

DELEGATED

AGENDA NO  
PLANNING COMMITTEE

25 August 2010

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

10/1628/COU

1 St Paul's Terrace, Stockton-on-Tees, TS19 0AH

Retrospective application for change of use from single dwelling house to House in Multiple Occupation

Expiry Date 17 August 2010

#### SUMMARY

Planning permission is sought for retrospective change of use from single dwelling house to House in Multiple Occupation (HIMO), with no external alterations at No.1 St Paul's Terrace, Stockton.

A total of six letters of objection have been received (five from local residents and one from the ward councillor). The comments received are with respect to the application being retrospective, an increase in anti-social behaviour by the proposal, an increase in number of HIMO's in this locality, depreciation in house prices due to these type of tenure, loss of family homes in this locality and present state of gardens along St Paul's Terrace.

The proposed development is considered to be acceptable and would not have an adverse impact on the privacy or amenity of neighbouring properties or highway safety

#### RECOMMENDATION

Planning application 10/1628/COU be Approved subject to the following conditions

01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>22 June 2010</i>
<i>LOC 1 SPT</i>	<i>22 June 2010</i>

*Reason: To define the consent.*

02. *Notwithstanding the submitted information precise details of refuse storage and recycling facilities shall be submitted to and agreed in writing with the Local Planning Authority within one month from the date of approval.*

***Reason: To ensure a satisfactory form of development.***

## **INFORMATIVES**

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and the proposal does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties or raise any highway safety concerns and there are no other material considerations which indicate a decision should be otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

H06 Housing

Core Strategy Policy 1 (CS1) -The Spatial Strategy

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

Core Strategy Policy 8 (CS8) -Housing Mix and Affordable Housing Provision

Supplementary Planning Document Number 3: Parking Provision for New Developments

## **PROPOSAL**

1. The applicant seeks retrospective planning permission for the change of use from a single dwelling house to House in Multiple Occupation (HIMO) at No. 1 St Paul's Terrace, Stockton. The proposal does not involve external alteration to the building apart from general maintenance.

## **CONSULTATIONS**

2. The following Consultees were notified and comments received are summarised and set out below:-

### **Councillor P Baker**

I do object to the property been used for a house of multiple occupation, this is clearly misuse of what it is originally built for.

### **Councillor R Gibson**

We both objected to the proposal ... but the job is done .... A himo on that terrace is not to any ones liking. The question now is this, if the retrospective application is refused would he win it on appeal given that the work is complete.

### **Acting Head of Technical Services**

#### **General Summary**

Urban Design has no objections subject to comments below.

#### **Highways Comments**

The proposed change of use from a dwelling to a house in multiple occupation will provide 4no. rooms. The existing 3 bedroom house does not benefit from any incurtilage parking, the requirements for a 3 bedroom house is 2 parking spaces. The parking provision for a house in multiple occupation is 1 per 4 residents therefore it is considered that the proposed change of use will not result in an increase in on-street parking. The applicant should demonstrate how refuse and recycling would be stored and collected.

There are no objections to this application.

**Landscape & Visual Comments**

No comments.

**Environmental Health Unit**

No comments

**Spatial Plans Manager**

No comments received

**Private Sector Housing -**

1. We have no record of No. 2 St Paul's Terrace being operated as a HMO

2. The number of HMOs given in the annual HIP return for 2009 (this actually refers to the number of HMOs for 2008 - 2009) was 336 this is an estimated figure as requested in the return, the estimated figure given for this years return 2010 was 411. This was estimated given the number of HMOs on our database (both licensable and non-licensable) and following an exercise in re-visiting the HMOs on this database to determine if they were still HMOs. This was undertaken as a result of the change made in the definition of a HMO brought about by the Housing Act 2004 (which was introduced in 2006) this exercise revealed a number of properties which were previously defined as HMOs could no longer be considered so because of the change in definition.

Further to this because of the change in definition we obtained figures from the university and included those properties occupied as shared housing by students (now clearly defined in the legislation as HMOs)

Whilst the figures from 2009 to 2010 is obviously an increase I am of the opinion that the figure we offered in 2009 was below what may have actually been the true figure (the stock condition survey prepared in 2009 offered the figure of 420)

The Private Sector Housing Division have no objections to the application.

**Development and Regeneration**

No comments received

**Waste Management**

No comments received

**Cleveland Police Crime Prevention**

No comments received

**Head of Community Protection**

We have not had any recent complaints about St Paul's Terrace or neighbouring properties to either the Council or the Police. During July to October 09 there were four complaints from neighbours about number two St Paul's Terrace concerning four separate incidents of rowdy and noisy behaviour from visitors to number two. (2 July, 1 September, 1 October)

**PUBLICITY**

3. Neighbours were notified and comments received are summarised below :-

**Mr and Mrs Fullerton**  
**9 St Paul's Court, St Paul's Street**

Summarised:

Object strongly to the application on the grounds that No.2 is already a HIMO and there is an existing anti-social issue with this property. Would like clarification if this property was approved planning permission for a HIMO. The front gardens of these properties are neglected and an eyesore. This application will be detrimental to the area.

**E Rowbottom**  
**5 St Paul's Street Stockton-on-Tees**

Summarised:

Objects to proposal on the grounds that No.1 and No.2 front gardens are a disgrace along with the nearby community centre. Concerns of an increase of HIMO's in this locality.

**John Noble**  
**7 St Paul's Terrace Stockton-on-Tees**

Summarised:

Objects to application on grounds that the application should have been made before work commenced. This is a residential area and were built as one family residences and should remain as so. No.2 is an existing HIMO and have present issues of anti-social behaviour with this property. Concerns with regards to an increase of anti-social behaviour with the proposed occupants of this host property.

**Mr J Hunton**  
**6 St Paul's Terrace Stockton-on-Tees**

I strongly object to this property being used for multiple occupation. The antisocial problems are bad enough in this area with out irresponsible local authorities adding the problems. I am sure that Mr Monk's bank balance will not suffer as a result of being refused this application. Unlike the residents of St Paul's terrace who's properties have taken a significant reduction in house prices since these property's have been peached by these unscrupulous land lords. A three bedroom council house would not be used in this way. Plus it seems strange that you should ask the residents of St Paul's terrace what they think on the subject. When we all know the application it as already been rubber stamped. Why else would Mr Monk have spent the past six months altering the property if someone in your department had not given him the nod. The previous tenants of Mr Monks have ranged from drug dealers, drunkards, and suspected paedophiles. Why should the next Bach be any different. It is the resident's and the wider community that pays the price not some bureaucrat sitting in his/her office ticking a box and saying yes. May I also add that we were certainly not given enough time plan a counter objection or to discuss the application with our neighbours

**Mr R Beresford**  
**5 St Paul's Terrace Stockton-on-Tees**

Summarised:

Objects to application on grounds that the front gardens of No.1 and No.2 are an eyesore. Clarification if No.2 was granted planning permission for a HIMO and this concern of future residents having no regard of their surroundings or surrounding neighbours.

## **PLANNING POLICY**

4. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)
5. The following planning policies are considered to be relevant to the consideration of this application:-

### **Core Strategy Policy 1 (CS1) - The Spatial Strategy**

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.
3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.
4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.
5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.
6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

### **Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel**

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where

the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
- ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
- iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

### **Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change**

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

- \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

- \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

- \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

- \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

### **Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision**

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

- \_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;

- \_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;

- \_ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.

5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision

at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

8. Where a development site is sub-divided into separate development parcels below the affordable housing threshold, the developer will be required to make a proportionate affordable housing contribution.

9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.

10. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.

11. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.

12. The Borough's existing housing stock will be renovated and improved where it is sustainable and viable to do so and the surrounding residential environment will be enhanced.

13. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

#### **Saved Policy HO6**

Within built up areas proposals for the conversion of large residential properties to flats and bedsits will normally be permitted provided that:

- (i.) There would be no adverse effect on the amenity of neighbours; and
- (ii.) Conversion would not have a detrimental effect on the character and appearance of the building or area; and
- (iii.) Adequate provision can be made for access and the parking of vehicles in a manner which safeguards the visual amenity of the area. In certain cases, normal parking standards may be relaxed to take account of the likely rate of car ownership amongst occupants.

#### **SITE AND SURROUNDINGS**

6. The application site is an end terraced two storey dwelling, located within a residential area of Newtown, Stockton. The property is currently vacant and being refurbished.



7. The site fronts onto a public footpath, which separates the host dwelling from a piece of front garden which is in the ownership of the applicant. Beyond this front boundary treatment, there is an area of open space which is in the ownership of the Council and contains a Community Centre, which is located approximately a distance of 28.0m away from the host dwelling.
8. Along the side of the applicant's property to the north, there is a footpath/alleyway, which runs adjacent to St Paul's Court Nursing Home, and to the rear there is an associated alleyway to properties located along St Paul's Street (east).

## **MATERIAL PLANNING CONSIDERATIONS**

9. The main planning considerations of this application are the principle of development, sustainability of the site, the impacts on the character of the area, amenity of the neighbouring occupiers and access and highway safety.

### **Principle of development:**

10. The application site lies within the limits to development and is an existing dwelling house, within a residential area consisting of terraced housing. Therefore, adopted Core Strategy policies CS1, CS2, CS3, CS8 and saved local plan policy HO6 are considered to be relevant to the determination of this application.
11. In addition, it is to be noted that a recent survey by the Tees Valley Local authorities, showed that there were 336 HIMO's between the period of 2008 to 2009. As from the present period 2009 to 2010, the current figure is now 411. However, as the initial figure in 08/09 was an estimate, the true figure should of have been 420.
12. Therefore in the light of this information provided, it is considered that the proposed development for HIMO accommodation, is not significant increase to be considered to lead to an over supply of this type of provision within the borough as whole.

### **Sustainability of the site:**

13. The site lies within a reasonable walking distance of the defined Local Centre of Durham Road and Stockton Town Centre, which provides a range of services, goods and facilities to meet the every day needs of these residents.
14. This location also provides access to public transport modes that cover links to the wider area.
15. The site is therefore considered to be an appropriate and sustainable site to accommodate the development proposed.

### **Impacts on the character of the area:**

16. The present character of the surrounding area is that of a residential area for family accommodation, however, as the proposed development could accommodate the same number of occupants as at present (albeit now being separate individuals), it is not considered that the development would have a significant material change on the character of the surrounding residential area to be sufficient to warrant refusal of the application on this ground alone.

17. With respects to No.2 St Paul's Terrace, this property is a HIMO, which did not require planning permission, as this development was carried out prior to the legislation change in the description of HIMO's within The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (SI 2010/654) which amends Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO).
18. In addition, to these issues, as there is no evidence that this specific area has an over provision of this type of housing, it is considered that the use does not conflict with relevant development plan policies, and the premise is acceptably located for residential purposes, and that the use maintains the character of the surrounding area.

**Amenity of the neighbouring occupiers:**

19. As the existing dwelling is currently sufficient to accommodate a large family, and that there are no additional habitable room windows proposed, it is considered that the scale of the proposed use, will not be out of place within this locality and would not worsen the existing situation than the present arrangement, with respects to loss of privacy or increase in noise and disturbance matters.
20. Environmental Health was consulted on the application and made no comment.
21. Therefore, the scheme is not considered to have an adverse impact on the residential amenity of neighbouring properties and not in direct conflict with saved policy HO6 of the adopted Local Plan.

**Access and highway safety:**

22. The Acting Head of Technical Services has raised no objection to the application, based on the fact that the property is an existing residential dwelling, with no existing car parking at present. Therefore, on this basis, the application is not considered to increase on street parking in this location or worsen an existing arrangement.
23. Therefore, on this basis, it is considered that the proposal does not raise any access or highway safety issues and is in accordance with adopted policy CS2 and HO6 in this respect.

**Residual Issues:**

24. Concerns and objections have been raised by local residents and ward councillors in relation to clarification that No.2 being an approved HIMO, the application being retrospective, loss of family accommodation, change in character of area, depreciation of house prices, an increase in amount of these properties in this locality, increase in anti-social behaviour, fear of an increase of crime and disorder within this locality and by future residents.
25. These comments are all duly noted and can be addressed accordingly; however, the matter regarding devaluation of house price is not a planning consideration, which can be considered in determining this application.
26. With regards to the character of the area and an increase in an number of HIMO`s, these matters have been addressed above.
27. With respect to the use of the neighbouring property at No.2 St Paul's Terrace as a HIMO, this matter had been investigated by the Councils Enforcement Section and it is considered

that the property had been operating as a HIMO prior to the legislation changes as mentioned within paragraph 17 of this report.

28. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. On this basis, the perception of crime is a material consideration in determining any planning application, however, in this instance there is no robust evidence that this development would lead to an increase in crime in this locality. Issues such as fear of crime based on assumptions not supported by evidence should not be accorded any great weight in the determination of a planning application. Therefore, the application is considered not to be contrary to Section 17 of the Crime and Disorder Act (1998) and the requirements of Policy CS3.
29. With respects to the applicant carrying out retrospective works, this is carried out at the applicants own risk and does not guarantee approval of the application.
30. It is considered that the refuse and recycling storage can be accommodated within the rear yard which is the same as the other properties in the area.

## **CONCLUSION**

31. It is considered that the proposed change of use would not have a detrimental impact on the character of the surrounding area and residential amenities of neighbouring properties or raises any highway safety issues and therefore accords with
32. The proposal accords with adopted policies CS1, CS2, CS3, CS8 and Saved Policy H06 of the Stockton on Tees Local Plan

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Fahim Farooqui Telephone No 01642 528558**

## **IMPLICATIONS**

### **Financial Implications:**

As report

### **Environmental Implications:**

As report

### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

### **Background Papers:**

Stockton On Tees Local Plan (adopted June 1997)

Core Strategy Development Plan Document (adopted 24 March 2010)

Supplementary Panning Document Number 3: Parking Provision for New Developments

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Newtown</b>
<b>Ward Councillor</b>	<b>Councillor P.W.Baker</b>

**Ward  
Ward Councillor**

**Newtown  
Councillor R Gibson**