

Agenda Item:	6.1
Site:	160 Newton Road, Burton upon Trent, Staffordshire, DE15 0TR
Proposal:	Change of use from Class C2 Residential Institution to a House in Multiple Occupation including demolition of existing garage (amendment to description only).

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

Application Number:	P/2017/00859	
Planning Officer:	Kerry Challoner	
Type of Application:	Change of Use	
Applicant:	Mr Choudhry	
Ward:	Winshill	
Ward Member (s):	Councillor D C Leese Councillor D F Fletcher Councillor R A Faulkner	
Date Registered:	01 September 2017	
Date Expires:	26 October 2017 (Extension of Time agreed until 25 April 2018).	

This application has been called in by Councillor Fletcher for the following reasons:

Concerns over traffic and parking.

This is a planned dwelling with 14 residential places and only 8 parking spaces. 14 residential places has a potential for 28 parked cars so the concern is that there will be a spill over to Newton Road which is a very busy thorough fare. Already, residents of Newton Road (adjacent to the application property overspill parking) have problems with overspill parking from 'The Sump' Public House. This part of Newton Road already has problems with traffic.

1. Executive Summary

- 1.1 The site lies within a predominantly residential area, comprising of houses reflecting a mix of styles and scales. The existing lawful use of the property is as a residential care home. The principle for the re use

of the property for residential development is in line with the objectives of relevant Local and Neighbourhood planning policies and is therefore considered to be acceptable.

- 1.2 Statutory consultees have raised no objections to the revised scheme. The Parish Council and Local Ward Councillor have raised objections to the proposal along with 23 neighbouring occupiers and local residents. Issues raised largely surround the impact on the residential amenity of neighbouring occupiers, the loss of accommodation for the elderly and highways implications. The issues are dealt with in detail in the report.
- 1.3 The proposed use of the building as a House in Multiple Occupation is considered to be acceptable. The revisions to the plans would result in a scheme which has an acceptable impact on the Highway network and is fully compliant with Local Plan Policies and the National Planning Policy Framework. It is therefore considered that the proposal should be approved subject to appropriate planning conditions.

Map of site



2. The site description

- 2.1 The application site comprises of a large two storey detached property sited within a spacious site on the Eastern side of Newton Road. The surrounding area is residential in character, with a mix in style, age and design of dwelling houses in the vicinity of the application site. The application property is fully rendered, with mature landscaping within the grounds of the site.
- 2.2 There are a number of Tree Preservation Orders which apply to trees within the application site. Three mature trees located along the front side boundary with No161 as a group are protected under Tree Preservation Order 91. In addition, Tree Preservation Order 309 relates to a Silver Birch located along the rear side boundary with No.168 Newton Road, four Oak Trees located along the rear boundary of the site and two Silver Birch trees located to the rear of the main property. Lastly, Tree Preservation Order 336 relates to a mature Holly Oak located within the site to the rear of No.161 Newton Road.
- 2.3 The application property benefits from an existing car parking area, located to the front of the property, provided in association with its former use as a residential care home. There are two vehicular access points provided off Newton Road. The nearest residential dwellings are No.156 Newton road, a bungalow to the North East of the application property and No.161 Newton road, located to the South West.

3. Planning history

- 3.1 16 October 1997- PA/00403/009- Erection of a single storey rear extension- Approved subject to conditions.
- 3.2 20 June 2002- PA/00403/010- Erection of a rear conservatory and external alterations to existing sun lounge- Approved subject to conditions.
- 3.3 15 December 2003- TP/00403/012- Tree works to trees G3 of TPO 91, including removing one branch of a Beech tree and crown thinning of a Beech and Lime Tree- Approved.
- 3.4 15 December 2004- PA/00403/014- Alterations to an existing vehicular access- Approved subject to conditions.

4. The proposal

- 4.1 The property was formerly used as a residential care home for 8 people. Within the property there were 8 bedrooms with their own facilities along with communal areas available to all residents.
- 4.2 This proposal is a full planning application which seeks to consent to change the use of the property to a House in Multiple Occupation (HMO). HMO's which seek to deliver accommodation for more than 6 people require planning permission. Internal alterations indicate that 14 bedrooms with ensuite facilities would be provided. Shared facilities on the ground floor would include a communal kitchen, dining room,

lounge and conservatory. No external changes to the main building are proposed. Within the site, it is proposed to demolish an existing double garage and extend the existing hard standing to accommodate additional parking spaces to serve the development. A bin and cycle storage area are also proposed to the rear of the property along with an enclosed garden area for residents. Throughout the lifespan of the application planning officers have negotiated an increase in parking spaces from the initial 10 to 16 spaces.

List of supporting documentation

4.3 The following documents have been provided as part of the application:

- Location Plan 1:1250
- Existing plans including elevations of the garage to be demolished.
- Proposed site plan and layout plans
- Details of ‘Sheffield Cycle Stands’
- Design and Access Statement

4.4 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Winshill Parish Council	<p>At its meeting on 20 September 2017 Winshill Parish Council Members raised objections to P/2017/00859 - Conversion of former sheltered housing to general shared living accommodation at 160 Newton Road on the grounds that it would result in the loss of accommodation for elderly care in the community whilst the likely increased activity from the proposal would be detrimental to the living conditions of nearby residents.</p> <p>It was also suggested that were the application to be approved it should comply with all the necessary criteria for living space and parking associated with a HMO.</p>
5.3	SCC Highways	No objection to the revised plans subject to conditions requiring parking bays to be delineated and made available at all times for their designated purpose and details of weatherproof cycle storage to be provided.

Internal Consultees		Response
5.4	Environmental Health	No objections were raised.
5.5	Tree Officer	No objections were raised to the revised plans.

6. Neighbour responses

6.1 23 responses were received from neighbouring occupiers and local residents. The responses can be summarised as following:

Neighbour responses	
Principle	<p>The intensification of the property is inappropriate in this area. The proposal is likely to result in an increase in anti social behaviour.</p> <p>This Scheme would require careful management and monitoring. Who would regulate this?</p> <p>28 people could potentially live in the property, this density is inappropriate.</p> <p>There is a lack of demand for this type of HMO accommodation. The proposal would result in less provision for elderly care home places in the area.</p>
Impacts on Amenity	<p>The shared rooms are insufficient to serve the number of bedrooms. The proposal would result in noise and disruption to local residents. The whole garden does not form part of the application site, who would manage the garden?</p> <p>The proposal would result in waste/ litter issues.</p>
Highways Impacts	<p>Objections were raised on the grounds of insufficient parking and the impact on highway safety in Newton Road.</p>
Trees	<p>The proposal is likely to adversely affect protected trees on the site.</p>
Councillor Fletcher	<p>Concerns over traffic and parking.</p> <p>This is a planned dwelling with 14 residential places and only 8 parking spaces. 14 residential places has a potential for 28 parked cars so the concern is that there will be a spill over to Newton Road which is a very busy thorough fare. Already, residents of Newton Road (adjacent to the application property overspill parking) have problems with overspill parking from 'The Sump' Public House. This part of Newton Road already has problems with traffic.</p>

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP16 Meeting Housing Needs
- SP24 High Quality Design
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development

- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP8 Tree Protection

'Made' Neighbourhood Plans

Winshill

- Policy 6 – Housing Mix
- Policy 7 – Support for Creative and Innovative Development
- Policy 8- Support for Good Design
- Policy 11- Parking
- Policy 13- Cycling and Walking
- Policy 14- Connectivity with the existing Highway.

8. Principle of Development

- 8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 8.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The assessment of the application against the relevant principles in this policy are made throughout the remainder of the report.
- 8.3 Local Plan Policy SP16 states that new housing developments need to help create or maintain sustainable and inclusive mixed communities. They will need to extend the choice of homes available in the area to better meet the needs of all types of household.
- 8.4 Policy 6 of the Winshill Neighbourhood Plan relates to Housing Mix. It is stated that particular support will be given to proposals which provide an appropriate mix of house types, tenures and sizes (based on evidence of need) including 1 and 2 bedroomed homes, low cost market homes generally and homes that meet the needs of older and less mobile population.
- 8.5 Policy 7 (support for creative and innovative infill development) states that the Parish Council will support infill development within Winshill that provides additional housing capacity and fits with the overall character of the area and historic context, would be of appropriate scale in terms of plot size, layout and density and would not significantly impact on the amenity of neighbours. Furthermore, proposals will be supported where they respect and make a positive contribution to the immediate area. Particular attention should be made to the design matters of building height, scale, mass, design, appearance and materials.

- 8.6 Local residents and the Parish Council have raised objections regarding the loss of an elderly care home facility and questioned the demand for this type of HMO accommodation within the area.
- 8.7 The application property is located within an established residential area within the development boundaries as identified in the Local Plan for Burton upon Trent. The principle for the re use of the property for residential development has already been established by the existing use of the property as a residential institution providing care and assisted living for elderly people and it is noted that the proposal would see the re use of an existing building creating a House in Multiple Occupation in a sustainable location. The property has been vacant for a number of years and the applicant has confirmed that they have attempted to market the property to similar elderly care service providers over the last year but have received little interest. Having consulted with local businesses and estate agents the applicant has identified a high demand for quality rooms with attached bathrooms.
- 8.8 In terms of the requirements of the Neighbourhood Plan, the proposal can be considered as infill development which fits in with the overall character of the area and historic context through the conversion of an existing building. It is considered that the proposal would contribute towards a sustainable housing mix within the area.
- 8.9 In light of the above it is considered that the principle of the proposal is acceptable. The impact upon the amenities of neighbours, highway safety and other matters will be considered in the following sections.

9. Design and Impact on the character and appearance of the area

- 9.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 9.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 9.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The

Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings. High proportions of frontage car parking will not be acceptable.

- 9.5 Policy No.8 of the Winshill Neighbourhood Plan requires new development to exhibit good design and contribute positively to the built environment of the Parish by responding to the local context and for of surrounding buildings, taking account of landscape and topographical features, respect local character, reinforce local distinctiveness, ensuring all components of the proposal, such as buildings and car parking are well integrated and ensure the retention and enhancement of existing trees, shrubs, hedging and green space.
- 9.6 There would be no external alterations to the existing principal building on the site. The proposal includes an extension of the existing car parking area and the demolition of an existing double garage, along with the provision of a cycle store. The proposed cycle store would be located to the rear of the building for security reasons and as a result would not be highly visible from the street scene. A condition is recommended in line with the requirements of the Highways Authority requiring further details of the cycle storage. There is existing parking provision to the frontage of the building, however amended plans have been provided indicating an increase in parking area. This additional parking area would be located to the side of the property, and would not result in the loss of any protected trees within the site. Given that the extended parking area does not directly front the road and there are no external alterations proposed to the main building, the visual impact of the proposal is considered to be acceptable and in line with the objectives of the relevant policies set out in the local and Neighbourhood Plan.

10. Residential Amenity

- 10.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 10.2 Objections have been raised by local residents regarding the density of the development, increased noise and disruption, increased waste and litter and the future management of the site.
- 10.3 With regards to the residential amenity of future occupiers, the key considerations are considered to be noise and amenity space provision. The Environmental Health team have raised no issues with regards to noise and the conversion of the building would be subject to building regulations which would in turn address fire safety requirements. An area to store bins to serve the property is identified in a discreet area to the rear of the property. The future management of the site is not a material planning consideration, however, it is noted that the landlord would be required to fulfil relevant obligations in terms of Housing legislation and the condition of the site could be controlled under separate enforcement legislation. A condition is recommended

to control the hours of operation and deliveries during the conversion works in order to protect the amenities of neighbouring occupiers.

- 10.4 It is recommended that hours of operation and deliveries are restricted to be between the hours of 7.30 to 19.00 Monday to Friday, 8.00 to 14.00 on Saturdays and no working on Sundays and Bank Holidays.
- 10.5 Amended plans have secured an increase in the size of the application site within the ownership of the applicant, in order to provide sufficient garden space for the future occupiers of the development.
- 10.6 Whilst the proposal may result in an increased population density, the site is sustainably located and the building is a sufficient distance away from neighbouring dwellings to mitigate any impacts with regards to noise or disturbance.
- 10.7 Accordingly, it is considered that the proposed development would cause no unacceptable harm to existing residential amenity and would provide an adequate level of amenity to future occupiers. The proposal in this respect meets with the objectives of Local Plan Policies DP1 and DP3.

11. Highway Matters

- 11.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 11.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 11.3 Policy 11 of the Winshill Neighbourhood Plan relates to parking. Adequate and suitable off-street parking shall be provided for all new developments, including residential conversions and redevelopment. This shall be based on a minimum of two spaces per dwelling up to 3 beds, and a minimum of 3 spaces per dwelling of 4 beds and more, except where it can be demonstrated that a different standard of provision would not cause significant harm in terms of highway safety. In the case of dwellings particularly targeted at older and less mobile people, a lower provision may be justified. Wherever possible,

dwellings provided for the specific use of older and less mobile people should incorporate at least one fully accessible parking space for larger mobility vehicles, designed in a way which allows wheelchair users to board and alight from the side and rear of vehicles. Any development which involves the paving of existing garden space to provide parking or access shall incorporate the use of permeable surfaces.

- 11.4 Policy 13 of the Neighbourhood Plan (Cycling and Walking) requires new development to demonstrate adequate parking facilities for bicycles and Policy 14 (Connectivity with the Existing highway) sets out that access arrangements for all developments should be designed in a way which does not compromise safety for existing highway users, including pedestrians and cyclists.
- 11.5 Objections to the proposal have been received on the grounds of parking and highway safety from the Ward Councillor and local residents.
- 11.6 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. It is noted that this document does not specifically refer to car parking provision for Houses in Multiple Occupation.
- 11.7 A House in Multiple Occupation is treated as one dwelling and not 14 dwellings based upon the number of bedrooms associated with the proposal. One dwelling would have a parking requirement of 3 spaces in accordance with the Neighbourhood Plan. However given the level of concern raised by local residents, planning officers have sought to increase the parking provision to ensure that each bedroom within the HMO has access to a space. There are also an additional 2 spaces raising the number of spaces available to 16. The existing vehicular accesses off Newton Road would be used. - The proposed parking provision would meet with the parking requirements as set out in the Neighbourhood Plan. The Highways Authority have raised no objections to the proposal subject to suitably worded conditions to ensure that the parking is provided prior to the first use of the property as proposed. An additional condition is also attached requiring weatherproof cycle storage to be provided, the location of which has been provided on the amended block plan. Lastly, a condition is also recommended to ensure that appropriate permeable materials are used in the extended hard standing area, in line with the Neighbourhood Plan.
- 11.8 In light of the above it is considered that the proposal would not affect highway safety and therefore complies with Local Plan Policies SP1 and SP35 and Neighbourhood Plan policies 11, 13 and 14.

12. Flood Risk and Drainage

- 12.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability

of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

- 12.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 12.3 The site is located within flood zone 1 and therefore has a low probability of flooding.
- 12.4 Taking into consideration the revised plans which indicate an area of additional hard standing to provide additional parking, a condition is recommended to ensure that appropriate drainage is incorporated into the development. Subject to this condition, the objectives of the NPPF and Local Plan Policy SP27 would be met.

13. Impact on Protected Trees

- 13.1 Local Plan Detailed Policy 8 relates to Tree Protection. The felling of protected trees will only be granted consent where either the tree is in poor health or has lost its intrinsic amenity value or the tree is causing demonstrable harm to the structural integrity of a building or other built form. In terms of trees within development sites, new development should seek to retain as many existing trees as possible and minimise conflict between trees and buildings in the future.
- 13.2 In terms of trees within the site, there are two Lime trees and one Beech tree sited along the side boundary with 161 Newton Road which as a group are protected under Tree Preservation Order 91. The trees are within the frontage of the site and are highly visible from Newton Road. Concerns have been raised by local residents regarding the impact of the development upon protected trees within the site.
- 13.3 The Tree Officer has confirmed that the proposal (as revised) would have no impact upon existing protected trees. In terms of the creation of the additional parking area, it is considered that the additional area of hardstanding proposed would be located a sufficient distance (over 5m) from the canopy of the Holly Oak protected under Tree Preservation Order 336.
- 13.4 The proposal would therefore cause no detriment to existing protected trees within the site and would therefore meet with the objectives of Local Plan Policy DP8.

14. Conclusions

- 14.1 The proposed use of the building as a House in Multiple Occupation is considered to be acceptable in principle as it would boost the supply of

housing in this sustainable location. Any intensification in the use of the application property resulting from its use as a HMO is unlikely to be discernible given its extant use as a residential care home and the scale of the application site which has been revised and is now considered to be sufficiently large enough to accommodate sufficient amenity space and parking provision to serve the development. The proposal provides sufficient off street parking to serve the development and the proposed use of the building would cause no harm to the free flow of Newton road.

14.2 To conclude the proposal does not conflict with Local Plan Policies SP1, SP16, SP24, SP35, DP1, DP3 or DP8 and would meet with the objectives of policies 6, 7, 8, 11, 13 and 14 of the Winhill Neighbourhood Plan. The proposed development is not contrary to the provisions of the National Planning Policy Framework, it is therefore considered that the proposal should be approved subject to appropriate planning conditions.

14.3 **RECOMMENDATION**

14.4 **PERMIT**-Subject to the following conditions:

- Standard time limit for the commencement of the development (0000001A)
- Compliance with approved plans (subject to other conditions) (00002)
- Hardstanding materials and drainage details (bespoke)
- Parking bays to be delineated (bespoke)
- Details of weatherproof storage to be provided (bespoke)
- Restriction of hours of construction and deliveries (bespoke)

Informatives

- Standard engagement informative (003a)
- The applicant is advised that the development must comply with the standard details within the Council's HMO Policy, a copy of which can be found on the councils website <http://www.eaststaffsbc.gov.uk/housing-and-property/landlords/houses-in-multiple-occupation>
- The applicant is advised that revised HMO licensing rules will come into force in April 2018. Notably, a landlord with a property housing 5 or more unrelated occupants will be required to apply for a licence from their local authority to operate a multi-occupied letting. The applicant is advised to contact the Council's Environmental Health Team for further information.

15. **Background papers**

15.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in Section 7.
- Papers on the Planning Application file ref P/2017/00859.

16. Human Rights Act 1998

16.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

17. Crime and Disorder Implications

17.1 It is considered that the proposal does not raise any crime and disorder implications.

18. Equalities Act 2010

18.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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