

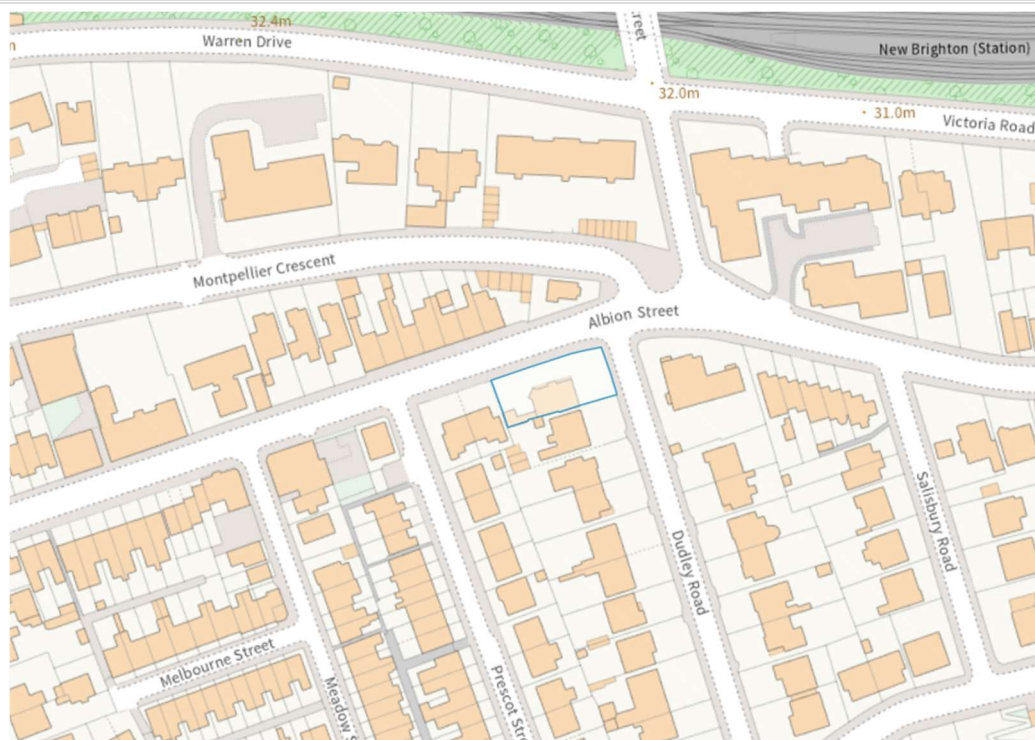
Reference:	PS Development Code	Case Officer:	Ward:
APP/24/00672	Q20 - Change of use	Miss C Robinson	New Brighton

Location:	71 Albion Street, New Brighton, Wallasey, Wirral, CH45 9JQ
Proposal:	Change of use of the property to a 12-bedroom HMO and provision for off-street car parking and cycle and bin stores. Also proposed is the removal of external staircase and insertion of window to replace the existing door leading onto the external staircase. Conversion of garage to habitable accommodation including a new door, window and roof. Reinstatement of windows to the basement apertures and reduction to height of existing lightwells.
Applicant:	Mr Oliver Walsh
Agent:	

Reason for referral to Planning Committee

Cllr Tony Jones has requested that the application be removed from delegation due to reasons of impact on local amenity and facilities.

Site Plan:



1. Development Plan designation:	Primarily Residential Area
2. Planning History:	<p>APP/84/25593 Change of use to elderly persons home formation of car park. Conditional Approval 11-10-1984</p> <p>APP/85/05532 Change of use to old persons home for 12 persons, extension to side and alterations to external escape stairway. Approve 20-06-1985</p> <p>APP/91/05287 Erection of new fire door and fire escape stairs with storeroom underneath. Approve 16-04-1991</p>

3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments	Cllr Tony Jones requested that the application be removed from delegation due to reasons of impact on local amenity and facilities. No further Ward Member comments were received.
3.2 Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 30no. notification letters were sent to neighbouring properties on 11.06.2024. In response, a total of 3 representations were received.</p> <p>2 representations objecting to the application were received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> • Huge detrimental effect on the character of the surrounding area. • There is nowhere near enough car parking proposed in the application. • The noise effect of at least 12 people living in the property needs to be addressed. • There are already other HMO"s in the immediate area, another one is not acceptable. • The impact on local services i.e. all the health services, social services etc needs to be taken into account.

	<p>1 representation supporting the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> • Great use of space, providing much needed accommodation in a time of housing crisis • Occupants will have to be vetted and meet certain criteria to obtain residency, thus the plans look promising to bring professionals to the area
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3.3	CONSULTATIONS
3.3.1	<p>Housing Services - The Council's HMO Licensing Team have worked with the applicant to provide HMO Conversion advice and have advised that the proposal meets the minimum standards required for a HMO of this size. The team have been clear that any deviation found following a Licensing Inspection/Compliance visit may result in any Licence granted being varied.</p> <p>Highways - No objection</p> <p>Environmental Health - No objection</p>

4. Site and Surroundings	
4.1	<p>The host dwelling is a large, detached property likely dating back to the late 1800s. The property is currently vacant but the last lawful use is noted as an elderly persons home. The property occupies a prominent corner plot location on the junction of Dudley Road and Albion Street. The property is constructed of a combination of red brick (ground floor and feature bay windows) and off-white render (first floor) with timber detailing on the gables. A red tiled roof sits atop. A stone and brick wall makes up the boundary treatment. The property is located in a residential context within New Brighton. New Brighton railway station is located approximately a 320m walk away from the development site. The site is allocated as a Primarily Residential Area in both the Unitary Development Plan and the emerging Local Plan.</p>

5. Proposed Development	
5.1	<p>This application seeks change of use of the property to a 12-bedroom House in Multiple Occupation HMO (Sui Generis). The property is currently vacant but the last lawful use is noted as an elderly persons home.</p>
5.2	<p>The proposal includes provision for two off-street car parking spaces and cycle and bin stores and includes the removal of an external staircase and insertion of window to replace the existing</p>

	<p>door leading onto the external staircase. The application also involves the conversion of the existing garage to habitable accommodation including a new door, window and roof, and the reinstatement of windows to the basement apertures and reduction to height of existing lightwells.</p>
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<p>6. Development Plan</p>	
<p>6.1</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.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
<p>6.2</p>	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application:</p> <p><u>Policy HS4: Criteria for New Housing Development</u></p> <p><u>Policy HS14: Houses in Multiple Occupation</u></p> <p>Proposals for the conversion of existing buildings to multi-occupancy will not be permitted unless the proposal fulfils all the following criteria:</p> <p>(i) the property being of sufficient size to accommodate the proposal and not of modern domestic scale;</p> <p>(ii) if the property is not detached then adjoining property is not in single family occupation;</p> <p>(iii) the proposal not resulting in a private dwelling having an HMO on both sides;</p> <p>(iv) the proposal not resulting in a change in the character of the surrounding area which would be detrimental;</p> <p>(v) the proposal not resulting in a concentration of HMO's in a particular area such that the character of the area is adversely affected;</p> <p>(vi) the proposal ensuring the privacy of neighbours and occupants, including the layout of car parking areas, to prevent overlooking of habitable room windows;</p>

	<p>(vii) staircase access normally being provided within the main structure of the building. If external staircases have to be provided they must not result in significant overlooking of neighbours' windows or private amenity space;</p> <p>(viii) any extensions required complying with Policy HS11;</p> <p>(ix) any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree;</p> <p>(x) any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;</p> <p>(xi) adequate sound proofing being provided;</p> <p>(xii) any basement accommodation having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle accessways;</p> <p>(xiii) main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls;</p> <p>(xiv) access to rear yards/,gardens being provided from each flat;</p> <p>(xv) adequate visibility at entrance and exit points and turning space for vehicles; and</p> <p>(xvi) the proposal otherwise complying with Policy HS4 and Policy HS5.</p> <p>Existing HMO's and valid planning permissions must not comprise more than 20% or more of the properties forming the street frontage within a street block.</p>
6.3	The Joint Waste Local Plan for Merseyside and Halton (adopted 18 th July 2013) is also applicable.

7. Other Material Planning Considerations	
7.1	<u>The National Planning Policy Framework</u>
7.2	<u>The Emerging Local Plan</u>

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

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam

On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors view on certain matters and what should now be done. It should be read as the Inspectors initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. The modifications required to make the Plan sound were published by the Council for public comment on 25 September 2024. For the purposes of decision making, the post-hearing note and the publication of the modifications do not change the status of the emerging Local Plan. The Plan is however at an advanced stage and weight may be given to relevant policies in the emerging Plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.

In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The following emerging plan policies are particularly relevant to the determination of this planning application:

- Policy WS1 The development and Regeneration Strategy for Wirral 2021-2037
- Policy WS3 Strategy for Housing

	<ul style="list-style-type: none"> • Policy WS 6 Placemaking for Wirral • Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking • Policy WS 8 Strategy for Sustainable Construction, Renewable and Low Carbon • Policy WS 9 Strategy for Transport • Policy WD 7 Houses in Multiple Occupation
7.3	<u>Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)</u>

8. Assessment	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of Development; • Design, Visual Amenity and the Character of the Area; • Amenity of Existing Neighbours; • Amenity of Future Occupiers; • Ecology and BNG; • Highways

8.2 Principle of Development	
8.2.1	The application seeks consent for a house of multiple occupation within a Primarily Residential Area which is considered acceptable in principle, subject to the criteria of policy HS14.
8.2.2	The property is a large, detached property. Policy HS14 specifically sets out that the 'properties most commonly used for HMOs are large old houses' and this property would therefore reflect that.

8.3 Design, Visual Amenity and the Character of the Area	
8.3.1	The application requires very minimal external alterations to the building to facilitate its conversion. As part of the works the existing external staircase shall be removed; this could be argued a betterment, with such features largely alien within the vicinity. An existing garage is also proposed to be converted to make way for additional habitable accommodation; again, the works involved are relatively minor (consisting of the insertion of a window and door and making good the surrounding wall) with the overall form and character of this portion of the property remaining unchanged.

8.3.2	<p>Basement level windows shall be reinstated to the property. This is a discreet design alteration which is not considered to give rise to undue harm to the overall character and appearance of the building. The fenestration mimics the overall style and placement of the existing, thus well assimilates to the existing property. The proposed siting for bin and cycle storage areas is located along the edge of an existing area of hardstanding laid out to parking, in the vicinity of the existing garage. This is considered well suited to the character of the property and the street scene and the structures will not harm the overall character and appearance of the property. The approved plans confirm that the bin store shall be stained brown, as to ensure an appropriate overall external finish to the structure.</p>
8.3.3	<p>Representation has been made that the use of the premises as an HMO will result in a detrimental change in the character of the area. The Council's HMO Licensing department have confirmed that there are no licensed HMOs on Albion Street, Dudley Road, or Salisbury Road. 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. This threshold will be reduced to 10% under Policy WD7 of the emerging Local Plan. The emerging local plan sets out that a 'street frontage' is normally defined as a block of properties between two adjacent roads. As there are no HMOs within the street frontage or immediate area, the proposal is considered to comply with these policies.</p>
8.3.4	<p>Whilst Policy HS14 requires the street frontage to be assessed for a concentration of HMOs, Officers have also reviewed the Council's public register of HMO licences for properties 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 dwellings 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 - 12 Ball Avenue (5 Occupants) located approximately 200m South-West and 2 Hamilton Road (13 Occupants) approximately 170m South-East (both as the crow flies).</p>
8.3.5	<p>It is clear that with only two licensed HMO premises within 200 metres of the site and neither of those within 170 metres of the site, an adverse concentration of HMOs cannot be demonstrated. On Albion Street itself, not more than 20% of properties within the street frontage of a block are in licensed HMO use. As noted, the emerging Local Plan reduces this threshold to 10%, but the application would still comply with that reduced threshold. Consequently, it is considered that the use of this building as a HMO will not result in an over-concentration of such uses within the area and would not result in a detrimental change in the existing residential character of the area</p>

8.4 Amenity of Existing Neighbours	
8.4.1	It's noted that the lawful use of this property is as an elderly persons home for 12 residents; whilst the levels and patterns of activity for a HMO shall be somewhat different, the core number of unrelated persons able to lawfully occupy the property is unaltered.
8.4.2	A HMO, 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 acceptable in this location and it should not attempt to solve problems that can be adequately dealt with by other legislation. The established use of the premises as an elderly persons home is also a key consideration – whilst the demographic would have been different, the frequency of comings and goings (when including visitors) is not likely to be significantly different than the proposed use of the property as a HMO.
8.4.3	The physical alterations to the property are considered to be minimal and will not impact on the amenities of neighbouring properties. An existing door on the West elevation (at first floor level, providing access onto the external staircase) shall be substituted for a window, thus in terms of privacy loss and overlooking the scenario is unaltered from the existing. New fenestration is proposed in the garage to facilitate its conversion, however over 25 metres separates these windows from the properties located on the opposite side of Albion Street facing the development site. Accordingly adequate separation distances are achieved to allow acceptable privacy levels. It is therefore considered that the proposal will not have an unacceptable adverse impact on the amenities of neighbouring properties.

8.5 Amenity of Future occupiers	
8.5.1	As noted, the lawful use of this property is as an elderly persons home for 12 residents; this offers some reassurance that the property has been broadly deemed of sufficient scale to allow 12 occupants to acceptably reside within it.
8.5.2	The basement accommodation proposed has windows with two-thirds of their height above the existing outside ground level (approximately 75% of the basement window surface areas is calculated to be above ground level), thus satisfying the criteria of HS14 (xii) and ensuring satisfactory levels of light and outlook to the basement accommodation. Defensible planting around the East elevation of the building shall ensure adequate privacy to basement residents on this elevation, ensuring that residents using the

	communal gardens shall not obtain unduly close-range views into the bedroom windows.
8.5.3	Bedroom 5, on the north-west corner ground-floor, has a bay window (glazed on three sides) which will face towards the patio, bin store and communal grassed area at relatively close range. To improve the living conditions, low level planting will be introduced to create defensible space. Additionally, a condition is attached to ensure the most sensitive pane (the side pane facing the patio area) will be obscurely glazed, to further improve upon this scenario without restricting outlook. The outlook from all other bedrooms is good and none are lit solely by roof lights or are in close proximity to gables or high boundary walls
8.5.4	The internal amenity for potential future occupiers is acceptable and the space standards exceed the minimum requirements set within the Nationally Described Space Standards and also meet the minimum requirements of the Council's Housing team when they would consider 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, in line with the guidance detailed in the January 2024 version of Wirral Councils Standards and Guidance for Houses in Multiple Occupation. Nonetheless a communal living/games room is provided at ground floor within the converted garage. The property will also contain a large kitchen and separate living/dining room at ground floor and additional laundry room. A further kitchen is proposed at first floor, with an additional smaller laundry room also available at the second-floor level. Residents will have access to a communal garden which will provide the occupiers with sufficient outdoor amenity space for health and wellbeing purposes. Overall, the quality of the accommodation provided is considered to be acceptable and complies with UDP Policy HS14.

8.6 Ecology and BNG

8.6.1	The property is not located within any sensitive ecological areas nor are the scope of works required to facilitate its conversion considered to raise harm ecologically. Where Biodiversity Net Gain (BNG) is concerned, these proposals are exempt from the statutory BNG legislation due to the proposals impacting less than 25 square metres of onsite habitat that has biodiversity value greater than zero. The existing area of hard standing has a biodiversity value of zero.
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8.7 Highways

8.7.1	The proposed change of use to a 12 person HMO is considered unlikely to result in a significant rise in vehicle numbers associated with the location. It is accepted that these types of development tend to attract residents who do not use motor vehicles as their primary mode of travel and therefore tend to use public transport or taxis and undertake short trips on foot or by bicycle. The site is fully accessible
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	by public transport being located within 350m of New Brighton railway station and there are also bus stops with frequent services in operation nearby.
8.7.2	For those residents who do own a vehicle or for visitors there is considered adequate parking available, with two parking spaces within curtilage and scope for further vehicles to park directly outside the building on Albion Street. Comparing the HMO to the former use it's considered that there would be no significant intensification of use in terms of traffic or demands for parking. Furthermore, there are cycle parking spaces provided within two shelters located either side of the pathway to the building; this is also considered appropriate and will encourage alternative, sustainable methods of travel for residents.

9. Summary of Decision (planning Balance)	
9.1	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 this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), 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: -
9.2	The proposed development comprises the conversion of an elderly persons home 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-streetcar parking. As such there are no adverse effects of development that would significantly or demonstrably outweigh the benefits and the scheme accords with the relevant requirements of Wirral Unitary Development Plan Policy HS14 and the National Planning Policy Framework.

10. Recommended Decision:	Conditional Approval
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Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on October 23rd, November 5th and 25th 2024 and listed as follows:

- Proposed Details drawing no. (20)A003 Revision A dated 23/10/24
- Site & Location Plans drawing no. (20)A004 Revision E dated 25/11/24

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

3. The number of persons residing in the property as their sole or main residence shall not exceed twelve persons at any one time.

Reason: In the interest of the living standards of occupants and the residential amenity of neighbouring residents.

4. The landscaping shown on the approved drawing Site & Location Plans drawing no. (20)A004 Revision D dated 05/11/24 shall be carried out no later than the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges 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.

Reason: To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area

5. The cycle parking shown on approved drawing Site & Location Plans drawing no. (20)A004 Revision E dated 25/11/24 shall be made available for use prior to occupation and shall thereafter be retained. For the avoidance of doubt the structures shall be stained brown prior to first occupation of the development hereby permitted

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.

6. Prior to first occupation of the development, full details of the bin store shown on drawing Site & Location Plans drawing no. (20)A004 Revision E dated 25/11/24 shall be submitted to and approved in writing by the Local Authority. The approved details shall be provided in accordance with the approved details and available for use prior to first occupation of the development and shall thereafter be retained.

Reason: To ensure that satisfactory facilities for bin storage are provided.

7. Prior to occupation, the South-Westerly facing window panes in the ground floor windows serving Bedroom 5 shall be glazed with obscure glass and shall thereafter be retained as such

Reason: To preserve the amenity and privacy of the future occupants.

Biodiversity Net Gain – Biodiversity Gain Plan Not Required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Last Comments By:	04-07-2024
Expiry Date:	13-12-2024