



Planning Committee

Date:	Thursday, 29 June 2023
Time:	6.00 p.m.
Venue:	Committee Room 1 - Birkenhead Town Hall

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AGENDA

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1. WELCOME AND INTRODUCTION
2. APOLOGIES FOR ABSENCE
3. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members are asked whether they have any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

4. **APP/22/01848 - GROVE HOUSE HOTEL, 45 GROVE ROAD, WALLASEY VILLAGE, WIRRAL, CH45 3HF. PROPOSAL FOR A TEMPORARY CHANGE OF USE FROM A HOTEL TO HOSTEL, PROVISION OF 18NO BEDROOMS FOR 36 MONTHS. (Pages 1 - 10)**
5. **APP/22/01887 - WIRRAL POINT, 37 STANLEY ROAD, HOYLAKE, WIRRAL, CH47 1HN. FULL PLANNING APPLICATION FOR THE CONVERSION AND EXTENSION OF THE EXISTING BUILDING FOR THE PROVISION OF FOUR RESIDENTIAL APARTMENTS (USE CLASS C3) WITH ASSOCIATED LANDSCAPING AND PARKING (Pages 11 - 30)**
6. **APP/23/00599 - 3 DUDLEY ROAD, NEW BRIGHTON, WALLASEY, WIRRAL, CH45 9JP. CHANGE OF USE FROM COUNSELLING/THERAPIST CENTRE (CLASS E) TO RESIDENTIAL (C3) IN THE FORM OF A SINGLE DWELLING. (Pages 31 - 36)**

Planning Committee Terms of Reference

The terms of reference for this committee can be found at the end of this agenda.

Agenda Item 4

Planning Committee	29th June 2023
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Reference:	Area Team:	Case Officer:	Ward:
APP/22/01848	DM	Ms A McDougall	Wallasey

Location:	Grove House Hotel, 45 Grove Road, Wallasey Village, Wirral,
Proposal:	Proposal for a temporary change of use from a hotel to hostel, provision of 18no bedrooms for 36 months.
Applicant:	KISSOCK
Agent:	Miss Jane Burnham Audere BW Architects

Qualifying Petition	No
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Site Plan:



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Development Plan designation:	Primarily Residential Area
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Planning History:	APP/22/01643
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	<p>Proposal for a temporary change of use, from a hotel to hostel (to house asylum seekers), utilising 26no double rooms for 36months. Undetermined</p> <p>APP/22/01053 Proposal for a temporary change of use, from a hotel to hostel (to house asylum seekers), utilising 26no double rooms for 36months. Returned Invalid</p>
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Summary Of Representations and Consultations Received:

<p>1. Ward Member Comments</p>	<p>The application was called in by Councillor Ian Lewis for committee determination for the following reasons:</p> <ul style="list-style-type: none"> • The inadequacy of the shared facilities and on-site activities, and effectiveness of measures to safeguard residents' physical and mental safety and well-being. • The effectiveness of mechanisms to facilitate residents' access to independent information, legal advice, and updates on the processing of their cases. • The lack of transparency and independent oversight of policy and practice in relation to the accommodation, and events and conditions inside the premises
<p>2. Summary of Representations</p>	<p><u>REPRESENTATION</u></p> <p>51 Letters were sent to neighbouring properties, to date there have been 27 separate letters of objection received, one neutral comment and one letter of support.</p> <p>The objections can be summarised as:</p> <ul style="list-style-type: none"> • Residents' safety; • House prices; • Impact onto character of the area; • Anti social behaviour; • Overall negative impact on residents; • Alternative location should be sought; • Negative impact onto the residents of the hotel with limited support and integration; • Residents were misled by seller/owners as to the future use of the hotel when it originally closed; • Noise and disturbance during the evening

	<p><u>CONSULTATIONS</u></p> <p>Housing - concerns regarding facilities available in terms of bathroom facilities and whether the use is as an House in Multiple Occupation; (as noted below, the use does not constitute a HMO)</p> <p>Traffic & Transportation - No objection subject to cycle parking provision</p>
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3.1 Site and Surroundings	<p>The Grove House hotel was until recently used as a hotel and is situated within a Primarily Residential Area, as designated in the Wirral Unitary Development Plan and the emerging Local Plan. The building sits on a large plot that is surrounded by smaller family dwellings and also bounds Harrison Park to the north.</p>
3.2 Proposed Development	
3.2.1	<p>The proposal is for the change of use of the hotel to a hostel for a temporary period of 36 months. The Local Planning Authority were made aware that the change of use had occurred in October 2021. The premises provides accommodation for 2 people per bedroom. Due to the way in which the premises is being used, the use is accepted as being akin to a hostel use (sui generis) rather than as a hotel.</p>
3.2.2	<p>The floor plans are set out as:</p> <p>Ground floor - 4 bedrooms, each with capacity for 2 people</p> <p>First Floor - 11 bedrooms, each with capacity for 2 people</p> <p>Second Floor - 3 bedrooms, each with capacity for 2 people</p> <p>The Ground floor also retains the kitchen and dining area, along with a communal sitting area. The reception and lounge area also remains unaltered from its previous hotel use.</p> <p>The grounds of the premises remain unaltered with car parking provision to the rear and garden areas available for guests to enjoy.</p>
3.2.3	<p>The agent has confirmed that each room has ensuite facilities and the scheme is not for a HMO. They have also confirmed that the premises is operated on the following basis:</p> <ul style="list-style-type: none"> • The length of time residents will stay varies, usually 2-4 weeks, with a max stay in some cases of 6-8 weeks. • A full-time Housing Officer (employed by the contractor) is on site to provide 24hr support. They are there to assist with any welfare or claims issues. There is also additional support from various outside sources. They go to English lessons and out on arranged activity days, such as rock climbing, gardening, and walking days. • Three main meals are provided every day: breakfast, lunch and evening meal. There is also tea/coffee and water provided 24/7, and snacks on offer between meals. <p>Various members of staff are available on hand 24/7 should any assistance be required.</p>
3.3 Development Plan	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.</p>

The adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the 'UDP') and the Joint Waste Local Plan for Merseyside and Halton.

Relevant policies UDP are:

TL7 – Criteria for Hotels and Guest Houses Policy

Subject to Policy TL2, hotels and guest houses providing overnight accommodation, without facilities for non-residents, will be permitted within the Primarily Residential Area.

Proposals providing overnight accommodation incorporating conference, restaurant, night club and other related sports or leisure facilities available to the visiting public, will only be considered suitable within urban commercial locations.

HS14 – Houses in Multiple Occupation Policy

Proposals for the conversion of existing buildings to multi-occupancy will not be permitted unless the proposal fulfils all the following criteria:

- (i) the property being of sufficient size to accommodate the proposal and not of modern domestic scale;
- (ii) if the property is not detached then adjoining property is not in single family occupation;
- (iii) the proposal not resulting in a private dwelling having an HMO on both sides;
- (iv) the proposal not resulting in a change in the character of the surrounding area which would be detrimental;
- (v) the proposal not resulting in a concentration of HMO's in a particular area such that the character of the area is adversely affected;
- (vi) the proposal ensuring the privacy of neighbours and occupants, including the layout of car parking areas, to prevent overlooking of habitable room windows;
- (vii) staircase access normally being provided within the main structure of the building. If external staircases have to be provided they must not result in significant overlooking of neighbours' windows or private amenity space;
- (viii) any extensions required complying with Policy HS11;
- (ix) any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree;
- (x) any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;
- (xi) adequate sound proofing being provided;
- (xii) any basement accommodation having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight

	<p>penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle accessways;</p> <p>(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;</p> <p>(xiv) access to rear yards/,gardens being provided from each flat;</p> <p>(xv) adequate visibility at entrance and exit points and turning space for vehicles; and</p> <p>(xvi) the proposal otherwise complying with Policy HS4 and Policy HS5.</p> <p>Existing HMOs and valid planning permissions must not comprise more than 20% or more of the properties forming the street frontage within a street block.</p>
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3.4 Other Material Planning Considerations	
3.4.1	<p><u>National Planning Policy Framework</u></p> <p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:</p> <p>a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</p> <p>b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and</p> <p>c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p> <p>To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <p>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</p> <p>b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;</p> <p>c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;</p> <p>d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and</p> <p>e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.</p>

3.4.2	<p><u>Submission Draft Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); • the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and • the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).” <p>Relevant Policies</p> <p>Policy WD 7 Houses in Multiple Occupation</p> <p>Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking</p> <p>Policy WS 6 Placemaking for Wirral</p> <p>Policy WD10 Non residential uses in Primarily Residential Areas</p>
3.5 Assessment	<p>The development will be assessed on the following grounds;</p> <ul style="list-style-type: none"> • principle of development • design • highway safety • amenity
3.6 Principle of Development	<p>The proposal is for a change of use (this has already occurred) from a hotel to a hostel. The site provides residential accommodation in a residential area which in principle is considered an acceptable use subject</p>

	<p>to the wider impact of the development to the character of the area. As noted, the change of use has already occurred, and the planning application is therefore retrospective in nature.</p> <p>The case of Commercial and Residential Property Development Company Limited v Secretary of State for the Environment provided guidance as to the definition of a hostel. This held that a hostel is a building where people either live or stay and which provides communal facilities. The word “hostel” is not a term of art in relation to duration of stay. It can include not only youth hostels for transient occupation but also long-term accommodation as in the case of a nurse’s hostel. The sleeping accommodation is often, but by no means always, in the form of dormitories rather than single rooms and provides shared working, eating and recreational facilities. It is of the essence of a hostel that it provides relatively basic, inexpensive accommodation.</p> <p>A hostel used as transient accommodation has many of the characteristics of a hotel:</p> <ul style="list-style-type: none"> • people coming and going, • people booking in and checking out, • people who stay in the hostel but live elsewhere. <p>The use of the premises as a hotel has been long established. The use of the premises as a hostel, whilst considered a material change of use in this instance, would be used in a similar way in terms of how residents use the building.</p>
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<p>3.7 Design</p>	<p>In terms of design the proposed development has minimal impact on the setting and design of the building. The property was previously used as a hotel. The bedrooms are re-purposed from short stay holiday accommodation to longer stay residential in the essence of a hostel rather than a hotel use, however this does not have an impact on the visual appearance of the property.</p>
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<p>3.8 Highways</p>	<p>The proposals are all contained within a private boundary and do not impact on the adopted highway. There are 18 no. on-site car parking spaces which is considered satisfactory. The location of the development is within 400m of Wallasey Grove Road Merseyrail train station and also close to nearby bus stops.</p> <p>The former use of the building as a hotel also would have generated a similar level of trips on the network and the former use is considered to generate a more intensive use at the site compared to the proposed use. It is therefore unlikely that the development will generate a significant level of traffic. As such there are no objections to the proposals on highways grounds. This is subject to satisfactory cycle storage details as these facilities are not shown on the submitted plans. It is generally accepted that the proposed use would generate more sustainable and active travel trips on the network with the use of walking and short trips by cycles being an attractive option. These details are to be secured via a suitably worded condition.</p>
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<p>3.9 Ecology</p>	<p>There are no ecological issues pertaining to the proposed change of use.</p>
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3.10 Amenity

The change of use of the land and buildings from a hotel to a hostel constitutes a material change of use and this change of use has already occurred. However, in terms of impact on amenity, the hostel use is not considered to be significantly different to the previous use as a hotel. The proposal is to continue the use of the bedrooms for sleeping accommodation. The premises will also continue to provide areas where guests can socialise and relax, and meals will continue to be available for guests from the dining room.

Concerns have been raised with regard to the safety of residents neighbouring the site and the wider impact of the use to the character of the area.

In terms of planning policy, the re-use of the building as accommodation provision is considered appropriate. The accommodation use sought is a temporary measure in a building that previously would have had a transient use as a hotel for hotel guests staying for limited time periods. The way in which the building is used will follow a similar character as the previous use of a hotel with dining space, a garden available for outside use and sleeping accommodation. It is anticipated that some of the residents may be housed within the building for longer periods than a hotel guest may have stayed, however the principle is for residential purposes albeit on a short to medium term.

The change of use is proposed for a limited time period only of 36 months and for no more than 36 residents at any time. This character is akin to the use of the premises as a hotel therefore the change of use is not considered to result in an unacceptable change to the established character of the surrounding area.

Having regard to Wirral's UDP Policy HS15 and taking into account the draft Local Plan Policy WD10, the use is considered to be appropriate within a Primarily Residential Area and would not detract from the character of the area or result in harm to neighbouring residential uses.

The behaviour of existing and future residents is not to be determined by planning policy. If there are safety or behaviour issues this would be outside of planning control.

Summary of Decision (Planning Balance)

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regard to the individual merits of this application it is considered that the application is acceptable in planning terms having regard 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:-

Taking into account local and national planning policy, the temporary re-use of the hotel to a hostel is in this instance considered acceptable having regard to how the site has previously been used and the temporary nature of the proposed use, having regard to Wirral's UDP Policies the draft Local Plan and the NPPF.

Recommended Decision:

Approve subject to the following conditions

Recommended Conditions and Reasons:

1. The development hereby permitted shall be for a limited period being the period of 36 months from the date of this permission. At the end of this period the development hereby permitted shall cease

Reason: Having regard to the long term wider impact of the residential area in accordance with Wirrals UDP Policy HS15

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 30 November 2022 and listed as follows:

2060-ABWA-Z1-GF-DR-A-(20)0100 P01

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

3. There shall be no more than 18 rooms with a maximum of 36 residents provided at any time, in accordance with the details submitted and shown on plan reference; 2060-ABWA-Z1-GF-DR-A-(20)0100 P01

Reason: In the interests of neighbouring amenity

4 Within 3 months of the date of this permission full details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be made available for use within 3 months of the decision date of the development and shall thereafter be retained.

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.

Last Comments By:

23-12-2022

Expiry Date:

30-06-2023

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Planning Committee

29th June 2023

Reference:

Area Team:

Case Officer:

Ward:

APP/22/01887

DM

Mr B Pratley

Hoylake and Meols

Location:

Wirral Point, 37 Stanley Road, Hoylake, Wirral, CH47 1HN

Proposal:

Full planning application for the conversion and extension of the existing building for the provision of four residential apartments (Use Class C3) with associated landscaping and parking

Applicant:

Mr MacLean

Agent:

Mrs Deborah Baker Barnett Zerum

Qualifying Petition

No

Site Plan:



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Development Plan designation:

Density and Design Guidelines Area, Primarily Residential Area, Site of International Importance for Nature Conservation, Site of National Importance for Nature Conservation.

Planning History:

Applications

	<p>APP/20/01047 Demolition of the existing building and erection of a building comprising 8 apartments (Use Class C3) with associated basement parking, servicing, landscaping and infrastructure. Amended plans submitted reducing the size of the proposed building by way of a reduction in its height and footprint, and a reduction in the number of apartments (previously 9 apartments were proposed). <u>Refused – dismissed at appeal</u></p> <p>APP/19/01602 Demolition of the existing building and erection of a part 4, part 3 storey building comprising 9 apartments (Use Class C3) with associated basement parking, servicing, landscaping and infrastructure. <u>Refused – dismissed at appeal</u></p>
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	<p>Councillor Cox requested this application be brought to Planning Committee if the officer recommendation is for approval, on the ‘grounds of overdevelopment and the fact that the building is within a conservation area and should be improved not altered by extending it losing its current character’.</p>
2.1 Summary of Representations	<p>Having regard to the Council Guidance on Publicity for Applications 209 notifications were sent to adjoining properties. A site notice was also displayed on site and in the press. At the time of writing this report 11 objections have been received, listing the following grounds:</p> <ul style="list-style-type: none"> • Neighbours not given long enough to respond to application. • Detrimental impact on ecology. • There is no commitment to retain trees on the site. • Detrimental impact on highways • Detrimental impact on the existing building. • Detrimental impact on the Conservation Area. • The proposal is an over-development • The developer has deliberately allowed the building to appear derelict. • The property could be flooded by the sea. • Details of pre-application should be made public. • The sewerage system will be adversely affected. • Potential detrimental impact on neighbouring property. • The proposal does not address surface water drainage. • The proposal will set a precedent for other similar developments. • The flats are likely to be purchased as holiday / second homes. • The proposal could harm the ability of the Royal Liverpool Golf Club to host the Open. <p>30 items of correspondence written in support of the application have also been received. The correspondents state that the proposal is sympathetic to the character and appearance of the site and the wider area.</p>

2.2 Summary of Consultations

- Conservation Officer - The design of the extensions harmonises with the existing character, replicating roof shapes and materials. The scale is proportionate to the property and the site, with proposed roof comfortably positioned. No objection.
- Emergency Planning Team - No objection.
- Environment Agency - No objection.
- Highways Department - No objection.
- Hoylake Conservation Areas Association - The current proposal is far more appropriate than previous proposals. Although they would prefer that the property remains as a single family dwelling they “reluctantly accept that this application is more reflective of the housing market and does its best to comply with the conservation landscape of this distinct and characterful site”.
- Hoylake Vision Community Planning Forum - Support the proposal in principal as it retains the building. Confirm that there is no conflict with the emerging review of the Hoylake Neighbourhood Development Plan. Insufficient information supplied regarding materials, means of enclosure or landscaping.
- Kings Gap and Meols Drive Association - No objection received.
- MEAS - No objection subject to conditions.
- Merseyside Fire and Rescue Service - No objection received.
- Natural England - No objection subject to conditions.
- Sport England - No objection.
- Tree Preservation Officer- No objection received.
- Wirral Wildlife - No objection.

3.1 Site and Surroundings

3.1.1	The application site comprises a large detached dwelling positioned on a relatively large plot. The property features a central bay with an arched, left of centre entranceway. The chimneystack, which abuts the bay, contributes to the building's characterful asymmetry and the property is in the 'Arts and Crafts' style.
3.1.2	The property is within a Primarily Residential Area, as designated in the Wirral Unitary Development Plan, at the end of Stanley Road, next to the access to the beach. The property is located within the Meols Drive Conservation Area and is designated as a Category B building. As such it is considered to be a building that contributes positively to the area.
3.1.3	The site is positioned next to the Red Rocks SSSI and The Dee Estuary SSSI. The area to the south and west of the site is also designated as a

	Site of Local Importance for Earth Science and a Local Geological Site. The site also falls into the area covered by the Hoylake Neighbourhood Plan.
3.1.4	The area surrounding the site falls within Flood Zones 2 and 3. A small part of the application site falls within Flood Zone 2.
3.1.5	To the north of the site is the Red Rocks Nursing Home which is designated as a Category A building in the Conservation Area, one that is of particular interest or value to the area. To the south is the Royal Liverpool Golf Club, which is hosting the Open Championship in 2023.

3.2 Proposed Development	
3.2.1	The application is for the conversion of the building and erection of extensions to create four new dwellings.
3.2.2	The applicant wishes to demolish single storey extensions attached to the side (east) elevation of the property, together with a detached outbuilding, and erect a part one/part two storey extension with second floor accommodation contained within the roofspace.
3.2.3	An additional single-storey extension is to be erected on the opposite side (west) of the property. Off road parking for 8 vehicles is proposed to the front of the site, with storage for cycles and bins alongside the vehicular entrance.

3.3 Development Plan	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (July 2021) (paragraph 2) applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.</p> <p><u>Unitary Development Plan</u></p> <p>The adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the 'UDP'). Relevant policies are:</p> <p><u>Policy CHO1 – The Protection of Heritage</u></p> <p>In considering all development proposals the Local Planning Authority will pay particular attention to the protection of:</p> <ul style="list-style-type: none"> (i) Buildings, structures and other features of recognised architectural or historic importance; (ii) Historic areas of distinctive quality and character; and (iii) Important archaeological sites and monuments.
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Proposals which would significantly prejudice these objectives will not be permitted.

Policy CH2 – Development Affecting Conservation Areas

Policy CH2 states that development within, adjacent or otherwise affecting a Conservation Area should preserve or enhance that Conservation Area.

Policy HS4 - Criteria for New Housing Development

This policy requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

Policy HS5 – Density and Design Guidelines

In the following existing residential areas as outlined on the Proposals Map, in addition to the criteria in Policy HS4, proposals for new residential development will be subject to controls over density and layout as follows:

4. Stanley Road, Hoylake

Zone 5 - This zone contains some of the best large houses in West Wirral set in large plots with fine architectural detailing. Further advice is contained in SPG5.

Policy GR5 - Landscaping and New Development

In order to secure the protection and enhancement of visual amenity the Local Planning Authority will require applicants to submit full landscaping proposals before full planning permission is granted. Proposals should:

- (i) include a clear specification of landscaping proposals indicating the species mix, the location, height and density of new planting, as well as areas of new ground modelling or other land features proposed;
- (ii) be appropriate in terms of the nature and location of the development proposed, the visual prominence of the site, the potential visual impact of the development and the character of the surrounding area;
- (iii) provide for new planting and for the protection, replacement or enhancement of existing features such as ponds, trees, bushes, shrubs or hedges including, where relevant, appropriate boundary treatment and provision for the protection of wildlife; and
- (iv) take full account of the effect of proposals on visibility at access points, the effect of local climatic influences and the potential for misuse or erosion which may affect the appropriateness of landscaping proposals.

Layouts that would leave landscaped areas which are not easily supervised or which would prejudice the supervision of other sensitive areas of the site will be resisted.

Planning permission will be subject to conditions relating to the protection of existing features specified for retention, the timing and aftercare of new planting including provision for the replacement of stolen, damaged,

diseased or dead plants or trees throughout the period until newly planted stock is established and capable of normal unaided growth.

Policy GR7 – Trees and New Development

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value in the locality and their value for nature conservation.

Policy CO1 Development Within the Developed Coastal Zone

Development will be permitted within the Developed Coastal Zone subject to the following criteria:

(i) the development requires a coastal location, unless the applicant can demonstrate that there are no alternative sites outside the Coastal Zone capable of accommodating the proposed development;

(ii) the proposal will not adversely affect coastal and marine nature conservation or earth science, archaeology, urban or rural landscape value or visual quality; and

(iii) the proposal does not reduce the effectiveness or impede the maintenance of sea defence or coastal protection structures and additionally satisfies the requirements in Policy CO5 and Policy CO6 relating to development in areas at risk from flooding and erosion.

Public access to the coast will be expected to be preserved and, where practical and safe to do so, enhanced.

The Local Planning Authority will also have regard to possible cumulative impacts resulting from the combination of the proposal with other existing or proposed developments in the Coastal Zone.

Policy NC1 - The Protection of Sites of International Importance for Nature Conservation Policy

Development proposals which may affect a European Site, a proposed European site or a Ramsar site will be subject to the most rigorous examination. Development proposals identified as having an adverse effect on the integrity of such sites will not be permitted, except when:

(i) there are no alternative solutions; and

(ii) there are imperative reasons of overriding public interest, including those of a social or economic nature, which are sufficient to override the ecological importance of the site.

Policy NC2 - Sites of International Importance for Nature Conservation

The following are sites of international importance for nature conservation. Their boundaries are shown on the Proposals Map:

1. The Dee Estuary Wetland of International Importance and Special Protection Area
2. The Mersey Estuary Wetland of International Importance and Special

Protection Area

Proposals which have potential to damage the nature conservation interests which underlie the designation of these sites will be dealt with in accordance with Policy NC1.

Policy NC3 – The Protection of Sites of National Importance for Nature Conservation

Development proposals likely to affect, directly or indirectly, sites of national importance for nature conservation will be subject to special scrutiny and will not be permitted unless it can be demonstrated that the reasons for the development clearly outweigh the nature conservation or earth science value of the site and the national policy to safeguard the national network of such sites.

Where such development proposals are to be approved, the Local Planning Authority may impose planning conditions and/or planning obligations to secure the protection and enhancement of the site's value for nature conservation or earth science. In this respect the Local Planning Authority will need to be satisfied that:

(i) the development proposals are sited and designed in such a way as to conserve the integrity of the site;

(ii) adequate provision has been made to minimise the potential for damage or injury to any part of the site during construction and after the development proposed is occupied; and

(iii) adequate measures have been taken in order to safeguard compliance with these requirements and where appropriate to provide for the reinstatement of damaged areas.

Policy NC4 - Sites of National Importance for Nature Conservation

The following sites have been designated as Sites of Special Scientific Interest under Section 28 of the Wildlife and Countryside Act 1981 (as amended). Their boundaries are shown on the Proposals Map.

Applications for development with potential to have an adverse affect on the nature conservation importance of these sites will be determined in accordance with Policy NC3 :

1. The Dee Estuary
2. The Mersey Estuary
3. North Wirral Foreshore
4. Red Rocks, Hoylake
5. Dee Cliffs, Thurstaston
6. Heswall Dales
7. The Dungeon, Heswall
8. Thurstaston Common
9. Dibbinsdale, Bromborough
10. Meols Meadows, Moreton

Policy NC7 – Species Protection

Development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/or planning obligations.

Policy TR9 – Requirements for Off Street Parking

This policy requires the assessment of off-street parking provision to be guided by a number of considerations, including the availability of alternative modes of transport, road safety and traffic management issues.

Policy WA1 - Development and Flood Risk

(i) Within Washland, development will not be permitted unless the developer is willing to provide compensatory storage and/ or flood protection to an appropriate standard as part of the development.

(ii) Where land is (a) in an area protected from tidal flooding by embankments or (b) within a floodplain but at a lower risk of fluvial flooding and the land is protected by flood embankments, which are properly maintained and provide an acceptable standard of safety, development may be permitted, subject to consultation with the Environment Agency and where necessary the imposition of appropriate conditions, for example, with respect to minimum floor level.

(iii) Development which would itself increase the risk of flooding to other properties or which would reduce the effectiveness or impede the maintenance of flood control structures or works will not be permitted.

(iv) Development which would adversely affect the integrity and continuity of tidal and fluvial defences or which would compromise the access requirements for maintenance or emergency purposes will not be permitted.

Policy WA2 - Development and Land Drainage

(i) Where proposed developments are on land of such a size or nature relative to receiving watercourses that there could be a significant increase in surface water run-off from the area, or are situated in an area where the Environment Agency has indicated that there may be drainage problems, consultation with the Environment Agency or the local Land Drainage Authority will be required and conditions may be imposed requiring storage within the surface water system.

(ii) In assessing development proposals, the Local Planning Authority will seek to maintain and enhance the natural character of wetlands, groundwaters, ponds, rivers and their margins. In particular, the culverting of watercourses will be discouraged, in order to preserve the natural storage provided and to avoid future maintenance difficulties.

The Hoylake Neighbourhood Development Plan

The Hoylake Neighbourhood Development Plan is part of the Development Plan. The following policies are relevant.

Hoylake Plan Policy DI3 – Designated Heritage Assets

Where development is likely to affect the significance of any designated heritage asset, the proposal must specify how it would conserve and enhance that significance.

Hoylake Plan Policy NC1 – Protection of Natura 2000 Sites

Proposals which may result in a likely significant effect on an internationally important nature conservation site must be accompanied by sufficient evidence to enable the Council to make a Habitats Regulations Assessment. Proposals which may adversely affect the integrity of internationally important nature conservation sites will only be permitted if the adverse effects can be removed by conditions or planning obligations, or in the absence of alternative solutions, there are imperative reasons of overriding public interest and where compensatory provision has been made. This also applies to sites and habitats outside the designated boundaries that support species listed as being important in the designations of the internationally important sites (i.e functionally-linked habitat).

Hoylake Plan Policy DI2 – Scale and Design of New Development

All proposals for new buildings and for the extension or alteration of existing buildings, whether inside or outside the Conservation Areas, must respond to the distinctive character and reflect the identity of the area in terms of their size, design and materials of construction.

Hoylake Plan Policy H1 – Residential Development

All proposals for new dwellings within the existing built up area, including infilling, redevelopment, conversion and change of use of buildings or land to a residential use will be supported, provided that they would accord with Policies DI2, DI3 and CL2 (where relevant) and would not have a significantly adverse effect upon the distinctive character of the local area or the living conditions of occupants of surrounding dwellings.

Hoylake Plan Policy H2 – Housing Type and Tenure

Proposals for residential development must ensure that where appropriate they address the housing needs of the wider community by providing a mix of housing types, tenures and sizes, including affordable and specialist housing, based upon an up to date assessment of housing need.

Joint Waste Local Plan for Merseyside

The Joint Waste Local Plan for Merseyside and Halton is part of the development plan. Relevant policies are:

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout for New Development

<p>3.4 Other Material Planning Considerations</p>	
<p>3.4.1</p>	<p>Paragraph 189 of the National Planning Policy Framework (July 2021) states that Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. It also states that planning decisions should contribute to and enhance the natural and local environment.</p>
<p>3.4.2</p>	<p><u>Submission Draft Local Plan</u></p> <p>Wirral Borough Council is in the process of submitting a new local plan for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <p>the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</p> <p>the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”</p> <p>The following policies are relevant:</p> <ul style="list-style-type: none"> • Policy WS 3 – Strategy for Housing • Policy WS 5 – Strategy for Green and Blue Infrastructure, Open Space, Bio-diversity and Landscape Protection • Policy WS 6 – Placemaking for Wirral • Policy WS7 – Principles of Design • Policy WP 6 – Policy for West Kirby and Hoylake

	<ul style="list-style-type: none"> • Policy WD 5 – Residential Extensions • Policy WD 6 – Self-contained Flats • Policy WD 2 – Heritage Assets • Policy WD3 – Biodiversity and Geodiversity <p>At the present time, the Wirral Local Plan is a Material Consideration and can be afforded weight in the decision making process</p>
3.4.3	<p><u>Supplementary Planning Document 2 (SPD2) – Designing for Self Contained Flat Developments and Conversions</u></p> <p>This sets out that proposals should be of a scale relative to surrounding properties, all main habitable rooms should have a reasonable outlook, and one-third of the site should remain as amenity space, to be read alongside policy HS4.</p> <p><u>Supplementary Planning Document 4 (SPD4) – Parking Standards</u></p> <p>This document sets out maximum limits for vehicle parking spaces.</p> <p><u>Supplementary Planning Guidance 5 (SPG5) – Design and Density Control Guidelines – Stanley Road/Kings Gap</u></p> <p>Proposals for new residential development will be subject to controls over density and layout as follows:</p> <p>Zone 5</p> <p>New purpose-built flat development will not be permitted.</p> <p>Plot frontages for new purpose-built flat developments to be comparable to those of plots in close proximity.</p>
3.4.4	<p><u>Wirral Borough Council – Tree, Hedgerow and Woodland Strategy</u></p> <p>Planning applications will need to demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. Any trees removed as part of development of a site shall be adequately replaced.</p>
3.5 Assessment	<p>The main issues arising from the proposal are:</p> <ul style="list-style-type: none"> • Principle of Development • Design and Heritage • Highways Matters • Ecology

	<ul style="list-style-type: none"> • Amenity
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3.6 Principle of Development	
3.6.1	The site is located within a Primarily Residential Area as designated in the UDP. UDP Policy HS4 permits new housing development within Primarily Residential Areas subject to proposals fulfilling a number of criteria. The application is therefore acceptable in principle subject to all other material planning considerations.
3.6.2	UDP Policy HS5 and SPG5 state that purpose built flats should not be erected in this Zone (Zone 5). This current scheme is not considered to constitute a purpose-built flat development, rather it is a conversion and extension of an existing building. In any case, the Inspector when dismissing the appeal against the refusal of APP/20/01047 stated: "I note comments from interested parties that the proposed apartments would conflict with UDP Policy HS5, which precludes flatted developments in this part of Hoylake. However, this policy predates the Framework which, in paragraph 124, supports development that makes efficient use of land, taking into account the identified need for housing and the availability of land suitable for accommodating it. Given this more recent national guidance, less weight can be afforded to this policy".
3.6.3	The Inspector's reasoning above remains valid in the determination of this application. Given the support in paragraph 124 of the NPPF for making efficient use of land, it is not considered appropriate to resist the provision of new flatted development, as proposed, in this part of Hoylake, even more so given that the proposed development does not now strictly constitute 'purpose-built flat development', but rather a conversion and extension of an existing property.
3.6.4	The principle of the proposal is compliant with Policies H1 and H2 of the Hoylake Neighbourhood Development Plan.
3.6.5	The land is allocated in the emerging Local Plan as a Primarily Residential Area and the principle of this proposal is acceptable.

3.7 Design and Heritage	
3.7.1	The previous two applications at this site proposed the demolition of Wirral Point and this was found to be harmful to the character and appearance of the Conservation Area. The current proposal involves the retention of the building which is to be welcomed.
3.7.2	The applicant wishes to demolish single storey extensions attached to the side (east) elevation of the property and a detached garage and erect a part one/part two storey extension with second floor accommodation contained within the roofspace. The removal of these previous extensions and outbuilding is acceptable. The proposed extension will form a hipped gabled structure with roof pitches which will match the existing property. Fenestration within the extension will match that of the existing property. The overall height of this extension has been deliberately

	designed to be lower than the original dwelling, ensuring that the extension will have a largely subservient appearance. This extension will extend to the rear but will reduce down to single-storey (albeit with a small amount of accommodation within the roofspace). This part of the structure will also be of a design commensurate with that of the host building and again will be largely subservient.
3.7.3	An extension to the other side (west) elevation of the dwelling will accommodate space for Plot 4. This will be a flat roofed structure with an angled 'bay' element that reflects the angled design of the chimney stack that currently terminates the building on this elevation. The design of this modest element is considered to complement the host structure, with fenestration and materials to match the host dwelling. The flat roof element will be largely screened from the wider street scene given the location of the property and the siting of the extension and will have a minimal impact upon the overall appearance of the host property.
3.7.4	The details submitted with the application indicate that the existing brick and render appearance of the host building will be retained and followed through in the proposed extension, and this will ensure that the existing character of the building is retained. This can be satisfactorily controlled through the addition of a condition requiring the submission of details regarding proposed materials.
3.7.5	The submitted site plan indicates that the boundary treatment will not be altered, with the existing boundary wall repaired where necessary. Details of landscaping will also be secured by condition – although it's noted that the proposed development will have minimal impact on the existing landscaping of the site, with the majority of existing trees, hedges and grassed areas retained as existing.
3.7.6	In summary the proposal is considered to have an acceptable impact on the character and appearance of this significant building, and on the wider Conservation Area. The retention of the existing building is welcomed, and the design implications of the proposal are acceptable. The proposal meets the requirements of relevant policies in the Unitary Development Plan and Policy DI2 of the Hoylake Neighbourhood Development Plan.

3.8 Highways	
3.8.1	The proposed development makes provision for 8 parking spaces, 2 for each proposed dwelling. This level meets the Council's adopted standard, as set out in SPD 4, and is noted as being acceptable by the Council's Highways Department.
3.8.2	The Highways Department requested that the existing access be widened to a minimum of 4.5m so that it allows two vehicles to pass one another. Amended plans have been received showing the widened access and this is secured by condition.
3.8.3	A detached building is proposed next to the parking spaces for cycle and bin storage. The Highways Department have confirmed that this arrangement is acceptable.

3.8.4	With regard to vehicle movements to and from the site, the Highways Team note that, "It's unlikely that the proposals would generate a significant level of traffic considering that the development is within walking distance of the town centre and its proximity to public transport and local shops and services. The submitted transport assessment reports that only a single trip would be generated by the proposals in either the AM or PM Peak periods, it is therefore considered to have little to no impact on the highway and on this basis, there would be no objection to the proposal". The case officer concurs with this assessment and the highways implications of the proposal are therefore considered to be acceptable and the application is considered to comply with relevant local and national policies relating to highway impact
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3.9 Ecology	
3.9.1	This application has been accompanied by a bat dusk survey and a shadow Appropriate Assessment. The latter document assesses the impact of the proposed development on ecological interests on site and in the wider area. This document also undertakes a Habitats Regulations Assessment screening exercise on some of the qualifying features of the Dee Estuary Ramsar/ Special Protection Area (SPA) / Special Area of Conservation (SAC) and Mersey Narrows and North Wirral Foreshore Ramsar/SPA.
3.9.2	Natural England and MEAS have confirmed that they agree with the findings of this document and recommend a number of conditions. Subject to compliance with these conditions the ecology implications of the proposal are considered to be acceptable.
3.9.3	There are a number of trees and hedges on site, the overwhelming majority of which will not be affected by the proposals. However, at least one of the trees either side of the vehicular access will likely need to be removed to accommodate the widening of the access. The two trees either side of the access appear to be relatively small cedar trees which have suffered some wind damage due to the location of the site adjacent to the open beach front. The applicant will attempt to re-plant these trees in a more suitable location. Should this not prove possible then replacement trees on a 2 for 1 basis will be provided. This is considered to meet the requirements of the Council's Tree Strategy and will be secured by condition. The remaining trees and hedges are to be retained. Details of tree protection measures are also to be secured by condition.
3.9.4	<u>Flood Risk</u> The Environment Agency (EA) initially objected to the application on the basis that it was not accompanied by a Flood Risk Assessment (FRA). The applicant subsequently submitted an FRA. Following this and further discussions between the applicant's flooding consultants and the EA, the EA have confirmed that they have withdrawn their objection. Their recommendations are reflected in a condition relating to the implementation of the agreed measures and an informative relating to flood warnings.
3.9.5	The Environment Agency also recommended that the Council's Emergency Planning Team were consulted on this application. This has

	been carried out and the Emergency Planning Team have confirmed they have no objection to the application.
3.9.6	The proposal is in compliance with policy NC1 of the Hoylake Neighbourhood Development Plan

3.10 Amenity	
3.10.1	The neighbouring dwelling, 35 Stanley Road, is positioned, in part, along the boundary between the two properties and this will be approximately 3.6 metres from the flank wall of the proposed extensions. The windows that face toward the application site are understood to serve a swimming pool at ground floor level and living accommodation at first floor level. All of these rooms have alternative outlooks to the front and/or rear of the property. As such, the proposed building is not considered to have a detrimental impact on occupants of this dwelling as a result of loss of light or overbearing.
3.10.2	The windows on the front elevation of the proposed extensions will be at least 40 metres from the buildings on the opposite side of Stanley Road. This distance is sufficient to ensure an acceptable level of privacy in both existing and proposed dwellings.
3.10.3	The plans propose a first floor 'retreat' to serve Plot 1 which also includes a rear facing balcony. Due to concerns about potential overlooking of 35 Stanley Road from the balcony, amended plans have been received indicating that this balcony will have a 1.8m high, obscured balustrade alongside its eastern edge which will protect privacy at number 35. This is secured by condition.
3.10.4	A cross section indicates that the rooflights facing toward 35 Stanley Road will be 1.7 metres above floor level at their lowest point. This will preclude any unacceptable overlooking of this neighbouring dwelling.
3.10.5	Plots 2 and 3 will both benefit from the creation of rear facing balconies. They will be positioned between existing bays which will prevent overlooking of 35 Stanley Road. The balcony of Plot 2 will be next to a bedroom window in Plot 3. Due to concern about the privacy implications for Plot 3, the applicant has confirmed that this window will be blocked up. It is recommended that this is secured by condition.
3.10.6	A second-floor retreat is proposed to serve Plot 2. This space will be served by a dormer orientated towards 35 Stanley Road. This side facing dormer window will be obscurely glazed in order to protect privacy at 35 Stanley Road. This is secured by condition.
3.10.7	The proposed apartments would all be of a generous size, with good levels of natural light and outlook, and large areas of outdoor amenity space available to all occupiers. The quality of the accommodation provided would be of a high quality and comply with Nationally Described Space Standards.

Summary of Decision (Planning Balance)	Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application it is considered the application is acceptable in planning terms 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 proposal is not considered to have a detrimental impact on the character of the host building or the surrounding conservation area. The proposed development has an acceptable impact on the amenity of neighbouring dwellings, on ecology and highways. The proposal is therefore considered to comply with Wirral Unitary Development Plan Policies CH01, CH2, HS4, HS5, GR5, GR7, CO1, NC1, NC2, NC3, NC4, NC7, TR9, WA1, WA2, WA4, WA5, Hoylake Neighbourhood Development Plan Policies DI2, DI3, NC1, H1, and H2 Joint Waste Local Plan for Merseyside and Halton policies WM8 and WM9, and the provisions of the National Planning Policy Framework.

Recommended Decision:	Approve subject to the following conditions.
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Recommended Conditions and Reasons:	
<p>1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p> <p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 3 November 2022 and listed as follows: 18/STAN/PLAN02 Rev A and PLAN05 in accordance with the approved plans received by the local planning authority on 19 Dec 2022 and listed as follows: PLAN01 Rev B in accordance with the approved plans received by the local planning authority on 1 March 2023 and listed as follows: PLAN07 Rev B, PLAN06 Rev B, PLAN04 Rev B in accordance with the approved plans received by the local planning authority on 3 March 2023 and listed as follows: PLAN03 Rev C.</p> <p>Reason: For the avoidance of doubt and to define the permission.</p> <p>3. Before any construction commences, details 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.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policies H1, DI2 and DI3 of the Hoylake Neighbourhood Plan and Policies CH01, CH2 and HS4 of the Wirral Unitary Development Plan.</p>	

4. The vehicular access shall be widened to 4.5 metres before the first occupation of the dwellings hereby permitted and retained as such thereafter.

Reason: in the interests of the safety and convenience of highway users and to comply with Policy TR9 of the Wirral UDP.

5. Production of a detailed Construction Environmental Management Plan (CEMP) expanding on the submitted outline CEMP (Outline Construction Environmental Management Plan – Wirral Point Hoylake, Tyler Grange, Ref: TG Report No. 12793_R04_JD_MM, 30th August 2021) – detailing all necessary pollution control measures, visual and acoustic disturbance mitigation measures and noise monitoring to be implemented on site during construction works shall be submitted to the local planning authority for approval prior to the start of any construction activities on site. The development shall thereafter be undertaken only in accordance with the approved plan.

Reason: in the interests of protecting important habitats on and around the application site and to comply with policies NC1, NC2, NC3, NC4 and NC7 of the Wirral UDP.

6. Prior to the commencement of development, including any demolition, acoustic hoarding, as specified on page 3 of the Outline CEMP and shown on plan 12793_P04 shall be installed. The hoarding shall thereafter be retained in situ until the completion of the development.

Reason: in the interests of protecting important habitats on and around the application site and to comply with policies NC1, NC2, NC3, NC4 and NC7 of the Wirral UDP.

7. Prior to the commencement of development the Natterjack toad avoidance measures as detailed within the outline CEMP (Outline Construction Environmental Management Plan – Wirral Point Hoylake, Tyler Grange, Ref: TG Report No. 12793_R04_JD_MM, 30th August 2022) shall be implemented. These measures shall be maintained for the duration of building works.

Reason: in the interests of protecting Natterjack toads and to comply with Policy NC7 of the Wirral UDP.

8. Prior to the first occupation of the dwellings hereby permitted an Ecological Management Plan (as detailed in paragraph 6.43 of the Shadow Appropriate Assessment submitted with this application) shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site which may influence management;
- Aims and objectives of management, to include management of dune grassland, Southern horsetail and Natterjack toad habitat;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);

- Personnel responsible for implementation of the plan;
- Confirmation of funding and ownership and
- Details of a programme of monitoring and remedial measures triggered by monitoring.

Management of the site shall thereafter be undertaken in accordance with the provisions of this plan.

Reason: in the interests of protecting important habitats on and around the application site and to comply with policies NC1, NC2, NC3, NC4 and NC7 of the Wirral UDP.

9. Prior to the first occupation of the dwellings hereby permitted a residents information pack shall be submitted to, and approved in writing by the Local Planning Authority. The pack shall advise new residents of the importance of the nearby designated sites and outline a responsible user code, for example in relation to pet ownership. The pack shall thereafter be made available to all new residents of the development in perpetuity.

Reason: in the interests of protecting important habitats on and around the application site and to comply with policies NC1, NC2, NC3, NC4 and NC7 of the Wirral UDP.

10. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the dusk bat survey report (Dusk Survey Results – Wirral Point, Tyrer Ecological Consultants Ltd, September 2022) which details the methods for maintaining the conservation status of bats unless varied by a European Protected Species licence subsequently issued by Natural England.

Reason: to protect bats and to comply with Policy NC7 of the Wirral UDP.

11. Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England in respect of bats pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead.

Reason: to protect bats and to comply with Policy NC7 of the Wirral UDP.

12. Prior to the first occupation of the dwellings hereby permitted a lighting scheme designed so that ecology is protected and excessive light spill is prevented from affecting important habitats shall be submitted to and approved in writing by the local planning authority. Any lighting installed shall comply with the requirements of this scheme. Any replacement lighting thereafter installed shall comply with this scheme in perpetuity, unless any amendments are agreed by the Local Planning Authority.

Reason: in the interests of protecting important habitats on and around the application site and to comply with policies NC1, NC2, NC3, NC4 and NC7 of the Wirral UDP.

13. Prior to the commencement of development a method statement, prepared by a competent person, which includes the following information, shall be submitted to and approved in writing by the local planning authority:

- A plan showing the extent of cotoneaster on site;

- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

The development shall thereafter be carried out in accordance with the approved method statement.

Reason: as cotoneaster is an invasive species that requires control in order to protect the sensitive habitats on and around the application site and to comply with policies NC1, NC2, NC3, NC4 and NC7 of the Wirral UDP.

14. The mitigation measures outlined in Section 6.0 of the Flood Risk Assessment prepared by bEK Enviro Ltd on behalf of Blueoak Estates Limited (Report Reference: EK-RB20001-1. July 2020) and the letter of 05 February 2023 from bEK Enviro Ltd to Environment Agency, shall be fully implemented (insofar as they relate to the present scheme for conversion of the existing building) prior to occupation of the dwellings hereby permitted.

Reason: To protect vulnerable sections of the building from flooding and to comply with Policy WA1 of the Wirral UDP.

15. The balcony screens hereby permitted to the first floor Plot 1 retreat balcony shall be installed before the balcony is first brought into use. The screens shall thereafter be retained.

Reason: in the interests of the privacy of neighbouring dwellings and to comply with Policy HS4 of the Wirral UDP.

16. Full details of the proposed bin/cycle store, shown on the approved site plan, shall be submitted to and approved in writing prior to first occupation.

The approved store shall be provided and made available prior to the first occupation of the dwellings hereby permitted and retained as such thereafter.

Reason: in the interests of highways safety, to ensure that the amount of waste for landfill is reduced and to accord with Policies TR12 of the Wirral UDP and WM9 of the Waste Local Plan.

17. Prior to the first occupation of Plot 3, the existing window next to the proposed balcony of Plot 2 shall be blocked up as indicated on the proposed plans and elevations and retained as such thereafter.

Reason: in the interests of the privacy of Plot 3 and to comply with Policy HS4 of the Wirral UDP.

18. The side facing second floor Plot 2 retreat window shall not be glazed otherwise than with obscured glass and fixed shut (with the exception of an opening light above 1.7 metres should this be required) and thereafter be permanently retained as such.

Reason: To safeguard the amenities of occupiers of adjoining properties and to comply with Policy HS4 of the Wirral Unitary Development Plan.

19. Any trees that require removal as part of the widening of the vehicular access shall be repositioned in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwellings hereby permitted.

Should it become apparent that the trees cannot be satisfactorily repositioned details of replacement tree planting, at a ratio of 2 for 1, shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall thereafter be carried out only in accordance with the approved details.

Should any repositioned or replacement trees die within 5 years of (re)planting then they shall be replaced by an equivalent species within 6 months

Reason: to ensure that the proposed development does not reduce tree cover on the site and to comply with Policy GR7 of the Wirral UDP.

20. Before any equipment, machinery or materials are brought onto site, details of measures to be taken to protect existing trees shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented before any equipment, machinery or materials are brought onto site and shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

Last Comments By:	22-04-2023
Expiry Date:	06-07-2023

Agenda Item 6

Planning Committee	29th June 2023
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Reference:	Area Team:	Case Officer:	Ward:
APP/23/00599	DM	Ms H Mellor	New Brighton

Location:	3 Dudley Road, New Brighton, Wallasey, Wirral, CH45 9JP
Proposal:	Change of use from Counselling/Therapist centre (Class E) to residential (C3) in the form of a single dwelling.
Applicant:	Mr Phillip Kench
Agent:	Diverse

Qualifying Petition	Yes – 42 signatures
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Site Plan:



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Development Plan designation:	Primarily Residential Area
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Planning History:	APP/14/00528 Change of use from residential dwelling to counselling and psychotherapy centre. Approve - 19/06/2014
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	This application was called in by Councillor Jones for committee determination for the reason that the proposal has a detrimental impact on residential amenity.
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications, 23 letters of notification were sent to the neighbouring properties. 9 responses have been received all in the form of objections. A petition of objection has also been received. The concerns raised are as follows:</p> <ol style="list-style-type: none"> 1. The change of use looks to be a 7 bedroom HMO. There is already a HMO directly opposite to which emergency services are called out to due to the disruptive behaviours at the address and there is also another HMO further up the street. It is inappropriate for another HMO with 7 bedrooms to be approved in such close proximity as it will exacerbate the disturbances already endured. 2. An additional HMO would increase the noise pollution and disruption and add to neighbouring residents' anxiety. 3. Property prices will be affected if this HMO is approved. 4. Traffic, parking and access is already an issue. 5. Litter, drinking of alcohol in front and back gardens results in detrimental impact on neighbouring amenity. 6. Inadequate size of accommodation that is not fit for purpose. 7. Plenty of existing flats on this road and therefore there is a risk of overdevelopment. <p>It is noted that all the objections related to 3 Dudley Road being converted into a house of multiple occupation.</p>
3.1 Site and Surroundings	
3.1.1	3 Dudley Road is a semi-detached building currently used as a counselling/therapy centre. The building was originally a residential property and is located within a Primarily Residential Area, as designated in both the Wirral Unitary Development Plan and the emerging Local Plan.
3.1.2	Dudley Road predominantly comprises of three-storey, semi-detached properties which are all primarily finished in red brick and are of similar design. A purpose-built apartment building is located adjacent to the application site, on the corner of Dudley Road and Albion Street.
3.2 Proposed Development	
3.2.1	This application proposes the change of use of the property from a counselling centre to a single residential dwelling (C3 Use Class). This would see the building reverted to its original use. The proposal does not include any extensions or alterations to the fabric of the building.
3.2.2	It's noted that there are permitted development rights to convert a property which has an established use as Use Class E into a C3 residential use, under Class MA of Schedule 2, Part 3 of the General Permitted Development Order. However, one of the requirements for this is that the property has to have been vacant for three months. At the time of submission, the applicant advises that the property

	<p>had not been vacant for three months and an application for full planning permission was therefore required.</p>
<p>3.3 Development Plan</p>	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan for the area comprises saved policies of the Wirral Unitary Development Plan (UDP) (2000) and policies of the Merseyside and Halton Joint Waste Plan (2013) In this instance, the following policies from the UDP are directly relevant to the planning application:</p> <p><u>Policy HS4 - Criteria for New Housing Development</u></p> <p>This policy states that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties. Additionally, proposals should have adequate vehicle access and parking along with provision of a garden to provide outdoor amenity space for the residents of the dwelling.</p> <p><u>Policy TR9 – Requirements for Off-Street Parking</u></p> <p>This policy states that new development proposals should be assessed on road safety and traffic management issues and the likelihood of cars being parked on residential roads.</p>
<p>3.4 Other Material Planning Considerations</p>	
<p>3.4.1</p>	<p>Within the National Planning Policy Framework (July 2021) it is stated that planning policies and decisions should ensure that development is of good design and contributes to the overall quality of the area (paragraph 130). Development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents should be refused.</p>
<p>3.4.2</p>	<p>Supplementary planning documents provide additional information on the detailed application of development plan policies to help developers prepare acceptable planning applications. They are material considerations for planning decisions.</p> <p>Supplementary Planning Document 4: Parking Standards (SPD4) sets out maximum parking standards of 2 parking spaces for houses with 3 or more bedrooms.</p>
<p>3.4.3</p>	<p><u>Submission Draft Local Plan</u> Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 (Local Plan) for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The</p>

	<p>Local Plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The Local Plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision-making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states: “Local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”</p> <p>Policies WS 7.1 Design Principles and WS 7.2 Privacy and Amenity, within the emerging New Local Plan, are relevant in this instance.</p> <p>At the present time, the Local Plan is a Material Consideration and can be afforded weight in the decision making process.</p>
<p>3.5 Assessment</p>	<ul style="list-style-type: none"> • Principle of Development; • Design; • Highways; and • Amenity
<p>3.6 Principle of Development</p>	<p>The application site is situated in a Primarily Residential Area as designated in the UDP and the building was originally used as a residential dwelling. In 2014 the site was granted full planning permission to change the use from residential to a counselling facility (APP/14/00528). Therefore, to revert the building back to its original residential use would be a conforming use within this area and is acceptable in principle.</p>
<p>3.7 Design</p>	<p>The surrounding area is predominantly residential in nature, with the street scene largely made up of semi-detached properties of replica design and red brick facades – with the application property echoing this. The proposal does not include any external alterations or additions to the property. As such, the exterior will remain the same and the character and appearance of the property or street scene would not be altered. The proposal would not cause any adverse visual impacts and is compliant with UDP Policy HS4, emerging plan Policy WS 7.1 of the emerging Local Plan and the NPPF.</p>
<p>3.8 Highways</p>	<p>Representations have raised concerns regarding the parking provision for the use of this property for residential purposes. The 3 existing parking spaces within the site are to be retained, with no changes to the total number of off-street parking spaces proposed. This level of on-site car parking is considered acceptable and is similar to other properties on Dudley Road. No works are proposed to the vehicle access. With this in mind, there are no adverse highway implications relating to this proposal.</p>

3.9 Amenity	
3.9.1	The proposed works would see the existing therapy rooms changed to 1.no kitchen and 2.no living rooms on the ground floor; 7.no bedrooms split across the first and second floor; and 1.no bathroom on the second floor. All of the proposed habitable rooms have windows that allow for an adequate outlook and amount of daylight to enter. Additionally, the site has private outdoor amenity space to the rear of the property. Overall, the proposed development will provide a satisfactory level of residential amenity.
3.9.1	Policy HS4 of the UDP states that adequate separation distances should be kept between proposed habitable room windows and the habitable room windows of the neighbouring properties. The windows to the front elevation are a satisfactory separation distance of over 30m from the adjacent properties. The rear of the application property is not directly back-to-back with a neighbouring property and therefore does not cause privacy issues through overlooking. The first-floor side window that would service bedroom 2 faces the rear elevation of the Bayview apartment block. The windows of Bayview have been designed at an angle as a way to stop issues of overlooking. It's also noted that the window serving Bedroom 2 is an original window which would have been used for residential purposes prior to its previous conversion. As such, the proposal would satisfy the abovementioned aspect of Policy HS4.
3.9.2	As noted, the proposal does not include any enlargements or additions to the application property and as such no new issues of overlooking, overbearing or overshadowing of any of the neighbouring properties would be created.
3.9.3	Policy WS 7.2 of the emerging Local Plan states that proposals will be required to demonstrate that the proposed uses will be harmonious with neighbouring uses, avoiding unacceptable nuisance and disturbance. The proposed change of use back to a single residential dwelling is considered to be a more conforming use within this residential area and would likely have less impact on amenities of surrounding properties than the existing use.
3.9.4	To conclude, the proposed works would not have any unneighbourly impacts such as overlooking, overshadowing or a significant loss of outlook and is therefore compliant with UDP Policy HS4 and emerging Local Plan policy WS 7.2. Furthermore, the proposed development provides a level of residential amenity that is deemed satisfactory for future occupiers.

3.10 Other	
3.10.1	The objections received relate to the property being turned into a house in multiple occupation (HMO). However, this application relates solely to the change of use of the property from a counselling centre to a single residential dwelling and not a HMO. This application must be determined as submitted, and potential future applications or anticipated changes under permitted development are not a reason to refuse planning permission.
3.10.2	It is noted that the application property does not have an Article 4 direction and therefore permitted development rights are intact. Under Schedule 2, Part 3, Class L of the General Permitted Development Order a C3 dwelling can be converted to a small HMO (C4) for between 3 and 6 residents. A HMO for seven or more people is considered Sui Generis. The submitted plans indicate that the

	property has 7 bedrooms. Should the property subsequently be used as a HMO with 7 bedrooms then planning permission would be required.
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Summary of Decision (Planning Balance)	Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application it is considered that the application is acceptable in planning terms having regards to the relevant policies in the UDP and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-
	The proposal will not alter the scale or design of the property and therefore the character and appearance of the street scene would not be harmed or have an adverse impact on the amenity of the neighbouring properties. The change of use to a C3 single residential dwelling is acceptable as the wider area is primarily residential and therefore the use is considered to be conforming. The proposal complies with policy HS4 of the Wirral Unitary Development Plan, SD4, policy WS 7.1/7.2 of the emerging Local Plan and the provisions of the NPPF.

Recommended Decision:	Approve subject to the following conditions:
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Recommended Conditions and Reasons:	
1. The development hereby permitted shall begin not later than 3 years from the date of this decision.	Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the amended plans received by the local planning authority on 18 April 2023 and listed as follows:	
Site Location Plan DR-01 (dated 05.03.2023)	
Proposed Floor Plans DR-05 Rev A (dated 13.06.2023)	
Reason: For the avoidance of doubt and to define the permission	

Last Comments By:	21-05-2023
Expiry Date:	03-07-2023

Planning Committee – Terms of Reference:

The principal role of the Planning Committee is to act as the administrative committee responsible for making decisions as local planning authority on planning applications, development control and similar regulatory matters, which are more particularly described as *Functions relating to town and country planning and development control* and related matters as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Committee is charged by full Council to fulfil those functions:

- (a) to consider and determine applications submitted under the Planning Acts for planning permission, listed building consent, and reserved matters pursuant to major planning applications;
- (b) to consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations;
- (c) to determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused;
- (d) related matters including but not limited to:
 - (i) applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
 - (ii) applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
 - (iii) applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003, as amended);
 - (iv) applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);
 - (v) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (vi) powers related to Commons Registration;
 - (vii) functions relating to public rights of way;
 - (viii) the licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980; and
 - (ix) functions relating to Town and Village Greens;

- (e) to exercise any other function of the Council under the Planning Acts and related legislation, whether as a local planning authority or otherwise, which may be referred to it by the Director for Economic and Housing Growth or other officer authorised by him/her.