

Agenda Item	A9
Application Number	23/01494/FUL
Proposal	Change of use and conversion of existing ground floor office to HMO (C4)
Application site	2 West Road Lancaster Lancashire LA1 5PG
Applicant	Mr Ajzkenol
Agent	Mr Grant Erskine
Case Officer	Mr Patrick Hopwood
Departure	No
Summary of Recommendation	Refusal

(i) **Procedural Matters**

The application has been called in to Planning Committee by Councillor Mandy Bannon, therefore the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site to which this application relates is the ground floor of the former Victoria Hotel building on the corner of West Road and Willow Lane in Marsh. The ground floor is currently in use as offices for small businesses. The upper floors of the building are in residential use.

1.2 The site lies within an Article 4 Direction area, which removes permitted development rights for Houses in Multiple Occupation (HMOs).

2.0 Proposal

2.1 This application seeks planning permission for the change of use and conversion of the existing ground floor office space to a five-bedroom House in Multiple Occupation (HMO) (Use Class C4).

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
14/00386/CU	Change of use and conversion of existing public house (A4) and dwelling (C3) to offices (B1) on ground and first floors, 5 flats (C3) and 1 house in multiple occupation	Approved

	(C4) including the erection of a single storey store to the rear	
15/00051/CU	Change of use and conversion of existing public house to offices on ground and 6 flats including the erection of a single storey store to rear.	Approved

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
County Highways	No objection , subject to conditions for a construction management plan, construction delivery times, and bin store doors opening inwards.
Planning Policy Team	HMO Density: 18%
Environmental Health	No adverse comments or advice.
Fire Safety Officer	No response received.
Lancaster Civic Vision	Objection. High HMO density in Article 4 direction area. Conversion to flats is a better alternative to meeting housing local needs and contributing to the long-term sustainability of the area.

4.2 Two letters of objection have been received from local residents, and raise the following main points:

- Proposal exceeds HMO policy limit
- Loss of office space
- Access and use of existing facilities

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of HMO Use
- Residential Amenity
- Highways
- Highways Impacts and Bin Storage
- Biodiversity

5.2 Principle of HMO Use (NPPF Section 12; Policies DM1, DM13, DM29 and SP9)

5.2.1 Policy DM13 of the Development Management DPD sets out the Council's approach to residential conversions. As part of this, the Council considers the importance of maintaining an appropriate housing mix and safeguarding the character of residential areas to be important priorities. The supporting text explains that large concentrations of HMOs in a small area can impact on the character of a residential area and give rise to an inappropriate mix of residents. It goes on to say that this has been the case in areas of Lancaster, having a negative effect on local amenity. As such, there is a general presumption against new HMOs within the district. Policy DM13 is clear in that proposals which would lead to a concentration of more than 10% of houses being classed as HMOs of the total housing stock within a 100m radius will not be considered acceptable.

5.2.2 Policies DM1 and SP9 seek to ensure that proposals promote balanced, strong and vibrant communities. Paragraph 135 of the NPPF requires developments to add to the overall quality of the area, be sympathetic to the local character of the area, and not undermine quality of life and community cohesion. This is reiterated by Local Plan Policy DM29 which seeks to promote a balanced mix of compatible uses, contributing positively to the identity and character of an area.

5.2.3 After undertaking an assessment of surrounding housing stock, in accordance with Appendix A of the Residential Conversions and Houses in Multiple Occupation SPD, the HMO density within 100m of the application site is 18%.

5.2.4 The agent has stated that it is not commercially viable to retain the ground floor offices. The loss of the office space would displace the existing small businesses, however there are vacant units elsewhere in Lancaster and the site is not safeguarded in the Local Plan for office use. For this reason, the loss of the office units cannot be refused; however, in accordance with policy DM13 a change of use to a HMO cannot be supported.

5.2.5 To conclude on this principal issue, the proposed development would harm the character of the area, by exceeding the level of HMOs considered acceptable in a particular location to maintain an appropriate mix and balance of households. This would not comply with Policy DM13, the purpose of which has been set out above, and the SPD, which seeks to manage the development of HMOs to prevent an over-concentration, which is considered harmful to local communities and to meeting housing need and balanced communities.

5.3 Residential Amenity (NPPF Section 12; Policies DM13 and DM29)

5.3.1 Policy DM13 requires that proposals for HMOs do not result in sub-standard living conditions. Policy DM29 requires new development to ensure there is no detrimental impact to amenity and Paragraph 135 of the NPPF requires developments to create places with a high standard of amenity for existing and future users.

5.3.2 In terms of living standards, originally the plans proposed a bedroom with its only window looking into the covered bike and bin store. This would not have been an acceptable outlook, and natural light would have been limited to the affected bedroom. Amended plans have been submitted in an attempt to address this. The shared kitchen/dining room is now proposed on this side looking into the covered bike store, and all bedrooms would face onto the surrounding streets. However, Appendix B of the Residential Conversions SPD requires that all living spaces (including kitchen diners) have an acceptable outlook and adequate level of natural light. Therefore, there would still be an impact in terms of living standards, with the proposal resulting in an unacceptable level of amenity.

5.3.3 The proposed HMO would have its own laundry facilities and therefore not require use of the building's existing laundry room. No detrimental impacts are anticipated on the amenity of adjoining premises, in terms of noise and general disturbance, nor would existing nearby uses result in a detrimental impact on the amenity of future occupiers.

5.4 Highways Impacts and Bin Storage (NPPF Section 9; Policies DM13, DM29 and DM62)

5.4.1 The site benefits from an existing covered external storage area, subdivided for bicycle and bin storage. There is no off-street parking available; however, the site is sustainably located close to public transport routes and local services. The submitted plan demonstrates that adequate bin storage can be achieved in accordance with the Council's Planning Advice Note for waste storage. Final details of bicycle and bin storage arrangements could be secured through a planning condition, and subject to this, the proposal is acceptable in terms of highways impacts and bin storage.

5.5 Biodiversity (NPPF Section 15; Policies DM44, SP8 and EN7)

5.5.1 The site falls within the 3.5km buffer for Morecambe Bay designated sites. Any new residential units within this buffer have the potential to increase recreational pressure on the coastal designated sites. In the event the LPA had been minded to approve the application, a Habitats Regulations Assessment would have been undertaken, and it is likely that mitigation would have been required in the form of a homeowner/tenant information pack.

6.0 Conclusion and Planning Balance

6.1 For the reasons outlined above, the proposed change of use would result impact upon the quality of the local area, through harm to its character, housing mix and community balance. Furthermore, the proposal would result in substandard living conditions. As such, the proposal conflicts with the relevant local and national policies and is therefore recommended for refusal.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The concentration of HMOs within 100m of the subject building equates to 18%, which exceeds the maximum concentration of 10% prescribed by Policy DM13 of the Development Management DPD. The proposal would result in harm to the quality, character, housing mix and community of the local area, contrary to the aims and objectives of Policies DM1, DM13 and DM29 of the Development Management DPD, Policy SP9 of the Strategic Policies and Land Allocations DPD, the Residential Conversions and Houses in Multiple Occupation SPD, and Paragraph 135 of the National Planning Policy Framework.
2. By virtue of the proposed layout, the shared living space would be subject to an inadequate level of natural light and an inadequate outlook. Consequently, the proposal would result in substandard living conditions detrimental to the amenity of future users and contrary to the requirements of Policies DM13 and DM29 of the Development Management DPD, Appendix B of the Residential Conversions and HMOs SPD, and Section 12 of the National Planning Policy Framework.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm that it takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

N/A