

Planning Committee	29th June 2023
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Reference:	Area Team:	Case Officer:	Ward:
APP/23/00599	DM	Ms H Mellor	New Brighton

Location:	3 Dudley Road, New Brighton, Wallasey, Wirral, CH45 9JP
Proposal:	Change of use from Counselling/Therapist centre (Class E) to residential (C3) in the form of a single dwelling.
Applicant:	Mr Phillip Kench
Agent:	Diverse

Qualifying Petition	Yes – 42 signatures
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Site Plan:



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Development Plan designation:	Primarily Residential Area
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Planning History:	APP/14/00528 Change of use from residential dwelling to counselling and psychotherapy centre. Approve - 19/06/2014
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	<p>This application was called in by Councillor Jones for committee determination for the reason that the proposal has a detrimental impact on residential amenity.</p>
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications, 23 letters of notification were sent to the neighbouring properties. 9 responses have been received all in the form of objections. A petition of objection has also been received. The concerns raised are as follows:</p> <ol style="list-style-type: none"> 1. The change of use looks to be a 7 bedroom HMO. There is already a HMO directly opposite to which emergency services are called out to due to the disruptive behaviours at the address and there is also another HMO further up the street. It is inappropriate for another HMO with 7 bedrooms to be approved in such close proximity as it will exacerbate the disturbances already endured. 2. An additional HMO would increase the noise pollution and disruption and add to neighbouring residents' anxiety. 3. Property prices will be affected if this HMO is approved. 4. Traffic, parking and access is already an issue. 5. Litter, drinking of alcohol in front and back gardens results in detrimental impact on neighbouring amenity. 6. Inadequate size of accommodation that is not fit for purpose. 7. Plenty of existing flats on this road and therefore there is a risk of overdevelopment. <p>It is noted that all the objections related to 3 Dudley Road being converted into a house of multiple occupation.</p>
3.1 Site and Surroundings	
3.1.1	<p>3 Dudley Road is a semi-detached building currently used as a counselling/therapy centre. The building was originally a residential property and is located within a Primarily Residential Area, as designated in both the Wirral Unitary Development Plan and the emerging Local Plan.</p>
3.1.2	<p>Dudley Road predominantly comprises of three-storey, semi-detached properties which are all primarily finished in red brick and are of similar design. A purpose-built apartment building is located adjacent to the application site, on the corner of Dudley Road and Albion Street.</p>
3.2 Proposed Development	
3.2.1	<p>This application proposes the change of use of the property from a counselling centre to a single residential dwelling (C3 Use Class). This would see the building reverted to its original use. The proposal does not include any extensions or alterations to the fabric of the building.</p>
3.2.2	<p>It's noted that there are permitted development rights to convert a property which has an established use as Use Class E into a C3 residential use, under Class MA of Schedule 2, Part 3 of the General Permitted Development Order. However, one of the requirements for this is that the property has to have been vacant for three months. At the time of submission, the applicant advises that the property</p>

	<p>had not been vacant for three months and an application for full planning permission was therefore required.</p>
<p>3.3 Development Plan</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. At the current time the statutory development plan for the area comprises saved policies of the Wirral Unitary Development Plan (UDP) (2000) and policies of the Merseyside and Halton Joint Waste Plan (2013) In this instance, the following policies from the UDP are directly relevant to the planning application:</p> <p><u>Policy HS4 - Criteria for New Housing Development</u></p> <p>This policy states that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties. Additionally, proposals should have adequate vehicle access and parking along with provision of a garden to provide outdoor amenity space for the residents of the dwelling.</p> <p><u>Policy TR9 – Requirements for Off-Street Parking</u></p> <p>This policy states that new development proposals should be assessed on road safety and traffic management issues and the likelihood of cars being parked on residential roads.</p>
<p>3.4 Other Material Planning Considerations</p>	
<p>3.4.1</p>	<p>Within the National Planning Policy Framework (July 2021) it is stated that planning policies and decisions should ensure that development is of good design and contributes to the overall quality of the area (paragraph 130). Development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents should be refused.</p>
<p>3.4.2</p>	<p>Supplementary planning documents provide additional information on the detailed application of development plan policies to help developers prepare acceptable planning applications. They are material considerations for planning decisions.</p> <p>Supplementary Planning Document 4: Parking Standards (SPD4) sets out maximum parking standards of 2 parking spaces for houses with 3 or more bedrooms.</p>
<p>3.4.3</p>	<p><u>Submission Draft Local Plan</u> Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 (Local Plan) 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</p>

	<p>Local 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 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: “Local planning authorities may give weight to relevant policies in emerging plans according to: 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> <p>Policies WS 7.1 Design Principles and WS 7.2 Privacy and Amenity, within the emerging New Local Plan, are relevant in this instance.</p> <p>At the present time, the Local Plan is a Material Consideration and can be afforded weight in the decision making process.</p>
<p>3.5 Assessment</p>	<ul style="list-style-type: none"> • Principle of Development; • Design; • Highways; and • Amenity
<p>3.6 Principle of Development</p>	<p>The application site is situated in a Primarily Residential Area as designated in the UDP and the building was originally used as a residential dwelling. In 2014 the site was granted full planning permission to change the use from residential to a counselling facility (APP/14/00528). Therefore, to revert the building back to its original residential use would be a conforming use within this area and is acceptable in principle.</p>
<p>3.7 Design</p>	<p>The surrounding area is predominantly residential in nature, with the street scene largely made up of semi-detached properties of replica design and red brick facades – with the application property echoing this. The proposal does not include any external alterations or additions to the property. As such, the exterior will remain the same and the character and appearance of the property or street scene would not be altered. The proposal would not cause any adverse visual impacts and is compliant with UDP Policy HS4, emerging plan Policy WS 7.1 of the emerging Local Plan and the NPPF.</p>
<p>3.8 Highways</p>	<p>Representations have raised concerns regarding the parking provision for the use of this property for residential purposes. The 3 existing parking spaces within the site are to be retained, with no changes to the total number of off-street parking spaces proposed. This level of on-site car parking is considered acceptable and is similar to other properties on Dudley Road. No works are proposed to the vehicle access. With this in mind, there are no adverse highway implications relating to this proposal.</p>

3.9 Amenity	
3.9.1	The proposed works would see the existing therapy rooms changed to 1.no kitchen and 2.no living rooms on the ground floor; 7.no bedrooms split across the first and second floor; and 1.no bathroom on the second floor. All of the proposed habitable rooms have windows that allow for an adequate outlook and amount of daylight to enter. Additionally, the site has private outdoor amenity space to the rear of the property. Overall, the proposed development will provide a satisfactory level of residential amenity.
3.9.1	Policy HS4 of the UDP states that adequate separation distances should be kept between proposed habitable room windows and the habitable room windows of the neighbouring properties. The windows to the front elevation are a satisfactory separation distance of over 30m from the adjacent properties. The rear of the application property is not directly back-to-back with a neighbouring property and therefore does not cause privacy issues through overlooking. The first-floor side window that would service bedroom 2 faces the rear elevation of the Bayview apartment block. The windows of Bayview have been designed at an angle as a way to stop issues of overlooking. It's also noted that the window serving Bedroom 2 is an original window which would have been used for residential purposes prior to its previous conversion. As such, the proposal would satisfy the abovementioned aspect of Policy HS4.
3.9.2	As noted, the proposal does not include any enlargements or additions to the application property and as such no new issues of overlooking, overbearing or overshadowing of any of the neighbouring properties would be created.
3.9.3	Policy WS 7.2 of the emerging Local Plan states that proposals will be required to demonstrate that the proposed uses will be harmonious with neighbouring uses, avoiding unacceptable nuisance and disturbance. The proposed change of use back to a single residential dwelling is considered to be a more conforming use within this residential area and would likely have less impact on amenities of surrounding properties than the existing use.
3.9.4	To conclude, the proposed works would not have any unneighbourly impacts such as overlooking, overshadowing or a significant loss of outlook and is therefore compliant with UDP Policy HS4 and emerging Local Plan policy WS 7.2. Furthermore, the proposed development provides a level of residential amenity that is deemed satisfactory for future occupiers.

3.10 Other	
3.10.1	The objections received relate to the property being turned into a house in multiple occupation (HMO). However, this application relates solely to the change of use of the property from a counselling centre to a single residential dwelling and not a HMO. This application must be determined as submitted, and potential future applications or anticipated changes under permitted development are not a reason to refuse planning permission.
3.10.2	It is noted that the application property does not have an Article 4 direction and therefore permitted development rights are intact. Under Schedule 2, Part 3, Class L of the General Permitted Development Order a C3 dwelling can be converted to a small HMO (C4) for between 3 and 6 residents. A HMO for seven or more people is considered Sui Generis. The submitted plans indicate that the

	property has 7 bedrooms. Should the property subsequently be used as a HMO with 7 bedrooms then planning permission would be required.
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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 regards to the individual merits of this application it is considered that the application is acceptable in planning terms having regards to the relevant policies in the UDP and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-
	The proposal will not alter the scale or design of the property and therefore the character and appearance of the street scene would not be harmed or have an adverse impact on the amenity of the neighbouring properties. The change of use to a C3 single residential dwelling is acceptable as the wider area is primarily residential and therefore the use is considered to be conforming. The proposal complies with policy HS4 of the Wirral Unitary Development Plan, SD4, policy WS 7.1/7.2 of the emerging Local Plan and the provisions of the NPPF.

Recommended Decision:	Approve subject to the following conditions:
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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 amended plans received by the local planning authority on 18 April 2023 and listed as follows:	
Site Location Plan DR-01 (dated 05.03.2023)	
Proposed Floor Plans DR-05 Rev A (dated 13.06.2023)	
Reason: For the avoidance of doubt and to define the permission	

Last Comments By:	21-05-2023
Expiry Date:	03-07-2023