

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0918**
55-57 Merton Road, Bootle
(Linacre Ward)

Proposal: Continuation of existing use of premises

Applicant: Mr Steve Latham

Executive Summary

The application is for planning permission for the continuation of the existing use of the premises. The applicant maintains that the current use is as a House in Multiple Occupation (HMO). However, it is the opinion of the Planning Director that the accommodation in part constitutes self-contained flats. The site is a detached property and the intensity of use is not considered to be acceptable in terms of the level of accommodation provided and the impact on the surrounding area. The application is recommended for refusal.

Recommendation(s) Refusal

Reasons

1. The existing use of the premises as 18 self-contained flats and an HMO consisting of 3 letting rooms results in low level of residential amenity for occupants of the premises. As such the proposal fails to provide the required level of residential amenity and fails to comply with policies CS3, MD2 and MD3 of the adopted Sefton UDP.
2. The existing use as 18 self-contained flats and and HMO of 3 rooms is detrimental to the character of the surrounding area and fails to preserve or enhance the character and appearance of the Derby Park Conservation Area. It therefore fails to comply with policies CS3, DQ1 and HC1 of the adopted Sefton UDP.
3. The existing use fails to provide for trees and Greenspace, or a commuted sum paid in lieu of on-site provision and therefore fails to comply with policies DQ3 and DQ4 of the adopted Sefton UDP.

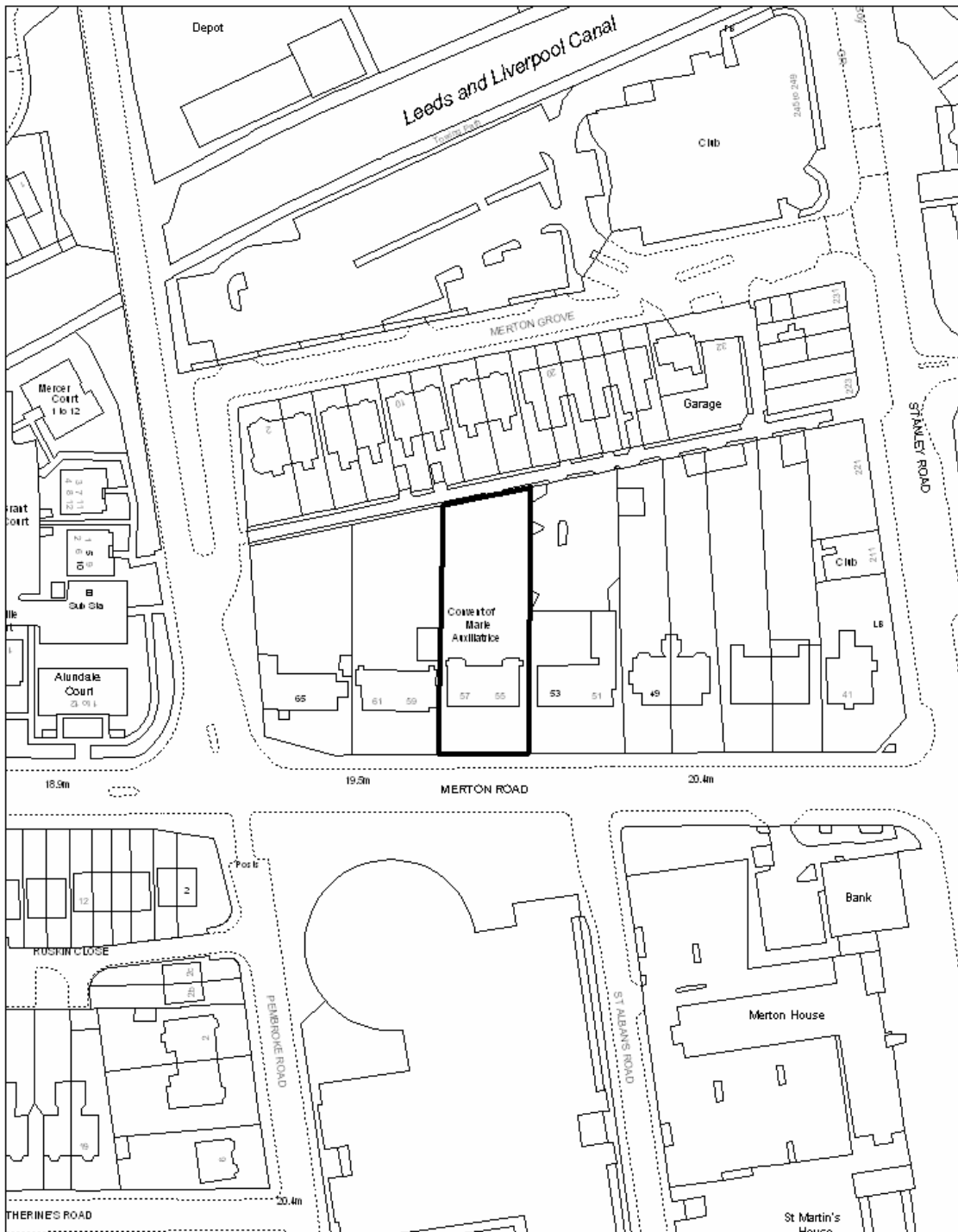
Drawing Numbers

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council
Planning & Economic
Regeneration Department
 Andy Wallis - Director
Planning & Economic Regeneration is part of the
 Regeneration & Environmental Services Directorate

S/2010/0918
 55-57 Merton Road
 Bootle
 L20 7AP
 OSGR: 334237, 395163 Sheets: 506 Area: 1460 sqm

Standard Site Plan
 Scale: 1:1250
 Date: 3/8/2010
 Drawn By: EBERT on

Ward(s): Inacre
 Postcode Sector(s): L20 7
 Polling District(s): JS
 Parish(es): None Found

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The Site

The site forms a large 3 storey detached Victoria building, formerly occupied as a convent. It is positioned on the northern side of Merton Road. To the rear of the property is a large rear garden, backing onto an alley way at the rear of Merton Grove, a street of residential properties.

Part of the original rear garden of 55-57 Merton Road has been separated from the remainder of the site with a fence dividing the two parts of the site. Planning permission has been granted on appeal on 8 April 2010 for the erection of a two-storey office building (ref S/2009/0624).

The character of the surrounding area is mixed, with a large office building on the opposite side of the road to the south, an office to the east (51-53 Merton Road – check) and a residential institution to the west at 59-61 Merton Road. Known as Bosco House, this provides residential accommodation for individuals aged 17 years or over with a history of drug and alcohol abuse.

Proposal

The continuation of the existing use of the premises.

History

The last lawful use of the premises was as a convent. This use ceased in 2008 Following the closure of the convent the premises were occupied on a temporary basis as a hostel, accommodating residents from the neighbouring building, Bosco House whilst this building underwent major refurbishment works.

S/2009/0624 Erection of 2 storey office building on land to the rear of 55-57 Merton Road Refused 15/10/09, Allowed on appeal

Consultations

Highways – Development Control: No objection as there are no highway safety implications

Environmental Protection Director: no objections

Neighbour Representations

Last date for replies: 29 July 2010
Press Advert expired : 12 August 2010
Site Notice expires : 27 August 2010

Policy

The application site is situated in an area allocated as Bootle Central Area on the Council's Adopted Unitary Development Plan. The site also forms part of the Derby Park Conservation Area.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
HC1	Development in Conservation Areas
MD2	Conversion to Flats
MD3	Housing in Multiple Occupation
EDT10	Bootle Central Area
H10	Residential Development and Development in Residential Areas
H12	Residential Density
UP1	Development in Urban Priority Areas
SPG	New Housing Development
SPD	Trees, Greenspace and Development

Interim Planning Guidance New Housing in South Sefton

Comments

The building has been converted to a mixture of 18 self-contained flats and 3 rooms with shared kitchen and bathroom facilities. This accommodation is laid out as:

Ground Floor	6 self-contained units / flats. These are identified on the accompanying plan as Rooms 1, 2, 3, 4, 5 and 6. There are also additional shared washroom facilities at ground floor.
First Floor	8 self-contained units / flats. These are identified on the accompanying plan as Rooms 7, 8, 9, 10, 11, 12, 13 and 14
Second Floor	4 self-contained units / flats. These are identified on the accompanying plan as Rooms 16, 17, 19 and 20. Also 3 bedrooms with shared kitchen and facilities on the second floor, identified on the plan as Rooms 15, 18 and 21.

Each of the self contained flats (identified on the plans as Rooms 1 to 14 inclusive and rooms 16, 17, 19 and 20) includes a combined bedroom / living area, with an 'Elfin' kitchen unit (a combined unit which contains water supply, sink, drainer, hob, microwave, fridge and extractor fan) and separate washroom facility. The washroom and shower facilities typically contain a shower, toilet and what appears to be a sink. Each of these flats has its own lockable door. It is understood that occupants are single people, each with a separate tenancy agreement with the landlord.

The units in question contain all the necessary facilities for day-to-day independent domestic existence. Each of these units have secure and separate access ie locks on doors, such that occupants of each unit only have access to their own accommodation. Occupants of these units (all except Rooms 15, 18 and 21) do not share facilities with other people and therefore occupy their accommodation as an individual household. Therefore these units are considered to be self contained units of accommodation, which thereby each constitute a single dwelling.

By contrast, three rooms at second floor level (Rooms 15, 18 and 21) do not include washroom or kitchen facilities. The only private accommodation to which the occupants have secure access (ie a locked door) is a single room providing a combined bedroom and living area. Shared kitchen and bathroom facilities are available on this floor. These rooms are considered to form part of the House in Multiple Occupation.

Therefore whilst the application has been made for a 'Continuation of use as a House in Multiple Occupation', it is considered that the existing layout of the premises as indicated on the submitted plans is in fact as 18 self-contained flats and an HMO of 3 letting rooms. The application is therefore considered on that basis.

Standard of Accommodation

Policy UP1: Development in Urban Priority Areas established the need to pay particular attention to the quality of development in the areas suffering from social and economic deprivation, designated as Urban Priority Areas. The site falls into the Urban Priority designation. Policy UP1 states that development must have regard to 'maintaining and where appropriate increasing the choice of good quality housing to meet the needs of current and future households' (criterion 3 b)

The development at 55-57 Merton Road fails to even maintain a suitable level of quality in the accommodation provided.

Policy EDT10: Bootle Central Area in principle allows for a mixture of uses within the designated area, all of which should be consistent with and make a positive contribution to a number of matters including a 'high level of amenity for the residential areas within the Central Area' (criterion 1e). Consequently, the principle of residential use can be acceptable in this location, provided that it meets this test of providing for a high level of amenity'.

The use of the premises as existing does not constitute a high quality development which provides a high level of amenity. Indeed the level of residential amenity for occupants of the dwellings is particularly poor.

Policy H10 allows for residential development where 'it can be demonstrated that such development would be consistent with the aims and objectives of the Plan', in this case notably policy EDT10. However, any proposal for housing must 'demonstrate that 'it would result in an acceptable residential environment' (criterion 2c). Furthermore, supporting paragraph 6.71 to policy H10 maintains that '*All residential development must have certain minimum levels of privacy and amenity, for example in terms of garden space, outlook, light, accessibility ... and a lack of*

disturbance'.

Again, it is contended that the development is of very poor quality in terms of the level of amenity afforded to its residents.

Interim Planning Guidance: New Housing in South Sefton aims to raise the standard of residential accommodation with improved levels of residential amenity and seeks to secure higher quality developments in order to aid the regeneration of the south Sefton area. The development subject of the appeal fails to meet the minimum levels of amenity required by this guidance including the size and number of habitable rooms.

This guidance seeks self-contained flats to have a minimum of 2 bedrooms. Section 3.3 states that: '**In order to provide flexibility to cater for changing circumstances, and to create dwellings with a sustainable long-term future, we will not normally approve one-bedroom units**'.

Paragraph 3.4 goes on to state that new dwellings including flats and houses should have a minimum of 3 / 4 habitable rooms (i.e. kitchen / living area, bedroom, and one other room' and a minimum floor area of 57 sq metres (paragraph 7.11).

Furthermore, 'Dwellings with only one bedroom or with fewer than 3 habitable rooms will only be acceptable in exceptional circumstances and should be fully justified'.

SPG: New Housing Development sets out in detail the minimum standards the Local Planning Authority would expect any new dwelling to achieve, whether a house or a flat. These standards include the level of outlook from habitable rooms and the minimum private garden area capable of being used by occupants of new houses or flats.

As self-contained flats, units 1-14, 16, 17, 19 and 20 have a minimal level of amenities. The bedroom and living room area is combined and includes the kitchen area. As such each flat contains only one habitable room. This is an extremely low level of accommodation, minimal even for single occupation. It clearly fails to comply with the Council's guidance contained in Interim Planning Guidance: New Housing in South Sefton.

The mere fact that all facilities needed for day-to-day existence are crammed into one habitable room in itself provides a level of accommodation more akin to nineteenth century standards. The principle of the formation of self-contained flats in a single room provides a cramped, sub-standard and inadequate levels of accommodation for any resident.

The size of the habitable area of each of these flats ie bedroom, living room and kitchen ranges between approximately 12 and 24 sq metres. The minimum standard for flats set out in Interim Planning Guidance is 57 sq metres. Therefore not only does the number of rooms fail to comply with the minimum for flats in this area, the

one room that is provided, fails to comply with even the minimum standard of a single habitable room.

Deviations from the standards set in the Interim Planning Guidance have not been justified in any way by the applicant. The mere fact that the development constitutes a conversion of any existing building does not warrant the wholesale disregard of these amenity standards and failure to provide for a minimum level of residential amenity. The development clearly provides a cramped, sub-standard level of accommodation to the detriment of the amenity of any resident.

In addition, the level of outlook from some of the habitable rooms is inadequate.

The following rooms have only a single window in the side elevation of the building

Ground floor	rooms 1 and 4
Second floor	rooms 18 and 21

These windows look directly onto the neighbouring buildings at distances of approximately 4 metres to the east and 2 metres to the west.

In order to achieve a minimum level of outlook, SPG: New Housing Development requires all habitable room windows (including living rooms, bedrooms and kitchens) facing walls of neighbouring properties to have a minimum distance 12 metres. Where there are habitable room windows facing each other, this distance is increased to 21 metres.

The distance of the flats identified on the plans as rooms 1, 4, 18 and 21 between only 2 and 4 metres from the neighbouring buildings fails these recommended standards significantly and provide an abysmally poor outlook from these habitable rooms. The effect of this low level of amenity is exacerbated when it is considered that these rooms are not merely one room of a larger residential unit, but represent the only habitable room for occupants of these flats.

Furthermore, rooms 15, 16 and 17 only have a single rooflight as the only means of outlook from the habitable rooms. These rooflights will provide a view of the sky only. Given that this is this only window available for each occupant ie the only means of outlook from all habitable space, this is regarded as a significant failure to comply with the Council's adopted guidance in SPG: New Housing Development and constitutes a very poor level of residential amenity for the occupants of these units.

SPG: New Housing Development also seeks a minimum garden area of 30 sq metres each for flats. This development would therefore require a minimum of 540 sq metres of private garden space. The appeal site, whilst large, fails to meet this standard, by providing only 418 sq metres, a shortfall of 122 sq metres. Whilst this alone may not constitute a reason for refusal, given the central location of the site, it does add to the body of evidence indicating that the density of development and intensity of use of the site is too great.

Land to the rear has been severed from the application site for an office development, subject to planning application S/2009/0624. The office development

was granted on appeal, the Council having refused planning permission. The decision to allow the office development did not have regard for the potential use of the existing premises at 55-57 Merton Road and effectively divide the plot into two separate halves. This substantially reduces the amount of amenity space available for the occupants of 55-57 Merton Road. The amount of amenity space available for residential properties can be an important factor in assessing the level of amenity to be experienced by occupants of that accommodation and as an indicator of the density of development.

Amenities of Neighbouring Properties

Policy CS3: Development Principles states that development will not be permitted if it would 'cause significant harm to amenity or to the character and appearance of the area' (criterion (bii)).

Of particular concern is the impact on the residential amenities of residents of Bosco House to the west.

The intensity of use of the appeal premises for a minimum of 21 single occupants is considerable and will result in disturbance from comings and goings at any time. The occupation of 18 flats and 3 letting rooms by 21 separate households creates a far more intense use of the site than by a single community of people, living collectively with rules in terms of conduct and a daily timetable. The number of occupants could reach a maximum of 29.

The level of activity on the site, noise from occupation and comings and goings to the site, at any time of day will cause disturbance to the residents of Bosco House and thereby fail to comply with policy CS3.

Character of the surrounding area

Policy CS3 states that development will not be permitted where it would:

(ii) cause significant harm to amenity or to the character or appearance of the surrounding area.

Policy DQ1: Design seeks good quality developments that make a 'positive contribution to the character of the area'

Policy HC1 requires that all development preserves or enhances the character and appearance of the Conservation Area

With regard to the density of development, without including the 3 shared rooms of the HMO, the 18 flats at the site constitute an approximate density of 190 dwellings per hectare (site area 946 sq metres). Policy H12 states that developments with densities of more than 30-50 dwellings per hectare will be allowed in appropriate, central and accessible locations. Nevertheless, paragraph 6.83 supporting this policy states that:

'In all cases, the Council wishes to encourage high quality development and, in

order to achieve higher densities, an innovative approach to design may be needed’.

The development is far in excess of the recommended range of densities and is a clear indicator that the development represents an over-intensive use of the site, which constitutes over-development.

Recent advice from Government indicates the coalition Government’s preference for lower density development where appropriate by removing the requirement for a minimum of 30 dwellings per hectare as a minimum.

The Derby Park Conservation Area Appraisal describes the site as forming part of Zone 3 ‘Suburbs’ described as larger detached and semi-detached buildings which share common features and give them a uniformity of character such as window surrounds. 55-57 Merton Road is identified as a ‘building which has suffered inappropriate alterations but still makes a positive contribution to the character of the area’.

The development subject of this application threatens the positive contribution this building makes to the Conservation Area.

In respect of the failure of the development to preserve or enhance character and appearance of the Conservation Area, Policy HE7.5 of PPS 5: Planning for the Historic Environment states that ‘Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and *use*. (italics added). Therefore the *use* of a premises can contribute towards or detract from the character of the surrounding area in addition to the external physical appearance.

With regard to physical alterations at the site, the area to the front of 57 Merton Road has been laid with block paving. This extends the hardsurfaced area along the frontage of both properties. This hardsurfaced area effectively provides car parking for a maximum of 6 vehicles, with vehicular access achieved via the frontage to 55 Merton Road.

The formation of 18 self-contained flats and 3 additional letting rooms creates 21 households at these premises. The density of the development will undoubtedly create a pressure for car parking on site which would be reduced if the building contained fewer residential units.

The removal of soft landscaping and its replacement with hard-surfacing has a negative effect on the character and appearance of the surrounding Conservation Area.

The hard-surfacing of front gardens and consequent loss of front boundary walls is

recognised in the Derby Park Conservation Area Appraisal as being a threat to the character of the area (paragraph 8.4). Furthermore, the Conservation Area Appraisal also highlights the volume and speed of traffic having a detrimental effect on the quality of the area (paragraph 8.4). The formation of 21 households in one building will undoubtedly add to the number of vehicular movements within the vicinity, to the detriment of the character of the area.

Whilst it is accepted that the site is in a central location and as such the need to provide on-site car parking should be minimal, 21 separate households will inevitably create a pressure for some car parking to be made available. The availability of space for car parking to the rear has been halved by the severing of the land to the rear and the grant of planning permission for an office development (ref S/2009/0467). This increases the pressure for physical alterations to the front of the premises, exacerbating the impact on the Conservation Area.

Trees and Greenspace

Policy DQ3: Trees and Development requires that 3 trees are planted for each new dwelling. Where these cannot be planted on site, the procedure set out in the adopted SPD: Trees, Greenspace and Development requires the site owner to enter into a S106 legal agreement to secure a payment of £460 per tree (at current rates).

The total number of trees therefore required to be planted is 54 (18 x 3 = 54 trees). At £460 per tree, the total cost of the commuted sum payment sought by the Local Planning Authority is £24,840.

It is accepted that some of these trees could be planted in the rear garden. However, without a submitted plan indicating the species, size and location of trees to be planted, the commuted sum is calculated on the basis of the total number of trees being planted off site.

In this case, the owner of the site has not planted these trees on site nor has he submitted a plan indicating the intention to plant trees or indicated a willingness to enter into a S106 legal agreement. Consequently, the development fails to comply with adopted policy DQ3.

Furthermore, the Derby Park Conservation Area Appraisal highlights that 'the contribution which planting makes to the character of the area is .. considerable. Certain roads are particularly wide and would visually benefit from trees. The planting of trees within the pavement zone on these roads might therefore be considered. This would be particularly effective along . Merton Road - trees either side of the road would help to reduce the harshness of the road, deaden the noise and would help to signify the 'specialness' of the road (as part of a Conservation Area). It would also help to unite the whole road either side of Stanley Road and minimise the impact of the more modern buildings on the view of Christ Church' (paragraph number 8.6).

In addition, policy DQ4: Greenspace and Development seeks either the provision of greenspace on site or a contribution towards off site Greenspace. This is an addition

to private amenity space. For development containing between 5 and 50 dwellings, the Council expects a contribution to be made, secured by a S106 legal agreement at a rate of £1,734.50 per dwelling. In this case, the Council would seek a contribution of £31,221. Details of the relevant procedure and the method of calculating the commuted sums are set out in SPD: Trees, Greenspace and Development.

Other Regulations

Regulations contained in the Housing Act 2004, the Planning Acts and Building Regulations must all be complied with individually and independently. Thus any premises classified for the purpose of the Housing Act as constituting a House in Multiple Occupation will not necessarily be regarded as an HMO for the purposes of the Planning or Building Control Regulations. The issuing of an HMO license in accordance with the Housing Act does not necessarily result in the premises being classified as an HMO in respect of Planning legislation, advice and case law, such as in this case.

Conclusion

In conclusion, the development as undertaken constitutes a change of use from a convent to a mixed use of 18 self-contained flats and a House in Multiple Occupation consisting of 3 letting rooms.

The principle of the conversion of 55-57 Merton Road to a House in Multiple Occupation may be acceptable in this central location. However, the plans as submitted do not indicate a HMO but rather a mixture of 18 self-contained flats and an HMO consisting of 3 letting rooms. The level of amenity for occupants of the premises is poor and the physical alterations to the front of the building fail to preserve or enhance the character and appearance of the Conservation Area.

However, the intensity of use; the extremely low level of amenities for occupants of the flats and letting rooms; the impact on the amenity of neighbouring occupiers; the failure to plant trees in accordance with policy DQ3 or make a payment towards offsite Greenspace in accordance with policy DQ4 and the effect of the development on the character of the surrounding area, including the Derby Park Conservation Area combine to produce a development which provides for cramped, sub-standard residential accommodation which has a significantly negative effect on the amenities of neighbouring properties and the character of the surrounding area.

Recommendation

Delegated authority to refuse subject to the expiry of the site notice.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Mrs A Dimba Telephone 0151 934 2202**