

Recommendation: Approve with conditions

Case Officer Rob Cooper

Email 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=RBTHOFNW08000>

Site Location Plan



Sefton Council



Reference: DC/2022/01276
Date: 05/12/2022
Scale: 1:1250
Created by: MB

DC/2022/01276

5 and 5A Bury Road

Southport PR8 4EP

The Site

The application site is located on the corner of Bury Road and Matlock Road in Birkdale. The site comprises a retail shop (no. 5) and a dwellinghouse (No. 5a). To the front of the shop is an existing block paved area which has been used for parking, the front of the dwelling is also hard surfaced.

History

There have been various applications associated with the site, of which the most relevant are:

DC/2022/00468 – Prior notification for the demolition of the single storey rear extension, issued 30 May 2022.

DC/2022/00656 - Certificate of lawfulness for the proposed change of use of a dwelling (C3) to a house of multiple occupation (5 bedroom) (C4), issued 31 May 2022.

Consultations

Local Plans Manager

The site is not within an area covered by an article 4 direction for Homes in Multiple Occupation and therefore there is no restriction to the number of HMOs in a local area. In any case, there isn't considered to be an existing local over-concentration of HMOS. The proposal should meet the internal and external space requirements as set out in the Flats and HMO Supplementary Planning Document.

Highways Manager

No objections subject to conditions relating to highways works, provision of the car parking, cycle parking and access prior to occupation, and a highway construction management plan.

Environmental Health Manager

No objection subject to condition for increased sound insulation.

Housing Standards Manager

The proposal will require an HMO licence and comments provided on room sizes, facilities and licence requirements.

Conservation Officer

The proposal will not cause any harm to the Non-designated Heritage Asset.

Merseyside Police - Design Out Crime Officer

Advice provided with regards to designing out crime, including removal of communal bench at the front of the property, proximity of bedroom two to the communal kitchen may cause disturbance and disputes, secure mailboxes for tenants, all bedroom doors should be lockable to BS3621 standard, management of communal spaces and bin storage areas, height of rear boundaries.

Neighbour Representations

The application has been 'called-in' by Councillor Shaw to be determined by Planning Committee. The call-in requests the application to be refused on the following grounds: Harmful to residential amenity and impact on the quality of life of future occupants.

A petition signed by 36 individuals and endorsed by Councillor Shaw has been received opposing the development on the grounds that the development would have *'An adverse impact on the area and existing residents, loss of privacy, increased noise levels, increased traffic, increased parking, and increased anti-social behaviour'*.

Individual written objections have been received from 9 local residents. The grounds of objection include:

Character of the Area

- No other HMOs in the area
- Additional refuse storage required to the front of buildings
- Impact on trees/retention of trees

Living Conditions

- Rooms could be double occupancy for more than 7 people
- Noise from outdoor areas to the rear and front
- Adjoining properties have party walls adjoining communal rooms
- Hours of shop opening, and associated noise, disturbance, pollution and litter
- Type of people occupying the HMO
- Crime, fear of crime and anti-social behaviour
- Concern over safety of young children and the elderly in the area
- Potential for neighbour disputes and leading to increase pressure on local emergency services

Highway Safety

- Traffic and parking and safety issues during school start and finish times
- Cars already park over driveways

Non-Material Matters

The impact on house prices and whether the HMO could be located somewhere else have also been raised although these are not material planning considerations.

Policy Context

The application site lies within a primarily residential area as identified in the Sefton Local Plan adopted by the Council in April 2017.

Assessment of the Proposal

The main issues to consider in respect of this proposal are the principle of the development, the effect on the character of the area, and the effect on the living conditions of neighbouring residents, and highway safety.

Principle

The application site is located within a primarily residential area. A house in multiple occupation is a residential use that is acceptable in principle subject to the criteria set out in Local Plan policy HC3 (Residential Development and Primarily Residential Areas), HC4 (House Extensions, Houses in Multiple Occupation and Flats) and the guidance in the 'Flats and House of Multiple Occupation' Supplementary Planning Document (SPD).

Local Plan policy HC4.2 states that "development involving the conversion of buildings to Houses in Multiple Occupation or flats will be permitted where it will not cause significant harm to the character of the area or the living conditions for either the occupiers of the property or for neighbouring properties". These issues are discussed in further detail below.

Character of the area

The site does not fall within an article 4 area, and there are no other HMOs in the local vicinity. Local residents are concerned that the introduction of one would impact on the character of the area. However, the proposal for the 7 person HMO would not be significantly different in character or appearance to that of the existing dwelling or a small (C4) HMO of up to 6 individuals, and the associated comings and goings and parking demand of the proposed scheme would be similar to the existing site. Furthermore, given that there are no other HMOs nearby, the proposal would not result in an over-concentration of HMOs in the area.

The external alterations including the new windows and door, and the proposal to remove the masonry paint and return the elevations to bare brick are minor and would be in keeping with the appearance of the area. The provision of covered bin storage would also screen refuse storage from view.

Concerns were raised with regards to the potential loss of the existing trees to the front of the property. These are not statutorily protected, and the site is not within a Conservation Area, however the applicant has confirmed that these are to be retained.

Consequently, the proposal would not cause any demonstrable harm to character of the area and is considered to be acceptable in this regard.

Living Conditions of Neighbouring Occupiers

The property is located on a corner and has internal walls that adjoin residential properties on Matlock Road and Bury Road. It is considered appropriate for a scheme of sound insulation to be provided to protect neighbouring properties as recommended by the Environmental Health Manager. This can be secured by condition.

Concerns were raised by a local resident over the provision of a seating area at the entrance to the HMO, and the potential for noise and disturbance from residents congregating in that outside area, the plan has since been amended and the bench removed.

Concerns have been raised over the opening hours of shop opening, and associated noise, disturbance, pollution and litter. The existing shop has been there for many years and there are no current planning conditions restricting the opening hours. The gross floor space of the shop unit would be substantially reduced, therefore an objection on these grounds could not be sustained. The recommended landscape management plan condition includes the provision of a refuse bin for customers of the shop.

Residents have expressed concerns and perceptions relating to the occupants of the proposed HMO, particularly in relation to anti-social behaviour, crime and fear of crime. Such concerns can be a material planning consideration. However, there is no evidence to suggest that the future occupants of the property would be more disruptive or noisier than those living as part of a more 'traditional' family home. Furthermore, there is no substantiated evidence to suggest that the proposal is likely to result in any increase in criminal activity or antisocial behaviour.

In response to the advice provided by Merseyside Police Designing Out Crime Officer, the applicant has removed the bench from the front of the property, added a second internal door so that a small hall provides greater separation from bedroom 2 and the communal kitchen/dining room, and a condition is also recommended for a landscape management plan to cover the external areas and refuse storage.

Living Conditions of Future Occupiers

The proposal has been assessed against the standards set out in the Council's 'Flats and Houses in Multiple Occupation' Supplementary Planning Document (SPD). This provides guidance in respect of room sizes and facilities provided for future occupiers as well as requiring an area of outdoor

amenity space.

The proposal involves the provision of seven bedsitting rooms each with their own ensuite. There would be two rooms on the ground floor along with a shared kitchen/dining area, and five rooms on the second floor.

All room sizes and the facilities provided for future residents satisfy the SPD standards. Each of the habitable rooms is served by at least one window that provides an acceptable outlook and will ensure sufficient light is received. In line with advice from the Environmental Health Manager, a condition can be imposed to secure a scheme of sound insulation to minimise noise impacts where habitable rooms adjoin the shop unit and where walls adjoin existing residential properties.

The SPD requires an area of private outdoor amenity space available for all residents to use. The current proposal would require a minimum area of 60 square metres for the 7 bedsits. The proposal includes an area of outdoor amenity space at the rear of the property amounting to 40 square metres. Whilst this would be private and accessible to all residents in the property it is acknowledged that it only provides 66% of that required by the SPD. This is a significant shortfall and needs to be considered as part of the overall planning balance.

Concerns have been raised by local residents and a Ward Councillor that some of the rooms are large enough to accommodate two people, and that the total number of occupiers would be greater. However, the description of development applied for expressly states that the proposal is a 7-person, 7-bedroom HMO, furthermore the total number of occupants can be controlled by planning condition.

Highway Safety

The Highways Manager has been consulted and has no objections to the proposal in principle as there are no highway safety implications.

The proposed development would be accessed from both Matlock Road and Bury Road, but while there is an existing vehicle dropped crossing onto Bury Road, a new vehicle dropped crossing will be required onto Matlock Road. This will need to be provided in accordance with Sefton's Vehicle Crossings Policy, and wholly at the applicant's expense.

It is proposed to provide seven off street parking spaces within the site. The submitted layout plan indicates that these would comprise 3 for the occupiers of the HMO, 2 for the shop and 2 visitor spaces. The parking provision is considered to be acceptable, given that the site is in a sustainable location with easy access to local amenities and public transport with bus stops within short walking distance on Eastbourne Road and Kew Road served by buses to local and more distant destinations. The site is also within acceptable walking distance of Birkdale railway station.

In response to the initial comments from the Highways Manager, the applicant has provided an amended layout plan demonstrating that each car parking space would be 2.5m x 5.0m and has

shown provision for electric vehicle charging can be accommodated within the site. However, electric vehicle charging is now a matter for building regulations to control and does not need to be conditioned.

Conditions are recommended to secure the necessary highways works, provision of the car parking, cycle parking and access prior to occupation, and a highway construction management plan.

Other Material Considerations

5A Bury Road is an existing dwellinghouse (Use Class C3). Under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is 'permitted development' to change the use from a dwellinghouse (C3) to a small house in multiple occupation (C4 - 'small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom').

Earlier this year the applicant applied for and was issued with a lawful development certificate for 'the proposed change of use of a dwelling (C3) to a house of multiple occupation (5 bedroom) (C4)'. The applicant has since sought confirmation from Housing Standards who have confirmed that one of the rooms could be double occupancy, therefore achieving the maximum of six occupants allowed under permitted development rights.

The applicant could therefore retain the existing shop and implement a 6 person HMO without the need for planning permission. The applicant has confirmed that if they were unsuccessful in achieving planning permission for the larger 7 bed/7 person HMO they would implement the smaller HMO using permitted development rights. They consider this to be their 'fallback'; position which is a material planning consideration.

If they were to do this, the six occupants would not have any private amenity space. The shared kitchen/living area would also be smaller at 13.5 sq. compared to the 21 sq. m for 7-person scheme. This would be alongside the existing larger shop and its associated comings and goings, and no planning conditions to secure enhanced sound insulation. The proposed development also provides covered bin storage, and improved parking areas. Therefore, the option which could be implemented as permitted development would be more harmful to the living conditions of future occupiers, to the living conditions of neighbouring occupiers and to the character of the area.

Taking the above into account and given that there is a realistic prospect of the applicant implementing the permitted development scheme if this application is unsuccessful, significant weight should be attributed to this and the benefits of this current application.

Conclusion

The proposal would not meet the private amenity space requirements contained within the SPD. However, compared to the 'fallback' scheme, the development would provide considerable

benefits to the living conditions of the future occupiers of the HMO. It would not cause harm the living conditions of neighbouring occupiers or to the character of the area. Significant weight is attributed to the benefits of the scheme which outweigh the short fall in private amenity space. Consequently, on balance the application is recommended for approval.

The required sound insulation, highway works, parking provision, refuse storage and limit on the number of occupiers can be secured by planning conditions.

Recommendation - Approve with conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three 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:

5-5ABR/200/PL Site Location Plan Existing Site Plan;
5-5ABR/201/PL Existing Plan Layouts;
5-5ABR/202/PL Rev P2 Existing Elevations;
5-5ABR/209/PL Rev P2 Proposed Plan Layouts;
5-5ABR/210/PL Rev P2 Proposed Elevations; and
5-5ABR/211/PL Rev P8 Site Location Plan Proposed Site Plan June.

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) Prior to commencement of the development hereby approved, a scheme of sound insulation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall protect the living conditions of occupiers of adjoining properties and occupiers of the HMO by demonstrating an enhancement of all walls and ceilings (including kitchens, dining rooms, living rooms, halls, stairs, landings etc.) by a minimum of 10db above the standard shown in table 0.1a of Approved Document E of the Building Regulations. The sound insulation works shall be completed as approved before the use of the building begins and thereafter retained in perpetuity.

Reason: To safeguard the living conditions of future occupiers of the HMO and the living conditions of adjoining occupiers.

- 4) No development shall commence, including any works of demolition, until a Highways Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the demolition and construction phase of the development. If the details are not approved prior to commencement, it will prejudice the safety of highway users.

Before the Development is Occupied

- 5) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

- 6) The development shall not be occupied until the bin storage has been provided in accordance with approved drawing no. 5-5ABR/211/PL Rev P8. The bin storage shall be retained in perpetuity thereafter.

Reason: To safeguard the appearance of the area.

- 7) Prior to the occupation of the development hereby approved, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure an acceptable long term visual appearance to the development.

- 8) Prior to the occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all communal amenity space, planters, provision of a refuse bin for customers of the shop, and management of all refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The landscape management shall be carried out in accordance with the approved plan over the period specified.

Reason: To ensure an acceptable long term visual appearance to the development.

- 9) The development shall not be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by

the Local Planning Authority. The scheme shall include:

- Details of new vehicle dropped crossing onto Matlock Road

No part of the development shall be brought into use until the required highway works have been constructed in accordance with the approved details.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

- 10) The development shall not be occupied until the off street car parking areas have been provided in accordance with approved drawing no 5-5ABR/211/PL Rev P8. The areas shall be kept available for the parking of vehicles in perpetuity thereafter.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

Ongoing Conditions

- 11) The maximum number of residents occupying the premises shall not exceed 7 (seven) people.

Reason: To avoid an over-concentration of people living in the property, to protect the character of the area and the living conditions of future occupiers and nearby residential occupiers.

- 12) Customers are not permitted on to the shop premises at any time outside the hours of:

07:00 - 23:00 hrs Monday to Saturday (Inclusive)
08:00 – 18:00 Sundays and Bank Holidays

Reason: To safeguard the living conditions of neighbouring occupiers and land users.

Notes for Applicant

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
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 Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.