

**Report to:** PLANNING COMMITTEE                      **Date of Meeting:** 30<sup>th</sup> June 2021

**Subject:** [DC/2020/02009](#)  
[Laburnum Public House, 92 Litherland Road, Bootle, L20 3HZ](#)

**Proposal:** Change of use of the existing vacant Public House (Sui Generis) to 8 self-contained flats (C3) including rear balconies.

**Applicant:** Mr Bhatti    **Agent:** Mr Joseph Clayton  
RKS Investments London Ltd    Clayton Architecture Limited

**Ward:** Derby Ward    **Type:** Full Application

**Reason for Committee Determination:** Call-in by Councillor Robinson

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## Summary

The application is to convert the former public house into eight self-contained flats. The building is a Non-Designated Heritage Asset within Derby Park Conservation Area and steps have been taken to ensure a scheme which on balance ensures a good standard of living for future occupiers and also preserves the character and appearance of the conservation area and the aspects which contribute to the significance of the building. Various amendments have been made to the application following a viability assessment including the removal of a second-floor extension which ensures the existing roof is retained.

Overall as the proposal would bring into use a vacant heritage asset this is afforded significant weight in the planning balance, the level of outdoor amenity space provided for the flats is around half the Council's standards however this is constrained by the dense urban grain and has been extended as far as practicable, while the applicant has agreed to create a high-quality, well-lit external yard area. The proposal is considered to comply with adopted local and national policy and is therefore recommended for approval.

## Recommendation: Approve with Conditions

**Case Officer** Steven Healey

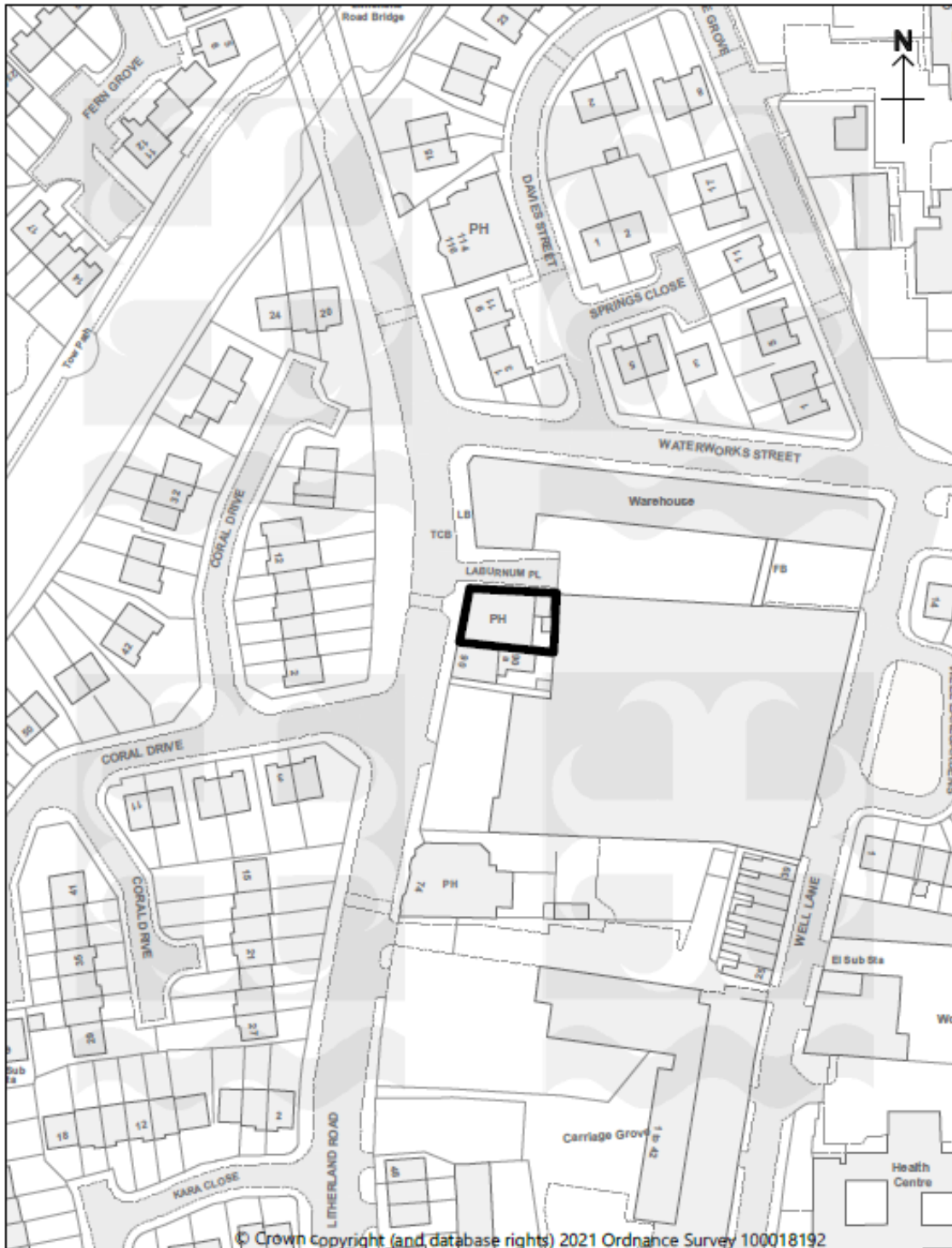
**Email** [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone** 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QHSCH4NWMCI00>

## Site Location Plan



## The Site

The application site comprises the now vacant Laburnum Public House at Litherland Road within Derby Park Conservation Area, Bootle.

## History

Planning permission granted in April 1986 for a single storey extension to the rear of the public house (reference S/25837).

## Consultations

### Conservation

No objection subject to conditions.

### Environmental Health Manager

No objection subject to conditions.

### Highways Manager

No objection.

## Neighbour Representations

Objection received from Davies Products Ltd on the ground of lack of parking and likelihood of future occupiers parking on Laburnum Place and blocking access to existing businesses. Concerns raised over construction traffic and skips causing the same issues.

## Policy Context

The application site lies within an area designated as Primarily Residential Area in the Sefton Local Plan which was adopted by the Council in April 2017.

## Assessment of the Proposal

The proposal is to convert the former public house into eight self-contained flats. The application was originally submitted with the addition of a second-floor extension and separate townhouse to be positioned on the rear yard area (four units in total) however these were omitted from the scheme for reasons explained later in the report. The main issue to consider is the impact on the character and appearance of Derby Park Conservation Area alongside the living conditions of future occupiers.

## **Principle of Development**

The application site is situated within a Primarily Residential Area subject to Local Plan policy HC3 where development of flats are considered acceptable in principle.

## **Design, Character and Heritage Impacts**

The application site is a purpose-built Victorian-era public house which is stated as making a positive contribution to the appearance and character of Derby Park Conservation Area within the 2007 Conservation Area Appraisal. As such it can be deemed a Non-Designated Heritage Asset. It is largely encompassed by the extensive former tannery buildings at Laburnum Place. The opposite side of Litherland Road lies outside of the Conservation Area boundary and is characterised by relatively modern semi-detached and terrace two-storey housing.

Local Plan policy NH12 states that 'development within conservation areas or affecting their setting will only be permitted where the proposal is of high-quality design and preserves or enhances the character or appearance of the conservation area or its setting'. Policy NH15 similarly states 'Development affecting a non-designated heritage asset or its setting, will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced.'

The National Planning Policy Framework requires harm to heritage assets to be weighed against public benefit, including securing the optimum viable use of the building. The proposal as originally submitted included a modern second-floor extension which the Conservation Officer considered to be of good quality forming an 'interesting relationship between the old and new', although noted that an element of harm was caused by virtue of removing the original slate roof.

A viability appraisal was conducted by the Council's external consultants in order to ascertain the quantum of development required in order to ensure a viable scheme and retain the building. It was concluded that the conversion of the building to eight flats would most likely prove unviable, and that this would be unaffected by the construction of three flats within a rooftop extension as the cost of building this would provide a limited return to the developer. As a result, and for reasons of residential amenity explained further below, the applicant removed the second-floor extension from the proposal so as to retain the existing roof structure. The proposed balconies to the rear at first floor level would result in minimal visual impact.

The proposal originally involved the replacement of all windows with uPVC, however following discussions it has been agreed that the ground floor timber frame windows can be retained with replacement uPVC sliding sash to upper windows only. This is supported by the Conservation Officer subject to details and samples being agreed. The ornate pillars and decorative features at ground floor level are considered to be the key aspects of the building which contribute to its significance, these would be retained as part of the proposal.

Overall, there is considered to be little prospect of the building being brought back into use as a public house. The proposed re-use as flats would ensure the building is preserved and although the Council's viability consultant has concluded that a development of eight flats would likely prove unviable, there are various ways in which a developer could ultimately recoup costs, while obtaining planning permission in itself would nevertheless prove beneficial by increasing value of the building. The proposal has been amended so as to retain the existing roof and original external features.

The proposal would preserve a Non-Designated Heritage Asset and the character and appearance of Derby Park Conservation Area. The re-use of the building is supported and overall the proposal is considered to comply with Local Plan policies EQ2 (Design), NH12 (Conservation Areas) and NH15 (Non-Designated Heritage Assets).

### **Living Conditions of Future Residents and Impacts on Neighbours**

Local Plan Policy HC4 is accompanied by Supplementary Planning Document (SPD) 'Flats and HMOs' which features guidance on acceptable living standards such as room sizes and outdoor space provision.

In regard to internal living conditions, all 8 flats are one-bedroom and exceed the Council's 38sqm gross internal floor space standards. All bedrooms are double and exceed the 10.5sqm standard. In terms of outlook and availability of light most of the flats would be offered a good standard of amenity. Unit 3 is the rearmost ground floor flat which would see its outlook constrained by the blank wall of the former tannery building at a distance of 5m. Nevertheless, it would benefit from direct access to the outdoor amenity space. The flats above would be less constrained as the tannery building is only two storey in height with a roof sloping away from the application site.

The Environmental Health Manager has reviewed the proposal and has raised no objection in principle requesting a scheme of enhanced soundproofing to partition walls and ceilings where bedrooms adjoining living spaces of neighbouring flats and vice versa. This can be secured by condition. The adjoining building is undergoing conversion to a House in Multiple Occupation and is required to install soundproofing to the party wall therefore it is not necessary to duplicate this requirement. This development was required to provide acoustic glazing due to external activities associated with the application site whilst in use as a public house.

In regard to outdoor amenity space, the Council's guidance recommends 160sqm for 8 flats, however the proposal only provides 74sqm, equating to just over 9sqm each. This is a significant shortfall, however constitutes an improvement to the original proposal which included a townhouse covering much of the rear yard. This has been omitted with balconies introduced to the rear elevation at first floor level. In addition to this, the second-floor roof-top extension which was originally proposed has also been omitted, as while these benefited from private balconies only one of three flats benefit from outdoor space in excess of the Council's standards.

In regard to outdoor space the Council's guidance states in limited circumstances a lower amount of amenity space will be accepted but that in no circumstances will a significant shortfall be accepted. The guidance supports a limited shortfall in accessible and sustainable locations and where a vacant building

would be brought back into use with associated public benefit. Both of these points apply however the shortfall is significant which conflicts with the Council's guidance and to a degree the provisions of the associated Local Plan policy HC4 (Conversions to flats and Houses in Multiple Occupation).

## **Other Matters**

### Transportation and Highway Safety

The application has been reviewed by the Council's Highways Manager who has raised no objection on highway safety grounds. The applicant has submitted an Accessibility Checklist which on a development of this scale justifies a car-free development given the accessibility to public transportation and local amenities. There is considered to be sufficient space within the building and each apartment for cycle storage so as to not reduce the area of amenity space at the rear.

There is also residents' only parking available on Litherland Road. Concerns have been raised over parking on Laburnum Place and blocking access to businesses. The Council has however recently confirmed that double yellow lines will be introduced to both sides of the entire length of Laburnum Place so as to prevent this.

## **Planning Balance and Conclusion**

The proposed development has been amended so as to remove the only element which caused harm to aspects which contribute to the significance of the Non-Designated Heritage Asset (i.e. the second-floor extension has been removed to retain the existing roof). Aside from this original windows are to be retained and repaired at ground floor level with ornate and decorative detailing also to be retained. Overall the proposal brings into use a vacant heritage asset, preserving both the building and character and appearance of the surrounding Conservation Area.

In regard to residential amenity, the identified shortfalls include a substandard separation distance to a blank wall and substandard outdoor amenity space. The applicant has increased the level of outdoor space as far as possible. Planning Services also requested that the layout of the ground floor be adjusted so as to reduce the number of units further and improve outlook, however they have been able to demonstrate that this would further harm viability meaning that the building would otherwise remain vacant.

The shortfall in outdoor amenity space in particular is significant however in this instance the development presents a clear and significant benefit by virtue of preserving a Non-Designated Heritage Asset within a Conservation Area.

The site is in an accessible and sustainable location and given the constraints of the highly urbanised site, the area of outdoor amenity space has been fully maximised. To reduce the number of units further would undoubtedly render the scheme even more unviable leaving the building vacant and therefore the heritage benefits of the proposal are considered to outweigh the lack of outdoor space in this situation. Overall and on balance it is considered that the proposal complies with the Local Plan and provisions of the National Planning Policy Framework.

## Recommendation - Approve with Conditions

### Conditions

This application has been recommended for approval subject to the following conditions and associated reasons:

#### Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

#### Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents: Location and Site Plan (299-01) and Proposed Plans and Elevations (299-03 Rev E).

Reason: For the avoidance of doubt.

#### During Building Works

- 3) Existing ground floor windows must be retained and repaired like for like. Replacement first floor windows must be sliding sash with disguised sliding rebates, slim profile, deep bottom rails, run-through sash horns, butt-jointed/mortice and tenon appearance welds, finished in an off white 'timber-effect' foil with matching spacer bars. Detailed scale drawings of the replacement windows must be submitted to and approved in writing by the Local Planning Authority. The approved windows shall be implemented within the development and be retained thereafter.

Reason: In the interest of visual amenity and in order to preserve the historic interest of the building.

- 4) Existing brickwork and stonework must be retained and any repair work or pointing carried out on a like for like basis.

Reason: In the interest of visual amenity and in order to preserve the historic interest of the building.

#### Prior to Occupation of Development

- 5) Prior to occupation of any part of the development, and notwithstanding the detail contained on the Proposed Plans a detailed landscaping scheme covering the rear yard area shall be submitted to and

approved in writing by the Local Planning Authority, including details of hard and soft landscaping, associated planting (size, species and location), lighting and furniture. The approved scheme shall be implemented prior to occupation of development.

Reason: In order to ensure satisfactory living conditions.

- 6) Prior to the approved change of use taking place a scheme of soundproofing which protects the living conditions of future occupiers shall be submitted to and approved in writing by the Local Planning Authority. Where bedrooms are adjacent to kitchens or lounges an enhancement of at least 10dB above the standards set out under Approved Document E of the Building Regulations shall be achieved. The approved scheme shall be installed prior to occupation and be retained thereafter as such.

Reason: In order to prevent undue noise and disturbance to future residents.

- 7) No apartment shall be occupied until details of full fibre broadband connections to all proposed apartments within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any apartment in accordance with the approved details.

Reason: To ensure adequate broadband infrastructure for the new apartments and to facilitate economic growth.