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**Report to:** Planning Committee                      **Date of Meeting:** 03 April 2013

**Subject:** S/2013/0066  
The Waterloo Tavern Queen Street, Waterloo

**Proposal:** Conversion of existing Public House with living accommodation over, into 15 self-contained flats, including the erection of a rear extension, alterations to and raising the roof height, alterations to the elevations, layout of car parking spaces to the rear and landscaping

**Applicant:** Mr Gary Robinson                      **Agent:** Robert W Graham Partnership

**Report of:** Head of Planning Services                      **Wards Affected:** (Church Ward)

**Is this a Key Decision?** No                      **Is it included in the Forward Plan?** No

**Exempt/Confidential**                      No

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## Summary

This application seeks the change of use of the former Waterloo Tavern public house into 15 self-contained flats (a net increase of 14 units). The key issues to consider are the impact of the proposal on neighbouring residential amenity, the impact of the proposal on the character of the area and the contribution of the proposal towards Sefton's housing supply.

## Recommendation(s)

Approval

## Reasons for the Recommendation:

When assessed against the National Planning Policy Framework and the Unitary Development Plan, particularly policies CS3, DQ1, DQ3, H10 & MD2, the proposal is acceptable as it will add to the housing supply within Sefton and will not cause significant detrimental harm to neighbouring residential amenity or to the character of the area.

## Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

**Contact Officer:**                      **Mandy Biagetti**                      Telephone 0151 934 4313

**Case Officer:**                      **Neil Mackie** Telephone 0151 934 3606

**Email:**                      [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Background Papers:**

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

## The Site

The three storey Waterloo Tavern public house (now vacant) to the corner of Queen Street and York Street within a primarily residential area of Waterloo.

Facing the site on York Street and Queen Street are two-storey semi-detached and link-detached houses, and bordering the site to the rear on Prince Street is a three-storey block of flats.

## Proposal

Conversion of existing Public House with living accommodation over, into 15 self-contained flats, including the erection of a rear extension, alterations to and raising the roof height, alterations to the elevations, layout of car parking spaces to the rear and landscaping.

## History

S/2007/0901 – Retention of a covered area to the rear of the premises. Approved 15<sup>th</sup> November 2007.

S/2002/1112 – Formation of a car park and a children's play area at the rear of the public house. Refused 13<sup>th</sup> March 2003.

S/1996/0611 – Refurbishment of the existing public house together with the erection of a toilet extension. Approved 19<sup>th</sup> December 1996.

S/1993/0629 – Display three non-illuminated fascia signs, two externally illuminated pictorial wall mounted signs, two internally illuminated lanterns, five non-illuminated facility/board signs on the public house and re-siting of Sonpak floodlights. Approved 2<sup>nd</sup> December 1993.

S/1987/0481 – Erection of a new porch entrance to the front and alterations to the front and side elevations of the existing public house premises. Approved 30<sup>th</sup> September 1987.

S/13663 – Erection of a garage with a first-floor kitchen extension over at the side of the public house after demolition of an existing building together with layout of car park. Approved 25<sup>th</sup> June 1980.

## Consultations

Highways DC – There are no objections to the proposal as there are no highway safety implications.

Off-street car parking for 15 cars is proposed as part of this scheme which equates to one space per flat, and is an appropriate level of provision. The existing vehicular access to York Street will need to be closed off and a new 4.8m wide vehicular access introduced. This necessitates works to the highway in order to reconstruct the footway at the redundant vehicular access and construction of a new footway crossing at the new

vehicular access. In addition, the existing 'barrel drop' to the cellar will become redundant and must be removed with the footway being reconstructed.

Appropriate cycle parking provision for residents and visitors is also shown on the drawing in the form of 8 'Sheffield' cycle stands within a secure area. It is not clear from the drawings, but there should also be some form of protection from the weather in order to comply with the requirements of the SPD 'Ensuring Choice of Travel'.

Conditions should be attached to any approval to reflect the above.

Environment Head of Service – No objection to the proposal.

Merseyside Police Architectural Liaison Officer – A number of comments have been provided following discussions with the agent for the application, the majority of which are matters that do not fall within the control of the Planning Authority (provision of lockable mail boxes inside the building, the position of utility meters etc). The Police make reference to all windows overlooking the car parking area to be clearly glazed to provide for passive surveillance of this area. This matter can be addressed through a condition attached to any approval.

Building Control – No issues.

## Neighbour Representations

Last date for replies: 7<sup>th</sup> March 2013 (expiration of site notice.)

Representations received: Neutral representation from Number 14c Prince Street that supports the redevelopment of the existing public house (described as an "eye sore") but expresses concern as to the impact of the works on their property.

Letter of objection from Number 11 York Street. This representation expresses concerns as to the impact of the proposal on highway safety and the provision of on-street car parking. In the absence of parking controls there are concerns that double parking may prevent emergency services and refuse vehicles from accessing York Street.

A petition of objection has been received with 29 signatures and is endorsed by Councillor Paul Cummins. The main areas of concern are car parking, access, height of the building, refuse collection and privacy. It is suggested that the number of flats be reduced to 10.

## Policy

The application site is situated in an area allocated as Primarily Residential on the Council's Adopted Unitary Development Plan.

AD1	Location of Development	AD2	Ensuring Choice of Travel	CS3	
	Development Principles	DQ1	Design	DQ3	Trees and
Development	DQ4	Public Greenspace and Development	DQ5	Sustainable	
Drainage Systems	EP6	Noise and Vibration	H10	Development in	
Primarily Residential Areas					
MD2	Conversion to Flats				
SPG	New Residential Development				

SPD	(Draft) Houses in Multiple Occupation (HMO) and Flats	
SPD	Green space, trees and development	RSS
Strategy		Regional Spatial
NPPF	National Planning Policy Framework	

## Comments

The main issues to consider in respect of this proposal are the principle of development, the impact on the character of the area through the appearance of the building, the impact on neighbouring residential amenity and the amenity to be provided to future occupiers of the flats.

### Principle of Development

As this site is within a Primarily Residential Area, Unitary Development Plan policy H10 states that residential development is acceptable in principle subject to it conforming to all other material considerations.

In addition, any proposal must be fully in accordance with ALL the aims and objectives of the National Planning Policy Framework. Where proposals do not meet specific criteria but are in compliance with others a balanced judgement will be taken by the Authority.

While the Authority cannot demonstrate a 5-year housing supply, this would not outweigh any proposal for residential development that was at odds with the Unitary Development and the National Planning Policy Framework.

### Character of the Area

The proposal seeks to alter a three-storey public house, with bays to the ground and first-floor to the Queen Street elevation to form a three-storey block of 15 (fifteen) self-contained flats, with those to the second-floor being duplex apartments with accommodation within the roofspace served by skylights.

Residential developments of three-storeys or more are common within this area and as such this proposal is not out of character in this regard.

The immediate area is residential in character, with commercial operations evident to surrounding roads. Although some of the proposed materials to be used in the external finish of the building are not present within facing residential properties – the proprietary insulation/rendered or plastic faced panels - the building will retain a residential appearance, aided by the fenestration of windows and the use of brown facing and common facing bricks to external walls.

Since the details of the external materials to be used have not been fully specified it is considered reasonable to require details of the external materials to be submitted to and approved by the Authority prior to development. This can be secured by condition attached to any approval.

### Neighbouring Residential Amenity

The two main issues to consider in respect of the impact on neighbouring residential amenity are overlooking from habitable room windows and overshadowing ground floor habitable room windows and private garden areas.

The key impact in terms of overlooking will be to Numbers 1, 3, 5 & 7 York Street that face the York Street elevation of the building. The front boundaries to these residential properties are sited 10m from the proposal site, with their front elevations a further 5m back to leave an existing separation distance of 15m.

Supplementary Planning Guidance 'New Housing Development' recommends that the distance between first-floor habitable room windows is no less than 21m, and that this distance increases by 5m for each additional floor.

The existing building, as evident on site and from the submitted drawings, has a number of window openings to the first and second floors (albeit those to the first-floor of the York Street elevation are currently blocked up). Given that the upper floors of the public house were used for residential occupation then a degree of overlooking would exist at present through the lawful use of this building. As such, a key consideration is whether or not this proposal would give rise to harm above and beyond that already existing and if so, whether this causes significant detrimental harm to the amenity of neighbouring residential properties that would warrant the application being refused consent.

The existing public house has a maximum ridge height of 10.3m with chimney stacks extending to 11.4m, the amendments as part of this proposal will seek to increase the ridge height of the building to 12.1m.

Concern has been raised by neighbouring properties as to the likely impact that this increase in height will have. The increase in ridge height will be centralised within the roofspace, and with regards to the outlook from the flats at Princes Street, this increase in height to the gable end facing the rear of the flat development will not cause significant harm. This is the case as the neighbouring development is three-stories in height, with the second-floor windows at a level that already look out to the blank gable end; an increase in height above this will not cause significant harm to outlook over and above that already existing, nor will it increase overshadowing to an unreasonable degree.

With regards to the impact on the residential dwellings to York Street, the building as it presently stands is grander than the facing properties, and this would have been apparent to any current occupier of these properties. The increase in height to the building will not, by virtue of its position to the east cause significant harm through overshadowing of habitable room windows over and above what will be currently experienced. With the increase in height being centralised within the roof, the impact will be reduced given the sloping roof.

The concerns of the neighbouring residential properties are understood, but the impact of the existing building and whether or not the alterations give rise to significant harm by themselves holds significant weight. For the reasoning set out above it is considered that the proposal will not, by itself, cause significant detrimental to residential amenity that would warrant refusal of the application on this matter.

### Amenity of Future Occupiers

All the living rooms to the flats are provided with sufficient levels of outlook and served by large windows at a reasonable height within the room. Given the constraints of the existing building, the outlook to Bedroom 1 to Flats 2, 7 & 12 will be limited as the windows will be positioned no more than 1.8m from a facing blank wall. This harm is offset to Flats 2 & 7 by an additional bedroom having sufficient outlook. With regards to Flat 12, the second bedroom is positioned within the roof accommodation and will be served by rooflights that will be set low within the room (sill at 1m head at 2m) and on balance this is considered to be an acceptable arrangement. In addition, this arrangement will not be imposed upon an existing resident but would be apparent to any future occupier of the flat. An acceptable outlook is achieved by other habitable rooms within the flats.

The amount of private garden areas within the site does not meet the standards set out within Supplementary Planning Guidance 'New Housing Development', but since an area of 450m<sup>2</sup> would ordinarily be required, it is evident that such a space could not ever be accommodated within this site. In considering this shortfall it is clear that the site is located close to a number of designated recreational areas such as Marine Gardens and the coastal park beyond that. The shortage of on-site garden areas will be apparent to any future occupier of the properties and as such, it is considered that on balance that this matter is not sufficient to warrant the refusal of the application.

### Other Matters

As this proposal will provide for a net increase of 14 (fourteen) residential units over the lawful use of the existing building, then it does not meet the threshold for the provision of affordable housing.

In order to comply with Unitary Development Plan policy DQ4 and Supplementary Planning Document 'Green space, trees and development', the proposal is required to provide a useable area of public green space within the development; as this cannot be provided then a commuted sum to provide for a new/enhanced area of green space within the locality is required. For the 2012/13 financial year the cost per residential unit for the commuted sum is £1,908.50, resulting in a total contribution of **£26,719**.

Consultation with Ward Members and Landscape Services is currently taking place. The results of which will be reported as a late representation.

In order to comply with Unitary Development Plan policy DQ3 and Supplementary Planning Document 'Green space, trees and development', 3 (three) trees are required to be planted within the application site for each new residential unit created. Therefore, there is a requirement to plant 42 trees within the site.

As is evident from submitted drawing DCI-5507-100-001 30 (thirty) trees are to be planted within the site, leaving a shortfall of 12 (twelve). In lieu of their provision on-site a commuted sum of £506.50 (2012/13 financial year) per tree is required, resulting in a total contribution of **£6,078**.

The Council's Leisure Services have stated that the commuted sum will be used for tree planting within the vicinity of the site.

The applicant has been asked if they are willing to enter the agreements and if they wish the agreements to be entered into prior to determination of the application or secured

through a condition attached to any approval. This will be reported as late representations.

In view of the above, it is considered that while elements of the proposal do not fully accord with the requirements of the National Planning Policy Framework or the Unitary Development Plan, the shortfall of private amenity space and the outlook from habitable rooms to Flat 12, on balance it provides for an acceptable scheme that will not cause significant detrimental harm to neighbouring residential amenity or to the character of the area. Therefore it is recommended that the proposal be granted subject to conditions.

## **Reasoned Justification**

When assessed against the National Planning Policy Framework and the Unitary Development Plan, particularly policies CS3, DQ1, DQ3, H10 & MD2, the proposal is acceptable as it will add to the housing supply within Sefton and will not cause significant detrimental harm to neighbouring residential amenity or to the character of the area.

## **Conditions**

1. T-1 Full Planning Permission Time Limit
2. Before any construction commences:- a) Samples of the roofing and facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. b) The materials approved under (a) above shall then be used in the construction of the development.
3. L-4 Landscape Implementation
4. Before the development is commenced, details of the vehicle access gates shall be submitted to and approved by the Local Planning Authority. The agreed boundary treatment shall then be completed before occupation or in accordance with an agreed timetable.
5. Notwithstanding the annotations shown on approved drawing DCI-5507-100-005 'Proposed Elevations' all habitable room windows to the south facing elevations of the development must be clearly glazed and maintained as such thereafter.
6. The existing vehicular access on to York Street shall be permanently closed off and the footway reinstated prior to the occupation of the development.
7. The proposed vehicular access to York Street must be completed before the development is occupied.
8. Unless otherwise agreed in writing by the Local Planning Authority, highway improvement works for the closing off of the existing redundant access and the reinstatement/reconstruction of the footway together with the provision of a new footway crossing on the east side of York Street must be completed before the occupation of the development.
9. Unless otherwise agreed in writing by the Local Planning Authority, highway improvement works for the removal of the redundant 'barrel drop' and the reconstruction of pedestrian footway on the east side of York Street must be completed before the occupation of the development.
10. H-6 Vehicle parking and manoeuvring

11. H-7 Cycle parking
12. M-6 Piling
13. S-106 Standard S106
14. X1 Compliance

## Reasons

1. RT-1
2. To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with policy DQ1 of the Sefton Unitary Development Plan.
3. RL-4
4. In the interests of privacy and visual amenity and to comply with Sefton UDP Policies CS3 & DQ1.
5. In order to enhance passive surveillance over the car parking area and to comply with Unitary Development Plan policies CS3, DQ1 & H10.
6. RH-1
7. RH-2
8. RH-5
9. RH-5
10. RH-6
11. RH-7
12. RM-6
13. RS-106
14. RX1

## Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for new property numbers.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or [development.control@sefton.gov.uk](mailto:development.control@sefton.gov.uk) for further information.

## Drawing Numbers

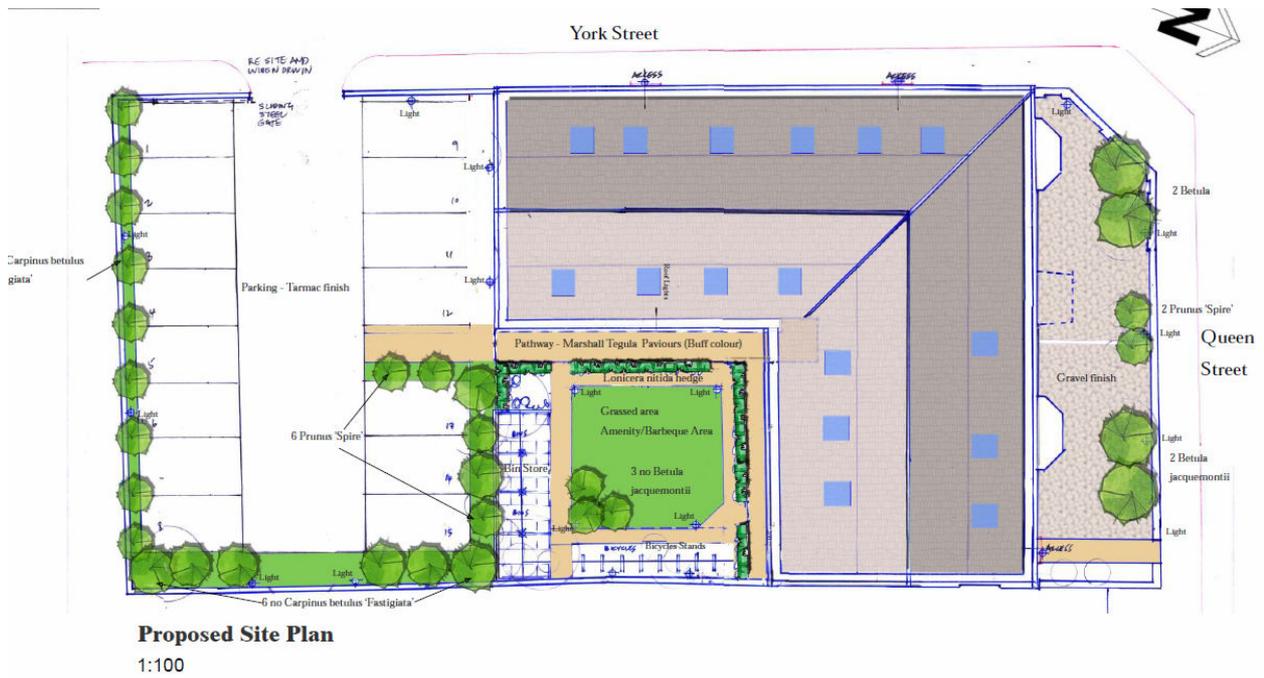
DCI-5507-100-001, DCI-5507-100-002, DCI-5507-100-003, DCI-5507-100-004, DCI-5507-100-005, DCI-5507-100-006.

# Existing site plan



<b>Sefton Council</b> Department of the <b>Built Environment</b> Jane Gowing Head of Planning Services	The Waterloo Tavern, Queen Street Waterloo L22 5PA (Type: FULM, PS: 7) OSGR: 331974, 397798		<b>Committee Site Plan</b> Scale: 1:2250 Date: 18/3/2013 Drawn By: berron Contact Officer: BMD Plan Ref: S/2013/0066 Ward(s): Church Postcode Sector(s): L22 5 Polling District(s): K2 Parish(es): None Found
	Sheets: 87C	Area: 972 sqm	© Crown copyright and database rights 2013 Ordnance Survey 100018192 Created by Sefton Council Planning Services using MapInfo Professional

# Proposed site plan



Neil Mackie Case Manager.

Gary Robinson Applicant.

14/2/2013

Ref: York Street Waterloo Tavern Pub. Ref: S/2013/0066

14 FEB 2013

PLANNING DEPARTMENT

Issues to consider.

The number of flats in the property and the people within will exceed the amount of provisions that can be made. In the following points we ask you to not only consider them but also to answer how you will resolve them.

- 1) No of flats reduced to 10 flats/apartments.
- 2) The car parking for the proposed number of flats be reduced to 10 flats. There would not be enough room to accommodate 15 Flats/apartments, therefore cars would have to use the road, and this is neither wide enough nor unused already. This would also cause difficulties for the present occupiers to have visitors themselves.
- 3) The road is not wide enough to accommodate emergency vehicles with parking being proposed on both sides of the road. Access would be restricted.
- 4) The height of the roof would take light away from the houses at the near end of York Street, and also the properties behind the proposed flats/apartments. By reducing the number of flats/apartments to 10 would mean the roof does not need to be changed.
- 5) Rubbish collection would need to be organized and to ensure that the greatly increased use of this service be considered and catered for and also organized so rubbish is not left on the street.
- 6) A warden or maintenance service would need to be in place to maintain the building and the day to day running so this does not become an eyesore and can be contacted at any time to attend to circumstances that need attention immediately.
- 7) Entrance to the off road car parking either be redesigned so vehicles can be off road whilst waiting to enter the property, or be moved around to the front of the building (Prince Street) with an archway to allow access to the car park, (similar to a building in Walmer road). This would be by a small alley way to be created in the front of the building (Prince Street), to the inner courtyard.
- 8) The privacy of houses would be compromised as bedrooms to the houses would be viewable from the flats/apartments living room windows. Although there are windows presently in the building, they were not used as living areas. If they are changed to living areas, there would be a greatly increased use, and therefore the privacy would be severely reduced to any building the windows will over look.

This petition is endorsed by councillor Paul Cummins and he is happy to add his name to the petition.

Petition 2013 Waterloo Tavern Pub.

Name	Address	Signature	Date
N. E. Myers	5. York Street WATERLOO L22 SPD		6/3/2013
A. M. SCALF	11 York St L22 SPD		9/3/2013
C. WIVEL	11 York St. WILCO L22 SPD		9/3/2013
K. MEDFALF	11 York St. WILCO L22 SPD		9.3.2013
P. Doran	St Amoury Rd		10/3/2013
M. Ruth	2 GUIN RD		10/3/2013
J. Doran	5 ROSSINI ST SEAFORD		10/2/13
C. OWENS	5 ROSSINI ST SEAFORD		10/3/13
H. DORAN	55 WOODEND AVE		10/3/13
M. DORAN	55 WOODEND AVE		10-3-13
J. Doran	2 John Hartburn		
E. Doran	54 Amoury Road		10-3-13
S. DORAN	74 MOLYNEUX		10-3-13
A. Ruth	2 Guin Road		10-3-13.
K. Williams	15 Guin Road		10/3/13
J. CAPSTICK	38 Woodend Ave		10/03/13
A. Capstick	38 Woodend Ave Crayke		10.03.13.
P. Thomas	1 York St		11-3-13
C. Thomas	1 York St		11-3-13
K. Thomas	1 York St		11-3-13
D. Thomas	1 York St.		11-3-13.
Ken Young	15 Queen St		12/3/13
J. Redmond	17 Queen St.		12/3/13