

## Planning Committee

22 March 2018

**Reference:**  
**APP/17/01217**

**Area Team:**  
**South Team**

**Case Officer:**  
**Ms J Storey**

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

**Location:**  
**Proposal:**

LORD STREET & CLEVELAND STREET, BIRKENHEAD, CH41 6BL  
Alteration of the existing building to create a roof and a side extension.  
Conversion of the existing building to create 200 student units with  
associated facilities, including external landscaping and recreational  
area and internal communal areas.(sui generis)

**Applicant:**  
**Agent :**

Hamilton Studios Ltd  
Knight Frank LLP

**Site Plan:**



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**Development Plan designation:**

Primarily Commercial Area  
Primarily Residential Area

**Planning History:**

Location: New Municipal Building, 5 CLEVELAND STREET, BIRKENHEAD, CH41 6BL

Application Type: Work for Council by Council

Proposal: Temporary car park on site of former office building

Application No: DPP3/16/00566

Decision Date: 24/06/2016

Decision Type: Approve

Location: New Municipal Building, 5 CLEVELAND STREET, BIRKENHEAD, CH41 6BL

Application Type: Prior Notification of Demolition

Proposal: Demolition of disused office block

Application No: DEM/16/00530

Decision Date: 09/05/2016

Decision Type: Prior approval is not required

Location: New Municipal Building, 5 CLEVELAND STREET, BIRKENHEAD, CH41 6BL

Application Type: Full Planning Permission

Proposal: Carpark with low rail fencing

Application No: DPP3/17/00799

Decision Date: 24/08/2017

Decision Type: Withdrawn

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

Having regard to the Council's Guidance on Publicity for applications 157 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report a qualifying petition has been received against the proposal, and 4 individual objections, on the following grounds:

1. Probability of excessive noise and litter
2. Encroachment of privacy
3. Height issues
4. Insufficient parking

Hamilton Square Conservation Area Advisory Committee advised "although the committee does not object to the proposal in principle, please see the suggested conditions, which we consider to be necessary in the interests of protecting the living conditions of the future occupants of the building and the existing residents of Brunswick Mews".

**CONSULTATION**

Head of Environmental & Regulations (Pollution Control) – No objection

Head of Environment & Regulations (Traffic and Transport Division) – No objection

Historic England – No objection

Lead Local Flood Authority have removed their objections

**DIRECTORS COMMENTS:**

**This application was deferred from Planning Committee on the 15th February 2018 to enable a site visit to take place**

**REASON FOR REFERRAL**

The proposal is for the conversion of former offices to student accommodation in a primarily commercial area and there is a qualifying petition of 25 signatures against this proposal. The application was deferred from the planning committee on the 15th February to allow members to visit the site. The proposal is a departure from Wirral Unitary Development Plan and has been advertised as such.

## **INTRODUCTION**

This application is for the conversion and extension of the existing building to create 200 student units with associated facilities, including external landscaping and recreational area and internal communal areas. (sui generis )

The student accommodation comprises of a mixture of fully furnished bedrooms and studios with kitchenettes which will be supported by onsite cooking facilities and managers office

The existing building comprises of a vacant, three storey office block on the corner of Lord Street and Cleveland Street. The proposal includes an extension to increase the height of the building to a maximum of five storeys. In addition, the basement will contain a communal lounge, and study area, laundry room, gym, games room and kitchen.

The upper floors are to be converted into student accommodation comprising of a mix of studio apartments and bedrooms with en-suit bathrooms. The lower ground floor will contain students lounge, gymnasium, central garden areas etc. The proposed extension in the corner of the site will provide a landscaped courtyard with a pavilion, planting and water features. The existing car park will be converted to open space for the students.

## **SITE AND SURROUNDINGS**

The application site is located at the former Wirral MBC Treasury building. The building is currently vacant but has a lawful office use (B1). The site is bound to the north by Cleveland Street and the Egan Court residential development to the south. To the west the site is bounded by Lord Street, whilst employment uses bound the street to the east.

There are a number of uses in the immediate and surrounding area. Immediately surrounding the site is a number of residential properties, including houses on Athol Street and Brunswick Mews and apartments on Lord Street. On the opposite side of Cleveland Street there are a number of large warehouses.

The site is on the edge of Hamilton Square Conservation Area which contains a number of Grade I and Grade II listed buildings. To the south of the site is Birkenhead Town Centre.

## **POLICY CONTEXT**

### Wirral Unitary Development Plan

Policy SH6 – Development Within The application site is designated as part of Primarily Commercial Area. The proposal is a departure from this designation and has been advertised as such. There is no policy provision for development comprising of student accommodation in Wirrals UDP and as such material considerations need to be identified to outweigh the statutory development plan.

In 2015, the building was declared surplus to requirements and closed in spring 2015 following the relocation of staff

Soon after its closure, interest was shown in the building by the Isle of Man Information and Communication Technology University which proposed to open a Faculty in Birkenhead to be affiliated to a local University. It intended to acquire the Conway Building for teaching space and this building for associated student accommodation but the proposal fell through when the University identified alternative accommodation located on the Isle of Man.

Following this, a recommendation was then made at the Assets and Capital Group to demolish the building and use the site for temporary staff parking and an application was submitted for prior approval for the demolition of the building. Whilst tender demolitions were being considered an approach was made to the Council by the applicants with a proposal to convert the building to provide 200 units of student accommodation which would deliver an estimated investment of £6million. This has been the only other interest shown in developing the site since 2015, over 2 years ago.

The applicants have advised that the students are expected to be from Liverpool colleges and Universities and from the courses that may be generated from future development proposals with

Chester colleges.

There are significant issues in this particular case, which lead to a finely balanced recommendation.

The site has been vacant for over two years, with the only proposals coming forward for the development of the site is student accommodation or for the demolition of the building and use of the site for a car park. In this instance, it is considered that the policy requirements to support economic growth by retaining this site for employment purposes are outweighed by the prospects and benefits of securing development on a site, that can provide regeneration benefits to the whole area and that would otherwise be at risk of further deterioration without a willing investor for bringing the site back into employment use.

It is acknowledged that the site is in an accessible location and that benefits can be accrued from the development in terms of the provision of student accommodation, including bringing a derelict and vacant building back into full use, increased spending within local and Town Centres and potential employment in construction and maintenance. There is access from the ground floor to the lower ground floor to the student café, games rooms and gym all of which would be considered acceptable within areas designated as Primarily Commercial within Wirralls Unitary Development Plan.

There is no planning policy Criteria to define the appropriate location of this type of student accommodation. However, it is considered that the nature of the proposal is considered to broadly align with UDP Policy HS14 Houses in Multiple Occupation which advises that:-

(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 access ways;

(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;

Due to the urban scale and design of this detached building, the proposed conversion and extension of this existing office building to student accommodation is considered to be acceptable in this location and will not result in a change in character of the surrounding area. In terms of the amenities of future students who will reside here, all habitable rooms will have windows and have reasonable outlook, either to the street or to the internal courtyard.

The application site is on the edge of Hamilton Square Conservation area, the following Policies are

therefore relevant;-

- are visually attractive as a result of good architecture and appropriate landscaping

#### **APPEARANCE AND AMENITY ISSUES**

The proposed use of the site for student accommodation will ensure that the existing building which is considered to be an iconic feature in this part of the town will be retained and refurbished.

The conversion of the vacant office building to student accommodation will include the construction of an extension of the existing building by “infilling” the corner block. This new element will create an internal courtyard development centred on a garden area for the students. The proposal also includes increasing the height of the building by an additional 2 storeys. The design utilises the existing building fabric and the additional storeys will be constructed using more modern, contemporary materials and design. It is considered that doing so, the visual scale of the building is reduced and begins to reflect the more domestic scale of the dwellings along Lord Street.

The applicants have advised that the extension will be clad in Steni gloss coloured panels. Bright white render is proposed on the existing structure, giving the vacant building crisp clean lines.

It is considered that the proposed development is well designed and will be constructed of materials which will “lift” the immediate area. The scheme provides appropriate landscaping which relates well to surrounding properties. The proposal also includes design features which contribute to a secure environment and reduce the likelihood of crime.

There have been concerns raised from surrounding residents with regards to increase in noise and general disturbance, loss of privacy and height issues.

The facility is to be managed 24/7 and the building Managers apartment has been identified within the scheme. A condition requiring the submission of a management plan to secure adequate management of the facility is attached. Such Further measures to control noise include the provision of double glazed windows with 100mm restrictors to stop them opening fully and external rendered insulation.

In addition, a condition has been attached that will require the submission of a management plan for the proposed development. This should include details of how the management team will liaise with local residents generally and should provide a telephone helpdesk, available 24 hours per day, 365 days per year, to all members of the local community as well as the residents to deal with all issues relating to the day to day management and reporting and possible general Anti-Social Behaviour (e.g. noise, general disturbance).

To visit all local complainants in the community who are concerned at the anti-social behaviour committed by students of the Hall

The proposed elevation facing 5-9 Brunswick Mews contains no additional windows. The elevation facing 10-19 Brunswick Mews does contain additional windows at third floor level, amended plans have been received that show these windows angled away from these properties.

The applicants have submitted a shadowing plan that identifies any additional shadowing to surrounding residential occupiers through the provision of the proposed extension. The outcome identifies that increase in the amount of shadowing through the proposed extension, will have a minimal impact on the residential amenities of surrounding occupiers.

It can be concluded that reuse and alteration to the existing building would provide a visual improvement to the surrounding area and the increase the number of students living in this location thereby assisting in supporting local businesses and the wider regeneration of the area including Hamilton Square and Birkenhead Town Centre.

#### Impact on Hamilton Square Conservation Area and associated Listed Buildings

The application is accompanied by a Heritage Statement that identifies the relevant heritage assets that could be affected by this proposal and describes the potential impact and makes a series of

conclusions. These conclusions are summarised below and supported by the Council's Conservation Officer.

The application site is located to the west of Hamilton Square, which is formed by a series of Grade I listed terraces. The proposed development occupies a corner within the Laird Grid; however the proposed development would only be glimpsed from one open corner of Hamilton Square and would be separated from the utilitarian rear elevation of Nos 19-34 Hamilton Square by a block of properties within the grid. It is considered that the proposed development would cause a minor change within the setting of the listed buildings that form the square.

The proposed development would be visible within the settings of the two Mersey Tunnel Ventilation Stations, however the scale and dominance of the structures within the wider townscape is such that the proposal would not impact on the ability to appreciate their special architectural interest. This can also be concluded in relation to the impact of the proposal on the stork hotel who's special interest is derived from the survival of the internal Plan form and the period decoration.

It is therefore considered that the special architectural and historic interest of the listed buildings located near to the application site and the character and appearance of Hamilton Square Conservation Area would be preserved by the proposed development and is therefore in accordance with the relevant statutory duties of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposals would sustain the significance of the identified heritage assets and would satisfy the requirements of the NPPF and Local plan policies.

#### **SEPARATION DISTANCES**

Separation distances are dealt with above.

#### **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.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

Although the proposal is contrary the UDP designation as a Primarily Commercial Area, the site is currently occupied by a vacant three storey building which has been unoccupied for the last 18 months. The site is within a sustainable location that is well served by public transport and close to Birkenhead Town Centre. The attached conditions should ensure that any noise or anti-social behaviour is controlled. The proposed extensions are considered to be well designed and the scale appropriate to the mixed use of its surroundings. The proposal will bring into use will bring a vacant derelict building back into a use that will bring regeneration benefits to the area as a whole. In this particular case, on balance, the material considerations are considered sufficient to outweigh the statutory 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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The site is currently occupied by a vacant three storey building which has been unoccupied for the last 18 months. The site is within a sustainable location that is well served by public transport and close to Birkenhead Town Centre. The attached conditions should ensure that any noise or anti-social

behaviour is controlled. The proposed extensions are considered to be well designed and the scale appropriate to the mixed use of its surroundings. The proposal will bring into use will bring a vacant derelict building back into a use that will bring regeneration benefits to the area as a whole. For these reasons the proposal is considered acceptable and accords with both National and Local Planning Policy Advice.

**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 units of student accommodation hereby permitted shall not be occupied until samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS13 of the Wirral Unitary Development Plan.

3. The units of student accommodation hereby permitted shall not be occupiedPrior to occupationl a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM8 of the Merseyside and Halton Joint Waste Local Plan.

4. The units of student accommodation hereby permitted shall not be occupied until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

5. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 5th December 2017 and listed as follows: Location Plan (dwg. number 01); Existing Block Plan (dwg. number 02); Proposed Block Plan (dwg. number 03); Existing Basement Plan (dwg. number 04); Existing Ground Floor Plan (dwg. number 05); Existing First Floor Plan (dwg. number 06); Existing Second Floor Plan (dwg. number 07); Existing Roof Plan (dwg. number 08); Existing External Elevations (dwg. number 09); Existing Courtyard Elevations (dwg. number 10); Proposed Basement Plan (dwg. number 11); Proposed Ground Floor Plan (dwg. number 12) and drawing No's19B, 12A and14B recieved by the Local Planning Department on 7th Decemeber 2018.

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

6. The units of student accommodation hereby permitted shall not be occupied until details of the acoustic fence to be provided between the application site and those properties on Brunswick Mews has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full and retained in perpetuity

**Reason:** In the interest of residential amenity of surrounding occupiers.

7. The units of student accommodation hereby permitted shall not be occupied until details of a tenant management plan has been submitted to and agreed in writing by the LPA. The approved plan shall be implemented in full.

**Reason:** To protect to residential amenities of surrounding occupiers

8. 1. The units of student accommodation hereby permitted shall not be occupied until an assessment is carried out in accordance with authoritative technical guidance (CLR11), has been submitted to and approved in writing by the Local Planning Authority.  
2. If any contamination posing unacceptable risks is then found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority. The end use of this site is considered residential for the purpose of land contamination risk assessment and management.  
3. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.  
4. If, during the course of development, any contamination posing unacceptable risks is found, which has not been previously identified, additional measures for the remediation of the land shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority.

**Reason:** To ensure a satisfactory form of development.

9. The units of student accommodation hereby permitted shall not be occupied until details of the mechanical ventilation equipment including installation shall be submitted to and approved by the Local Planning Authority. The equipment shall be operated and maintained in accordance with the approved scheme for the duration of the use hereby permitted.

**Reason:** To protect the amenities of surrounding properties

10. The units of student accommodation hereby permitted shall not be occupied until details of a building management scheme have been submitted to and agreed in writing with the LPA. The agreed scheme shall include arrangements for the permanent presence of a manager and formal procedures for engaging with local residents in the event of disputes relating to the operation of the use. This should include, but not limited to :-

- details of how the management team will liaise with local residents generally
- should provide a telephone helpdesk, available 24 hours per day, 365 days per year, to all members of the local community as well as the residents to deal with all issues relating to the day to day management and reporting and possible general Anti-Social Behaviour (e.g. noise, general disturbance).

The scheme shall be fully implemented upon the first occupation of any of the units of student accommodation hereby permitted and continued for the full duration of the use.



**Reason:** For the avoidance of doubt

11. All windows fitted to the units of student accommodation hereby permitted shall only open to a maximum of 100mm and shall continue for the full duration of use.

**Reason:** For the avoidance of doubt

12. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed 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 Policy WM9 of the Waste Local Plan.

13. The units of student accommodation hereby permitted shall not be occupied until a full landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

**Reason:** In the interests of visual amenity and to comply with Policy GR5 of the Wirral Unitary Development Plan.

14. Prior to the commencement of development, a full scheme of works for the reinstatement to standard footway levels of any existing vehicle accesses from the highway that are rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.

**Reason:** To ensure a satisfactory form of development

15. The development hereby permitted by this planning permission shall be carried out in accordance with the principles and details specified in the following approved submissions, including limiting discharge rate and storage volumes:

- Flood Risk Assessment – Works at the proposed Hamilton Hub (*Revision B – January 2018 & Response to LLFA January 2018 in 99-Revised Submission Jan 2018*).
- 12C Pro Ground.pdf Proposed Ground Floor Plan Drawing Number 12C
- 99-003 Layout Drawing Rev B – Proposed layout Rev B Feb 2018
- 99 – 010 Extreme Event Flooding 1:1000

**Reason:** To ensure a satisfactory sustainable surface water drainage system is provided to serve the site in accordance with the Paragraph 103 of the National Planning Policy Framework, HCWS 161 House of Commons Written Statement on Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

16. Prior to the occupation of any properties the applicant must submit 'as built' drainage design/layout drawings and a confirmed Management and Maintenance Plan.

**Reason:** To ensure a satisfactory sustainable surface water drainage system is provided

to serve the site in accordance and secure satisfactory management and maintenance of the approved surface water drainage system with the Paragraph 103 of the National Planning Policy Framework, HCWS 161 House of Commons Written Statement on Sustainable Drainage Systems, and Policy CS35 in the Core Strategy Local Plan Proposed Submission Draft.

17. If the approved sustainable drainage system is not adopted by a public body or statutory undertaker then, prior to the first occupation, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a resident's management company.
  - A schedule for on-going inspections relating to performance and condition.
  - Details for planned maintenance and a mechanism for remedial and urgent repair works.

**Reason:** To ensure effectiveness of the flood risk measures during the lifetime of the development and to comply with Policies within the Unitary Development plan.

**Further Notes for Committee:**

1. A pre-site inspection is required prior to the development works commencing with the LA- any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developers expense, to the LA specifications and written approval. For further details contact Highway Management, area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk)

**Last Comments By:** 02/02/2018 14:06:36  
**Expiry Date:** 02/02/2018

