

MEETING:	PLANNING COMMITTEE
DATE:	9 DECEMBER 2015
TITLE OF REPORT:	<p>151248 - CHANGE OF USE TO HMO AND INSTALLATION OF FIRE ALARM GRADE A LD2, ALL BEDROOMS AND KITCHEN DOORS TO BE REPLACED WITH FIRE DOORS, ALL WALLS REPAINTED, CARPETS REFITTED, ADDITIONAL SHOWER ROOM AND TOILET, ONE INTERNAL STUD WALL ADDED. (RETROSPECTIVE) AT 61 STANHOPE STREET, HEREFORD, HEREFORDSHIRE, HR4 0HA</p> <p>For: Mr Robert Stuliglowa, NLP UK Ltd., Office 2, Wilson Chambers, Commercial Street, Hereford, HR1 2DB</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151248&search=151248
Reason Application submitted to Committee – Re-direction	

Date Received: 24 April 2015

Ward: Greyfriars

Grid Ref: 349997,239925

Expiry Date: 2 July 2015

Local Member: Councillor AJW Powers

1. Site Description and Proposal

- 1.1 The application site is located on the southeastern side of Stanhope Street, to the west of Hereford City Centre and within an established suburban residential area. Number 61 Stanhope Street is a period, mid-terraced, three storey dwelling. It has a small fore garden, set behind a low wall and a long narrow rear garden. Similarly to other properties in the vicinity it has no off road parking.
- 1.2 Retrospective planning permission is sought for the change of use from a single dwellinghouse to a House in Multiple Occupation (HMO) for up to ten persons. The use commenced in March of this year. The property provides accommodation over three floors, comprising four double bedrooms (two each on the ground and first floors), two single bedrooms (on the second floor), a shared kitchen (ground floor) and two bathrooms (first floor). Under the requirements of the Licence an additional W.C must be provided. Despite the submitted ground floor plan indicating this, it has to date not been provided.
- 1.3 The applicant has submitted a Planning Statement, which sets out the nature of the use and confirms the work carried out. This includes the provision of an internal stud wall, refurbishment incorporating sound and thermal insulation to reduce both noise and heat loss. It is stated that the applicant is a member of the Residential Landlords' Association and provides accommodation for key workers and professionals. It has been confirmed that prospective tenants are carefully screened, the Tenancy agreement includes a 'no parking policy' and tenants must show proof of purchase of an annual season ticket for a local car park

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

if they have a car and that the property is cleaned weekly and a gardener is also employed. The full contents of the statement can be viewed on the website.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
H3	-	Ensuring an appropriate range and mix of housing
MT1	-	Traffic Management, highway safety and promoting active travel
SD1	-	Sustainable Design and Energy Efficiency
LD1	-	Landscape and Townscape
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy

2.2 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

Introduction

Achieving Sustainable Development

Core planning principles

Section 4 - Promoting sustainable transport

Section 6 - Delivering a Wide Choice of High Quality Homes

Section 7 - Requiring Good Design

Section 8 - Promoting healthy communities

Decision-taking

2.3 Other Relevant National and Local Guidance/Material Considerations:

Guidance notes for developers and landlords on the storage & collection of domestic general rubbish and recycling (November 2014).

2.4 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations:

4.1 Welsh Water:

SEWERAGE

Dwr Cymru Welsh Water has no objection to the proposed development.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

We have no further comments with respect to this application.

Internal Council Consultees:

4.2 Transportation Manager:

It is noted that the proposals is for four double and two single rooms, a total occupancy of up to ten persons. This is significantly more than the previous use as a family residence and as previously no off-street parking is provided. Stanhope Street and the neighbouring streets already suffer from heavy on street parking and the very limited opportunity for parking may well deter car owners from considering the property. The streets are also narrow residential streets and, with two sided parking restricting available width to single vehicle width, resultant vehicle speeds are low.

I am concerned that no cycle storage or bin stores are included in the proposals, and need consideration.

Whilst I am concerned at the intensification of use of the property in conjunction with the lack of off street parking, I do not consider this would likely to be detrimental to highway safety and in view of the sustainable location to not be stand alone grounds for refusal. I have therefore raised no objections.

4.3 Environmental Health Manager: With regards noise issues only, no objection.

4.4 Private Sector Housing:

A licence has now been granted for 6 bedrooms and up to 10 people, with the requirement that another WC and WHB is installed, therefore the plans that have been submitted to you are now not completely accurate. Fire escape windows should meet Approved Document B (Vol 1) of the Building Regulations. The window must have an unobstructed openable area minimum 0.33m² and be at least 450mm high and 450mm wide; the bottom of the openable area should be no more that 1100mm above the floor level.

There is enough bedroom space for 10 tenants.

5. Representations

5.1 Hereford City Council: Objection.

We strongly object to any proposal to give retrospective permission. This development has already caused problems with sewerage in neighbouring properties and no account has been taken of parking or the impact on the amenities of surrounding properties. It is inappropriate to the site and constitutes over development. Robust enforcement action should be taken.

5.2 Seventeen letters of objection have been received from local residents and the Ward Member for the adjacent Ward. The main issues raised are summarised as follows:

Highways and Waste

- Insufficient parking (3 extra cars already, could be 10).
- Busy road, used as a rat run at school times, additional parking will made this worse and would be dangerous.

- Refuse – too many residents will lead to overflowing rubbish (already experienced in the front garden) and will attract vermin.
- Transportation Manager's comments that occupants are unlikely to have cars is subjective.
- Parking will be forced onto Westfaling Street, on a junction and this will be dangerous.

Sewerage

- Victorian sewerage system is unable to cope with increase number of residents.

Residential amenity

- The property is not large enough for up to 10 residents, resulting in poor living conditions for occupants.
- Due to minimum space inside, residents sit outside to socialise leading to antisocial behaviour – noise etc.
- Terraced property, increased number of residents will lead to more noise and disturbance to neighbours.
- Locality comprises family homes, so an HMO is out of character.
- Properties either side of the site have already been put on the market, proposal will dilute the existing community.
- We are used to change, living in a mixed community, but this is not appropriate.
- No means of fire escape.

Other issues:

- Retrospective application – as an experienced developer the applicant should have known planning permission was required, but hoped to make changes without applying.
- Proposal exceeds the permitted change from a dwelling to an HMO (up to 6).
- Proposal is for landlord's profiteering.
- Council have previously prevented/removed HMOs from the area (Ryelands Street).
- Cellar could be converted at a later date, increasing occupancy numbers further.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 The legal starting point, as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, is that applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan now consists of the recently adopted Herefordshire Local Plan –Core Strategy (CS).

6.2 Both the CS and the National Planning Policy Framework (NPPF) promote sustainable development, this means growth, including housing a rising population, whilst ensuring that better lives for ourselves do not mean worse lives for future generations. The three dimensions to this comprise social, economic and environmental roles, which are to be sought jointly and simultaneously because they are mutually dependent. Paragraph 9 of the NPPF states that pursuing sustainable development includes, amongst other things, widening the choice of high quality homes and improving the conditions in which people live, work, travel and take leisure. Chapter 8 of the NPPF – Promoting healthy communities states that the

planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

- 6.3 The site is located in an established residential area, with primarily terraced dwellings but includes a mix of properties, including some detached and semi-detached dwellings. Whilst there is no specific policy for proposals for a change of use to an HMO, Policy H3 of the CS states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The pre-ambule to this policy acknowledges the housing affordability issues in the county. Furthermore, policy SD1 of the CS and the NPPF require proposals to safeguard and provide a good standard of residential amenity for existing and proposed residents and policy MT1 states that proposals should not adversely affect the safe and efficient flow of traffic on the network and should encourage active travel behaviour. Within chapter 4 of the NPPF it is advised that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 6.4 The site is considered to be sustainably located, with residents having a real choice about how they travel. There is good access to services, employment, leisure facilities etc. and the provision of a shed to store bicycles securely within the site will facilitate residents' use of alternative means of transport to the private car. This weighs positively in terms of the environmental role.
- 6.5 The sub-division of dwellings in urban areas can increase the supply of affordable lower cost housing, represents a more efficient use of the existing housing stock and in a location that is sustainable. In principle, such development is supported provided that adequate residential amenities can be achieved. However, the conversion of single family dwellings into an HMO can increase noise levels, disturbance and demand for car parking, and lead to an over intensification of use. Such adverse impacts can occur either through single proposals or through the cumulative impact of a proliferation of schemes.
- 6.6 The site is already operating as an HMO. It is clear from the objections received that on road parking is considered to be a significant issue locally. The Transportation Manager acknowledges this as well. By virtue of the increased number of residents occupying the premises compared to a single dwellinghouse it is likely that there would be an increased demand for on road parking. However, it is difficult to quantify this as it would fluctuate depending upon the resident's circumstances. I concur with the Transportation Manager's comment that due to the limited availability for on road parking this may deter some prospective tenants. In addition, the landlord has stated that prospective tenants are advised that no parking is available at the premises and that evidence of the purchase of an annual car park season ticket must be produced at the time of signing the tenancy agreement. Although this could not be conditioned and enforced in planning terms it nevertheless demonstrates that efforts are being made to minimise this issue. Furthermore, a secure and covered bicycle store has been provided. When comparing the potential uplift in the number of cars likely to be associated with the occupation of the property it should be noted that as a single dwelling it had four bedrooms and under permitted development rights it could be used as an HMO for up to 6 residents without the Local Planning Authority having control. In conclusion, on this issue it is considered that the change of use would not result in a severe impact and as the Transportation Manager has advised refusal could not be defended on this reason alone.
- 6.7 Turning to the appraisal of both the residential amenity of residents of the HMO and neighbours, under policy SD1 of the CS and the NPPF a good standard of amenity is required. The Private Sector Housing Manager has advised that the proposal provides satisfactory accommodation in terms of room sizes and shared facilities. Externally some replacement windows would be required to meet Building Regulations, but these would constitute permitted development in any event and are controlled by other legislation. Objectors have raised concern regarding the adequacy of the storage of waste and recycling within the small fore

garden. One complaint was received in the summer from a neighbour regarding waste. The Waste Manager has confirmed that the receptacles, one 240 litre black wheeled bin for general waste and one green 360 litre wheeled bin for recycling, are acceptable and adequate for an HMO of the number of residents proposed. Due to the number of rooms the general waste bin could be increased to two 180 litre bins. Whilst the receptacles are relatively prominent in the modest front garden it is not dissimilar to the situation for neighbouring properties and does not fundamentally change the character and appearance of the area. The concerns of neighbours in respect of the impact on amenity are appreciated. The occupation of the property by up to ten unrelated individuals, all adults, would be different to that of a single nucleus family. The lack of a shared living area could give rise to greater use of the garden, though this is most likely to be during ambient weather when families would also be utilising their gardens as well. It should be noted, however that despite the HMO operating from the premises since March this year, no further complaints to the initial enforcement complaint have been received regarding noise or other nuisances. Again, the fall back position, of a HMO of up to 6 residents being permitted development, should be borne in mind when assessing this impact. Similarly to any anti-social disturbance this would be controlled by other legislation and/or authorities. The Council's HMO licensing team will regulate the property, which will include standards and overcrowding. It is recognised that the character of the area generally comprises single dwellings, rather than more intensive occupation, such as flats, bedsits etc. Externally the increased occupation of the property would not be readily discernible. Taking these factors into account, it is considered that whilst accepting that the HMO use differs to the prevailing type of housing occupation locally the resulting impacts would not be such that they would adversely affect amenity. In coming to this conclusion weight has been afforded to the need to increase housing, particularly in sustainable locations, and provide a mix to facilitate healthy and inclusive communities.

- 6.8 The local concerns regarding sewerage are noted, however Welsh Water have raised no objections. Although regrettable that the use has already commenced, the retrospective nature of the application is not a material planning consideration and does not weigh against the scheme.
- 6.9 In conclusion, the provision of an HMO for up to 10 residents is considered to be a sustainable form of development in this location, as it positively contributes to growth and social interaction, whilst not resulting in demonstrable adverse impacts that would outweigh these benefits. The proposal is therefore considered to accord with the relevant policies of the CS and the requirements of the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. No more than 10 residents shall occupy the premises.**

Reason: In order to ensure that satisfactory living accommodation is provided and to protect the living conditions of local residents in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.

- 2. The secure and covered bicycle store shall be retained and made available for all residents of the use hereby approved.**

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151248

SITE ADDRESS : 61 STANHOPE STREET, HEREFORD, HEREFORDSHIRE, HR4 0HA

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