

Application Number	22/01053/FUL
Site Address	Former Berwick Arms, 250 Bath Road, Worcester
Description of Development	Change of use from residential dwelling C3 to C4 HMO (3 bedroom).
Expiry Date	4 September 2023
Applicant	Mrs Kerry Harris
Agent	Mr Edward Deacon
Case Officer	Laura Wall
	laura.wall@worcester.gov.uk
Ward	Cathedral Ward
Reason for Referral to Committee	Ward Member referral
Web link to application	https://plan.worcester.gov.uk/Planning/Display/22/01053/FUL
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grants planning permission, pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out in section 9 of this report.

1. Background

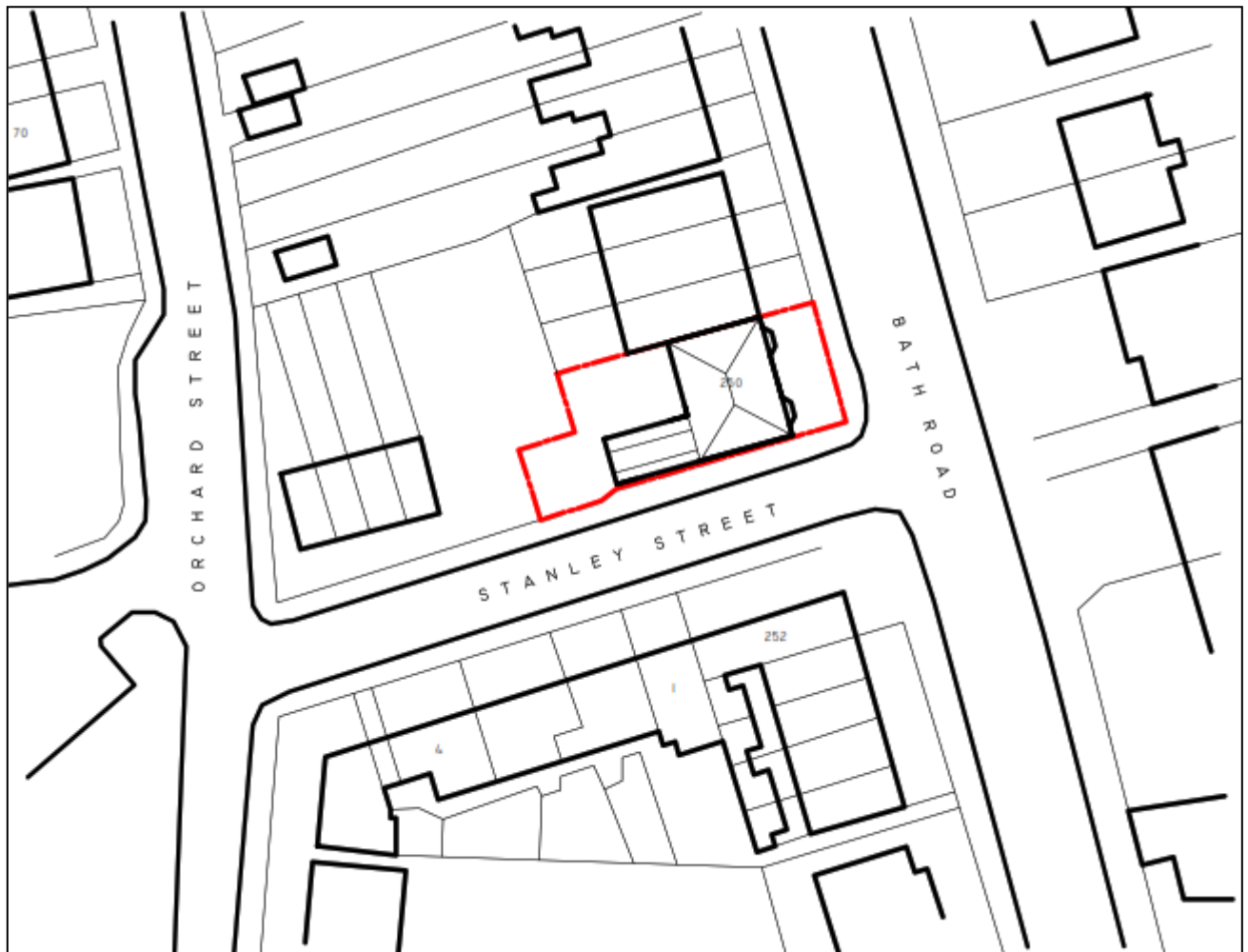
- 1.1 The application was registered on 10 July 2023 and was due for a decision on 4 September 2023. An extension of time for the determination of the application has been agreed until 24th October 2023 to allow determination by the Planning Committee.
- 1.2 The application was originally referred to the Planning Committee at the request of Councillor Denham on the following grounds:
- Principle Of Development
 - Significant Local Objection
 - Car Parking
 - Inappropriate Use
 - Overdevelopment Of Site.

Following the submission of revised plans amending the proposals from an 8 bedroom HMO to a 3 bedroom HMO, Cllr Denham advised that the revised proposal may be an

improvement on the original application. However, they felt that it would be useful to have the application and relevant policy discussed by Planning Committee.

2. The site and surrounding area

- 2.1 The application site is an existing dwellinghouse located on the road corner of Bath Road and Stanley Street within the Cathedral Ward of Worcester City. The site was formerly used as a Pub known as the Berwick Arms however, planning permission was approved in 2013 for its change of use to a four bedroom dwelling (Use Class C3) under application number P13D0421.
- 2.2 The site is located within a residential area and there are also a number of commercial uses on the opposite side of Bath Road including a Tool and Plant Hire Shop and a Co-Operative Food Store.
- 2.3 The building itself is substantial in size with painted white brickwork and large windows to the frontage and side elevation including bay windows to the lower floors on the frontage.



3. The proposals

- 3.1 The current submitted proposals are for the change of use of 250 Bath Road from a dwellinghouse (Use Class C3) to a 3 bedroom House of Multiple Occupation (HMO) (Use Class C4).
- 3.2 During the course of the application, the submitted proposals have been revised along with amended plans submitted changing the submitted proposals from an originally proposed 8 bedroom HMO to a 3 bedroom HMO. The revised plans were submitted by the Agent following concerns raised by officers with the original 8 bedroom HMO

proposal, these related to, overdevelopment, impact on parking and Highway safety and the level of amenity for future occupiers.

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

Existing and Proposed Plans (Drawing No: BR/01/22. Revision: C)

- 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.

NPPF (September 2023)

- 4.2 The latest revision of the NPPF (the Framework) was published by the Government on the 5th September 2023. For the purposes of this application the revisions do not alter the key considerations or references, many of which are identical to the previous version. Where paragraph numbers are referred to within the report, they are taken from the latest revision. Any relevant changes that are directly relevant to this application will be highlighted within the main body of the report.
- 4.3 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 4.4 On 6 March 2014 the Government published National Planning Practice Guidance (NPPG) to compliment the NPPF. It has been revised and updated in the meantime and comprises, amongst other matters, Air quality, Design, Housing and economic land availability assessment, Noise, Travel plans, Transport assessments and statements in decision-taking, Flood risk and coastal change, Use of planning conditions, Flexible options for planning permissions, and Planning obligations. Similarly in October 2019 the Government published the National Design Guide.
- 4.5 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

- 4.6 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 13 – Effective Use of Land
SWDP 21 – Design
SWDP 22 – Biodiversity and Geodiversity
SWDP 29 – Sustainable Drainage Systems
SWDP 33 – Waste

Supplementary Planning Documents

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

South Worcestershire Design Guide SPD (Adopted March 2018)
Worcestershire County Council Streetscapes Design Guide (Adopted July 2022)
Worcester City Council HMO SPD

5. Planning History

5.1 The site has been the subject of the following planning applications:

P86C0132 - Alterations and extensions to public house. Approval. May 20 1986

P88C0524 - Formation of raised patio/paved area, walls, railings and access to shops to provide beer garden. Approval. Oct 20 1988

P13D0421 - Conversion of the Berwick Public House to 4 bedroom dwelling. – Approved. Oct 7 2013.

P14D0298 - Proposed erection of 4no. two bedroom houses. Approval. Nov 21 2014

P16D0012 - Proposed amendments to Planning Permission P13D0421(Conversion of the Berwick Public House to 4 bedroom dwelling) relating to retention of an existing rear wing. Approved. Mar 15 2016

22/00807/FUL - Change of use from a single dwelling (use class C3) to a large HMO (use class sui generis). Withdrawn. Oct 7 2022

Public Consultation by Applicant

N/A

6. Consultations

6.1 Formal consultation 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. A total of 9 objections have been received and a total of three general comments have also been received. In summary, these relate to the following matters:

- Parking for the proposed 8 bedroom HMO.
- Existing road safety and the ability for the proposals to make this worse.

- Existing on street parking on Stanley Street.
- Overcrowding in the case that the property has 8 bedrooms.
- Concerns relating to the level of outdoor space for residents.
- Concerns that the property is already being used as an HMO.
- Previous police incidents at the property.
- General concerns relating to HMOs in the City.
- Concerns relating to potential noise disturbance relating to parties, and its impact on the health of the nearby residents.
- Concerns that the proposed 8 bedroom HMO would not comply Worcester City Council Policy.

Comments following the revision of the proposals to a three-bedroom HMO:

- Comments from a neighbour stating that the proposals for a three bed HMO is better than the originally proposed 8 bed however there are still concerns relating to parking and potential noise and disturbance.
- Concerns that the property is already being used as an HMO.
- Suspicions regarding the proposed change from an 8 bedroom to a three bedroom HMO and concerns relating to the intended use of the remaining rooms within the large property.
- Concerns that the 3 bedroom HMO could have up to 6 occupants living within.
- Concerns relating to the level of parking provision for the three bedroom HMO and its impact on parking and highway safety in the area.
- Request for provisions and monitoring to be put in place to prevent the remaining rooms at the property from becoming HMO rooms without planning permission or a HMO licence.

Worcester City Council Landscape and Biodiversity Adviser:

'As part of the garden continues to be lost to cycle parking (the need is accepted) two native trees should be planted in the garden. Smaller species may be best such as Field Maple, Hawthorn etc.'

Worcester City Council - Refuse and Recycling:

'Refuse collection already in place no effects on collections.'

Worcestershire County Council (Highway Authority):

Further to the refusal comment, the Applicant has submitted revised details to show a 3no. bedroom HMO and whilst this is below the quantum of bedrooms to which the HMO Parking Standards apply, it is comparable with a 3no. bedroom C3 use which requires 2 parking spaces and it is noted that there are 2 spaces as existing with access on Stanley Street. Accordingly, there is no further objection from Highways.

Whilst the submitted Planning Statement, Paragraph 4.6 describes cycle parking to be provided in the rear garden, in a lockable purpose-built enclosure, further details are required to ensure conformity with standards and each cycle space should be individually accessible for the unrelated occupants of the HMO.

The highways Authority originally recommended the two conditions are applied, one relating to surfacing in a bound material and the other requiring the submission of further details of the proposed cycle parking.

However, following an additional review the Highways Authority have advised that they consider that in this specific case, the condition is unwarranted as there is no change to

the existing access and parking. The condition relating to details of cycle parking is however still included in their recommendation.

Worcester City Council Planning Policy Team:

The comments of the Planning Policy Team relate to the requirements of policies SWDP 14 and the Worcester City Council HMO SPD.

In summary their comments are concluded as follows:

*'Within 100 metres of the application site there is **1 existing HMO** which **represent 1.20%** 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 2.38%**. 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.*

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.'

Worcestershire Regulatory Services (Nuisance):

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

West Mercia Constabulary Crime Risk Team:

West Mercia Police have raised no objections however have commented raising a number of recommendations relating to Secured by Design measures.

- 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, it is considered that 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 objectives of sustainability set out in the Framework: economic, social and environmental.

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 concerns of neighbouring residents and Councillor Denham with regards to the principle of development at the site are also noted.
- 7.4 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.
- 7.5 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.
- 7.6 '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.
- 7.7 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.'
- 7.8 When considering the principle of development, policy SWDP 14 – Market Housing Mix is particularly relevant. This states that an application for a change of use to a House of

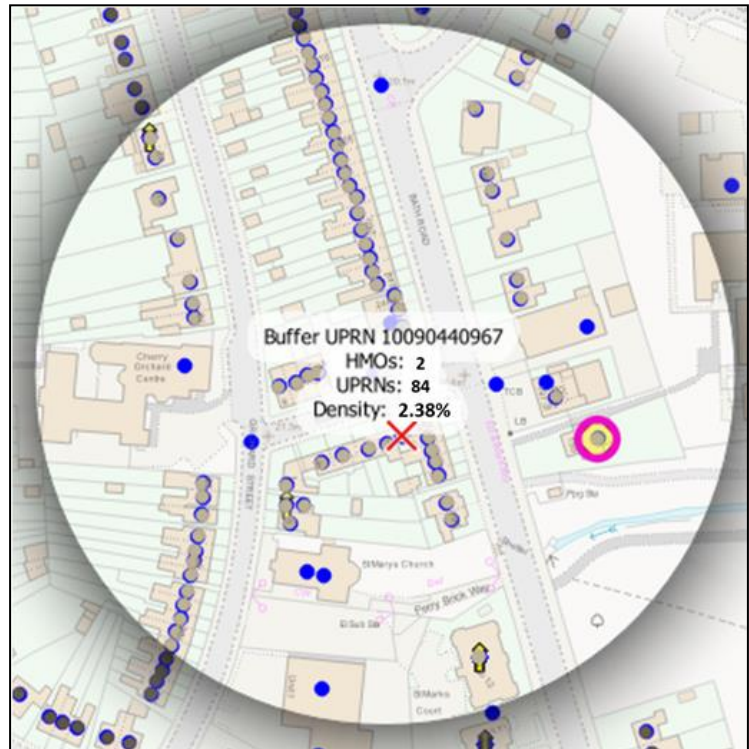
Multiple Occupation (HMO) will only be permitted where it does not lead to, or increase an existing over concentration of such uses in the local area.

- 7.9 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.
- 7.10 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.
- 7.11 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.

- 7.12 Within 100 metres of the application site there is **1 existing HMO** which **represent 1.20%** 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 2.38%**. 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.

- 7.13 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.

- 7.14 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.



Amenity for future occupiers

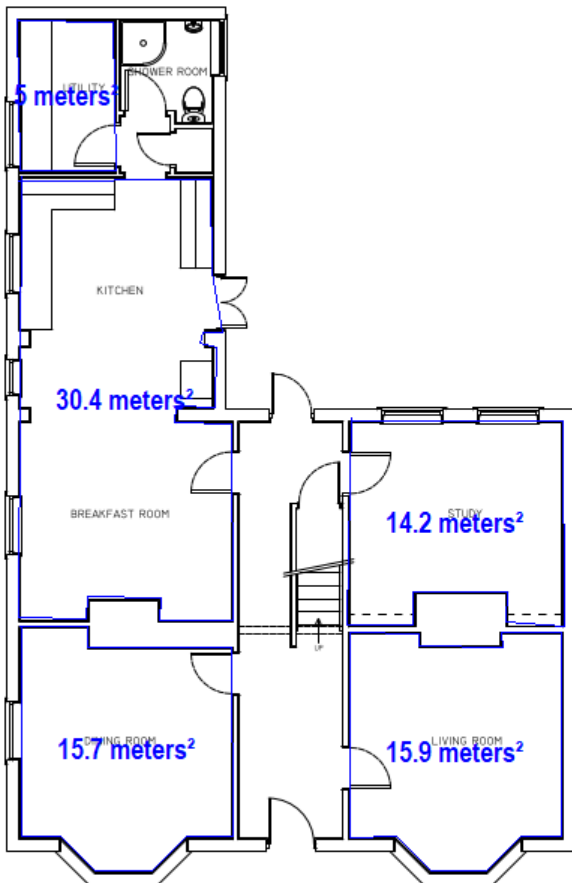
- 7.15 Policy SWDP 21 requires that new development provides an appropriate standard of living for existing and future residents, in particular Paragraph iv states that 'development should provide an adequate level of privacy, outlook, sunlight and daylight, and should not be unduly overbearing'.

Room Sizes

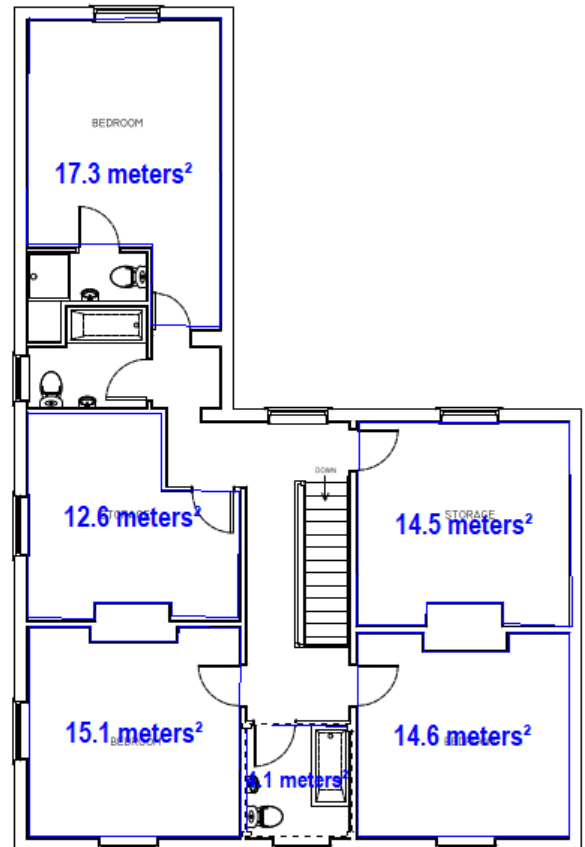
- 7.16 Whilst not directly a material planning consideration, an HMO License would be required should planning permission be approved. The room size requirements of the licence are as follows:

Occupancy	Minimum permitted room size
One child under 10 years of age	4.64m ²
One person over 10 years of age	6.51m ²
Two people over 10 years of age	10.22m ²

- 7.17 It is considered that the each of the proposed bedrooms exceed these requirements.



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

- 7.18 Worcester City Council Housing Team have been consulted and have commented raising no objections.
- 7.19 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

- 7.20 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).
- 7.21 The guidance set out within the SPD states that in order to ensure that a usable garden space is retained a standard of 20 sq. metres per bedroom (inc. rooms identified as study/hobby rooms at first floor levels) is set therefore in the case of a 3 bedroom dwelling there should be at least 60 sq. metres of private garden area. The SPD however recognises that this may not be achievable in all instances, e.g. in town centre schemes where it may only be possible to achieve a yard or patio, and therefore the loss of private space should be proportionate to the scale of the development and host building.
- 7.22 The concerns of neighbouring properties relating to the level of outdoor space for future residents are noted. The proposed garden area of the HMO is approx. 62.7m² excluding the parking area, cycle parking and bin storage proposed to serve the three bedroom HMO. It is considered that the garden area meets the guidance set out within the SPD in the case of a three bedroom dwelling however, in the case that the study on the first floor is included an extra 20 metres square would be required. It is nevertheless considered that given the sites location and constraints, on balance, the size of the garden area would allow for a satisfactory level of private amenity space for future occupiers of the HMO.
- 7.23 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 outbuildings, rear extensions, porches, roof alterations and roof additions is recommended within section 9 of this report.

Impact on neighbouring amenity

- 7.24 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.
- 7.25 The comments received from neighbouring residents relating to potential noise disruption as a result of the proposed use as an HMO are noted. In this regard, Worcestershire Regulatory Services Nuisance Team have been consulted and have raised no objections to the proposals.
- 7.26 It is considered that the change of use itself, would not in itself result in a detrimental impact on neighbouring amenity. To address concerns and to provide assurance for neighbouring residents, a condition requiring the submission of a HMO Management Plan is however recommended by Officers. Nevertheless, there are other key considerations such as parking, which are important considerations when considering the impact of the proposed HMO on neighbouring amenity.

Impact on Parking and Highway Safety

- 7.27 With regard to parking and highway safety, policy SWDP 4: Moving around South Worcestershire is particularly relevant in this regard, paragraph A states that: 'Proposals must demonstrate that: the layout of development will minimise demand for travel, they offer genuinely sustainable travel choices, they address road safety and they are consistent with the delivery of the Worcestershire Transport Plan objectives.'

- 7.28 Paragraph 111 of the NPPF also states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 7.29 The concerns of neighbouring properties relating to parking provision and highway safety are noted. The Highways Authority have been consulted on the proposals, the Highway Authority raised initial objections to the originally proposed 8-bedroom HMO due to the lack of parking provision. Following the change to the application to a three bedroom HMO, the Highways Authority commented stating that they have no further objections subject to conditions relating to the submission of further detail relating to the proposed cycle parking.
- 7.30 The Highways Authority have also advised that the 3no. bedroom HMO is below the quantum of bedrooms to which the HMO Parking Standards set out within the Worcestershire County Council Streetscapes Design Guide apply, they however advise that they consider that the proposals are comparable with a 3no. bedroom C3 use which requires 2 parking spaces and it is noted that there are 2 spaces as existing with access on Stanley Street.
- 7.31 Similarly, when considering the parking requirements for the existing four bedroom dwelling, in line with the Parking Standards, a 4 bedroom dwelling requires a total of three parking spaces for there is an existing shortfall of one space. Accordingly, the Highways Authority have therefore advised that they have no further objections.
- 7.32 On this basis, subject to the recommended condition relating to additional cycle parking details, it is therefore considered that the proposals accord with the expectations of Policy SWDP 4.

Biodiversity, Landscape and Trees

- 7.33 Policy SWDP 22 (Paragraph F) states that: 'Development should, wherever practicable, be designed to enhance biodiversity and geodiversity (including soils) conservation interests as well as conserve on-site biodiversity corridors / networks. Developments should also take opportunities, where practicable, to enhance biodiversity corridors / networks beyond the site boundary.'
- 7.34 Paragraph 174 of the NPPF also states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.35 Paragraph 180 also states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 7.36 To ensure that the proposals introduce biodiversity and landscaping enhancements, a condition has been recommended for a soft landscaping scheme including the requirement for two native trees should be planted in the garden in line with the comments of the Landscape Officer.

Security and Crime Prevention

- 7.37 With regards to security and crime prevention, Policy SWDP 21 paragraph B xiv provides that where appropriate, development should incorporate measures for crime reduction that are consistent with those recommended by the Secured by Design guides.
- 7.38 An informative note has been recommended to draw the Applicant's attention to Secured By Design Principles and measures recommended to introduce security and crime prevention measures for the HMO property.

Refuse and Recycling

- 7.39 With regards to refuse and recycling, policy SWDP 33 'Waste' 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.
- 7.40 The proposals introduce refuse storage for 6 mixed bins within the rear parking area. Worcester City Council Refuse Team have been consulted on the proposals and have commented raising no objections to the proposals.
- 7.41 It is therefore considered that the proposals are in accordance with the requirements of SWDP 33 with regards to refuse and recycling.

Other Matters

Concerns that the property is already being used as an HMO, previous police incidents at the property and general concerns relating to HMOs in the City.

- 7.42 The above concerns relating to the existing use of the site and police incidents at the property are noted. There is no existing planning permission in place for the property to be used as an HMO and there does not appear to be any enforcement history on record relating to the property being used as an HMO. Nevertheless, previous management of the site does not form part of the material planning considerations for future planning applications. A condition is however recommended for a Management Plan to be submitted to ensure that details of the following are submitted:
- Details of how complaints from neighbouring residents will be resolved;
 - Details of how noise levels will be controlled;
 - Details relating to the control of any anti-social behaviour at the site,
 - 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.
- 7.43 Concerns relating to the intended use of the remaining rooms and the request for provisions and monitoring to be put in place to prevent the remaining rooms at the property from becoming HMO rooms without planning permission or an HMO licence.
- 7.44 The concerns relating to the future use of the rooms within the building as additional HMO bedrooms are noted, should planning permission be approved, the lawful use of the building would be a C4 HMO this use class only allows an HMO to be occupied by between three and six unrelated individuals. In the event that the numbers of occupants exceeded six, a separate application for planning permission would be required for a Sui Generis HMO. Should any future application be submitted, this would be subject to a formal application and consideration process along with neighbour

consultation. A condition is recommended to ensure that there is no ambiguity in this regard.

- 7.45 The Agent has also provided some further detail regarding the use of the storage rooms as follows: *'The two first floor front bedrooms will have use of one storage room each and the first floor rear bedroom will have storage in the loft above the bedroom. Each bedroom at first floor level will be allocated 1 bathroom for their sole use. Of course the rear bedroom will use its own en suite. This accommodation is intended as a 2 person 3 bedroom HMO.'*

8. Conclusion and planning balance

- 8.1 The SWDP sets out strategic planning policies and detailed development management policies against which this planning application has been assessed. The application is considered to be broadly in accordance with the development plan which is not outweighed by any other material considerations in this case.
- 8.2 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.
- 8.3 The concerns raised relating to parking and highway safety, noise and antisocial behaviour, and the existing use of the dwelling have been considered throughout this report. It is considered that subject to the satisfactory discharge and compliance with the recommended conditions, the proposal will not harm the residential amenity of existing residents within the immediate and surrounding area of the application site or result in a detrimental impact with regards to parking or highway safety.
- 8.4 It is therefore recommended that planning permission is approved subject to the conditions set out in Section 9 of this report.

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 and Proposed Plans (Drawing No: BR/01/22. Revision: C)

Reason: To ensure compliance with the approved scheme.

3. The development hereby permitted relates to a three bedroom House of Multiple Occupation (HMO) (Use Class C4), no additional bedrooms shall be created without the express permission of the Local Planning Authority.

Reason: To ensure compliance with the approved scheme.

4. 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.

5. 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.

6. 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, or the provision of any outbuilding within the garden area shall be undertaken without the express permission 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.

7. 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.

8. The Development hereby permitted shall not be occupied until sheltered, secure and accessible cycle parking 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.

9. Before the first occupation of 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:

- a plan(s) showing the layout of proposed tree planting and grassed areas. The tree planting shall include two native trees to be planted in the rear garden.
- a plan(s) showing one bird nesting box.
- a schedule of proposed planting - indicating species of trees and sizes at time of planting.
- 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 Notes:

1. The Applicant is advised to review and incorporate the principles and standards of Secured by Design Guidance. Details can be found at <https://www.securedbydesign.com/guidance/design-guides>. The Secured by Design initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Within Secured by Design guide, details the police preferred specification. The Applicant is also encouraged to apply for the Secured by Design Award.