

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	16 February 2021
<b>Site Location:</b>	Longford Lodge 68 Tewkesbury Road Longford Gloucester Gloucestershire GL2 9EH
<b>Application No:</b>	20/00844/FUL
<b>Ward:</b>	Innsworth
<b>Parish:</b>	Longford
<b>Proposal:</b>	Change of use from a dwellinghouse (C3) to a House of Multiple Occupancy (HMO) for 10 persons (Sui Generis).
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Site Location Plan & Block Plan. Floor Plan. Parking Plan.
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to Longford Lodge, a large detached two storey red brick property, which is located along the A38 Tewkesbury Road in Longford (**see attached Site Location Plan**).
- 1.2. The property occupies a corner plot on the junction of Victoria Road and Tewkesbury Road. There is a detached flat roofed garage to the rear of the site with direct access onto Victoria Road. The site is bound by residential properties to the north and east.
- 1.3. The property has parking to the frontage with access to the rear, which is also laid to hardstanding to provide additional parking.
- 1.4. The property is currently occupied as a dwellinghouse after a grant of planning permission, reference 15/00316/FUL, for a change of use from bed and breakfast accommodation (C1) to a dwellinghouse (C3).
- 1.5. The site is not subject to any landscape designations but is located in Flood Zone 2 and 3.

- 1.6. The application is submitted in full and seeks permission for the change of use of the dwellinghouse to a house in multiple occupancy (HMO) which is classified as a Sui Generis use in the Town and Country Planning (Use Classes) Order 1987 (as amended). A HMO is defined in law as a house or flat in which three or more unrelated persons forming two or more households share an amenity such as a bathroom, toilet or cooking facilities. HMOs having 5 or more occupants in two or more households require to be licensed by the Council and all HMOs are subject to The Management of Houses in Multiple Occupation (England) Regulations 2006.
- 1.7. The property would accommodate up to ten people, who are not from a single household, with private bathroom facilities and shared kitchen facilities. No physical changes to the building are proposed.
- 1.8. The existing vehicular access and parking arrangements would be utilised.
- 1.9. Since the application was first submitted the original applicant, Complete Utilities, have decided not to pursue the development however the owner of the site has decided to continue with the application. The details have been updated.

## **2.0 RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
90/94856/FUL	Continued use of dwelling as a guest house.	PERMITTED	18.12.1990
15/00316/FUL	Change of use C1 guest house to C3 dwelling house.	PERMITTED	01.05.2015

## **3.0 RELEVANT POLICY**

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

### **National guidance**

- 3.2. National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the National Design Guide (NDG).

### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

- 3.3. Policies: SP2, SD4, SD10, SD11, SD14, INF1, INF2.

### **Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)**

- 3.4. Policies: RES2, DES1, ENV2, TRAC9.
- 3.5. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).
- 3.6. The First Protocol, Article 1 (Protection of Property).

## **4.0 CONSULTATIONS**

### **4.1. Longford Parish Council – Object for the following reasons:**

- In order to make full use of the hard standing in front of the property for parking, vehicles would have to manoeuvre across the pavement.
- Appears to be limited parking at the rear, even combined with that at the front there would probably be insufficient parking for the anticipated number of occupants.
- There is insufficient parking along Victoria Road, any 'overflow' parking from the property would only exacerbate the situation.
- Victoria Road, where the property is situated, is narrower than the rest of its length therefore this could lead to parking in part on the pavement which could then make access into Victoria Road difficult for emergency vehicles.

### **4.2. County Highway Authority – No objection subject to condition securing cycle facilities.**

### **4.3. Sustainable Drainage Engineer – No objection on flood risk grounds.**

### **4.4. Environmental Health Officer – No objection.**

## **5.0 PUBLICITY AND REPRESENTATIONS**

### **5.1. The application has been publicised through the posting of a site notice for a period of 21 days.**

### **5.2. Four responses objecting to the application have been received. The comments are summarised as follows:**

- Longford does not have sufficient infrastructure in place.
- Compromise highway safety.
- Victoria Road does not have space for any further cars to park.
- Access onto Victoria Road is unsuitable.
- Parking spaces onto the A38 not suitable, causes delays in traffic whilst parking.
- Victoria Road is narrow and parking along it could restrict access for emergency services and waste collection vehicles.
- Area of road is known to flood, concerned development could cause flooding issues.
- Additional people living at the property would increase foul water – sewer system was not designed to take the additional human waste and rubbish produced.
- Question the level of living space available.
- Longford already has a large bedsit, do not need another.

## **6.0 POLICY CONTEXT**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

- 6.4. The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Principle of development**

- 7.1. The application site is located within the existing built-up area of Longford and has been used for residential purposes, both as a dwellinghouse and a Guest House. As such there is no objection in principle to residential use of the building. The proposal is specifically for a house of multiple occupancy (HMO), where the building would accommodate up to ten people. There is no objection in planning terms to that use, subject to the scheme being acceptable in all respects.

### **Design and Visual Impact**

- 7.2. Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019).
- 7.3. Longford Lodge has previously been used as a Guest House therefore all ten bedrooms already have a toilet, basin and shower. Minimal internal works and no external changes to the fabric of the building are proposed. In light of this, the change of use of the building would not cause any harm in respect of design nor upon the visual amenity of the locality.

### **Residential amenity**

- 7.4. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.5. As mentioned above the development would not require any changes to the external fabric of the building and therefore given the existing residential use of the building the change of use to a HMO would not cause any harm upon neighbouring residential amenity.
- 7.6. In terms of the amenity for the occupiers of the accommodation, the Housing Act 2004 and associated regulations set out the minimum size standards in HMOs. In accordance with the legal requirements a room with a usable floor area between 6.51m and 10.21 metres squared may only be occupied as sleeping accommodation by one person. Only a room with a usable floor area of 10.22 metres squared or over may be occupied as sleeping accommodation by two persons. The Council's Environmental Health Officer has confirmed that the room sizes and layout will be sufficient to meet the standards for licensing as a 10-bed HMO. Given this, in terms of amenity for the future occupiers of the HMO no objections are raised.

## **Drainage and flood risk**

- 7.7. The NPPF states at paragraph 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Areas at little or no risk of flooding from any source should be developed in preference to areas at higher risk. JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change.
- 7.8. The site is located in Flood Zone 2 and 3, an area identified by the Environment Agency as having a medium and high probability of flooding. The Flood Risk Vulnerability Classification for the use of the building would remain the same as the existing use.
- 7.9. The NPPF makes clear that applications for changes of use should not be subject to the Sequential or Exception Test but still meet the requirements for site-specific flood risk assessments (FRA). The submitted FRA confirms that there would be no physical modifications to the building, including the building's floor levels. As such, the change of use of the building should not increase the risk of flooding or the level of risk to the safety of occupiers of the site. The Council's Sustainable Drainage Engineer has raised no objection to this application.
- 7.10. In terms of flood risk mitigation, the FRA sets out that prior to the occupation of the building, a flood evacuation plan should be prepared and provided to all residents occupying the building. A condition securing this information is recommended.
- 7.11. In respect to surface water and foul water drainage, both are currently disposed of via an existing mains sewer. The FRA sets out that no drainage changes are proposed as part of the development. Given the change of use would not result in any additional bedrooms or result in any changes to the existing bedroom facilities at the property the development should not result in an increase in surface/foul water being disposed from the site.

## **Access and highway safety**

- 7.12. Section 9 of the NPPF relates to the promotion of sustainable transport and specifies that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Policy INF1 of the JCS reiterates this advice. Policy TRAC9 of the emerging TBP states that proposals need to make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety.
- 7.13. The existing access off the A38 Tewkesbury Road would be utilised and a plan has been submitted which demonstrates the site could provide in excess of 10 off-road parking spaces. Gloucestershire County Council (GCC) have been consulted as the Local Highway Authority and have raised no objections to the development subject to the recommendation of a condition securing covered cycle storage facilities at the site.
- 7.14. The Parish Council and a number of local residents have raised concerns with the access arrangements off the A38 and the level of parking provision at the site. Having reviewed the information submitted, the Highway Authority have confirmed they consider sufficient levels of parking would be provided. This is based on the sustainability of the location with good links to other transport options; because it can't be assumed that all occupiers would own a private vehicle and because Victoria Road has no parking restrictions, i.e. no double yellow lines, meaning vehicles could park on-street if necessary. Given this, the Highway Authority consider the use of the building as a HMO could be accommodated at the site without compromising highway safety and there would be no justifiable grounds on which an objection could be maintained.

## **CONCLUSION AND RECOMMENDATION**

- 7.15. Overall, whilst the concerns from the Parish Council and local residents are noted, it is considered, following consultation with the Highway Authority, that the proposed change of use would not compromise highway safety. No other harm, in respect to design, visual impact, residential amenity and flooding has been identified. In view of this, it is therefore recommended that permission is permitted.

## **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

- Location and Block Plan
- Floorplan
- Parking Plan

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Before the first occupation of the House of Multiple Occupancy hereby permitted a Flood Risk Evacuation Management Plan should be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be fully adhered to in time of flooding.

Reason: To ensure satisfactory evacuation measures are in place, should it ever be necessary.

4. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 10 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be used for the parking of cycles only.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

## **INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.