

## Planning Committee

17 January 2019

**Reference:**  
**APP/18/01090**

**Area Team:**  
**Development  
Management Team**

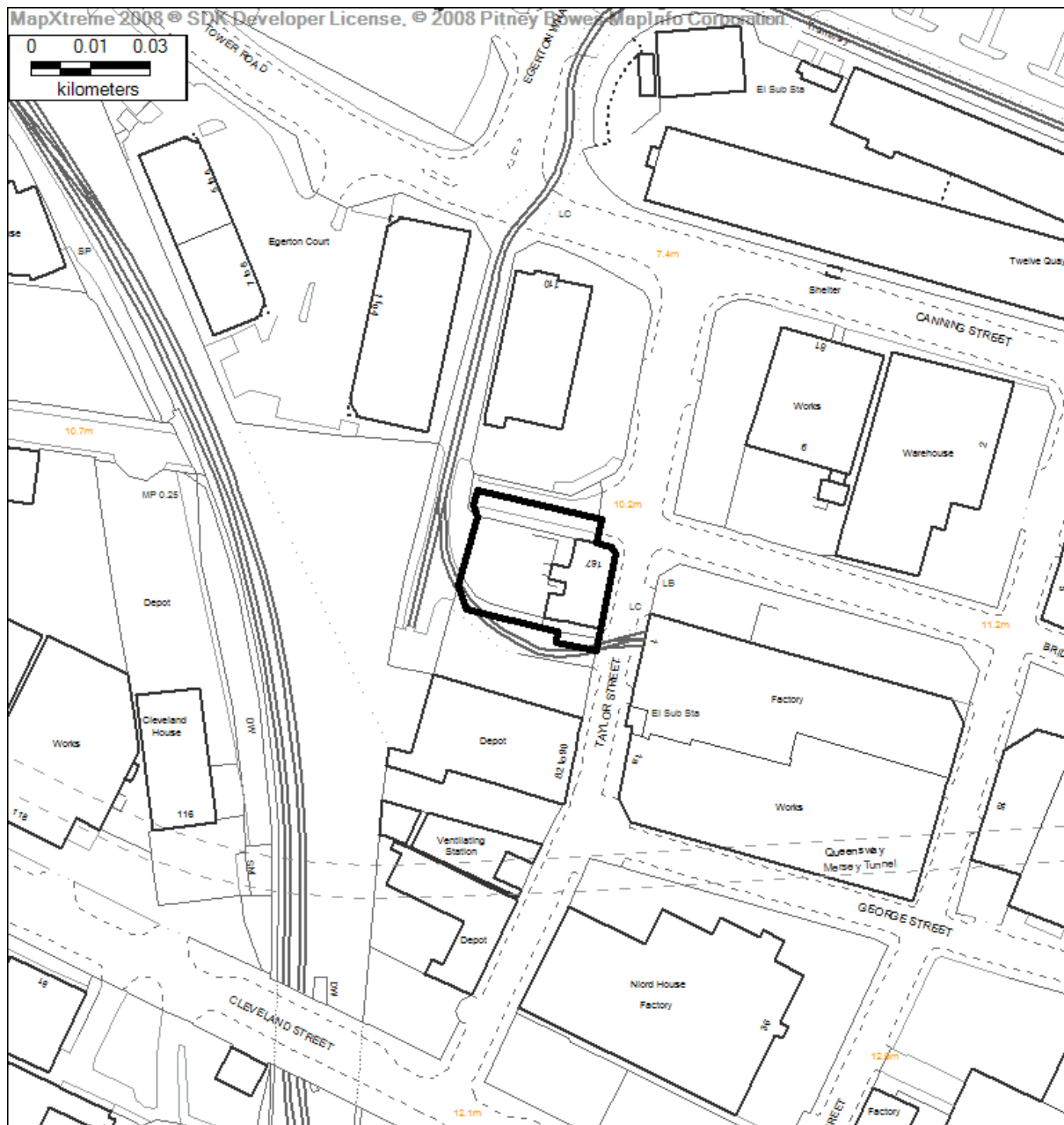
**Case Officer:**  
**Mr B Pratley**

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

**Location:** The Old Colonial, 167 BRIDGE STREET, BIRKENHEAD, CH41 1AY  
**Proposal:** Change of use of offices to ground, first and second floor levels to residential accommodation.

**Applicant:** Miss Sutton  
**Agent :** Bryson Architecture

### Site Plan:



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**Development Plan designation:**

Primarily Industrial Area

**Planning History:**

- Location: Old Colonial P.H., 167, Bridge Street, Birkenhead. L41 1AY  
Application Type: Advertisement Consent  
Proposal: Erection of illuminated and non illuminated signage.  
Application No: ADV/96/05820  
Decision Date: 31/07/1996  
Decision Type: Approved
- Location: The Old Colonial P.H., 167, Bridge Street and land to west and south of adjacent  
Application Type: Full Planning Permission  
Proposal: Change of use of part of first floor to form 2 bedsits and erection of veranda and toilet extension at ground floor.  
Application No: APP/96/05357  
Decision Date: 24/04/1996  
Decision Type: Approved
- Location: The Old Colonial Public House, 167, Bridge Street, Birkenhead. L41 1AY  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey extension at front.  
Application No: APP/92/05965  
Decision Date: 12/08/1992  
Decision Type: Approved
- Location: The Old Colonial, 167 BRIDGE STREET, BIRKENHEAD, CH41 1AY  
Application Type: Full Planning Permission  
Proposal: Restoration of basement into licensed premises, internal alterations and ground floor extensions.  
Application No: APP/18/00552  
Decision Date: 20/07/2018  
Decision Type: Approved
- 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: Approved
- 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: Approved
- 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: Approved
- 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: Approved

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: Approved

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: Approved

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

### **1.0 WARD MEMBER COMMENTS**

No comments received.

### **2.0 SUMMARY OF REPRESENTATIONS**

#### 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 objections have been received.

#### CONSULTATIONS

**Highways** - No objection

**Environmental Health** - No objection

### **3.0 APPRAISAL**

#### **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 site is a former public house that has a bar at basement level, with offices at ground, first and second floor level. The basement bar was granted planning permission in July 2018 and is now operating as Molly's Chambers.

3.2.2 The site is located within a Primarily Industrial Area. The surrounding area comprises predominantly industrial units. The Wirral Tramway runs to the rear of the building.

#### **3.3 Proposed Development**

3.3.1 The application seeks consent for the change of use of the ground, first and second floors of the building to residential use. This accommodation will be linked with the basement bar.

#### **3.4 Development Plan**

3.4.1 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

**3.4.3 Policy HS4 - Criteria for New Housing Development**

This policy requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

**3.4.4 Policy PO4 – Noise Sensitive Development**

In considering proposals for noise-sensitive development, the Local Planning Authority will have particular regard to:

- i. The likely level, tone, duration and regularity of noise exposure and any likely increase in the foreseeable future;
- ii. The existing level of background noise within the locality;
- iii. The extent to which the effects of noise on the proposal can be mitigated through measures such as alterations to layout, provision of noise insulation or restriction of operating hours; and
- iv. The noise exposure category of a site for proposed residential development which is near an existing transport related noise source.

In all cases, noise sensitive development will only be permitted in locations which are not expected to become subject to unacceptably high levels of noise, or where adequate protection against noise can be achieved by means of planning conditions or planning obligations.

**3.5 Other Material Planning Considerations**

3.5.1 Under the National Planning Policy Framework (NPPF paragraph 120) and Policy CS17 in the emerging Local Plan, the Local Planning Authority would need to be satisfied that there is no reasonable prospect of the site being used for business purposes (Use Classes B1, B2 and B8 under UDP Policy EM8 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. Applicants are normally expected to demonstrate that the site has been marketed for at least one year for employment use as part of the evidence to justify release. The site has not been identified for a change in designation in the current Development Options Review for the emerging Local Plan.

Policies and decisions are required to ensure development will function well and add to the quality of the area over its lifetime to provide a high standard of amenity for existing and future occupiers. Development of poor design that fails to take the opportunities available for improving the character and quality of an area should be refused (NPPF paragraphs 127 & 130 refer).

**3.6 Assessment**

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

- Principle of development; and
- Amenity

**3.7 Principle of Development:**

3.7.1 The application site is located within a Primarily Industrial Area. In this case, however, prior to the conversion of the building to office space following planning permission in 2009, it is understood that the first and second floors were used as residential accommodation relating to the ground floor public house use.

3.7.2 The applicant intends to convert all three of the upper floors to form a 5 bedroom dwelling. Part of the ground floor will be retained for access, storage and WCs for the basement bar. The Design and Access Statement accompanying the application asserts that,

*We believe that the previous use of the building as a public house with accommodation was*

*affected by the previous lack of investment in the immediate area. The opening of the bar has vindicated the decision to re-instate the public house with forecasts for the success of the business exceeding expectations. To reinstate living accommodation will fully revert the building to its previous state with a secure occupation being in the building at all times.*

- 3.7.3 The application for the creation of the basement bar (APP/18/00552) was supported by the Merseyside Tramway Preservation Society Limited, who operate a nearby museum. They stated that a restaurant and bar would create a synergy and be a welcome compliment for the museum. It was therefore considered that the proposal supported the aims of Policy TRL1.

- 3.7.4 It is therefore considered that the bar is a positive presence in the area. As such the provision of live-in accommodation for the management of the bar is considered to be a positive development.

- 3.7.5 Officers questioned why the accommodation needed to be larger than the bar itself. In response, the applicant's agent has stated,

*I appreciate that the accommodation provided is dis-proportionate to the bar area in terms of size but this is due to the bar currently only being required at its current size and not as a consequence of the accommodation needing to be larger.*

*We would be agreeable to a condition being applied that the accommodation remains as one dwelling for the purpose of management of the bar.*

*At present there are no plans to extend the bar area within the building but I have designed the current layout to allow for a future change of use application for the bar to occupy the proposed ground floor level with the accommodation then being relocated over the top two floors.*

- 3.7.6 It is recommended that a condition is attached requiring the residential accommodation to be used solely as ancillary to the basement bar. Subject to this restriction, and given the history of the building, in this case it is considered that the use of the ground, first and second floors of this building for residential purposes is acceptable.

3.8 Design:

- 3.8.1 No external changes are proposed as part of this development.

3.9 Highways:

- 3.9.1 There are no Highway Implications relating to this proposal.

3.10 Ecology:

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

3.11 Amenity:

- 3.11.1 The quality of accommodation, in terms of room sizes, outlook and levels of light, is considered to be of a good quality.

- 3.11.2 It is recognised that the residential accommodation could be regarded as noise sensitive development in an industrial area. However, this was presumably the case prior to the conversion of the building to offices. Any future occupant would be fully aware of the nature of the surroundings before taking up the accommodation. It is considered that, on balance, any potential conflict with Policy PO4 is outweighed by the positive aspects of the proposal.

**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:-

As a result of the history of this site, and subject to a condition linking the residential accommodation to the basement bar, the proposed change of use is considered to be acceptable.

**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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 31 October 2018 and listed as follows: 2017 129 204 Revision 01 and 2017 129 203 Revision 04.

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

3. The residential accommodation hereby approved shall be occupied solely in connection with the operation of the basement bar within the same building. The accommodation shall not be sold or let separately from the basement bar.

**Reason:** as an exception has been made in this case for the provision of residential accommodation that would otherwise be unacceptable in a Primarily Industrial Area, and to comply with the requirements of Policy EM8 of the Wirral UDP.

4. PRIOR TO FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, including facilities for recycling, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and approved 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 Policies WM8 and WM9 of the Joint Waste Local Plan.

**Further Notes for Committee:**

**Last Comments By: 29/11/2018**

**Expiry Date: 26/12/2018**