

<b>APPLICATION NO:</b> 16/00086/COU	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 23rd January 2016	<b>DATE OF EXPIRY:</b> 19th March 2016
<b>WARD:</b> St Pauls	<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Stephen Zasikowski
<b>AGENT:</b>	n/a
<b>LOCATION:</b>	4 Albert Street, Cheltenham
<b>PROPOSAL:</b>	Change of use from a residential 2/3 bed property into a 7 person House in Multiple Occupation (HMO) (retrospective)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application site is a mid-terrace property on the west side of Albert Road, within the St Paul's character area of the central conservation area. The surrounding properties are very similar.

1.2 The application proposes the change of use of the dwelling to a House in Multiple Occupation (HMO). The accommodation comprises the following:

Ground Floor – 2 x bedroom, kitchen, living room, bathroom

First Floor – 4 x bedroom, bathroom

Second Floor – 1 x bedroom, bathroom

1.3 The rear garden area is laid to hardstanding and this provides storage for bins and bikes. There is an access lane to the rear.

1.4 The application has been referred to planning committee by Cllr John Walklett who has stated:

*“my and local residents concerns lie primarily in the fact that whilst guidelines suggest a level of 10% HMO's in a given area is acceptable the current level of between 22 and 23% recorded in the core St Paul's ward is unacceptable. In evidence I would quote from the recently agreed Cabinet report on Corporate Strategy for 2016/17 which states CBC objective of considering the feasibility of introducing both extended mandatory HMO licensing and Article 4 directions to combat the already significant case of community imbalance in the ward.”*

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Smoke Control Order

### **Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
BE 2 Residential character in conservation areas  
HS 3 Subdivision of existing dwellings  
HS 8 Houses in multiple occupation  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Central conservation area: St. Paul's Character Area and Management Plan (July 2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Building Control**

*28th January 2016*

No comment.

### **GCC Highways Planning Liaison Officer**

*3rd February 2016*

The proposed change of use from a 2/3 bed house into a 7 person HMO will potentially increase the trip generation of the property, however given that the site is sustainably located within walking distance of the town centre and associated amenities and regular public transport links this will reduce reliance on private vehicle use. According to the application form there is one existing car parking space assumed to be in the back yard accessed from the rear lane and 3 motorcycle and 7 cycle parking spaces. Additional on-street parking is available however this would be limited in availability and subject to gaining a parking permit between 8am and 8pm. It is therefore considered that the opportunities for sustainable modes have been taken up, and given the site location adequate parking provision is available if necessary. Waste storage arrangements would be accepted to operate as per the existing house.

It is therefore concluded that although the HMO may result in an increase in trips and impact on the local highway network this would not be significant or severely affect highway safety and I recommend no highway objection is raised.

#### Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development.

It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

### **Housing Standards Officer**

*12<sup>th</sup> February 2016*

This is an existing licensed House in Multiple Occupation meeting relevant housing standards and there are no adverse comments on the application/proposal.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>12</b>
Total comments received	<b>6</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** The application was publicised by way of letters to neighbouring properties, a site notice and a notice in the paper. 6 objections have been received which relate to the following issues:

- Concern about number of HMOs in area
- Impact on community
- Intimidation to neighbours
- Noise & Litter

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

This application seeks permission for the conversion of a house into a 7 person HMO, as described above. The conversion works have already been carried out.

Members need to be aware that the General Permitted Development Order grants blanket consent for houses to switch between use as a dwelling and use as a small HMO without the need for planning permission. The definition of a small HMO is one used by up to 6 occupants.

As such were this property to be occupied by one less individual planning permission would not be required.

Therefore the consideration of this application boils down to the impact of one additional resident within this HMO.

The relevant considerations are considered to be (i) Impact on neighbouring properties, (ii) Impact on Highway Safety, (iii) bin and bike storage arrangements.

### **6.2 Impact on neighbouring property**

The proposal does not involve any extensions to the property and therefore there would be no loss of outlook or privacy. The proposal will be used more intensively than it has in the past, however the 7<sup>th</sup> tenant is unlikely to result in any significant additional impacts in terms of general noise and disturbance. As such the proposal is considered to comply with policy CP4.

### **6.3 Access and highway issues**

As stated above no objections have been received from the Highways Officer. The site is sustainably located and has a rear yard which could be used for parking and bike storage. The Highways Officer concludes that although the HMO may result in increased trips, it would not result in a significant or severe impact on highway safety. The impact attributable to the 7<sup>th</sup> tenant would be even less significant.

As such the proposal is considered to be in compliance with policy TP1.

### **6.4 Bin and Bike Storage**

The proposal has no curtilage on its Albert Road frontage, however it does have a rear yard which has been allocated for bin and bike storage. It may also be possible to accommodate a car if necessary. This would have been the area used for such purposes when the house was in use as a dwelling house. The rear yard is accessible via a back lane meaning it would not be necessary to take bins and bikes through the house.

These arrangements are considered to be adequate.

## **6.5 Other considerations**

The concerns raised by Cllr Walklett and many local residents appear to relate to the strategic approach of the Council to HMOs in terms of both planning and licensing. It may well be the case that the Council at a strategic level are considering the possibility of limiting permitted development rights through the imposition of an Article 4 direction. However this is not in place at this present time and as such no weight can be attached to this intention. It remains the case that it is simply the 7<sup>th</sup> tenant that triggers the need for planning permission. The fall back position of the applicant is to have one less tenant. The Officer view is that the impact of 7 tenants is not materially different to that of 6 and as such there are no reasonable grounds for withholding planning permission.

The Housing Officer has confirmed that the HMO has the necessary license already in place.

With reference to the retrospective nature of the application; whilst it is regrettable, members will be aware that it is not an offence to carry out works without planning permission and the proposal needs to be considered on its own merits.

## **7. CONCLUSION AND RECOMMENDATION**

7.1 For the reasons outlined above the application is recommended for approval.

## **8. CONDITIONS / INFORMATIVES**

No conditions as application is retrospective.

### **INFORMATIVES**

- 1 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.