

Planning Committee

29th June 2023

Reference:

APP/22/01848

Area Team:

DM

Case Officer:

Ms A McDougall

Ward:

Wallasey

Location:

Grove House Hotel, 45 Grove Road, Wallasey Village, Wirral,

Proposal:

Proposal for a temporary change of use from a hotel to hostel, provision of 18no bedrooms for 36 months.

Applicant:

KISSOCK

Agent:

Miss Jane Burnham Audere BW Architects

Qualifying Petition

No

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

APP/22/01643

	<p>Proposal for a temporary change of use, from a hotel to hostel (to house asylum seekers), utilising 26no double rooms for 36months. Undetermined</p> <p>APP/22/01053 Proposal for a temporary change of use, from a hotel to hostel (to house asylum seekers), utilising 26no double rooms for 36months. Returned Invalid</p>
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Summary Of Representations and Consultations Received:

<p>1. Ward Member Comments</p>	<p>The application was called in by Councillor Ian Lewis for committee determination for the following reasons:</p> <ul style="list-style-type: none"> • The inadequacy of the shared facilities and on-site activities, and effectiveness of measures to safeguard residents' physical and mental safety and well-being. • The effectiveness of mechanisms to facilitate residents' access to independent information, legal advice, and updates on the processing of their cases. • The lack of transparency and independent oversight of policy and practice in relation to the accommodation, and events and conditions inside the premises
<p>2. Summary of Representations</p>	<p><u>REPRESENTATION</u></p> <p>51 Letters were sent to neighbouring properties, to date there have been 27 separate letters of objection received, one neutral comment and one letter of support.</p> <p>The objections can be summarised as:</p> <ul style="list-style-type: none"> • Residents' safety; • House prices; • Impact onto character of the area; • Anti social behaviour; • Overall negative impact on residents; • Alternative location should be sought; • Negative impact onto the residents of the hotel with limited support and integration; • Residents were misled by seller/owners as to the future use of the hotel when it originally closed; • Noise and disturbance during the evening

	<p><u>CONSULTATIONS</u></p> <p>Housing - concerns regarding facilities available in terms of bathroom facilities and whether the use is as an House in Multiple Occupation; (as noted below, the use does not constitute a HMO)</p> <p>Traffic & Transportation - No objection subject to cycle parking provision</p>
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3.1 Site and Surroundings	<p>The Grove House hotel was until recently used as a hotel and is situated within a Primarily Residential Area, as designated in the Wirral Unitary Development Plan and the emerging Local Plan. The building sits on a large plot that is surrounded by smaller family dwellings and also bounds Harrison Park to the north.</p>
3.2 Proposed Development	
3.2.1	<p>The proposal is for the change of use of the hotel to a hostel for a temporary period of 36 months. The Local Planning Authority were made aware that the change of use had occurred in October 2021. The premises provides accommodation for 2 people per bedroom. Due to the way in which the premises is being used, the use is accepted as being akin to a hostel use (sui generis) rather than as a hotel.</p>
3.2.2	<p>The floor plans are set out as:</p> <p>Ground floor - 4 bedrooms, each with capacity for 2 people</p> <p>First Floor - 11 bedrooms, each with capacity for 2 people</p> <p>Second Floor - 3 bedrooms, each with capacity for 2 people</p> <p>The Ground floor also retains the kitchen and dining area, along with a communal sitting area. The reception and lounge area also remains unaltered from its previous hotel use.</p> <p>The grounds of the premises remain unaltered with car parking provision to the rear and garden areas available for guests to enjoy.</p>
3.2.3	<p>The agent has confirmed that each room has ensuite facilities and the scheme is not for a HMO. They have also confirmed that the premises is operated on the following basis:</p> <ul style="list-style-type: none"> • The length of time residents will stay varies, usually 2-4 weeks, with a max stay in some cases of 6-8 weeks. • A full-time Housing Officer (employed by the contractor) is on site to provide 24hr support. They are there to assist with any welfare or claims issues. There is also additional support from various outside sources. They go to English lessons and out on arranged activity days, such as rock climbing, gardening, and walking days. • Three main meals are provided every day: breakfast, lunch and evening meal. There is also tea/coffee and water provided 24/7, and snacks on offer between meals. <p>Various members of staff are available on hand 24/7 should any assistance be required.</p>
3.3 Development Plan	<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>

The adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the 'UDP') and the Joint Waste Local Plan for Merseyside and Halton.

Relevant policies UDP are:

TL7 – Criteria for Hotels and Guest Houses Policy

Subject to Policy TL2, hotels and guest houses providing overnight accommodation, without facilities for non-residents, will be permitted within the Primarily Residential Area.

Proposals providing overnight accommodation incorporating conference, restaurant, night club and other related sports or leisure facilities available to the visiting public, will only be considered suitable within urban commercial locations.

HS14 – Houses in Multiple Occupation Policy

Proposals for the conversion of existing buildings to multi-occupancy will not be permitted unless the proposal fulfils all the following criteria:

- (i) the property being of sufficient size to accommodate the proposal and not of modern domestic scale;
- (ii) if the property is not detached then adjoining property is not in single family occupation;
- (iii) the proposal not resulting in a private dwelling having an HMO on both sides;
- (iv) the proposal not resulting in a change in the character of the surrounding area which would be detrimental;
- (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;
- (vi) the proposal ensuring the privacy of neighbours and occupants, including the layout of car parking areas, to prevent overlooking of habitable room windows;
- (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;
- (viii) any extensions required complying with Policy HS11;
- (ix) any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree;
- (x) any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;
- (xi) adequate sound proofing being provided;
- (xii) any basement accommodation having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight

	<p>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 HMOs and valid planning permissions must not comprise more than 20% or more of the properties forming the street frontage within a street block.</p>
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<p>3.4 Other Material Planning Considerations</p>	
<p>3.4.1</p>	<p><u>National Planning Policy Framework</u></p> <p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:</p> <p>a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</p> <p>b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and</p> <p>c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p> <p>To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <p>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</p> <p>b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;</p> <p>c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;</p> <p>d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and</p> <p>e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.</p>

<p>3.4.2</p>	<p><u>Submission Draft Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The 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</p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); • 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 • 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).” <p>Relevant Policies</p> <p>Policy WD 7 Houses in Multiple Occupation</p> <p>Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking</p> <p>Policy WS 6 Placemaking for Wirral</p> <p>Policy WD10 Non residential uses in Primarily Residential Areas</p>
<p>3.5 Assessment</p>	<p>The development will be assessed on the following grounds;</p> <ul style="list-style-type: none"> • principle of development • design • highway safety • amenity
<p>3.6 Principle of Development</p>	<p>The proposal is for a change of use (this has already occurred) from a hotel to a hostel. The site provides residential accommodation in a residential area which in principle is considered an acceptable use subject</p>

	<p>to the wider impact of the development to the character of the area. As noted, the change of use has already occurred, and the planning application is therefore retrospective in nature.</p> <p>The case of Commercial and Residential Property Development Company Limited v Secretary of State for the Environment provided guidance as to the definition of a hostel. This held that a hostel is a building where people either live or stay and which provides communal facilities. The word “hostel” is not a term of art in relation to duration of stay. It can include not only youth hostels for transient occupation but also long-term accommodation as in the case of a nurse’s hostel. The sleeping accommodation is often, but by no means always, in the form of dormitories rather than single rooms and provides shared working, eating and recreational facilities. It is of the essence of a hostel that it provides relatively basic, inexpensive accommodation.</p> <p>A hostel used as transient accommodation has many of the characteristics of a hotel:</p> <ul style="list-style-type: none"> • people coming and going, • people booking in and checking out, • people who stay in the hostel but live elsewhere. <p>The use of the premises as a hotel has been long established. The use of the premises as a hostel, whilst considered a material change of use in this instance, would be used in a similar way in terms of how residents use the building.</p>
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<p>3.7 Design</p>	<p>In terms of design the proposed development has minimal impact on the setting and design of the building. The property was previously used as a hotel. The bedrooms are re-purposed from short stay holiday accommodation to longer stay residential in the essence of a hostel rather than a hotel use, however this does not have an impact on the visual appearance of the property.</p>
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<p>3.8 Highways</p>	<p>The proposals are all contained within a private boundary and do not impact on the adopted highway. There are 18 no. on-site car parking spaces which is considered satisfactory. The location of the development is within 400m of Wallasey Grove Road Merseyrail train station and also close to nearby bus stops.</p> <p>The former use of the building as a hotel also would have generated a similar level of trips on the network and the former use is considered to generate a more intensive use at the site compared to the proposed use. It is therefore unlikely that the development will generate a significant level of traffic. As such there are no objections to the proposals on highways grounds. This is subject to satisfactory cycle storage details as these facilities are not shown on the submitted plans. It is generally accepted that the proposed use would generate more sustainable and active travel trips on the network with the use of walking and short trips by cycles being an attractive option. These details are to be secured via a suitably worded condition.</p>
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<p>3.9 Ecology</p>	<p>There are no ecological issues pertaining to the proposed change of use.</p>
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3.10 Amenity

The change of use of the land and buildings from a hotel to a hostel constitutes a material change of use and this change of use has already occurred. However, in terms of impact on amenity, the hostel use is not considered to be significantly different to the previous use as a hotel. The proposal is to continue the use of the bedrooms for sleeping accommodation. The premises will also continue to provide areas where guests can socialise and relax, and meals will continue to be available for guests from the dining room.

Concerns have been raised with regard to the safety of residents neighbouring the site and the wider impact of the use to the character of the area.

In terms of planning policy, the re-use of the building as accommodation provision is considered appropriate. The accommodation use sought is a temporary measure in a building that previously would have had a transient use as a hotel for hotel guests staying for limited time periods. The way in which the building is used will follow a similar character as the previous use of a hotel with dining space, a garden available for outside use and sleeping accommodation. It is anticipated that some of the residents may be housed within the building for longer periods than a hotel guest may have stayed, however the principle is for residential purposes albeit on a short to medium term.

The change of use is proposed for a limited time period only of 36 months and for no more than 36 residents at any time. This character is akin to the use of the premises as a hotel therefore the change of use is not considered to result in an unacceptable change to the established character of the surrounding area.

Having regard to Wirral's UDP Policy HS15 and taking into account the draft Local Plan Policy WD10, the use is considered to be appropriate within a Primarily Residential Area and would not detract from the character of the area or result in harm to neighbouring residential uses.

The behaviour of existing and future residents is not to be determined by planning policy. If there are safety or behaviour issues this would be outside of planning control.

Summary of Decision (Planning Balance)

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 regard to the individual merits of this application it is considered that the application is acceptable in planning terms having regard 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:-

Taking into account local and national planning policy, the temporary re-use of the hotel to a hostel is in this instance considered acceptable having regard to how the site has previously been used and the temporary nature of the proposed use, having regard to Wirral's UDP Policies the draft Local Plan and the NPPF.

Recommended Decision:

Approve subject to the following conditions

Recommended Conditions and Reasons:

1. The development hereby permitted shall be for a limited period being the period of 36 months from the date of this permission. At the end of this period the development hereby permitted shall cease

Reason: Having regard to the long term wider impact of the residential area in accordance with Wirrals UDP Policy HS15

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 30 November 2022 and listed as follows:

2060-ABWA-Z1-GF-DR-A-(20)0100 P01

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

3. There shall be no more than 18 rooms with a maximum of 36 residents provided at any time, in accordance with the details submitted and shown on plan reference; 2060-ABWA-Z1-GF-DR-A-(20)0100 P01

Reason: In the interests of neighbouring amenity

4 Within 3 months of the date of this permission full details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be made available for use within 3 months of the decision date of the development and shall thereafter be retained.

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.

Last Comments By:

23-12-2022

Expiry Date:

30-06-2023