

Planning Committee

13th December 2018

REPORT OF THE DIRECTOR

Reference: **APP/18/01147**

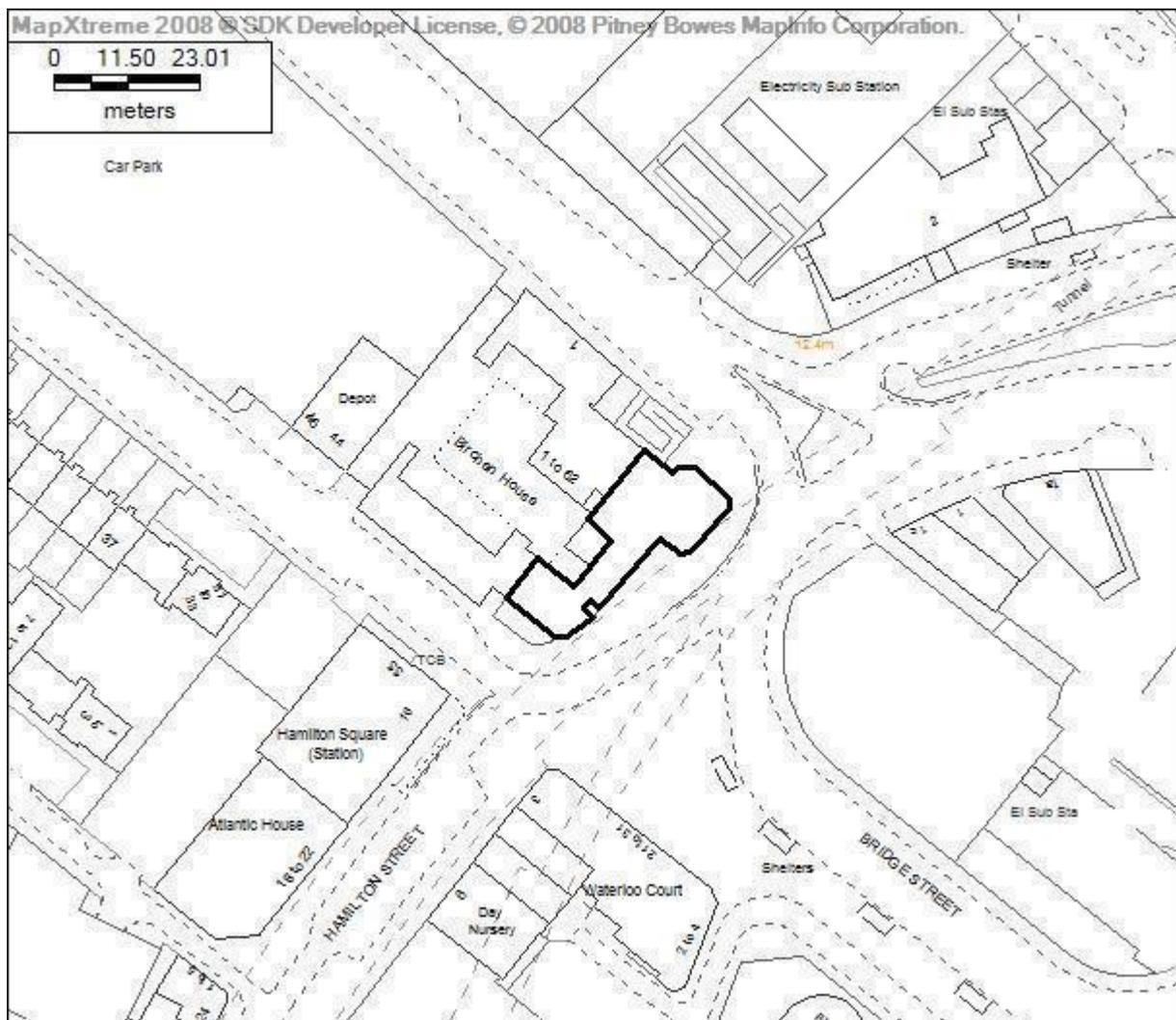
Proposed development: Change of use from a cafe (A3) and the old Pier Hotel to five apartments (C3).

Site Address: Birchen House, Hamilton Street, Birkenhead, CH41 6QS

Applicant: Crossfield Exclusive Developments

Agent : Garry Usherwood Associates Limited

Ward: **Birkenhead and Tranmere**



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1.0 RECOMMENDATION

1.1 Approve - subject to conditions detailed in paragraph 4.1

2.0 KEY ISSUES/SUMMARY OF RECOMMENDATION

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:-

Although the site is designated as part of Primarily Commercial Area in the Wirral Unitary Development Plan, the applicant has demonstrated, to the satisfaction of the Local Planning Authority, that there is no reasonable prospect of development site to attracting commercial uses that are permitted under UDP Policy SH6. The proposal is therefore considered acceptable having regard to the National Planning Policy Framework in. The design of the development is appropriate within its context and the dwellings will provide a reasonable living environment for future occupiers. The proposal is otherwise considered to be compliant with UDP Policies, HS4 and HS13 of the adopted Wirral Unitary Development Plan, Supplementary Planning Document SPD2 and the provisions of the National Planning Policy Framework.

3.0 RATIONALE

3.1 Reason for referral to Planning Committee

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

3.2 Site and Surroundings

3.2.1 The property is located on the corner of Bridge Street, Hamilton Street and Canning Street on the far side of the road from Hamilton Square Station. Permission has been granted for Birchen House to be converted to residential at first floor and above through the prior approval process. The majority of the ground floor is vacant at present.

3.2.2 The site is located within a Primarily Commercial Area and the Hamilton Square Conservation Area. The surrounding area comprises a mix of commercial and employment uses.

3.3 Proposed Development

3.3.1 The proposal involves the change of use of the ground floor café and public house into five flats (three x one bedroom and two x two bedroom). Pedestrian and vehicular access to the units will be from Bridge Street. Parking will be provided to the rear of the site.

3.4 Development Plan

3.4.1 Policy SH6 – Development Within Primarily Commercial Areas

This policy states that uses falling within (Class A1/Class A2/Class A3/Class B1/Class D1) will be permitted subject to the proposal fulfilling a number of criteria. These include the proposal not undermining the vitality or viability of any Key Town Centre or Traditional Suburban Centre, meeting access and servicing requirements, the visual impact being acceptable, and the proposal not causing a nuisance.

3.4.2 HS4 Criteria for New Housing Development Policy

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:

(i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;

(ii) the proposal not resulting in a detrimental change in the character of the area;

(iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;

(iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;

(v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;

(vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and

(vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

3.4.3 HS13 Self-Contained Flat Conversions Policy

Proposals for the conversion of existing buildings into self-contained flats will be permitted subject to:

(i) the conversion ensuring the privacy of neighbours and occupants including the layout of car parking areas to prevent overlooking of habitable room windows;

(ii) access normally being provided to individual flats 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;

(iii) any extensions required complying with Policy HS11;

(iv) any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree;

(v) any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;

(vi) adequate sound proofing between flats;

(vii) any basement flat 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;

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

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

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

(xi) the proposal otherwise complying with Policy HS4 and Policy HS5.

3.4.4 Supplementary Planning Document 2 states;

A successful project should:

- relate well to the geography and history of the place and the lie of the land;
- sit happily in the pattern of existing development and routes through and around it;
- respect important views (from public vantage points);
- respect the scale of neighbouring buildings;

- use materials and building methods, which are as high or of higher quality as those used in existing buildings; and
- create new views and juxtapositions, which add to the variety and texture of the setting.

Unless it can be demonstrated that privacy would not be unduly affected, habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. If there are differences in land levels or where development adjoins that of different ridge height, such as three storey development adjacent to two storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

3.5 Other Material Planning Considerations

- 3.5.1 Under NPPF paragraph 120, the Local Planning Authority would need to be satisfied that there is no reasonable prospect of the site being used for commercial purposes (Use Classes A1, A2, A3, B1 and D1) under UDP Policy SH6 and be prepared to reallocate the land for a more deliverable use through the Local Plan; and in the interim support planning applications on the basis that they would contribute to meeting an unmet need (NPPF paragraph 120 refers).

The site is adjacent the Woodside Regeneration Area which is recommended for potential allocation for mixed uses that could include residential development through the Development Options Review for the emerging Local Plan. However, this is subject to further assessment following public consultation should not be afforded significant weight at the stage.

There is a presumption in favour of sustainable development through the National Planning Framework (NPPF paragraph 11) and it is considered that the proposal in this case would not cause harm.

3.6 Assessment

- 3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways; and
- Amenity

3.7 Principle of Development:

- 3.7.1 The proposed development is a departure from the Wirral Unitary development plan, as the site is identified as a Primarily Commercial Area on the UDP Proposals map and UDP Policy SH6 only makes provision for development within Use Classes A1, A2, A3, B1, and D1. Material considerations must be identified to outweigh the provisions of the statutory development plan in favour of the application before planning permission can be granted.

- 3.7.2 Application 16/01087, for the change of use of a part of the ground floor area to residential was refused for the following reason:

Insufficient evidence has been submitted to justify the development of a residential dwelling within a primarily commercial area and as such the proposal is considered contrary to the principles set out in policy SH6 of the Wirral UDP and the National Planning Policy Framework.

- 3.7.3 Following this refusal, the present application has been submitted with additional information. A letter has been submitted by a Chartered Surveyor/Commercial Agent stating that;

We have always concluded that due to its peripheral position, located on a busy vehicle thoroughfare as well as minimal passenger footfall that there never has been a viable market for retail space in this location. This has been substantiated by the fact that the accommodation has remained vacant for over ten years.

3.7.4 The applicant has been unable to state when or where the property has been marketed for commercial use. Nonetheless, there have been large banners on the exterior of the building advertising it for sale or let since at least June 2012. It is therefore clear that the building has been vacant for a considerable period of time.

3.7.5 Given the points raised above it is apparent that the ground floor elements of this building are unlikely to attract commercial occupants. Furthermore, given the conversion of the upper floors to residential, the conversion of the ground floor to residential would be beneficial to residential amenity. On balance, it is considered that the benefits of converting the ground floor of the building to five residential units is preferable to the retention of the ground floor in its present empty state.

3.8 Design:

3.8.1 The application site consists effectively of three very different building facades; the traditional stone façade on the corner of Hamilton Street and Bridge Street, the late twentieth century office element, and the ornate tiled former Pier Hotel. The proposal involves very few changes to the exterior, the principle change being the insertion of windows in the modern part of the building. This area will also be provided with a 1.3 metre high picket style fence, which will provide some defensible space for the occupants of this flat. The design aspects of the proposal are considered to be acceptable.

3.9 Highways:

3.9.1 The applicant has confirmed that 2 parking spaces will be allocated to the new dwellings, with 19 spaces retained for the dwellings on the upper floors. Bin storage and collections will take place within the rear service yard, making use of the existing vehicular access off Bridge Street and Canning Street.

3.10 Ecology:

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

3.11 Amenity:

3.11.1 There are no residential dwellings nearby that will suffer from loss of privacy as a result of the conversion of the ground floor of Birchen House to residential use. The proposed flats will all have generous room sizes and good quality outlook. The new picket style fence will enhance the privacy of the occupants of flats 2 and 3. The amenity of future occupants will be of a good quality.

4.0 RECOMMENDATION

4.1 Approve - subject to the following conditions:

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 5 October 2018 and listed as follows: 433/C101 Rev C, 433/C102, 433/C103, 433/C104, 433/C105, 433/C106 and with the approved plans received by the local planning authority on 15 November 2018 and listed as follows: 433/C107.

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

3. The dwellings hereby approved shall not be occupied until vehicle parking spaces 9 and 10 have been demarcated in accordance with approved plan 433/C107 and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety and to accord with Policy TR9 in the in the Wirral Unitary Development Plan

5.0 PLANNING HISTORY

Location: Birchen House, 1 CANNING STREET, BIRKENHEAD
Application Type: Prior Approval Commercial PD
Proposal: Prior approval of a proposed change of use of a building from office use (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse) for 62 apartments
Application No: COMX/14/01604
Decision Date: 16/03/2015
Decision Type: Prior approval is not required

Location: Birchen House, 8 HAMILTON STREET, BIRKENHEAD, CH41 6DN
Application Type: Full Planning Permission
Proposal: Change of use for a cafe (A3) to an apartment (C3).
Application No: APP/16/01087
Decision Date: 04/01/2017
Decision Type: Refuse

6.0 WARD MEMBER COMMENTS

No comments received.

7.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

Having regard to the Council Guidance on Publicity for Applications no notifications were sent to adjoining properties. This is because the dwellings on the upper floor of the building are still under construction, and the other nearby building is Hamilton Square Station. A site notice was displayed. At the time of writing this report no objections have been received.

CONSULTATIONS

Highways – No objections

Environmental Health – No objections received

8.0 CASE OFFICER: **Mr B Pratley** **Planning Officer**

9.0 DATE PREPARED: **November 22, 2018**