

Application for proposed conversion of 63 Argyle Street

The application: APP/25/00539

63a Argyle Street, Birkenhead, Wirral, CH41 6AB

Conversion of commercial building to House of Multiple Occupation (sui generis). External alterations including new front for office use (Ground floor), new windows and replacement windows. Provision of rooftop amenity for 3rd floor and 1st floor. Bin and bicycle stores to rear.

Summary

The [proposal as submitted](#) has number of issues listed below which cannot be addressed without significant redesign. As submitted, the proposal represents an significant overdevelopment of the site and, for the reasons listed below, **planning objection would be raised to this application.**

Reasons for objection

Inappropriate use of replaced HMO Unit sizes guidance - WBC Policy.

WBC had the opportunity to retain surviving policies and size standards of the Unitary Development Plan, adopted in 2000, for Houses in Multiple Occupation.

However, the previous Policy HS14 Houses in Multiple Occupation was replaced with Policy WD7 (*Local Plan 2022-2049, Appendix 2, Policies to be Replaced by this Plan*) in order to adopt Policies that the Council considered to be in line with the most suitable way to develop the Borough.

The local Plan states “*Development proposals for houses in multiple occupation, including for conversions and change of use, should demonstrate that the property is of sufficient size to provide safe, functional and healthy living conditions with a high standard of amenity for existing and future users....* (Policy WD 7 - Houses in Multiple Occupation - A.)

Therefore, we contend that currently WBC Policy WD 23 Design Standard (B) (1) is to provide minimum gross internal floor area of 37m² as ‘*sufficient size to provide safe, functional and healthy living conditions with a high standard of amenity for existing and future users*’ for this proposal for 1-bed units.

We also refer to the Local Plan implied principle that the applicant’s financial commercial decisions must not over weigh Approved Planning Policy (Viability of Development - Para. 3.49).

Part 6 Detailed Policies - Houses in Multiple Occupation – Para 6.63 *The Council is concerned that the risk of overcrowding, in unsuitable accommodation can be greater with houses in multiple occupation than other types of housing. It is also recognised that high concentrations of houses in multiple occupation can have adverse impacts on the character and amenity of the area from the perspectives of noise, nuisance and achieving or maintaining a balanced sustainable community. The National Planning Policy Framework makes it clear that good design is a key aspect of achieving sustainable development and expects planning policies to promote health and well being, with a high standard of amenity for existing and future users.*

The applicant appears to have used ‘The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006’ guidance, which is out of date and should not be used.

Demonstration of Compliance

Although it is understood that “*Furnished layout are not required to demonstrate compliance.*” (<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>: Published 27 March 2015 (Table 1: (Note 4)) we contend that to meet the adopted Policy WD7, the internal layout proposed should be shown.

For clarity, Policy WD 7 - Houses in Multiple Occupation states in WD7 (A) *Development proposals for houses in multiple occupation, including for conversions and change of use, should demonstrate that the property is of sufficient size to provide safe, functional and healthy living conditions with a high standard of amenity for existing and future users.*)

All proposed HMO development must comply with these approved requirements.

Communal shared space inadequate

Although it is noted that, in the case of an HMO, some space is shared, the application indicates that this shared space is for a combined use as a lounge and kitchen for residents.

However, these communal spaces are significantly smaller than mandated by the regulations. For example, on the ground floor is a kitchen of 28 sq m. This is shared between 9 units each of only 18.6 sq m. Allowing each unit 1/9th of the kitchen means each residential unit has a total of only 21.7 sq m (i.e. only 59% of the space actually mandated by the regulations).

Allowing for the proposed communal kitchen/lounge, there still a significant short fall of habitable floor space on every residential floor (3rd Floor – shortfall 48.5 m²; 2nd Floor – shortfall 103.2 m²; 1st Floor – shortfall 79.3 m²; Ground floor – 137.8 m²) to meet WBC Local Plan Policy WD7 for HMO living using National Planning Policy for space.

The proposed Office Workspace on the ground floor is excluded, as it shown not to be a intended for communal lounge. The external Amenity spaces are also considered not part of the residential habitable space.

These observations indicate that the proposed layout is an over-development of the site.

Allowing for the required accessible common passageways, staircases, and acceptable access to bin storage and bicycle provision, the likely maximum number of acceptable HMO units in this existing building is around 12 units. The revised application shows 23 units.

These observations, from the presented revised proposed, indicates the revised proposal to Planning Application APP/25/00539 still shows significant over-development of the site.

Number of Residents in proposed HMO appears higher that the applicant has stated.

In addition, the application shows the rooms to be provided with a double bed in each single room, which suggests that the actual occupancy of this proposed HMO could be double (2 people per room).

This gives an possible intended occupancy of 46 people for the site.

On Site Management of HMO (occupancy; noise; behavior; waste disposal; etc)

WBC Council recognises that *'high concentrations of houses in multiple occupation can have adverse impacts on the character and amenity of the area from the perspectives of noise, nuisance and achieving or maintaining a balanced sustainable community. (Part 6, Detailed Policies - Houses in Multiple Occupation – Para 6.63)*

It is noted that there appears to be no provision for permanent (day & night) on-site HMO management shown, which means that ensuring occupancy is kept to single residents; limitations in noise; behavior issues; waste disposal methods; etc., is impractical.

Therefore, use of Planning Conditions to limit occupancy, and other regulatory issues, would not be realistically enforceable.

This indicates that the Applicant has not adequately addressed this Policy.

Inadequate Fire Safety provisions

It is noted that the site has suffered from a number of arson attacks, which indicates that provision for fire safety and fire access is of critical importance in this location.

However, the proposal does not retain the existing fire escape provision provided for the building's previous use. The removal of this critical safety provision appears to allow for additional single rooms (of inadequate size) to be included in the proposed layout.

There appears to be no replacement common fire-escape provision.

Ground floor

Current building regulations (document B) specify the minimum width of a corridor is 1.5 meters, whereas this common corridor appears to be only 1 meter wide. This cannot be changed without redesign of the living units.

1st Floor

4 units housing 8 residents have a single (shared) staircase to the single fire exit of the building on the floor below. Although there is access shown to the external roof, and then to an external fire staircase, this fire escape access is available ONLY via 2 private residential units. If these residential units are locked (likely for personal security) then the means of additional fire escape access is only available to the residents in those 2 HMO units, and unavailable to anyone else, and therefore should be discounted for the majority of residents.

Current building regulations (document B) specify maximum length of corridor to a fire exit is 12 meters, and the minimum width is 1.5 meters, whereas in the proposed design the common corridor appears to be 25 metres just to the top of the single staircase and is only 1 meter wide.

Only by significant redesign can these issues be overcome.

2nd Floor

6 units housing 12 residents have only a single (shared) staircase to the single fire exit of the building two floors below. Providing an additional fire exit will require a redesign. Current building regulations (document B) specify maximum length of corridor to a fire exit is 12 meters, and the

minimum width is 1.5 meters, whereas in the proposed design the common corridor is 25metres just to the top of the single staircase and is only 1 meter wide.

Only by significant redesign can these issues be overcome.

3rd Floor

3 units housing 6 residents have only a single (shared) staircase to the single fire exit of the building three floors below. Although there is a communal access to the roof, there is no separate fire escape shown. Providing an additional fire exit will require an external fire-escape stair, which is likely to affect the layout of the other floors, and thus only by significant redesign can these issues be overcome.

This indicates that the overall proposal is an over-development of the site.

Amenity Provisions

It is noted that none of the proposed Amenity provision is suitable for those requiring wheel-chair access to the shared space, thus is not able to meet all the requirements of WBC Policy WS7 (WBC Local Plan, Principles of Design).

The proposal shows roof top amenity for 6 residents on Floor 3, via a communal kitchen/lounge, which is welcomed.

Private amenity space is shown for two residential units on Floor 1 is welcomed. However, access to the 'shared amenity space' is only available from an external staircase for the majority of the residents. Bearing in mind the access limitations, there is concern on how effective this proposed shared amenity space would be for practical use.

Structural details would be required to ensure that the roof above the Floor 2 residential units and Ground Floor residential units would be able safe for the proposed 'green space' amenity, with adequate drainage and expected planting support.

The required safety barriers around the edge of the amenity spaces are not shown in the proposal.

Building status

The building is on Wirral Council's list of non-designated heritage assets (the 'local list'). See <https://local-heritage-list.org.uk/wirral/asset/16662>.

The heritage statement for this building reads:

Red brick with original metal Crittal windows. Circa 1930-1950, 4-storey, stepping down to 3 and then 1 on Henry Street elevation. Flat parapetted roofs with distinctive detailing to Argyle Street elevation. Rare survivor of mid-20th century mixed use building and important group value with 69 to 75 Argyle Street, which are of a similar period.

The proposed external changes, as submitted, appear to significantly alter the external appearance, and are not sympathetic to the Council's listed heritage of the building.

Further, the proposed ground floor layout shows that a wall is to be positioned which will block part of the existing heritage Crittal window, contrary to Policy WD7.7.

All the windows should be consistent with the building's Heritage status, otherwise they could lead to a loss of a significant heritage asset within the designated Argyle Quarter. Therefore, there needs to be Planning Conditions that requires all the windows to be of the same style as the existing

Crittall windows and the ground floor office frontage design should also echo the distinctive Crittall framework design in this Heritage building.

This is in order for the application adequately considers WBC Local Plan Policy 'Protecting Heritage Assets' WD2.C.

Effect on Street Scene

The proposal appears to make changes to the external appearance, with the loss of the existing crittall windows and their significant relationship to the whole of the Heritage building. Therefore, as submitted, adversely effects the existing heritage street scene.

Any external alterations should be given higher Planning consideration to prevent the unrepairable damage to this rare and important building within the existing street scene.

Inadequate Access to Bin Storage

The 9 Ground floor residential units (18 residents) have on site access to the rear bin store. The 15 other residential units (30 residents) do not have direct access, and must go via the proposed office space to access the bin store.

However, this proposal suggests that the proposed office workers would have regular domestic waste from up to 30 residents passing through their workspace. This sounds like an unhealthy practice, and suggests that the proposed route is impractical.

To avoid this regular imposition on the Commercial Office activity, the residents would likely use the public highway to reach their external rear bin store. To resolve this issue, redesign would be required.

This is indicative of over-development of the site.

Inadequate Access to Cycle Storage

Only ground 9 floor units (18 residents) have on site access to the rear cycle store. The 15 other units (30 residents) do not have direct access, and must go via the proposed office space to access the cycle store.

However, this proposal requires that the proposed office workers would have 30 residents passing through their workspace, which would be unlikely to be conducive to office work. This suggests that the proposed route is impractical. To avoid this, the residents would likely use the public highway to reach their bicycles store shown to be at the rear of the building.

To resolve this issue, redesign would be required. This is indicative of over-development of the site.

Adhering to Principles of Design – WBC Policy WS7

It is recognised that the proposal is for conversion of an existing building, and that some of the Principles of Design given in Policy WS7 may be difficult to meet.

However, it would be expected that any Applicant of any submitted Design should explain why that development design is unable to meet provisions in the adopted Policy WS7.A and Policy WS7.B in full.

Use of Planning Conditions to Address Concerns

The issues raised are unlikely to be resolved by use of Planning Conditions to address the practical concerns arising from the proposed amended application for conversion from Office use to a House in Multiple Occupation, especially as there appear to be no intention of providing a permanent space for 24 hour management of this large HMO to enforce such Planning Conditions.

This is indicative of over-development.

Viability of Development

There is concern that the reason for a further submission for a similar number of HMO rooms to that of APP/25/00539 (63a Argyle Street, Birkenhead.CH41 6AB) is that reducing the number of HMO units proposed would make the speculative development nonviable for the applicant.

The WBC Local Plan states, in considering Viability of Development (Para. 3.49), *Where a developer considers that site specific viability at application stage is appropriate, their reasons should be in line with National Planning Practice Guidance. Site specific viability assessment at application stage should conform to National Planning Practice Guidance, RICS best practice and the requirements of this policy. **In particular, as noted in national guidance, under no circumstances should the price paid for land be a relevant justification for failing to accord with relevant policies in the Plan.**(Sic)*

Accepting such cost justification from the applicant would set a dangerous Precedent for all future Planning Applications for HMO's, and undermine the formal adopted Policies presented to the public and approved by WBC Councilors & Committee in 2025.

This indicates that the proposal for a large HMO at 63, Argyle Street is an over-development of this Heritage building.

Conclusion

There is concern that the applicant may attempt to justify not conforming to the Local Plan Policies and guidance, approved 31st March 2025, by reason of a previous Approval in Principle for conversion of this existing building from a commercial gym & office to Residential use. However, that previously approval did NOT provide details on the number, floor size, or type of residential use.

I understand the previous full Planning Application APP/25/00539 for a similar HMO proposal was refused before the Local Plan was formally adopted, therefore the requirement to apply National Space requirements may not have been considered fully at the time.

The proposal does not meet the minimum requirement in habitable floor space for 1-bed units, fails to meet Policy requirements, and reverts back to superseded guidance.

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NOTE FOR ACCEPTABLE HERITAGE WINDOW DESIGN. Crittall Windows: Head Office Address: Francis House, Freebournes Road, Witham, Essex, CM8 3UN. Sales Enquiries: 01376 530 900 / sales@crittall-windows.co.uk. General Enquiries: 01376 530 800 / hq@crittall-windows.co.uk