

Planning Committee	6 <sup>th</sup> February 2025
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<b>Reference:</b>	<b>PS Development Code</b>	<b>Case Officer:</b>	<b>Ward:</b>
APP/24/01535	Q20 - Change of use	Ms H Mellor	New Brighton

<b>Location:</b>	Park House, 17 Nelson Street, New Brighton, Wallasey, Wirral, CH45 1NG
<b>Proposal:</b>	Change of use to large House in Multiple Occupation
<b>Applicant:</b>	Mr Wainwright
<b>Agent :</b>	Mr Chris Wathen Jones and Wathen Ltd

<b>Reason for referral to Planning Committee</b>	Qualifying petition; number of objections exceeds 15; and Councillor call-in
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**Site Plan:**

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<b>1. Development Plan designation:</b>	Primarily Residential Area
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<b>2. Planning History:</b>	<p>APP/84/26182 Change of use from dwelling to rest home for the elderly. Approve</p> <p>APP/85/05397 Erection of fire escape. Approve</p> <p>APP/85/06744 Variation of condition 3 of application W/APP/26182/N involving increasing numbers of residents from 10 to 16. Approve</p> <p>APP/86/06544 Variation of condition 3 of planning approval W/APP/26182/N to allow an increase from 10 to 13 residents. Approve</p> <p>APP/04/07726 Change of use of residential home to 4 apartments Approve</p>
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**3. Summary Of Representations and Consultations Received:**

<b>3.1 Ward Member Comments</b>	Councillor Tony Jones requested that the application be taken out of delegation due to impacts on the amenity of the area.
<b>3.2 Summary of Representations</b>	<p><b><u>REPRESENTATIONS</u></b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 7 notification letters were sent to neighbouring properties on 31 October 2024. In response, 1no. petition was received on 25 November 2024 objecting to the development signed by 40 individuals.</p> <p>The reasons for objection stated on the petition are summarised below:</p> <ol style="list-style-type: none"> <li>1. Does not accord with local policies HS4, HS5 or HS14 or align with the NPPF</li> <li>2. Incompatible with the character, infrastructure and quality of life within the community</li> </ol> <p><b>35</b> representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> <li>• 2 parking spaces is not enough; on-street parking issues; congestion</li> <li>• The standards of the HMO could drop over time; not a responsible landlord</li> </ul>

	<ul style="list-style-type: none"> <li>• Visitors would mean the occupancy would be more than 10 people</li> <li>• Implementing 4 self-contained flats would be a better use</li> <li>• Non-compliance with local and national policy</li> <li>• Out of character with the area; surrounding properties are single family homes; inappropriate scale and density</li> <li>• Out of character with the Magazines Conservation area</li> <li>• Impacts on community balance and character</li> <li>• The property has not been a care home for 20 years</li> <li>• Noise and disturbance/disruption; no soundproofing</li> <li>• Overlooking and loss of privacy</li> <li>• Increased comings and goings</li> <li>• Does not comply with Building Regulation; inadequate fire escape/only one internal staircase; inadequate fire alarms/smoke detectors</li> <li>• Poor living conditions – overcrowding; poor sanitation; no communal living room; inadequate outdoor amenity space</li> <li>• Increased crime; increased pollution and litter</li> <li>• Decrease in property value</li> <li>• Strain on infrastructure</li> <li>• Not wheelchair accessible</li> <li>• The deeds to the property might have a clause for HMO use not allowed</li> <li>• Used to house people released from prison; temporary housing</li> <li>• Subsidence on Aylesbury Road made worse by building works</li> <li>• No energy efficient measures; conflicts with green targets</li> <li>• Low Council Tax</li> <li>• Financial reasons for development</li> </ul>
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	<p><b><u>CONSULTATIONS</u></b></p> <p>Environmental Health – no objection</p> <p>Highways – no objection</p> <p>Traffic &amp; Transport – no objection</p> <p>Housing Services – Comments highlighting fire alarm system, doors and escape route lighting.</p>
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<p><b>4. Site and Surroundings</b></p>	
<p>4.1</p>	<p>17 Nelson Street is a late 1800's large detached property located within a primarily residential area in New Brighton. The property is constructed of red brick with painted white window sills and three small pitched roof dormers sit atop of the main roof.</p>

	The property is currently vacant but the last lawful use is noted a care home.
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<b>5. Proposed Development</b>	
5.1	<p>This application seeks the full planning permission for the change of use to a 10-bedroom House of Multiple Occupation (Sui Generis). The last known lawful use was as a care home.</p> <p>It is proposed that two small apertures, one on the rear elevation and one on the south side elevation, are bricked up along with internal reconfigurations. The proposal includes provision for two off-street vehicle parking spaces, cycle and bin stores.</p>

<b>6. Development Plan</b>	
6.1	<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 <a href="#">for Merseyside and Halton</a> (adopted 18 July 2013).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <ul style="list-style-type: none"> <li>• HS4 – Criteria for New Housing Development</li> <li>• HS14 – Houses in Multiple Occupation</li> <li>• TR9 – Requirements for Off-Street Parking</li> <li>• TR12 – Requirements for Cycle Parking</li> </ul>
6.3	The Joint Waste Local Plan for Merseyside and Halton (adopted 18 <sup>th</sup> July 2013) is also applicable.

<b>7. Other Material Planning Considerations</b>	
7.1	<b><u>The National Planning Policy Framework</u></b>

	<p>The NPPF sets out a presumption in favour of sustainable development, which means development which is consistent with the development plan should be granted without delay, unless material considerations indicate otherwise.</p> <p>Planning decisions should ensure that development adds to the overall quality of the area achieving good architecture, layout and appropriate and effective landscaping whilst being sympathetic to local character and history. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.</p>
7.2	<p><b><u>The Emerging Local Plan</u></b></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></p> <p>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.</p> <p>In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p>

	<ol style="list-style-type: none"> <li>1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> <li>2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."</li> </ol> <p>The following emerging plan policies are relevant to the determination of this planning application:</p> <ul style="list-style-type: none"> <li>• WS 3 Strategy for Housing</li> <li>• WS 6 Placemaking for Wirral</li> <li>• WS 7 Principles of Design - including Privacy and Amenity and Parking</li> <li>• WS 8 Strategy for Sustainable Construction, Renewable and Low Carbon</li> <li>• WS 9 Strategy for Transport</li> <li>• WD 7 Houses in Multiple Occupation</li> </ul>
7.3	<p><b><u>Wirral Supplementary Planning Documents/Guidance</u></b></p> <ul style="list-style-type: none"> <li>• SPD4 - Parking Standards</li> </ul>

<b>8. Assessment</b>	
8.1.1	<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 &amp; Character of the Area;</li> <li>• Amenity of Existing Neighbours ;</li> <li>• Amenity of Future Occupiers; and</li> <li>• Highways</li> </ul>

<b>8.2 Principle of Development</b>	
8.2.1	<p>The application seeks consent for a 10-bed house of multiple occupation within a Primarily Residential Area which is considered acceptable in principle, subject to the criteria of policy HS14.</p> <p>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 reflect that.</p>

<b>8.3 Design &amp; Character of the Area</b>	
8.3.1	<p>The application requires very minimal external alterations to the building to facilitate its conversion into a HMO. As part of the works, one small aperture on the south side elevation and one on the rear elevation are proposed to be bricked up. A condition relating to matching materials shall be attached to any approval to ensure that the elevations are appropriately made good. As such, the overall scale and design of the appearance of the property would remain unchanged.</p>
8.3.2	<p>Objection was raised regarding the scale of the property and density of the area. However, as this is an existing building where there are no proposals to enlarge the property, there is no additional impact from the size of the building either internally or externally would have further impact onto the character of the area.</p> <p>Objection was also raised regarding the impacts to the character of the Magazines Conservation Area, located approx. 50m away from the application property. As mentioned, only minor external alterations are proposed which would not alter the overall design and appearance of the property and therefore not considered to have a detrimental impact on to the character of the conservation area.</p>
8.3.3	<p>The proposed cycle storage would be located within the rear garden with a maximum height of approx. 1.75m; width of approx. 5.84m; and depth of approx. 2.15m and would be finished in timber with a felt covered roof. The siting, scale and design of the proposed cycle storage would not cause any visual amenity issues and is therefore acceptable.</p>
8.3.4	<p>The proposed bin storage would be sited along the side of the property. No specific details of the storage have been provided and therefore a condition relating to such shall be attached to any approval to ensure that satisfactory bin storage that had no harmful impacts to visual amenity is provided.</p>
8.3.5	<p>Representations have 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 register shows that there are no licensed HMOs on Nelson Street or adjacent streets Aylesbury Road, Lichfield Street and Fort Street. 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 a change in the character of the area and to maintain a balanced community.</p> <p>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</p>

	immediate area, the proposal is considered to comply with these policies.
8.3.6	Furthermore, 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 scale. The review has picked up zero licensed HMO properties within 200 metres. 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.

<b>8.4 Amenity of Existing Neighbours</b>	
8.4.1	It is believed that the existing lawful use of this property is as a care home with accommodation for up to 13 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 would reduce to 10 persons.
8.4.2	<p>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 through other legislation.</p> <p>The established use of the premises as a care home is also a key consideration – whilst the demographic would have been different, the frequency of comings and goings (when including visitors/staff) is not likely to be significantly different than the proposed use of the property as a HMO.</p>
8.4.3	The physical alterations to the property are minor in scale and are unlikely to have a detrimental impact on to the amenities of neighbouring properties – two small windows are proposed to be bricked up. As no new openings or alterations to existing openings are proposed, there would be no new issues of overlooking or loss of privacy as the scenario would be the same as the existing.

<b>8.5 Amenity of Future Occupiers</b>	
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8.5.1	As noted, the lawful use of this property is as a care home for 13 residents; this offers some reassurance that the property has been broadly deemed of sufficient scale to allow this many occupants to acceptably reside within it.
8.5.2	Each of the proposed bedrooms would be served by at least one full sized clear glazed window and would have unobstructed views towards the rear and front of the site. Therefore, these habitable rooms would have sufficient natural light and outlook. Proposed bedroom 3 would be located on the ground floor and would be served by patio doors that would open up onto the rear garden that would be accessible by all residents – which could cause a loss of privacy to bedroom 3. To overcome this, mid-level planting (managed to around 1.50m in height) is proposed leaving an approx. 11.70 square metre patio area exclusively for bedroom 3 use and screened from the wider garden.
8.5.3	<p>The internal amenity for potential future occupiers is acceptable and the proposed gross internal floors areas 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 square 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.</p> <p>The property will also contain 2no. large kitchens (one at ground floor and one at first-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 acceptable and in compliance with Wirral UDP Policy HS14.</p>

<b>8.6 Highways</b>	
8.6.1	The Highways Department have no objection to the proposal. The proposed change of use to a 10 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 inclined to use public transport or taxis and undertake short trips on foot or by bicycle. The site is fully accessible by public transport being located approx. 270m from Seabank Road (A554) where frequent bus services run.
8.6.2	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 outside the building on Nelson 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 secure storage located to

	the rear - this is also considered appropriate and will encourage alternative, sustainable methods of travel for residents.
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<b>8.7 Ecology and BNG</b>	
8.7.1	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.
8.7.2	Objection was raised to the proposal not including sustainable energy or contributing to the Council's green targets. The property is existing and could well be used as a care home, per its last established use, without implementing sustainable energy measures. As such, the lack of sustainable energy does not form a constraint to the proposals. The site is suitably located close to a bus network and includes cycle storage which would encourage sustainable transport. Furthermore, the proposal utilises an existing building rather than demolishing and rebuilding which shall save on carbon emissions.

<b>8.8 Other Matters</b>	
8.8.1	It should be noted that the Council's Housing Services has reviewed the proposal and has made comment regarding, incorrect fire alarms, the potential need for certain fire doors and conventional lighting for escape routes. These requirements are covered by other non-planning legislation and therefore should not form a constraint to approving the application. Likewise with objections stating that the proposal does not comply with building regulations, this is dealt with under different legislation and not considered a material planning consideration.
8.8.2	It is advised that the Applicant contacts the Council HMO Team who offer a full HMO property conversion advice service, which includes the services of a dedicated Housing Standards Officer who will advise on the proposals and provide a detailed summary of their conclusions. This service can be requested at <a href="https://wirral-self.achieveservice.com/">https://wirral-self.achieveservice.com/</a> and then completing the online form 'HMO property conversion request advice'.

<b>9. Summary of Decision (planning Balance)</b>	
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

	<p>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:</p> <p>-</p>
9.2	<p>The proposed development comprises the conversion of a now vacant care home to a 10-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, emerging Local Plan Policies WD 7 and WS 7 and the National Planning Policy Framework.</p>

<b>10. Recommended Decision:</b>	Conditional Approval
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<b>Recommended Conditions and Reasons:</b>	
<p>1. The development hereby permitted shall begin not later than 3 years from the date of this decision.</p> <p><b>Reason:</b> To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p> <p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 23 &amp; 31 October 2024 &amp; 10 January 2025 and listed as follows:</p> <p>5765-1 As Existing &amp; Elevations Rev A, 5765-2 Floorplans As Proposed, 5765-3 Location &amp; Site Plans Rev A, 5765-4 Cycle Store</p>	

**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 ten 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 5765-3 Location & Site Plans Rev A shall be carried out no later than the first planting and seeding seasons following the occupation of the building 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 and improve the amenity of future occupiers.

5. The cycle parking shown on approved drawings 5765-3 Location & Site Plans Rev A & 5765-4 Cycle Store shall be made available for use prior to occupation of the building and shall thereafter be retained and maintained.

**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 5765-3 Location & Site Plans shall be submitted to and approved in writing by the Local Authority. The store shall be constructed 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. The external finishes of the development with regards to the infilling of the redundant window openings hereby approved shall match those of the existing building in material, colour, style, bonding and texture.

**Reason:** To ensure satisfactory appearance of the development in the interests of visual amenity.

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).

<b>Last Comments By:</b>	23-November-2024
<b>Expiry Date:</b>	25-December-2024

