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| No.2 | APPLICATION NO. | 2020/0267/FUL |
| | LOCATION | 12 Small Lane Ormskirk Lancashire L39 4RD |
| | PROPOSAL | Change of use to a five bedroom house of multiple occupation (HMO). |
| | APPLICANT | Mr Martin Loftus |
| | WARD | Derby |
| | PARISH | Unparished - Ormskirk |
| | TARGET DATE | 27th July 2020 |

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 development against Policy RS3 and GN4 of the West Lancashire Local Plan.

2.0 SUMMARY

2.1 The Council's policy on student accommodation seeks to resist excessive clustering of HMOs in order to protect the character of the area and ensure the supply and location of affordable family housing in Ormskirk. The site lies within an area already identified as being over the recommended concentration levels for this type of use, and in the absence of compelling circumstances to justify a departure from the Council's Policy, I consider the proposal is contrary to Policy RS3 in the WLLP and is recommended for refusal.

3.0 RECOMMENDATION: REFUSE

4.0 THE SITE

4.1 The application property relates to a mid-terrace residential property to the north side of Small Lane, Ormskirk.

5.0 THE PROPOSAL

5.1 This planning application seeks permission for a change of use to a five bedroom house of multiple occupation (HMO).

6.0 PREVIOUS RELEVANT DECISIONS

6.1 2007/1110/FUL: APPROVED - Single storey rear extension.

7.0 CONSULTEE RESPONSES

7.1 Lancashire County Council (Highways) (09/06/2020) - Due to the highly accessible location of the site, no objections in principle. The proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

7.2 Environmental Health Manager (14.07.20) No objection to or comments to make

8.0 OTHER REPRESENTATIONS

8.1 Objections have been received from neighbouring properties on the grounds of:

There are already a surplus number of properties converted to student HMOs in the Ormskirk area;

Recent trends in student housing have favoured the development of purpose built student accommodation in the centre of town, thus releasing residential properties for families;

Too many properties of multiple occupancy within this area. There is a high proportion of HMO's above the allowable percentage (5%) in Small Lane (23 out of 26 residences 88%);

There is no evidence to show that it would not be feasible to sell 12 Small Lane as a residential property;

Increased problems related to the local built environment including excess noise and nightly disturbances, littering of pavements and parking congestion;

Strained relationships between sections of the community, thus lessening the possibility of any form of local cohesion;

Converting yet another residential home into a student HMO deprives Ormskirk of a potential family dwelling place that could cater to vital social needs;

Parking problems.

- 8.2 New Ormskirk Resident Group (18/06/2020) – Object to the development on the grounds of:

Oversupply of HMO accommodation in the town and with the current uncertainty around the on-site delivery of university courses and deferral of places next year, there is a real possibility of a further reduced need for HMO accommodation;

Small Lane already well exceeds the set percentage of HMO accommodation but under Local Plan RS 3 B), additional conversion can be permitted if there are compelling reasons. NORG suggests that with the present uncertainty with regard to demand for student accommodation in the town next year, there are no compelling reasons, and that this application should be rejected;

There is no provision for parking for cars for 5 students as the on street parking in front of the property would accommodate only one vehicle with a residents parking permit.

9.0 SUPPORTING INFORMATION

- 9.1 Design and Access Statement and Heritage Statement

10.0 RELEVANT PLANNING POLICIES

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

- 10.2 The site is located within the settlement area of Ormskirk designated as a Key Service Centre in the West Lancashire Local Plan. The site is located within the Ruff Lane Conservation Area, Ormskirk.

10.3 National Planning Policy Framework

Delivering a wide choice of high quality homes
Requiring good design

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 IF2 – Enhancing Sustainable Transport Choices

Supplementary Planning Document, Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

11.1 The main considerations for this application are

Principle of development
Impact on residential amenity / Intensification of use
Design/Impact on Conservation Area
Highways

Principle of Development

- 11.2 The property lies within the area covered by the 'Article 4 Direction' relating to houses of multiple occupation (HMOs), and thus planning permission is required for the proposed change of use to the property.
- 11.3 Policy RS3 (Provision of Student Accommodation) of the West Lancashire Local Plan DPD (2012-2027) is relevant to this planning application. Policy RS3 states that when assessing proposals for 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.
- 11.4 Policy RS3 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 seeks to restrict conversion. This is to protect the character of the area and to ensure the supply and location of affordable family housing in Ormskirk
- 11.5 The proposed limit for Small Lane in Policy RS3 is 5%. According to the Council's records, there are 23 HMOs in Burscough Street out of 26 residential properties (88%). One more HMO on this street would take the proportion of HMOs to 92% which would be contrary to the advice contained within Policy RS3.
- 11.6 Paragraph 7.45 of Policy RS3 states that "Where a proposal for a HMO would result in the percentage limit being exceeded, no more HMOs will be permitted under this policy unless there are compelling reasons specific to an individual application why it would be appropriate to allow the HMO limit to be exceeded, or further exceeded."
- 11.7 The supporting document states that Small Lane comprises predominately of student accommodation or privately rented HMO's. As a result of this, the applicant states it is difficult to sell properties as private dwelling houses in this location but there is a demand for student accommodation owing to its proximity to Edge Hill University.
- 11.8 Although I understand the circumstances that surround this property as it is 'sandwiched' between a significant number of other existing HMOs I do not consider that reasons outlined by the applicant are sufficient to allow this property to further exceed the HMO limit set by Policy RS3. Insufficient information has been provided to demonstrate compelling reasons to exceed the HMO limit, for example evidence of a marketing scheme which would substantiate that the property is difficult to sell as a private dwelling house .I am mindful that were this application to be approved without justification to outweigh the Council's restrictive policies for the percentage of HMO's in particular streets,

this may set a precedent which could result in the intensification of use of other properties which would have an unacceptable impact on the character of the area and undermine the supply and location of affordable family housing in Ormskirk.

11.9 I therefore consider that the applicant has not demonstrated that the principle of a further HMO is acceptable and is in conflict with Policy RS3 of the WLLP.

Impact on residential amenity / Intensification of use

11.10 Policies RS3 and GN3 are consistent with the NPPF's aims including to encourage sustainable communities whilst retaining the existing character of areas and protecting levels of residential amenity with particular reference to anti-social behaviour and parking provision.

11.11 The proposal would result in the addition of a further HMO within Small Lane which is known to have a high concentration of student occupied properties (significantly higher than the specified policy limit). It also advises that the effect of clustering and the numbers of occupants should be considered.

11.12 It is well recognised that students, comprising mainly young people in their late teens or early 20's have a different lifestyle than family households and this can cause problems of late night noise and disturbance. Such problems can be exacerbated where the occupancy rate is higher.

11.13 There are HMO properties either side and opposite the application site. In my view, therefore, given the existing level of HMO accommodation in the vicinity of this particular site and its proximity to St Helen's Road and Ormskirk Town centre, noise and disturbance from the comings and goings associated with an additional 5 person HMO in this particular location is unlikely to be so significant to have an unacceptable impact on nearby residents.

11.14 Whilst recognising the conflict with the principles of Policy RS3 I do not consider the proposed development would in itself cause unacceptable problems for the amenity of surrounding residents and complies with Policy GN3.

Design/Impact on Conservation Area

11.15 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.

11.16 The site is located within the Ruff Lane Conservation Area. LPA's should, in coming to decisions, refer to the Planning (Listed Building and Conservation Area) Act 1990 which requires that decision makers *pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas*. In doing so decision makers should give considerable weight and importance to the duty imposed by Section 72(1). Policy EN4 is therefore also relevant.

11.17 The proposed works include both internal alterations and external alterations to the property. External alterations include changes to the fenestration and door which fronts the public highway. Existing windows are modern C20th additions and do not make a positive contribution to character and appearance. The proposed windows seek to give conformity to the four properties in the terrace by providing a consistent and harmonious design with matching fenestration and external panelled door, incorporating a fanlight. This consistency in design is considered to be an enhancement to the property and

streetscene. For this reason I do not consider that the alterations would harm either the character or appearance of the Conservation Area and would comply with Policy EN4 of the WLLP in this respect.

Highways

- 11.18 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards.
- 11.19 I have consulted the Highway Authority who have advised that they have no objections to the proposal. Whilst the Council would generally suggest that 1 in curtilage car parking space be provided per 2 bedrooms in HMO's this standard is relaxed in accessible locations. The location of the site on the edge of the town centre is close to local facilities and there is a relatively short walking distance to/from Edge Hill University should the HMO be used for students. In addition public transport services including bus and train stations are located within a short walk of the site. I am satisfied that the location of the site should discourage car ownership.
- 11.20 The Highway Authority is satisfied that the development would not result in a significant impact on highway safety within the local area.

Summary

- 11.21 Policy RS3 sets limits on the proportion of properties in a street that can be HMOs. Insufficient information has been provided to demonstrate compelling reasons to exceed the HMO limit. I am mindful that were this application to be approved without justification to outweigh the Council's restrictive policies for the percentage of HMO's in particular streets, this may set a precedent which could result in the intensification of use of other properties which would have an unacceptable impact on the character of the area and undermine the supply and location of affordable family housing in Ormskirk.
- 11.22 I consider the proposal is contrary to Policy RS3 in the WLLP and is recommended for refusal.

12.0 RECOMMENDATION

- 12.1 That the application should be REFUSED for the following reason:

Reason for Refusal

1. This application fails to comply with Policy RS3 of the adopted West Lancashire Local Plan in that it would result in a further increase in the number of properties being used as an HMO in an area where the limit has already been exceeded and would result in a clustering of HMO's. Compelling reasons to justify a departure from policy RS3 have not been provided.