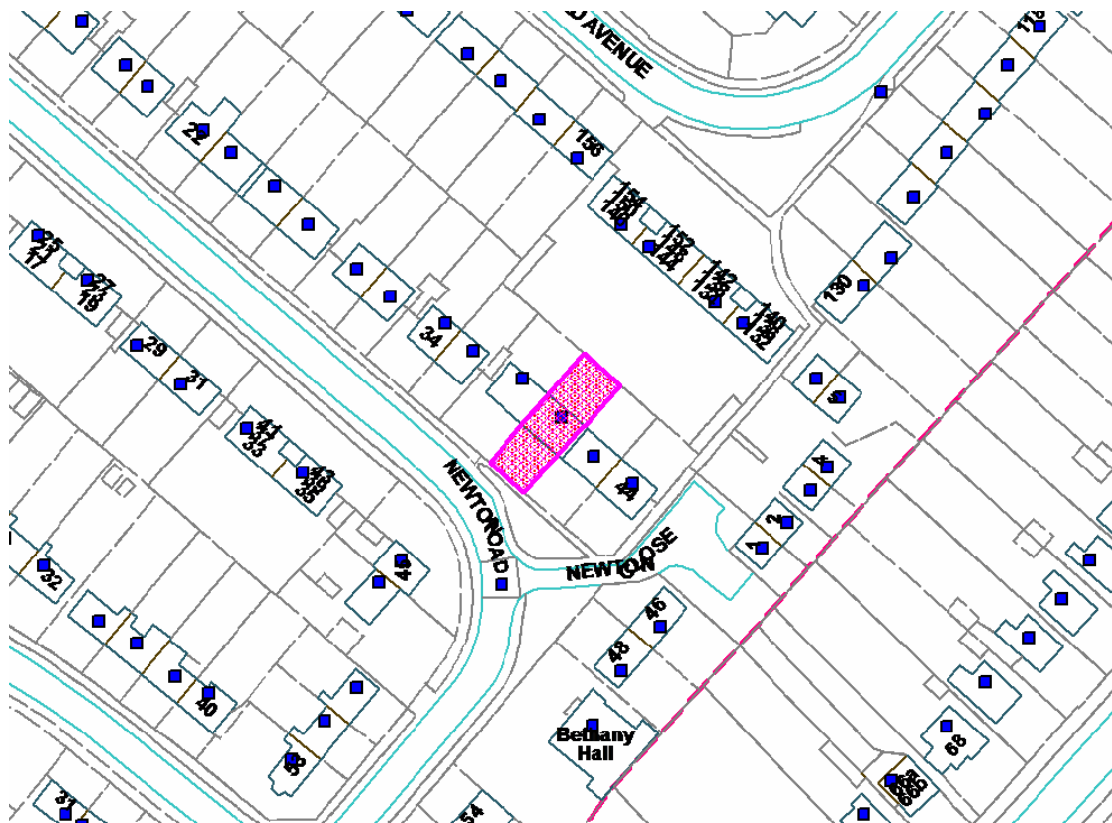


APPLICATION NO: 14/01203/COU		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 5th July 2014		DATE OF EXPIRY: 30th August 2014
WARD: Hesters Way		PARISH:
APPLICANT:	Mrs Julia Sawers	
AGENT:	Agent	
LOCATION:	40 Newton Road Cheltenham Gloucestershire	
PROPOSAL:	Change of use from residential dwelling to House in Multiple Occupation (HMO) comprising 8 letting rooms	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a mid-terraced property the east side of Newton Road. It is a rendered property under a tiled roof. It is two storeys with rooms in the roof. There is access to the rear garden through a passage way.
- 1.2 This application proposes the change of use of the house to a House in Multiple Occupancy (HMO) for 8 people. The accommodation provided comprises a shared kitchen and living room on the ground floor along with two bedrooms and a bathroom. 4 further bedrooms and another bathroom are provided on the first floor and two bedrooms, one of which has an en-suite, within the roof space.
- 1.3 The property is already in use as a HMO with 6 bedrooms. A local company rent this out to provide accommodation for 4 employees.
- 1.4 Planning permission is required for this change of use as it would provide a HMO for 8 people which is classed as a *sui generis* use (i.e. a use which does not fall within the specified use classes). Planning permission would not be required to utilise a house as a HMO for up to 6 people as this constitutes a lawful change of use between use classes C3 (Dwelling houses) and C4 (Houses in Multiple Occupation). As such it is the addition of two letting rooms which means that this proposal requires planning permission.
- 1.5 The application comes before planning committee at the request of Cllr Wheeler who is concerned about the intensity of the use and the number of cars.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 5 Sustainable transport
HS 8 Houses in multiple occupation
TP 1 Development and highway safety
TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

30th July 2014

My main query would be does the applicant intend on installing new windows in order to provide protection from noise break out from within the house which could potentially adversely affect other nearby residential properties?

Lastly, the premises current use is as a house for a reduced number of residents than this application is for, which could be therefore a quieter use than the intended end use as stated in this application. Given that the area is predominantly residential, I have concerns that this many people living in one property has the potential to cause an issue stemming from noise for other nearby properties inhabited by a reduced number than this is intended to house.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	15
Total comments received	3
Number of objections	2
Number of supporting	1
General comment	0

- 5.1 The application was publicised by way of letters to 15 nearby properties. 3 responses have been received; two in objection and one in support.

The main issues which have been raised are as follows:

Objections:

- Lack of parking
- Noise
- Control of rubbish
- Noise and disturbance

Support:

- The owner has been quick to respond to previous concerns

6. OFFICER COMMENTS

6.1 Determining Issues

As mentioned at 1.4 it is the addition of two letting rooms at this property which triggers the requirement for planning permission. Therefore the fall back position for the applicant is to utilise it as a HMO for 6 people. As such, the key considerations in determining this application are the impact of these two additional people in terms of (i) principle, (ii) impact on neighbouring properties, (iii) Access and highways issues, (iv) waste and recycling storage.

6.2 The site and its context

The application site is a mid-terraced property on the east side of Newton Road. This road is characterised by a mixture of housing types; short terraces, semi-detached houses and small apartment blocks in a mixture of brick and render. The road is relatively wide with the houses set back from the pavement behind sections of highway verge and front gardens.

6.3 Principle

Policy HS8 of the Local Plan relates to houses in multiple occupation. It states that they will be permitted where a) the proposal complies with policy HS3, b) the property can accommodate the proposed use satisfactorily and, c) an appropriate amount of amenity space is provided.

- a) Policy HS3 relates to the sub-division of existing dwellings. It states that it will not be permitted where it would cause harm to the character of a residential area by virtue of the size and character of existing buildings and the location, concentration or balance of subdivided dwellings. As mentioned above Newton Road is characterised by a variety of dwelling types. It is not considered that this proposal would have any adverse impact upon the character of the area which would still retain a residential character. Officers are not aware that the area has a concentration of such uses which might lead to cumulative impacts.
- b) The floorplans show that the property has sufficient shared bathroom, kitchen and living room facilities and still provide reasonable sized bedrooms.
- c) The property benefits from a good sized garden at the rear and therefore has sufficient amenity space.

For these reasons the proposal is considered to be in compliance with policy HS8 and therefore acceptable in principle.

6.4 Impact on neighbouring property

There are no physical works to the building proposed as part of this application and therefore it is necessary to consider whether the presence of two additional residents at this address would be likely to result in undue loss of amenity to neighbouring properties.

Environmental Health has queried whether new windows are proposed. The existing windows at the property are relatively modern and are double glazed and as such it is not considered necessary to attach further conditions or requirements in this regard.

There is always going to be the possibility of noise from the residents, as there is in any residential environment. It is important, given the nature of the accommodation, that controls are in place to tackle any issues if and when they occur and whether they are adequate to overcome any perceived harm.

The applicant has explained that an agency will be used to manage the property and that neighbours can contact them in the event of any issues arising. Each tenant will sign a licence to live in the property which includes their obligations as a tenant. Bedrooms and communal rooms will display a code of ethics affixed to the door.

The property will be maintained by a cleaner and gardener who will also play an oversight role.

As such whilst the concerns of neighbours are understood, officers consider that there is no reason to believe that the addition of two residents at this property would result in an impact on neighbour amenity so harmful as to warrant the refusal of the application. Should issues arise, a robust system for dealing with them has been put in place. It must also be remembered that there is legislation in place to deal with such issues, outside of the planning system, should they occur.

For these reasons the proposal is considered to be in accordance with Policy CP4 which seeks to protect residential amenity and advice contained in the NPPF which echoes these requirements.

6.5 Access and highway issues

The property accommodates a minimum of two cars on the driveway and the site is within close proximity to bus routes. There is also a shed in the back garden which is available for cycle storage. If additional cars were required to park on the street, there appears to be capacity within the street to accommodate additional parked cars without resulting in a

danger to highway safety. As such it seems unlikely that the proposal will result in a severe impact (para 32 of the NPPF).

The comments of the Highway Authority have been sought and will be reported through an update.

6.6 Waste and Recycling

The property benefits from a side passage meaning that bins etc, can be stored at the rear and easily brought to the road side on bin collection day. The applicant is considering an arrangement whereby one tenant is responsible for ensuring this happens, in return for a small reduction in their rent. This arrangement is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 As explained, to use this property as a HMO for 6 people would not require planning permission. The additional impact brought about by the additional 2 tenants is not considered to result in any significant impacts in terms of, impact on neighbouring properties or highways and access. Suitable arrangements have been put in place to deal with bin and cycle storage and for the maintenance and management of the property. As such the application is recommended for approval.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1203.02 received 4/7/14.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

INFORMATIVES

- 1 This property may require registration as a House in Multiple Occupation under the Cheltenham Borough Council (Registration of Houses in Multiple Occupation) Control Scheme 1999.
- 2 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.