 2017 129 107 Rev 03, 2017 129 105 Rev 03, 2017 129 106 Rev 03 and on 12 June 2018 and listed as follows: 2017 129 109 01.

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

### Further Notes for Committee:

**Last Comments By:** 20/06/2018  
**Expiry Date:** 03/07/2018