

<b>No.2</b>	<b>APPLICATION NO.</b>	2018/0275/FUL
	<b>LOCATION</b>	50 St Helens Road Ormskirk Lancashire L39 4QT
	<b>PROPOSAL</b>	Alterations to form 10 bed HMO - 6 bedrooms and 4 studio bedrooms
	<b>APPLICANT</b>	Mr James Coates
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	11th May 2018

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## **1.0** **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Owens has requested it be referred to Committee to consider the impact upon highway conditions, the principle of development and the impact of the proposal on the character and appearance of the area.

## **2.0** **SUMMARY**

- 2.1 The proposed alteration to the existing HMO, to increase occupancy from 6 residents to 10 is considered acceptable in principle. Whilst the proposal would result in an intensification of the use of the site it is not envisaged that the increase would result in significant harm to the amenities or privacy of neighbouring properties or character of the area. Parking provision on site is considered to be acceptable. Minimal external works are proposed and as such the impact on the appearance and character of the Conservation Area is retained. The proposed development is considered to be compliant with the NPPF and Policies GN1, GN3, RS1, RS3, IF2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

## **3.0** **RECOMMENDATION** - **APPROVE with conditions.**

## **4.0** **SITE DESCRIPTION**

- 4.1 The site relates to a two storey property located on the corner of St Helens Road and Small Lane. The property operates as a 6 bedroom House in Multiple Occupation (HMO) and was a HMO prior to the Article 4 Direction taking effect. Parking exists to the side, south of the site with an existing access onto St Helens Road.
- 4.2 Internal works have already been carried out to the site in preparation for this application however to the Council's knowledge the rooms have not been occupied. These works include the layout of the 4 studio apartments to the ground floor and the creation of a second floor within the roof space. The ceiling height of the first floor has been lowered to accommodate the second floor. Roof lights have also been added to the southern roof slope.

## **5.0** **PROPOSAL**

- 5.1 The application seeks permission to alter the existing 6 bedroom HMO to a 10 bedroom HMO with 6 bedrooms on the first and second floor and 4 studio apartments on the ground floor.
- 5.2 All rooms would be single occupancy and as such a total of 10 residents would occupy the property at any one time.

## **6.0 PREVIOUS RELEVANT DECISIONS**

6.1 None.

## **7.0 OBSERVATIONS OF CONSULTEES**

7.1 **Lancashire County Council Highways** – 03.04.2018

No objection in principle;  
Condition suggested.

7.2 **Environmental Protection** 23.05.18 – no objections in principle. Any impact on neighbouring properties in terms of noise and disturbance would be unlikely to warrant a refusal of planning permission.

## **8.0 OTHER REPRESENTATIONS**

8.1 1 neighbouring letter of support has been received for the proposal.

8.2 11 neighbouring letters of objection have been received including 1 from the Ormskirk Residents group. Their comments can be summarised as follows:

### **Current situation**

There is a current oversupply of student accommodation. Presently there are more than 100 unoccupied student beds in the town and in addition, student houses on the market for sale;

Many properties within the town centre are empty as they cannot be filled;

The Deputy Vice Chancellor of the University has stated that the University has reduced its intake by 250 students and this is likely to shrink further.

### **Policy**

Policy RS3 – in the immediate vicinity of this property there is significant HMO clustering (Small Lane, St Helens Road from Small Lane to Park Road). Although the property is already a HMO additional students residents would serve to exacerbate clustering.

### **Amenity**

Intensification of the site and the increased potential for noise, disturbance and anti-social behaviour both at the application property and through an increased number of comings and goings when considered cumulatively with the large number of HMOs in the immediate vicinity;

Differing patterns of movements of 10 adults in the property;

St Helens Road is already a hub of antisocial behaviour.

### **Amenity of occupants**

Rooms 5 and 6 would be very cramped owing to the pitch of the roof;

On the first floor one back room has been split into rooms 2 and 3 which looks cramped;

On the ground floor Shower /WC rooms for studio 1, 3 and 4 look cramped particularly the shower in Studio 4;

In studio 1 the WC and room door arcs clash;

The number of students should be reduced so that the students are not overcrowded.

### **Impact on the Conservation Area**

The Conservation Area could be negatively altered by the loss of landscaping and greenery should a higher number of parking spaces be provided.

### **Unauthorised works**

Work has already started on site and has been ongoing for the last 12 months with varying numbers of residents present.

### **Trees/ hedges**

The applicant states that no trees or hedges are on the site – this is clearly not the case;  
The proposal will result in the loss of greenery and landscaping;  
Trees have already been removed from the site and this is not in keeping with the Conservation Area and is poignant noting its location on the entrance to the town centre.

### **Highways /Parking**

The proposal will create additional problems with parking;  
The junction of Knowsley Road and St Helens Road is already a hazardous tight corner at Small Lane which creates a very dangerous traffic problem;  
There have been several accidents by the junction in the past;  
Small Lane is far too narrow to have parked cars right up to the junction;  
Having cars coming out the entrance of No 50 on this already congested part of town is dangerous and unwise;  
Traffic is already busy along this stretch of road;  
Car parking shown is insufficient for 10 residents – questions are raised whether the available space can accommodate parking and manoeuvrability of 7 vehicles;  
Crossing Knowsley Road is already unsafe.

### **General**

The proposal would remove the potential to revert to a C3 occupancy without the need for planning permission and thus the loss of a potential family house;  
Sets a dangerous precedent of converting HMOs to student housing.

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the settlement area of Ormskirk designated as a Key Service Centre in the West Lancashire Local Plan 2012-2027 DPD. The site is also located within the Ruff Lane Conservation Area.
- 9.3 **West Lancashire Local Plan 2012-2027 DPD**  
Policy SP1 – A Sustainable Development Framework for West Lancashire  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential Development  
Policy RS3 – Provision of Student Accommodation  
Policy IF2 – Enhancing Sustainable Transport Choice  
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment  
Policy EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
- 9.4 **Supplementary Planning Document 'Design Guide' (Jan.2008).**

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

- 10.1 The main considerations for this application are:

Principle of development;  
Design/ appearance / Layout / amenity;  
Impact on residential amenity;  
Highways.

### **Principle of development**

- 10.2 Policy RS3 - Provision of Student Accommodation of the West Lancashire Local Plan (2012-2027) states that when assessing proposals for conversion of a dwelling house or other building to a 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. The intention of the policy is, in part, to protect the character of existing residential areas, to avoid problems of parking and to limit anti-social behaviour and neighbour amenity impacts. It is identified that regard should be had to any clustering of student accommodation and the effects on nearby properties.
- 10.3 Whilst the development here is not the formation of a new HMO there is an intensification of the use of an existing HMO to form a large HMO. The addition of four further occupants has potential to have similar impacts as the formation of a new HMO unit in the locality (a small HMO can consist of 3-6 residents).
- 10.4 This part of St Helens Road is known to have a high concentration of student occupied properties particularly when taken into consideration with the adjacent Small Lane. The justification to Policy RS3 recognises that in certain areas the ideal maximum percentage has already been exceeded during the period where it was not possible to control the conversion of dwellinghouses to HMOs. The policy restricts further HMOs in those circumstances unless there are compelling reasons to allow them. It also advises that the effect of clustering and the numbers of occupants should be considered.
- 10.5 Looking specifically at the characteristics of this site, the property is a substantial semi-detached house on a busy main road with adequate onsite parking. The property faces onto St Helens Road and is attached to a dwelling on Small Lane, which is also an existing HMO. The site's characteristics are different from other sites which have recently been resisted by the Council for similar development (notably 91 Wigan Road). Planning applications must be judged on their individual merits and in this particular case it is my view that the intensification of use and introduction of 4 additional students would not result in significant harm to the character of the area or the amenities of neighbouring properties. These aspects will be discussed in greater detail below. On this basis I am satisfied that the principle of development is acceptable.

### **Impact on residential amenity**

- 10.6 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties. The property is substantial and I am satisfied that the room layout would provide reasonable levels of amenity for future occupants. There is a limited amount of external amenity space on site, excluding the area proposed for parking but given the site's location in close proximity to a local park I am satisfied that future residents will have good access to outside space.
- 10.7 As part of the proposal a small single storey side extension has been demolished to accommodate additional parking. The proposal also includes the provision of roof lights in the rear roof slope. I consider these alterations to be acceptable in design terms and they would not be harmful to the appearance of the property. The separation distance between

the new roof lights and the neighbouring property at 52 St Helen's Road meets the standards in the Council's Design Guide.

- 10.8 The proposal would increase the number of occupants within the property from 6 to 10. Whilst I accept that this would result in increased comings and goings to the property with the potential to cause additional noise and disturbance, in this location I do not consider this would be substantial. St Helens Road is a main arterial route into the town centre, lying in very close proximity to the University and as such a degree of noise and comings and goings are already experienced.
- 10.9 The attached neighbouring property at 1 Small Lane is a HMO therefore the application site is not physically attached to a family dwelling. There are also other HMO's in the vicinity, for example the majority of properties on Small Lane are HMO's, including numbers 2, 3 and 4. There are also properties nearby which are converted into flats, for example, 48 St Helens Road. Therefore within its immediate grouping the majority of properties are no longer occupied as single dwellings and in this particular location I do not consider the increase in the number of residents at the application site would result in significant noise and disturbance above and beyond that currently existing to warrant a refusal of planning permission.
- 10.10 Whilst I accept that the increase in residents by 4 at the property would result in an intensification of the use, I consider that on balance, there are site specific circumstances which indicate that this increase would not result in significant harm to the amenities of neighbouring properties.
- 10.11 Therefore I am satisfied that the proposal accords with Policy GN3 in the Council's Local plan as the development would retain reasonable levels of privacy and amenity for future and existing occupants.

### **Impact upon the Conservation Area**

- 10.12 Conservation Areas are defined under s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as being areas of "*special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.*" There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.
- 10.13 50 St Helens Road is a large property which sits on a prominent corner site in the Ruff Lane Conservation Area. The area in this part of the Conservation Area is characterised by large detached late Victorian/Edwardian residential properties.
- 10.14 The property is already in HMO use and the area to the south is already laid to hardstanding and used for parking.
- 10.15 As the use exists and very little work is proposed to the exterior of the property I am satisfied that there is no additional impact on the character or appearance of the Conservation Area.
- 10.16 As I am required to do, I have given the duties imposed by the P(LBCA) Act 1990 considerable weight in my comments. In my view the proposal does not harm the character or appearance of the Conservation Area and as such the proposals conform to the national planning guidance contained in the NPPF and Policy EN4 of the Local Plan.

## **Highways / parking**

- 10.17 Policy GN3 requires that adequate parking provision is made in line with the standards set out in the Local Plan Policy IF2 and Appendix F unless the local circumstances justify a deviation from the policy. Policy GN3 also requires that development incorporates suitable and safe access and road layout design.
- 10.18 Lancashire County Council as Highway Authority has been consulted as part of this proposal. They raise no objection in principle to the proposed development. They are satisfied that the increase in usage of the existing access close to the junction with Small Lane and Knowsley Road would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.
- 10.19 The property is located within walking distance of Edge Hill University and has good accessibility to local amenities and public transport. As such LCC highways is satisfied that 50% parking provision would be acceptable for this development.
- 10.20 The proposal is for a 10 bed HMO and would therefore require 5 parking spaces to be provided for residents. The submitted plans show 7 car parking spaces laid out to the side of the property. LCC Highways considers that this provision is acceptable in terms of layout.
- 10.21 No cycle storage has been depicted on the plans and to aid social inclusion and to promote sustainable forms of transport a condition can be attached to ensure that cycle parking is provided as part of any approval.

## **Trees**

- 10.22 The Council's Arboricultural Officer is of the view that the earth borders in the rear garden should be maintained to help safeguard the health of the existing trees. A condition seeking to ensure the trees are retained on site was considered but in my opinion is not necessary as the site lies in the Ruff Lane Conservation Area. Therefore trees are protected by virtue of their location within the Conservation Area and tree works would require the consent of the Local Planning Authority.

## **Summary**

- 10.23 On balance, the proposal accord with Policy GN3, RS1, RS3 and IF2 of the Local Plan and the NPPF and as such the proposal is recommend for approval.

## **11.0 RECOMMENDATION**

- 11.1 The proposed development is compliant with the NPPF and the 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 2462/PL/1b received by the Local Planning Authority on 06.06.2018

3. Before the development hereby approved is occupied, the car parking and manoeuvring area shall be marked out in accordance with the approved plan (2462/PL/1b).
4. The property shall be occupied by no more than 10 residents at any one time.
5. Details of cycle storage and bin stores shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle and bin storage facilities shall be provided on site prior to occupation of the property and shall thereafter be retained.
6. The existing earth borders surrounding the car park shown on plan reference 2462/PL/1b received by the Local Planning Authority on 6th June 2018 shall be maintained as such for the duration of the development.

### **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 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.
4. 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.
5. 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.
6. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire 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 Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy SP1 - A Sustainable Development Framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential Development

Policy RS3 - Provision of Student Accommodation

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Policy EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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.