

<b>No.2</b>	<b>APPLICATION NO.</b>	2018/0291/FUL
	<b>LOCATION</b>	30 Peet Avenue Ormskirk Lancashire L39 4SH
	<b>PROPOSAL</b>	Change of use of current property to HMO
	<b>APPLICANT</b>	Mr Matt Jackson
	<b>WARD</b>	Knowsley
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	12th June 2018

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## **1.0 REFERRAL**

1.1 This application was to be determined under the Councils delegation scheme, however, former Councillor Dowling requested it be referred to Planning Committee to consider the impact on the amenity of nearby residents, highway safety and appropriateness of a HMO at this location.

## **2.0 SUMMARY**

2.1 The proposed development would not result in more than 5% of the properties on Peet Avenue being HMO's. The development would not be detrimental to highway safety, visual or residential amenity in the vicinity of the site and is considered to accord with Policy GN3 of the West Lancashire Local Plan (2012-2027).

## **3.0 RECOMMENDATION – APPROVE with conditions**

## **4.0 SITE DESCRIPTION**

4.1 The application property is an extended semi-detached dwelling house with detached front/side garage sited on the south west side of Peet Avenue. It is flanked by residential property to the north, south and west elevations.

## **5.0 PROPOSAL**

5.1 This planning application is for a change of use of the property from a residential property (Use Class C3) to a house in multiple occupancy (Use Class C4). It is envisaged that the property will have a maximum of five residents at any one time.

## **6.0 PREVIOUS RELEVANT DECISIONS**

6.1 2003/1214 - First floor side extension. Granted 17.11.2003

6.2 1993/1060 - Erection of pitched roof to existing extension to side elevation. Granted 18.11.1993

## **7.0 OBSERVATIONS OF CONSULTEES**

7.1 DIRECTOR OF LEISURE AND ENVIRONMENT (ENVIRONMENTAL PROTECTION) (07/06/2018) – No comments or objections.

7.2 LANCASHIRE COUNTY COUNCIL HIGHWAY AUTHORITY - awaiting comments.

## **8.0 OTHER REPRESENTATIONS**

8.1 Ormskirk Residents Group (11/05/2018) – Object on the grounds of:

No demonstrable need. Student number at Edge Hill University have fallen;  
Conflicts with Policy GN3 of the WLLP. Student lifestyle invariably conflicts with that of working families and older residents;  
Parking is a potential problem.

8.2 The Council has received 32 letters objecting to the proposal on the following grounds:

Parking;  
Alter residential character of street;  
Highway safety;  
Increase in traffic;  
Noise in terms of different living patterns of students;  
Concerns of upkeep of property;  
Vehicle access and turning;  
Impact on existing residents' health and wellbeing;  
Access for emergency services / delivery vehicles / refuse vehicles compromised;  
Drainage and waste;  
Loss of family home;  
Road already congested.

## **9.0 SUPPORTING INFORMATION**

9.1 Student accommodation statement

## **10.0 RELEVANT PLANNING POLICIES**

10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) provide the policy framework against which development proposals will be assessed.

10.2 The site is located within a Key Service Centre as designated in the West Lancashire Local Plan, and within the area covered by an Article 4 Direction restricting the change of use of properties from C3 to C4 without an application for planning permission.

10.3 West Lancashire Local Plan (2012-2027)  
GN3 Criteria for sustainable development  
SP1 A Sustainable Development Framework  
RS3 Provision of student accommodation  
IF2 Enhancing sustainable transport choice

10.4 Supplementary Planning Document Design Guide (Jan 2008)

## **11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

11.1 The main considerations for the determination of this planning application are:

Principle of development;  
Impact on amenity/ visual impact;  
Impact on highway safety.

### Principle of development

- 11.2 Policy RS3 (Provision of Student Accommodation) of the West Lancashire Local Plan (2012-2027) is especially relevant to this case. Policy RS3 states that when assessing proposals for the conversion of a dwelling house or other building to a House in Multiple Occupation (HMO) the Council will have regard to the proportion of existing properties in use as or with permission to become an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.
- 11.3 The application property lies within the area covered by the 'Article 4 Direction' relating to HMOs, and thus planning permission is required for the proposed change of use of the property. Policy RS3 of the adopted West Lancashire Local Plan 2012-2027 (WLLP) sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 does not permit the conversion of any more properties on that street to HMOs. The 'HMO limit' for Peet Avenue, Ormskirk is 5%.
- 11.4 According to Council records there are no existing HMO's at present amongst the properties on Peet Avenue, Ormskirk. Therefore the conversion of 30 Peet Avenue to a HMO would not result in the 5% 'HMO limit' for Peet Avenue, Ormskirk being exceeded. In the circumstances described the proposal is compliant with WLLP Policy RS3.

### Impact on amenity/ visual impact

- 11.5 The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should "retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties" and " have regard to visual amenity"
- 11.6 I note the objections from neighbouring properties in relation to parking, noise levels, disruption and change in character of the area.
- 11.7 The application property is an extended semi-detached house. The property is flanked by other residential housing. In my opinion the use of the property with its associated vehicular movements and comings and goings would be unlikely to cause significant harm to the amenities of nearby residents. I have consulted the Council's Environmental Protection team regarding this application who have not raised any concerns about the proposal. No external alterations are proposed to the property. On balance, I am satisfied that the development would not be so harmful to the amenities of nearby residents or the character of the area to warrant a refusal of planning permission. I therefore consider the proposal to be compliant with Policy GN3 of the Local Plan.

### Impact on Highways/Parking

- 11.8 The Council has received a number of complaints regarding parking provision and highway safety implications as a result of the development. The plans show that four parking spaces can be allocated on site (including that of the existing garage structure). This exceeds what would normally be required (recent planning appeal decisions have indicated 50% parking provision is acceptable for HMO development in out of town centre locations). Furthermore the site is in a location with good accessibility to town centre facilities, such as public transport.
- 11.9 Planning conditions will be attached to any permission to ensure that a secure cycle facility is provided and that the garage structure remains as a garage for parking vehicles.

11.10 In the circumstances described, I am satisfied the applicant is able to provide adequate off-road parking provision for this type and size of development.

## **12.0 RECOMMENDATION**

12.1 That proposed development is compliant with the NPPF and relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 'Parking provision'; 'Location Plan' and floor plans received by the Local Planning Authority on 29/03/2018.
3. The property shall be occupied by no more than five residents at any one time.
4. A secure cycle storage facility shall be provided at the premises prior to first occupation as a HMO, and shall therefore be retained.
5. The proposed parking spaces shall be laid out in accordance with the approved plan prior to the HMO being brought into use and shall thereafter be so retained.
6. The proposed hardstanding shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To fully maximise the sustainability of the site and comply with Policy GN3 in the West Lancashire Local Plan.
5. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN3 Criteria for sustainable development  
SP1 A Sustainable Development Framework  
RS3 Provision of student accommodation  
IF2 Enhancing sustainable transport choice

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in

the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.