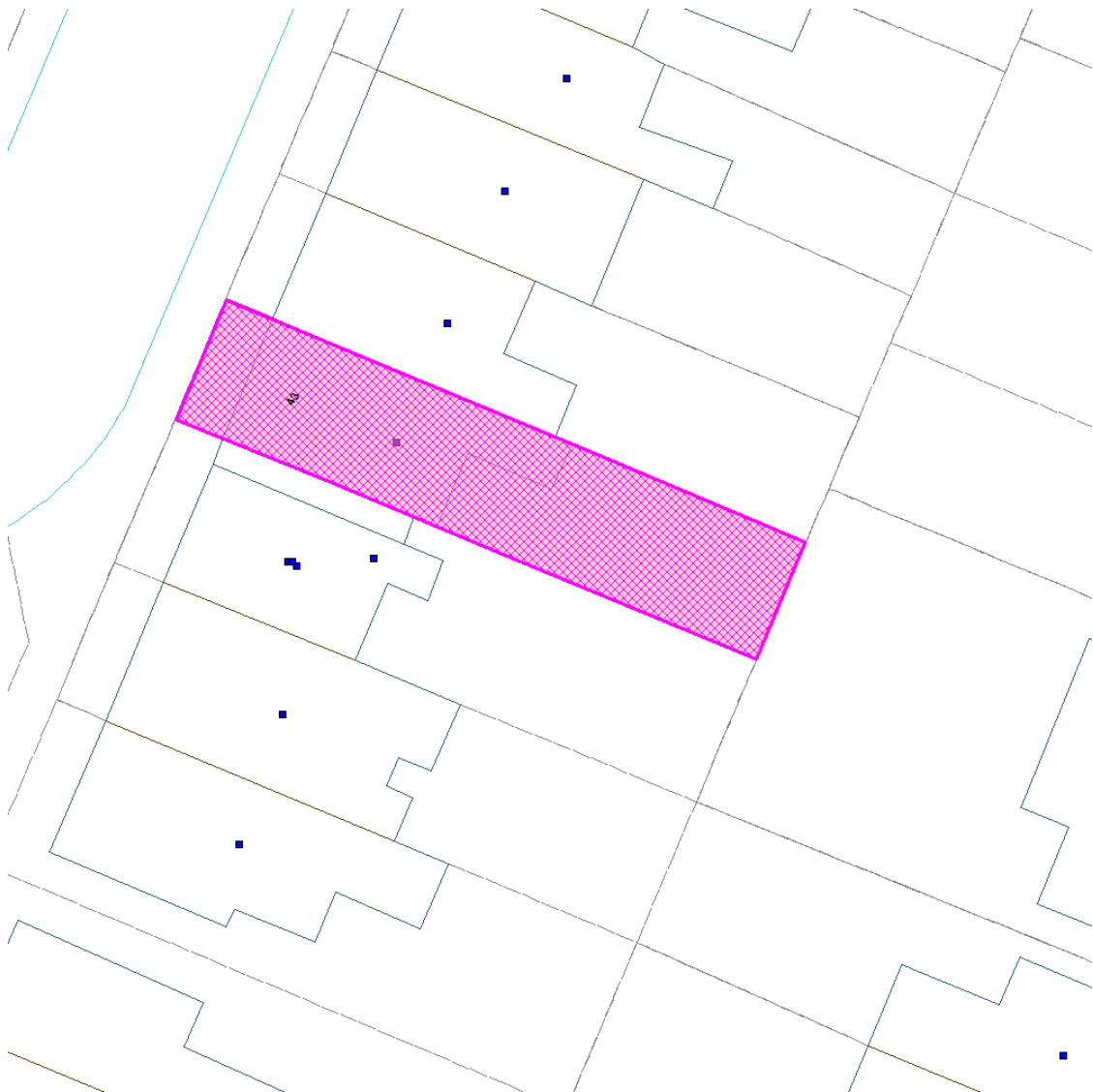


APPLICATION NO: 16/00911/COU	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 20th May 2016	DATE OF EXPIRY: 15th July 2016
WARD: St Pauls	PARISH:
APPLICANT:	Mr M Cooley
AGENT:	n/a
LOCATION:	43 Courtenay Street, Cheltenham
PROPOSAL:	Change of use from a 6 bed house in multiple occupation (HMO) to 8 bed HMO (retrospective)

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a terraced house within a street of similar properties within the St Pauls Character Area of the Central conservation area.
- 1.2 This is a retrospective application for the use of the property as a House in Multiple Occupation to accommodate 8 people. The applicant has explained that the property has been licensed as such for nearly 7 years.
- 1.3 Officers felt it appropriate that the application be determined by committee given that application 16/00797/COU at 2 Courtenay Street has been requested to be determined by committee and they are in close proximity to one another.
- 1.4 The application was deferred at the previous committee meeting in order to allow members the opportunity to visit the site.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

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)
Residential Alterations and Extensions Supplementary Planning Document (February 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

9th June 2016

No comment

GCC Highways Planning Liaison Officer

21st June 2016

Regarding the change of use from a 6 bedroom to a 8 bedroom house in multiple occupation I have the following comments;

The property is a terrace house in Cheltenham on a class 4 road subject to a 30mph speed limit north of Cheltenham town centre. There has been no recorded collisions on the police collision database in the vicinity of the site on Courtenay Street in the past 5 years. The site is within walking and cycling distance of the town centre and associated services and amenities including frequent public transport links, therefore allowing for travel to and from the site by sustainable modes reducing reliance on private vehicle use. In this location therefore parking provision would not be required for the small increase in use proposed from a 6 to a 8 bedroom house in multiple occupation. Existing on-street parking restriction for permit holders and double yellow lines on junctions restrict parking and protect junctions.

The limited availability of on-street parking is noted but is an existing situation, on-street restrictions prevent unsafe parking and it is not considered the change of use from a 6 bedroom to a 8 bedroom house in multiple occupation would significantly impact on existing parking or traffic generation resulting in a detrimental impact on highway safety to warrant refusal. Therefore I recommend no highway objection to the application.

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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1** The application was publicised by way of letters to 9 neighbouring properties, a site notice and a notice in The Echo. The objections which have been received which relates to overcrowding and intensification of HMOs in St Pauls. Comments also refer to the potential for noise and anti-social behaviour.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) principle, (ii) highway safety and (iii) bin storage arrangements.

6.2 Principle

The application seeks permission for the use of the house to a 8 person HMO, this a retrospective application and therefore this situation is already in existence.

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 two less individuals planning permission would not be required for the use. Therefore in considering the principle of the change of use; this turns on the impact that the 2 additional occupants would have. Officers view is that this would be negligible. The accommodation has been inspected and whilst it is compact each room is adequate as is the shared space.

The authority is currently exploring the potential to limit Permitted Development Rights in regard to Houses of Multiple Occupation in areas of Cheltenham. It is clear from Planning Practice Guidance that the limiting of such rights should only come after a full consideration of evidence, and after public consultation. We aim to include discussion of potential article 4 directions as part of the Cheltenham Plan Preferred Option Consultation scheduled for this September.

Therefore the current application must be considered against the current policy framework.

It is acknowledged that although the impact of this application may be limited that there may be a cumulative impact in terms of general noise and disturbance in the locality.

Impact on neighbouring property

The dwelling will be used more intensively than it has in the past, however the two additional tenants which trigger the need for planning permission are unlikely to result in any significant additional impacts in terms of general noise and disturbance. Environmental Health have confirmed that there have been no noise complaints received from Courtenay Street in the last 3 years. As such the proposal is considered to comply with policy CP4.

6.3 Access and highway issues

The views of the Highways Officer are outlined above and confirm no objections to the proposal. *21st June 2016* - No Objection, but Comment: Our earlier concerns relating to potential flooding further downstream do not appear to have been addressed. We also concur with the comments made this month by the Environment Agency.

6.4 Other considerations

There is no rear alley on this side of Courtenay Street and as such the bins are stored in the front garden area. Whilst this is not ideal they are not on the street and it is assumed that were the property to be occupied by a family the same arrangement would apply.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons outline above the application is considered to be acceptable and is therefore recommended for approval.

8. CONDITIONS / INFORMATIVES

None required as proposal 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.