

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

11th JULY 2012

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

12/1272/COU

8 Challoner Road, Yarm,

Retrospective application for change of use from 3 no bedroom domestic dwelling into house of multiple occupation (HMO with 5 no. bedrooms for 7 no. individual occupants)

Expiry Date 20 July 2012

SUMMARY

Retrospective approval is sought for the change of use of the dwelling to a House in Multiple Occupation (HMO) with five bedrooms for up to seven individual occupants. Seven objections have been received from neighbouring residents and a further objection has been received from the ward Councillor. These are largely on the grounds that the change of use is out of keeping with the local character, which includes warden control bungalows, it results in noise disturbance and there is insufficient parking.

The Head of Technical Services has assessed the change of use and raises no objections. Environmental Health and the Councils Private Sector Housing also have no objections to the change of use. Taking into account the tolerance for HMO without requiring permission which allows up to 6 individuals it is considered that in this instance, given that the proposed occupants consists of 7 individuals it is considered to be acceptable in terms of impact upon the amenity of neighbouring properties. Therefore the retrospective change of use is recommended for approval.

RECOMMENDATION

That planning application 12/1272/COU be approved subject to the following conditions and informatives

01 *The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>18 May 2012</i>

Reason: To define the consent.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

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 impact upon the 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)
Saved H06 Residential Conversions

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

SITE AND SURROUNDINGS

1. The application site is a semi detached property located within a predominantly residential area consisting of houses and bungalows. The rear garden serving the application is enclosed by a 1.8 metre high closed boarded fence and there is a detached garage serving the application site adjacent to the southern boundary of the site. The rear garden is enclosed by a 1.8 metre high closed boarded fence. The front garden is enclosed by a fence measuring approximately 0.9 metres in height.

PROPOSAL

2. Retrospective approval is sought for the change of use of the application site which was previously a three bedroom dwellinghouse into a house in multiple occupation consisting of five bedrooms for seven individual occupants. The applicant has confirmed that three of the bedrooms are single occupancy with two bedrooms each comprising of facilities for two individuals providing a total of beds for seven occupants.

3. The change of use does not include any external alterations to the property.

CONSULTATIONS

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

4. Head of Technical Services
General Summary

Subject to the comments below Technical Services have no objections.

5. Highways Comments

There is no incurtilage car parking associated with this property; in accordance with SPD3: Parking Provision for Developments a 3-bedroom house should provide 2 incurtilage car parking spaces, an HMO should provide 1 space per 4 residents therefore 2 spaces would be required for a 7 - resident HMO. Therefore this proposal does not have a greater parking requirement than the extant use and there are no highway objections.

6. Landscape & Visual Comments

No comments.

7. Private Sector Housing - Mr Dave Dawson

Further to our recent conversations I can confirm that the Private Sector Housing Division has inspected the above property to ensure compliance with the Housing Act 2004 and The (Management of Houses in Multiple Occupation) Regulations 2006.

The property was found to comply with the Councils standards for a shared house and the relevant Housing legislation and therefore the Private Sector Housing has no grounds to object to the retrospective planning application.

8. Councillor Sherris

I object to this application and request it be refused and enforcement action taken. This use is totally inappropriate to a quiet residential area of predominantly aged persons sheltered bungalows. There is also inadequate parking provision.

9. Environmental Health Unit

Environmental Health have no comment to make on this application

PUBLICITY

Neighbours were notified and any comments received are below (if applicable):-

C M Fallis

3 Challoner Road Yarm

Object as I do not want noise from car doors and traffic at 3 in the morning.

Mr and Mrs G Dickinson

7 Challoner Road Yarm

Object as the change of use is presumably for restaurant staff. We have lived here for 30 years and it has always been a quiet pleasant area with a large percentage of elderly people in warden controlled bungalows. We do not want to see degeneration of the area. It is totally inappropriate for the area. The road is narrow and parking within the cul-de-sac is already a nightmare. more vehicles would create a hazard and prevent emergency access. over the last 6 to 12 months we have been disturbed by vehicles at unsociable hours and delivery of goods resulting in us moving to the back bedroom of our property.

Therefore the proposal should be refused.

Mr W D Smith

2 Challoner Road Yarm

Object as parking is difficult at the moment extra people will make it impossible. The area is quiet and consists of warden control bungalows. Additional vehicles would cause noise and disturbance.

Mrs T Smith

12 Challoner Road Yarm

Object as road is narrow and parking is difficult. any further people will make it impossible. The area is characterised by warden control bungalows.

Mrs Joyce Headlam

5 Challoner Road Yarm

A number of residents are concerned about the application for the change of residential (C3) to HMO (C4) application 12/1272/COU.

8 Challoner Road already causes concerns to the residents, due to the state of the gardens and change of people also vehicles arriving late evening early morning and unloading boxes.

The road is narrow and parking is already an issue if vehicles double park this means the emergency services cannot get through. All but one house past this property are warden controlled bungalows.

I am writing this on behalf of the pensioners who wish to object to the proposal and are not capable of writing letters.

Ms B Robinson

6 Challoner Road Yarm

Object as the area is a quiet residential area filled with retired people and families and is unsuitable for a HMO. There are already a number of late night disturbances from the property, taxi drop offs and slamming car doors ect. There have also been problems with parking along the road and further residents would exacerbate the problem.

Mr R E Forster

4 Challoner Road Yarm

Object at the area is predominantly a quiet residential area with sheltered accommodation. There is inadequate parking and the HMO causes noise disturbance at unsociable hours.

PLANNING POLICY

10. 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 saved policies of the Stockton on Tees Local Plan

11. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

12. The following planning policies are considered to be relevant to the consideration of this application:-

13. National Planning Policy Framework

Paragraph 14. 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;

14. For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or -specific policies in this Framework indicate development should be restricted.

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

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.

MATERIAL PLANNING CONSIDERATIONS

16. The main planning considerations when assessing this retrospective application are the principle of development, amenity of neighbouring properties, character of the surrounding area and implications for highway safety.

17. Seven letter of objection have been received from neighbouring residents with a further objection from the ward Councillor largely on the grounds that the change of use is out of keeping with the character of the surrounding area which includes warden controlled bungalows, parking is already restricted and additional residents result in further noise disturbance. Concerns are also raised regarding deliveries to the site and the state of the garden.

Principle of development

18. The application site lies within the limits to development and is an existing dwelling house; within a residential area consisting of a mixed tenure of housing including warden controlled elderly people's bungalows. Therefore, adopted Core Strategy policies CS2, CS3, CS8 and saved local plan policy HO 6 are considered to be relevant to the determination of this application.

19. The site lies within a reasonable walking distance of convenience shops and whilst this is not a defined local centre it is considered that the range of services and goods within walkable distance would meet the every day needs of these residents.

20. Policy CS2 of the adopted Core Strategy seeks to ensure that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes. This location provides access to public transport modes, with a bus stop being located approximately 320 metre from the application site, which provides links to the wider area. The site is therefore considered to be a sustainable site to accommodate the development subject to material planning considerations.

21. DCLG Circular 8/10 advises that Large houses in multiple occupation – those with more than six people sharing – are unclassified by the Use Classes order and are therefore considered to be 'sui generis'. However the circular also advises that although the control limit of six persons defines the scope of Use Class C3 (b) and (c) dwellinghouses and Use Class C4 houses in multiple occupation classes, this does not imply that any excess of that number must constitute a breach of planning control. A material change of use will occur only where the total number of residents has increased to the point where it can be said that the use has intensified so as to become of a different character. Given the ambiguous nature of Government advice it was considered that retrospective planning consent is required for the use of the property as a HMO with 7 persons.

Amenity of neighbouring properties

22. The three bedroom dwelling at the application site, prior to the conversion to a House in Multiple Occupation, would have sufficiently accommodated a large family. There are no additional habitable room windows proposed or alterations to the dimensions of the dwelling.

23. The present Government specifically introduced legislation to enable the change of use from Use Class C3 (Dwelling houses) to Use Class C4 for a House in Multiple Occupation for up to 6 people to operate without requiring planning permission for a change of use as it is of the view that the impacts of the uses in terms of character and amenity of an area are similar. The development provides facilities for 7 people within the property. Therefore, taking into account existing permitted development rights, it is not considered that one additional occupant would significantly worsen the situation with regard to increase in noise and disturbance.

24. Environmental Health were consulted on the application and have raised no objections to the change of use.

Character of the area

25. Objectors have raised concerns regarding the impact of a HMO on the character of the surrounding area. As indicated above a HMO for up to 6 individuals can operate without requiring a change of use under use class C4. The application is seeking permission as the HMO will provide accommodation for 7 individuals. Given that the application relates to one person over the number occupiers permitted under the Use Class Order it is not considered that this would have a significant impact upon the character of the surrounding area.

26. The change of use does not involve any external alterations. As such it is not considered that it results in an incongruous feature within the street scene or appears out of keeping with the character of the surrounding area.

27. Objections have been received with regard to the current state of the garden however this is not considered to be so detrimental to the amenity of the area as to warrant action by the Local Planning Authority under separate legislation. As such this matter cannot be considered when assessing this application.

Highways Safety

28. Objections have been made with regard to parking and access. However there is no incurtilage car parking associated with the existing property. In accordance with SPD3: Parking Provision for Developments a 3-bedroom house should provided 2 incurtilage car parking spaces, an HMO should provide 1 space per 4 residents therefore 2 spaces would be required for a 5-bedroom HMO with 7 residents. The Head of Technical Services has commented that this proposal does not have a greater parking requirement than the extant use and therefore are no highway objections. As such it is not considered that the proposal will result in an adverse impact upon highway safety.

Residual Matters

29. The Council's Private Sector Housing section has inspected the property and it is considered that it complies with the Housing Act 2004 and The (Management of Houses in Multiple Occupation) Regulations 2006. The property was found to comply with the Councils

standards for a shared house and the relevant Housing legislation and therefore the Private Sector Housing section has no grounds to object to the retrospective planning application.

30. With regard to setting a precedent for this type of development, each application is assessed on its own merits therefore it is not considered that this will set an undesirable precedent within the area.

31. Issues such as fear of crime are based on assumptions and not supported by evidence as to the characteristics of the future occupiers and should therefore not be taken into account in the determination of this proposal.

32. 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. Objections have raised concerns that the proposed scheme will lead to an increase in crime and anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement section and would not be a reason to warrant refusal of the application.

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

CONCLUSION

34. The retrospective change of use application relates to a use which the present Government specifically introduced legislation to facilitate the use of dwelling houses as Houses in Multiple Occupation for between 3 and 6 persons. Consequently the property could have lawfully operated as a HMO without planning permission if the conversion had only provided 6 bed spaces. Therefore it is considered that there is no significant impact on the character or amenity of the area by the existence of an additional bed space. It is recommended that the application be Approved with Conditions for the reasons set out above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Helen Heward Telephone No 01642 526063**

WARD AND WARD COUNCILLORS

**Ward Yarm
Ward Councillor Councillor A B L Sherris
Ward Councillor Councillor Mark Chatburn
Ward Councillor Councillor Ben Houchen**

35. IMPLICATIONS

Financial Implications:
As Report

Legal 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

Planning application 12/1272/COU