

No.9	APPLICATION NO.	2018/0720/FUL
	LOCATION	200 Burscough Street Ormskirk Lancashire L39 2EY
	PROPOSAL	Change of use from 5 bed student HMO with 1 no. 1 bedroom flat and 1 no. 2 bedroom flat to 5 bed student HMO plus 1 no. 2 bedroom flat and 2 no. studio bedrooms.
	APPLICANT	Ormskirk Lettings
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	31st August 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Delaney has requested it be referred to Committee to consider the clustering effect of the development and the overdevelopment of the area as well as highways issues.

2.0 SUMMARY

- 2.1 The principle of an additional studio bedroom within this property is considered acceptable and in accordance with Policy RS1 of the Local Plan. The increase in occupancy at the site by one resident would not result in a significant increase in noise and disturbance to neighbouring properties, or harm the character of the area sufficient to warrant a refusal of planning permission. The scheme would provide acceptable levels of car parking and would not have a detrimental impact on highway safety in the vicinity of the site. Therefore the proposed development accords with Policy RS1, RS3, GN3 and IF2 of the Local Plan.

3.0 RECOMMENDATION – APPROVE WITH CONDITIONS

4.0 SITE DESCRIPTION

- 4.1 The site relates to a semi-detached property located to the eastern side of Burscough Street. The property is two storey with rooms within the roof slope and dormer to rear. The site operated as a 6 bedroom HMO and was a HMO prior to the Article 4 Direction taking effect. However planning permission has been recently obtained for the change of use of the 6 bed student HMO to 5 bed student HMO, 2 bed self-contained flat and 1 bed self-contained flat (2017/1340/COU). This application has been implemented and the permission restricts the number of occupants to 8.
- 4.2 Parking for the site exists to the rear. The site benefits from a right of way over the land to the south (side) of the dwelling enabling vehicles to gain access to the rear of the site.

5.0 PROPOSAL

- 5.1 Planning permission is sought for the change of use of the recently approved 5 bed student HMO; 1 bedroom flat / studio apartment and 1 no. 2 bedroom flat to a 5 bed student HMO, 2 bedroom flat and 2 no, 1 bedroom studio apartments and effectively splits the one bed ground floor flat into 2 studio bedrooms. The property as a whole would accommodate up to 9 occupants.
- 5.2 The flat and studio bedrooms would be on the ground floor with the HMO being laid out over the first and second floors as existing. Access for the HMO and studio apartments is to the front and the 2 bedroom flat is to the rear. Parking is proposed within the rear

garden and to the south of the site at the end of the shared right of way with number 198 Burscough Street. The parking area would accommodate 5 vehicles.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 2017/1340/COU - Change of use of 6 bed student HMO to 5 bed student HMO, 2 bed self-contained flat and 1 bed self-contained flat.
GRANTED

6.2 The property was converted to a HMO prior to the Article 4 direction being implemented.

ENFORCEMENT:

6.3 E/2017/0182/UBW - Extension without planning permission. (permitted development)

ADJACENT SITE:

6.4 2018/0581/FUL - Erection of a block of 9 apartments, comprising 6 x 2 beds and 3 x 1 beds with associated parking.
PENDING DECISION

7.0 OBSERVATIONS OF CONSULTEES

7.1 **Lancashire County Council Highways** – 22.08.2018
No objection in principle.
Conditions suggested

8.0 OTHER REPRESENTATIONS

8.1 9 neighbouring letters of objection have been received and can be summarised as follows:

Impact to the site:

Overdevelopment of the site;

Over intensification of the use at the site;

Proposal will have a detrimental effect on the character and appearance of the street scene and surrounding area;

The proposal is running alongside the application at the adjacent site of 198 Burscough Street (2018/0581/FUL). This would mean a total of 24 occupiers across the two sites.

Policy requirements:

There is a clustering of student properties in the area of the site. Nos 196, 194 and 167 opposite being in HMO use. If the proposal is approved clustering will be exacerbated;

Policy RS3 - The limits for HMO's on Burscough Street have already been exceeded by over 10%. This application if granted further increases this;

The proposal is not in keeping with the NPPF which relates to creating sustainable, mixed and balanced communities.

Amenity of neighbours:

The area is already known for anti-social behaviour particularly in the early hours of the morning. The proposal will add to the same;

The proposal would result in further loss to the amenities of local residents;

Increased noise;

Comings and goings from the property will be increased.

Parking / highways:

Parking is already at a premium and the students at the neighbouring properties already use the land at the side of the empty house;
The proposal would result in the lack of parking provision on site;
More residents will exacerbate the existing parking problems;
Cars often park on the pavement causing a hazard to members of the public. An increase in students will intensify this issue;
More visitors will increase the risk of accidents in the area.

Drainage / localised flooding:

Flooding has been experienced at the bottom of Burscough Street, around the mini roundabout and along Hattersley Way after heavy rainfall. This flooding also resulted in foul sewerage being present. UU have previously identified that there is a lack of capacity in the area.

General:

The Council has already found the increase to 9 residents within the property unacceptable during the previous application submission ref 2017/1340/FUL and requested that the applicant reduce numbers to a maximum of 8 residents;
The site is used for the storage of builder's materials and waste for off-site projects despite it being reported to the Council;
The burning of builders waste has taken place on numerous occasions;
No bin storage provided;
There is an oversupply of HMO accommodation in the town and with increased building of campus accommodation and applications for student accommodation above town centre retail and service properties, additions to existing HMOs are not required.

Amenity of occupants:

There is no outdoor private amenity space provided for residents which is contrary to Policy GN3 of the Local Plan;
It is ridiculous to suggest that the future occupiers and neighbours can walk half way across Ormskirk to a local park to access amenities.

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.
- 9.3 **National Planning Policy Framework (NPPF)**
Para 2 – Achieving sustainable development
Para 8 – Promoting healthy and safe communities
Para 12 – Achieving well designed places
- 9.4 **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

9.5 **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;
Character of the area;
Noise and Disturbance / Impact upon residential amenity;
Design/Layout;
Highways / parking;
Drainage.

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.
- 10.3 In this case the application does not relate to an increase in the number of HMOs in the locality. The proposal would add an additional studio apartment to the property resulting in an increase of 1 resident within the building as a whole, bringing the total number of residents to up to 9.
- 10.4 In a recent appeal decision (APP/P2365/C/18/3198365 – 91 Wigan Road) where the applicant sought to increase the number of residents in an existing HMO, the inspector found that Policy RS3 of the Local Plan was not of direct relevance to the proposal. Under this appeal the Inspector noted that Policy RS3 seeks to control the number / percentage of HMOs in identified areas, but such restrictions are not relevant to the consideration of the number of residents in each HMO. Consequently as the HMO is already in existence the proposal would not conflict with Policy RS3 of the Local Plan.
- 10.5 Policy RS1 of the Local Plan states that within Key Service Centres (which this site is) residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposal conforming with all other planning policy. Consequently the proposal to add an additional studio bedroom to the premises is acceptable in principle.

Impact upon neighbouring properties and character of area

- 10.6 The increase in the number of residents residing in the property must be assessed in terms of Policy GN3 of the Local Plan which seeks to ensure developments retain/create reasonable levels of privacy and amenity for occupants of proposed and existing properties.
- 10.7 The proposal would result in the increase of 1 resident at the property. I acknowledge the comments received from local residents who have raised concerns regarding the number of students in the area generally and that outside noise can be heard in the street late at night. However no evidence has been submitted to attribute this noise to the application property. In any event I do not consider that increasing the number of residents within the property from 8 to 9 would materially change existing levels of noise and disturbance in the area to an extent that the development would harm the amenities of nearby residents or the character of the area. In reaching this decision it is noted that the property is located

on a relatively busy road which is a main arterial route into the town centre where noise and activity levels associated with vehicular and pedestrian movements is already quite high and is therefore very much part of the existing environmental conditions. It is also noted that 200 Burscough Street is located in an area of the Street where the character changes from terraced properties to larger semi-detached properties with commercial buildings also present in the locality.

- 10.8 It is recognised that the attached property of 202 Burscough Street is a residential property as is 204 further north and 169 and 171 directly over the road. In regards to the attached neighbour at 202 the applicant has advised that measures have been taken to protect the amenity of adjoining residents by the fitting of sound insulation on the party wall to reduce noise and disturbance.
- 10.9 It has been identified in a recent appeal decisions (91 Wigan Road) that the use of rear garden areas by residents where a clustering of HMOs exists could result in the concentration of noise and disturbance that would detrimentally impact upon the amenity of neighbouring residential properties. Whilst I accept this stance I do not consider that it is directly applicable to this site. Firstly the rear garden area of the site has historically been used for parking and this is to continue with a small area for amenity space to the east. There is a greater spacing between the application property and adjacent HMOs than seen at 91 Wigan Road and as such the potential concentration of noise due to residents congregating outdoors would not be as great. Lastly the increase in residents at the property by 1 is considered unlikely to result in a material impact to the level of noise omitted.
- 10.10 Therefore on balance I do not consider that the proposal to increase the number of residents by 1 would result in a significant increase in noise and disturbance to neighbouring properties or cause harm to the character of the area. For this reason I am satisfied that the proposal would accord with Policy GN3 of the Local Plan.

Design and Layout and amenities for future occupants

- 10.11 The NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. No physical alterations are proposed to the property itself except the internal sub division of a one bedroom flat into 2 studio bedrooms. I consider the layout of the property to be acceptable. Alterations to the rear yard are proposed to provide off street car parking and a small area of amenity space.
- 10.12 Parking provision is provided to the rear of the property. A hardstanding area has been established to the rear of the property for a number of years and this area has historically been used for the parking of vehicles for the property. An extension to the parking area is proposed to the south of the site, to the end of the right of way. This parking area would be linked into the larger parking area for 198 Burscough Street (pending application ref 2018/0581/FUL). The amendment to the parking scheme represents an improvement to the site as it would formalise off street parking provision.
- 10.13 The parking provision takes up the majority of the rear yard however an area measuring 6m x 6m remains for the provision of a limited amount of amenity area. Noting the location of the property on the edge of the town centre in close proximity to local parks and open spaces I am satisfied that the level of on-site amenity area would not be detrimental to the amenity of future occupants of the property.
- 10.14 Bin storage is proposed to the rear of the site in an enclosed area. I am satisfied that this provision is acceptable and that the siting would not impact upon amenity provision for the site or obstruct the shared access driveway.

10.15 On balance I am satisfied that the proposal provides an acceptable standard of accommodation for future occupants and as such is compliant with Policy GN3 of the Local Plan in this regard.

Highways / parking

10.16 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 and requires that development proposals incorporate suitable development and safe access.

10.17 Lancashire County Council as Highway Authority has been consulted in respect of this application and raise no objections in principle. The Highway Authority are satisfied that the property is located in an area with good accessibility to local amenities, public transport and the town centre where a shuttle bus runs between the town centre and Edge Hill University for students.

10.18 The Highway Authority notes that the proposal (in conjunction with the proposed development at 198 Burscough Street) will increase the demand for parking. Under provision of parking could cause overspill parking and lead to amenity issues on the existing highway where parking spaces are at a premium or cause obstruction of the vehicle manoeuvring areas within the site.

10.19 Generally the Council requires HMO's to provide 50% parking therefore the 5 bed HMO would have an on-site parking requirement of 2.5 spaces; the 2 bedroom flat would require 2 spaces and the 2 x, 1 bedroom studio flats would require 1 space each bringing the total number of spaces required on site to 6.5. The submitted plans show 5 onsite parking spaces to the rear. This does represent a slight under provision of parking for the site. However a 9 bed HMO would require 5 spaces and on balance I consider the provision of 5 spaces to be reasonable for the number of occupants.

10.20 Owing to the location of the site adjacent to the town centre, along a major bus route and in proximity to the train and bus stations, I am satisfied that the proposal provides sufficient parking levels and the scheme would not result in significant harm to the free flow of traffic or highway safety in the area. The Highway Authority have recommended the imposition of conditions to require the car park to be laid out in accordance with the approved plans and the provision of cycling facilities.

Conclusion

10.21 The increased occupancy at the site by 1 resident is acceptable in principle and would not be significantly harmful to the amenities of nearby residents or the character of the area. Adequate onsite parking would be provided. Therefore the proposed development accords with Policy RS1, GN3 and IF2 of the Local Plan and as such is recommended for approval.

11.0 RECOMMENDATION

11.1 That planning permission be GRANTED subject to the following conditions:

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 2017/COU/1d received by the Local Planning Authority on 13.08.2018 and Plan reference 2017/COU/BS received by the Local Planning Authority on 08.11.2018.
3. Prior to the occupation of the additional studio bedroom, the approved car parking and manoeuvring scheme shall be marked out and provided in accordance with the approved plan (2017/COU/1d) and shall be permanently maintained thereafter.
4. The proposed hardstanding shall be of permeable construction or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
5. The property shall be occupied by no more than 9 residents at any one time.

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. 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.
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.

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

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.