

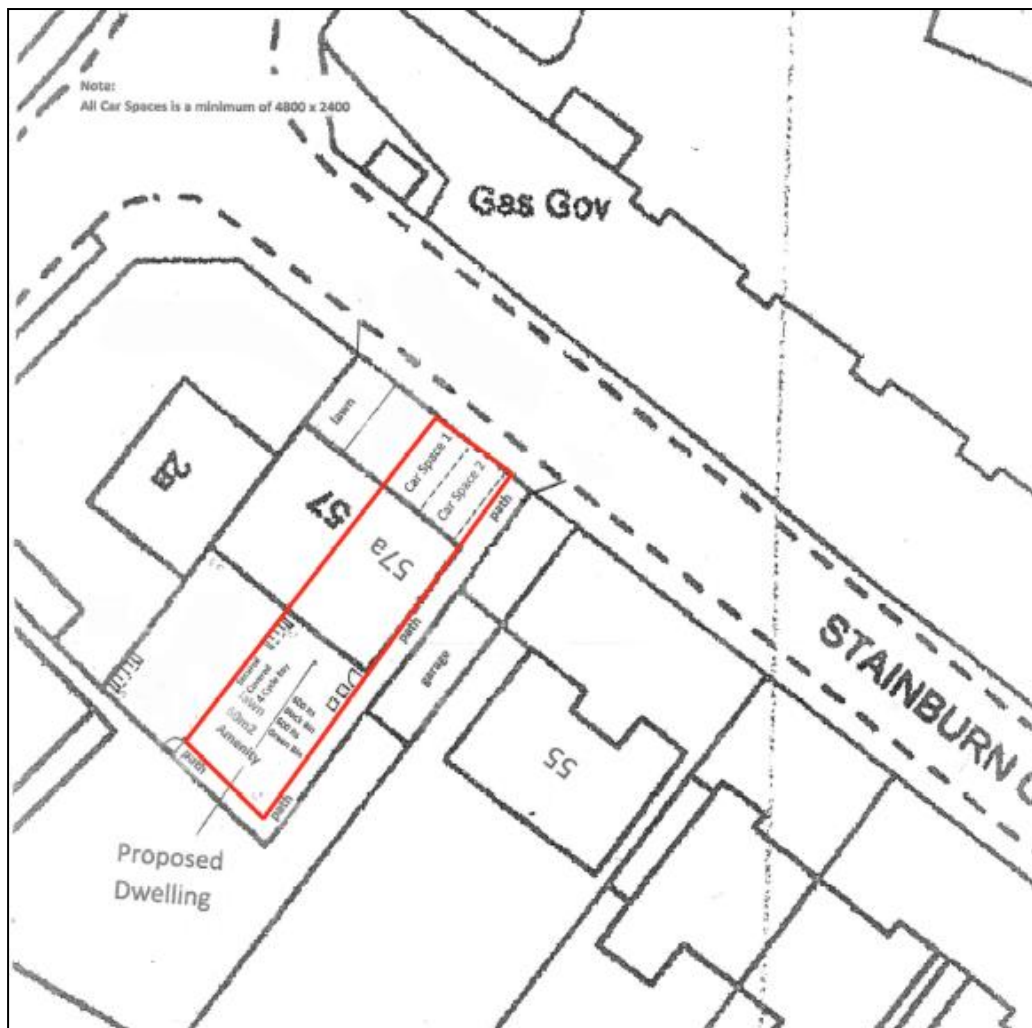
Application Number	23/00226/FUL
Site Address	57a Stainburn Close, Worcester, WR2 5QJ
Description of Development	Change of use from 4 Bedroom House use class C3 (residential) to a 4 Bedroom House of Multiple Occupation (use class C4.
Expiry Date	9 May 2023. An extension of time has been confirmed until 27 th June 2023 to allow for consideration by Planning Committee.
Applicant	Esta Homes
Agent	Mr Harry Hampton
Case Officer	Laura Wall
	laura.wall@worcester.gov.uk
Ward	St. John Ward
Reason for Referral to Committee	Ward Member referral
Web link to application	https://plan.worcester.gov.uk/Planning/Display/23/00226/FUL
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee approves the planning application, subject to the conditions as set out in section 9 of this report.

1. Background

- 1.1 The application was registered on 1 March 2023 and was due for a decision on 26 April 2023. An extension of time for the determination of the application has been agreed until 27th June 2023 to allow determination by the Planning Committee.
- 1.2 The application has been referred to the Planning Committee at the request of Councillor Udall.

2. The site and surrounding area

- 2.1 The application site is No. 57a Stainburn Close which is located within a well-established residential area with predominantly red brick semi-detached dwellings. No. 57a is a later addition to the corner adjoined semi-detached dwellings No. 57 Stainburn Close and No. 2A Tudor Way.

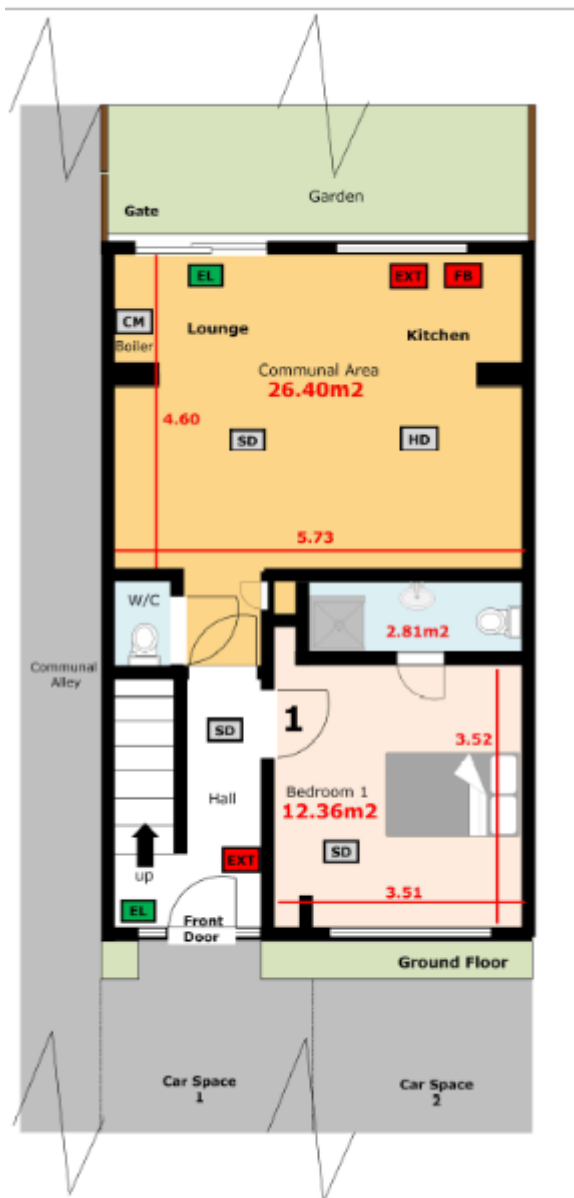


3. The proposals

- 3.1 The submitted proposal seeks planning permission for the change of use of No. 57a Stainburn Close from a 4-bedroom dwellinghouse (Use Class C3) to a 4 bedroom House of Multiple Occupation (HMO) (Use Class C4).
- 3.2 The proposed HMO consist of 4 bedrooms over three floors, the proposed HMO accommodation consists of:

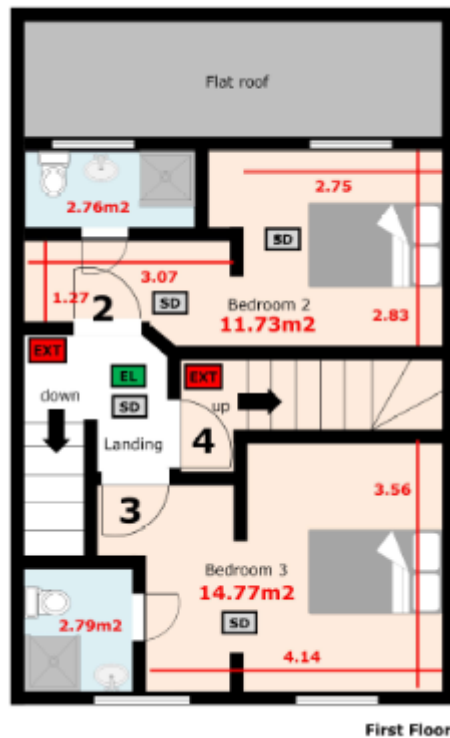
Ground Floor

- Bedroom 1 with Ensuite (12.36m²)
- Lounge
- Kitchen
- Hallway
- Rear Garden Area (60m²)/ cycle parking for 4 cycles/ Bin Storage.



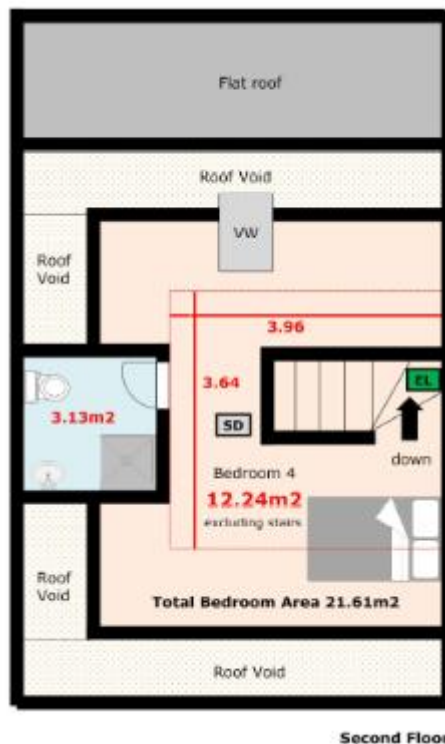
First Floor

- Bedroom 2 with Ensuite (11.73m²)
- Bedroom 3 with Ensuite (14.77m²)
- Landing



Second Floor (Served by site facing dormer window)

- Bedroom 4 with Ensuite (12.24m²)



3.3 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

- Existing Floor Plans and Proposed Elevations
- Proposed Floor Plans
- Block Plan
- Revised Location Plan (Submitted 5th May 2023)
- Design and Access Statement
- Parking and Photos Document
- Design and Access Statement

Travel Pack

- 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 on 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 Sustainable Development Principles

SWDP 4 - Moving Around South Worcestershire

SWDP 21 - Design

Supplementary Planning Documents

- 4.4 The following Supplementary Planning Documents (SPD's) are considered to be relevant to the proposal:

South Worcestershire Design Guide SPD (Adopted March 2018)

Worcester City Council Houses in Multiple Occupation SPD (Adopted October 2014)

Worcestershire County Council Streetscapes Design Guide (Adopted July 2022)

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

Relevant Legislation

- 4.5 The following legislation is also relevant and has been taken into account when considering this application: -

Town and Country Planning Act 1990 (as amended)

5. Planning History

5.1 The site has been the subject to a number of previous planning applications, it is however considered that the following planning history is most relevant:

21/00941/FUL - Proposed removal of an existing two storey extension and garage and the proposed erection of a self-contained dwellinghouse attached to No. 57 Stainburn Close. Approval. 08.06.2022

23/00070/HP - Retrospective application to retain a loft room and side dormer. Approval. 03.03.2023.

Pre-application Engagement

None

Public Consultation by Applicant

None

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:

During the course of the application, one neighbour objection has been received, in summary these concerns relate to the following:

- Concerns relating to whether planning permission has previously been refused for the change of use to a HMO at this site.
- Concerns that there are already two HMOs in close proximity which is resulting in an impact on parking in the area.
- Concerns regarding another HMO owned by the applicant and the impact on the area.

Councillor Richard Udall:

An objection has been received from Ward Councillor Udall, in summary these objections relate to the following:

- Discrepancies in the submitted information, it is unclear whether the application relates to No.57 or No. 57a Stainburn Close.
- Concerns whether the applicant seeks planning permission to change the use of both properties.
- Concerns that the application will be in breach of the Article 4 Direction and will breach the 10% limit. Concerns that there are already two HMOs within Stainburn Close.
- Concerns that the proposed HMO will limit supply of family and affordable homes within the area.

- Concerns relating to fire safety. Request for fire sprinklers to be installed.
- Concerns relating to the proposed HMO limiting off road parking within Stainburn Close and result in harm to the highway infrastructure and safety of pedestrians and road users alike.
- Concerns relating to the impact of the proposed change of use to a HMO on the character of the area.
- Request for a number of conditions including, HMO Management Plan, Fire Sprinklers, Additional parking spaces and the removal of all remaining permitted development rights.
- Request that the planning permission is personal to the Applicant to prevent sale to individuals who may not uphold the management agreement.
- Request that the planning permission is time limited to 5 years to allow for the dwelling to be converted back into a family home.

Worcester City Council Landscape and Biodiversity Adviser:

'The whole front garden should not be entirely parking, leaving room for some planting in the streetscene. If all the space is required for the new occupation level, then the site is probably too small to allow the use.'

Worcester City Council Planning Policy Team

'The main policy consideration for this application is: SWDP 14. The Houses in Multiple Occupation Supplementary Planning Document (SPD) is also of relevance to this application.'

SWDP 14 – 'Market Housing Mix' Part D states that an application for a change of use to a House of Multiple Occupation (HMO) will only be permitted where it does not lead to or increase an existing over concentration of such uses in the local area.

Further guidance is also provided in 'The City of Worcester Houses in Multiple Occupation SPD', which was adopted by the City Council on 16 September 2014.

The SPD sets out the following guidance for the assessment of applications for conversion to House in Multiple Occupation (HMO) use:

"To support mixed and balanced communities, planning permission will be granted for proposals for use class C4 small Houses in Multiple Occupation or sui-generis large Houses in Multiple Occupation, provided that:

- a. The proportion of HMO dwellings does not exceed 10% of all residential properties within a 100-metre radius of the application site; AND*
- b. The granting of planning permission will not result in the creation of more than two adjacent properties in HMO use; AND*
- c. 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

d. The HMO accommodation will meet the Council's prescribed housing standards as set out in Appendix 3 of this SPD.

In exceptional circumstances, within areas that have a very high concentration of HMOs, planning permission for HMO use may be granted where it can be demonstrated that there is no market demand for continued C3 occupation."

As set out above, the HMO SPD places a 10% threshold limit on the number of HMOs within a 100-metre radius of an application site. The evidence for the 10% threshold was garnered through a review of the current percentages of HMOs in Worcester's wards coupled with an analysis of percentage thresholds from other local authorities and best practice. The threshold was introduced to ensure that 'over-concentration' of HMOs within a specific area of the city does not occur.

The HMO SPD establishes a proximity approach to assessing if a proposal complies with the 10% threshold. The numbers of total dwellings and HMOs within a 100 metres radius around an application site are calculated to assess the percentage of total properties in HMO use.

The HMO Calculation is set out in detail within paragraph 7.8 of this report.

Subject to the HMO element complying with parts 'c.' and 'd.' of the guidance set out above, there is therefore no objection to this element of the proposal from a planning policy perspective.

Conclusion

In summarising the observations above, this application is compliant with SWDP 14 and the related SPD requirements. Therefore, there is no objection from a planning policy perspective.

HMO Calculation Disclaimer

The HMO threshold checks use the most up to date available information at the time of calculation.

It is important to emphasise that despite best efforts it may not be possible to provide a 100% accurate count on every occasion, as there may be existing properties in HMO use that are unknown to the Council.'

Worcester City Council - Refuse and Recycling:

'Larger bins required for HMO please ensure storage and collection on Stainburn Close.'

Worcestershire County Council (Highway Authority):

Comments dated 5th April 2023:

'Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country

Planning (Development Management Procedure) (England) Order, 2015 has **no objection subject to condition.**

Observations

Further to the refusal comment, the applicant has submitted additional supporting information with particular reference to two Inspector decisions in Worcester relating to HMO provision and whilst the proposed development does not comply with HMO parking standards in the Streetscape Design Guide which requires the full -in-curtilage parking provision of 3 spaces, it is considered that an objection to the proposed development in this location is unlikely to be successfully sustained at appeal.

Accordingly, there is no further objection, and the conditions are recommended. Works will be required to extend the existing dropped kerb, and these must be carried out by WCC contractors Ringway, as per the note below. In addition to the proposed cycle parking, electric vehicle charging facilities are expected.

Worcestershire Regulatory Services (Nuisance):

'No objection to the application in terms of any noise / nuisance issues.'

West Mercia Police:

'In relation to this application, I have the following comment to make in relation to security for occupiers.

Regarding the application for a proposed HMO, there is very little details within the design and access statement for security, I wish to provide the following comment.

Residents of Houses of Multiple Occupation (HMO) do have the right to feel safe and secure in their accommodation, badly designed HMO's are prone to increased levels of crime and disorder.

There is no mention of mail delivery, facilities should be provided that enable mail to be delivered to safe and secure areas, please note that a tradesperson or timed-release mechanisms are not permitted.

- All residential doors should be dual certified for both security, smoke and fire, the doors should meet security standard PAS24:2016 / PAS24:2022 or equivalent.
- The property as it is over two floors, a visitor door entry system and access control system that meets the SbD specification as outlined in sections of Secured by Design guides is required.
- There is a side path providing access to the rear garden. Fencing/ gating should be installed as close to the front building line, which gate should be operational from both sides, therefore providing additional security for occupants, and restricting unwanted access.
- Appropriate lighting is required for the dwelling elevation that contains a doorset, communal areas and bike area.
- There are no details of the secure bike store.

For details of standards please see www.securedbydesign.com.'

Worcester City Council Housing Team:

'The attic room, room size would meet our standards. However, the property would be inspected during the licencing period to determine that the room layout is usable. '

- 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 resident's comments as material planning considerations. Nevertheless, it is also considered 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, it is considered the main issues raised by the proposal relate to the principle of development and whether the development would be sustainable, having regard to the 3 dimensions of sustainability set out in the Framework: economic, social and environmental, in particular with regard to:

The Principle of Development

- 7.2 When considering the principle of development, policy SWDP 14 – Market Housing Mix is particularly relevant. states that an application for a change of use to a House of Multiple Occupation (HMO) will only be permitted where it does not lead to, or increase an existing over concentration of such uses in the local area.
- 7.3 The City of Worcester is subject to an Article 4 Direction removing PD rights allowing C3 dwellinghouses to be converted into HMOs. This Article 4 Direction does not completely prohibit any new HMOs in the city, it instead requires that Applicant's apply for planning permission to convert dwellinghouses into HMOs. As in the case of this application, where an application is submitted for a new HMO, the proposals are considered against the relevant planning policy considerations at the time.
- 7.4 Further guidance in this regard is provided within the Worcester City Council Houses in Multiple Occupation SPD adopted in 2016. This sets out specific guidance on the assessment of applications for conversion to HMO use.
- 7.5 'To support mixed and balanced communities, planning permission will be granted for proposals for use class C4 small Houses in Multiple Occupation or sui-generis large Houses in Multiple Occupation, provided that:
- a. The proportion of HMO dwellings does not exceed 10% of all residential properties within a 100 metre radius of the application site; AND
 - b. The granting of planning permission will not result in the creation of more than two adjacent properties in HMO use; AND
 - c. 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

d. The HMO accommodation will meet the Council's prescribed housing standards as set out in Appendix 3 of this SPD.

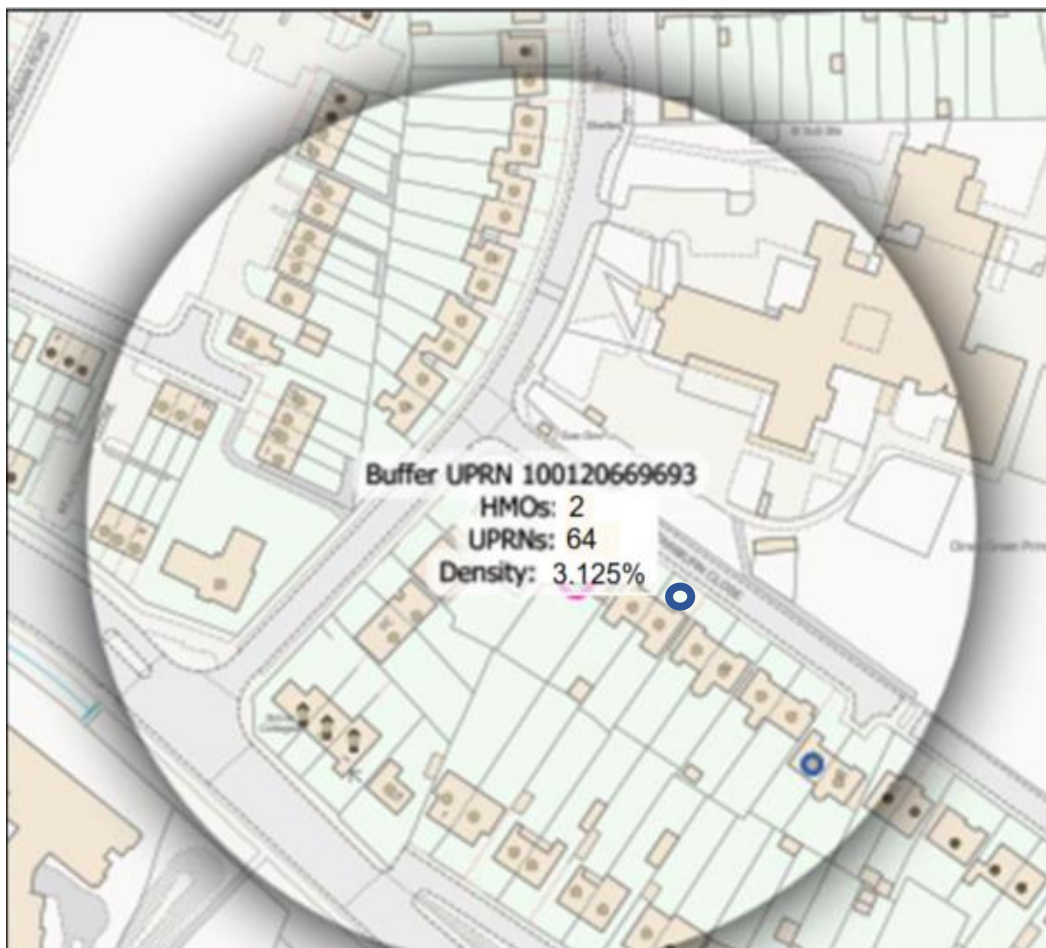
7.6 In exceptional circumstances, within areas that have a very high concentration of HMOs, planning permission for HMO use may be granted where it can be demonstrated that there is no market demand for continued C3 occupation.'

7.7 The concerns of the neighbouring property and Cllr Udall relating to the concerns with the number of HMO properties within the area are particularly noted in this regard.

7.8 With regards to part 'A' and 'B' of the guidance above, the Planning Policy Team have reviewed and commented on the proposals advising that 'Within 100 metres of the application site there are **2 existing HMOs on Stainburn Close** which represent 3.125% of the total number of properties within this area. The addition of one additional HMO in this area will **increase the percentage of HMOs to 4.68%**. The proposal will result in two HMO's adjacent to each other, which is acceptable in policy.

This application therefore does not exceed the 10% threshold. Additionally, based on this calculation, the proposed HMO will not result in the creation of more than two adjacent properties in HMO use.'

The below map shows the HMO Calculation and the two existing HMO's identified by a blue circle.



- 7.9 It is therefore considered that the principle of the development is acceptable in Planning Policy terms. Parts 'C' and 'D' of the guidance will be considered in detail throughout this report.

Impact on the character of the area

- 7.10 The proposals relate to the change of use of the existing dwelling to a HMO, the proposals therefore do not directly impact the character or appearance of the area in terms of design as no external alterations to the property are proposed.
- 7.11 The proposals show that the frontage will be used as the parking area to serve the dwelling. The comments of the Landscape Officer are also noted in this regard. However, this parking arrangement remains unchanged from that approved under planning permission 21/00941/FUL for the construction of the dwelling. As was noted in that approval, the use of the frontage of the dwelling as parking would not be out of character within the streetscene along Stainburn Close.
- 7.12 As there are no alterations to the property or the frontage over and above that which has already been approved, there are no design implications in this case.

Amenity of future occupiers

Room Sizes

- 7.13 Further to the submission of revised floor plans with room size calculations, Worcester City Council Housing Team have been consulted and have commented stating that the room sizes meet their standards and the property would be further reviewed against HMO criteria during the HMO licencing period.
- 7.14 Overall, it is considered that the proposed bedroom and communal areas within the HMO would provide a satisfactory standard of living for future occupants.

Garden Area

- 7.15 Whilst there are no specific size standard requirements set out within national or local planning policy for garden areas of HMO properties. Guidance set out within the South Worcestershire Design Guide SPD states that private garden spaces (usually to the rear of a property) are a positive part of a dwelling's amenity and generally should be sufficient to meet the likely needs of occupiers (current and future).
- 7.16 The proposed garden area of the HMO is 60m² and contains cycle parking and refuse storage to serve the HMO. It is considered that on balance, the size of the garden area is proportionate and would allow for a satisfactory level of private amenity space for future occupiers of the HMO.
- 7.17 It is nevertheless considered that any further future development that reduces the garden area or increases the number of bedrooms is likely to result in an unacceptable level of amenity for occupants. As such, a condition removing permitted development rights for rear extensions, porches, roof alterations and roof additions is recommended within section 9 of this report.

Security and Crime Prevention

- 7.18 In accordance with the guidance set out within the Worcester City Council HMO SPD, a key consideration when considering applications for new HMO properties is that regard

is given to Secured by Design guidance, particularly relating to occupier security, as published by the Association of Chief Police Officers (ACPOS).

- 7.19 During the course of the application comments were received from the Design Out Crime Officer from West Mercia Police, raising comments regarding the lack of security details submitted with the application.
- 7.20 A condition has therefore been recommended in section 9 of this report to ensure that details are submitted prior to the occupation of the HMO.

Refuse and recycling

- 7.21 When considering refuse and recycling, Policy SWDP 33–Waste is of particular relevance, this states that proposals for new development should incorporate adequate facilities into the design to allow occupiers to separate and store waste for recycling and recovery unless existing provision is adequate.
- 7.22 In this regard, Worcester City Council Refuse Team have been consulted, they have commented stating that larger bins will be required for HMO properties and storage and collection will need to be on Stainburn Close. Refuse storage is provided within the garden area and is adequate to store larger bins which can be moved to the frontage in collection days, via the side pathway. Bins will therefore be provided at the front of the property when required but stored to the rear when not being collected to avoid any visual harm to the street frontage.

Impact on neighbouring amenity

- 7.23 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. The NPPF requires development to deliver safe and healthy living conditions (para 119) and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para 130f). The Design Guide SPD lays out principles to follow to achieve satisfactory amenity within developments.
- 7.24 Often concerns with regards to new HMOs relate to concerns relating to potential noise and disturbance. In this regard, Worcestershire Regulatory Services Nuisance Team have been consulted and have raised no objections to the proposals. It is noted that the application consultation process has resulted in limited comment raising concerns over noise and disturbance.
- 7.25 It is therefore considered that the change of use itself, would not result in a detrimental impact on neighbouring amenity. Nevertheless, there are other key considerations such as parking, which are important considerations when considering the impact of the proposed HMO on neighbouring amenity.

Parking and Highway Safety

- 7.26 When considering the impacts of the change of use to the proposed HMO, policy SWDP 4 – ‘Moving around South Worcestershire’ is of particular relevance, this requires that proposals must demonstrate that the layout of development will minimise demand for travel, will offer genuinely sustainable travel choices, will address road safety and is consistent with the delivery of the Worcestershire Transport Plan objectives.

- 7.27 The concerns of the neighbouring property and Cllr Udall with regards to existing parking issues within the area resulting from HMOs and the proximity to the school are noted.
- 7.28 The Highways Authority have been consulted in this regard; in their comments they recognise that the proposed development does not comply with the Worcestershire County Council Streetscapes Design Guide parking standards which require the four-bedroom HMO to have three parking spaces. Similarly, the existing use as a 4-bedroom dwellinghouse (Use Class C3) also requires three parking spaces in line with the Worcestershire County Council Streetscapes Design Guide parking standards. It will be noted that there is already a shortfall of parking provision, and the current proposal does not increase the demand in car parking requirements.
- 7.29 During the course of the application a statement was submitted by the Appellant, this makes reference to appeal decision APP/D1853/W/16/3148662 at No. 4 Hamilton Road, Worcester. This appeal related to the proposed change of use of a C3 dwelling house to a five-bedroom HMO (Planning Application No: P15D0448). This application was refused as there was no parking provision provided for the HMO, as due to site constraints there was also no off-road parking provided for its original use as a C3 dwellinghouse.
- 7.30 The appeal decision highlights that criterion c of the Worcester City Council HMO SPD suggests that that the HMO use would result in additional parking demand for roadside parking on streets that currently experience problems of congestion and that this would lead to inconvenience for existing residents. The Inspector agreed that there was a possibility that each separate occupier could each own a car. However, they considered that on the balance of probabilities it seems unlikely that the HMO would generate a need for additional parking spaces as the site is close to and within easy walking/cycling distance of Worcester City Centre and as such there is a choice of public transport facilities.
- 7.31 In the case of 57a Stainburn Avenue, it is considered that this site is further away being approximately 2 miles from Worcester City Centre and 1 mile from St John's Local Centre. Access to public transport links in the form of a frequent bus service into the City which can be accessed via bus stops being located on Tudor Way (approximately 100m from the property) and on Bromyard Road (approximately 200m from the property). This provides a realistic choice of transport modes for the future residents. On this basis there are distinct similarities to that of the appeal decision, which is a material consideration in this case.
- 7.32 The Highways Authority subsequently reviewed this statement and appeal decision and commented stating that they have no objections subject to conditions for an extension of the existing dropped kerb, electric vehicle charging and proposed cycle parking details. As they consider that an objection to the proposed development in this location is unlikely to be successfully sustained at appeal. The conditions recommended by the Highways Authority are recommended within section 9 of this report.

Other issues

Discrepancies in the submitted information, it is unclear whether the application relates to No.57 or No. 57a Stainburn Close.

- 7.33 The comments of Councillor Udall with regards to the proposals being unclear about whether they relate to No. 57 or 57a Stainburn Close are noted. Originally there were discrepancies with the submitted information between the proposed plans and Application Form. This has now been clarified by the Agent with submitted plans information to clarify, the application site for which the proposed change of use relates to is No. 57 a Stainburn Close.

Concerns whether the applicant seeks planning permission to change the use of both properties No. 57 and 57a Stainburn Close.

- 7.34 The concerns of raised by Councillor Udall in this regard are noted, however for the avoidance of doubt, the submitted proposals **only** relate to the change of use of **No. 57a Stainburn Close**. If the applicant sought any additional change of use to No. 57 Stainburn Close a separate application for planning permission would be required.

Request for conditions including; HMO Management Plan, Fire Sprinklers, and the removal of all remaining permitted development rights.

- 7.35 Cllr Udall's request for a condition to be applied for Fire Sprinklers are noted, it is however considered that the matter of fire safety would be dealt with under Building Regulations regime and potentially as a requirement of any subsequent HMO license application. In light of this, applying a condition in this regard would not meet the tests for conditions in the NPPF, as the Local Planning Authority cannot lawfully impose conditions that are dealt with under other legislation that is separate to planning.

- 7.36 Cllr Udall's request for a condition relating to a HMO Management Plan and restriction to permitted development rights are noted. Conditions in this regard are recommended within section 9 of this report.

Request that the planning permission is time limited to 5 years to allow for the dwelling to be converted back into a family home.

- 7.37 The request from Cllr Udall for the planning permission to be time limited to 5 years is understood. However, the proposed use is acceptable and complies with adopted policy. There is no requirement for such a restriction to be imposed either within the development plan or the SPD. As such it is considered that such a condition would not meet the tests for conditions as set out within the NPPF.

Request that the planning permission is personal to the Applicant to prevent sale to individuals who may not uphold the management agreement.

- 7.38 The concerns raised by Cllr Udall in respect of the potential for any subsequent new owner of the property to not uphold the HMO Management Plan are noted. It is however considered that as planning permission runs with the land, if planning permission is approved on a particular the site, any condition would still apply to any future owner of the HMO. The future owner would therefore still be liable to potential enforcement action if the conditions of the planning permission were not complied with. The Planning Practice Guidance advises against the use of personal permissions except in specific circumstances, there is nothing to indicate that this application requires a personal or occupation condition to control the development. The HMO management plan is the correct way of maintaining control of the development.

8. Conclusion and planning balance

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. It is considered that, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and generally 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 It is considered that the following material planning considerations are relevant to this application:

- Principle of development

- Impact on the character of the area
- Impact on neighbouring amenity
- Vehicular/ cycle parking and Highway safety
- Amenity for future occupants
- Refuse and recycling
- Security and crime prevention

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 The concerns raised of neighbouring properties and Cllr Udall are noted, particularly with regards to, parking and highway safety, concerns relating to over concentration of HMOS within the area, potential noise and disturbance resulting from the HMO property. With regards to parking, it is recognised that it is possible that a property with sperate unrelated individuals may result increased car ownership at the site. Based on appeal history relating to HMOs, in line with the recommendation of the Highway Authority, it is considered that such a refusal on parking grounds is unlikely to be successfully sustained at appeal.

8.5 Overall, on balance, it is considered that the submitted scheme has indicated sufficient detail to warrant approval subject to the conditions recommended as set out in Section 9 of this report. In reaching this decision, 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.

9. Recommended Conditions:

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.

Existing Floor Plans and Proposed Elevations

Block Plan

Proposed Floor Plans

Revised Location Plan (Submitted 5th May 2023)

Travel Pack

Reason: To ensure compliance with the approved scheme.

3. The Development hereby approved shall not be occupied until the access and parking for 3 vehicles (1 space for No. 57 and 2 spaces for No. 57a) shown on the submitted Block Plan have been provided. These areas shall thereafter be retained for the purposes of access and parking at all times.

Reason: In the interests of highway safety.

4. The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

5. The Development hereby permitted shall not be occupied until the cycle parking shown on the submitted Block Plan has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the provision shall be retained for the purposes of cycle parking only at all times.

Reason: To comply with the Council's parking standards.

6. The Development hereby permitted shall not be first occupied until electric vehicle charging facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage sustainable travel and healthy communities.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that Order with or without modification), no extensions, or roof additions to the property hereby approved shall be undertaken without the express consent of the Local Planning Authority.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

8. Full details of a management plan for the use of the property hereby approved shall be submitted in writing and agreed by the local planning authority. This will include details of the management of the following:

- Resolution of complaints from neighbouring residents;
- Control of noise levels;
- Control of anti-social behaviour
- Details of the management of refuse on the site including measures in place ensuring they are moved to the frontage on collection days and returned to the rear amenity space.

The details are to be agreed prior to the first occupation of the site as a HMO.

Unless otherwise agreed in writing by the Local Planning Authority, the use of the property as an HMO shall be carried out in accordance with these details.

Reason: To safeguard the amenities of neighbouring residents in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework in this regard.

9. Full details of security and crime prevention measures for the HMO property hereby approved shall be submitted in writing and agreed by the local planning authority. This should include details of the following:
- Details of residential doors which should be dual certified for both security, smoke and fire, the doors should meet security standard PAS24:2016 / PAS24:2022 or equivalent.
 - Details of a visitor door entry system and access control system that meets the SbD specification as outlined in sections of Secured by Design. (For details of standards please see www.securedbydesign.com)
 - Details of secure boundary treatments around the site.
 - Details of External security lighting.

Unless otherwise agreed in writing by the Local Planning Authority, the use of the property as a HMO shall be carried out in accordance with these details.

Reason: To safeguard the amenities of neighbouring residents in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework in this regard.