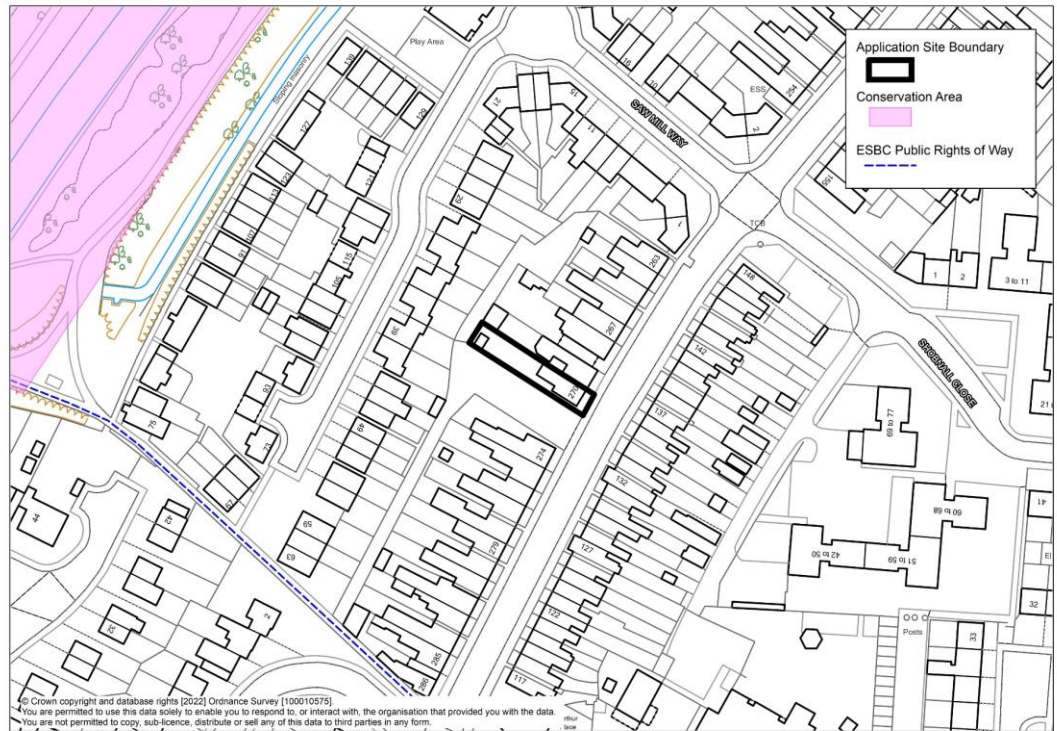


Item 5.1 Committee Report for P/2022/00402

This report has been checked on behalf of Legal Services by Sherrie Grant

Application Number	P/2022/00402	
Planning Officer	Barbara Toy	
Site Address	270 Shobnall Street, Burton Upon Trent, Staffordshire, DE14 2HR	
Proposal	Change of use from a House in Multiple Occupation (HMO) (Use Class C4) to a House in Multiple Occupation (HMO) (Sui Generis) to accommodate up to 7 residents	
Expiry Dates	Weekly List	09-05-2022
	Neighbours	08-05-2022
	Consultations	08-05-2022
	Site Notice	14-05-2022
	Newspaper Advert	-
Application not Determined within Statutory Time Period - Reason	The application has been called in to Planning Committee by Councillor Paul Walker due to the highway consideration, overcrowding in the area, parking concerns, noise and disturbance and concerns from local residents.	
	The agent has agreed a time extension on the application to allow the proposals to be reported to the Planning Committee	
Recommendation	Recommended for Approval subject to conditions	
Environmental Assessment	Screening opinion undertaken	N/A
	Schedule 1 or 2	N/A
	EIA Required	N/A
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance
	Local Plan Policies	SP1 – Approach to Sustainable Development SP2 – Settlement Hierarchy SP16 –Meeting Housing Needs SP24 – High Quality Design SP27 – Climate Change, Water Body Management and Flooding SP35 - Accessibility and Sustainable Transport DP1 – Design of New Development DP7 – Pollution and Contamination
	Supplementary Planning Documents	East Staffordshire Design Guide Parking Standards SPD Housing Choice SPD
	Other Policies/Guidance	Shobnall Neighbourhood Plan – Policies T5 Parking and HD3 Housing Mix
Relevant History	None	
Consultation Responses	SCC Highways – No objections, the proposals do not represent a significant change in highway term.	
	Environmental Health – No objections. The bedrooms proposed a double rooms meet the criteria for HMO accommodation. The property also has an HMO licence for up to 7 adults.	
Parish Council	Shobnall Parish Council - Objection – The proposed increase in occupancy would	

	potentially worsen parking issues in an area which already has inadequate on-road and off-road parking provision (Shobnall Neighbourhood Plan Policy T5 – Parking)
Neighbour Responses	No representations received
Human Rights Act Considerations	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 issues have been taken into account in the determination of this application.
Crime and Disorder Implications	It is considered that the proposal does not raise any crime and disorder implications.
Equalities Act 2010	Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.
Planning Officer's Assessment	<p>Site and Surroundings</p> <p>The site is situated on the western side of Shobnall Street and comprises a traditional two storey end terraced house set back approx. 2m from the footpath with a low brick wall to the boundary and a ground floor bay window to the frontage. The property has a gated side entry to the left hand (southern) side and a two storey rear wing. The property has a rear private garden area (approx. 132m²).</p> <p>The site sits within a residential area comprising similar terraced and semi detached houses fronting the street. Immediately to the south of the site is an off street parking area (for approx. 12 cars) and an access drive to the rear of properties 274 – 286 and 263 – 270 Shobnall Street. The car parking area appears to be for use by any residents.</p> <p>The property currently operates as a 5 bed House in Multiple Occupation (HMO) since 2016 and Licenced for up to 7 Residents since 2019. The layout comprises 2 bedrooms and a large kitchen at ground floor and 3 bedrooms at first floor.</p> <p>Secure cycle storage facilities within a shed (minimum 6 bikes) and refuse storage facilities are already provided in the rear garden area, with access via the side entry.</p> <p>The site sits within the parish of Shobnall within the settlement boundary of Burton as defined within policy SP2 of the Local Plan.</p> <p>The site is located within Flood Zone 1.</p>



Proposals

This full planning application proposes the change of use of the property from a 5 bed/person HMO falling within use class C4 to a 5 bed HMO to accommodate up to 7 residents falling within a sui generis use class. The property has an existing HMO Licence for up to 7 residents.

Bedrooms 1 and 5 within the property would be converted from single person accommodation to accommodate up to 2 adults. The proposals would result in no physical internal or external changes to the property.

The applicants are experienced HMO landlords and have provided the following in support of their application:

- Anti-Social Behaviour Policy
- Fire Risk Assessment
- Annual Inspection and Observation Documents
- Monthly Inspection Document

Accommodation:

Ground floor:

- Bedroom 1 (on the frontage with a bay window) 15.2m² - convert to a double room
- Bedroom 2 (Middle room with window to the rear elevation) 12m²
- Kitchen (to the rear with a door out to the rear amenity space) 19.04m²
- 1 shower room

First floor:

- Bedroom 3 with ensuite (on the frontage) 13.26m²
- Bedroom 4 with ensuite (middle room with window to the rear) 12m²
- Bedroom 5 with ensuite (to the rear) 15.3m² – convert to a double room
- 1 shower room

Policy Context

East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity or causing highway safety issues. Another principle is that proposals are designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping.

Policy SP2 of the Local Plan requires development to be directed towards the most sustainable locations in accordance with a settlement hierarchy and a number of defined settlement boundaries within the Borough.

Policy SP16 of the Local Plan relates to meeting housing needs within the Borough and

states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according with the Council's evidence base or other evidence, including Housing for Older People.

Policy SP24 of the Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development. The Local Plan Policies are supplemented by the East Staffordshire Design Guide and the NPPF which indicates (in paragraph 130) that developments should have due regard to the future amenities of residents.

Policy SP27 of the Local Plan provides criteria for dealing with development sites within flood risk areas.

Policy SP35 of the East Staffordshire Local Plan relates to accessibility and sustainable transport, this is supplemented by the Parking Standards SPD.

Shobnall Neighbourhood Plan

Policy T5 – Parking advises that adequate and suitable off-street parking should be provided on all new developments in order to avoid worsening the negative impacts of on-street parking.

Residential car-parking standards

- For developments providing 1-bedroom dwellings, 1.5 parking spaces per dwelling will be expected (rounded up to the nearest whole number)
- For 2 or 3 bedroom dwellings, a minimum of 2 parking spaces will be expected.
- For larger dwellings (including Houses in Multiple Occupation requiring planning permission), provision of 1 additional parking space per additional bedroom, for each dwelling, will be expected.

Policy HD3 – Housing Mix advises that new housing development should deliver an appropriate mix of housing types and sizes to meet the needs of current and future Shobnall residents.

Shobnall's particular housing needs include:

- Starter homes and homes suitable for young families
- Affordable housing
- Larger family homes

Assessment

The main issues in the determination of this application are:

- Principle of the Development
- Highway Implications
- Impact on Residential Amenity
- Impacts on Visual Amenity

Principle of the Development

The site is situated within the settlement boundary in a sustainable location close to large employment sites where new development would be expected in accordance with the Local Plan. The property is already operating as a 5 bed/person HMO despite its HMO Licence allowing up to 7 residents. The change of use of a dwelling to a small HMO for up to 6 residents (Use Class C4) can be undertaken without the need for planning consent, which is what has occurred in this case.

The Council has recognised that in recent years the number of small HMO's (Use Class C4 up to 6 residents) have risen in the residential areas of Burton Upon Trent resulting in the loss of family homes. Environmental Health have also received complaints about unlicensed HMO's concerning poor or unsafe living conditions, noise, overcrowding or anti social behaviour. As a result the Council have put forward an Article 4 Direction to remove permitted development rights for these C4 uses, so that planning permission is required for any HMO in the Burton area. This Article 4 Direction will come into force in April 2023. It is considered that this Direction will help to improve the quality of new small HMO's and have some control over the numbers of these uses in the area.

In this case the change of use to a C4 HMO was undertaken under permitted development. However the premises has a HMO Licence ensuring an acceptable level of accommodation and no complaints to Environmental Services have been received regarding this premises since its first use in 2016.

HMO accommodation usually provides accommodation for single people, but it should be

recognised that this form of accommodation is also needed for couples. This property has already been in use as a HMO with single rooms for 6 years and the request to provide double rooms to increase the capacity of the premises would meet a need for this form of accommodation recognised by the applicant.

Policy SP16 of the Local Plan recognises that residential development in main towns needs to provide a mix of dwelling types and that different sizes and tenures of housing should be fully integrated.

Policy HD3 of the neighbourhood plan also advises that a mix of housing types and sizes to meet the needs of current and future residents should be provided. Affordable housing is also recognised as a requirement within Shobnall.

The existing facility provides an affordable housing solution for single people and the proposals will extend that facility to couples. The site is situated in a sustainable location close to large employment sites, providing affordable accommodation within walking distance of employment. The provision of HMO accommodation within existing residential areas allows for a mix of housing types and sizes to meet local needs in compliance with Policy SP16.

The room sizes and facilities provided within the premises meet the requirements for HMO accommodation for conversion of the 2 rooms to double rooms and a HMO Licence for up to 7 residents is already in place despite only operating with 5 residents currently.

The proposals are therefore considered to be acceptable in principle in accordance with Policies SP1, SP2 and SP16 of the Local Plan and policy HD3 of the Shobnall Neighbourhood Plan.

Highway Implications

The site sits within a residential area characterised by semi detached and terraced housing that do not benefit from off street parking facilities. It should be recognised that some of the houses in the area have been considerably extended and could accommodate large families which could generate several vehicles associated with the premises.

An off street parking area for up to 12 cars is situated immediately to the south of the site, which also provides a vehicle access to the rear of the houses within the block so some off street parking is available within the immediate vicinity for local residents.

The property already has secure cycle storage facilities to encourage more sustainable modes of transport and it lies within easy walking distance of regular public transport connections in Shobnall Street. Occupiers of the premises therefore have a choice of means of transport to access local services, facilities and places of work, in accordance with Policy SP35 of the Local Plan.

The property is already in use as a 5 bed/person HMO and the proposals will not increase the number of bedrooms, the proposals would therefore be in compliance with Policy T5 of the neighbourhood plan as no additional bedrooms would be created. It is therefore considered that the proposals would have no greater impact on highway safety over that of the existing lawful use of the premises.

The applicant has observed that the vast majority of tenants in HMO accommodations do not own cars and instead walk or cycle, hence the provision of secure cycle storage in the form of a shed in the rear garden area which provides storage for a minimum of 6 bikes.

The Highway Authority have raised no objections to the proposals recognising that no addition bedrooms would be created, allowing 2 rooms to be occupied by couples rather than single occupation would not be considered to be a significant change in highway terms.

Impact on Residential Amenity

The proposals would allow for 2 further residents at the property, to a maximum of 7, it is not considered that 2 additional residents, sharing accommodation would result in any significant increase in noise or disturbance at the premises over that of the existing authorised use for 5 residents.

The proposals include no internal or external changes to the premises, so no adverse impact on the amenities of the adjoining occupiers from overlooking or loss of light would result.

	<p>The management of HMO accommodation is controlled through the HMO Licence and through The Management of Houses in Multiple Occupation Regulations 2006. These regulations ensure that the premises has an acceptable level of accommodation which is maintained and managed.</p> <p>The level of accommodation proposed meets the HMO requirements in terms of room sizes, facilities and amenity space and will provide an acceptable level of residential amenity for the future residents.</p> <p>Impact on Visual Amenity The proposals would result in no internal or external changes to the property, so would have no adverse impact on the visual amenity of the area.</p>
Planning Officer's response to Parish Council	Covered in the main report
Conclusion	Accordingly, the application is recommended for approval as the proposal complies with the objectives of Local Plan Policies, relevant SPD's and the NPPF
Engagement	<p>The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.</p>
Section 106 required?	No
Recommended Conditions	<p>1. Time Limit - 3Yr Standard The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. Approved Plans The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:</p> <p>Site Location Plan dated as received on 01-04-2022 Site Plan dated as received on 07-07-2022 Existing Floor Plans Drawing dated as received on 01-04-2022 Proposed Floor Plans Drawing dated as received on 07-07-2022 Planning Statement dated as received on 01-04-2022 Anti-Social Behaviour Policy dated as received on 07-07-22</p> <p>Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP16, SP24, SP35, DP1 and DP7, the East Staffordshire Design Guide, the Separation Distance and Amenity SPD, the Parking Standards SPD, the Shobnall Neighbourhood Plan and the National Planning Policy Framework.</p>
Recommended Informatives	<p>Engagement</p> <p>The Local Planning Authority has taken a positive approach to decision-taking in respect of</p>

	<p>this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.</p>
Officer Details	<p>Barbara Toy Tel 01283 508729 Barbara.toy@eaststaffsbc.gov.uk</p>