

Planning Committee

17 December 2020

**Reference:
APP/20/01151**

**Area Team:
Development
Management Team**

**Case Officer:
Mr A Siddall**

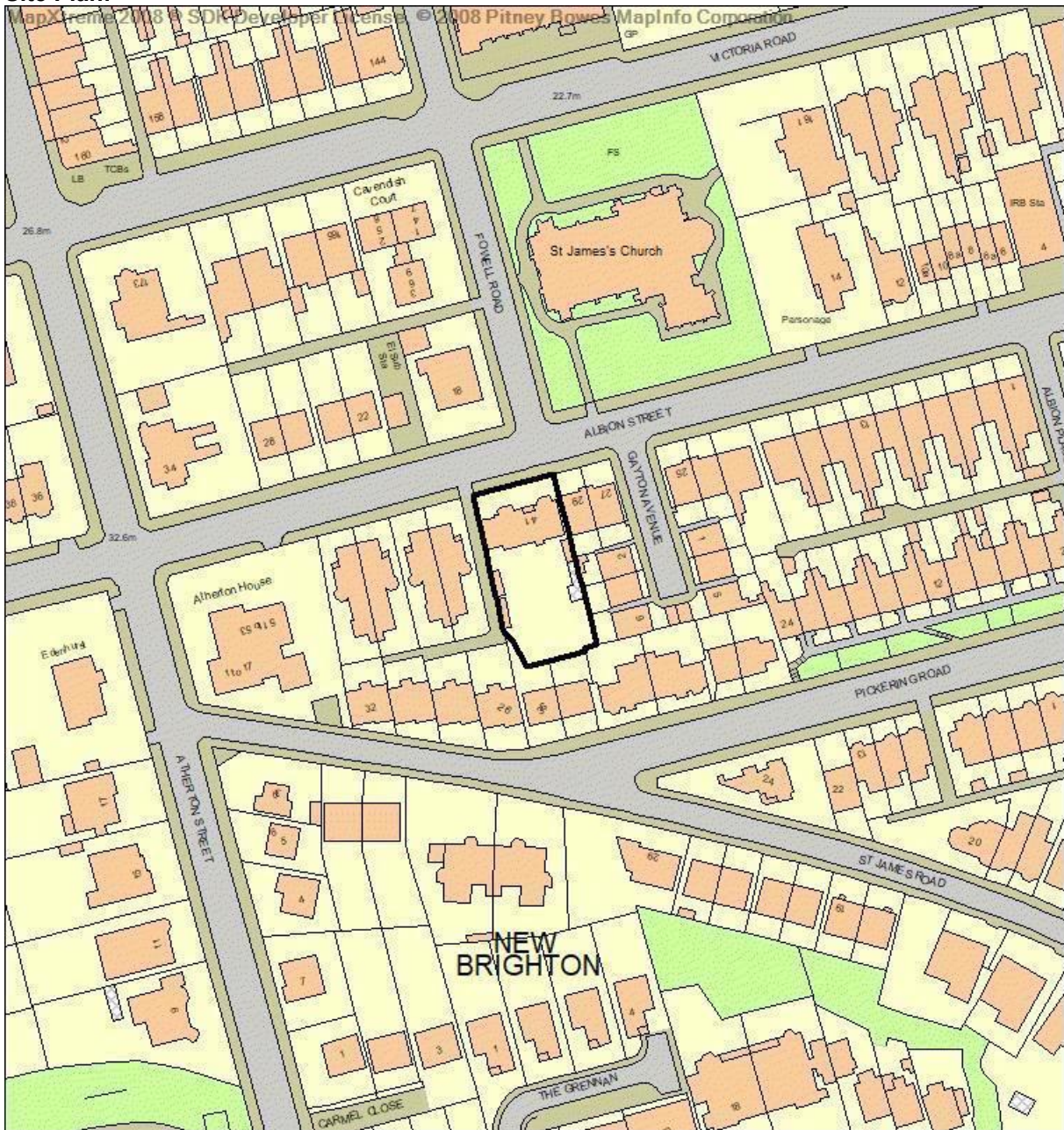
**Ward:
New Brighton**

Location: 41 ALBION STREET, NEW BRIGHTON, CH45 9LE
Proposal: Change of use of guest house (Use Class C1) to 12-bedroom large house in multiple occupation (HMO) (Use Class Sui Generis)

Applicant: LSF Estates Ltd
Agent: Jones and Wathen Ltd

Qualifying Petition: Yes, Number of Signatures: 31

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: Albion House Residential Home, 41 ALBION STREET, NEW BRIGHTON,
CH45 9LE

Application Type: Full Planning Permission

Proposal: Change of use from residential care home to 13no. HMO bedsits.

Application No: APP/11/00352

Decision Date: 22/06/2011

Decision Type: Approve

Location: Albion House Residential Home, 41 ALBION STREET, NEW BRIGHTON,
CH45 9LE

Application Type: Full Planning Permission

Proposal: Change of use from residential care home to 12no. room bed & breakfast
with a mix of en-suite bedrooms and rooms with shared bathroom facilities
and managers accommodation.

Application No: APP/11/00596

Decision Date: 15/07/2011

Decision Type: Approve

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

- 1.1 Councillor Tony Jones objects and requests that the application is removed from delegation on the basis that there is a concentration of HMOs in the area, that the scheme will result in a detrimental change in the character of the area, that there is insufficient car parking, and due to the proximity to Wellington Road Conservation Area.
- 1.2 Councillor Pat Hackett objects due to the pressure that would be put on existing on-street car parking spaces to the detriment of residents in combination with the number of commercial and community premises in the vicinity and pressure from visitors to the resort in the summer months.
- 1.3 Councillor Christine Spriggs objects on the basis of the number of HMO premises already within New Brighton and existing problems with car parking. All wards should play their part in the housing needs of Wirral and the bigger picture should be considered when deciding where to locate HMO premises within the Borough

2.0 SUMMARY OF REPRESENTATIONS

Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to 32 neighbouring addresses on 18 September 2020. The deadline for receipt of representations passed on 13 October 2020.

2.1 REPRESENTATIONS

A total of 19 individual comments in objection have been received along with one qualifying petition in objection containing 31 signatures. The material planning considerations raised by the individual comments can be summarised as follows:

1. It is inappropriate to place a HMO within a residential area.
2. There is insufficient internal space for the expected number of occupiers.
3. The building should be redeveloped into owner-occupied or privately rented flats.
4. The building should be redeveloped for guest accommodation as part of the New Brighton regenerations.
5. The noise and disturbance caused by occupiers would be detrimental to neighbours.
6. The proposal would lead to a continuation in the deterioration of the appearance of the property and its grounds.

7. There is insufficient car parking space for the expected number of residents.
8. There is a concentration of HMO premises in the area.
9. The proposal would lead to a detrimental change in the character of the area.
10. The proposal would increase the risk of crime and anti-social behaviour occurring in the area.

The objections cited in the qualifying petition are as follows:

1. There would be an adverse impact on the availability of car parking in an already congested area.
2. There is an existing concentration of HMO premises in the area.
3. The proposal would cause harmful noise and disturbance for neighbours.
4. The site is in close proximity to a listed building.

2.2 CONSULTATIONS

Environmental Health - No objection.

Highways - No Objection -

- The proposals are all contained within a private boundary and do not impact on the adopted highway.
- The development is considered accessible by public transport, with New Brighton train station within 200m and bus stops and frequent services also available on Rowson Street within 300m of the building.
- It's generally accepted that these types of development tend to attract residents who do not rely on motor vehicles as their primary mode of travel and therefore tend to make more use of public transport and taxis and undertake short trips by cycle or on foot.
- The development provides 12 secure cycle parking spaces within a rear yard building which is considered appropriate and provides each resident with a secure storage place for bicycles; this will help to reduce any reliance on cars for short journeys.
- For those low number of residents who may own a vehicle there is one in-curtilage car parking space and further parking is available within Albion Street, which offers unrestricted parking.
- A site visit conducted in the early evening when most residents would be expected to be at home, confirmed that spare capacity is available within the vicinity of the proposed development. It was noted that greater demands for parking occurred towards the eastern end of Albion Street with much lower demands at the western end and in the vicinity of the development.
- It's also considered unlikely that the proposals will generate a significant level of traffic when compared to the buildings former use as a 12 double bedroom guest house, and it is therefore considered to have no material impact on the highway, as such there are no objections to the proposal.

Housing - No objection

- It is noted that all twelve rooms are en-suite according to the plans and are for single occupancy. All rooms meet the minimum size requirements.
- There are two kitchens, one on the ground and one on the first floor along with a dining room for all occupants to use. The total amount of communal space in the building exceeds the minimum requirements.
- Given the information above, my colleagues in the HMO team have advised the plans are acceptable.
- The property will require a mandatory HMO licence when completed.

3.1 **Reason for Referral to Planning Committee**

- 3.1.1 This application has been removed from delegation by Councillor Tony Jones for reasons given above. It has also exceeded the threshold for individual objections to trigger a committee referral and has been subject to a petition in objection with also exceeds the 25-signature threshold to trigger a committee decision.

3.2 Site and Surroundings

3.2.1 41 Albion Street is a detached building over two storeys with accommodation within the roofspace. Finished externally in brick and render with a dual pitched clay tile roof it was originally constructed as a pair of semi-detached dwellings, since extended to the side and rear, and has latterly been used as a nursing home and, most recently, as a guest house following the grant of planning permission in 2011. It sits to the south side of Albion Street within a Primarily Residential Area with dwellings in single family occupation to either side and self-contained flats opposite. The building is set back from the street with an open front garden set behind a brick retaining wall and a driveway parking space sufficient to accommodate one car. On street car parking is not restricted by regulation in this location. To the rear of the property, situated on rising land is an enclosed rear garden with outbuildings, plotted against the rear gardens of neighbouring dwellings on Gayton Avenue and Pickering Road.

3.3 Proposed Development

3.3.1 Full planning permission is sought for the change of use of the guest house to a 12-bedroom large house in multiple occupation (HMO). To the ground floor the internal accommodation comprises four en-suite bedrooms along with a shared kitchen and a shared dining room. To the first floor will be a further six en-suite bedrooms along with a shared kitchen and laundry room, whilst the second floor will accommodate two further en-suite bedrooms. There are no external alterations proposed with the exception of the removal of a redundant external fire escape stair to the east side elevation. The rear garden will remain unchanged with bin storage provided to the rear of the kitchen (with direct access to the kerbside for collection) and cycle storage provided within the existing outbuildings. There are no alterations to the front of the property with the existing landscaped area retained along with the single off-street car parking space.

3.4 Development Plan

3.4.1 Applications for Houses in Multiple Occupation are governed by saved UDP policy HS14, which sets criteria to ensure that such proposals avoid a detrimental change in the character of an area by preventing a concentration of HMO properties within the area, maintain privacy and amenity for neighbouring residents, result in a good standard of accommodation for potential future residents and do not have an adverse effect on highway safety.

3.4.2 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.

3.4.3 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.

3.4.4 The Joint Waste Local Plan, Policy WM9 sets out requirements for sustainable waste management including storage, recycling, collection and composting as part of the design and layout for the scheme.

3.5 Other Material Planning Considerations

3.5.1 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, safe and healthy places that promote a high standard of amenity for existing and future users.

3.6 Assessment

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

- The Principle of Development.
- Design, Visual Amenity and the Character of the Area.
- The Amenity of existing neighbours.
- The Amenity of potential future occupiers.
- Access, Parking and Servicing.
- Crime and Anti-Social Behaviour.
- Other Material Considerations.

3.7 Principle of Development:

3.7.1 The site is designated as part a Primarily Residential Area in the Wirral Unitary Development Plan, where proposals for the conversion of existing building to multi-occupancy will not be permitted unless the proposal fulfils all the criteria in UDP 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. The reasoned justification for Policy HS14 explains that while HMOs, which if properly managed, can provide a valuable source of low-cost residential accommodation and fill a necessary gap in the housing market, such accommodation can bring about special problems, both in terms of the quality of the accommodation provided, the impact on adjoining properties and the character of the surrounding area. Such impact is due to the number of residents in HMOs and the consequent comings and goings, especially when compared to activity arising from normal family housing.

3.7.2 An additional material consideration on this site is the fact that planning permission was approved by the Planning Committee on 11 June 2011 for the conversion of the building to a 13-bedroom HMO under application reference APP/11/00352. That application was approved under the same development plan policy as the application now before the Committee so therefore, if members wish to take a contrary position on the current scheme, they would need to demonstrate one or both of two things. Firstly, that there is a material difference in the character of the application such that it does not comply with the requirements of saved UDP Policy HS14, or that there has been a material change in the character of the site or its surroundings, demonstrating that planning permission should no longer be granted for a HMO on this site. In the view of officers, there is no material difference in the character of the site or its surroundings that would warrant a different decision being taken.

3.8 Design, Visual Amenity and the Character of the Area:

3.8.1 There are no external alterations to the building with the exception of the removal of a redundant external stair to the east side elevation. As such there will be no change in the visual character and appearance of the building or the wider visual character of the area. Bin storage will be provided in the rear yard with direct access to the street so it is unlikely that refuse bins will be stored on the public highway or to the front of the building.

3.8.2 Representation has been made that the use of the premises as a HMO will result in a detrimental change in the character of the area and this can be a legitimate concern if a tipping point is reached where demographic change is both material and detrimental. Saved UDP Policy HS14 seeks to avoid a concentration of HMOs in a particular area by ensuring that existing and approved HMOs do not comprise more than 20% of the properties forming a street frontage within a block to help avoid such a scenario and to maintain a balanced community.

3.8.3 Whilst the UDP requires the street frontage to be assessed for a concentration of HMOs, Officers have reviewed the Council's public register of mandatory HMO licences for properties in this use within a 200-metre radius of the site. This review picks up all HMOs with five or more occupiers (planning permission is normally only required for HMOs in

dwelling with seven or more occupiers). It will not pick-up HMOs where the number of occupiers is four or less however such premises are unlikely to result in a material change in the character of the area by virtue of their small scale. The review has picked up two licensed HMO properties within 200 metres with the closest being 4a Atherton Street, approximately 132 metres north west of the site as the crow flies and licensed for 6 occupiers. The other licensed HMO within 200 metres is at 151 Victoria Road, approximately 140 metres north east of the site and licensed for 10 occupiers.

3.8.4 Having regard to this assessment, it is clear that with two licensed HMO premises within 200 metres of the site, an adverse concentration of HMOs cannot be demonstrated, and on Albion Road itself not more than 20% of properties within the street frontage of a block are in licensed HMO use. Consequently, the use of this building as a HMO will not result in a detrimental change in the existing residential character of the area.

3.9 The Amenity of existing neighbours:

3.9.1 Saved policy HS14 of the UDP seeks to ensure that proposals for HMO premises ensure the privacy of neighbours and prevent overlooking of habitable room windows, including as a result of the creation of new windows within the application property. In this instance, existing boundary screening protects the privacy of existing neighbours from the residential occupation of the ground floor rooms, whilst no new windows are created to the first floor. As such there are no new overlooking opportunities created as a result of this change of use and the extent of overlooking remains as it was when the property was in use as a guest house.

3.9.2 A house in multiple occupation, as with any other residential use is not an inherently noisy land use and it cannot be inferred that occupiers of HMO premises are likely to cause any more disturbance than occupiers of single dwellings or premises subdivided into self-contained flats. Should the actions of any occupier cause a statutory nuisance, environmental health legislation allows for the Council to intervene and, as it would likely be a breach of the mandatory HMO licence, as too could the Council's housing team. The purpose of the planning system is to determine whether a HMO is an acceptable use of land in this location and it should not attempt to solve problems that can be adequately dealt with by other legislation. Members may also wish to bear in mind that the lawful use of the premises is as a guest house and the frequency of comings and goings is not likely to be materially different to that which could be experienced under the existing lawful use.

3.10 The Amenity of potential future occupiers:

3.10.1 The internal amenity for potential future occupiers is good and the space standards exceed the minimum requirements set by the Council's housing team when they are considering the grant of a mandatory HMO licence. All bedrooms are en-suite and exceed the minimum size limit of 10.21 metres and therefore separate communal living rooms are not required at this property. Each occupier has access to a kitchen and communal dining space which exceeds the minimum space standards for communal facilities for the number of proposed occupiers. The outlook from all bedrooms is good, to the front or rear of the building, and none are lit solely by roof lights or are in close proximity to gables or high boundary walls. Residents will have access to an enclosed communal garden which is significantly larger than the gardens to surrounding dwellings and which will provide the occupiers with sufficient outdoor amenity space for health and wellbeing purposes.

3.11 Access, Parking and Servicing:

3.11.1 The application makes provision for only one off-street parking space and this does not attract objection from the Local Highway Authority. When considering the provision of off-street parking, saved UDP policy TR9 will assess the contribution the proposal makes to the general locational policies of the UDP and the accessibility of alternative modes of transport, amongst other requirements. The policy seeks to reduce reliance on the private car in locations which are well served by public transport and allows for the reduction in parking standards in appropriate parts of the inner urban areas of the Borough where this would aid affordable, high density development in locations where there is good access to other modes of transport. In this case the site is within 200 metres safe walking distance of New Brighton Railway Station which provides high frequency rail links to Birkenhead and

Liverpool, within 300 metres safe walking distance of Victoria Road suburban centre and bus stops on Rowson Street giving frequent services to Liscard, Birkenhead and Liverpool. The site is also within 500 metres safe walking distance of Marine Point. This is a highly accessible site where residents would have access to a wide range of shops, services and transport choices without reliance on the private car.

- 3.11.2 A site visit carried out by the Council's Highways and Transportation team, during the early evening when most residents would be expected to be at home, confirmed that spare capacity exists for on-street parking in the vicinity of the development. It was noted that greater demand for on-street parking existed at the eastern end of Albion Street where the majority of dwellings do not benefit from in-curtilage car parking, with lower demand in the vicinity of the application site where there is a greater balance between properties with and without in-curtilage car parking. The Council's highways team also noted that the use of the property as a 12 bed HMO is not likely to lead to a significantly different level of vehicular activity to the existing lawful use of the property as a 12-bedroom guest house. In this case the lack of in-curtilage car parking is not in conflict with saved UDP policy TR9 and is unlikely to cause an unacceptable highway safety issue.
- 3.11.3 Cycle parking facilities will be provided within the enclosed rear yard and these can be secured by condition to enable cycling to be an attractive option for local journeys by residents of the proposed HMO. Bin storage will also be provided within the rear yard with direct access to the street, allowing refuse serving to take place from the highway as per the existing arrangements for the guest house.
- 3.12 Crime and Anti-Social Behaviour:
- 3.12.1 Saved Policy HS4 of the UDP and supplementary guidance in SPG47 (prepared in conjunction with crime prevention officers) seeks to ensure development contributes to a secure environment and reduces the likelihood of crime through the 'appropriate provision of design features.' The National Planning Policy Framework at paragraph 91(b) requires planning decisions to ensure places are safe and accessible so that crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. It seeks to do this through layout and design with such relevant matters as safe pedestrian routes and active high quality public open spaces. What the planning system does not seek to do is control the occupancy of dwellings or duplicate of other legislation which allows for crime and disorder to be managed.
- 3.12.2 The mandatory HMO licensing scheme administered by the Council's Housing team includes conditions on the management of anti-social behaviour, requiring landlords to have procedures in place to reduce the risk of anti-social behaviour and manage it should it occur. Failure of the landlord to manage the behaviour of tenants can result in the licence for the premises being revoked, preventing its operation as a HMO and in extreme circumstances, working alongside Merseyside Police, the housing team can issue closure orders requiring the use of the premises to cease. The ability of the Council to control the risk of crime and anti-social behaviour is much greater with HMO premises than for self-contained flats and it is not for the planning system to seek to impose controls over the use of land on the basis of risks which can be adequately mitigated by other legislation.
- 3.13 Other Material Considerations
- 3.13.1 Effect on the Setting of Heritage Assets - To the north east of the application site is the Grade II Listed St James's Church. Whilst the application site is within the setting of this designated heritage asset, as there is no change to the external appearance of the building there is no change to the setting of the heritage asset. The site is further than 200 metres from the boundary of the Wellington Road Conservation Area and the application has no effect on the setting of that designated heritage asset.
- 3.13.2 Potential alternative uses - representation has been made that, instead of a HMO, conversion of the building into self-contained flats, or its retention as guest accommodation, may be preferable for neighbouring residents. No such proposals are before the Local Planning Authority and members are required to determine this application on its own merits.

Summary of Decision:

Having regards to the individual merits of this application the recommendation 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 comprises the conversion of a vacant guest house to a 12-person house in multiple occupation. This is an acceptable land use in principle within a Primarily Residential Area and has economic and social benefits through bringing a vacant building back into an active use and making a modest contribution to the housing supply within the Borough, providing affordable accommodation to those unwilling or unable to access larger, self-contained dwellings. The proposed scheme does not result in a detrimental change in the character of the area and will not result in an adverse effect on the amenity of neighbours, whilst the standard of accommodation provided for potential future occupiers is acceptable. The site is in a highly sustainable and accessible urban location where it is not necessary in policy or highway safety terms to provide off-street car parking, and the risk of crime or anti-social behaviour arising from the activities of potential future occupiers can be adequately mitigated by other legislation. As such there are no adverse environmental effects of development that would significantly or demonstrably outweigh the benefits and the scheme accords with the relevant requirements of the development plan as a result.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

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

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

2. Unless modified by other conditions of this consent, the development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 24 August 2020 and listed as follows:

5408-1 (Floor Plans and Elevations as Existing)

5408-2 (Floor Plans as Proposed)

5408-03 (Kitchen Layout Plans as Proposed)

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

3. Prior to the development hereby permitted being first brought into use, details of secure covered & lockable cycle parking and/or storage facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

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

4. Prior to first occupation of the use hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made

within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policy WM9 of the Waste Local Plan.

5. Prior to the development hereby permitted being first occupied, the existing external fire escape stair to the east side elevation of the building (as shown on drawing 5408-1) shall be removed and hard surfaced, level access provided between the public highway and the cycle and bin storage areas to the rear of the building.

Reason - to ensure that safe and suitable access to the site is provided for cyclists and refuse collection in accordance with Policy TR12 of the Wirral Unitary Development Plan and Policy WM9 of the Joint Waste Local Plan.

6. The house in multiple occupation hereby permitted shall not be occupied by more than twelve people.

Reason - To ensure an acceptable standard of amenity for occupiers and avoid harm to the amenity of neighbouring residents in accordance with the objectives of saved policy HS14 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 13/10/2020
Expiry Date: 27/10/2020