

<b>Application Number</b>	<b>22/00449/FUL</b>
<b>Site Address</b>	<b>55 Martley Road, Worcester, WR2 6HG</b>
<b>Description of Development</b>	Change of use from a 5 bedroom HMO (use class C4) to a 6 bedroom HMO (use class Sui Generis) including proposed ground floor side extension.
<b>Expiry Date</b>	31 August 2022
<b>Applicant</b>	Bidsid Ltd
<b>Agent</b>	Harry Hampton
<b>Case Officer</b>	Rebecca Allen
	<a href="mailto:rebecca.allen@worcester.gov.uk">rebecca.allen@worcester.gov.uk</a>
<b>Ward</b>	St. Clement Ward
<b>Reason for Referral to Committee</b>	Ward Member Call in
<b>Key Issues</b>	The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
<b>Web link to application</b>	<a href="https://plan.worcester.gov.uk/Planning/Display/22/00449/FUL">https://plan.worcester.gov.uk/Planning/Display/22/00449/FUL</a>
<b>Recommendation</b>	<b>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</b>

## 1. **Background**

- 1.1 The application was registered on 6 July 2022 and is due for a decision by 31 August 2022.
- 1.2 The application has been referred to the Planning Committee at the request of Councillor Mitchell on the following grounds:
  - Over development of the site

- Parking concerns

## 2. The site and surrounding area

- 2.1 The application site is located within the St. Clement Ward and lies on a prominent corner plot off Martley Road and Fern Road. The site is situated within a residential location adjacent to existing housing and opposite are a number of small shops which are A1 uses.
- 2.2 There is existing off-street parking from Fern Road for 2 vehicles and a large garden to the front of the property. The property has pedestrian access from Martley Road.
- 2.3 The application site is not a Grade II listed building and is not located within a Conservation Area. The site itself currently comprises of a 5-bedroom HMO (Use Class C4) under licence reference HMO/1026/1.
- 2.4 The site lies in the City Centre Air Quality Management Area and is located in Flood Zone 1 (at the lowest risk of flooding).



(Figure 1: Site Location Plan)

## 3. The proposals

- 3.1 The submitted proposal is for the change of use from a 5-bedroom HMO (Use Class C4) to a 6-bedroom HMO (Use Class Sui Generis) including a proposed ground floor side extension. The previous planning approval 19/00548/FUL was to allow the change of use from a 4-bed dwelling to a 5-bedroom HMO.
- 3.2 The dimensions of the proposed extension are 4.5m x 5.3m.
- 3.3 The application is accompanied by a full set of plans together with a suite of supporting documents that include:
- Block Plan
  - Location Plan
  - Site Plan
  - Cycle and Storage Bins Plan
  - Block Plan with Parking
  - Section
  - Proposed and Existing Floor and Elevations
  - Water Management Statement
  - Design and Access 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.

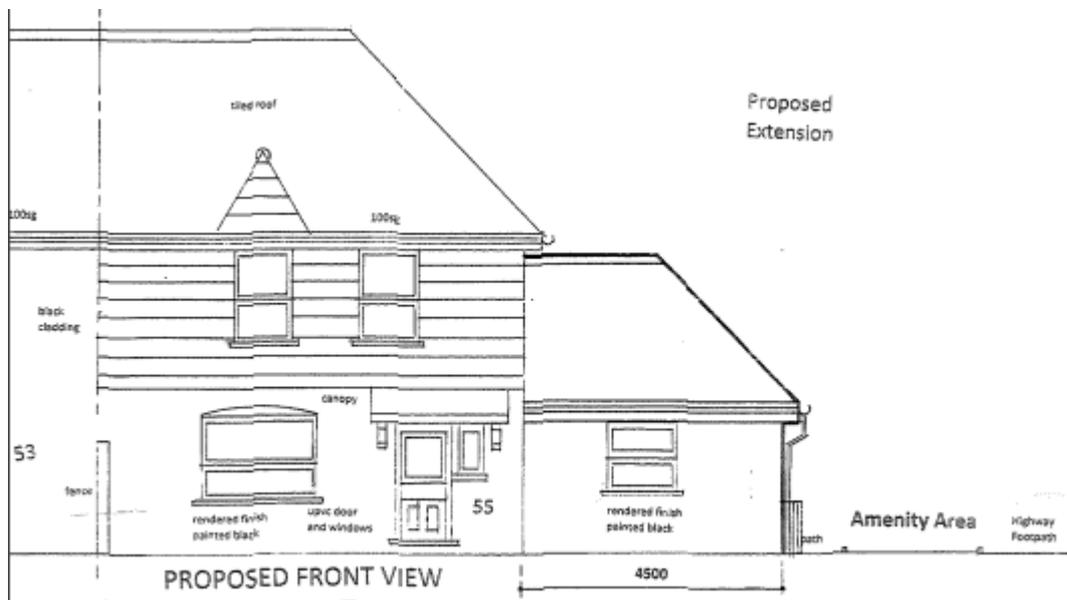


Figure 2: Proposed Front Elevation (Proposed and Existing Floor and Elevations)

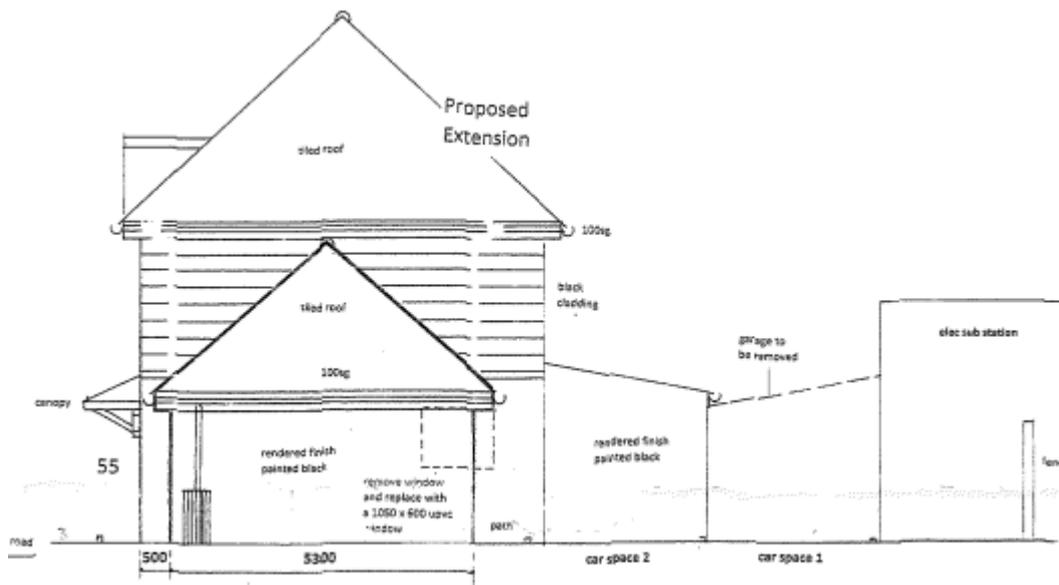


Figure 3: Proposed Side Elevation (Proposed and Existing Floor and Elevations)

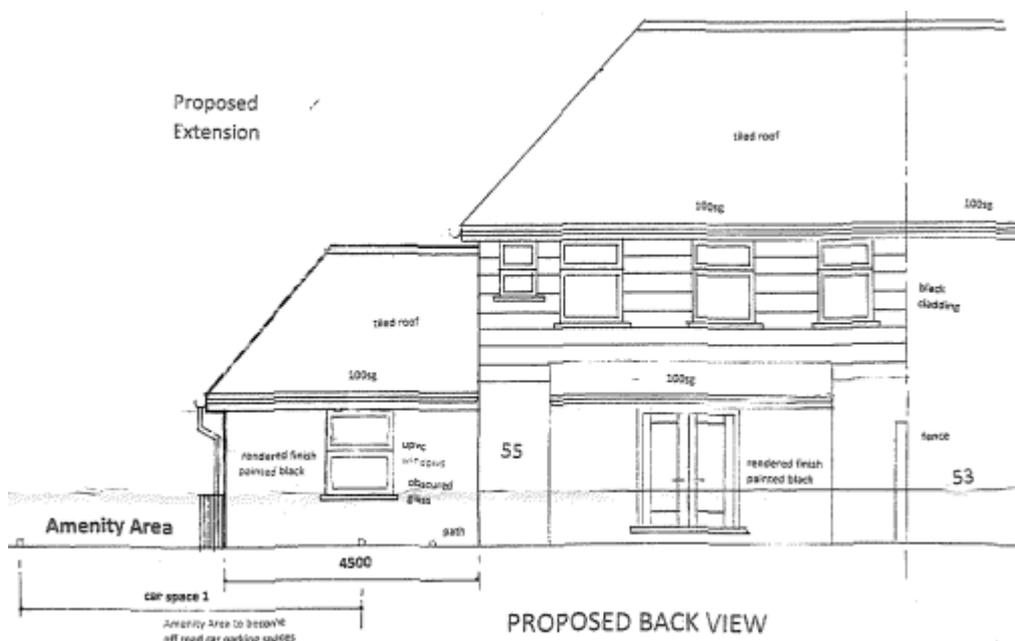


Figure 4: Proposed Rear Elevation (Proposed and Existing Floor and Elevations)

#### 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 in December 2012.
- The Worcestershire Minerals Local Plan which was adopted in July 2022

## **South Worcestershire Development Plan**

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

SWDP 21 Design  
 SWDP 4 Moving Around South Worcestershire  
 SWDP 29 Sustainable Drainage Systems

## **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
- House in Multiple Occupation (HMO) SPD

### **4. Other material planning considerations**

4.5 The following documents are considered to be relevant to the application proposals:-

- Worcestershire County Council Streetscape Design Guide (2020)

## **5. Planning History**

5.1 The site has been the subject of the following planning applications which are most relevant to this application:

19/00548/FUL - Change of use from 4 bed dwelling (C3) to 5 bed HMO (C4).

Approved 21 November 2019

22/00089/FUL - Change of use from 5 no. bedroom HMO to 7 no. bedroom HMO and erection of a two-storey side extension and all associated site works

Withdrawn 3 May 2022

## **6. Consultations**

6.1 Formal consultation, including display of site notices, 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 original and amended proposals and are summarised as follows:

### **Neighbours and other third-party comments:**

Neighbour/ third party comments have been received from:

- 40 Fern Road, Worcester, WR2 6HJ

These comments relate to the following matters:

- Commented stating that they have objections to the principle of development as there is not enough off-road parking available for the students.
- Concerns that the proposed third parking space will be too near the end of the road and will cause a hazard getting on and off the parking spaces onto the road.
- Commented that the outdoor private amenity space was too small and is not enough room for six people.
- Concerns regarding noise levels with six people living at the property.

### **Worcester City Council Landscape and Biodiversity Adviser:**

in summary these are:

- Comments on the size of the amenity space and where it is referred to on the plan as it is not clear especially as the rear garden is small and hemmed in.
- Comments that there should be a *'detail of the proposed wall and rail i.e. section and elevation, and similar detail also of the cycle shed. How will it be accessed?'*
- Comments that the *'landscaping/planting should be specified and shown, shrubs, trees etc, and this should also extend across the new extension front with a path behind. That area should also be planted with shrubs and trees to soften the car parking and blank wall in the streetscene and to prevent further parking which is very likely if it is paved.'*

### **Worcestershire County Council (Highway Authority):**

In summary these comment as follows:

- Comments stating that the previous application (19/00548/FUL) which was granted for the existing 5no. bedroom HMO; *'the parking and the dropped kerb extension shown on the approved plan are yet to be properly provided and parking for 2 vehicles and will be difficult without bumping up the kerb.'*
- Comments stating that *'some of the fence panels have been removed to provide visibility towards the junction as a temporary measure, however the approved plan indicates a 600mm wall from point A to B, adjacent to the pedestrian gate and it is recommended that at least 1 more panel is removed.'*
- Comments referring to the proposed 6no. bedroom HMO *'requires full in-curtilage parking provision in accordance with standards in the Streetscape Design Guide and 3 spaces have been shown on plan, 2 spaces as per the previous permission and a single space to the north of the proposed extension. On the basis that there is a separation distance of 20 metres from the stop line at the junction between Martley Road and Fern Road to the single parking space as shown, there is no objection to the proposed parking layout.'*
- Comments stating that the *'proposed plan indicates that a 600mm dwarf wall with 500mm iron railing will be installed on the western site boundary from points A to*

*B, to provide forward visibility adjacent to the road junction and further details are required.'*

- Comments stating that the '*proposed plan entitled OFF ROAD CAR PARKING DETAILS indicates that the surfacing of the car parking will be block paved and dropped kerb works will be installed both to extend the existing vehicular crossover in accordance with the plan and to install a new crossover for the single space. Works in the highway must be carried out by WCC contractor Ringway as per the note below and it is noted that there is a BT chamber and water hydrant in the footway which may need to be repositioned, the costs of which must be borne solely by the applicant.'*

- The following conditions have been recommended:

1. *The Development hereby approved shall not be occupied until the 600mm dwarf wall with 500mm iron railing above as indicated on the submitted plan, OFF ROAD CAR PARKING DETAILS dated 11 January 2022, has been provided with details to be submitted to and approved in writing by the Local Planning Authority.*

*REASON: In the interests of highway safety*

2. *The Development hereby approved shall not be occupied until the access including dropped kerb works and 3 parking spaces shown on the submitted plan OFF ROAD CAR PARKING DETAILS dated 11 January 2022, have been properly provided and surfaced. These areas shall thereafter be retained and kept available for their respective approved uses at all times.*

*REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.*

3. *The Development hereby approved shall not be occupied until the cycle parking shown on the submitted plan, OFF ROAD CAR PARKING DETAILS dated 11 January 2022, has been provided with details to be submitted to and approved in writing by the Local Planning Authority.*

*REASON: To comply with County standards*

### **South Worcestershire Land Drainage Partnership:**

In summary these state following:

- No objection to the proposals but comments stated '*that the applicant will use the main sewer as the proposed means of disposal for surface water. There is no public surface water sewer shown on the Severn Trent Water Limited Sewer Map in the vicinity, only a foul water sewer in the highway. The Applicant should follow a sustainable approach to surface water management (SuDS) and the recommended drainage hierarchy: source control-watercourse-sewer, to control additional surface water generated by an increase in roof and paved areas, so that the proposed total rate and volume of runoff from the site is restricted to present run-off rates. Refer to the former EA Surface Water Management Advice Note for Worcestershire and the latest EA advice on climate change allowances - +40% added to peak rainfall intensities.'*

- The following advisory note is recommended:

*For the use or reuse of sewer connections, either direct or indirect, to the public sewerage system the Applicant will be required to make a formal application to STWL under Section 106 of the Water Industry Act 1991. The Applicant may obtain copies of current guidance notes and application form from either the STWL website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting the STWL Development Services Team (Tel: 0800 707 6600).*

## **7. Planning Assessment**

### **The Principle of Development**

- 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, having regard to the 3 dimensions of sustainability set out in the Framework.
- 7.2 The proposals see the change of use from a 5 bedroom HMO (Use Class C4) to a 6 bedroom HMO (Use Class Sui Generis) including a proposed ground floor side extension.
- 7.3 The existing dwelling house which was previously a 4-bedroom house and was granted planning approval for a 5-bedroom HMO in November 2019 will see a further bedroom added within the proposed side extension to make the property a 6-bedroom HMO. As the property is already an HMO, it would meet the policy requirements in terms of the criteria set out in the HMO SPD in regards to proliferation and adjacent properties to ensure there is not an excess of HMOs in a concentrated area.
- 7.4 The Housing Team have been consulted, however, there have been no comments received during the statutory consultation period from the Housing Team with regards to the proposals at the host dwelling.
- 7.5 The dwellinghouse is situated in a sustainable location and there is a bus stop situated directly outside of the property and a short walk on the opposite side of Martley Road which link to Worcester and Clifton upon Teme. Therefore, the site has important social roles which weigh in favour of granting planning permission. However, it must also consider the impact of the development on nearby residents.

### **Impact on Amenity**

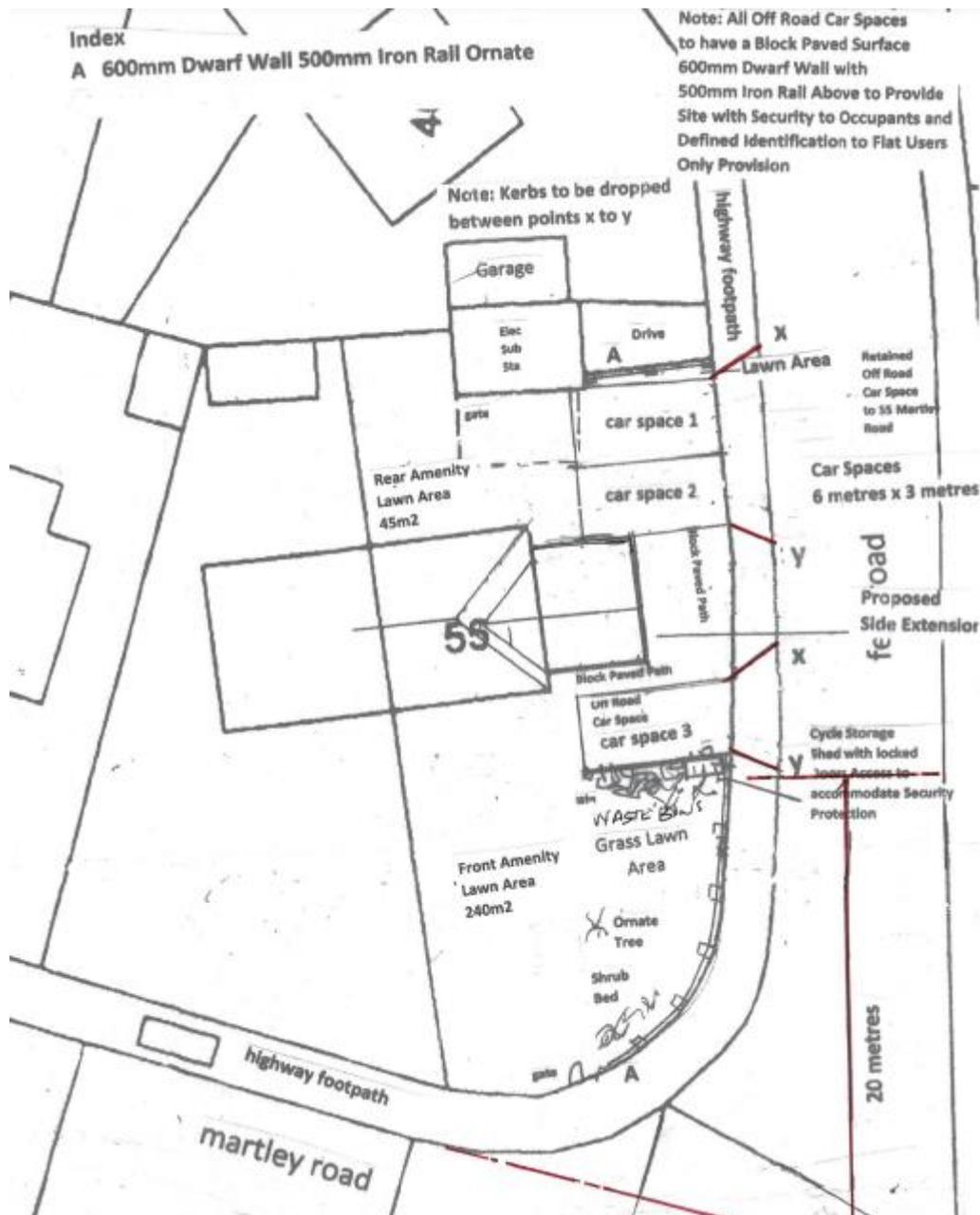
- 7.6 The site lies adjacent to residential properties located within Fern Road and Martley Road. Policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with paragraph 130 of the NPPF that requires planning policies and decisions, amongst other matters, to ensure a high standard of amenity for existing and future users of land and buildings.
- 7.7 The introduction of the proposed development could give rise to potential noise and disturbance for the occupiers of the surrounding properties as a result of works to facilitate the conversion of the building. As such, a condition has been recommended to ensure that the works are carried out at appropriate times of the day.
- 7.8 In noting the position of the proposed extension and the property as a corner property there are no immediate neighbours affected by the proposed extension and the existing

relationship and HMO layout would not be altered by the application proposals significantly.

- 7.9 Therefore the proposals are considered to be acceptable and in accordance with Policy SWDP 21.

### **Design**

- 7.10 Policy SWDP 21 of the Development Plan states that the siting and layout of a development should reflect the given characteristics of the site in terms of its appearance and function. Further the policy advises that development proposals must complement the character of the area. On scale, height and massing, Policy SWDP 21 states that the scale, height and massing of development must be appropriate to the setting of the site and the surrounding landscape character and townscape, including existing urban grain and density. The proposals will look to erect a ground floor side extension to allow an additional bedroom to be included within the footprint of the property. An existing garage will be removed; therefore, the addition of the extension would not impact the scale and size of the property as it would be of a similar footprint to the existing garage.
- 7.11 There have been concerns raised regarding the private outside amenity space. However, this style of property positioned on a corner plot was designed with a smaller rear garden due to the front garden being a lot larger than normal houses along the street; a lot of the houses along Martley Road are similar. The applicant has included the front and rear garden as part of the proposals to allow outside amenity space for the tenants with 45sqm proposed at the rear and 240sqm at the front. This would meet the guidance for outdoor amenity space which is 100sqm per dwelling.



(Figure 5: Block Plan / Car Parking)

- 7.12 The provision of the covered cycle store would be appropriate in scale and location to provide appropriate cycle parking provision for future residents and the outdoor space and car parking would not dominate the large front area off Fern Road.
- 7.13 The proposals have therefore been appropriately designed and would be in accordance with Policy SWDP 21 of the Development Plan.

### Impact on neighbouring amenity

- 7.14 There has been a neighbour objection with regards to noise from the additional bedroom which would increase the number of persons from 5 to 6 within the existing dwellinghouse, however, it is not considered that the HMO will generate harm. Whilst it should be accepted that there may be a more intensive level of occupation, the internal and external changes to accommodate the additional bedroom are considered to be acceptable and the site can accommodate it in a reasonable manner.
- 7.15 The comments received from the occupier of the neighbouring property regarding the

noise from the site are noted, noise emanating from an existing site are not reasons to withhold planning permission for a scheme which is otherwise acceptable.

- 7.16 The noise from the extension would not alter the relationship with the neighbouring residential property or result in noise and disturbance to neighbours as a result of the proposed development.

### **Landscaping Proposals**

- 7.17 Taking account of the location and detail of the proposals, including new block paving for parking and the additional side extension it would be appropriate to seek landscaping details to support the proposals. Officers have liaised with the applicant as to the need for these details.

It would be expected that all planting and seeding/turfing would be carried out in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner. A planting condition to support this request is recommended.

### **Access and Highway Safety**

- 7.18 The submitted proposals look to include 3 car parking spaces that will serve the existing property, including the additional bedroom. The application site is located within a sustainable location with a number of transport links within walking distance to the site. A Travel Plan has been submitted to promote sustainable travel options to future occupiers.
- 7.19 In terms of cycle parking, as shown on the Car Parking plan, a secure cycle store will be provided on site.
- 7.20 The Highways Authority have reviewed the application and note that the proposed 6no. bedroom HMO requires full in-curtilage parking provision in accordance with standards in the Streetscape Design Guide and 3 spaces have been shown on plan, 2 spaces as per the previous permission and a single space to the north of the proposed extension. On the basis that there is a separation distance of 20 metres from the stop line at the junction between Martley Road and Fern Road to the single parking space as shown, there is no objection to the proposed parking layout.
- 7.21 As such the proposals are well located, provide appropriate levels of parking and cycle parking and is in a location, close to public transport, within a sustainable location and therefore with access to a range of shops and services without needing to travel by private car. The proposals are therefore in compliance with Policy SWDP4 of the Development Plan.

### **Flooding and Drainage**

- 7.22 The drainage proposals state that the applicant will use the main sewer as the proposed means of disposal for surface water. There is no public surface water sewer shown on the Severn Trent Water Limited Sewer Map in the vicinity, only a foul water sewer in the highway. The SWLDP have no objection to these proposals

## **8. Conclusion and planning balance**

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving

sustainable development. The above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan and material considerations relevant to the determination of the application.

8.2 The following material planning issues are relevant to this application:

- Principle of the development
- Design
- Landscaping proposals
- Access and highway issues
- Flooding and drainage

8.3 Whilst the assessment is not an exhaustive list of all policies that are potentially applicable to this site, it seeks to address how the proposals respond to the key planning criteria in the planning policy framework against which the planning application will be determined.

8.4 Where a development is found to be sustainable development, a presumption in favour applies. In accordance with Policy SWDP1 the decision taker should grant planning permission for such developments, unless material considerations indicate otherwise or, where specific policies in the Development Plan or material considerations indicate development should be restricted.

8.5 The proposed development would result in some economic benefits from the additional room being created in the existing HMO; employment during construction and thereafter upon the occupation of the property it is likely that the occupants would contribute towards maintaining the vitality of local services and facilities. For this role of sustainable development, the balance would clearly be in favour of granting planning permission.

8.6 With regard to the social role, the delivery of shared housing in this location would contribute to the continued economic and social sustainability of the City. This is a factor to which moderate weight is also given due to the scale of development.

8.7 On balance, it is considered that the submitted scheme has indicated more than sufficient detail to warrant approval. In fact, it is considered that the proposal is a well-designed site utilising the full potential of the site.

8.8 All comments received as part of the consultation process have been acknowledged and it is considered that all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, it is considered that the proposed development is sustainable when looking at its social, economic and environmental credentials in the round.

8.9 Overall, it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole and should be approved.

## **9. Recommended 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 and shall be retained as such in accordance with the approved details:

Location Plan

Existing and proposed floor plans and elevations (ref 22/701a/2)

Proposed Block Plan and Off Road Parking Details

Proposed Site Plan

Reason: To ensure compliance with the approved scheme.

3. The materials to be used in the construction of the external surfaces of the proposed extension; interior and exterior alterations including new doors and windows hereby permitted shall match in type, colour, texture, size, coursing, jointing and pointing with those used in the existing building.

Reason - To ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

4. The Development hereby approved shall not be occupied until the 600mm dwarf wall with 500mm iron railing above as indicated on the submitted plan, Off Road Car Parking Details dated 11 January 2022, has been provided with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy SWDP 21(xi) of the South Worcestershire Development Plan.

5. The Development hereby approved shall not be occupied until the access including dropped kerb works and 3 parking spaces shown on the submitted plan OFF ROAD CAR PARKING DETAILS dated 11 January 2022, have been properly provided and surfaced. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway in accordance with Policy SWDP 21(xi) of the South Worcestershire Development Plan.

6. The Development hereby approved shall not be occupied until the cycle parking shown on the submitted plan, OFF ROAD CAR PARKING DETAILS dated 11 January

2022, has been provided with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate cycle parking is provided and to promote the use of alternative transport choices in accordance with Policy SWDP 4 of the South Worcestershire Development Plan.

7. Before the commencement of construction works on the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

(i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.

(ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.

(iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

(iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.

(v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

Informative Note:

1. For the use or reuse of sewer connections, either direct or indirect, to the public sewerage system the Applicant will be required to make a formal application to STWL under Section 106 of the Water Industry Act 1991. The Applicant may obtain copies of current guidance notes and application form from either the STWL website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting the STWL Development Services Team (Tel: 0800 707 6600).