

Application Number	21/01151/FUL
Site Address	8 Bromwich Lane, Worcester WR2 4BH
Description of Development	Change of use to a 6 bedroom House of Multiple Occupation.
Expiry Date	28 March 2022
Applicant	MMFB Properties
Agent	Mr Harry Hampton
Case Officer	Tom Gabriel
	thomas.gabriel@worcester.gov.uk
Ward	Bedwardine Ward
Reason for Referral to Committee	Application called in by Councillor Amos
Key Issues	The principle of development and whether the proposal would be a sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/21/01151/FUL
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grants planning permission subject to the conditions set out in section 9 of this report.

1. Background

- 1.1 The application was registered on 23 December 2021 and was due for a decision on 17 February 2022. An extension of time for the application until 28 March 2022 has been secured.
- 1.2 The application has been referred to the Planning Committee as it has been called in by Councillor Amos.

2. The site and surrounding area

2.1 The site is located within the Development Boundary for Worcester.



Figure 1 – Site Location Plan

The application site

2.2 The application site is located to the west of the city centre within the St John's Conservation Area. The application building is not listed.

2.3 The application building has three storeys with a pitched roof with two rear gable projections. It has been extended through the addition of a side conservatory. The site is roughly rectangular in shape and is sited on the western side of Bromwich Lane, a short distance to the south of its junction with St John's.

- 2.4 The area around the application site comprises a mix of properties, including flats, houses and a bank.

3. The proposals

- 3.1 It is proposed to change the use of the building from a 6 bedroom dwelling to a 6 bedroom House of Multiple Occupation.
- 3.2 The development would involve minor alterations to the first and second floors of the building, altering the size of some of the bedrooms, but would not change the external appearance of the building.
- 3.3 The application is accompanied by a full set of plans together with the following supporting documents:
- Design & Access Statement
 - Transport Statement
- 3.4 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

- 4.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan unless material considerations indicate otherwise.
- 4.2 The Development Plan for Worcester now comprises:
- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
 - The Worcestershire Waste Core Strategy, which was adopted December 2012.

South Worcestershire Development Plan

- 4.3 The following policies of the SWDP are considered to be relevant to the proposal:

SWDP 1 – Overarching Sustainability Principles
SWDP 2 – Development Strategy and Settlement Hierarchy
SWDP 4 – Moving Around South Worcestershire
SWDP 6 – Historic Environment
SWDP 13 – Effective Use of Land
SWDP 24 – Management of the Historic Environment
SWDP 28 – Management of Flood Risk
SWDP 33 – Waste Management

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

3. Supplementary Planning Documents

4.4 The following Supplementary Planning Documents (SPD) are relevant to the application proposals: -

- South Worcestershire Design SPD
- Planning for Health in South Worcestershire SPD
- Houses in Multiple Occupation SPD

4. Other material considerations

4.5 The following documents are considered material considerations in the determination of the application

- **Worcestershire's Local Transport Plan 2018 – 2030**
- **Worcestershire County Council Streetscape Design Guide**

5. Planning History

5.1 None relevant.

6. Consultations

6.1 Formal consultation, including the display of a site notice, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the proposals and are summarised as follows:

Neighbours and other third-party comments: One letter has been received from the occupiers of a neighbouring property, objecting on the following grounds;

- Lack of parking along a road which already suffers parking stress;
- Security and privacy concerns; and
- The property would create a lot of refuse which would need to be stored appropriately between collections.

Worcester City Council Conservation Officer: I particularly like the retention of the ground floor kitchen, lounge, dining arrangement for the communal areas. Above, six bedrooms are proposed to become six separate HMO rooms. This seems logical, and, so far as can be told from the plans, to require fairly minimal alterations, although those that are needed could have been made clearer on the 'Proposed' drawing. Overall, I have no objections to the proposals.

Conservation Advisory Panel: Some of the proposed bedrooms are very small, especially No.6. This could be repurposed to a bathroom or storage. The lack of parking provision is also an issue. Conversion to an HMO will increase the parking demand above that of the family dwelling. This will be detrimental to the conservation area.

The Panel find the application unacceptable in its current format for the reasons given above.

Worcester City Council Landscape Officer: No objections provided there are no works to the existing roof or roof void. (in which case a bat assessment would be required).

Worcestershire County Council Highway Authority:

It is noted that the Highway Authority recommended refusal to the original submission however on the receipt of further information (a Transport Statement/justification) considers that there is now no objection to the proposal subject to a condition to provide cycle parking. Further to the refusal comment, the applicant has submitted further details to demonstrate that in line with the Streetscape Design Guide, the proposed site for a 6no. bedroom HMO meets the exception criteria for a parking free development.

Worcestershire Regulatory Services (Air Quality): WRS have no adverse comments to make with regards to air quality.

Worcester Archaeology: No archaeological mitigation will be required.

- 6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report, no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.
- 6.3 In assessing the proposal, due regard has been given to local residents' comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7. Planning Assessment

- 7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development. Taking the above matters into account, I consider the main issues raised by the proposal relate to the principle of development and whether the development would be sustainable, having regard to the three dimensions of sustainability set out in the Framework. The key determining issues are:

- The Principle of Development
- Impact on heritage assets
- Neighbouring residential amenities
- Residential amenity for future occupiers
- Drainage and flooding

- Biodiversity and protected species
- Access, car parking and highway safety

The Principle of Development

- 7.2 The application site is located in a sustainable location within Worcester where local and national policy encourages the use or re- use of existing urban sites, in order to secure the optimum viable use of a site.
- 7.3 In accordance with the Council's Adopted House of Multiple Occupation Supplementary Planning Document, the Local Planning Authority has undertaken a search on the 100 metre radius around the site, which has a resultant percentage of 0.5% of properties in HMO use. This is below the 10% threshold which forms part of the assessment criteria for Houses of Multiple Occupation as set out in the SPD.
- 7.4 Further to the percentage consideration, the SPD has a number of other criteria against which applications should be considered. In addition to the percentage consideration, the document states permission for the conversion to HMOs will be granted provided that:
- The granting of permission will not result in the creation of more than two adjacent properties in HMO use; and The proposal does not have an adverse impact on the amenity of nearby properties by ensuring:
- Adequate provision for off street parking;
 - Highway safety and ease of access for emergency vehicles;
 - Regard is given to Secured by Design guidance, particularly relating to occupier security, as published by the Association of Chief Police Officers (ACPOS)
 - Sufficient provision for waste and recycling;
 - The proposal is in keeping with the character of the area; and
 - The HMO accommodation will meet the Council's prescribed housing standards.
- 7.5 With regard to these considerations, parking is discussed below. Highway safety and ease of access for emergency vehicles would not alter from the existing situation on the site. The security and safety of the future occupiers of the property would be maintained. The provision for waste and recycling is discussed below. The development would be in keeping with the character of the area as the external appearance of the building would not change and while the use of the building would be different, this would not materially alter the character of the building or the area. The individual rooms would meet the Council's prescribed housing standards.
- 7.6 Accordingly, there is no objection to the principle of the proposed development on the site.
- 7.7 In terms of the licensing requirements for an HMO, the Private Sector Housing Team has separate legislation and criteria regarding the suitability of a property for use as an HMO compared to Planning. As this is separate from the planning requirements of the case, it need not be considered as part of this application.

- 7.8 Notwithstanding the above in principle acceptability of the proposal, it is appreciated that where new development is proposed, it is important to evaluate whether the proposals would represent a sustainable form of development.

Impact on heritage assets

- 7.9 The application site is an unlisted building within the St John's Conservation Area. With regard to the Conservation Area considerations, the proposal should be considered against Policies SWDP 6 and SWDP 24 of the Development Plan. These seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset. Policy SWDP 6 states that '*Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest*' and '*Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting*'.
- 7.10 This is consistent with the NPPF in that they seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset. In accordance with the NPPF great weight must be given to the conservation of designated heritage assets and in accordance with s72 of the Planning (Listed Building and Conservation Areas Act) 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There is accordingly a strong presumption, imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, against harmful development.
- 7.11 Given that the proposal would not involve any physical development, archaeological mitigation would not be necessary.
- 7.12 The proposed development would not alter the external appearance of the building and while the level of activity associated with the building (in terms of the number of comings and goings) would increase as a result of it being an HMO rather than a dwelling, this would not have an adverse impact upon the Conservation Area, the character and appearance of which would be maintained by the development. The proposed development would therefore comply with Policies SWDP6 and SWDP24 of the South Worcestershire Development Plan (2016), the South Worcestershire Design Supplementary Planning Document (2018), the Planning (Listed Buildings and Conservation Areas) Act (1990) and the National Planning Policy Framework (2021).

Impact on neighbouring residents' amenities

- 7.13 The application site is surrounded on three sides by residential properties. Given that the proposal would not involve any physical development or additional openings/windows, it would not have any adverse impacts upon the amenities of the neighbouring occupiers in terms of loss of light, it being overbearing or loss of privacy.
- 7.14 While the level of activity associated with the site would increase as a result of the development, it is not considered that this would have a material impact upon the amenities of the occupiers of the neighbouring and surrounding properties as a result of the levels of background noise in the area. The proposal would therefore comply with Policy SWDP 21 of the South Worcestershire Development Plan (2016), the South Worcestershire Design Supplementary Planning Document (2018) and the National Planning Policy Framework (2021).
- 7.15 The construction works associated with the proposed development could give rise to potential noise and disturbance for the occupiers of the surrounding properties.

However, these would be limited and would not materially impact upon residential amenity.

Residential amenity for future occupiers

7.16 The application proposals include a shared ground floor including a kitchen, conservatory, bathroom and lounge as well as a garden area. In addition there is a shared shower/bathroom on the first floor. The proposed bedroom accommodation is set out as follows:

- Bedroom 1 – 15sqm
- Bedroom 2 – 9sqm
- Bedroom 3 – 11sqm
- Bedroom 4 – 19sqm plus an ensuite bathroom
- Bedroom 5 – 9sqm plus an ensuite bathroom
- Bedroom 6 – 7.5sqm plus an ensuite bathroom

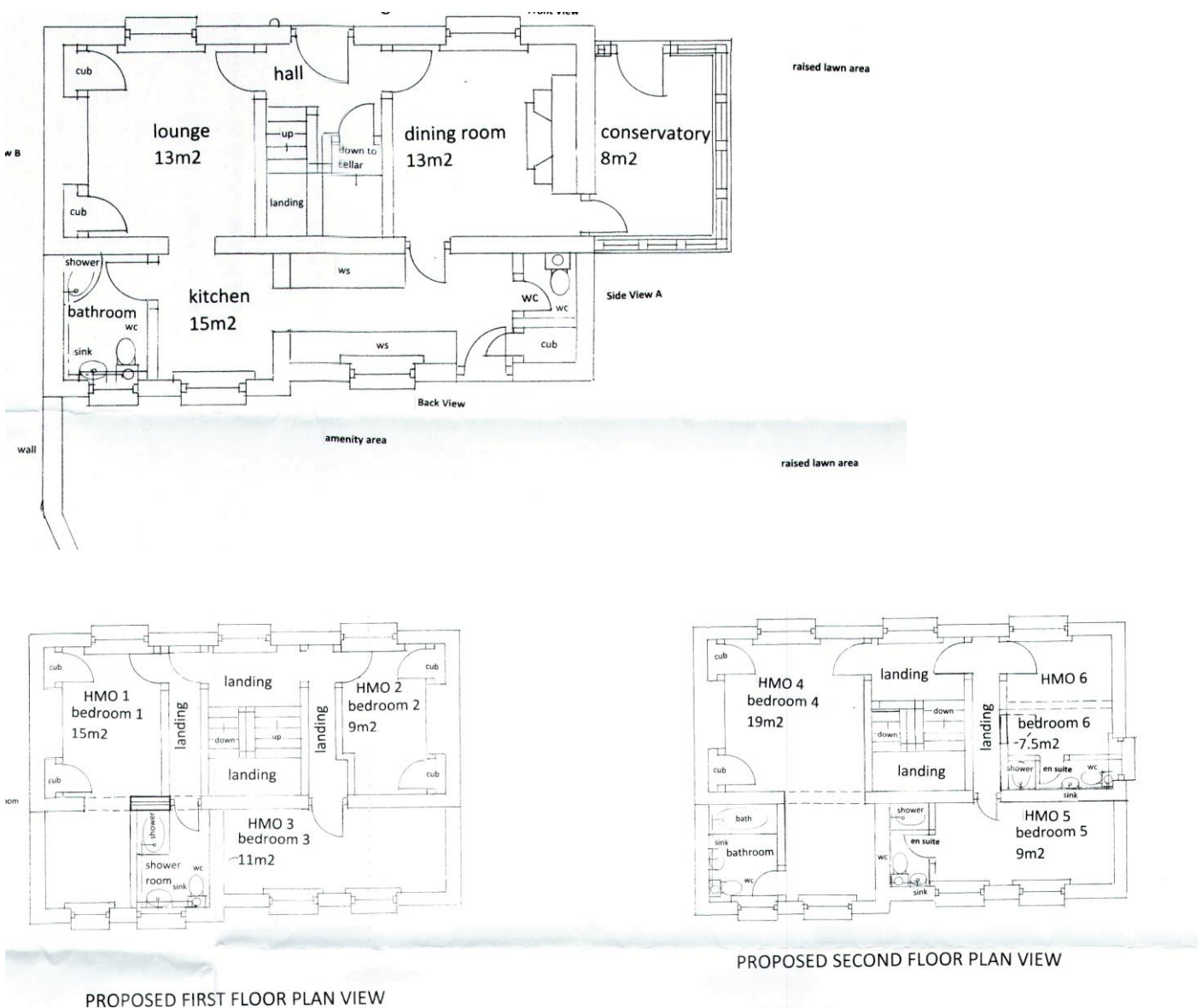


Figure 2 – Proposed Floor Plans

7.17 The use of modern insulation between the individual rooms in the building would ensure that the future occupiers of the site would not be unduly affected by the movements of the other residents. There would be no loss of privacy for the future occupiers of the site due to the siting of the surrounding buildings.

While the amenity area would be sited immediately adjacent to the windows of the ground floor units of the building, these are communal areas so there is no loss of privacy.. Overlooking of the communal amenity space by some of the HMO rooms would arise though again, this is not uncommon in such a situation. The proposed development would therefore comply with Policy SWDP 21 of the South Worcestershire Development Plan (2016), the South Worcestershire Design Supplementary Planning Guidance (2018) and the National Planning Policy Framework (2021).

- 7.18 With regard to the size of the units proposed, the individual bedrooms would vary between 7.5 sq m and 19 sq m. The building would also have a suitably sized individual lounge, kitchen and dining room for communal use by the occupiers of the property. Together with the bedrooms, the site would provide for a satisfactory level of accommodation.

Drainage and flooding

- 7.19 The application site is located within Flood Zone 1 and is therefore not at undue risk of flooding. Residential development in such a location is considered acceptable in accordance with local and national policy.

Biodiversity and protected species

- 7.20 Protected species are a material consideration in the determination of planning applications. The proposed development would not affect the roof of the building and accordingly, it would not affect any bats which may use any roof voids at the property as a roost.

Access, car parking and highway safety

- 7.21 Further to the receipt of a Transport Statement for the development, the County Highways Authority has raised no objections to the proposal from a highway safety point of view. The concerns of local residents are noted.
- 7.22 The site is centrally located in St John's with obvious sustainable credentials to include public transport links to the city centre and there are parking restrictions in the vicinity of the site to prevent displacement parking. In addition, the applicant has submitted a Welcome Pack to promote sustainable travel options to future occupiers, which has been approved by Worcestershire County Council's Travel Plan Officer. Secure and covered cycle bays which are also accessible have been shown on the plan.
- 7.23 While no car parking is proposed for the scheme, the provision of cycle parking is considered sufficient for the needs of the future occupiers of the site, given the sustainable location of the site. A condition concerning the provision of the six cycle parking spaces prior to the occupation of the development, as shown on the proposed plans, is recommended.
- 7.24 The submitted plans indicate a bin storage area adjacent to the southern boundary of the site. However, the property would need to accommodate 2 x 240 litre black bins and 2 x 240 litre green bins to comply with the required standards. There is space within the curtilage of the property to provide these bins and this is conditioned.

8. Conclusion and planning balance

- 8.1 The proposed development has been assessed against the positive and negative impacts of the proposals and the comments of consultees and neighbours have been given full and careful consideration.

Whilst some of the bedrooms are small, there is a good range of shared accommodation on the ground floor in particular. The proposals would provide for an optimum use of this building in an area that is predominantly residential in nature. This would be in accordance with the relevant local and national planning policies and would provide for a suitably high level of accommodation for the future occupiers of the site. Harm to neighbour amenity and highway safety would not arise subject to the provision of the proposed six cycle parking spaces. Additional refuse provision is secured by condition.

8.2 The proposed development is accordingly in accordance with Policies SWDP 1, SDWP 4, SWDP 6, SWDP 21 and SWDP 24 of the South Worcester Development Plan (2016), the South Worcestershire Design Supplementary Planning Document (2018) and the National Planning Policy Framework (2021).

9. Recommended Planning Conditions

9.1 In the event that members resolve to grant planning permission the following conditions are recommended:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission

21/695/1 Existing plans and elevations
21/695/2 Proposed plans and elevations
Location plan
Block plan
Design and Access Statement
Transport Statement
Travel Welcome Pack

Reason: To ensure compliance with the approved scheme.

3. The development hereby approved shall not be occupied until the cycle parking shown on the submitted Proposed Ground Floor Plan has been provided in accordance with these details. The provision shall thereafter be retained for the purposes of cycle parking at all times.

Reason: To comply with Council Cycle Parking Standards and in the interests of promoting sustainable means of transport.

4. The development hereby approved shall not be occupied until refuse and recycling capacity to accommodate 2 x 240 litre black bins and 2 x 240 litre green bins has been provided on the site in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling provision shall be retained and used as approved.

Reason: To ensure sufficient provision for refuse and recycling on the site.

INFORMATIVE

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