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Environmental Services
Town Hall
Brighton Street
Wallasey
Wirral
Merseyside CH44 8ED

Application **APP/17/01217**
Decision Made **22/03/2018**

Notice of Grant of Planning Permission

Town and Country Planning Act 1990

To: Mr A McMullen
FREETHS LLP
1st Floor
5 York Street
Manchester
M1 4JB

For: Mr M Yeung
Hamilton Studios Ltd
Unit 1F
Columbus Quay
Riverside Drive
Liverpool
L3 4DB

Subject 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 (Sui generis), including external landscaping and recreational area and internal communal areas.

Location LORD STREET & CLEVELAND STREET, BIRKENHEAD, CH41 6BL

Council Decision Summary

The decision to grant Planning Permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to any problems arising in relation to dealing with this application and have implemented the requirement in National Planning Policy Framework paragraph 187. In reaching this decision, the Local Planning Authority has had regard to 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.

Wirral Borough Council hereby grants Planning Permission for the development specified in the application and accompanying plans submitted by you subject to the following conditions:-

- 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 occupied 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 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)

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

- 6 The development 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

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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 acoustic 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).
- Time limit on the use of the proposed outdoor space to protect the residential amenities of adjacent residential occupiers
- Compliance with the actions detailed on the submitted manufacturers specification for the noise measuring equipment
- Details of the management strategy for dealing with any possible issues of anti-social behaviour.

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 and to protect the residential amenities of surrounding occupiers

- 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 The units of student accommodation hereby permitted shall not be occupied until 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 The units of student accommodation hereby permitted shall not be occupied until 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.

- 18 No live music, amplified music or live entertainment shall take place within or outside the premises.

Reason: To prevent noise and disturbance to nearby residents/ to prevent the emission of noise above a level which would be detrimental to the aural amenity of the area and to comply with Policies in the Wirral Unitary Development Plan.

Rights of Appeal

If you disagree with any of the conditions in this decision, other than those which have been imposed to comply with Regulations made under the Town and Country Planning Act 1990, you are entitled to appeal to the Secretary of State. You must however do this within 6 months of the date of this notice and on forms which may be obtained from:- The Planning Inspectorate, Room 3/06b Kite Wing, Temple Quay House 2, The Square, Temple Quay, Bristol. BS1 6PN

Notes To Applicant

The decision to grant planning permission has been taken having regard to the policies and proposals in the Wirral Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance.

Compliance with Conditions: The Council expects strict compliance with all conditions. Failure to do so may result in the service of a Breach of Condition Notice and prosecution by the Council.

Building Regulations: A separate submission under the Building Regulations 2010 (as amended) may be required before you commence this development. You are therefore advised to consult the Building Control Section at this office. Tel: 0151 691 8454

The Local Planning Authority has displayed a Site Notice advertising your application. It is normally mounted on a fence, lamp post or other item of street furniture. In order to keep the environment of Wirral clean and tidy would you please arrange to have this Notice removed as soon as possible.

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



**DAVID BALL,
ASSISTANT DIRECTOR ENVIRONMENTAL SERVICES**