

Planning Committee

24 April 2012

Reference:
APP/12/00145

Area Team:
North Team

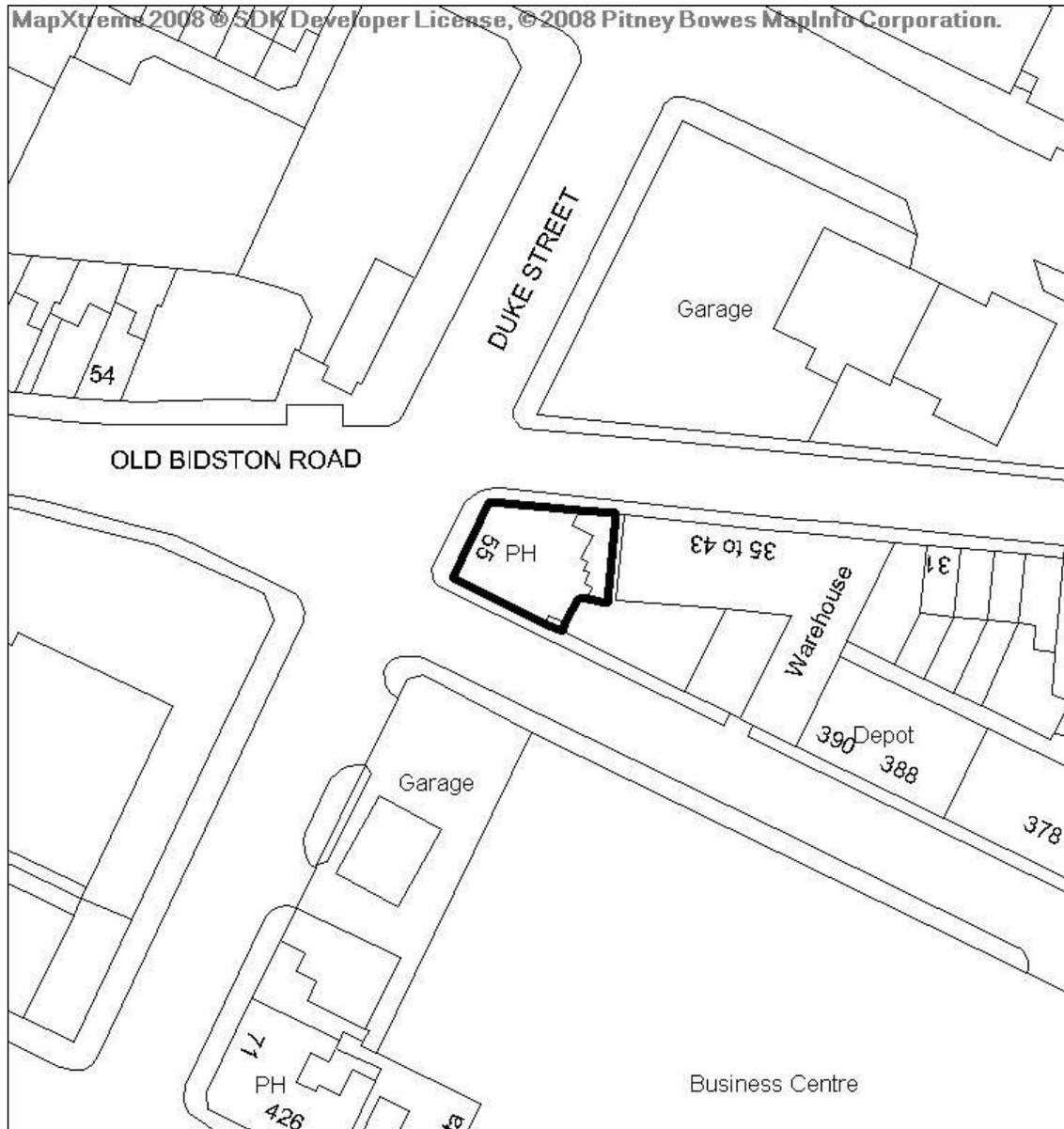
Case Officer:
Mrs S Lacey

Ward:
Bidston and St James

Location: 55 DUKE STREET, BIRKENHEAD, CH41 8BW
Proposal: Change of use of vacant Public House. Ground floor to be used for Offices (Use Class B1), with 1no. room at first floor level. Houses in Multiple Occupation (Use Class C4), providing 6no. bedrooms at first and second floor.

Applicant: Wirral Churches' ARK Project
Agent : SMC Associates

Site Plan:



Development Plan allocation and policies:

Primarily Industrial Area

Planning History:

None relevant to this application.

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

Having regard to the Council's Guidance on Publicity for Applications, 8 notifications were sent to adjoining properties. A Site Notice was also displayed. A qualifying petition of 60 signatures from separate addresses was received and an individual objection from 35-39 Old Bidston Road have been received on the following grounds:

1. The proposal will be within close proximity of businesses and residents who have concerns of break-in's and anti-social behaviour;
2. The parking situation is not good here and very often our staff cannot park by our premises, we would not care for this problem to be escalated any further;
3. The proposal will result in an increase in crime and loitering after business hours.

Councillor Hodson objected to the application on the grounds the application is contrary to policy EM8 of the Wirral Unitary Development Plan.

CONSULTATIONS:

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

The Director of Law, HR & Asset Management (Pollution Control Division): No objection

Merseyside Police Architectural Liaison Unit: No objection. The following was recommended:

The entrance to the residential part of the building should be illuminated and have a lockable door. There should be a layer of security from the rear of the building to the public side with a gate and fencing. Consideration should be given to the installation of CCTV to control the access and use of the building. There should be an electronic access control system to ensure only residents and their intended visitors are admitted. The management of the premises should ensure that incidents of crime and any disorder are recorded & investigated & where offenders are identified the person responsible should be excluded.

Merseyside Cycling Campaign: Requested secure internal covered cycle storage for long term use by residents and staff.

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of 60 signatures from separate addresses has been received. Councillor Hodson requested this application be removed from delegation and considered by the Planning Committee on the grounds the application is contrary to policy EM8 of the Wirral UDP.

INTRODUCTION

The application proposes a change of use from a public house (currently vacant) to house in multiple occupation (HMO) with 6no. bedrooms and shared facilities at first and second floor, and a B1 office in support of the HMO at ground and second floor.

PRINCIPLE OF DEVELOPMENT

The proposal is acceptable in principle subject to the provisions of policies HS14, EM8, EM9 and PO4 of the adopted Wirral Unitary Development Plan.

SITE AND SURROUNDINGS

The property is a 3 storey former hotel close to the docks area of the town, on the corner of the junction with Duke Street and Old Bidston Road. The first and second floors of the building are residential in use. The ground floor was last used as a Public House. Surroundings are mixed; there is a variety of light and heavy industrial units with some housing nearby. The proposal is to convert

the building to B1 Offices and a House of Multiple Occupation (HMO) to use as 6 bed-sitting rooms.

POLICY CONTEXT

The property is in a Primarily Industrial Area as designated in the Wirral Unitary Development Plan and policies EM8: Development within Primarily Industrial Areas and EM9: Non-Employment Uses in Industrial Areas are relevant. Policy EM8 supports B1 - business use, B2 - general industrial use and B8 – storage and distribution uses. Policy EM9 says, in such policy areas, proposals for retail or residential development will not be permitted to safeguard the long term supply of employment land.

The Wirral Employment Land Study had shown there was an under supply of industrial land in the Wirral. The Study suggested the site area, the Cleveland Street Corridor, was suitable for B1 and B8 uses. New non-industrial uses are to be resisted.

Policy HS14 Houses in Multiple Occupation permits the conversion of existing buildings to multiple occupancy subject to the property being of a sufficient size and not resulting in a detrimental change in the character of the area. No more than 20% of properties within a street block should be within multiple occupation to protect the character of the area.

Policy PO4 deals with noise sensitive development.

APPEARANCE AND AMENITY ISSUES

Objections have been received citing multiple occupation may have a damaging impact on residential and commercial surroundings. Concerns with HMOs often regard potential tenants, increased activity in terms of comings and goings and general noise, crime and anti-social behaviour.

UDP policy HS14 restricts the number of converted properties in a given residential road; no more than 20% of properties within a street block should be within multiple occupation to protect the character of the area. The proposal will not result in a private dwelling having a HMO on both sides. The majority of properties are self-contained residential units and industrial units and it is considered the proposal will not result in a concentration of HMO's in the area, nor adversely affect the character of the area.

There are no external alterations proposed, and there will be very little visual alteration to the property. The property is detached and sound emanating from the property would not be likely to give rise to unacceptable noise disturbance. The use is considered to generate more activity than a traditional family house, however given the previous use as a public house there was a previous high level of activity. Consequently it is considered that the level of activity would not be so significant that it would impact adversely on the living conditions of local residents.

It should be noted the application is not proposing a secure residential institution. The use of a building for provision of secure residential accommodation (e.g. a prison, young offenders' institution, detention centre, secure training centre, custody centre etc) would require a separate planning application under the Town and Country Planning Use Class Order 2010. There is no evidence that the change of use of the property would lead to an increase in crime, in fact a wide and varied range of land uses could help to create environments that were lively and well-used, thus deterring criminal activity. The Merseyside Police Architectural Liaison Unit had no objection to the proposal but did recommend lighting, CCTV, gates, electronic accesses and good management when disorder occurs. This information has been passed to the applicant.

The existing building is considered to be of a scale that can accommodate the proposed 6no. bedsits. The size of the building and the number of occupants are considered not to generate a level of activity, which could affect the privacy and quietness neighbouring residents were entitled to expect. Government policy encourages a flexible approach to standards, and the proposed room sizes and shared facilities are considered acceptable. The existing windows are utilised and provide a good level of outlook and daylight. No internal vertical partitions cutting across windows are proposed. There is no provision of amenity space, however the site is within 400 metres of Birkenhead Park. There is a small rear yard for dustbin storage and cycle parking space for staff and residents.

A condition to limit on the number of people living in a house where multiple occupancy is permitted may resolve concerns that the intensity of occupancy of premises would increase in the future without

the need for further planning permission, thus placing greater strain on facilities (particularly parking), and the amenity of the area.

The 2 upper floors of the 3 storey appeal building are historically in use as residential accommodation, which the Council accepts as the lawful status of that use. It is therefore considered that allowing the proposed HMO at first and second floor would not cause significant conflict with UDP policy EM8 or EM9.

The presence of industrial uses nearby are considered not to result in unacceptable living conditions for future residents. Noise will be limited to daytime hours. This is a situation where incoming residents will be aware of the location and the proximity of industry, which should cause fewer problems than might arise where a new industrial activity starts up close to existing housing. In addition there are residential properties nearly opposite preventing residents of the building from feeling they are living in isolation within an entirely industrial area.

The B1 office use is an acceptable use within an industrial area, and the office is tied into the management of the HMO. Given its scale, location and physical constraints of the site, the office is considered to comply with policies EM8 and EM9.

SEPARATION DISTANCES

SPG11 sets out 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. There is a 41m separation distance to the property opposite (No.54 Old Bidston Road). The proposal will utilise the existing windows. As such it is considered there are no issues regarding loss of privacy or overlooking.

HIGHWAY/TRAFFIC IMPLICATIONS

No parking spaces are provided. The Council's adopted parking standards SPD4 require maximum parking standards, which the proposal complies with. The Director of Technical Services (Traffic Management Division) had no objection to the proposal and did not recommend any conditions. The site is considered a sustainable residential area as it is within walking distance of bus routes, train links and local amenities. There are objections concerned that the proposal would lead to an increase of vehicles being parked in an area where there is limited parking, however there is no evidence that the proposal would lead to illegal or inconvenient parking. Given the previous commercial use of the property it is considered the use of the property as a multiple occupancy dwelling would not result in significant road safety or traffic implications for the area. In HMO cases it may be asserted that residents would have a low level of car ownership. However, the LPA cannot control the age, occupation or lifestyle of persons occupying a property. Given the previous use of the building as a public house which would have experienced staff and visitor parking, the use of the property as offices and multiple occupancy dwelling would not result in significant road safety or traffic implications for the area.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The proposed building is detached and as such soundproofing is not required. The Director of Law, HR and Asset Management (Environmental Health) had no objection to the proposal and did not request planning conditions. The proposal represents an opportunity to reinstate a use in a vacant building which has the potential to improve the character of the area. There are no environmental or sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposal is not considered detrimental to the character of the residential area, or cause nuisance to the surrounding area by virtue of its scale and use. It is considered that allowing the proposed HMO at first and second floor would not cause significant conflict UDP policies. The proposal complies with Council policy HS14 Houses in Multiple Occupation, EM8 Development within Primarily Industrial Areas and EM9 Non-Employment Uses in Industrial Areas of the adopted Wirral Unitary 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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is not considered detrimental to the character of the residential area, or cause nuisance to the surrounding area by virtue of its scale and use. It is considered that allowing the proposed HMO at first and second floor would not cause significant conflict UDP policies. The proposal complies with Council policy HS14 Houses in Multiple Occupation, EM8 Development within Primarily Industrial Areas and EM9 Non-Employment Uses in Industrial Areas of the adopted Wirral Unitary Development Plan.

**Recommended Approve
Decision:**

Recommended Conditions and Reasons:

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

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

2. The HMO development hereby permitted shall be occupied by a maximum of 6 no. persons

Reason: In the interest of residential amenity

3. No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

Reason: In the interests of highway safety and to accord with Policy TR12 in the Wirral Unitary Development Plan

Further Notes for Committee:

Last Comments By: 22/03/2012 17:16:51

Expiry Date: 02/04/2012