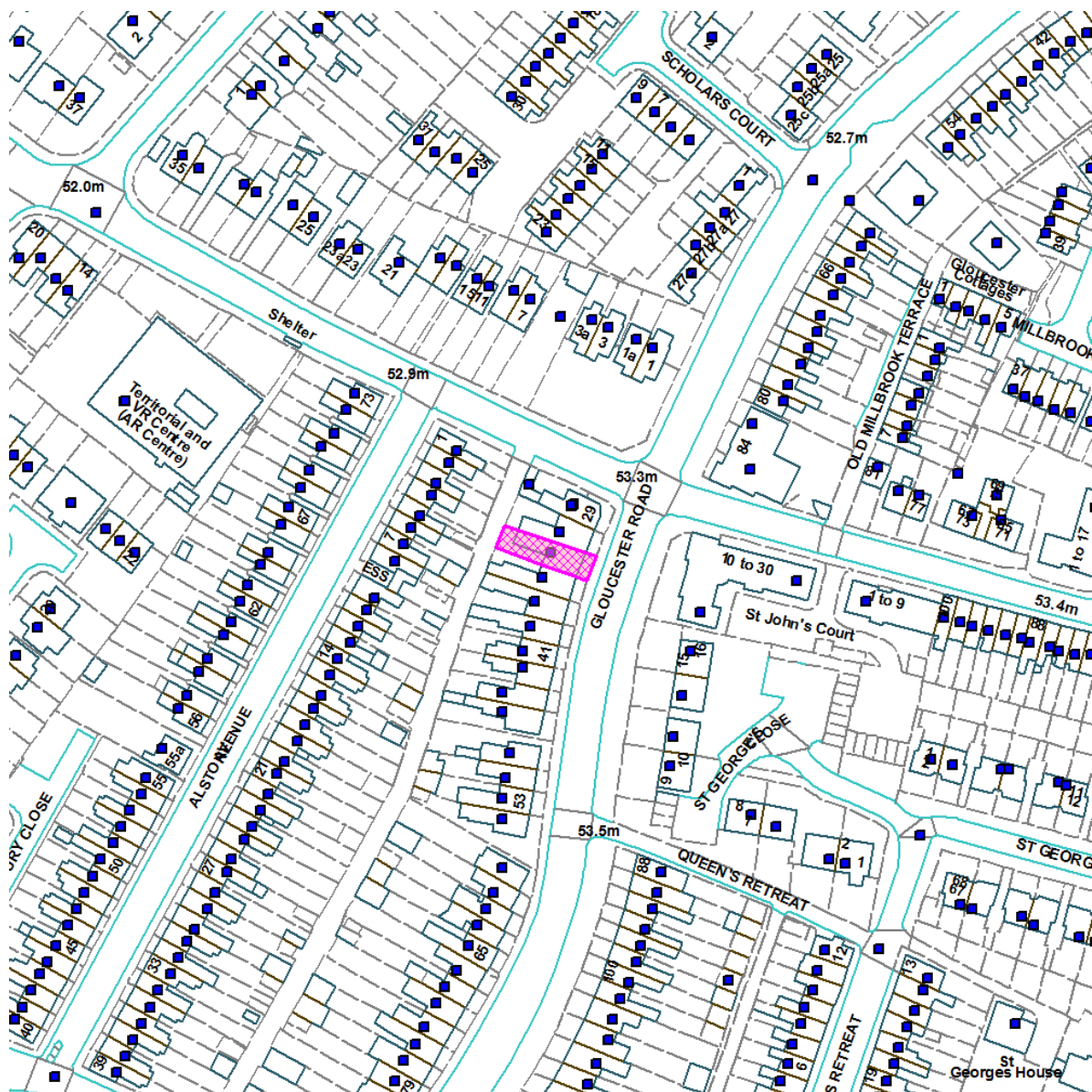


<b>APPLICATION NO:</b> 19/00051/FUL		<b>OFFICER:</b> Miss Claire Donnelly	
<b>DATE REGISTERED:</b> 15th January 2019		<b>DATE OF EXPIRY:</b> 12th March 2019	
<b>DATE VALIDATED:</b> 15th January 2019		<b>DATE OF SITE VISIT:</b> 28 <sup>th</sup> January 2019	
<b>WARD:</b> St Peters		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr Tim Young		
<b>AGENT:</b>	Agent		
<b>LOCATION:</b>	33 Gloucester Road, Cheltenham		
<b>PROPOSAL:</b>	Retrospective change of use to a 7-person HMO which has been in constant use since July 2015		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 33 Gloucester Road; a two storey, mid terrace dwelling which backs onto a private lane. The property is located within the ward of St Peters and is not in a conservation area.
- 1.2 The applicant is seeking retrospective planning permission for the use of the property as a HMO for 7 occupants. The HMO has been in use since July 2015.
- 1.3 The property has been licensed by the council for the use of the property for 7 occupants.
- 1.4 The application is at planning committee at the request of Councillor Willingham.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m

### **Relevant Planning History:**

There is no planning history for this application site.

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

### Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD11 Housing Mix and Standards

SD14 Health and Environmental Quality

INF1 Transport Network

### Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

## 4. CONSULTATIONS

### **Building Control**

*18th January 2019*

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters have been sent to 26 neighbouring properties, no responses have been received.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 allows a change of use from a single residential dwelling to a small HMO, up to 6 occupants, without the need for planning permission.

- 6.3 The main considerations in relation to this application are the principle of the change of use to a HMO, the impact on neighbouring amenity and any highway safety implications.

### **6.4 Principle of change of use**

- 6.5 The relevant policy within the current Local Plan relating to HMOs has been deleted and therefore there are no specific policies relating to HMO development. The text supporting policy SD11 of the Joint Core Strategy sets out that requirements and standards for HMO's will be set out within district plans where appropriate.

- 6.6 The emerging Cheltenham Plan has been submitted to the Planning Inspectorate, it is not yet adopted so the policies within this document cannot be given significant weight. Within the emerging plan is policy HM5 relating to HMO standards, however this policy is directly related to the ward of St Pauls due to the proximity to the University. This policy would therefore not relate to the Ward of St Peters where this site is located. Further to this policy, the LPA is looking into Article 4 directions alongside this emerging policy in terms of HMO's, again however, this specifically relates to the ward of St Paul's.

- 6.7 It is considered that the property provides adequate living space to accommodate 7 people.

- 6.8 Based on the above, given the current policies and emerging policies and the site unlikely to be covered, there is no objection to the principle of the change of use of the dwelling house to a large HMO.

### **6.9 Impact on neighbouring amenity**

- 6.10 Policy SD14 of the Joint Core Strategy and saved Local Plan policy CP4 require development not to cause unacceptable harm to the amenity of the locality of neighbouring properties. Further to this, emerging Cheltenham Plan policy HM5 states that high concentrations of HMOs can have a negative impact on communities including increased noise nuisance, anti-social behaviour or unkempt gardens.

- 6.11 Letters have been sent to neighbouring properties, and no responses have been received. It is considered that due to the area not having a particularly high concentration of HMO's and given that the HMO has been in use since 2015, the change of use would not result in an unacceptable increase in anti-social behaviour or loss of amenity for neighbouring residents.

- 6.12 The proposal is therefore considered to be in accordance with policies SD14 and CP4 in terms of protecting the existing amenity of neighbouring properties.

### **6.13 Highway safety and parking**

- 6.14 An issue with high numbers of HMO's in an area is the increased demand and need for parking. There is no allocated parking at this address, nor for the neighbouring properties. However, on-street parking is available on this section of Gloucester Road and within the vicinity of the site.
- 6.15 The site is within a sustainable location and is in walking distance of the town centre and amenities, as well as having good access to the public transport network. The rear of the site can be access down a private lane, the property has sufficient amenity space to the rear for the storage of bins and bicycles.
- 6.16 It is considered that there would be no highway safety concerns as a result of the dwelling in use as a large HMO and would comply with policy INF1 of the Joint Core Strategy.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 For the reasons set out above, the proposed development is considered to be in accordance with the relevant policies.
- 7.2 As such, the recommendation is to therefore permit this application subject to the conditions set out below.

## **8. CONDITIONS / INFORMATIVES**

- 1 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

### **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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.