

Planning Committee

17 April 2019

Reference:
APP/18/01236

Area Team:
Development
Management Team

Case Officer:
Mr B Pratley

Ward:
Seacombe

Location: Vacant Shop, 15 POULTON ROAD, SEACOMBE, CH44 6LB
Proposal: Change of use from shop (ground floor) and residential (upper floors) to 7 bedroom HMO.

Applicant: Grace Hanson Property Group
Agent : Jones & Wathen Ltd

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Traditional Suburban Centre

Planning History:

- Location: 15, Poulton Road, Seacombe. L44 6LB
Application Type: Full Planning Permission
Proposal: Conversion of first and second floors into two flats, alterations to elevations and erection of a rear extension at second floor.
Application No: APP/96/06577
Decision Date: 04/12/1996
Decision Type: Approve
- Location: 15 & 17 Poulton Road, Seacombe, Wirral, CH44 6LB
Application Type: Full Planning Permission
Proposal: Change of use of 1st & 2nd floors to residential accommodation in multiple occupation and rear extension (amended description)
Application No: APP/06/05550
Decision Date: 23/05/2006
Decision Type: Approve
- Location: 15 Poulton Road, Seacombe, Wirral, CH44 6LB
Application Type: Full Planning Permission
Proposal: Conversion of ground floor shop unit & two flats to office & house in multiple occupation
Application No: APP/05/06675
Decision Date: 05/10/2005
Decision Type: Refuse
- Location: 15, Poulton Road, Seacombe. L44 6LB
Application Type: Full Planning Permission
Proposal: Change of use to private hire taxi office.
Application No: APP/93/05178
Decision Date: 02/04/1993
Decision Type: Refuse

Appeal Details

Application No	APP/93/05178
Appeal Decision	Dismissed
Appeal Decision Date	06/01/1994

Summary Of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS**2.1 REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications 14 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report no objections have been received.

2.2 CONSULTATIONS

Highways - No objections

Strategic Housing - No objections

Environmental Health - No objections

Merseyside Fire and Rescue Authority - No objections received

3.1 Reason for referral to Planning Committee

- 3.1.1 The proposal represents a departure from the Wirral Unitary Development Plan.
- 3.1.2 The application was deferred from Planning Committee on 21st March 2019 to allow Members to visit the site.

3.2 Site and Surroundings

- 3.2.1 The application site is a three-storey terraced building located within the Seacombe (Borough Road/ Poulton Road) Traditional Suburban Centre. The ground floor of the building has been vacant for at least 26 years.
- 3.2.2 The upper floors are accessed separately to the ground floor, at the rear of the property. Planning permission was granted in 2006 for these upper floors to be used as a house in multiple occupation (HMO). It is understood that this use was implemented, although at present the upper floors are vacant.

3.3 Proposed Development

- 3.3.1 This application is for the conversion of the entire building to a 7 bedroom HMO.

3.4 Development Plan

- 3.4.1 The site is designated as part of the Seacombe Traditional Suburban Centre in the Unitary Development Plan subject to UDP Policy SH2.

3.4.2 UDP Policy HS14 – Houses in Multiple Occupation

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 penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle access ways;
- (xiii) main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls;
- (xiv) access to rear yards/gardens being provided from each flat;
- (xv) adequate visibility at entrance and exit points and turning space for vehicles;
- (xvi) and the proposal otherwise complying with Policy HS4 and Policy HS5.

Existing HMOs and valid planning permissions must not compromise more than 20% or more of the properties forming the street frontage within a street block.

UDP 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.

3.4.3 UDP Policy SH2 – Criteria for Development in Traditional Suburban Centres

Within the Traditional Suburban Centres Listed below, proposals falling within Class A1, Class A2 and Class A3 of the Town and Country Planning (Use Classes) Order 1987, will be permitted subject to satisfying the following criteria:

- (i) The proposal, together with other recent or proposed development does not undermine the vitality or viability of any Key Town Centre or Traditional Suburban Centre as a whole or other town centre outside the Borough boundary;
- (ii) The proposal does not generate traffic in excess of that which can be accommodated by the existing or proposed highway network;
- (iii) The proposal meets highway access and servicing requirements and includes off street car parking in line with Policy TR9 and cycle parking in line with Policy TR12;
- (iv) The siting, scale, design, choice of materials and landscaping is not detrimental to the character of the area;
- (v) Proposals for A2 uses should incorporate the provision of a shop front and permanent window display;
- (vi) The proposal does not cause nuisance to neighbouring uses or lead to loss of amenity, as a result of noise disturbance, on-street parking or delivery vehicles – where necessary a suitable condition will be imposed on hours of opening/operation;
- (vii) Where a proposal for Class A3 use is located on a street containing similar establishments, cumulative levels of noise and disturbance, from both the existing and proposed activities, should not exceed a level likely to be detrimental to the amenity of the area;
- (viii) Proposals for Class A3 uses should include measures to mitigate smells and internally generated noise – these measures should not be visually intrusive in the street scene and should be fully installed before the business commences trading.

3.4.4 UDP Policy SH3 – Ground Floor Residential Uses in Key Town centres and Traditional Suburban Shopping Centres

Within Key Town Centres and Traditional Suburban Centres the conversion of shop units at ground floor level to residential use will only be permitted where the proposal forms part of an overall strategy of planned contraction in the size of the Key Town Centre or Traditional Suburban Centre.

3.4.5 UDP Policy SH7 – Upper Floor Uses in Retail Premises

The Local Planning Authority will permit the conversion of upper floors above shops for office uses or for residential uses not covered by permitted development rights, subject to access, parking, servicing, amenity and shop security considerations and the compatibility of the proposed use with neighbouring upper floor activities.

3.4.6 UDP 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.

3.4.7 Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton

are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

3.5 Other Material Planning Considerations

3.5.1 The National Planning Policy Framework (NPPF) paragraph 85 (f) indicates that planning policies should recognise that residential development on appropriate sites often plays an important role in ensuring the vitality of centre. The Council is seeking to address this through Policies CS25 – Hierarchy of Retail Centres, CS26 – Criteria for Development within Existing Centres and CS21 –Criteria for New Housing Development in the emerging Local Plan, which proposes that residential development should normally be permitted outside street-level retail and commercial frontages on upper floors and on backland sites, provided that the operations of neighbouring businesses are not adversely affected and an acceptable level of amenity and design can be secured.

3.5.2 Under NPPF paragraph 120, the Local Planning Authority would need to be satisfied that there is no reasonable prospect of the site being used for one the main town centre uses and be prepared to reallocate the land for a more deliverable use through the Local Plan; and in the interim support planning applications on the basis that they would contribute to meeting an unmet need. The site is at the heart of the centre where there no plans to change the designation for alternative uses.

3.5.3 The NPPF also states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

3.5.4 SPD4 (Parking Standards) sets out maximum limits for vehicle parking spaces.

3.6 Assessment

3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways; and
- Amenity

3.7 Principle of Development:

3.7.1 UDP Policy SH3 states that the conversion of shop units at ground floor level in Traditional Suburban Centres will only be permitted as part of a planned contraction in the size of the Centre. There are presently no plans for the contraction in this part of the Seacombe Centre.

3.7.2 Conversion of the ground floor shop unit & two flats into an office & house in multiple occupation was refused on 5th October 2005 on the grounds that the loss of part of a shop front to residential use, be detrimental to the character and function of the Traditional Suburban Centre contrary to UDP Policy SH2 (APP/05/06675 refers).

3.7.3 The Planning Department's records indicate that the ground floor of this building has been vacant since at least 1993, and probably longer. Information received from the estate agent marketing this property confirms that it was marketed for 3 years, from 2015 to 2018. In that time no interest was shown in the use the ground floor for a non-residential use. This was despite the asking price being reduced. There is mix of occupied and unoccupied units along this retail frontage.

3.7.4 It is considered that the ground floor of the building is unlikely to be bought into an active non-residential use. The frontage to this unit is in a poor state of repair and detracts from the appearance of this Centre. This is likely to deteriorate further if the ground floor is not bought into use. Taking account of the long term vacancy and the suitability of the unit for residential use, it is therefore considered that, in this particular case, the proposed change of

use to residential is acceptable.

3.8 Design:

- 3.8.1 The ground floor shopfront, currently boarded up, will be replaced by a brick wall with two windows and a door. The only external changes to the upper floors involve the insertion of a window in the side wall of the 'outrigger'. Given the poor state of the building frontage at ground floor level it is considered that the works will improve its appearance.

3.9 Highways:

- 3.9.1 There is currently no off street parking for this building, and none is proposed as part of this application. It is not considered that the change of use will result in a greater demand for parking than would be expected for the existing uses. Furthermore the Council's adopted parking standards (SPD4) set out maximum limits and the proposal does not exceed these. The Head Environment and Regulations (Traffic Management Division) has no objection to the proposal.

3.10 Ecology:

- 3.10.1 There are no ecological issues relating to these proposals.

3.11 Amenity:

- 3.11.1 The Council's Strategic Housing Department initially raised concerns about insufficient lounge/dining areas for the occupants of the proposed HMO. Amended plans have been received showing an enlarged communal lounge/diner, which Strategic Housing consider to be acceptable for licensing purposes. The individual bedrooms would also meet the Council's licensing standards. The overall standard of amenity for future occupants is considered to be acceptable with each room having en-suite facilities, together with two kitchen areas (one on the ground-floor and one on the second-floor) and the aforementioned communal lounge/diner area on the first-floor.
- 3.11.2 The new window in the side elevation of the 'outrigger' will serve the second floor kitchen. This will look toward an obscure glazed window in the side of 13 Poulton Road that the landlord of this neighbouring property confirms serves a bathroom. The obscure glazing will ensure no loss of privacy to the occupants of number 13.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The ground floor area of this property has been vacant for a considerable period of time and has been marketed for non-residential use with no success. The conversion to residential is therefore considered to be appropriate. The level of amenity for occupants of the proposed HMO rooms is considered to be acceptable. The proposal therefore accords with Policies HS4, HS14, SH2, SH3 and SH7 of the Wirral UDP and the provisions on the NPPF.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 15 January 2019 and listed as follows: 5246-2 Revision B.

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

3. The external finishes of the development hereby permitted shall match those of the existing building in material, colour, style, bonding and texture.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan.

4. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, including recycling facilities, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with Policy WM9 of the Waste Local Plan.

5. No part of the development hereby approved shall 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.

Further Notes for Committee:

Last Comments By: 08/01/2019

Expiry Date: 31/01/2019