

Planning Committee

27 March 2012

Reference:
APP/11/01538

Area Team:
South Team

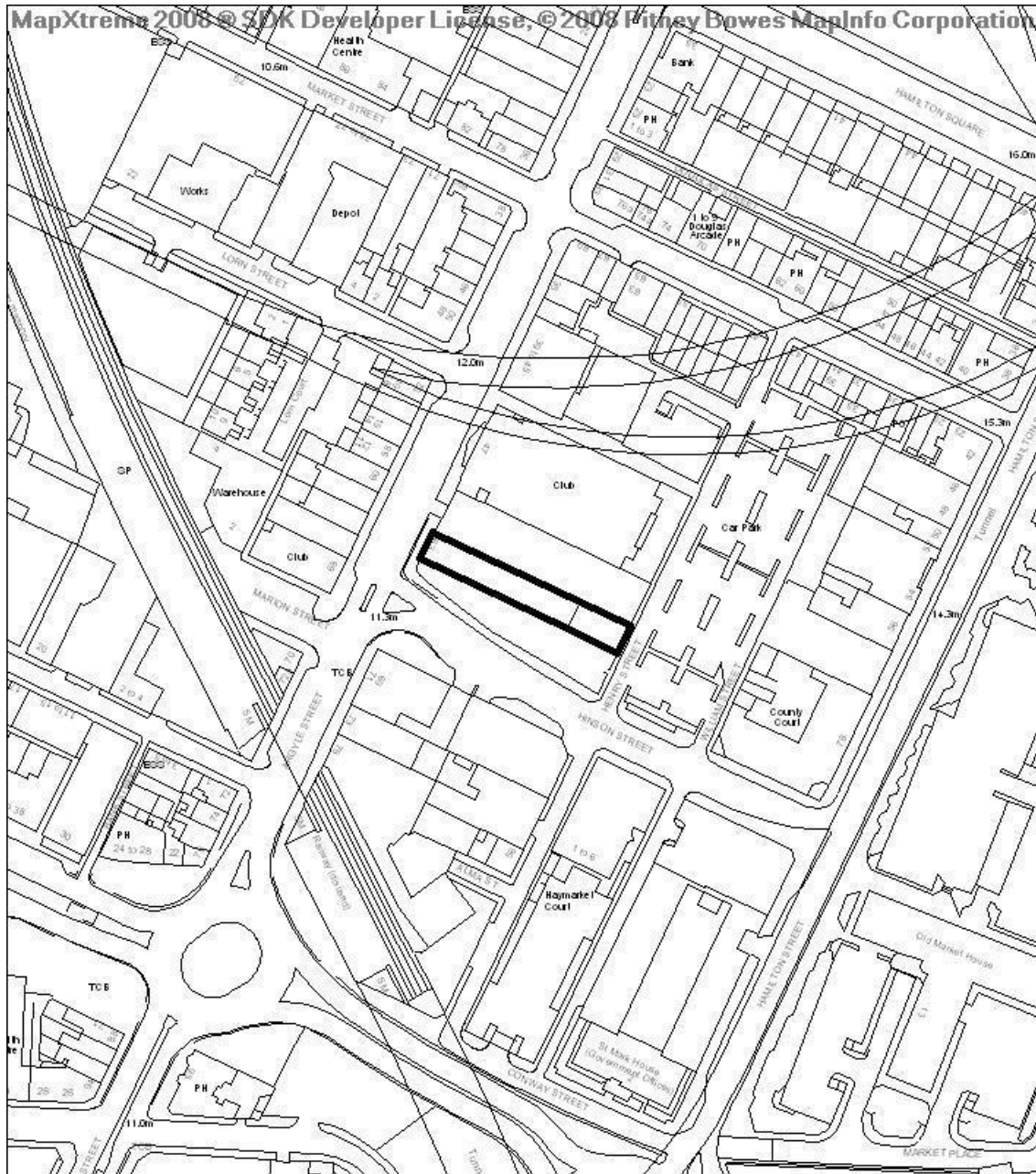
Case Officer:
Miss A McDougall

Ward:
**Birkenhead and
Tranmere**

Location: 63a ARGYLE STREET, BIRKENHEAD, CH41 6AB
Proposal: Change of use from former office building to multiple occupancy building

Applicant: Ms G Radavicivte
Agent : SDA Architects & Surveyors

Site Plan:



Development Plan Designation and Policies:

Primarily Commercial Area
HS14
HS4
SH6
SPD2

Planning History:

APP/10/01490 Alterations including change of use and to carry out works to upper floors:
Refurbishment to provide 4 two bed apartments with additional 3 bed apartment to the rear -
Returned Invalid 21/07/2011

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

Having regard to the Council Guidance on Publicity for Applications, 54 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report no objections have been received.

Merseyside Cycling Campaign: No cycle parking.

CONSULTATIONS:

The Director of Technical Services (Traffic & Transportation Division): No objections

DIRECTORS COMMENTS:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council.

INTRODUCTION

The proposal is for the conversion of the upper floors of an existing building into residential to provide a building in multi-occupancy. The proposal provides 18 separate bedrooms, each floor has a kitchen and the first and second floor provide communal kitchens, shower room and WC.

Amended plans were requested but no alternative schemes have been submitted.

PRINCIPLE OF DEVELOPMENT

The principle of upper floor residential within this location is acceptable.

SITE AND SURROUNDINGS

The building itself is detached and four stories high, the site is located within the designated Primarily Commercial Area, the ground floor is currently a restaurant, the immediate area is mixed in terms of ground floor use consisting of offices, shops and bars/restaurants.

POLICY CONTEXT**SH6 Development Within Primarily Commercial Areas Policy**

Within the Primarily Commercial Areas shown on the Proposals Map, 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 as appropriate:

- (i) a proposal for Class B1 uses satisfies the criteria set out in Policy EM6 and Policy EM7;
- (ii) a proposal for Class A1 uses, together with other recent or proposed retail development, does not undermine the vitality and viability of any Key Town Centre or Traditional Suburban Centre as a whole or other town centre outside the Borough boundary;
- (iii) 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;

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

(v) 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;

(vi) where a proposal for Class A3 use is located on a street containing similar establishments, cumulative levels of noise and disturbance, from both the existing and proposed activities, should not exceed a level likely to be detrimental to the amenity of the area;

(vii) proposals for Class A3 uses should include measures to mitigate smell and internally-generated noise - these measures should not be visually intrusive in the street scene and should be fully installed before the business commences trading.

SH7 Upper Floor Uses in Retail Premises Policy

The Local Planning Authority will permit the conversion of upper floors above shops for office uses or for residential uses not covered by permitted development rights, subject to access, parking, servicing, amenity and shop security considerations and the compatibility of the proposed use with neighbouring upper floor activities.

HS14 Houses in Multiple Occupation Policy

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 accessways;

(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; and

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

Existing HMO's and valid planning permissions must not comprise more than 20% or more of the properties forming the street frontage within a street block.

SPD 2 - Designing for Self Contained Flat Development and Conversions sets out the separation distances between habitable room windows in order to maintain an acceptable level of privacy and outlook. Window to window separation distance is 21m, window to blank wall (non habitable window) is 14m separation distance.

APPEARANCE AND AMENITY ISSUES

The proposed changes to the upper floors are to the internal configuration, there is an existing separate access so the external appearance of the building will remain as existing. The proposal introduces a number of residential units within the upper floors, the principle of the development is acceptable however the layout of 6 of the units is unacceptable due to outlook and privacy constraints.

Six of the bedrooms have a sole window that has a separation distances of 3m to the opposite window, sufficient outlook or privacy is not gained to these windows. Changes were requested with regards to siting of the windows and reduction of bedroom numbers so that the distances could be met, no amendments have been made.

Having regard to the current policies on residential units and the layout of the proposed bedrooms, the 6 rooms as identified as 4, 5, 6, 12, 13 and 14 do not have sufficient outlook and do not meet the separation distances in terms of privacy. Due to the siting of these rooms and the building constraints the proposal is unacceptable and does not meet the criteria set out in the adopted residential policies.

SEPARATION DISTANCES

The building is 4 storeys, the residential units are located on the upper three level, due to the footprint and overall layout of the building, bedrooms; 4, 5, 6, 12, 13 and 14 do not meet the separation distances. The sole windows to these rooms look out over a void and across to each other at a distance of 3m, there is scope to create larger bedrooms and reduce the numbers or insert new windows to the side elevation in order to gain sufficient outlook and privacy. The proposed layout of these bedrooms is therefore unacceptable within this proposed conversion.

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.

CONCLUSION

The current outlook and privacy levels to 6 of the proposed bedrooms due to siting and proximity is unacceptable having regard to the current residential policies, whilst the principle of residential in multiple occupation in this area is acceptable, the current constraints to these proposed bedrooms provides insufficient outlook and privacy levels.

Recommended Refuse
Decision:

Recommended Conditions and Reasons:

1. The proposed development is unacceptable due to insufficient outlook from sole bedroom windows and lack of privacy. The proposal therefore does not comply with Wirral's adopted UDP Policies HS14 and having regard to SPD2.

Last Comments By: 06/02/2012 10:32:48
Expiry Date: 22/02/2012