

Planning Committee
19 April 2018

Reference:
APP/16/01088

Area Team:
South Team

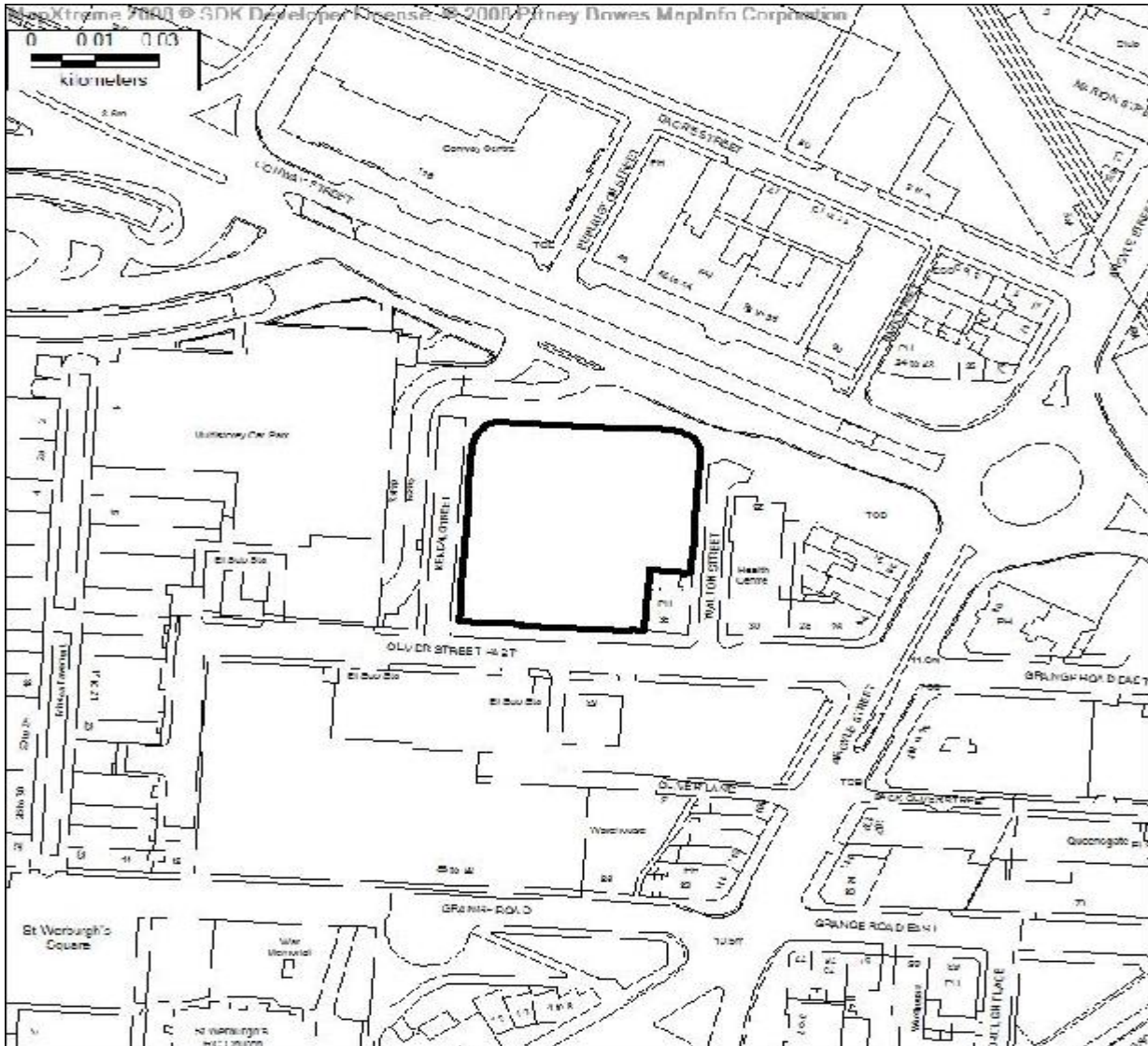
Case Officer:
Mr K Spilsbury

Ward:
**Birkenhead and
Tranmere**

Location: LAND AT CONWAY STREET, BIRKENHEAD, CH61 6EN
Proposal: A mixed use community/ commercial/ shop/ financial service and public space to the ground floor, with 132 one and two bed apartments to upper storeys with private garden terraces. (Further information provided)

Applicant: Marcus Machine and Tools Limited
Agent : Knights Professional Services Limited

Site Plan:



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Development Plan designation:

Key Town Centre

Planning History:

- Location: Top Rank Club, Claughton Road, Birkenhead. L41 6EN
Application Type: Outline Planning Permission
Proposal: Redevelopment of existing site to provide new approx. 2,000 seat bingo club within class D2 of the Town and Country Planning (Use Classes) Order 1987 with ancillary car parking, (outline).
Application No: OUT/95/06540
Decision Date: 15/12/1995
Decision Type: Approve
- Location: Cleared site (Former Bingo Hall), Conway Street, Birkenhead, Wirral, CH41 6EN
Application Type: Full Planning Permission
Proposal: Formation of temporary car park, with a maximum of 65 parking spaces, for 24 months.
Application No: APP/05/06981
Decision Date: 08/12/2005
Decision Type: Approve
- Location: Cleared site (Former Bingo Hall), Conway Street, Birkenhead, Wirral, CH41 6EN
Application Type: Full Planning Permission
Proposal: Erection of 6 storey (including basement) multi-storey car park with A1 retail unit at basement and ground floor
Application No: APP/05/07849
Decision Date: 31/08/2006
Decision Type: Approve
- Location: Cleared site (Former Bingo Hall), Conway Street, Birkenhead, Wirral, CH41 6EN
Application Type: Full Planning Permission
Proposal: Erection of a two storey building for Use Classes A1 (retail), A2 (financial and professional services), A3 (food and drink) and D2 (assembly and leisure)
Application No: APP/01/05977
Decision Date: 17/08/2001
Decision Type: Approve
- Location: Birkenhead Top Rank Club, Claughton Road, Birkenhead. L41 6EN
Application Type: Full Planning Permission
Proposal: Redevelopment of existing site to provide new Bingo Club and Casino (within Class D2) with ancillary car parking.
Application No: APP/96/05801
Decision Date: 25/07/1996
Decision Type: Withdrawn due to fee
- Location: Land bounded by Walton Street, Kendal Street and , Oliver Street East, Birkenhead, Wirral, CH41
Application Type: Full Planning Permission
Proposal: Change of use to open air car park
Application No: APP/00/05742
Decision Date: 14/06/2000
Decision Type: Withdrawn

Location: Cleared site (Former Bingo Hall), Conway Street, Birkenhead, Wirral, CH41
6EN
Application Type: Full Planning Permission
Proposal: Erection of a two storey building for Use Classes A1 (retail), A2 (financial
and professional services), A3 (food and drink) and D2 (assembly and
leisure)
Application No: APP/01/05091
Decision Date: 22/05/2001
Decision Type: Withdrawn

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 61 notifications were sent to adjoining properties. A site notice was also displayed.

At the time of writing this report one objection has been received from a neighbouring property who has raised concerns over the introduction of apartments within close proximity to nightclubs opposite and from the Hamilton Square Conservation Area Advisory Committee. They support the principle increase in residential provision in the area but object to the following:

1. The design is more Brutalism than Art deco due to its design, bulk and massing
2. The design does not reflect or echo the Grade II Listed Conway Centre and as such fails to give special regard to preserving the setting.
3. The bulk and massing must be reduced in light of the setting/listed building.
4. The heritage assessment provided by the applicant does not fully assess the heritage impact of the height and bulk of the building.
5. A smaller scale scheme would enable the development to be more commercially viable and as such affordable housing could be provided.
6. Refuse disposal, storage and collection arrangements are inadequate.
7. There is limited access in terms of lifts to upper floors, insufficient balconies and inadequate emergency egress.

A further letter of support has been received from a neighbouring property but with comments about the buildings impact upon the listed buildings near by and Hamilton Square Conservation area as well as competition between the proposed Library and Birkenhead Central Library as well as the potential for short term 'party night' lets.

CONSULTATIONS:

Engineers - No Objections

Environmental Health - No Objections

Lead Local Flood Authority - No Objection

Merseyside Fire and Rescue - Non planning related comments

DIRECTORS COMMENTS:

REASON FOR REFERRAL

As the proposed application is for a major mixed used development incorporating 132 apartments the application must be heard at planning committee under the terms of the current scheme of delegation.

INTRODUCTION

The application is for the erection of a mixed use community/commercial/shop/financial service and public space at ground floor with 132 on and two bedroom apartments to the upper floors with private garden terraces.

SITE AND SURROUNDINGS

The site for the proposed development, which once contained the former Grand Ritz Cinema and latterly the Rank Bingo Hall, has been vacant since 2001 when the building was demolished and is currently in use as a car park.

The site lies on the eastern fringe of Birkenhead Town centre. The site has frontages onto 4 roads, Conway street to the north, Oliver street East to the south, Kendal Street to the west and Walton Street to the east.

The site is designated within the Wirral UDP as Key Town centre and is surrounded by a number of commercial uses including nightclubs and bars to the north of the site, on the opposite side of Conway Street, the rear of the Debenhams Department store, incorporating delivery access and car parks, the Fireman's Arms public house on the corner of Watson Street and Oliver street East and a multi storey car park to the west.

The site lies within close proximity of the southern point of the Hamilton Square Conservation area and is over the road from the grade II Listed Conway Centre.

POLICY CONTEXT

The site lies within the Key Town Centre of Birkenhead and as such Wirral Unitary Development Plan (UDP) Policy SH1: Criteria for Development in Key Town Centres is applicable.

The proposed development also includes the erection of 132 self-contained residential apartments. Whilst not directly applicable UDP Policy SH3 emphasises the importance of retaining ground floor units in the key town centres for business opportunity. UDP Policy HS4: Criteria for New Housing Development and Supplementary Planning Document 2: Designing for Self-Contained Flat Development and Conversions are considered relevant for assessing the design and standard of accommodation that is proposed.

The site lies within close proximity to a grade II listed building - The Conway Centre and the Hamilton Square Conservation area as such UDP Policy CH1: Development Affecting Listed Buildings and Structures, UDP Policy CH2: Development Affecting Conservation Areas and UDP CH5: Hamilton Square Conservation Area of the Wirral UDP are applicable.

One of the core principles in the National Planning Policy Framework (NPPF) is that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants. Good design is identified as a key aspect of sustainable development and permission should be refused for development of poor design that fails to take opportunities for improving the character of the area and the way it functions (NPPF paragraphs 56 & 64 refer). Policies are also expected to recognise that residential development can be important to the vitality of the centre on appropriate sites (NPPF paragraph 23). This is taken into account in Policy CS26 in the emerging Core Strategy Local Plan, which would normally permit residential development at upper floor level.

There is a requirement for a minimum of 10% affordable housing for this development in accordance with UDP Policy HSG2: Affordable Housing, HS6: Principles for Affordable Housing and Policy CS22: Affordable Housing Requirement in the Proposed Submission Core Strategy (2012). The applicant has provided a viability assessment that has been independently assessed and in this instance it has been accepted that it would not be viable to provide affordable housing.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

APPEARANCE AND AMENITY ISSUES

The existing site is vacant (used as a car park) and semi-derelict surrounded by heras fencing and is in a fairly poor condition therefore detracting from the overall character of the area. Given that the site is within the Key Town Centre of Birkenhead in a prominent location on the A553, a busy thoroughfare providing links into the borough via the Birkenhead Tunnel to Liverpool and beyond, a large scale mixed use development comprising commercial use at ground floor with residential above is considered acceptable in principle.

The proposed building has been designed to be prominent within the street scene and picks up on the original design of the Grand Ritz Cinema with its large glazed tower above the entrance. The proposed apartment entrance will be located at ground floor with a glazed tower above providing living space for a number of the apartments. The size and scale of the structure will create a substantial and commanding presence on this prominent site at the end of Conway Street. The urban context of the site lends itself well to a large scale mixed use scheme that reflects the intentions and vision of Birkenhead moving into the future in line with the Wirral growth plan which aims to rejuvenate Birkenhead town centre with employment and business growth.

The upper floors of the proposal will provide 132 apartments over 7 storeys with an internal communal terrace for residents as well as roof top gardens for residents over the smaller apartment blocks looking over Kendal and Oliver Street.

The proposed massing a scale of the development will stand up with the other large scale civic buildings, offices and multi storey car parks within the immediate area. Due to its siting the new building will follow the established building line on that part of Conway Street and will turn the corner creating a sense of presence when viewing the proposal from the east. The proposed building is predominantly set back from the pavement by an acceptable distance, allowing for an area of public realm creating an attractive entrance at ground floor into the building from the main frontage on Conway street.

Due to the proximity of the development to the grade II listed Conway Centre and the nearby Hamilton square Conservation area. The building must complement and in no way detract from the setting of the listed building or the neighbouring conservation area. The overall design, scale and setting of the building is not seen to detract from the surrounding area and should members be minded to recommend approval of the scheme a condition to secure appropriate materials will be imposed to ensure they are of the highest quality to ensure the building establishes its self appropriately within the street scene. The applicant has indicated on the plans that the building will include copper elements to highlight and reflect the existing neighbouring materials having particular regard to the Conway centres brick and terracotta detailing.

The design of the proposed building is roughly in a horse shoe shape with access into the upper floor apartments gained via external walkways within the central core of the building. There is an internal terrace over the proposed car park that will provide attractive views from inward facing windows and thereby maintaining a sleek external facade comprising copper shuttering, aluminium windows, concealed rainwater goods and large elements of glazing on Conway, Kendal, Oliver Street East and Walton Street.

In addition, this has allowed the car parking to be located in a courtyard to the rear, screening cars from view to both the benefit of residents and neighbours.

The development provides 27 car parking spaces accessed off Oliver Street East. The site is extremely sustainable with the main bus terminal of Birkenhead directly adjacent to the site as well as

Conway Park Train station a 5-10 minute walk away. As the site is within the key Town Centre of Birkenhead there are a vast number of amenities within walking distance of the proposal.

It was originally intended that the ground floor of the scheme would be operated as a community library, however this has now been amended to an open ended permission for a mixed use community/commercial/shop/financial service. The library use of the ground floor was a matter investigated at the time of submitting the planning application in 2016, but no agreement for such use has been reached. The applicant therefore has confirmed in writing that this ground floor space is no longer anticipated to come forward in the form of a library. Although the planning application as described would allow for library use, this is not being pursued by the applicant. One or more of the other uses as set out in the application description is now anticipated to occupy this space (these include for example class A1 shop use or class A2 financial and professional services use which are all deemed acceptable within the Key Town Centre location).

At the time of writing this report one objection has been received from a neighbouring property who has raised concerns over the introduction of apartments within close proximity to nightclubs opposite and from the Hamilton Square Conservation Area Advisory Committee. They support the principle increase in residential provision in the area but object to the following:

1. The design is more Brutalism than Art deco due to its design, bulk and massing
2. The design does not reflect or echo the Grade II Listed Conway Centre and as such fails to give special regard to preserving the setting.
3. The bulk and massing must be reduced in light of the setting/listed building.
4. The heritage assessment provided by the applicant does not fully assess the heritage impact of the height and bulk of the building.
5. A smaller scale scheme would enable the development to be more commercially viable and as such affordable housing could be provided.
6. Refuse disposal, storage and collection arrangements are inadequate.
7. There is limited access in terms of lifts to upper floors, insufficient balconies and inadequate emergency egress.

A further letter of support has been received from a neighbouring property but with comments about the buildings impact upon the listed buildings near by and Hamilton Square Conservation area as well as competition between the proposed Library and Birkenhead Central Library as well as the potential for short term 'party night' lets.

The design, height, bulk and massing of the building has been assessed by the Conservation officer in light of CH1, CH2, CH5 of the Wirral UDP and the NPPF. The design of the development is not seen as out of character or harmful to the setting of the listed buildings in the area or to the nearby conservation area. The scale and massing of the building is deemed wholly appropriate to the key town centre location and due to the large elements of glazing and appropriate detailing proposed the bulk and massing of the proposal will not detract from the special architectural and historical features of the neighbouring listed buildings. The Hamilton Square Conservation area with its distinctive characteristics are separated from the site by way of the busy Conway street. The site itself is set within the urban context of Birkenhead Key Town Centre and whilst the building will be visible from the neighbouring conservation area it will be viewed in context of the town centre. The proposed scale and massing are deemed appropriate to the site and the introduction of appropriate materials will ensure the setting of distinctive characteristics of the area are preserved.

As the Conservation officer has raised no objections to the scheme the development is deemed acceptable in terms of the policy CH1, CH2 and CH5 of the Wirral UDP and the NPPF.

As stated above the applicant has provided a viability assessment that has been independently assessed having regards to affordable housing provision and in this instance it has been accepted that it would not be viable to provide any affordable housing. Details of refuse storage and disposal will be conditioned should members be minded to approve the scheme.

Access and egress to the scheme are deemed acceptable in planning policy terms. There is adequate private amenity provision in terms of an external terrace at first floor for residential use as well as a number of private balconies. Emergency access and egress will be assessed separately by Building Control and Merseyside Fire and Rescue Service.

SEPARATION DISTANCES

Habitable room windows directly facing each other should be at least 21 metres apart, and main habitable room windows should be at least 14 metres from any blank gable. These distances are complied with as there are no residential properties directly facing the scheme. The nearest residential accommodation is the flat above the Fireman's Arms public House. There are no windows in the end gable of this neighbouring building that face the site and as such no overlooking will occur.

HIGHWAY/TRAFFIC IMPLICATIONS

The scheme provides 27 off-street parking spaces accessed off Oliver Street East, which is considered to be acceptable and there are no highway implications which would warrant refusal of the application.

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

The introduction of a high quality mixed use community/commercial/shop/financial service and public space at ground floor with 132 on and two bedroom apartments to the upper floors with private garden terraces is considered to be acceptable. The proposed building will not harm the character of the area, neighbouring Listed Buildings, Conservation area or the amenities of neighbouring properties. The proposal is therefore considered to comply with Wirral Unitary Development Plan Policies including HS4, SH1, CH1, CH2 and CH5 and the National Planning Policy Framework.

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 introduction of a high quality mixed use community/commercial/shop/financial service and public space at ground floor with 132 on and two bedroom apartments to the upper floors with private garden terraces is considered to be acceptable. The proposed building will not harm the character of the area, neighbouring Listed Buildings, Conservation area or the amenities of neighbouring properties. The proposal is therefore considered to comply with Wirral Unitary Development Plan Policies including HS4, SH1, CH1, CH2 and CH5 and the National Planning Policy Framework.

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 4th August 2016 and 29th November 2017 and listed as follows: 472 A110 A (Dated 07/02/16), 772 A101 B (Dated 21/06/16), 472 a102 e (Dated 31/08/17), 472 A103 A (Dated 20/07/16), 472 A002 A (Dated 20/07/16), 472 A104 A (Dated 20/07/16), 472 A105 A (Dated 20/07/16), 472 A106 A (Dated 20/07/16), 472 A107 A (Dated 20/07/16), 472 A108 A (Dated 20/07/16) and 472 A109 A (Dated 20/07/16)

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

3. Before any construction commences, samples of the facing/roofing/window 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 HS4 of the Wirral Unitary Development Plan.

4. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The detailed landscaping plans shall include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) a schedule of implementation

Reason: In the interests of visual amenity and to ensure that the development complies with Policy HS 4 of the Wirral Unitary Development Plan.

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

- Conway Street, Birkenhead –Drainage Strategy (28th July 2017/ First issue/ Waterco Ltd).

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.

6. No development shall commence until the confirmed **full and final design** for a surface water sustainable drainage system¹ to serve the entire site and method of implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the

surface water sustainable drainage system shall be managed and maintained in accordance with the approved maintenance and inspection schedule.

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.

7. Prior to first occupation details of mechanical ventilation for all the dwellings together with suitable façade treatments such as the installation of acoustic high performance double-glazed window units and a background ventilation system will need to provide adequate ventilation with closed windows shall be submitted to and agreed in writing with the Local Planning Authority . The agreed details shall be implemented in full prior to first occupation and retained as such thereafter.

Reason: In order to provide sufficient sound insulation having regards to policy HS4 of Wirral UDP.

8. Prior to first occupation openable windows should be limited within the sensitive habitable rooms, particularly for facades on the inner courtyard which are screened to a degree from road traffic noise (the perceived noise level from the Fireman's Arms may be greater in these areas) to minimise impact from commercial noise and patron noise. Internal noise levels from mechanical ventilation must be balanced so as not to adversely affect the internal noise climate. Details of which shall be submitted to and agreed in writing with the LPA prior to first occupation and retained as such thereafter.

Reason: In order to provide sufficient sound insulation having regards to policy HS4 of Wirral UDP.

9. Prior to first occupation a noise assessment should be carried out to ascertain if the World Health Organisation guideline values for community noise in outside amenity areas can be achieved. In order to cause no more than 'moderate annoyance, daytime and evening' the outside amenity areas such as balconies and garden areas should be designed to achieve a sound level of 50dB LAeq,16 hour, details of which shall be submitted to and agreed in writing with the LPA prior to first occupation.

Reason: To protect residential amenity having regards to policy HS4 of Wirral UDP.

10. Prior to commencement of development a scheme for monitoring ground-level air quality including Nox2 levels shall be undertaken to obtain further information on the local air quality and to determine the necessity for the incorporation of measures within the building design for air quality mitigation. The details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement including detailed design proposals regarding location of mechanical ventilation air intake proposals. The agreed details shall be implemented in full prior to first occupation and retained as such thereafter.

Reason: To protect residential amenity having regards to Policy HS4 of Wirral UDP.

11. No development shall take place until an assessment is carried out in accordance with authoritative technical guidance (CLR11). 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 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. If during the course of development any contamination posing unacceptable risk 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 mitigate against potential contamination having regards to policy PO5 of Wirral's UDP

12. Construction of the development authorised by this permission shall not begin until the LPA has approved in writing a full scheme of works for the construction of the new vehicle accesses from the highway and amendments to the existing highway made necessary by this development, including new vehicle crossing accesses in accordance with LPA commercial crossing specifications. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

Reason: In the interest of highway safety and to comply with UDP Policy HS4

13. Construction of the development authorised by this permission shall not begin until the LPA has approved in writing a full scheme of works for the construction of the new vehicle accesses from the highway and amendments to the existing highway made necessary by this development, including new vehicle crossing accesses in accordance with LPA commercial crossing specifications. The approved works shall be completed in accordance with the LPA written approval and prior to occupation of the development.

Reason: In the interest of highway safety and to comply with UDP Policy HS4

14. Prior to commencement of development details of pedestrian dropped kerbs at the junction of Oliver Street East and Walton Street shall be submitted to and agreed in writing with the Local Planning Department. The agreed details shall be implemented in full prior to first occupation and shall be retained as such thereafter.

Reason: In the interest of highway safety having regards to policy HS4 of Wirral's UDP.

15. Prior to commencement of development details of all external ground floor doors, including secure access arrangements, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented in full prior to first occupation and retained as such thereafter.

Reason: In the interest of highway safety and public safety having regards to policy HS4 of Wirral's UDP.

16. No development shall take place 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.

17. No development shall take place until 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 policies WM8 of the Waste Local Plan.

18. 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 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 policies WM8 and WM9 of the Waste Local Plan.

19. The ground floor use hereby permitted shall be brought into use before the first 40 apartments have been occupied.

Reason: In the interest of ensuring the vitality and viability of the Key Town Centre having regards to policy SH1 of Wirral's Unitary Development Plan.

Last Comments By: 02/11/2017 16:36:01
Expiry Date: 27/02/2017