

**Report of:** CHIEF PLANNING OFFICER      Derek McKenzie

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 5<sup>th</sup> June 2024

**Subject:** [DC/2024/00627](#)  
[101 South Road, Waterloo, L22 0LT](#)

**Proposal:** Retention of ground floor class E use at front of premises; change of use of the rear part of the ground floor and the whole of the 1st and 2nd floors to form a 6 bedroom (6 person) HMO; removal of flat roof above rear yard to create outdoor amenity space; refuse storage for both the Class E Unit and HMO, cycle storage in basement, with minor external alterations to windows and doors

**Applicant:** Carolyn n/a      **Agent:** Mr Richard Gee  
Harold Jones Ltd      Roman Summer Associates Ltd

**Ward:** Church Ward      **Type:** Full Application

**Reason for Committee Determination: Called in by Cllr Cummins**

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## Summary

Permission is sought to convert part of the building into a 6 bedroom House of Multiple Occupation (HMO), including an area for outdoor amenity to the rear. The main issues considered are the principle of the development, amenity matters, design and highway safety.

The internal layout would be acceptable, with all the rooms exceeding the sizes recommended in the Council's guidance. The proposal falls short of the recommended outdoor amenity space. However, given the applicant already has permission, granted at appeal, for a 5 bed HMO with no outdoor amenity space, it is considered that the shortfall is offset by the provision of both the outdoor space and improved communal rooms when compared to the 5 bed scheme.

On balance it is considered that the development would provide acceptable living accommodation and it is therefore recommended for approval.

## Recommendation: Approve with conditions

**Case Officer**      Louise Everard  
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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SBMBO8NWJZE00>

## Site Location Plan



Sefton Council



Reference: Map reference  
Date: 23/05/2024  
Scale: Scale: 1:1250  
Created by: Initials

## The Site

The application site is located on the corner of South Road and Neville Road. The end property is three storeys in height, with an existing basement. The site is located within Waterloo District Centre.

## History

DC/2024/00288 Retention of ground floor class E use at front of premises; change of use of the rear part of the ground floor and all of the 1st and 2nd floors to form a 7 bedroom (7 person) House of Multiple Occupancy (Sui Generis); removal of flat roof above rear yard to create amenity space; bin refuse and cycle storage and associated external alterations.

Refused 5<sup>th</sup> April 2024

DC/2024/00287 Retention of ground floor class E use at front of premises; change of use of the rear part of the ground floor and all of the 1st and 2nd floors to form a 8 bedroom (8 person) House of Multiple Occupancy (Sui Generis); removal of flat roof above rear yard to create amenity space; bin refuse, cycle storage and associated external alterations.

Refused 5<sup>th</sup> April 2024.

DC/2023/00828 Change of use of the first and second floors only from a Bank (Class E) to an 8 bed roomed House in Multiple Occupation (HMO) (Sui Generis), a single storey extension to the rear and external alterations including the reinstatement of the existing entrance door onto Neville Road. (Alternative to DC/2023/00401)

Refused 17<sup>th</sup> July 2023

Appeal dismissed 16<sup>th</sup> January 2024

DC/2023/00401 Change of use of the 1st and 2nd floors only from a Bank (Class E) to an 8 bed roomed House in Multiple Occupation (HMO) (Sui Generis), a single storey extension to the rear and external alterations including the reinstatement of the existing entrance door onto Neville Road.

Refused 4<sup>th</sup> May 2023

Appeal dismissed 16<sup>th</sup> January 2024

DC/2022/01947 Change of use of the rear part of the ground floor, first and second floors only from a Bank (Class E) to a 9 bed House in Multiple Occupation (HMO) (Sui Generis) including the erection of a deck extension to the rear, removal of part of the roof to form a rooftop amenity space with associated parapet wall and handrail, refuse and cycle storage to the rear, replacement windows and reinstatement of the original entrance door to the side of the property.

Refused 22<sup>nd</sup> November 2022

DC/2022/01875 Change of use of 1st and 2nd floors from bank (Class E) to an 8-bedroom HMO (Sui Generis), with a rear deck extension to provide amenity space (Alternative to DC/2022/01361

refused 26/08/2022)

Refused 18<sup>th</sup> November 2022

DC/2022/01407 Prior notification application for the change of use of part of first floor and second floor of former bank (Class E) to 2 no. dwellings (apartments) (C3), use of existing basement for cycle storage and existing rear space for bin storage.

Refused 31<sup>st</sup> August 2022

DC/2022/01399 Change of use of 1st and 2nd floors from bank (E) to a 5-bedroom HMO (Class C4), with a rear deck extension to provide amenity space.

Refused 26<sup>th</sup> August 2022

Appeal dismissed 2<sup>nd</sup> March 2023

DC/2022/01361 Change of use of 1st and 2nd floors from bank (Class E) to an 8-bedroom HMO (Sui Generis), with a rear deck extension to provide amenity space.

Refused 26<sup>th</sup> August 2022

Appeal dismissed 2<sup>nd</sup> March 2023

DC/2022/01358 Retention of ground floor use (Class E), Change of use of 1st and 2nd floors of former bank (e) to form a 5 No. bedroom House of Multiple Occupancy (HMO) with associated refuse and cycle storage in rear yard (with flat roof extension).

Refused 26<sup>th</sup> August 2022

Appeal Allowed 2<sup>nd</sup> March 2023

DC/2022/00857 Prior notification application for the change of use from a bank (Class E) to 6 self-contained flats.

Decision: Prior Approval required and approved 9<sup>th</sup> June 2022

## Consultations

### Environmental Health Manager

No objection subject to condition

### Highways Manager

No objection subject to condition on cycle parking

## Neighbour Representations

Following the notification period, one letter of objection was received from a local resident. The issues raised are summarised below.

- Insufficient outdoor amenity space
- The appeal case was determined under previous guidance and is not comparable
- The outdoor space and bin storage would cause disturbance to the surrounding dwellings
- Area afforded to the commercial (Class E) unit would have to contract further

## Policy Context

The application site lies within the Waterloo District Centre as part of the Sefton Local Plan which was adopted by the Council in April 2017.

## Assessment of the Proposal

### 1. The proposal

- 1.1 The application proposes to change the use of part of the ground floor, plus the 1<sup>st</sup> and 2<sup>nd</sup> floor to form a 6 bedroom House of Multiple Occupancy (HMO). The scheme includes the removal of a flat roof above the rear yard to create an area to be used as outdoor amenity space. Bins would be stored at ground floor and cycle storage would be provided within the basement. The front of the premises at ground floor would be retained as Class E, which includes commercial, business and service uses.
- 1.2 The site has a complex history with 9 previous applications seeking permission to change the use of the property to an HMO with various layouts, bedroom numbers and outdoor amenity provision, all of which have been refused by the Council. Five of these decisions have been

appealed by the applicant, four of which were dismissed and one was allowed. The one application to be allowed proposed a five bed HMO, with no outdoor amenity space. The outcomes of these decisions will be considered in the assessment below, where relevant.

- 1.3 The main issues to consider are the principle of the development, living conditions of future occupiers including outdoor amenity space, impact on neighbouring properties and highway safety.

## **2. Principle of development**

- 2.1 The proposal is located in Waterloo District Centre where the principle of flats/HMO's above commercial premises is acceptable.
- 2.2 The change of use would involve the conversion of a section of the rear ground floor to accommodate the kitchen and bin storage area for the HMO. The front section, approximately 58m<sup>2</sup>, plus a further 30m<sup>2</sup> in the basement, would be retained for use under Class E. There is no policy requirement in terms of floor space for commercial units and the proposal would still retain the commercial frontage onto South Road. The layout includes provision for bin storage to the rear of the building for the commercial unit and there is no reason to think the unit could not continue to function for commercial purposes. Therefore, it is not anticipated that the change of use of the ground floor section would have any significant effect on the overall vitality and viability of the Waterloo District Centre and would accord with Policy ED2 'Retail, Leisure and other Town Centre Uses'.

## **3. Living conditions of Future Occupiers**

- 3.1 Policy HC4 (House Extensions, Houses in Multiple Occupation and Flats) among other things, requires developments involving HMO's to not cause significant harm to the living conditions for either the occupiers of the properties or neighbouring properties. The Council's Supplementary Planning Document on the 'Conversions of Flats and Houses in Multiple Occupation' provides further detail on the standards recommended to achieve acceptable living conditions.
- 3.2 The proposed layout includes 3 bedrooms to the first floor and 3 within the second floor. They would all benefit from en-suite facilities. One bedroom within the second would also include a mezzanine level within the roof space to serve as a study area. In terms of communal rooms, the ground floor would include a kitchen/dining room, the first floor would have a lounge room and the second floor would include a second kitchen, plus a further lounge/dining room.

### Bedrooms

- 3.3 In relation to the size of the bedrooms, the Flats and Houses in Multiple Occupation SPD sets minimum recommended sizes based on different scenarios. Of relevance, a single bedroom which has access to communal living room/lounge area and does not include integral kitchen

facilities is recommended to be a minimum of 10m<sup>2</sup>. A footnote adds that these areas can include en-suite bathrooms, toilets or shower rooms providing the bedroom living space does not fall more than 3m<sup>2</sup> below the recommended standard and the main room size is no less than 8.5m<sup>2</sup> in any case.

- 3.4 Five of the bedrooms range between 15.1 and 16.1m<sup>2</sup>, not including the ensuites. The bedroom on the second floor, with an additional mezzanine study area is approximately 25.2m<sup>2</sup>. All the rooms are indicated to be single rooms. There would be access to a communal dining and lounge room at second floor and therefore the recommended minimum for the single room would be 10m<sup>2</sup>. All the bedrooms exceed the recommended standards in the SPD.
- 3.5 All rooms have a window so there is a reasonable outlook and level of light afforded to each habitable room.

### Shared Facilities

- 3.6 With regards to shared facilities the SPD Flats and house in multiple occupation also advises on minimum standards for these areas as follows:

*4.2 The table below sets out the minimum size of the communal rooms if these are provided.*

Separate Kitchen	7m <sup>2</sup>
Lounge or Dining Room	11m <sup>2</sup>
Multi use communal area (e.g. kitchen/dining room or kitchen/lounge)	14m <sup>2</sup>

- 3.7 It also advises that shared kitchens should be no more than one floor up or down from the bedsit unit they are intended for unless they include a dining area.
- 3.8 The kitchen/dining room at the ground floor level measures 14 m<sup>2</sup> and the plans indicate a dining table suitable for four people. The lounge at first floor measures 15.1m<sup>2</sup> and at second floor a further separate kitchen measuring 7.5m<sup>2</sup> would be provided, alongside a lounge/dining room measuring 15.6m<sup>2</sup>. The rooms all meet the minimum recommended size and are appropriately located to ensure rooms at all levels have access to the facilities.

### Outdoor Amenity Space

- 3.9 The proposal is for 6 single bedrooms and to accord with the SPD's standard of 10m<sup>2</sup> per resident, the total outdoor amenity space should be 60m<sup>2</sup>. The SPD expects all measures to be taken to provide the minimum amenity space requirement and advises '*if the required amount of amenity space cannot be met the Council would expect the applicant to reduce the number of occupants expected to be accommodated*'.

3.10 The proposal seeks to remove the flat roof over the rear yard to provide an area of outdoor amenity space. This would offer an area of 27m<sup>2</sup> and would include some planting and two benches. While this area is below the guidance, effort has been made within the layout to provide outdoor space as required by the SPD. The new SPD on Flats and HMOs (adopted in May 2023) has introduced Appendix B which contains a flow chart to be used to identify exceptional circumstances in which lower amounts of outdoor amenity space may be accepted. The development does not represent exceptional circumstances in accordance with Appendix B and therefore the level of outdoor amenity space is still considered unacceptable when assessed against the SPD.

3.11 Consideration needs to be had for the previous schemes which were appealed, particularly the 5 bed HMO which was allowed at appeal. The allowed scheme represents a 'fallback position' and is a material consideration in assessing the current application. The allowed scheme for 5 bedrooms was assessed on the basis of location and context. The bedrooms ranged from 16.1 to 38.1m<sup>2</sup>, with two providing over 30m<sup>2</sup>. The proposal included a kitchen at first floor and a further shared lounge/dining room for socialising on the second floor, with the communal areas amounting to approximately 34.1m<sup>2</sup>. The inspector gave significant weight to the quantity of the internal accommodation provided in the private rooms and communal spaces, which was balanced against the lack of outdoor amenity space.

3.12 Taking an average of the space available per resident, the table below compares the space on offer between the current 6 bed proposal and the fallback position of the 5 bed scheme.

	6 Bed Scheme		5 Bed Scheme allowed at appeal	
		Averaged per resident		Average per resident
<b>Indoor Communal Area</b>	<b>52.2 m<sup>2</sup></b>	<b>8.7m<sup>2</sup></b>	<b>34.1m<sup>2</sup></b>	<b>6.82m<sup>2</sup></b>
<b>Total Communal Area (Including outdoor space)</b>	<b>79.2m<sup>2</sup></b>	<b>13.2m<sup>2</sup></b>	<b>34.1m<sup>2</sup></b>	<b>6.82m<sup>2</sup></b>
<b>Total Bedroom Area</b>	<b>102.2m<sup>2</sup></b>	<b>17m<sup>2</sup></b>	<b>125m<sup>2</sup></b>	<b>25m<sup>2</sup></b>
<b>Total Area</b>	<b>181.4m<sup>2</sup></b>	<b>30.2m<sup>2</sup></b>	<b>159.1m<sup>2</sup></b>	<b>31.8m<sup>2</sup></b>

3.13 The comparison shows that the current scheme offers a greater provision of indoor communal space than the fallback position. The provision is further increased when the outdoor amenity space is also accounted for. The average bedroom space of the current scheme would be



below that of the fallback scheme, however the figures in the fallback scheme are bolstered by 2 large bedrooms (in excess of 32m<sup>2</sup>) which would only be available to 2 residents and would not benefit the other 3 occupants. The bedroom sizes within the current scheme still meet and exceed the recommended room sizes by a reasonable degree. The average of the total space available is slightly below the appeal scheme.

- 3.14 Previous applications DC/2022/01361 and DC/2022/01399 for 8 and 5 bed HMO's both proposed extensions to the rear to create outdoor amenity space at two levels. The proposed outdoor amenity space fell short of the SPD requirement and subsequently were refused and appealed. The inspector felt that the shortfall would not result in unacceptable living conditions. However, the overall quality of the proposal needed to be assessed holistically and the absence of shared rooms to live, eat and socialise were identified as a significant negative factor. The inspector concluded *'that notwithstanding the conclusion on the acceptability of the external amenity space, when the significant deficit is taken together with the deficit in terms of room size and absence of access to internal lounge/dinning space'*, the proposals were concluded to provide inadequate living conditions and the appeals dismissed.
- 3.15 A further two refused applications (DC/2023/00401 and DC/2023/00828), both 8 bed schemes with no outdoor amenity space, were dismissed at appeal. The inspector agreed that the lack of any outdoor amenity space would fail to provide acceptable living conditions. The bedrooms in these applications only just met the recommended sizes and the layouts have very limited space in terms of communal rooms.
- 3.16 It is acknowledged that the development would not meet the recommended standards in relation to outdoor amenity space. However, the provision of the 27m<sup>2</sup> would be an improvement over the fallback position for 5 bedrooms, which would provide none. The overall level of accommodation would be comparable to the fallback position but it would provide an improved balance of space across all of the 6 bedrooms. The scheme would also provide a greater quantity of indoor communal space, spread across all three levels, making it more accessible. Therefore, on balance it is considered that the proposed 6 bedroom layout would offer a comparable level of accommodation to the fallback position for a 5 bed HMO. The shortfall of the outdoor amenity space in the current scheme would be offset by the improved offering of both the outdoor space and the indoor communal rooms.
- 3.17 Taking a holistic view of the accommodation offered, while having regards to the existing fallback position, it is considered that the development would provide acceptable living accommodation, in accordance with Local Plan Policy HC4 (House Extensions, Houses in Multiple Occupation and Flats).

### Noise

- 3.18 The current application has not been supported by a noise assessment however the Council's Environmental Health Manager has reviewed the scheme. He notes that the previous appeal case included a condition requiring the submission of a noise report to ensure adequate

protection of the prospective occupiers of the HMO from noise from the retained ground floor commercial use, the adjoining commercial use and also where necessary from noise transfer between rooms within the HMO area of the development. Similarly, these details could be secured by condition to ensure noise levels would be acceptable.

- 3.19 Despite the absence of a noise assessment, the proposed elevation drawings specify the glazing and acoustic trickle ventilation requirements for the façade habitable room windows/frames in the details on the respective drawings, which are acceptable and would be considered necessary to ensure suitable living conditions for future residents.
- 3.20 In conclusion, the proposed development would exceed the recommend rooms sizes as outlined in the Flats and House in Multiple Occupation SPD. The outdoor amenity space provision is below the recommended amount. However, taking into account the fallback position, the proposal would offer an improved level of communal space, including the outdoor amenity space and the communal rooms. On this basis it is considered that the development would provide acceptable living accommodation, in accordance with Local Policy HC4.

#### **4. Impact on neighbouring properties**

- 4.1 The application site is located on the corner of South Road and Neville Road and is within a row of commercial terraced properties.
- 4.2 To the rear of the site, separated by an alleyway, is No 3 Neville Road which is a residential property. The outdoor amenity space would sit parallel with the side elevation of No.3, which has no opening in the end wall. The outdoor amenity area would be screened by the existing boundary wall and it is not considered its use would have any significant affects in terms of noise or disturbance to the dwelling to the rear.
- 4.3 The development would not introduce any new windows and it is not considered the change of use of the building would adversely impact the living conditions of any of the surrounding properties. As such the complies with Policies EQ2 (Design) and HC4.

## **5. Highway Safety**

- 5.1 The Highways Manager has reviewed the scheme and advised that the proposal is not significantly different in highways terms from the previously refused, to which there were no highways safety concerns. The refuse storage will remain on the ground floor as in the refused application, but the cycle storage is now proposed within the basement. The proposal is acceptable in highways terms subject to the condition to secure the cycle parking. and complies with Policy EQ3 on accessibility.

## **6. Bin Stores**

- 6.1 The proposal would include two separate areas for the storage of bins towards the rear of the building. One would store the communal bins for the HMO and the second would serve the remaining Class E business. The layout would provide adequate storage for the bins, within a suitable location for ease of collection and would be well screened. The waste provision would accord with the recommendation within the Flats and Houses in Multiple Occupation SPD.

## **7. Planning Balance and Conclusion**

- 7.1 In terms of living conditions, the internal layout ensures that all the rooms exceed the sizes recommended in the Council's guidance. The outdoor amenity space would fall short of the recommended standards. However, efforts have been made to ensure some outdoor space is provided, with the removal of the existing single storey extension at the rear.
- 7.2 The fallback position of the 5 bedroom scheme, allowed at appeal, is also a material consideration. The current scheme to include 27m<sup>2</sup> of outdoor space would be a positive addition and improve the fallback position, which included no outdoor amenity space. The scheme would also provide more indoor communal space, spread across all three levels, making it more accessible. Furthermore, the overall level of accommodation would be more evenly spread across the 6 bedrooms.
- 7.3 When considered in the context of the existing fallback position available at the site, it is felt that the shortfall of the outdoor amenity space in the current scheme is offset by the provision of the outdoor space and more spacious indoor communal rooms, when compared to the development allowed at appeal. It is therefore considered that, on balance, the development would provide acceptable living accommodation, in accordance with Local Policy HC4.
- 7.4 The proposal would not cause undue harm to the character of the area, amenity of surrounding properties or raise any highway safety concerns.
- 7.5 On balance it is considered that the proposal is acceptable and is therefore recommended for approval subject to conditions.

## **8. Equality Act Consideration**

8.1 Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

8.2 The rooms within the HMO would not be accessible by wheelchair users. However, this is not a requirement within any of the relevant policies or the Conversion to Flats and Houses in Multiple Occupation SPD and therefore is considered acceptable.

## **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 and documents:

- 131 PLN I 03A - Location Plan
- 131 PLN L 19C - Proposed Site Plan
- 131 PLN 3 26F - Proposed Elevation 2 of 2
- 131 PLN E 27 - Proposed Elevations 1 of 2
- 131 PLN P 31 - Proposed Plans

Reason: For the avoidance of doubt.

### **Before the Development is Commenced**

3) No development shall commence until a noise report has been submitted to and agreed in writing by the local planning authority. The report shall show the enhancement of all walls and ceilings within the application site by a minimum of 10db above the standard within table 0.1a of Approved Document E of the Building Regulations. The requirements and recommendations of the report shall be implemented on site prior to the occupation of the HMO and thereafter retained as such.

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

### **Before the Development is Occupied**

4) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details shown on drawing number 131 PLN P 31-'Proposed Plans' 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.

5) Prior to the development hereby approved being occupied, the secure refuse store shown on drawing number 131 PLN P 31-'Proposed Plans' shall be installed and made available for use. The facilities shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse/recycled materials.

6) Prior to the occupation of the development hereby permitted, the glazing and acoustic trickle ventilation details, as specified on drawing no 131 PLN 3 26F (Proposed Elevation 2 of 2) and 131 PLN E 27(Proposed Elevations 1 of 2), shall be installed and thereafter retained in perpetuity.

Reason: To safeguard the living conditions of future occupiers.

### **Note to Applicant**

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](mailto:snn@sefton.gov.uk) to apply for a street name/property number.