



## Planning Committee

<b>Date:</b>	<b>Wednesday, 11 October 2023</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Birkenhead Town Hall</b>

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## AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES (Pages 1 - 4)**

To approve the accuracy of the minutes of the meeting held on 14 September 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/23/00227 - JACKSONS FURNITURE, 106 - 116 ST PAULS ROAD, SEACOMBE, WIRRAL, CH44 7AW DEMOLITION OF THE EXISTING, FIRE DAMAGED, COMMERCIAL UNIT AND THE CONSEQUENT ERECTION IN ITS PLACE OF A HOUSE IN MULTIPLE OCCUPATION (HMO) DEVELOPMENT WITH A COMBINED TOTAL OF 36 BEDROOMS WITH A MAXIMUM OCCUPANCY OF 36 PERSONS (Pages 5 - 18)**

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

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

## PLANNING COMMITTEE

Thursday, 14 September 2023

Present:

Councillor S Kelly (Chair)

Councillors S Foulkes  
H Gorman  
K Hodson  
M Booth  
B Kenny

J Stewart Laing  
G McManus  
S Powell-Wilde  
Jason Walsh  
S Mountney (In  
place of C Baldwin)

31 **WELCOME AND INTRODUCTION**

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

32 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor C Baldwin, who was deputised by Councillor S Mountney.

33 **MINUTES**

The Director of Law and Governance submitted the minutes of the Planning Committee meeting held on 17 August 2023.

**Resolved – That the minutes of the Planning Committee meeting held on 17 August 2023 be approved.**

34 **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 G McManus declared a prejudicial interest in Item 5 (St Oswald's Church, Bidston Village Road, Bidston – Installation of 1800mm x 1200mm Church Noticeboard Mounted on Aluminium Posts) by virtue of being a parishioner of St Oswald's Church (minute 35 refers).

35 **LEVERHULME APPEAL**

The Chair with the agreement of the Committee raised the Leverhulme appeal as an item of urgent business. He referred to the recent news concerning a number of appeals in respect of applications that had been considered by the Planning Committee. On behalf of the Committee, he acknowledged the wisdom of the Planning Inspectorate and specifically thanked the leader of the Public Inquiry Mr John Barrett, Senior Officers Kath Lawless and Mark Loughran and all other officers involved who had been listed in the decision letter. He believed it had been a good victory, the Green Belt had been defended and the Brownfield First policies had cleared a hurdle.

The Vice-Chair agreed with the remarks of the Chair and reflected that with the UDP in place and the new Local Plan, the Council had a good case and wished to move a formal vote of thanks to officers.

Councillor K Hodson referred to building affordable houses on the Green Belt, levelling up and the Brownfield First and reiterated her thanks to the Planning Officers, when the McCarthy Stone appeal was won, in particular Martin Klabou who was the leading officer also all other officers who had worked hard in respect of the Leverhulme appeals and Public Inquiries and large cases where the Planning Inspector had concurred with the Planning Officers' decision.

Councillor H Gorman supported all the comments made.

On a motion by the Vice-Chair and seconded by K Hodson, it was -

**Resolved – That all officers within the Planning Team be thanked for their work.**

36 **ST OSWALDS CHURCH, BIDSTON VILLAGE ROAD, BIDSTON, CH43 7QT  
INSTALLATION OF 1800MM X 1200MM CHURCH NOTICEBOARD  
MOUNTED ON ALUMINIUM POSTS.**

Councillor G McManus declared a prejudicial interest in this matter and left the room during its consideration (minute 34 refers).

The Senior Planning Officer presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Ward Councillor Julie McManus addressed the Committee.

The applicant, Reverend Joe Smith addressed the Committee.

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

**Resolved (7:3) – That the application be refused on the following grounds:**

**1. The proposal by reason of its siting, size, design and materials would be harmful to the setting of the surrounding Grade II listed buildings at St Oswald's Church, Stone Farm and Lilac Cottages and harmful to the character and appearance of the conservation area including its key views contrary to policies CH01, CH1, CH2 and CH4 of Wirral's Unitary Development Plan, National Planning Policy Framework (2021) paragraphs 136, 195, 200 and 202 and Policies WD 2.1, WD2.2, WP3.1 and WD10 of Wirral's emerging local plan.**

**37 LOCK UP GARAGES (19) EDGEMOOR CLOSE, BEECHWOOD, CH43 9XH  
ERECTION OF 2 BUNGALOWS AND ASSOCIATED HARD AND SOFT  
LANDSCAPING.**

The Senior Planning Officer presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Ward Councillor, Elizabeth Grey addressed the Committee.

On a motion by Councillor Kathy Hodson and seconded by the Chair 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 26th July 2023 and listed as follows: P359.2\_202, P359.2\_203G, P359.2\_204, P359.2\_205A, P359.2\_206B, P359.2\_207B and P359.2\_208B.**

**3. Prior to the commencement of the development, a full scheme of works for the reinstatement to standard footway levels of any existing vehicle accesses from the highway that are rendered obsolete by the development shall be submitted and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme.**

**4. Before any construction commences, details of the brick and roof 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.**

**5. Details of the species mix, height and density of new planting shown on the approved plan ref. P359.2\_203G shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. All planting, seeding and/or turfing comprised in the approved details and the approved landscaping of plan ref. P359.2\_203G shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any shrubs or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

**6. The hard landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.**

**7. The development shall not be occupied until the parking has been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.**

**8. The western and eastern side facing windows of the approved bungalows shall be obscure glazed and non-opening (with the exception of an opening light 1.7 metres above the floor of the room in which the window is installed) and thereafter be permanently retained as such.**

**9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that order) no window shall be installed to the side elevations of the approved bungalows where facing the eastern front elevations of houses on Edgemoor Close and the western rear elevations of houses on Everleigh Close unless it is obscure glazed and non-opening (with the exception of an opening light 1.7 metres above the floor of the room in which the window is installed) and thereafter be permanently retained as such.**

# Agenda Item 5

<b>Planning Committee</b>	<b>11<sup>th</sup> October 2023</b>
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<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/23/00227	DM	Mr P Roberts	Seacombe

<b>Location:</b>	Jacksons Furniture, 106 - 116 St Pauls Road, Seacombe, Wallasey, Wirral, CH44 7AW
<b>Proposal:</b>	Demolition of the existing, fire damaged, commercial unit and the consequent erection in its place of a House in Multiple Occupation (HMO) development with a combined total of 36 bedrooms with a maximum occupancy of 36 persons
<b>Applicant:</b>	Navkar Properties
<b>Agent:</b>	Mr Harry Johnson, Mialex

<b>Qualifying Petition</b>	No
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<b>Development Plan designation:</b>	Primarily Residential Area
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<b>Relevant Planning History:</b>	<b>APP/21/01848</b> Change of use from commercial to 2 HMOs (Unit 1 7 bed Unit 2 8 bed) and Unit 3 into 6 self contained studios Approved
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**Summary Of Representations and Consultations Received:**

**1. Ward Member Comments**

The application was called in by Councillor Paul Stuart for committee determination for the following reasons: The scheme is not in keeping with the character of the area and there is an over-proliferation of HMOs locally.

**2. Summary of Representations**

**REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications, 72 notifications were sent to adjoining properties. A total of 4 comments were received in response to the public consultation exercise objecting to the proposal. A summary of the comments are found below:

- Negative impact on parking pressures in the road;
- Noise and vehicle pollution;
- Building is on a school route and there have been issues with the treatment of the existing structure leading parents and children to use the road, raising accident risks;
- The road is already very busy and this would add to it;
- Concerns regarding highway safety;
- Cycle route has yet to be completed on this road as promised;
- Out of keeping with the area;
- Infrastructure cannot cope with additional occupants;
- Owners have left site abandoned;
- Alternatives to this would be preferable in terms of local regeneration;
- Large scale HMO will negatively impact community;
- Concerns as to the nature and type of HMO resident. Temporary users with no roots in the community;
- Current owners have little interest in the area leaving the building in a poor state and only seeking high financial returns.

**CONSULTATIONS**

Environmental Health: No objections

Transport: No objections subject to legal agreement

Housing: No objections

**3.1 Site and Surroundings**

The existing premises is a vacant and fire damaged building in a state of disrepair on the northern side of St. Pauls Road, between the junctions with Wheatland Lane and Parry Street. The property was previously used for the sale of furniture items with 2 flats at first floor level.

The area to the east is predominantly two-storey residential although there is a small parade of retail units at ground floor level on the opposite side of St. Pauls Road. The site sits close to Wheatland Lane where there are a number of commercial buildings of varying ages, scales and styles.

There are double yellow line parking restrictions to the highway in front of the building and a bus stops located close by on Wheatland Lane. The rear of the site backs on to a group of trees that run along the south side of the Kingsway Tunnel cutting.



<p><b>3.2 Proposed Development</b></p>	<p>This application proposes the demolition of the existing building and the development of a single terrace consisting of 6 units of Houses of Multiple Occupation (HMO's). Arranged over three floors the units would be accessed from St. Pauls Road and would benefit from amenity space to the rear with bin stores and cycle stands.</p> <p>The building is two-storey along the St. Pauls Road frontage, topped with a semi-circular corrugated metal roof encompassing a window to the front of each unit within the roof space. It is formed of red brick with two storey high windows to the front with access directly off the street. To the side streets, the building would present a brick facing gable end appearance with a single door and window in each elevation. To the rear a flat roofed three storey addition, clad in timber, is proposed.</p> <p>Each of the units is laid out the same with a communal ground-floor consisting of kitchen and living room, and six single bedrooms above, each with an en-suite shower room.</p>
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<p><b>3.3 Development Plan</b></p>	
<p>3.3.1</p>	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the adopted statutory development plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) (UDP) and the Merseyside and Halton Joint Waste Plan (2013).</p>
<p>3.3.2</p>	<p>The following UDP policies are relevant:</p> <ul style="list-style-type: none"> <li>• URN1 (Development and Urban Regeneration)</li> <li>• TRT1 (Provision for Public Transport)</li> <li>• TRT3 (Transport and the Environment)</li> <li>• NCO1 (Principles for Nature Conservation)</li> <li>• LAN1 (Principles for Landscape)</li> <li>• GR5 (Landscaping and New Development)</li> <li>• GR7 (Trees and New Development)</li> <li>• HS14 (Houses in Multiple Occupation)</li> <li>• HS4 (Criteria for New Housing Development)</li> <li>• HS5 (Density and Design Guidelines)</li> <li>• PO3 (Noise)</li> <li>• PO4 (Noise Sensitive Development)</li> <li>• TR9 (Requirements for off street parking)</li> <li>• TR11 (Provision for cyclists in highway and development schemes)</li> <li>• TR12 (Requirements for Cycle Parking)</li> <li>• TR13 (Requirements for disabled access)</li> </ul> <p>The following Joint Waste Local Plan for Merseyside and Halton policies are relevant:</p> <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> </ul>

	<ul style="list-style-type: none"> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>
<b>3.4 Other Material Planning Considerations</b>	
3.4.1	<p>The National Planning Policy Framework, in particular:</p> <ul style="list-style-type: none"> <li>• Introduction</li> <li>• Achieving sustainable development</li> <li>• Decision-making</li> <li>• Delivering a sufficient supply of homes</li> <li>• Promoting healthy and safe communities</li> <li>• Promoting sustainable transport</li> <li>• Making effective use of land</li> <li>• Achieving well-designed places</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> <li>• Conserving and enhancing the natural environment</li> </ul>
3.4.2	Supplementary Planning Document 4: Parking Standards
3.4.3	<p><u>Submission Draft Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The 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 <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><i>“Local planning authorities may give weight to relevant policies in emerging plans according to:</i></p> <ul style="list-style-type: none"> <li>• <i>the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</i></li> <li>• <i>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</i></li> <li>• <i>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).”</i></li> </ul>

	<p>The following policies are considered to be relevant to this proposal: WS1, WS2, WS3, WS5, WS6, WS7, WS8, WS9, WS10, WS12, WP2, WD1, WD2, WD3, WD4, WD7, WD14, WM6</p> <p>At the present time, the Wirral Local Plan is a Material Consideration and can be afforded weight in the decision-making process.</p>
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<p><b>3.5 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;</li> <li>● Design;</li> <li>● Highways and</li> <li>● Amenity</li> </ul>
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<p><b>3.6 Principle of Development</b></p>	
<p>3.6.1</p>	<p>The application site was subject to a planning permission (APP/21/01848), granted in January 2022, for the conversion of the existing building into 2 HMO units and 6 self-contained studio flats. The HMO's provided a total of 15 beds in total. This permission remains extant and is a material consideration.</p>
<p>3.6.2</p>	<p>Saved Policy HS4 of the UDP sets out that residential development proposals will be supported in the Primarily Residential Areas subject to a range of criteria pertaining to (in respect to this proposal): the scale of the development; the impact on the character of the area; access and servicing; landscaping and boundary treatment; design security and provision of amenity space.</p>
<p>3.6.3</p>	<p>Policy HS14 of the UDP provides for guidance in respect of the conversion of existing properties to HMO's primarily centred around the nature and character of the local area, neighbouring amenity and the amenity of the potential occupiers. The policy states that existing HMO's and valid planning permissions must not compromise more than 20% of the properties within a street block. This proposal would represent 100% of the block between Parry Street and Wheatland Lane, although the block is in effect one building rather than a stretch of street frontage where the general percentage rule would be more appropriate. The Council's Housing team have confirmed that there are no other licensed HMOs in the area, the nearest licensed premises being on Church Road over 350 metres away. Therefore, the proposed development would be the only licensed HMO locally.</p>
<p>3.6.4</p>	<p>Emerging Policy WD7 of the Local Plan sets out an approach to Houses of Multiple Occupation that requires that proposals demonstrate that the property is of sufficient size to provide safe, functional and healthy living conditions with a high standard of amenity for existing and future users. It includes a provision that HMO's should not be over-concentrated within an area. WD7 also requires adequate management, including external maintenance. As noted above, there are no other licensed HMOs within the immediate vicinity and therefore it is not considered that this scheme would result in an over-concentration of such uses, although the large number of HMO bedrooms proposed here is acknowledged.</p>

3.6.5	Although not a conversion as specified in Policy HS14 of the UDP, the criteria sets out to establish HMO's which are of a good standard, and which safeguard neighbouring amenity and character, and is considered to be relevant and attributable to this case. The criteria, and associated assessment of this proposal, is set out as follows:
3.6.6	<p>i) <i>The property being of sufficient size to accommodate the proposal and not of modern domestic scale;</i>  The scheme has been reviewed by the Council's Housing team and the design, layout and size are considered to meet the Council's HMO requirements. As such the units are large enough to accommodate the number of bedrooms proposed (6 in each case). Each of the units will have a communal kitchen/dining area, toilet and living room on the ground floor, with all bedrooms at first and second floor of a good size and each incorporating an en-suite. Each individual 6-bed unit will have a floorspace of approximately 170 square metres whilst the smallest bedroom has a floorspace of approximately 12.8 square metres – the proposal therefore complies with Nationally Described Space Standards. Overall, the proposed building is considered to be of a suitable scale to provide sufficient living accommodation for future occupiers.</p>
3.6.7	<p>ii) <i>If the property is not detached then adjoining property is not in single family occupation.</i>  Not applicable.</p>
3.6.8	<p>iii) <i>The proposal not resulting in a private dwelling having an HMO on both sides;</i>  As stated, there are no licensed HMO's in the immediate vicinity. The location of the proposed building, between two roads, also ensures it complies with this requirement.</p>
3.6.9	<p>iv) <i>The proposal not resulting in a change in the character of the surrounding area which would be detrimental;</i>  The application site is a former furniture store and pharmacy sited at the transition between a busy road comprising a variety of commercial and other uses and a predominantly residential street with a couple of small retail parades. The established context therefore is not uniquely residential in nature and the area is accustomed to activity associated with commercial operations including commercial vehicles, unloading/loading plus visitors throughout the week and weekend. It is a transitional location between a residential area (on St Pauls Road) and a more commercial area (on Wheatland Lane). This fairly unique location is considered to be appropriate for the proposed use. Planning permission was given (APP/21/01848) for the conversion of the property into 2 HMO's and 6 studio flats which had no limit on occupancy (21 double beds shown, so potentially 40+ residents), resulting in a development which could potentially have a greater impact on the character of the area than this proposal for 36 occupants. This is a material consideration in respect to this proposal. The design, highway and residential amenity implications are further discussed in the report below.</p>
3.6.10	<p>v) <i>The proposal not resulting in a concentration of HMOs in a particular area such that the character of the area is adversely affected;</i>  As stated, this will be the only registered HMO in the immediate vicinity.</p>

3.6.11	<p>vi) <i>The proposal ensuring the privacy of neighbours and occupants, including the layout of car parking area, to prevent overlooking of habitable rooms;</i>  The property is located opposite an area of open space (to the front), and adjacent to the Kingsway tunnel approach (to the rear). The side elevations (facing Parry Street and Wheatland Lane) only have a door at ground floor, and a small circular window at second floor level (serving an en-suite on Wheatland Lane and a passageway on Parry Street). There is therefore no concern over potential overlooking.</p>
3.6.12	<p>vii) <i>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;</i>  This is not applicable as there is no external staircase proposed.</p>
3.6.13	<p>viii) <i>Any extensions required complying with Policy HS11;</i>  This is not applicable as there are no extensions proposed.</p>
3.6.14	<p>x) <i>Any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;</i>  No new partitions are proposed across windows.</p>
3.6.15	<p>xi) <i>Adequate sound proofing being provided;</i>  Details of internal layout has been supplied and no objection has been raised by the Council's Environmental Health team. There is also a requirement for licencing and building regulations approval in this regard to ensure that adequate sound proofing is provided for the proposed use.</p>
3.6.16	<p>xii) <i>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;</i>  No basement is provided.</p>
3.6.17	<p>xiii) <i>Main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls;</i>  The main living areas are at ground floor level with outlook to the rear over private amenity spaces via large floor to ceiling windows which are considered ample to ensure sufficient light is received with reasonable outlook. The kitchen/dining areas are also served by large windows to the front, whilst all bedrooms are served by standard windows offering sufficient outlook.</p>
3.6.18	<p>xiv) <i>Access to rear yards / gardens being provided for each flat;</i>  The rear amenity spaces are accessed via the communal ground floor living rooms. These amenity areas differ in scale due to the staggered shape of the rear of the site but offer sufficient space for private amenity and practical matters such as bin storage and clothes drying.</p>
3.6.19	<p>xv) <i>Adequate visibility at entrance and exit points and turning space for vehicles;</i>  No vehicle parking is proposed.</p>
3.6.20	<p>xvi) <i>The proposal otherwise complying with policy HS4 and HS5.</i></p>

	Much of the criteria incorporated within HS4 is included in HS14. Details pertaining to other HS4 criteria is set out elsewhere within this report. Policy HS5 identifies densities for specific areas which the site is not within, and so the policy is not relevant to this proposal.
3.6.21	<u>Conclusion</u> The application site was in previous use as a furniture store with a pharmacy at the corner of Wheatland Lane. Although closed for some time this use would have had its own particular impact on the character of the location, as outlined above. Therefore, whilst this change would lead to a different use, it is not one that would detrimentally impact the area and neighbouring properties given the specific historic and locational context. The site is currently in a state of disrepair and therefore the positive benefits of redeveloping the site for an active use is given significant weight. The impact on the character of the area and the other matters raised in connection with Policy HS4 of the UDP are covered further in the sections below.
3.6.21	In accordance with emerging Policy WD7 of the Local Plan it is considered appropriate to attach a condition requiring the submission and approval of a HMO Management Plan to ensure that the premises is adequately managed including in respect of external maintenance and upkeep.

<b>3.7 Design</b>	
3.7.1	Saved Policy HS4 of the UDP sets out that residential development within Primarily Residential Areas will be permitted subject to the proposal being of a scale which relates well to surrounding property, particularly with regards to density and form and not result in a detrimental change in the character of the area, have appropriate boundary treatment and be secure in the design.
3.7.2	The application proposes to demolish the existing structures and construct a two/three storey building fronting St. Pauls Road, formed primarily of brick with a third floor within a semi-circular roof feature finished in aluminium. Constructed as a singular block, each HMO unit is presented at a slight oblique angle to the footway to give variance to the elevation and break up its overall mass. Double-storey feature windows are proposed to the front of each property, further lightening the appearance of the structure and adding additional interest. The scale of the proposed building is considered to be appropriate in this location.
3.7.3	Projecting windows are proposed within the roof to provide outlook and serve to provide a vertical marker to each unit. At each end of the terrace, the gable ends will be predominantly brick facing, whilst the rear elevation will be formed of 3 storey elements with timber cladding. This rear elevation will add further interest in the materiality, albeit with limited visibility given the Kingsway Tunnel entrance facing location. Materials used throughout the building would be subject to conditions to ensure the materials are of the requisite standard.
3.7.4	The approach taken has both a residential and commercial appearance reflecting the transition between the prevalent uses to the west and east. The site is a unique one in this sense and the unique and interesting design is considered to reflect that, whilst utilising materials that are prevalent locally. The proposed building is of a high-quality design. It will be a positive addition to the surrounding street scene and the scheme will have a significant

	beneficial impact on the area by regenerating this derelict site with a high-quality building.
<b>3.8 Highways</b>	
3.8.1	The site is well located with a number of local shops and amenities within walking distances, both on St. Pauls Road and to the north of the site on Poulton Road.
3.8.2	The development consists of six units providing HMO facilities with a combined maximum of 36 bedrooms. It is accepted that this type of development has a lower parking demand than more traditional houses and residents make use of walking and cycling for short trips or use public transport and taxis. However, there is still likely to be some parking demand at the development, particularly by any visitors and also by some residents.
3.8.3	There are double yellow lines fronting the building on St Pauls Road which prevents parking at the site. These have been placed to protect the pedestrian refuge island at the Wheatland Lane / St Pauls Road junction and also to help bus services which turn in and out of St Pauls Road at this location. There is a short section of carriageway to Parry Street, adjacent to the development proposal, which would provide some parking but it would not accommodate all the likely demands from the units and there is already extensive parking here by existing residents.
3.8.4	In such circumstances, it would normally be appropriate to require a parking bay to be installed on St Pauls Road to accommodate the likely increased demand for parking – however, this bay cannot be installed because of a cycle improvement scheme scheduled to be installed along St Pauls Road in connection with the Liverpool City Region Combined Authority, Birkenhead to New Brighton Local Cycling Walking Infrastructure Plan (LCWIP) project. The project aims to deliver high quality active travel infrastructure and support the Council to address climate change and work towards Net Zero. The proposed 6-mile route will increase the use of active sustainable travel modes, therefore reducing the reliance on the private car.
3.8.5	It is considered appropriate and justifiable for the development to contribute to the cycle improvement scheme, which will run directly past the development along St Pauls Road, seeing that there is zero parking being provided within the site.
3.8.6	A commuted sum of £19,800.00 has therefore been agreed with the applicant and would contribute to the cycle proposals. This is equivalent of each of the 36 bedrooms contributing £550 towards the improvement scheme. This is approximately the cost of a 25m parking bay that would have otherwise been required to be installed outside the development on St Pauls Road but cannot be placed due to the cycle proposals and the highway constraints.
3.8.7	The development will also provide 36 secure cycle parking storage spaces to the rear of the building, accessed from Parry Street which is in line with saved UDP Policy TR12.

3.8.8	Pressures on car parking and associated impacts on highways safety have been raised in objection and it is likely that some displaced parking pressure would occur, however, this is not considered by the Council's Traffic and Transportation team to be significant and is in the context of a building that had a previous retail function and has a consent for a comparable number (potentially higher) of residential occupants, without any car parking provided in both instances.
3.8.9	As stated, the site is served directly by the adjacent Bus Stops on St Pauls Road and Wheatland Lane which offer a half-hourly service between Birkenhead/Woodside and Wallasey. The site also lies within 400 metres from the Keegan Drive Bus Stop which offers frequent, regular services along the 400, 411, 413, 423, 606 and 616 routes less than every 20 minutes. It is also situated approximately 340 metres from a defined Traditional Suburban Centre to the north on Poulton Road, which has a range of amenities including a supermarket, pharmacy, day nursery, hairdressers, Church and Primary School alongside a range of Class E commercial units, plus retail premises along St. Pauls Road itself are easily accessible including a Pharmacy, Post Office, General Store, Hot Food Takeaways, Childrens Centre and Family Hub, Convenience Store and Church.
3.8.10	Consequently, the site is considered to be in a highly-sustainable location and would not require a reliance on a private motor car as it is served by a range of services accessible on foot or bike. As stated, this proposal would benefit by having a new dedicated cycle lane directly outside the site which should encourage more sustainable methods of transport both by new and existing residents locally.
3.8.11	Servicing to the development can be conducted from the adopted highway via the appropriate internal bin storage area accessed from Parry Street and this is a satisfactory arrangement.
3.8.12	Subject to the legal agreement and the provision of a condition relating to a Construction Management Plan, the impacts of the development are considered to be mitigated by the provision of funding towards a dedicated cycle lane to the front of the site and in the context of the existing use and extant consent, this proposal would not impact significantly on highway safety.

<b>3.9 Neighbouring Amenity</b>	
3.9.1	The application site is currently partially derelict and vacant and hence any redevelopment would lead to an increase in activity.
3.9.2	The historic retail use would have had the potential for noise and disturbance throughout the week including deliveries of furniture and pick-ups, plus general activities associated with movements of staff and retail visitors. This proposal is residential and accordingly will have a different nature, more in keeping with the prevailing residential patterns of St Pauls Road.
3.9.3	It is noted that the residents of HMOs are likely to be limited in demographic terms, however, that does not mean that the use will result in a greater general disturbance than were it to be a standard terrace of residential houses. A total of 36 residents would potentially occupy the site within the 6 properties, a potentially greater number than would be expected to reside in 6



	traditional houses, and in that sense it does have the potential to be a more intensive use than traditional housing.
3.9.4	However, as highlighted, the context for this site is not wholly residential, being at the transition between commercial and residential activity set against the Kingsway Tunnel cutting to the north. Moreover, the development site has an extant consent for two HMO's and 6 studio flats which are unfettered by any maximum occupancy level as is proposed here. Hence the site already benefits from planning permission for a similar, if not more intensive, use. Any consent would be accompanied by a Management Plan to ensure that the premises is kept in good order and properly maintained and managed. In addition, in being a HMO the property would be subject to licensing from the Council, licensing which is regularly reviewed and could be refused if not adhered to. In addition, there is other legislation utilised by Environmental Health to control any general unacceptable noise and disturbance.
3.9.5	The development will not result in amenity concerns in respect of overlooking or loss of light and outlook. The opening within the Parry Street elevation will be obscurely glazed.
3.9.6	It is noted that comments have been made in respect to the general upkeep of the property and the impacts it has had since the fire on the site. These matters sit outside of this planning judgement and is the responsibility of the owner and the relevant authorities. This development will however offer an opportunity to redevelop the site and help secure its effective management into the future.

<b>3.10 Conclusion</b>	
3.10.1	The proposed development will result in the regeneration of a site which has fallen into a state of disrepair and which has a detrimental impact upon the character of the area. The proposed development will result in the construction of a building which is of a high-quality design and which will have a positive impact upon the surrounding area, within a location which transitions between residential and commercial uses. The site is situated in a fairly unique location and this will minimise the potential impact upon the character of the area resulting from the use of the building for a series of HMOs. The site is considered to be in a highly-sustainable location and the lack of parking is off-set by the provision of cycle parking and a contribution towards a cycle lane improvements outside the front of the site. On balance, the benefits of the scheme as presented are considered to be sufficient to allow the application to be supported.

<b>Summary of Decision</b>	Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application it is considered that the application is acceptable in planning terms having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and Joint Waste Local Plan for Merseyside and Halton, and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-
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	Having regard to the existing building, its location, the established uses and consents, the high-quality design of the proposed development, and the relationships to neighbouring properties, the proposed redevelopment of the site is on balance considered acceptable in accordance with Wirral's UDP Policies HS4 and HS14, the Joint Waste Local Plan, Submission Draft Local Plan and the National Planning Policy Framework.
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<b>Recommendation:</b>	Conditional Approval subject to a Section 106 Agreement for a commuted sum of £19,800 towards cycle lane improvements
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**Recommended Conditions and Reasons:**

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14<sup>th</sup> February 2023 and listed as follows: 2208-000 REV A; 2208-001 REV A; 2208-002 REV B; 2208-007 REV B; 2208-100 REV D; 2208-101 REV C; 2208-102 REV F; 2208-200 REV D; 2208-201 REV D; 2208-202 REV D; 2208-203 REV D;

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

3. Prior to the commencement of any works (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. Full details of the 36 no. cycle spaces (as shown on hereby approved Proposed Site Plan, ref. 2208-002 REV B) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The cycle storage shall be built-out in accordance with the approved details, made available for use prior to first occupation and maintained and be used solely for the purposes of cycle parking for the life of the development unless otherwise agreed in writing by the local planning authority.

**Reason:** To provide on-site cycle parking for the benefit of future occupiers and to encourage the use of more sustainable forms of transport than the private car in accordance with UDP Policy TR12.

5. The windows hereby approved at second floor to the east (Parry Street elevation) shall be fitted with fixed and obscure glazing up to a height of 1.7m from the finished first floor internal floor level and shall be permanently retained in that condition thereafter.

**Reason:** Having regard to residential amenity and privacy.

6. Prior to the any occupation of the building a HMO Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include measures to secure the management and maintenance of the building and it shall be operated in accordance with it in perpetuity.

**Reason:** To safeguard the appearance of the building and in the interests of neighbouring amenity.

7. The refuse facilities and landscaping as shown on drawing no. 2208-002 REV B shall be installed prior to first occupation.

**Reason:** In the interests of residential amenity.

8. Prior to any construction works being carried out, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to at all times during the construction of the development unless otherwise agreed in writing by the Local Planning Authority

**Reason:** In the interest of highway safety

9. Prior to any construction works being carried out, full details of the re-instatement of the existing footway surrounding the site to adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out prior to first occupation.

**Reason:** In the interests of highway safety.

<b>Last Comments By:</b>	14-May-2023
<b>Expiry Date:</b>	13-October-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.