



## Planning Committee

<b>Date:</b>	<b>Thursday, 20 July 2023</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Birkenhead Town Hall</b>

**Contact Officer:** Katy Brown  
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## AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES (Pages 1 - 8)**

To approve the accuracy of the minutes of the meeting held on 29 June 2023.

- 4. 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.

5. **APP/23/00495; CHERRY COTTAGE WEXFORD ROAD, OXTON, PRENTON, WIRRAL, CH43 9TB, RETENTION OF GARAGE CONVERSION FOR USE AS A HOLIDAY LET (Pages 9 - 22)**
6. **APP/22/02189; 38 CARLTON ROAD, OXTON, BIRKENHEAD, WIRRAL, CH42 9NQ, USE OF THE PROPERTY AS AN 8 BED HMO AND THE INSTALLATION OF AN AUTOMATIC OPENING VENT ROOFLIGHT ON THE REAR ROOF TO REPLACE EXISTING ROOFLIGHT. (Pages 23 - 36)**
7. **APP/22/01592; 22 MONTPELLIER CRESCENT, WALLASEY, CH45 9AB, DEMOLITION OF EXISTING SINGLE STORY REAR EXTENSIONS TO MONTPELLIER MANSIONS. ERECTION OF FULL HEIGHT REAR EXTENSION, NEW MANSARD ROOF WITH DORMERS AND INTERNAL ALTERATIONS TO APARTMENTS. ERECTION OF A TWO STORY REAR EXTENSION AND INTERNAL RECONFIGURATION TO THE COACH HOUSE. (AMENDED PLANS AND DESCRIPTION) (Pages 37 - 56)**

#### **Planning Committee Terms of Reference**

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

## PLANNING COMMITTEE

Thursday, 29 June 2023

Present:

Councillor S Kelly (Chair)

Councillors	S Foulkes	B Kenny
	H Gorman	J Stewart Laing
	K Hodson	G McManus
	C Baldwin	S Powell-Wilde
	M Booth	Jason Walsh

9 **WELCOME AND INTRODUCTION**

The Chair welcomed Members of the Planning Committee, Officers and members of the public to the meeting.

10 **APOLOGIES FOR ABSENCE**

No apologies were received.

11 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee were asked whether they had any personal or prejudicial interests in connection with any item on the agenda and if so, to declare them and state what they were.

Councillor Sue Powell-Wilde declared a prejudicial interest in item 6 (3 Dudley Road, Wallasey), by virtue of a family member living close to the application site and left the room during its consideration.

12 **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.**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Ward Councillors Ian Lewis and Lesley Rennie addressed the Committee.

A representative of the Applicant, Jane Burnham addressed the Committee.

On a motion by Councillor Harry Gorman and seconded by the Chair it was –

**Resolved (8:3) – that the application be approved subject to the following conditions.**

**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.**

**2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22 June 2023 and listed as follows:**

**2060-ABWA-Z1-GF-DR-A-(20)0100-P02**

**3. There shall be no more than 18 bedrooms 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-P02**

**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.**

- 13 **APP/22/01887 - WIRRAL POINT, 37 STANLEY ROAD, HOYLAK, 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**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

A representative of the Applicant, Deborah Baker Barnett addressed the Committee.

On a motion by Councillor Steve Foulkes and seconded by Councillor Kathy Hodson it was –

**Resolved (unanimously) – that the application be approved subject to the following conditions.**

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

**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.

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.

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

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.

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.

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.

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**

- **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.**

**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.**

**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.**

**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**

**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.

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.

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.

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

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.

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.

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.

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

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.

- 14 **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.**

Councillor Sue Powell-Wilde declared a prejudicial interest in this matter and left the chamber during its consideration.

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Ward Councillor Tony Jones addressed the Committee.

On a motion by the Chair and seconded by Councillor Kathy Hodson it was –

**Resolved (unanimously) – that the application be approved subject to the following conditions.**

**1. The development hereby permitted shall begin not later than 3 years from the date of this decision.**



**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 (received 13.06.2023)**

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# Agenda Item 5

<b>Planning Committee</b>	<b>20 July 2023</b>
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/23/00495	DM	Mr K Woodward	Oxton

<b>Location:</b>	Cherry Cottage Wexford Road, Oxton, Prenton, Wirral, CH43 9TB
<b>Proposal:</b>	RETENTION OF GARAGE CONVERSION FOR USE AS A HOLIDAY LET
<b>Applicant:</b>	Mr JAMES O' LOUGHLIN
<b>Agent :</b>	

<b>Qualifying Petition</b>	<b>No.</b>
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**Site Plan:**



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<b><u>Development Plan designation:</u></b>	Primarily Residential Area Density and Design Guidelines Area.
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<b><u>Planning History:</u></b>	<p>Location: Cherry Cottage, WEXFORD ROAD, OXTON, CH43 9TB</p> <p>Application Type: Full Planning Permission</p> <p>Proposal: ERECTION OF TWO BEDROOM SINGLE STOREY DETACHED DWELLING</p> <p>Application No: APP/21/00044</p> <p>Decision Date: 28/06/2021</p>
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	<p>Decision Type: Refuse</p> <p><b>Decision Type: Conditional Approval</b>  <b>Location: Cherry Cottage Wexford Road, Oxton, Prenton, Wirral, CH43 9TB</b>  <b>Application Type: Full Planning Permission</b>  <b>Proposal: Retrospective change of use from domestic garage to holiday let accommodation.</b>  <b>Application No: APP/21/02117</b>  <b>Decision Date: 05-08-2022</b></p> <p>Location: Cherry Cottage, Wexford Road, Oxton. L43 9TB  Application Type: Full Planning Permission  Proposal: Erection of a double garage.  Application No: APP/93/06828  Decision Date: 04/02/1994  Decision Type: Approve</p>
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**Summary Of Representations and Consultations Received:**

<b><u>1. Ward Member Comments</u></b>	Councillor Allan Brame shared the concerns of a number of local residents who had contacted him to express their concern about the application. Councillor Brame has requested that the application be taken out of delegation and called in for Committee determination.
<b><u>2. Summary of Representations</u></b>	<p>The residents of twenty-one neighbouring properties were individually notified of this application. At the time of writing this report, two representations objecting to the application have been received.</p> <p>The main comments raised by the objecting representations are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Increased noise disturbance from guests and traffic.</li> <li>• Present length of the fence screen is too short as it is possible to see through the hedge to the other side thus, impacting privacy and security.</li> <li>• Locality is a quiet residential area not suitable for holiday lets.</li> <li>• Downgrade property values.</li> <li>• There are foxes living in the bottom of the garden which are disturbed.</li> <li>• Large vans and cars cause fumes and noise as well as access and egress problems on a bend.</li> </ul>

**Consultations**

	<p><b>Highways (Traffic and Transportation)</b></p> <p>No objection.</p> <p><b>Highways (Asset)</b></p> <p>No objection.</p> <p><b>Environmental Health</b></p> <p>No objection.</p>
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<p><b><u>3.1 Site and Surroundings</u></b></p>	<p>The building is located within the curtilage of Cherry Cottage, a detached dwelling situated within a residential context of Oxton. The site falls within a Primarily Residential Area and zone 1 of the Noctorum Ridge Density and Design Guidelines Area.</p> <p>The application site fronts Wexford Road and is bounded by residential properties on both sides and to the rear.</p> <p>The property, and its associated detached former garage to which this application relates, are located towards the rear of the plot, the converted garage being in the northern-most rear corner of the site, which leaves a large front garden and driveway, and a small rear garden.</p>
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<p><b><u>3.2 Proposed Development</u></b></p>	<p>This application seeks permission for the retention of a garage conversion for use a holiday let which was granted approval under APP/21/02117. As per condition 1 of APP/21/02117 permission for the holiday let expires on the 4<sup>th</sup> of August 2023.</p> <p>It is noted that it is not proposed to subdivide the planning unit. Whilst the garage is detached from the main dwelling, they share the same garden space and permission is not sought for a separate dwelling.</p>
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<p><b><u>3.3 Development Plan</u></b></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</p>
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	<p>for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.</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') and the Joint Waste Local Plan for Merseyside and Halton. WM8 Waste Prevention and Resource Management</p> <p>Relevant UDP policies are:</p> <p><b>UDP Policy HS4: Criteria for New Housing Development</b></p> <p>Policy HS4 states that proposals for new housing development within Primarily Residential Areas will be required to:</p> <ul style="list-style-type: none"> <li>• be of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;</li> <li>• not result in a detrimental change in the character of the area;</li> <li>• be capable of satisfactory access and services provision, particularly for off-street car parking areas and garages, and adequate vehicular access;</li> <li>• provide appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation;</li> <li>• provide design features which contribute to a secure environment and reduce the likelihood of crime.</li> </ul>
<p><b>3.3.1</b></p>	<p><b>UDP Policy HS5: Density and Design Guidelines</b></p> <p>Policy HS5 states that proposals for new residential development in Zone 1 of Noctorum Ridge in Noctorum will be subject to a maximum density of 10 dwellings per hectare in low-rise development. The conversion of existing property into self-contained flats will not be permitted.</p>
<p><b>3.3.2</b></p>	<p><b>UDP Policy HS15: Non-Residential Uses in Primarily Residential Areas</b></p> <p>Policy HS15 states that proposals for changes of use for non-residential uses will only be permitted where the proposal will not:</p> <p>(i) be of such scale as to be inappropriate to surrounding development;</p> <p>(ii) result in a detrimental change in the character of the area; and,</p>

	<p>(iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.</p> <p>Proposals should make adequate provision for off-street car parking standards and servicing requirements</p>
<b>3.3.3</b>	<p><b>UDP Policy TL1: The Protection of Urban Tourist Resources</b></p> <p>Policy TL1 states proposals which would prejudice the continued attractiveness for tourists and visitors, or which would cause demonstrable harm to the special character of the related dockland and heritage attractions of central Birkenhead such as Hamilton Square Conservation Area, Birkenhead Park Conservation Area, Birkenhead Priory, Shore Road Pumping Station and the Pacific Road Museum will not be permitted.</p>
<b>3.3.4</b>	<p><b>UDP Policy TL2: Criteria for Urban Tourism</b></p> <p>Policy TL2 states that within the urban area proposals for new tourist attractions, visitor facilities and other related uses will be permitted where:</p> <ul style="list-style-type: none"> <li>• the siting, scale and external appearance of any buildings and/or related structures is appropriate within the surrounding area;</li> <li>• the proposals would not give rise to unacceptable levels of noise or other disturbance, particularly to areas of residential property;</li> <li>• provision for car parking, access and servicing arrangements is adequate; and</li> <li>• the use proposed serves to enhance or complement existing tourist attractions and visitor facilities and is appropriate to the general character of the location.</li> </ul> <p>Where necessary, planning permission will be subject to conditions regulating the design and operation of the proposals in order to minimise their impact upon the surrounding area.</p>
<b>3.3.5</b>	<p><b>UDP Policy PO3: Noise</b></p> <p>Policy PO3 states that development will only be permitted where noise arising from the proposal will not cause unacceptable intrusion or persistent nuisance. Where anticipated noise levels are considered to be within manageable proportions, the LPA may grant planning permission subject to conditions related to the siting, screening or enclosure of noise sources.</p>
<b><u>3.4 Other Material Planning Considerations</u></b>	<p><b>Supplementary Planning Guidance SPG2: Density and Design Guidelines: Noctorum Ridge</b></p> <p>SPG2 states that all new development should be compatible with the character of existing properties in the neighbourhood. In respect to Zone 1 SPG2 states that the zone is comprised of large detached houses with extensive gardens. The abundance of mature trees and</p>

	<p>shrubs together with the low density of development create an area of considerable environmental quality. The Council wishes to conserve this character and so only limited low density infill development will be allowed. SPG2 goes on to say that to retain the environmental quality of the area, applications for new housing should take account of existing trees and ground cover and provide for the retention of dominant natural features.</p>
<p><b>3.4.1</b></p>	<p><b>National Planning Policy Framework</b></p> <p>NPPF - National Planning Policy Framework (NPPF) supports sustainable development which encompasses good design. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area.</p> <p>Paragraph 130 of the revised National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.</p> <p>Paragraph 134 of the Framework states that permission should be refused for development of poor design.</p>
<p><b>3.4.2</b></p>	<p><b>Emerging Wirral Local Plan and its status</b></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 <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></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"> <li>• the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> </ul>



- 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)."

With this in mind, the following policies are also applicable -

**Main policies:**

- WS 3 Strategy for Housing
- WP 3 Policy for Suburban Birkenhead.
- WS 4 Strategy for Economy and Employment
- WS 6 Placemaking for Wirral
- WS 7 Principles of Design.
- WD 10 Non-Residential Uses in Primarily Residential Areas.
- WD 14 Pollution and Risk.

**Supporting Policies:**

- WS 3.1 Housing Design Standards.
- WS 3.2 Housing Density.
- WS 3.4 Housing Mix.
- WS 4.4 Tourism.
- WS 6.1 Placemaking Principles.
- WS 7.1 Design Principles.
- WS 7.2 Privacy and Amenity.
- WS 7.4 Parking.

**3.4.3**

**Relevant case law and planning history**

Concerning whether planning permission is required or not for a change of use to short-term holiday let accommodation, in the 2012 Court of Appeal judgement in Moore v SSCLG (2012) EWCA Civ 1202, the court found that each case depends on its own unique facts, and it is a "matter of fact and degree". In the case in question, the Court found that the use of the property as part of the appellant's holiday letting business resulted in a use of the dwellinghouse that was quite different in character from that of a private family dwellinghouse i.e. the pattern of arrivals and departures, with associated traffic movements; the unlikelihood of occupation by family or household groups; the numbers of people constituting the visiting groups on many occasions; the likely frequency of party type activities, and the potential lack of consideration for neighbours. The Inspector considered this change in character had resulted in a material change of use of the property (from use class C3 -dwelling house to a sui generis use), amounting to development, which required planning permission under the provisions of Section 55(1) of the TCPA 1990 .

<p><b><u>3.5 Assessment</u></b></p>	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> <li>• Principle of development (appropriateness of a change of use from a domestic garage (use class C3) to short-term holiday let accommodation (sui generis use) in a Primarily Residential Area);</li> <li>• Scale and Design;</li> <li>• Amenity;</li> <li>• Highways;</li> <li>• Tourism/Local Economy; and</li> <li>• Environmental/Sustainability.</li> </ul>
<p><b><u>3.6 Principle of Development</u></b></p>	<p>The application site is located within a designated Primarily Residential Area and Density and Design Guide Area and the principle of the change of use from a domestic garage (use class C3) to short-term holiday let accommodation (sui generis use) has been established as acceptable under APP/21/02117.</p> <p>The proposal is subject to its impact on visual and residential amenity and to the local highway network, plus compliance with the criteria of the relevant policies.</p>
<p><b><u>3.7 Scale and Design</u></b></p>	<p>The pre-existing former garage, now converted to an Airbnb, is single storey in scale with a dual pitched roof. The internal arrangement remains the same from that approved under APP/21/02117, comprising a kitchen/dining/living room, a bathroom and 2 double bedrooms. Moreover, the external elevations and materials also remain unchanged from APP/21/02117 except for the front elevation window. The window has been reduced in size from the approved plans under APP/21/02117 with the lower half replaced with timber cladding.</p>
<p><b>3.7.1</b></p>	<p>The relatively minor alterations which have been undertaken do not have a detrimental impact on the appearance of the former garage, the main dwelling, or on the character of the surrounding area given that the converted garage is largely out of sight in the rear corner of the plot, the external alterations are entirely characteristic of residential use and so is not adversely prominent on the street scene.</p>
<p><b>3.7.2</b></p>	<p>Objections were received from local residents concerning the impact on the residential character of the area resulting from the change of use of the former garage to an Airbnb. It was noted by the case Officer of APP/21/02117 during their site visit that there was no roadside signage to advertise the Airbnb. During the site visit for this application, the Officer also noted that there remains no roadside signage to advertise the Airbnb within the locality. In certain circumstances, the introduction of a commercial use in a Primarily Residential Area can negatively impact residential character, for example, where the scale of usage associated with the numbers of lets, patrons and cars are excessive and unreasonable.</p>

<b>3.7.3</b>	<p>The applicant confirmed (APP/21/02117) that the Airbnb would have modest intermittent utilisation (approximately 15-20 mainly weekend lets per year, which equates to approximately 40-60 let days per year, by single households, typically in one car). Subsequently, upon the visiting the site in June 2023, (circa 10 months after the approval of APP/21/02117), the applicant confirmed that the utilisation of the Airbnb is approximately the same as previously described. The Airbnb is expected to accommodate 18 lets throughout 2023, mainly on weekends and therefore, does not signal an over utilisation of the Airbnb from previous levels which were deemed acceptable.</p>
<b>3.7.4</b>	<p>The Airbnb is located well back from the street scene in the rear corner of the plot, with adequate boundary treatments to the side and rear, including for the full length of the driveway, the impact on residential character is negligible. The previous application considered it prudent to permit the Airbnb on a temporary 12-month unrestricted consent, to allow additional time to see if any issues arise from overutilisation which might impact residential character and so merit restrictions on use. It is acknowledged that there are present and historical concerns regarding residential character held by neighbouring residents which have been raised as objections to this application. However, it is not considered that the residential character of the area has been detrimentally undermined by the Airbnb since the temporary change of use was approved 10 months ago.</p>
<b>3.7.5</b>	<p>Objections were also received from local residents on the basis that the original single garage has been demolished and replaced with a larger structure. The approved change of use to an Airbnb does not introduce any new buildings, and it does not increase residential densities on a constant basis. Indeed, if a new dwelling were proposed on this plot, as it has been in the recent past (refused application ref: APP/21/00044), the density would be circa 8.22 dwellings per hectare which would be acceptable, as a maximum of 10 dwellings per hectare is allowed in Zone 1 of Noctorum ridge where the property is located.</p>
<b>3.7.6</b>	<p>Overall, the scale and design of the proposed conversion is not detrimental to the appearance of the former garage, host dwelling and street scene or the character of the surrounding area, and it is in compliance with Policies HS5 and HS15 of the UDP and the provisions of the revised NPPF.</p>
<b><u>3.8 Amenity</u></b>	<p>Objections were received concerning overlooking/loss of privacy impacts. The Airbnb conversion is at ground level with windows facing down the driveway, into the application site and directly towards the circa 1.9m rear boundary wall which screens the rear gardens of the properties fronting Waterford Road. These windows are not at a higher level than adjoining properties, therefore, overlooking/loss of privacy is not a concern in this regard. The driveway is also flanked by a dense hedgerow which screens the rear gardens of properties fronting Budworth Road. Historically there was a gap in this hedgerow immediately adjacent to the front area of the garage conversion which was infilled by planks of wood and (on the side of Laguna) faux foliage. To prevent intervisibility</p>

	between the Airbnb and the rear garden of Laguna, APP/21/02117 was subject to a condition requiring the installation of a 1.7m high x 1.5m deep privacy screen to provide effective permanent screening where Laguna is concerned. This fence has now been erected at the time of writing this report to the satisfaction of the Local Planning Authority.
<b>3.8.1</b>	Despite the introduction of the fence concerns regarding privacy remain. However, the site visit confirmed to the Officer that the hedge is of a maturity and density in which loss of privacy is not considered to occur. Therefore, it is not deemed appropriate to condition the expansion of the existing 1.7 x 1.5m fence, as the one conditioned for APP/21/02117 is considered sufficient to prevent overlooking and mitigate noise disturbance.
<b>3.8.2</b>	Objections were also received concerning noise and disturbance caused by the commercial use of the conversion. Environmental Health were consulted but raised no objections and confirmed no complaints from adjacent properties. If noise complaints were to have been received since the approved change of use in August 2022, then Environmental Health, could have and still impose restrictions on the use of the Airbnb as a result. No restrictions have been imposed by Environmental Health since August of last year. This indicates that noise and disturbance from the Airbnb has not reached a level, which is deemed detrimentally harmful to the amenities of surrounding residents.
<b>3.8.3</b>	The potential for noise and disturbance from vehicular comings and goings are addressed in section 3.9 below.
<b>3.8.4</b>	Furthermore, the utilisation of the Airbnb remains consistent with levels stated in the report for APP/21/02117 with circa 18, mainly weekend lets throughout 2023. As the Airbnb is typically let on weekends, noise, and disturbance from the rear garden by guests would be limited throughout the week. This situation is deemed characteristic of Primarily Residential Areas as the standard patterns of activity within rear gardens of dwellings increases on weekends, primarily throughout summer/spring months. No additional residential paraphernalia is proposed within curtilage of Cherry Cottage. Nonetheless, if any additional residential paraphernalia were to be proposed within the rear garden, it would not require consent as the Airbnb is situated within the curtilage of a residential property. Therefore, it is unlikely that persistent and/or unreasonable noise and disturbance will result from 2-4 occupants from the same household staying at the property at a time.
<b>3.8.5</b>	Separation distances do not apply in this instance as no first-floor habitable room windows on main elevations are proposed. The large window created on the front elevation face straight down the driveway, as opposed to the habitable room windows or a blank elevation of the host dwelling. The converted garage structure itself is pre-existing so the outlook of properties to the side and rear are not affected by the change of use. Overall, loss of outlook is not a concern.
<b>3.8.6</b>	Other concerns raised in objecting representations including the reduction of house value is not a material planning consideration

	and thus, is not considered as part of this assessment on residential amenity.
<b>3.8.7</b>	In view of the above, the garage conversion / change of use to an Airbnb is not considered to have a significant adverse impact on the amenities of neighbouring properties in terms of loss of privacy, noise and disturbance or any other amenity impact, and it is compliant with Policy HS15 of the UDP and provisions of the revised NPPF.

<b><u>3.9 Highways</u></b>	Objections were received from neighbouring residents concerning increased traffic and vehicular comings and goings to the site, and how this results in a detrimental change in the residential character of the area and harm the amenities of neighbouring properties. In terms of additional noise and disturbance generated by patrons entering the unit via the driveway, the stated usage is not of a scale significantly above the comings and goings of the occupants of Cherry Cottage i.e., one additional car over approximately 15-20 mainly weekend lets per year, which equates to approximately 40-60 let days per year. This is not an unreasonable level of additional usage, which, with guests arriving typically at 11am, returning from day trips between 6-8pm, and departing at 12 noon, could be compared to family visits at the weekend, or an additional car user emerging at the property for example due to a teenager passing their driving test. Overall, it is not deemed necessary to condition the maximum number of patrons per booking or lets per year. As mentioned, Environmental Health can impose restrictions on the use of the Airbnb as a result of future noise complaints if deemed necessary.
<b>3.9.1</b>	Highways were consulted but raised no objections stating that the proposals are all contained within a private boundary and do not impact on the adopted highway. The level of on-site car parking remains in accordance with the SPD4 maximum standards. The loss of the Garage parking is therefore accepted as there remains satisfactory parking available within curtilage on the driveway for the two residential dwellings. The existing vehicle access remains unaffected by the proposals and is considered satisfactory to be use as a shared access. It is unlikely that the proposals will generate a significant level of traffic and it is therefore considered to have no material impact on the highway, as such there are no objections to the proposal.
<b>3.9.2</b>	Overall, there are no highway implications relating to this proposal which is in compliance with Policy HS15 of the UDP and SPD4.

<b><u>3.10 Tourism/Local Economy</u></b>	The proposal adds to the mix of short-term accommodation options found locally within the wider Birkenhead area. This provides tourists, business people and those passing through for a few nights, whose presence is beneficial to the local economy in terms of spend in pubs, restaurants, local businesses and visitor attractions, a greater level of choice. Therefore, the proposal is also in compliance with policies TL1 and TL2 of the UDP given that no significant design, amenity or highways impacts have been identified.
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<b><u>3.11 Environmental/Sustainability</u></b>	There are no Environmental/Sustainability issues relating to these proposals. The site is not subject of any environmental designations or tree preservation orders. The proposal is retrospective, so a bat survey is not a requirement.
<b><u>3.11.1</u></b>	Environmental Health were also consulted but raised no objections surrounding the proposed change of use or flag any noise complaints. Any persistent incidents of noise and disturbance would need to be reported to Environmental Health.
<b><u>3.11.2</u></b>	Objections have been received regarding disturbance to foxes however, no evidence verifying their presence has been provided. Nonetheless, foxes are not a wildlife species protected by law and therefore, UDP Policy NC7 for species protection is not relevant.

<b>Summary of Decision (Planning Balance)</b>	<p>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</p> <p>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 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: -</p>
	The proposal is an appropriate, small scale and viable use which would not harm the character of the host dwelling, streetscene or the surrounding area. The proposal complies with Policies HS4, HS5, HS15, TL1, TL2 and PO3 of Wirral's Unitary Development Plan and the National Planning Policy Framework and the draft Local Plan.

<b>Recommended Decision:</b>	<b>Approval subject to the following conditions</b>
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<b>Recommended Conditions and Reasons:</b>
<p>1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on March 29<sup>th</sup> 2023, and listed as follows:</p> <ul style="list-style-type: none"> <li>Drawing Number: 2020 149 103, Revision 05, dated 27<sup>th</sup> July 2022</li> </ul> <p><b>Reason:</b> For the avoidance of doubt and to define the permission.</p> <p>2. The accommodation hereby approved shall be let out as short-term stay holiday accommodation only in accordance with the terms of the application.</p> <p><b>Reason:</b> To ensure that no sub-division of the plot occurs.</p>

3. The 1.7m high x 1.5m deep privacy screen adjacent to the boundary shared with Laguna shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of residential amenity and in accordance with Policy HS11 of the Wirral Unitary Development Plan.

<b>Last Comments By:</b>	07-June-2023
<b>Expiry Date:</b>	24-May-2023

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# Agenda Item 6

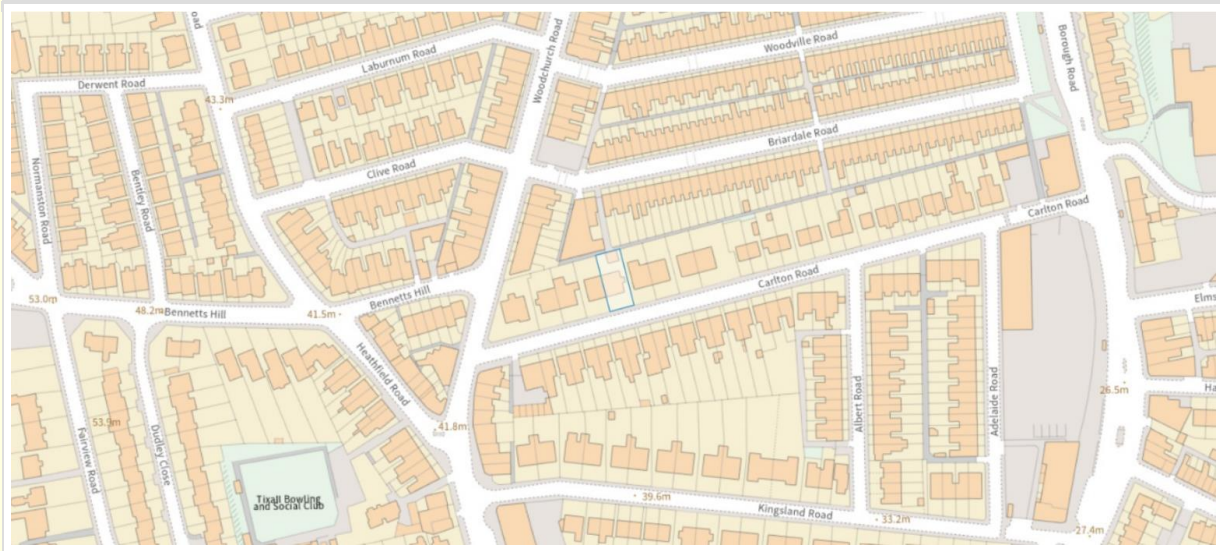
<b>Planning Committee</b>	<b>20 July 2023</b>
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/22/02189	DM	Mr C Heather	Birkenhead & Tranmere

<b>Location:</b>	38 Carlton Road, Oxton, Birkenhead, Wirral, CH42 9NQ
<b>Proposal:</b>	Use of the property as an 8 bed HMO and the installation of an automatic opening vent rooflight on the rear roof to replace existing rooflight.
<b>Applicant:</b>	Mr Leo Suarez (Boyaca Ltd)
<b>Agent :</b>	Mr Peter Hamilton (pHpc)

<b>Qualifying Petition</b>	Yes – This requires the application to be heard at Planning Committee
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**Site Plan:**



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<b>Development Plan designation:</b>	Primarily Residential Area
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<b>Planning History:</b>	<b>Applications</b> LDP/22/00668
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	Lawful Development Certificate for a Change of use from house (Class C3) to house in multiple occupation (Class C4); installation of three roof lights – Granted (27 May 2022)
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**Summary Of Representations and Consultations Received:**

<b>1. Ward Member Comments</b>	<p>Comments received from Councillor highlighting several issues to be considered:</p> <ul style="list-style-type: none"> <li>• Living conditions for future residents;</li> <li>• Amenity impact on the wider neighbourhood;</li> <li>• Bin storage;</li> <li>• Cycle storage;</li> <li>• Impact on parking.</li> </ul>
<b>2. Summary of Representations</b>	<p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement 22 notifications were sent to adjoining properties. At the time of writing this report 1 representation has been received. This raised concerns over the existing parking in Carlton Road and Albert Road, and the proposal would add more vehicles without adding to parking.</p> <p>In addition, a qualifying petition of objection has been received, containing 84 signatures. The grounds of objection are:</p> <ul style="list-style-type: none"> <li>• Over development of the site.</li> <li>• The proposal would add to other similar nearby developments and contribute to a change in the character of the street.</li> <li>• Potential impact on parking pressure in the area which is already acute.</li> </ul>

	<p><b>Consultations</b></p> <p>Traffic and Transportation / Highways – No objection subject to satisfactory cycle storage being provided.</p> <p>Environment Agency – No comment received (and the consultation was sent mistakenly).</p> <p>Environmental Health – No objection.</p> <p>Housing Strategy – No objections raised.</p>
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<b>3.1 Site and Surroundings</b>	<p>The site was an 8-bedroom house consisting of basement, ground floor and two further floors above. The house has been converted to a 6 person House of Multiple Occupation (HMO) in accordance with the Lawful Development Certificate (ref: LDP/22/00668) granted in May 2022.</p>
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	<p>The building is on the northern side of Carlton Road in Oxton near to the junction with Woodchurch Road. Carlton Road is residential in character, as are the roads immediately to the north and south. Borough Road to the east and Woodchurch Road to the west are more mixed use with some commercial uses alongside residential.</p> <p>The building is identified as being within a Primarily Residential Area.</p>
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<p><b>3.2 Proposed Development</b></p>	<p>The proposal seeks to change the use of the property to an 8-bedroom HMO. The entrance would be from the side of the property, as it is now. The ground floor would contain 3 bedrooms (all with an ensuite), a communal WC and a laundry. There is a staircase down to the basement which is proposed as storage.</p> <p>At first floor level would be a further two bedrooms at the back of the property, one of which has an ensuite. There is a separate bathroom which would be for the use of the other bedroom. A communal living room and kitchen / dining room is shown at the front of the property.</p> <p>At second floor level there would be a further three bedrooms. One would have an ensuite and a small kitchen. One would have an ensuite. The third would not have an ensuite but would have access to a separate bathroom.</p> <p>On the rear roof slope an existing rooflight would be removed and a larger opening vent rooflight would be inserted.</p> <p>There is a rear yard which is accessible via the ground floor and the side passageway to the house. Bin storage, cycle storage is proposed in the rear yard, alongside a small existing storage area and some landscaping.</p>
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<p><b>3.3 Development Plan</b></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> <ul style="list-style-type: none"> <li>• HS4 Criteria for New Housing Development</li> <li>• HS14 – Houses in Multiple Occupation</li> <li>• GR7 Trees and New Development</li> <li>• TR9 Requirements for Off-Street Parking</li> <li>• TR12 Requirements for Cycle Parking</li> <li>• PO3 Noise</li> <li>• PO4 Noise Sensitive Development</li> </ul> <p>The Joint Waste Local Plan for Merseyside and Halton. Relevant policies are:</p> <ul style="list-style-type: none"> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>
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### 3.4 Other Material Planning Considerations

The National Planning Policy Framework (2021). Relevant sections are:

- Achieving sustainable development
- Decision-making
- Delivering a strong supply of homes
- Promoting sustainable transport
- Making effective use of land

The National Planning Policy Framework Consultation Draft (2022)

Supplementary Planning Document 4: Parking Standards

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.

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 Local Plan was submitted to the Secretary of State on the 26th of October 2022. The Local Plan and supporting evidence base can be viewed online at [www.wirral.gov.uk/lpexam](http://www.wirral.gov.uk/lpexam)

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:

*“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).”*

The following policies are considered to be relevant to this proposal:

- WS 7.2 – Privacy and Amenity
- WS 7.4 – Parking
- WS 9.2 – Accessibility and Sustainable Transport
- WD 7 – Houses in Multiple Occupation

At the present time, the Wirral Local Plan is a Material Consideration and can be afforded weight in the decision making process.

### 3.5 Assessment

Under the provisions of section 70(2) Town and Country Planning Act 1990, 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. The adopted Development Plan where the site is located, comprises the saved policies of the Wirral Unitary Development Plan (Adopted 2000) and the Joint Waste Local Plan for Merseyside and Halton (Adopted 2013)

The application has been assessed against development plan policies, national planning policy and guidance, and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:

- Principle of Development / Land Use
- Housing Quality
- Design
- Residential Amenity
- Highways and Transportation

### 3.6 Principle of Development / Land Use

The main issue is the acceptability of the proposed use as an 8-bedroom HMO. Whilst the property was historically used as a single dwellinghouse, the recently granted Lawful Development Certificate allowed for a change of use to a 6-bedroom HMO and based on a site visit on 10 May 2023 this is now the use of the property, even though it was not fully occupied.

An assessment against policy HS14 is still required, as permitted development rights exist for the site to revert to a single dwellinghouse. Policy HS14 includes several criteria to be considered before the change of use will be permitted.

The existing use of the property as a HMO is considered to be a credible fallback position, and the criteria need to be assessed in this context of an additional two bedrooms compared to what has already been found lawful.

*i) The property being of sufficient size to accommodate the proposal and not of modern domestic scale;*

The historic layout was an 8-bedroom house, which is considered larger than the majority of households require. The building is considered sufficiently large to accommodate an 8-bedroom HMO, based on the room sizes of the bedrooms and the ample communal facilities proposed. This acknowledges that the application for the Lawful Development Certificate showed the two rooms which are now proposed to be bedrooms to be games room or home office, neither of which are considered essential to the successful operation of a HMO.

ii) *If the property is not detached then adjoining property is not in single family occupation;*

Based on Council Tax records the adjoining property (number 40 Carlton Road) is in use as 3 flats, and so the criterion is met.

iii) *The proposal not resulting in a private dwelling having an HMO on both sides;*

Council Tax records show number 36 Carlton Road to have been divided into 5 flats, and so the criterion is met.

iv) *The proposal not resulting in a change in the character of the surrounding area which would be detrimental;*

Concerns have been raised about the change in character of Carlton Road due to HMOs. The Council's Housing Strategy Team has provided information on the licensed HMOs in Carlton Road. Numbers 30, 33 and 44 Carlton Road are licensed. The majority of properties on Carlton Road are self-contained residential properties with a mix of houses and flats. The end of this section includes a more detailed discussion on how policy HS14 can be used to interpret whether there is a concentration or not.

v) *The proposal not resulting in a concentration of HMOs in a particular area such that the character of the area is adversely affected;*

As for point iv.

vi) *The proposal ensuring the privacy of neighbours and occupants, including the layout of car parking area, to prevent overlooking of habitable rooms;*

The property is not proposed to be enlarged, and the existing position of windows ensures that the views out are to the front and rear across public highways. This is entirely characteristic of the other properties on Carlton Road. The proposed roof light would be at a high level and not afford opportunities for overlooking.

vii) *Staircase access normally being provided within the main structure of the building. If external staircases have to be provided they must result in significant overlooking of neighbours' windows or private amenity space;*

This is not applicable as there is no external staircase proposed.

viii) *Any extensions required complying with Policy HS11;*

This is not applicable as there are no extensions proposed.



*ix) Any new windows required to serve habitable rooms, such as living rooms, kitchen and bedrooms, not overlooking adjoining properties to an unacceptable degree;*

As noted above all but the new rooflight are existing windows, and the rooflight would not result in overlooking.

*x) Any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;*

No new partitions are proposed and ceiling heights would not change.

*xi) Adequate sound proofing being provided;*

Details of acoustic treatments have been provided as part of the planning application, and no objection has been made to this information from Environmental Protection. There is also a requirement for licencing and building regulations approval so further ensuring that adequate sound proofing is 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 accessways;*

There is an existing basement which is proposed to be used as storage. A condition is suggested to ensure that the basement is not used as living space, such that this criterion is met.

*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;*

The main living areas are at first floor level, at the front of the house. They would be lit by existing windows, which are considered ample to ensure sufficient light is received, and the outlook would be across Carlton Road.

*xiv) Access to rear yards / gardens being provided for each flat;*

The rear yard area is physically accessible to all residents, with the main access from the main hall. A condition would be imposed to reinforce this.

*xv) Adequate visibility at entrance and exit points and turning space for vehicles; and*

The existing access from the site to the public highway is historic and reflects the other properties on Carlton Road. The frontage is a reasonable size and there is potential for three cars to park on it.

With three cars it is unlikely that all could turn within the site, but with two cars this is considered realistic.

*xvi) The proposal otherwise complying with policy HS4 and HS5.*

Most of the criteria within HS4 are included in HS14, and some are relevant to new build rather than change of use. One criteria is about landscaping. No landscaping is proposed but that is because the frontage is currently utilised for car parking although there are small trees that are to remain to the front boundary, this is unchanged from the current use of the site and the rear yard is required for amenity, refuse and cycle storage. Space would remain in the rear for soft landscaping, but it is not considered appropriate to require this in this instance and the existing area can provide useful amenity space. Policy HS5 identifies densities for specific areas, which the site is not within and so the policy is not relevant to this proposal.

In addition, 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. This is the fourth property on Carlton Road that would be in use as a HMO, but the policy specifies that when calculating this it is "...the properties forming the street frontage within a street block". The site is the third HMO on the northern side of Carlton Road, with numbers 20 and 44 being the other two. The frontage is made up of 29 properties, which includes one property on Woodchurch Road and another on Borough Road which have front doors opening on to Carlton Road. Given that some of the properties have been divided into flats the number of self-contained properties in the street is substantially more than this, and the policy is not specific on how to consider this scenario. Council Tax records show there to be 35 properties. Therefore, even based on 29 the percentage of HMOs would be 10.3% and this drops to 8.6% when 35 properties are considered. However, this is the case regardless of whether the proposal is approved or not given the fallback as a 6-bedroom HMO.

Reference has been had to draft policy WD7, which lists criteria for HMOs to meet. Most are the same or similar to those in HS14, but not all. WD7 seeks for HMOs to be in areas with access to local services and a choice of means of transport. There are shops and public transport options on Woodchurch Road and Borough Road, with more a short walk beyond. Cycle storage will be provided in the rear yard.

The maximum percentage of HMOs in a row of properties is proposed to be reduced to 10%. Given that this is not formally adopted, that some of the properties have been subdivided, and (crucially) that the site can lawfully be used as a HMO, it is considered that the proposal can be supported.

Policy WD7 seeks sufficient sunlight and daylight, and for habitable rooms to not be solely lit by roof lights, which they are not. Finally,



	<p>WD7 requires adequate management, including external maintenance. Having viewed the site and the work already done to change the use appears to be high quality. The applicant has submitted a Management Plan and there is no reason to consider that future operation and maintenance will not take place in an appropriate manner.</p>
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<p><b>3.7 Housing Quality</b></p>	<p>Planning policies regularly require a mix of housing to be developed, this is in the interest of meeting differing housing needs across society.</p> <p>The proposed HMO would provide accommodation that would be accessible to people who are likely to be at the start of their careers, and not yet in a position to access self-contained accommodation.</p> <p>Aside from the considerations in Section 3.6 above, the proposed accommodation would be good quality with rooms of reasonable sizes, each with either ensuite accommodation or access to a separate bathroom.</p> <p><i>The Technical housing standards – Nationally described space standard (NDSS) applies to new dwellings (which technically this is not) but reference has been had to the NDSS to assess the size of the bedrooms. Each bedroom is proposed as having single occupancy. The NDSS requires that single bedrooms are at least 7.5sqm, and double bedrooms are at least 11.5sqm. The smallest bedroom would be 8.1 sqm and the largest would be 27.75sqm (although this includes a kitchen area and sitting space). The other rooms are between 10.45sqm and 16.83sqm, and so all rooms are in excess of the size for single occupancy. A condition is proposed to restrict residency to 8 persons.</i></p> <p>There would be suitable communal floorspace, even though it is reduced from what was shown as part of the Lawful Development Certificate. It is noted that one of the units at second floor level includes a bathroom and some kitchen facilities. A condition would be imposed to prevent laundry facilities being provided within this unit so that it would not be self-contained. All rooms receive good light and have reasonable outlook. They would not be exposed to excessive noise given that this is a predominantly residential area.</p>
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<p><b>3.8 Design</b></p>	<p>The only proposed change is the removal of an existing rooflight and the insertion of an automatic opening vent rooflight. This is considered a very minor alteration to a building which is not subject to any heritage designations, with none nearby. The proposed change be visible from some private properties on Briardale Road but would not be detrimental to the building's appearance.</p>
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<p><b>3.9 Neighbouring Amenity</b></p>	<p>NPPF Paragraph 130 requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The relevant local policy in relation to this is HS4 and HS14 of the UDP.</p> <p>The impact on neighbours has been partly considered above. There is nothing inherent to HMOs that indicates that the granting of a HMO with an additional 2 bedrooms in this location would be disruptive to neighbours, and the evidence from the site visit was that the property is being well appointed. This should minimise the potential for anti-social behaviour which ultimately is possible at any residential property (HMO or otherwise).</p> <p>As the only alteration would be the introduction of a rooflight, there are no additional opportunities for overlooking of neighbouring properties.</p>
<p><b>3.10 Highways and Transportation</b></p>	<p>Concern has been raised by residents about the impact on parking. The former use was as a large house, and the current use is as a 6-bedroom HMO, and hence there is already a parking impact.</p> <p>The proposal does have the potential to generate vehicles but not to the extent that this is considered to be a problem when comparing 8 rooms to 6 rooms, or to a single family dwellinghouse. There is onsite parking for 3 vehicles, which is considered reasonable.</p> <p>Cycle provision will be secured through a condition which will maximise the potential for sustainable transport. There is a balance between maximising cycle provision and ensuring that the rear yard has some value as amenity space and as refuse storage, but there is considered sufficient space for 8 cycle spaces.</p> <p>The concerns of residents and the considerations raised by Councillor Cleary are noted. However, it is considered that the proposal's impact on highway and transport matters is not significant enough as to warrant the refusal of the application and given the conditions that are recommended to be appended to the decision notice.</p>
<p><b>3.11 Other Matters</b></p>	<p>Adequate space is available in the rear yard for refuse storage. A condition would ensure that this is provided and made available for use by residents.</p> <p>The proposal would not raise any issues of drainage or flood risk, given that the only physical change is to introduce a rooflight.</p>
<p><b>Summary of Decision (Planning Balance)</b></p>	<p>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</p>

	<p>Considering the individual merits of this application it is considered that the application is acceptable in planning terms having regards to the relevant Policies and Proposals in the Wirral UDP (Adopted February 2000), the Joint Waste Local Plan and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-</p> <p>The key consideration is that the site can lawfully be operated as a 6 person HMO, and so the difference in impact is in the two additional rooms that are now proposed.</p> <p>A full assessment of the proposal against policy HS14 has been undertaken and the proposal is considered to be meet this, and so the principle of development is considered acceptable. The quality of the accommodation would be appropriate and the impact on neighbouring amenity is considered acceptable. The introduction of a roof light would be minor in design terms.</p> <p>There is potential for additional vehicles when comparing 8 rooms with 6 rooms, but there is some onsite parking, and cycle provision proposed to encourage sustainable modes of transportation.</p> <p>The proposal is therefore considered to comply with the relevant Development Plan policy, principally formed by the Wirral Unitary Development Plan Policy and the Joint Waste Local Plan for Merseyside and Halton; as well as other material considerations, such as the draft Local Plan and the National Planning Policy Framework.</p>
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<b>Recommended Decision:</b>	<b>Approval subject to the following conditions</b>
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<p><b>Recommended Conditions and Reasons:</b></p> <p>1. The development hereby permitted shall begin not later than 3 years from the date of this decision.</p> <p>Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p> <p>2. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plans and documents:</p> <ul style="list-style-type: none"> <li>• Proposed Ground Floor Plan (S-09)</li> <li>• Proposed First Floor Plan (S-10)</li> <li>• Proposed Second Floor Plan (S-11)</li> <li>• Proposed Roof Plan (S-12)</li> </ul>
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- Proposed Basement Floor Plan (S-13)
- Proposed Sections (S-14)
- Proposed Front and Side Elevations (S-15)
- Proposed Rear Elevation (S-16)
- HMO Management Plan
- Acoustic Report by Howell Acoustics

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

3. The basement floorspace shall be used for storage and not as a habitable room or rooms.

Reason: To ensure that the quality of the accommodation is high.

4. No laundry facilities shall be provided within bedroom 8, as shown on drawing S-11 hereby approved.

Reason: To ensure that there is an appropriate degree of shared facilities for each occupant of the property.

5. Prior to the first occupation of either bedroom 5 or bedroom 7, as shown on drawings S-10 and S-11 respectively, the refuse and cycling facilities shown in the rear yard on drawing S-09 hereby approved shall be provided and made available for use to all occupants, and the provision shall be maintained as such thereafter.

Reason: To ensure that the quality of the accommodation is high and that the impact on the public highway is acceptable.

6. The car parking shown on drawing S-09 hereby approved shall be retained in its existing form for the lifetime of the development.

Reason: To ensure that sufficient on-site parking is available for future occupiers of the proposed development.

7. Prior to the occupation of the bedrooms hereby approved the following communal facilities shall be provided and made available for use to all occupants, and the facilities shall be maintained as such thereafter:

- Ground Floor – WC, Laundry, door leading to Rear Yard (as shown on drawing S-09 hereby approved);
- First Floor – Living Room and Diner-Kitchen (as shown on drawing S-10 hereby approved).

Reason: To ensure that the quality of the accommodation is high and that there is an appropriate degree of shared facilities for each occupant of the property.

8. No more than eight persons shall be resident at the property.

Reason: To ensure that the impact on neighbouring amenity is acceptable, and the number of occupiers is proportionate to the size of the property

<b>Last Comments By:</b>	08-03-2023
<b>Expiry Date:</b>	28-June-2023

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# Agenda Item 7

<b>Planning Committee</b>	<b>20 July 2023</b>
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/22/01592	DM	Mr J McKee	New Brighton

<b>Location:</b>	22 Montpellier Crescent, Wallasey, CH45 9AB.
<b>Proposal:</b>	Demolition of existing single story rear extensions to Montpellier Mansions. Erection of full height rear extension, new mansard roof with dormers and internal alterations to apartments. Erection of a two story rear extension and internal reconfiguration to the Coach House. (amended plans and description)
<b>Applicant:</b>	Mr Paul Brett
<b>Agent :</b>	H Williams Evoke Architecture

<b>Qualifying Petition</b>	Yes
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<b>Site Plan:</b>


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<b>Development Plan designation:</b>	Primarily Residential Area
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<b>Planning History:</b>	<p>APP/06/06628 – Conversion of hotel to fourteen flats, erection of a two-storey extension to rear of property and a first-floor side extension, erection of front and rear dormer windows and provision of off-street parking – Approve 17.11.06</p> <p>DLS/05/06003 – Reserved Matters application for the erection of 10 self-contained apartments with parking – Approve 24.06.2005</p> <p>OUT/04/07775 – Outline planning application for the erection of 10 self-contained apartments with parking – Approve – 01.07.2005</p>
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## Summary Of Representations and Consultations Received:

<b>1. Ward Member Comments</b>	No comments received.
<b>2. Summary of Representations</b>	<p><b><u>A qualifying petition of objection has been received</u></b></p> <p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 58no. notification letters were sent to properties 22.12.23. In response to a suite of revised plans, notification letters were re-sent on two occasions; 15.06.23 and 15.06.23. In response, 1no. petition was received objecting to the proposed development however there was not opportunity to allow each signatory to indicate why they objected to the application. 10no. representations objecting to the application were also received.</p> <p>Of the other representations received, the following are the main issues raised:</p> <ul style="list-style-type: none"><li>• Sole entrance to building via Montpellier Crescent; location of resident car-park. Concern about traffic and disruption on both Montpellier Crescent and Albion Street;</li><li>• Increase in pollution and noise;</li><li>• Impact to neighbouring amenity by reason of loss of privacy, daylight and sunlight and overshadowing impacts; both communal open space within neighbouring development and on residential units;</li><li>• Overdevelopment of site;</li><li>• Impacts to existing drainage infrastructure;</li><li>• Heritage impacts;</li><li>• Excessive height; and</li><li>• Design out of keeping with character of area.</li></ul> <p>Whilst not material considerations in the determination of a planning application, the following issues were also raised within representations received:</p> <ul style="list-style-type: none"><li>• Adverse impact of eviction of existing residents;</li><li>• Applicant ownership of different sites leading to concerns about financial viability of constructing proposed scheme to completion; and</li><li>• Process for neighbour notification process.</li></ul>



	<p><b><u>CONSULTATIONS</u></b></p> <p>Environmental Protection – No objection</p> <p>Traffic and Transportation – No objection</p> <p>Highways Assets – No objection</p> <p>Tree Preservation Officer – No objection subject to condition</p>
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<p><b>3. Site and Surroundings</b></p>	<p>The application site is a plot of land fronting Albion Street to the south and Montpellier Crescent to the north. It hosts a part three-storey, part two-storey rendered building with a hipped roof-form. The associated adjoining “coach-house” building extends further north, than the primary building. The building as existing, contains 14no. self-contained flats.</p> <p>An associated car-parking area is accessed off-of Montpellier Crescent with provision for 14no. cars. Adjacent; along the site’s western boundary is a grassed area with mature landscaping.</p> <p>The site’s western side boundary abuts that of no. 106 Albion Street and 30 Montpellier Crescent, a commercial use with understood residential at a first-floor level. Directly east of the application site is Montpellier Court, which is an established residential development of three-storeys, containing self-contained flats. Further north; fronting the opposite site of Montpellier Crescent and indeed further south, fronting the south side of Albion Street is residential accommodation.</p> <p>The application site is located within a Primarily Residential Area within the New Brighton Ward. The site is located approximately 550m west of New Brighton Train Station.</p>
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<p><b>4. Proposed Development</b></p>	<p>This application seeks to reconfigure the existing building; delivering 13no. self-contained flats - 2no. 1b 2p, 5no. 2b 3p and 6no. 3b 5p. This would be achieved through a proposed series of extensions and alterations.</p> <p>The significant reconfiguration of the roof forms on both the primary building and the lean-to two storey element is proposed. Regards the latter, the application proposes the continuation of the hipped-roof on what is as existing, part hipped and part flat. Regards the primary building, the application proposes to replace the hipped roof with a successor with a steeper pitch with the associated integration of 10no. dormer windows within both the northern and southern</p>
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	<p>elevations with associated balconies within the northern roof-pitch. 2no. of the existing chimney breasts are to be retained.</p> <p>A two-storey part-facing brick part rendered extension off-of the northern elevation fronting Montpellier Crescent affects the upper two floors of the primary building; and it would be cantilevered over the ground floor above a newly formed entrance area. The proposed extension would also extend into the roof at a third floor level; integrating into the proposed replacement roof.</p> <p>A two-storey extension is proposed off-of the northern elevation of the adjoining “coach house” constructed of facing brick.</p> <p>Associated alterations to windows and doors are proposed as well as the reconfiguration of the off-street parking layout and landscaping.</p>
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<p><b>5. Development Plan</b></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.</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’) and the Joint Waste Local Plan for Merseyside and Halton.</p> <p>Relevant policies of the Joint Waste Local Plan for Merseyside and Halton are:</p> <p>WM8 Waste Prevention and Resource Management</p> <p>Relevant policies of the UDP are:</p> <p>URN1 Development and Urban Regeneration</p> <p>GR5 Landscaping and New Development</p> <p>GR6 Greenspace within New Family Development</p>
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	<p>GR7 Trees and New Development</p> <p>LAN1 Principles for Landscape</p> <p>TR12 Requirements for Cycle Parking</p> <p>PO2 Development near Existing Sources of Pollution</p> <p>PO3 Noise</p> <p>PO4 Noise Sensitive Development</p>
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<p><b>6. Other Material Planning Considerations</b></p>	<p><u>The National Planning Policy Framework (2021)</u></p> <p><u>Wirral SPD2 – Designing for Self-Contained Flat Development and Conversions (2006)</u></p> <p><u>Wirral SPD4 – Parking Standards (2007)</u></p> <p><u>Technical Housing Standards – Nationally Described Space Standard</u></p> <p><u>The Wirral Tree Strategy</u></p> <p><u>The Emerging 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 <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></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</p>
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	<p>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> <ol style="list-style-type: none"> <li>1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>2. 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</li> <li>3. 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).”</li> </ol> <p>The following emerging plan policies are relevant to the determination of this planning application:</p> <p>WS1 The Development and Regeneration Strategy for Wirral 2021-2037</p> <p>WS2 Social Value</p> <p>WS3 Strategy for Housing</p> <p>WS6 Placemaking for Wirral</p> <p>WS7 Principles of Design</p> <p>WS9 Strategy for Transport</p> <p>WD1 Landscaping</p> <p>WD6 Self-Contained Flats</p> <p>WD14 Pollution and Risk</p> <p>WM6 Waste Management</p>
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<p><b>7. Assessment</b></p>	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>• Principle of development (appropriateness of residential extensions in a Primarily Residential Area);</li> <li>• Design;</li> <li>• Amenity.</li> </ul>
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- Highways;
- Trees

**7.1. Principle of Development**

The principle of development (appropriateness of residential extensions in a Primarily Residential Area) is acceptable subject to compliance with relevant policies and guidance outlined above.

Changes to Housing Mix

This application proposes the rationalising of the housing mix on the site. The below table sets out both the existing and proposed housing mix:

	1-bed (2-person)	2-bed (3-person)	3-bed (5-person)	4-bed or more
Existing	6	6	2	0
Proposed	2	5	6	0

The adopted UDP does not stipulate any policy position on housing mix. The Strategic Housing Market Assessment Updated Main Report (2021) forms an evidence base for the emerging Local Plan. Regards Market tenure new housing, table 6.4 sets out that the following dwelling mix will be sought within new developments: 1-bedroom 5%, 2-bedroom 30%, 3-bedroom 45% and four or more bedroom 20%.

Whilst this application constitutes a minor application for the reconfiguration of the existing building, officers are satisfied that the proposed housing mix, provides an appropriate mix of market tenure self-contained units. The emerging Local Plan holds weight in decision-making and officers are satisfied that the proposed housing-mix, acceptably reflects the evidence base setting out future housing-mix needs of the borough.

**7.2. Design**

Policy HS11 (House Extensions) outlines a criteria for adherence for extensions to houses. As per the outlined criteria, this policy relates more-so to extensions to dwellinghouses rather than a building of a flatted nature; as per the application site; within its existing form.

Policy HS13 (Self-Contained Flat Conversions) sets out a criteria for proposals for the conversion of existing buildings into self-contained flats. Whilst elements of the outlined criteria are

of relevance, the building, in its existing form, already hosts self-contained flats and this application, in design terms, proposes various alterations and extensions, to re-configure the building and this policy, as well as Policy HS11, only hold limited weight in the assessment of this application.

Adopted SPD2 – Designing for Self-Contained Flat Development and Conversions outlines that development should not be visually overbearing or dominant when viewed from adjoining property.

Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”. Paragraph 134 of the NPPF states that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The proposed development relates to the reconfiguration of the existing building; through a series of proposed extensions and alterations. The application site fronts both Albion Street and Montpellier Crescent. The proposed changes fronting Albion Street are limited with the most substantial changes proposed, being visible from the north; from Montpellier Crescent.

Proposed changes to the south elevation; fronting Albion Street are limited to the proposed replacement of windows at all levels (RAL7016; Anthracite Grey in UPVC) and repairs to associated cills where the applicant deems necessary. However, the existing hipped roof of the primary building is to be reconfigured; with the resulting roof-form having a steeper pitch. The proposed roof-form integrates 6no. dormer windows into the south elevation; which are all in-line with existing fenestration on all existing levels below; regards positioning and width. The proposed development affecting the roof form, results in the reduction in height of the overall ridge height by

approximately 0.6m in comparison to the existing. 2no. of the chimney breasts are to be retained; as shown on proposed elevation plans. Officers recognise that the proposed roof works, represent a significant intervention within the public realm. The application building represents a building of townscape value and makes a positive contribution to the streetscene; particularly within the immediate context along Albion Street. However, the proposed works affecting the roof; are not considered unacceptable or inappropriate. This planning application is supported by a proposed materials schedule (ref. PL.010(b)) which details the proposed roof form, to be finished in a standing seam cladding in dark grey/black and the submitted Design & Access Statement provides precedent examples for comparison. Whilst this material represents a more contemporary approach, officers conclude it appropriate and of a high-quality. However, to ensure quality, officers recommend a condition be attached to the planning permission; requiring details of all external facing materials, to adequately control the quality of the build.

Off the northern elevation; fronting Montpellier Crescent, a full height extension is proposed affecting all upper levels. The extension would extend approximately 3.5m in depth from the original elevation. The proposed extension is cantilevered over the ground floor. The extension would introduce a part rendered, part brick elevation; with the brick element being within the approximate central part of the elevation; juxtaposing the rendered elevations either side; including the lean-to two-storey element as existing; within the eastern part of the site. The resulting rear elevation, features windows of a traditional style; RAL7016; Anthracite Grey in UPVC and Juliet balconies at a first and second-floor level, with 2no. balconies at a roof level; within the reconfigured roof space. Four dormer windows are proposed within the northern roof-pitch. As existing, there exist four dormer windows within the northern pitch, however the proposed replacement, promote more of a regular pattern through their locations.

Proposed development under this application affecting the western part of the site, includes the proposed two-storey extension; which would extend off-of the northern elevation of the "coach house" building; by approximately 3.7m. The extension would have a flat roof and match the eaves height of the existing coach house; with a maximum height of approximately 5.35m. The extension is slightly set in; off-of the shared western boundary of the site. As outlined, the proposed extension off-off the northern elevation extends all upper floors.

This extension; would extend close to the western elevation of the application site; at a second-floor level; to the depth of the coach house.

The existing two-storey lean-to building would have its existing hipped roof; extended to cover the entirety of the roof-level; currently this is part hipped and part flat.

Representations received in response to this application expressed objection to the application citing the overdevelopment of the site, the stated excessive height of the proposal and that the proposed development was out of keeping with the character of the area. As set out; the overall ridge height of the roof, would be slightly reduced as a result of the proposed development. Officers recognise; particularly by reason of the proposed extension off-of the northern elevation (facing Montpellier Crescent), the height, particularly along the western shared boundary is increased and the overall massing of the proposed, is somewhat greater than the existing. However, the application is not considered to constitute the overdevelopment of the site; this is particularly noting the net loss of 1no. self-contained flat as a result of this application in comparison to the existing, across a larger floor-plate. Further, officers note the large nature of the site. The extensions proposed are appropriate in scale, whilst still allowing the development proposed to deliver adequate parking, and amenity space.

Whilst the application represents a detailed submission, to reiterate, to ensure quality, officers recommend, should planning permission be granted, that a condition be attached to the permission, requiring the applicant to submit to the LPA, further information regarding all external facing materials.

Officers conclude, subject to a material related to conditions as outlined to ensure quality, that the proposed development, in its design; inclusive of height, massing and appearance, represents a high-quality series of extensions and alterations which represent an enhancement to the existing building; which is considered of townscape value and for reasons set-out, the application is on-balance, in accordance with the relevant planning policy framework to this end.

#### Quality of Accommodation

Both Policy HS13 and SPD2 imply good design quality and amenity being a requirement for occupiers of self-contained units.



The UDP does not set out minimum floorspace standards for residential dwellings however, Statutory Guidance; Technical Housing Standards (2015) does. Officers note this technical guidance is a material consideration in decision making however in the absence of any position to this end within the Local Plan, it represents only that; guidance in decision making. All but 1no. units exceed the recommended minimum floorspace size for the associated unit size. The exception; Flat 3 has a GIA (Gross Internal Area) of 47.6sqm; with the recommended being 50sqm. This deviation from guidance is minor and the unit benefits from dedicated integrated storage and represents over wise good quality accommodation. It is noted regards the existing accommodation; 14no. self-contained flats, 5no. Units fail to meet the minimum floorspace standards. On this basis, the proposed reconfiguration represents an improvement to the existing situation, in better reflecting the outlined statutory guidance.

3no. of the proposed units; flat 4 at ground-floor and flats 12 and 13 at a third-floor level, have dedicated private amenity space. Flat 11 at a second-floor level and flat 7 at a first-floor level benefit from Juliet style balconies. As per the proposed site plan (ref. PL.006(E)), the communal space is to be retained and enhanced as part of this application. Should planning permission be granted, officers recommend a condition requiring full details of both hard and soft landscaping throughout the site, to ensure quality. Officers note that as existing, none of the 14no. units benefit from private amenity space and that this application reflects an enhancement to the quality of accommodation offered. To this end, officers are supportive of the design rationale and conclude the proposed accommodation to represent good quality accommodation in the context of the relevant policy framework.

### **7.3 Amenity**

HS13 (Self-Contained Flat Conversions) sets out that for proposals for the conversion of existing buildings into self-contained flats, proposals must ensure the privacy of neighbours and occupants and sets out a detailed criteria for adherence to. As outlined, this policy is somewhat limited in its relevance to this application; noting the building as existing hosts self-contained flats and this application, seeks to reconfigure the existing building, through a series of extensions and alterations. Adopted SPD2 states that development should not result in a significant loss of privacy, daylight or sunlight for neighbouring properties.

Paragraph 130(f) of the NPPF sets out that planning decisions should ensure that developments create places that are safe,

inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The proposed development relies on existing openings within both the eastern and western side elevations; orientated toward neighbouring residential sites. The proposed development would result in the removal of an existing dormer window within the eastern roof pitch.

As existing, at ground-floor level within the western elevation, there are 3no. windows serving flats 3 and 4; with 1no. understood to serve a bathroom and the remaining 2no., serving habitable spaces. The applicant proposes the retention of these windows within what would be proposed unit 1. Whilst it would be preferable to avoid where possible, windows serving habitable spaces within the streetscene, officers acknowledge the proposal does not alter the existing situation; thereby not exacerbating the matter. As per the proposed floor plan (ref. PL007(E), 2no. of these windows; serving a utility room and a bathroom, are to be obscured which will be secured through a condition. The applicant has also outlined windows on other floors to be obscured, which would be controlled through the same condition should planning permission be granted.

A two-storey extension is proposed along the western shared boundary of the site; off-of the south elevation of the existing "coach house"; which matches the eaves height of the existing building. This is a shared boundary with no.22; where an existing building of a typical warehouse appearance is located; which is understood; to be in-part residential in its use. The slight increase to massing along this shared boundary does not result in any unacceptable adverse impact to neighbouring amenity considering the individual site circumstances and the minor scale of the proposed extension at this location. No windows are proposed within the western side elevation of this proposed extension.

The proposed extension off-of the north elevation of the primary building at all upper levels extends close to the western shared boundary. As existing, an approximate 1.5 storey link between the coach house and the primary building is present along this boundary. The resulting proposed extension, would increase the height of this link between the buildings by approximately 2.84m. A balcony would be located on-top of this, serving proposed unit 12 at a 3<sup>rd</sup> floor level. Noting the existing context; particularly the orientation of the site, no unacceptable daylight/sunlight impacts would result from the proposed extension. The understood residential part of the neighbouring site to the west; fronting Albion Street, is limited to the part of the building which largely mirrors, in its footprint, the application

	<p>site in its existing form. The rooflights serving the understood residential units, would not be unacceptably overlooked by reason of the proposed balcony.</p> <p>An extension of the hipped-roof form within the existing two-storey lean-to element; abutting the site's eastern boundary is proposed. This would not result in any unacceptable adverse impact to neighbouring residential amenity by reason of loss of daylight/sunlight due to the minor scale of the continuing of the existing roof form.</p> <p>For reasons outlined, the proposed development would not result in any unacceptable adverse impact affecting neighbouring residential amenity by reason of overlooking, overbearing, loss of privacy or daylight or sunlight and is for reasons outlined, in accordance with the relevant adopted and emerging policy framework.</p>
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<p><b>7.4 Highways</b></p>	<p>Typically, the key issues around Highways and Transport matters in relation to residential developments, such as this, are highway safety, access, car parking and sustainable transport options. Policies TRT3, TR9 and TR12 of the UDP are relevant in relation to this section. SPD4 is also relevant to this application, which sets out the Parking Standards. Consultation has been undertaken with the Highways Team; who stated no objection to this application and their comments are considered as part of the commentary below.</p> <p>The requirements for off-street vehicle and cycle parking are set out as maximums under Policies TR9 and TR12 of the UDP and the accompanying Supplementary Planning Document on Parking Standards.</p> <p>Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.</p> <p>The scheme has been reduced to 13 dwellings. The level of car parking proposed is appropriate; with at least 1no. space per self-contained flat delivered, along with the introduction of 2no. disabled parking spaces. This is a slight increase in comparison to the existing situation and in accordance with the SPD's parking standards for self-contained flats.</p> <p>This application would deliver 14no. cycle parking spaces, where as existing, there are not understood to be any dedicated parking spaces for bikes. This is a welcome addition and accords with the adopted TR12 Cycle Parking recommendations.</p>
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	<p>The existing access; from Montpellier Crescent, would be unchanged as a result of this application.</p> <p>Representations received objecting to the application outlined concern about the location of the car-park and about traffic and disruption on both Montpellier Crescent and Albion Street as well as concern regards highways safety and volume of traffic generate by the proposed development. Officers conclude, noting that the car-parking arrangement including access, remains unchanged bar the addition to 2no. disabled parking bays, that there would be a negligible impact from a highways safety/capacity perspective generated by this application. Any traffic generated as a result of construction does not form a material consideration in decision-making however officers recommend should planning permission be granted, that a Construction Environmental Management Plan be submitted and approved by the LPA prior to the commencement of development.</p> <p>Subject to the imposition of suitably worded highway conditions on any grant of consent, it is considered that there would be no grounds to refuse the application in relation to highway safety and the proposal would accord with relevant UDP policies.</p> <p><u>Waste Management</u></p> <p>The approach to waste management remains unchanged as a result of this proposal. A dedicated part enclosed space for bin storage is located within the north-east corner of the site; fronting Montpellier Crescent.</p>
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<p><b>7.5 Trees</b></p>	<p>Policy GR7 (Trees and New Development) of the UDP sets out the LPA's approach to tree protection and enhancement.</p> <p>This application is accompanied by an Arboricultural Implications Assessment (ref. TRE/MMASNB) and an Arboricultural Method Statement (ref. TRE.MMASNB). The former identified 2no. existing trees on site; T1; a graded B Sycamore tree, and T2; a graded B Holly Tree which are located within a grassed area; to be retained within the north-western corner of the site fronting Montpellier Crescent. The applicant outlines that these trees will be retained as part of this application and makes recommendations for tree-protection during construction through a submitted tree protection plan within the submitted Arboricultural Method Statement.</p> <p>The Borough Tree Officer was consulted on this application and stated no objection subject to an appropriate conditions; that the development be carried out in accordance with the submitted detail; including the tree protection plan, to ensure</p>
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	<p>the protection of the existing trees. To this end, there are no adverse tree impacts arising from this application subject to appropriate conditions.</p> <p>Having regards to the Wirral Tree Strategy, as the trees on site will remain and are subject to tree protection, the objective of the Tree Strategy is met.</p>
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<p><b>8. Summary of Decision (Planning Balance)</b></p>	<p>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 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:-</p>
	<p>The impact of the design on the character of the surrounding area. Whilst extensions and alterations to the building represent a series of significant interventions cumulatively, the application site is a spacious site, capable of hosting the proposed development. The interventions cumulatively, subject to appropriate conditions to ensure quality in delivery, are considered of a high-quality and represent an enhancement to the application site and the surrounding streetscene.</p> <p>The impact to neighbouring amenity. The proposed development utilises existing openings on east and west side elevations and the application would result in the removal of 1no. dormer window at roof-level within the eastern elevation. Whilst the application represents the intensification of the residential use on site by reason of floorspace, the proposed development would not result in any unacceptable adverse impact affecting neighbouring amenity.</p> <p>The impact to the safety and capacity of the highways network. The proposed development utilises the existing vehicular and pedestrian entrance; from Montpellier Avenue and the exiting dedicated refuse storage. This application introduces 2no. disabled parking spaces whilst retaining number of parking spaces otherwise on-site as existing; 14no. spaces notwithstanding the application results in the net loss of 1no. self-contained flat on site.</p>

	<p>The impact to existing trees and ecology. The application is suitably evidenced with appropriate supporting evidence to this end and subject to conditions regards a Tree Protection Plan, compliance conditions with the supporting information and enhancements to ecology on site, this application does not result in any unacceptable impact to existing trees, and adequately protects protected/unprotected species in line with the relevant policy framework.</p> <p>The proposal is therefore considered to comply with the relevant Development Plan policy, principally formed by the Wirral Unitary Development Plan Policy and the Joint Waste Local Plan for Merseyside and Halton; as well as other material considerations, such as the draft Local Plan National Planning Policy Framework.</p>
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<b>Recommended Decision:</b>	Conditional Approval
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<p><b>Recommended Conditions and Reasons:</b></p>
<p>1 The development hereby permitted shall begin not later than [3] years from the date of this decision.</p> <p>Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p> <p>2 The development hereby permitted shall be carried out in accordance with the approved plans listed as follows:</p> <p>PL.001 Location Plan</p> <p>PL.002(A) Existing Site Plan</p> <p>PL.004(A) Existing Elevations</p> <p>PL.003(B) Existing Floorplans</p> <p>PL.005 Existing Street Elevations</p> <p>PL.006(E) Proposed Site Plan</p> <p>PL.007(E) Proposed Floor Plans</p> <p>PL.009(D) Proposed Street Elevations</p> <p>PL.008(E) Proposed Elevations</p>

PL.010(B) Proposed Elevation Materials

Bat Scoping Assessment (Mulberry Consultants, ref. KE22/02693, dated 19.12.22)

Arboricultural Method Statement (Mulberry Consultants, ref. TRE/MMASNB, dated 20.12.22)

Arboricultural Implications Assessment (Mulberry Consultants, ref. TRE/MMASNB, dated 20.12.22)

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

3 Notwithstanding the hereby approved Proposed Elevation Material Plan (ref. PL.010(B)), prior to the commencement of any works to the superstructure (other than demolition), the applicant will submit to the LPA and have approved in writing, details of all external facing materials.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy HS4.

4 Notwithstanding the hereby approved Proposed Site Plan (ref. PL.006(E)), prior to the commencement of any works to the superstructure (other than demolition), the applicant will submit to the LPA and have approved in writing, details of the 14no. cycle parking stands/enclosures.

The development will be built-out strictly in accordance with the approved details and maintained and be used solely for the purpose of cycle parking for the life of the development.

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

5 Other than the 2no. dedicated disabled spaces, the 14no. car-parking spaces as shown on hereby approved Proposed Site Plan (ref. PL.006(E)), shall be built-out strictly in accordance with the hereby approved details and maintained and be used solely for the purposes of parking for the life of the development.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with SPD4.

6 Unless otherwise agreed in writing by the LPA, the 2no. disabled parking spaces as shown on hereby approved Proposed Site Plan (ref. PL.006(E)), shall be built-out strictly in accordance with the hereby approved details and maintained and be used solely for the purposes of parking of blue badge holders for the life of the development.



Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with SPD4.

7 Prior to the commencement of any works to the superstructure (other than demolition), a detailed scheme for landscaping will be submitted to and approved in writing by the Local Planning Authority.

The scheme shall comprise of a plan and specification and demonstrate: i) The materials to be used for hard and soft surfacing; ii) tree and hedge planting across the site (including a minimum of nine trees and, where iii) detailed planting plan and specification for soft landscaping of land iv) the location and design of fences, gates, walls, railings or other means of enclosure v) the timing of implementation of the scheme and vi) the specification and siting of a box scheme is produced for the site including suitable nesting features for house sparrows which should be built into the hereby approved extensions. Thereafter development shall be carried out as approved.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment.

8 No tree, shrub or hedgerow felling is to be carried out on the site between 1 March and 31 August in any year. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To protect birds during their breeding season.

9 No plant or materials shall be brought onto site until Root Protection Area fencing and Ground Protection has been installed in accordance with the submitted tree protection plan MMNB/MS/01 and specification within the hereby approved Arboricultural Impact Assessment and Method Statement by Mulberry Consultants.

Thereafter:

Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification, without prior approval of the arboricultural consultant and / or the local planning authority.

The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective



functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

10 The Arboricultural Method Statement TRE/MMASNB and plan MMNB/MS/01 submitted in support of the application shall be adhered to in full.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

11 Prior to the commencement of development, a Construction and Environmental Management Plan shall be submitted to and approved in writing by The Local Planning Authority. The provisions of the Construction and Environmental Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety and to comply with Policies HS4, WA2, WA5, TRT3 of the Wirral Unitary Development Plan (Adopted 2000), and Section 9 of the National Planning Policy Framework.

12 The development hereby permitted shall not be occupied until the windows identified on the hereby approved proposed floor plans; PL.007(E) and proposed elevations; PL.008(E) are fitted with glazing obscured to at least Pilkington level 3. Thereafter the obscured glazing shall be retained for the life of the development.

Reason: To prevent harmful overlooking in the interests of protecting the privacy and amenity of neighbouring residents.

Informative:

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

<b>Last Comments By:</b>	25-06-2023
<b>Expiry Date:</b>	16-February-2023

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## 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.