

Agenda Item	Committee Date	Application Number
A6	7 January 2020	19/01339/CU

Application Site	Proposal
8 Westbourne Road Lancaster Lancashire LA1 5DB	Retrospective application for the change of use of dwelling (C3) to 9-bed HMO for student accommodation (sui generis) and installation of gates

Name of Applicant	Name of Agent
Yellow Door Lets	

Decision Target Date	Reason For Delay
17 December 2019	Committee cycle

Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

### **Procedural Matters**

This form of development would normally be dealt with the Scheme of Delegation. However, at the request of Councillor Hamilton-Cox on the grounds that the proposal fails to meet the requirements of Policy DM46, the application is reported to the Planning Committee to be determined.

## **1.0 The Site and its Surroundings**

- 1.1 The property that forms the subject of this application is a large part 3 part 4 storey mid-terrace property located on the northern side of Westbourne Road in Lancaster. It comprises stone elevations underneath a slate roof, and white upvc windows are installed throughout the building. To the front of the building is a small front garden. To the rear land level decrease allowing the property to benefit from a lower ground floor. There is also a large rear yard area. The property is located within the Lancaster Conservation Area. The buildings are present on the 1890's OS maps and as a terrace/group of properties could be considered as Non-Designated Heritage Assets.

## **2.0 The Proposal**

- 2.1 This application seeks retrospective consent for the change of use of the building from a C3 dwelling to a 9-bed HMO used for student accommodation. The change of use has included the alteration of the internal layout. In addition to this, timber gates measuring 1.8 metres in height are proposed to the rear yard, facing County Street, whilst the rear yard area is to be re-landscaped.

## **3.0 Site History**

- 3.1 There is no planning history on this property.

## **4.0 Consultation Responses**

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

Consultee	Response
County Highways	No objection
Environmental Health	No comments received during statutory consultation period
University of Cumbria Accommodation Office	No comments received during statutory consultation period
LUSU Housing	No comments received during statutory consultation period
Lancaster University	No comments received during statutory consultation period
Conservation Team	No comments received during statutory consultation period

## 5.0 **Neighbour Representations**

5.1 2 letters of objection have been received by the Local Planning Authority raising the following concerns:

- Large concentration of student accommodation in the immediate area/adjacent buildings;
- Loss of C3 dwelling;
- Provision of more than 6 bedrooms;
- Loss of a sycamore tree that would have been protected by virtue of its location within the Conservation Area;
- Impact on parking provision; and
- Reducing/lack of demand for student accommodation.

## 6.0 **Principal National and Development Plan Policies**

6.1 **National Planning Policy Framework (NPPF)**

Paragraph 11 – Presumption in favour of sustainable development

Paragraph 60, 61 and 62 – Providing a wide choice of quality homes

Paragraphs 124 and 127 – Requiring good design

Section 16 – Conservation and enhancement of the historic environment

6.2 **Development Management DPD**

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM31 – Development affecting Conservation Areas

DM35 – Key Design Principles

DM44 – Residential Conversions

DM46 – Student Accommodation

6.3 **Lancaster District Core Strategy Policies**

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

6.4 **Local Planning Policy Overview – Current Position**

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- The Strategic Policies and Land Allocations DPD; and,
- (A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council has published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications expired on 7 October 2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

## 7.0 **Comment and Analysis**

7.1 The key considerations in the assessment are:

- Principle of development;
- Standard of accommodation; and
- Design

### 7.2 **Principle of development**

7.2.1 The application site is within walking distance of the amenities of the city centre and transport links to Lancaster University and the Lancaster campus of the University of Cumbria. The site lies in an area characterised by residential dwellings. The principle of student accommodation in this location is supported.

7.2.2 Comments have been received from Councillor Hamilton-Cox regarding the justification for an increase in number of student accommodation within the city. These comments highlight the objection that was received from Lancaster University in respect of application 19/01215/FUL, which sought consent for the erection of a 4 storey building providing 20 bedrooms on St Leonards Gate. The objection from Lancaster University to this application raised the issue of supply and demand for student accommodation within the city centre and the possible saturation of the market. On the basis of the objection to the aforementioned application from Lancaster University, it is considered by the objectors for this application that evidence of demand must be provided to support the provision of this sui generis student HMO.

7.2.3 Paragraph 20.47 in the pre-amble to policy DM46 states that applications for such proposals will be supported where there is evidence of demand for such accommodation. It goes on to state that in the event of declining demand proposals should ensure that developments are capable of being converted/used as other forms of accommodation.

7.2.4 Regarding demand, Lancaster City Council does not have evidence of the current demand for student housing in the city centre. Furthermore, within their objection for 19/01215/FUL, Lancaster University does not provide evidence to substantiate their comment that the market is saturated, although this evidence had been requested by the Planning Policy Team. It is considered that, as the application is being made by a long established student housing provider within the city, the application itself and the investment made by the provider could be considered evidence for demand in itself. To corroborate this, the applicant has also provided details as to numbers of lettings made over the past three years, as well as enquiries for accommodation received and the number of tenants that stay with the provider in the same accommodation for repeat years. Based on the information provided by the applicant as well as the lack of evidence of demand for student accommodation on the part of Lancaster University and Lancaster City Council, it is considered that there is sufficient justification to support the provision of this 9-bed student accommodation.

7.2.5 Furthermore, having considered the floor plan, there would be no reason as to why the layout would not work for use as a regular open market C3 dwelling. On this basis the proposal is considered to be able to be converted to alternative use should a declining market for student accommodation arise in the future.

### 7.3 Standard of accommodation

- 7.3.1 Policy DM46 and appendix D of the Development Management DPD set out the general requirements for student accommodation to ensure that appropriate levels of amenity can be provided for the occupants.
- 7.3.2 In terms of the number of bedrooms provided, Appendix D sets out that accommodation should normally comprise of 6 bedrooms only. This point has been raised in a letter of objection by a nearby resident. However, the subject property is of a large scale, over 4 storeys. The 9 bedrooms provided are all considered to be of acceptable floor area as well as proportions, including room 7 in respect of head room within the roof space, of which a section has been provided. All rooms benefit from acceptable outlook and daylight, including room 7 which solely has a roof light for means of outlook. The sill of this roof light measures 1.5 metres above ground level in accordance with the requirements of Appendix D of the Development Management DPD, which allows for an acceptable degree of outlook as well as daylight.
- 7.3.3 In terms of communal areas, two kitchens, dining area and a lounge area are provided on the lower ground floor. Sufficient space for communal facilities such as chairs, fridges and freezers as well as worktop surfaces are also available. Some limited daylight will also be available from the lightwell to the front, though due to land levels there is insufficient outlook from this window to serve the lower ground floor. However, acceptable outlook and daylight is provided by the two windows to the rear elevation. A total of 4 communal toilet/shower rooms are provided, whilst one bedroom is en-suite to the ground floor.
- 7.3.4 The property benefits from a large accessible yard area to the rear in which there is sufficient space for the storage of refuse bins commensurate to the number of residents. Within this rear yard area a covered and secure bike storage space is to be provided that will provide space for 5 bicycles. Given the location of the accommodation within the city centre and in close proximity of various public transport services, the provision of 5 spaces, as opposed to one per resident, is considered to be acceptable. The bike store will also be secured with CCTV mounted to the rear of the house as well as security lighting. The proposed 1.8 metre lockable gates and boundary walls will also provide security to the rear yard area as a whole.

### 7.4 Design

- 7.4.1 No external alterations are proposed to the dwelling itself but rather the change of use is facilitated by the installation of partition walling to alter and rationalise the internal layout for this use.
- 7.4.2 The application also proposes alterations to the rear boundary wall of the site facing on to County Street. Prior to the property being acquired by the accommodation provider the rear boundary wall had become overgrown whilst the previous metal gate was in poor condition and detracted from the appearance of the Conservation Area. The rear boundary wall is to be re-worked so as to provide a vehicular access point and a separate pedestrian gate measuring 1.8 metres in height to match the boundary walling. The vehicular and pedestrian gates are to be timber folding units; their design and finish are considered to be appropriate within the Conservation Area.
- 7.4.3 The rear yard was formally finished in concrete and had become overgrown with boundary planting. In addition to the works to the boundary wall, the rear yard is also to be landscaped. A single car parking space is provided in the yard area, which is acceptable given the previous use of the rear yard for parking. In addition to this, a lawn area is to be provided within which a silver birch and crab apple tree are to be planted. A planting and on-going management scheme has been provided in relation to these trees, which is considered to be acceptable.

## 8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this proposal.

## 9.0 Conclusions

- 9.1 The principle of student accommodation situated within the city centre and in close proximity to the various services and facilities available in such a location is acceptable. Moreover, given the large size of the subject building and the lack of robust evidence demonstrating the saturation of the market for

student accommodation, the provision of a 9-bed unit is considered to be acceptable. The rooms provided are all of an adequate size and proportion and adequate communal facilities are provided. To the rear, the works to the boundary wall and access arrangement will improve the appearance of the property from County Street. In conclusion it is considered that the scheme can be recommended for approval subject to the conditions listed below.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Development to be in accordance with the approved plans
2. Within 2 months of the date of permission the bike storage facilities and associated security measures including CCTV and security lighting is to be provided
3. Within 2 months of the date of this permission the secure lockable gates to the rear boundary are to be provided
4. Development to be carried out in accordance with the tree planting/maintenance scheme and planting to be undertaken within the first planting season
5. Student occupation only

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None