

Enquiries to: Information Team
Our Ref: FOI 1341558

request-601698-5dd94448@whatdotheyknow.com



**Liverpool
City Council**

Dear Mr Hanlon

Freedom of Information Request 1341558

Thank you for your recent request. Your request was actioned under the Freedom of Information Act 2000 in which you requested the following information –

Can you please provide a copy of Simon Crawshaw's report (REF: 0017/19) for planning application 19F/0488 as it is encrypted on the planning explorer.

Response:

Liverpool City Council would refer you to the appended document. In accordance with Section 40(2) Freedom of Information Act 2000 third party data has been redacted and this letter therefore constitutes a Section 17 Notice with regard to the application of the above exemption of personal data.

This concludes our response.

The City Council will consider appeals, referrals or complaints in respect of your Freedom of Information Act 2000 and you must submit these in writing to

Informationrequests@liverpool.gov.uk within 28 days of receiving your response. The matter will be dealt with by an officer who was not previously involved with the response and we will look to provide a response within 40 days.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Freedom of Information Act 2000. The Information Commissioner's website is www.ico.gov.uk and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 0303-123-113. Email – mail@ico.gsi.gov.uk (they advise that their email is not secure)

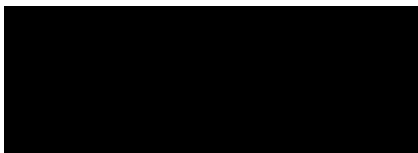
I trust this information satisfies your enquiry.

Yours sincerely

A Lewis

**Angela Lewis
Information Team**

Enquiries to: Simon Crawshaw
Contact No: 0151 233 3021
Email: simon.crawshaw@liverpool.gov.uk
Enquiry Ref: 0017/19
(Please quote at all times)
Date: 11 February 2019



Dear [REDACTED]

Location: 51 Warbreck Road, Liverpool, L9 8EF

Enquiry Description: To convert dwelling to a 7 bed HMO

Date of Site Visit: 16 January 2019

This response is for the proposal to convert the property from a 6 bedroom family home (Use Class C3) to a 7 bed HMO (Sui Generis).

Site Description

Large semi-detached property located within a predominantly residential area. To the rear is a yard/amenity space which can be accessed via the rear door to the house and a large outbuilding. A front garden bounds the property to the front.

The property appeared to be vacant at the time of the visit with a for sale sign displayed at the front.

Relevant Site History

B17279 – To erect three lock-up garages at rear of dwellinghouse – APPROVED July 1963.

Planning Constraints

None

Relevant Planning Policies

National Planning Policy Framework (NPPF)

The NPPF came into effect in March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Unitary Development Plan (UDP)

The following Saved UDP policies are relevant to the determination of this application and are considered to align with the principles, aims and objectives of the NPPF and are considered to carry significant weight.

Policy HD18 – General Design Requirements

Policy H4 – Primarily Residential Area

Policy H7 – Conversion of Buildings for Multiple Occupation

Policy T6 - Cycling

Policy T12 – Car Parking Provision for New Developments

Policy EP9 - Waste Storage

Supplementary Planning Guidance (SPG)

SPG7 – Conversion of Buildings into Flats and Bedsits

SPG 8 – Car & Cycle Parking Standards

Liverpool Local Plan 2013 - 2033 (LLP)

Liverpool Local Plan has been submitted to the Planning Inspectorate for examination, The NPPF states; “from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

Development Control Practice advises; “The weight to be given to policies in emerging local plans will depend on the stage of preparation or review that has been reached. The amount of weight to be attached will increase as successive stages are reached. General Principles gives the following examples:

1. Where a DPD (Development Plan Document) is at the consultation with no early prospect of submission for examination, then refusal on prematurity grounds would be seldom justified.
2. Where a DPD has been submitted for examination, but no representations have been made about relevant policies, considerable weight can be attached to these policies. However, this may not be possible if there has been opposition to a policy, subject to the nature of the opposition and whether there are representations in support of it.

The Planning System: General Principle’s document was cancelled and replaced by Planning Practice Guidance in 2014, however PPG does not give detailed guidance on weight which should be attached to emerging DPD’s and points to the NPPF guidance detailed above.

Whilst therefore there are outstanding general objections relating to the soundness and procedural aspects of the local plan, there are no specific objections to the policies listed below which are relevant to this enquiry.

Policy H7 – Primarily Residential Areas

Policy H8 - House Extensions

Policy H10 – Conversion of Dwellings and Buildings
Policy H11 – Houses in Multiple Occupation (HMO): Neighbourhood Approach
Policy UD1 – Local Character and Distinctiveness
Policy UD7 – Alterations and Extensions to Existing Buildings

The policies listed above do not carry full weight, but the Head of Planning considers that, in this particular case, the age of the existing development plan and the fact that the emerging plan has now been submitted for examination and has been the subject of recent consultation which resulted in an absence of relevant objections to the policies in question means that failure to comply with the emerging policy outweighs compliance with the existing policy.

Other relevant emerging Local Plan policies detailed below are also material considerations however, they were subject to specific objections through the Local Plan process which has yet to go through its Examination in Public.

Policy STP4 – Presumption in Favour of Sustainable Development
Policy UD2 – Development Layout and Form
Policy TP5 – Cycling
Policy TP8 – Car Parking and Servicing

The Head of Planning therefore considers that, whilst some weight can be attached to these Policies as a material consideration, it is not sufficient in this case to set aside the existing relevant policies in the UDP that relate to the policies detailed above and given that for the purposes of the legislation, the UDP remains for the time being the statutory plan for the area.

Internal Consultations

The following key Council services would be consulted over a planning application (others may be added during the planning application process):

Environmental Health

Highways

Regeneration Development Team

External Consultations

The following key external organisations/individuals would be consulted over a planning application (others may be added during the planning application process):

Neighbouring residents/businesses

Ward Councillors

Pre-application advice

The advice given below is as accurate as possible but is an officer's view of your proposal based upon the information you provide and material planning considerations. Advice is given without prejudice to any subsequent planning decision by the City Council.

Principle of the development

The site is located within a Primarily Residential area, flanked by rows of terraced properties at side, rear and front with the exception of a group of 12 large semi-detached properties on Warbreck Road of which the application property is a typical example. Given the location

within a primarily residential area, a conversion to a 7 bedroom HMO is acceptable in principle. However, development would be considered acceptable in so far as it satisfies policy H10 and other development plan policies of the Liverpool Local Plan.

Policy H10 of the Local Plan states that permission would be granted for the conversion of existing dwellings/buildings into self-contained flats, studio apartments, houses-in-multiple occupation provided:

- The premises are suitable for a full or part conversion in terms of location, the provision of amenities, and size for the number of households to be accommodated;
- There would be no adverse impact on the amenity of neighbouring properties and the character of the surrounding area in particular through increased activity, noise or disturbance;
- The configuration of internal space satisfactorily takes into account minimum room size, acoustic insulation, light and ventilation;
- The design of external space is safe and secure, and includes provision of refuse storage and adequate off-street parking, and ensures access to yards and other gardens
- Sufficient provision for waste management is made and it promotes good design to secure the integration of waste management facilities with the rest of the development including waste storage facilities. All proposals should comply with the City Council's latest guidance with regard to Recycling and Waste Management.
- Bin storage is provided externally within the curtilage of the site, within a suitably designed structure located within the rear amenity space and not visible from the public realm;
- Living rooms, kitchens and bedrooms are not solely lit by rooflights;
- Where the proposal creates an HMO the proposal provides adequate safeguards for Management

With regard to the necessary alterations and conversion works to effect a change of use to a house-in-multiple occupation or flat, including extensions and alterations, planning permission will be granted where:

- They are of a high quality of design that matches or complements the style of the dwelling and the surrounding area;
- Provide communal lounge area(s) of a minimum 12 square metres in area and 3 square metres per person if there are more than four residents;
- The size, scale and materials of development are in keeping with the original dwelling and the surrounding area;
- Complies with Policy H8; and
- The extensions and alterations are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties. In particular, extensions must not result in: Loss of outlook, from main windows of neighbouring habitable rooms; significant loss of light/overshadowing for neighbours; an overbearing or over-dominant effect on the habitable rooms of neighbouring properties; or a significance loss of privacy for neighbouring residents

The development as shown on the submitted plans would seeks to convert the dwelling-house to a 7 bedroom HMO, with no external alterations required to the property (which would therefore be in compliance with Policy H8).

Any subsequent application should be submitted with plans which clearly show the dimensions of each bedroom and communal living space measured in square metres. However, the drawings submitted with the pre-application request would seem to demonstrate that the proposal would comply with the minimum communal space

requirements of Policy 10 for 7 persons of 21sqm and the bedrooms would all provide sufficient space to afford satisfactory living requirements for the occupant.

The proposal also complies with the requirement that no living rooms, kitchens and bedrooms are lit solely by roof lights.

Design, scale and massing of the development

Policy UD1 of the Liverpool Local Plan sets out the general design requirements for all new development and seeks to guide the scale, density and massing of proposed developments in relation to their locality. Building lines and the layout of proposals must relate to the locality, whilst the development must have regard to and not detract from the city's skyline, roofscape and local views.

Paragraph 56 of the National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 61 of the Framework states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Analysis

In light of the above, a 7 bed HMO scheme similar to the plans submitted with the pre-application request would be likely to be compliant in policy terms. However, if an application is submitted, it would subject to consultation letters being sent out to nearby occupiers and other interested parties. The application will be assessed against policies.

Fees

I hope you find this response useful but would point out that it is given without prejudice to the consideration of any formal application for planning permission.

Freedom of Information Act

We will generally not preclude access to information on pre-application discussions unless confidentiality is requested in writing. If confidentiality is requested, any request for information will be considered within the "exemptions" provisions of the Freedom of Information Act.

Note: Officers will be sensitive and flexible to the needs of the developer and the nature of any proposals, but will also be guided by the need to secure the best development and design, in accordance with national and local planning policy. There is an expectation that developers will respond positively to advice given when an application is formally submitted.

Yours sincerely,

Simon Crawshaw

Development Control Division