

# Application for proposed HMO conversion of 68 Argyle Street - APP/25/01719

## The application:

68 Argyle Street, Birkenhead, Wirral, CH41 6AF - APP/25/01719

Conversion of commercial building to House of Multiple Occupation (sui generis). Additional bin and bicycle storage provided internally.

## Summary

The [proposal as submitted](#) has number of issues listed below. As submitted, the proposal represents an significant overdevelopment of the site and, for the reasons listed below, **planning objection is raised to this application.**

## Reasons for objection

### Failure to meet National Space Requirements

Wirral Borough Council has adopted the Local Plan 2022-2040 and adopted Master Plans for the area (Dock Branch Park) in 31<sup>st</sup> March 2025.

At the beginning of the WBC Local Plan 2022-2040, there is a User Guide which gives guidance to applicants as to which Policies are applicable when submitting a proposal for residential development (Page 18, WBC Local Plan 2022-2024).

Adopted Policy WD23 (B) (1) refers to the expected Design Standard, and requires the applicant to submit a design which complies with the national described space standard. The UK Government has a regulation that planning permission for self-contained apartments should not be granted where the gross internal floor area is less than 37 square meters in size (*The Town and Country Planning (General Permitted Development) (England) Order 2015(2) Article 3 (9A) Schedule 2 (a)*)

This UK Government regulation amendment was made in response to widespread criticism of the substandard housing stock created by office-to-residential conversions.

We echo those concerns in this proposal to convert space for 3 self-contained 1-bed units (which meet national design standards) to 7 self-contained 1-bed units, which do not meet those same space standards.

### Application shows Self-Contained Units, not House in Multiple Occupation.

The application clearly shows that every 1-bed unit has the facilities of a individual toilet and shower; a kitchen with sink, cooker, storage, and space for a fridge and washing machine; plus a Television and a workspace. All the requirements for a self-contained 1-bed unit.

It is therefore likely that Community Space would not be used by occupants.

## **Need for Community Kitchen/Laundry/Dinning Space?**

It is noted that the applicant has shown the same size kitchen facilities used in the additional 'Community space' are the same size as those facilities shown in all proposed 1-bed units.

Therefore, it appears that only 'shared facility' is Community dining, and this does not justify a House in Multiple Occupation reclassification.

There is concern that main reason for showing a 'communal kitchen, laundry, dinning space' is to overcome the adopted Local Plan Policy WD23 criteria in an attempt to seek Planning Consent for additional four 1-bed self-contained units.

When Planning Policy WD23 is applied, the proposal shows the site is unable to accommodate this size of development.

Use of Planning Conditions will not address this significant short-fall.

This indicates over development of the site, and therefore Planning Objection is raised.

## **Houses in Multiple Occupation - 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 37m<sup>2</sup> 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 self-contained 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).

## **Rejection of a possible 'unfeasible' argument**

WBC Policy WD23 (B) (1) requires compliance to national described space standards or any successor standard, '*unless demonstrated that provision is unfeasible*'.

However, the submitted planning application drawings for 7- HMO units, show that the existing three 1-bed flats currently conform to the national described space standards (Flat A: 37.08m<sup>2</sup>; Flat B: 46.04m<sup>2</sup>; Flat C: 43.03m<sup>2</sup>).

Therefore, the applicant has shown that meeting the minimum floor area requirement is feasible.

Only by ignoring both WBC Local Plan 2022-2040 Policy and current UK National standards, plus attempting to apply the (replaced) 2000 Policy HS14, can seven 1- bed units be achieved on this site.

Use of Planning Conditions will not address this significant short-fall.

This indicates over development of the site, and therefore Planning Objection is raised.

## **Possible Minimum Densities argument to justify rejection of WBC Policy WD23**

The applicant has referred to the Dock Branch Park Masterplan, and perceived housing need.

However, the site is within the WBC Hamilton Square Conservation Area, and Policy WS3 (Para 3.75) states that minimum densities do not apply within a designated Conservation Area.

Therefore, the applicant's possible justification of higher density for housing provision is not supported.

## **Inadequate Fire Safety provisions**

There appears to be no alternative access to a fire escape from 3<sup>rd</sup>, 2<sup>nd</sup>, 1<sup>st</sup> floor HMO units, and that the only common fire-escape provision is the narrow single central access.

While this staircase may be adequate for the existing three 1-bed occupancy, there is concern that there is a significantly increased fire safety risk when occupancy has increased to 6 residents and their guests, yet they are to use the same a narrow staircase.

There is no provision for a separate fire escape route, without significant redesign.

Thus this indicates a failure 'to provide safe, functional and healthy living conditions' as required under Policy Policy WD 7 (A) for Houses in Multiple Occupation.

Use of Planning Conditions are unlikely to overcome this issue.

This indicates over development of the site, and therefore Planning Objection is raised.

## **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)*

Although a HMO Management Plan is submitted, it is noted that there is 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 limited, if not 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 Policy outlined in Part 6, Detailed Policies - Houses in Multiple Occupation.

## **Concern regarding adequate waste management provision**

The applicant has shown that the existing residential and commercial use generates the requirement for 12 wheely bins. (3 domestic waste/3 domestic recycling waste/6 commercial waste)

After conversion to a seven 1-bed HMO, it would be expected that each additional 1-bed unit would generate a requirement a single domestic waste bin plus a single recycling bin. Therefore 8 additional wheely bins would be expected to be provided (A total of 20 wheely bins for the building usage).

However, the applicant has shown a total capacity for 14 wheely bins, thus only 2 more wheely bins are provided over the existing waste disposal demand.

There is concern that this may lead to the additional waste generated being disposed in inappropriate ways.

For example, there is an existing recognised problem of the near-by Dock Branch railway cutting being used for unlawful fly-tipping. Without adequate waste disposal provision provided by the applicant, there is concern this type of anti-social behavior may be exacerbated.

## **Failure to consider ground floor 'wheelchair adaptable' HMO accommodation.**

It is recognized by Wirral Council that there is a significant shortage of ground floor 'wheelchair adaptable' accommodation in the Borough.

Therefore, Wirral Local Plan Policy Policy WD6 states, where possible, at least one ground floor unit should be designed to be 'wheelchair adaptable'.

The applicant has not justified why a flexible 'wheelchair adaptable' design has not been considered.

It is noted the proposed ground floor HMO unit (33.61m<sup>2</sup>) is not large enough to meet 'wheelchair adaptable' requirements nor WBC Policy WD23 national space standards.

Therefore, significant redesign would be required to meet this reasonable WBC policy for better residential & local community integration.

This indicates overdevelopment of the site.

## **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 three Residential apartments use to a 7-Unit House in Multiple Occupation.

This is indicative of over-development of the site.

## **Conclusion**

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

It appears that this application is an attempt to push through sub-standard self-contained flats by characterizing the building as an HMO and we think this principle for justifying conversions should be resisted.

Therefore **planning objection is raised to this application.**

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