

**Planning Committee**

**19 March 2020**

**Reference:**  
**APP/19/01540**

**Area Team:**  
**Development  
Management Team**

**Case Officer:**  
**Mr A Siddall**

**Ward:**  
**Liscard**

**Location:**  
**Proposal:**

Vacant Shop, 67 KING STREET, EGREMONT, CH44 0BY  
Change of use from retail (use class A1) on the ground floor and 2  
bedroom flat on the first and second floors (Use Class C3) to 7  
bedroom House in Multiple Occupation (HMO) (Use Class Sui  
Generis) including loft conversion and construction of a rear dormer  
window.

**Applicant:**  
**Agent :**

Mr Duke  
Town Planning Expert

**Qualifying Petition:** No

**Site Plan:**



**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: 67, King Street, Egremont. L44 0BY  
Application Type: Full Planning Permission  
Proposal: Single storey workshop extension.  
Application No: APP/86/05205  
Decision Date: 17/04/1986  
Decision Type: Approve

Location: 67, King Street, Egremont. L44 0BY  
Application Type: Full Planning Permission  
Proposal: Erection of a new shop front and formation of a self contained flat.  
Application No: APP/85/06557  
Decision Date: 21/10/1985  
Decision Type: Approve

**Summary Of Representations and Consultations Received:**

**1.0 WARD MEMBER COMMENTS**

1.1 Councillor Janette Williamson wishes the application to be taken out of delegation in the event of a recommendation for approval on the basis that the development would result in a concentration of Houses in Multiple Occupation in the locality, to the detriment of the character of the area.

**2.0 SUMMARY OF REPRESENTATIONS**

2.1 Having regard to the Council's guidance on publicity for planning applications notification letters were sent to 11 neighbouring properties on 22 October 2019. The deadline for receipt of representations passed on 12 November 2019.

REPRESENTATIONS

None received.

CONSULTATIONS

Environmental Health - No objection;

Highways - No objection. Cycle storage is required.

HMO Housing - Objected to the original proposal as the layout did not meet required space standards due to a lack of dining space of sufficient size to accommodate 8 persons and a lack of kitchen worktop space for the expected number of occupiers. The revised plans showing an increase in communal kitchen dining space and a reduction in bedrooms from 8 to 7 overcome the objections raised.

**3.1 Site and Surroundings**

3.1.1 The application site comprises a mid-terrace property over three storeys with a vacant retail unit with shop front at ground floor and a self-contained flat above. The property is in a historic parade of retail units within a wider primarily residential area where many of the former shops have been converted to residential use. The adjacent unit to the south remains in commercial use at ground floor as a barber shop with residential above, whilst the adjacent unit to the north has been converted to self-contained flats. The front elevation directly abuts the pavement with unrestricted on-street parking to the western side of the highway and marked parking bays to the east side. To the rear of the building is a single storey workshop extension enclosing much of the rear yard with a passage retained to provide access to the rear gate which opens onto a rear alleyway serving all units within the parade. The rear yard is enclosed by brick walling. To the western side of the alley is the side elevation and enclosed rear garden of 3 Glenalmond Road. The external construction materials of the building are brick with a dual pitched tiled roof.

### **3.2 Proposed Development**

3.2.1 Full planning permission is sought for the change of use of the building to a 7-bedroom House in Multiple Occupation (HMO) as a sui generis use. Operational development will comprise the removal of the existing shopfront and its replacement with a brick facade with front door to the building and a window serving a ground floor bedroom. To the rear of the ground floor will be communal kitchen and dining space with enclosed cycle and bin storage within the former workshop extension. To the first and second floors will be five further bedrooms and one bedroom created within the roof space, served by a flat roofed box dormer window which also accommodates the staircase. This dormer window has already been constructed. A small communal lounge will be provided to the front half of the roof space, lit by roof lights. No off-street car parking is proposed.

3.2.2 The scheme has been amended since first submission with the number of bedrooms reduced from 8 to 7 in response to officer comments. The housing team considered that the kitchen and dining space was insufficient for 8 occupiers, whilst planning officers expressed concern over the outlook from some bedrooms and the lack of bin and cycle storage. Officers consider these concerns to have been addressed in the plans being considered by members.

### **3.3 Development Plan**

3.3.1 Applications for Houses in Multiple Occupation are governed by saved UDP policy HS14, which sets criteria to ensure that such proposals protect the amenity of neighbouring residents and the character of the building and area, result in a good standard of accommodation for potential future residents and do not have an adverse effect on highway safety.

3.3.2 Saved UDP policy HS4 sets general development criteria for new housing development, seeking to ensure that the proposal does not result in a detrimental change in the character of the area, provides appropriate landscaping and boundary treatment, results in satisfactory access and servicing arrangements and incorporates adequate garden space.

3.3.3 Saved UDP policy TR9 notes that when considering off-street parking requirements, the LPA will be guided by the availability of alternative modes of transport, road safety and traffic management issues and the likelihood of cars being parked on residential roads, amongst other considerations. Policy TR12 expects cycle parking to be provided within the development site.

### **3.4 Other Material Planning Considerations**

3.4.1 The NPPF seeks to support the Government's objective of significantly boosting the supply of homes and notes that it is important that the needs of groups with specific housing requirements are addressed. Section 11 seeks to ensure that development makes efficient use of land and, where there is an existing or anticipated shortage of land for meeting identified housing needs, that planning decisions avoid homes being built at low densities. In meeting this objective, account should be taken of the importance of securing well designed, attractive and healthy places that promote a high standard of amenity for existing and future users.

### **3.5 Assessment**

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

- The Principle of Development;
- The effect on the character of the area;
- The effect on neighbouring residential amenity;
- The amenity of potential future occupiers;
- Access, Parking and Servicing.

3.6 Principle of Development:

3.6.1 Houses in multiple occupation can fulfil a need for low-cost residential accommodation and can be acceptable in principle subject to compliance with the criteria under saved Unitary Development Plan policy HS14 which seeks to balance support for such development with protection for the character of the area and amenity levels, both for existing neighbours and proposed occupiers.

3.7 Character of the Area:

3.7.1 Saved policy HS14 of the UDP seeks to prevent an over concentration of HMOs within a particular area to avoid a detrimental change in the character of the area. To this extent existing HMOs and valid planning permissions must not comprise more than 20% of properties forming the street frontage of a block. In this particular block the Council's online register indicates that there are no other licensed large HMOs within this block. (large in the context of the Council's licensing scheme means 5 or more unrelated people sharing, so there is some overlap with use class C4, which allows up to six people sharing without requiring planning permission). The only licensed large HMOs on King Street are at numbers 52 on the opposite side of the road to the south, and 75, within the adjacent street block to the north, whilst to Egremont as a whole there are a total of 17 licensed large HMOs. On this basis it cannot be said that there is an over concentration of HMOs within this part of Egremont.

3.7.2 In this area the Council operates a selective licensing scheme for all privately rented properties regardless of format, and there are a large number of properties on King Street licensed under this scheme. The register covers all privately rented properties within use classes C3 or C4 and does not distinguish between self contained flats or dwellings rented to individuals or families, and small HMOs for up to 4 people. Given that these uses fall within classes C3 and C4, for which there is a permitted change of use, without an Article 4 direction the Local Planning Authority has no control over the number of these properties and control can be exercised only in respect of larger, sui-generis, Houses in Multiple Occupation where the potential effects on an area are greater. With this in mind, the proposal does not result in a detrimental change in the character of the area in respect of the number of large HMOs subject to planning control.

3.7.3 The existing building is in a poor condition and this development provides the opportunity to improve the appearance of the building in the street scene and the proposed elevations are acceptable in this regard, representing a modest benefit of development. The rear dormer window has been constructed and is clad in hung tile matching the existing roof slope. Being located on the rear it does not appear prominent in the street scene and does not result in a detrimental visual change in the character of the area.

3.7.4 Google Street View imagery would suggest that this property has been vacant at ground floor level for over a decade and given previous planning decisions it is clear that retail activity in this out of centre location has been declining in accordance with national trends. Having regard to the requirements of saved UDP policy SH5 and the function, physical condition and likely future role of this area as a shopping centre Officers do not object to the conversion of the ground floor commercial unit to residential use.

3.8 Neighbouring Residential Amenity:

3.8.1 Neighbouring properties to either side are in mixed commercial and residential use as self-contained flats. The redevelopment of this property for a more intensive residential use is unlikely to have a significant adverse impact on the living conditions at these flats as a result of increased noise and disturbance. Residential uses are not inherently noisy and any problems of nuisance are predominantly a matter for the property management and can be addressed through environmental health legislation. The amended plans make provision for an enclosed bin store, minimising the risk of odour or pest arising from the open storage of refuse.

3.8.1 The rear dormer window has a stairwell and proposed bedroom window looking towards the south west across neighbouring rear gardens. This window is in excess of 10 metres from the boundary of the property opposite and there are already upper floor windows looking

across this space. This is an area of high density urban housing where mutual overlooking already exists between multiple properties and the formation of the dormer window does not result in new overlooking of any formerly private amenity spaces. The only new window aperture created to the elevations of the building itself is at ground floor level to the rear offshoot, to enhance light to the kitchen/dining space. There is an existing brick boundary wall between properties here which prevents any harmful overlooking being created.

3.9 The Amenity of potential future occupiers:

3.9.1 The proposals as amended allow an acceptable standard of amenity for proposed occupiers. A reduction in bedrooms from 8 to 7 and enlarged ground floor kitchen and dining space allow for internal space standards that meet the requirements of the Council's private sector housing team. All bedrooms have a reasonable outlook and whilst a roof space communal living area is lit solely by rooflights, in HMO properties the outlook from the bedroom is of greater significance given that these are the only private spaces available for use by occupiers. There is no private garden space for use by residents, however the site is in close proximity to the promenade and is in easy reach of other public open space by walking, cycling or by way of public transport. On balance, the scheme provides an acceptable standard of amenity for future occupiers.

3.10 Access, Parking and Servicing:

3.10.1 In common with the vast majority of other dwellings in this area, the property does not have any off-street car parking, however this does not attract an objection from the Council's highways team. Unrestricted on-street parking exists to King Street and surrounding streets and the property is in a location where access to jobs, shops and services is available within walking or cycling distance or via high-frequency bus services. There is at least a 20 minute frequency service to Hamilton Square station, Birkenhead and New Brighton, five buses an hour to Seacombe Ferry for commuting links to Liverpool and a half hourly service to Liscard and Wallasey Village. In combination with the provision of cycle storage accommodating 1 cycle per bedroom, sufficient opportunities exist for occupiers to make use of sustainable transport options, minimising the requirement for a private car. Covered bin storage is provided within the rear yard with access for collection from the rear alleyway, minimising the risk of bins being left on the public highway.

**Summary of Decision:**

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

The proposed development brings back into use a long-term vacant property for residential use which will have a modest beneficial effect on the appearance of the street scene and the Council's housing land supply. The site is in a sustainable, accessible location where residents have opportunities to travel without use of the private car to reach jobs, shops, services and areas of public open space for informal recreation. The creation of a HMO in this location will not result in a concentration of such properties in this area to the extent that the existing character of the area will be detrimentally affected, and the scheme provides an acceptable standard of amenity for proposed residents whilst not harmfully affecting the amenity of existing neighbours. As such there are no environmental effects of development that significantly and demonstrably outweigh the economic and social benefits of bringing this vacant building into residential use. Therefore the application complies with the relevant requirements of the development plan and comprises sustainable development under the terms of the National Planning Policy Framework.

**Recommended                      Approve**  
**Decision:**

**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 11 December 2019 and listed as follows:

67KS/303/PL Revision P1 (Proposed Plan Layouts) dated 10.12.19

67KS/304/PL Revision P1 (Proposed Elevations and Section A-A) dated 11.12.19

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

3. The House in Multiple Occupation hereby approved shall not be occupied by more than seven people.

**Reason:** To ensure a sufficient standard of amenity is retained for occupiers having regard to the size of the dwelling and its communal living spaces, in accordance with the objectives of saved policy HS14 of the Wirral Unitary Development Plan.

4. Prior to first occupation of the development hereby permitted, the bin store and cycle store, as identified on drawing number 67KS/303/PL Revision P1 shall be constructed and made available for use. Thereafter the bin store and cycle store shall remain available for their intended purpose.

**Reason:**

In the interests of amenity and to ensure the development makes adequate provision to encourage the take up of sustainable transport modes, in accordance with the objectives of saved policies HS14, HS4 and TR12 of the Wirral Unitary Development Plan.

**Further Notes for Committee:** None

**Last Comments By:** 12/11/2019 09:40:47

**Expiry Date:** 16/12/2019