

Committee Report for P/2024/00362

This report has been checked on behalf of Legal Services by Stuart Evans

Application Number	P/2024/00362	
Planning Officer	Lisa Bird	
Application Type	Change of Use	
Site Address	3 Meadow Road, Burton upon Trent, Staffordshire, DE14 1TD	
Proposal	Change of use from single dwelling house (Class C3) to a 3 bed House in Multiple Occupation (Class C4) for up to 4 residents including internal alterations	
Consultation Expiry Dates	Weekly List	20/05/2024
	Neighbours	28/06/2024
	Consultations	28/06/2024
	Site Notice	20/05/2024
	Newspaper Advert	N/A
Application Expiry Date	04/06/2024	
Application not Determined within Statutory Time Period - Reason	<p>This application has been called in to Planning Committee by Cllr Tom Hadley due to the additional noise and disturbance, internal layout of the proposed development and traffic implications given that this road is used to access the Washlands Sports and Social Club.</p> <p>The agent has agreed a time extension on the application to allow the proposals to be reported to the Planning Committee.</p>	
Recommendation	Recommended for Approval subject to conditions	
Environmental Assessment	EIA development	No
Biodiversity Net Gain	Is BNG applicable?	No, application exempt as it was submitted prior to the 12 th April when BNG came into force.
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance
	Local Plan Policies	SP1 – East Staffordshire Approach to Sustainable Development SP2 – Settlement Hierarchy SP16 – Meeting Housing Needs SP24 – High Quality Design SP25 – Historic Environment SP27 – Climate Change, Water Body Management and Flooding SP35 – Accessibility and Sustainable Transport DP1 – Design of New Development DP5 – Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology DP7 – Pollution and Contamination
	Neighbourhood Plan Policies	N/A

	<p>Supplementary Planning Documents (SPD)</p> <p>East Staffordshire Design Guide Housing Choice SPD Parking Standards SPD Separation Distances and Amenity SPD</p>
	<p>Other Policies/Guidance</p> <p>Burton upon Trent Town Centre (Nos. 2 & 3) Conservation Area Appraisal 2009</p>
Relevant History	<p>Most recent applications on Meadow Road:</p> <p>P/2011/00773/EW - Abbey Lodge Hotel, 1 Meadow Road – Demolition of existing Abbey Lodge Childrens Homes to facilitate the erection of a detached care home development comprising part two and three storey building and installation of sewage treatment plant – Approved 13/09/2011</p> <p>P/2014/00124 - Abbey Lodge Hotel, 1 Meadow Road - Application under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment for the demolition of existing Abbey Lodge Childrens Homes to facilitate the erection of a detached care home development comprising part two and three storey building and installation of sewage treatment plant without complying with Condition 2 of planning permission P/2011/00773 dated 13/09/2011 relating to amendment to approved plans by way of alterations to garden room, build-up of ground levels omitted and steps and ramps added – Approved 26/03/2014</p>
Consultation Responses	<p><u>ESBC Environmental Health</u> – Confirmed that they have no comments to make.</p> <p><u>ESBC Housing Team</u> – No objections to the layout. The layout could accommodate 5 occupants so could be licensable if the owner wanted to use the two large rooms as doubles.</p> <p><u>SCC Highway Authority</u> – No objection subject to a condition limiting the development to three bedrooms as detailed on the submitted plans.</p> <p><u>Staffordshire Police</u> – No objections, however, did comment that the HMO is to be located close to an existing care home which should be given some consideration.</p>
Burton Parish Council	No response received within the statutory consultation period.
Neighbour Responses	<p>Five objections have been received which are summarised below:</p> <ul style="list-style-type: none"> • There is a large proportion of single occupancy rental properties on Meadow Road. • There is a large amount of social housing under construction at the Bargates site. • The area is subject to an Article 4 Direction in relation to HMO's • Loss of a family home. • Concerns in respect of anti-social behaviour and impact on neighbourhood cohesion • The property has a shared entryway to the front door, which immediately faces the neighbouring properties front door. • Additional noise and disturbance • Impact on the Conservation Area • The properties flood during winter months and would be a risk to the proposed HMO tenants. • Concerns that the flood risk information is not accurate

	<ul style="list-style-type: none"> • Insufficient parking for increased number of vehicles which would be beyond the existing use • No parking will be allowed on the land immediately to the south as this is not within the applicant's ownership • The access road is narrow • The properties share water pressure which is likely to be affected. <p>Following re-consultation on the submission of amended details 4 comments were received which are summarised below:</p> <ul style="list-style-type: none"> • The vetting of tenants offers little reassurance as most letting agents have similar vetting procedures, and the eviction of problematic tenants takes time. • Concerns that the communal area shown on the floor plans would be used as a further bedroom. • Concerns that more than 4 residents would live there in the future. <p>Concern was also raised in respect of the impact on property value, and the property being sold to other landlords in the future, however, these are not material planning considerations and cannot be taken into account.</p>
<p>Other Responses</p>	<p><u>(Former) MP Kate Kniveton</u> – Raised concerns in relation to the overdevelopment of the site and loss of a family sized home, along with concerns in relation to the access to the property via a shared entryway. A house in multiple occupation is likely to lead to more noise and disturbance to existing neighbours.</p>
<p>Planning Officer's Assessment</p>	<p><u>Site and Surroundings</u></p> <p>The site is situated on the western side of Meadow Road in the Parish of Burton and comprises a traditional two storey end-of terrace dwelling set back behind a small front garden area which is made up of paving slabs. The property sits at the southern end of a row of 4 dwellings.</p> <p>The application dwelling (No. 3 Meadow Road) is accessed via an entryway between No. 3 and No. 4, and the front doors are located halfway along the entryway, facing each other. To the western end of the entryway are access gates to the rear gardens of Nos. 3 and 4.</p> <p>The property benefits from two existing outbuildings to the rear, a shed immediately adjacent to the rear elevation of the dwelling and a small brick outbuilding a short distance along the garden.</p> <p>There are other residential dwellings on the opposite side of Meadow Road, made up of flats to the southern end and two storey dwellings immediately opposite.</p> <p>The access to Meadow Road is on the northern side of the Trent Bridge (A511) and is a narrow single width road which runs in a north-south direction with a bridge connecting to the Trent Bridge. The River Trent forks at the point where the bridges link and runs either side of the dwellings on Meadow Road. There are other uses to the north which also utilise the Meadow Road access, these being a model railway, a sports and social club, a cricket club and a farm. The River Trent encompasses these uses to create an island as the forks of the River converge to the north-east.</p> <p>To the north of this row of terraced dwellings is a public parking area which is not subject to any restrictions and is capable of accommodating in excess of 12 vehicles.</p>

It is noted that there are other residential uses to the west of the site on Derwent Close, Severn Drive and Blythfield, and to the east on Newton Road and beyond. To the south are the Washlands, a large area of public open space, to the east of which is Burton Town Centre.

The site sits within the parish of Burton and within the settlement boundary of Burton upon Trent as defined within Policy SP2 of the Local Plan.

The site is located within Flood Zone 3, which is at the highest risk of flooding, due to its proximity to the River Trent.



Proposals

This full planning application proposes the change of use of the property from a two bedroomed dwelling to a three bedroomed house in multiple occupation (HMO) for up to 4 residents, falling within a C4 Use Class. The property is not yet licenced.

Internal alterations are proposed within the dwelling in order to create a third bedroom at first floor level, including the removal of the bathroom and creation of en-suites in each of the bedrooms. One bedroom is proposed to accommodate two tenants, with the other two bedrooms proposed to be single occupancy. The proposals would result in no physical external changes to the property.

The applicants have provided the following in support of their application:

- HMO Management Plan
- Dealing with Problematic HMO Tenants document
- Document detailing how the HMO accommodation would be advertised
- Flood Risk Assessment

The internal layout has been amended during the course of the application and the accommodation proposed is as follows:

Ground Floor:

Communal kitchen/dining area 16.5m²

Communal living area 18.4m²

Landlord's store area

First floor:

Bedroom 1 16.2m² (including ensuite 19.2m²)

Bedroom 2 11.4m² (including ensuite 14.1m²)

Bedroom 3 10.7m² (including ensuite 13.1m²)

ASSESSMENT

The main considerations in the determination of this application are considered to be the principle of the development, the impacts on visual amenities and heritage assets, the impacts on residential amenities, flood risk and the highway safety implications.

The national and local planning policies relevant to these issues are listed on page one of this report.

Principle of the Development

The site is situated within the settlement boundary of Burton upon Trent in a sustainable location close to the Burton Town Centre, where new development would be expected in accordance with the Local Plan. The property is currently vacant, and its last use was as a dwellinghouse, the use as a HMO would retain the property in a residential use.

The Council has recognised that in recent years the number of small HMO's (Use Class C4 up to 6 residents) have risen in the residential areas of Burton upon Trent resulting in the loss of family homes. Environmental Health have also received complaints about unlicensed HMO's concerning poor or unsafe living conditions, noise, overcrowding or anti-social behaviour. As a result the Council have put forward an Article 4 Direction to remove permitted development rights for these C4 uses for up to 6 residents, so that planning permission is required for any HMO in the Burton area. The Article 4 Direction came into force in April 2023 and the application property sits within the area covered by the Direction

HMO accommodation usually provides accommodation for single people, but it should be recognised that this form of accommodation is also needed for couples. The proposal includes one double bedroom which would meet this need.

Policy SP16 of the Local Plan recognises that residential development in main towns needs to provide a mix of dwelling types and that different sizes and tenures of housing should be fully integrated.

The proposed HMO would provide an affordable solution for single people and couples. The site is situated in a sustainable location close to the Town Centre, providing affordable accommodation within walking distance of services and facilities, including public transport options. The provision of HMO accommodation within existing residential areas allows for a mix of housing types and sizes to meet local needs in compliance with Policy SP16.

The proposed room sizes and facilities provided within the property would meet the requirements for HMO accommodation within the Council's HMO policy for HMO's, and the Housing Team have advised that the proposed layout could

accommodate up to 5 occupants, with bedroom 2 also being large enough to be used as a double room. However, a condition is recommended to ensure that bedroom 1 is double occupancy with bedrooms 2 and 3 being single occupancy in line with the description provided by the applicant.

The proposals are therefore considered to be acceptable in principle in accordance with Policies SP1, SP2, and SP16 of the Local Plan.

Impact on Visual Amenities and Heritage Assets

No external alterations are proposed to the dwelling and as such it is considered that there will be no adverse impact on the visual amenity of the area or the character and appearance of the Conservation Area, in accordance with Policies SP24, SP25, DP1 and DP5 of the Local Plan.

Impact on Residential Amenities

The proposals would result in the creation of one additional bedroom, however, the existing dwelling was capable of accommodating up to 4 residents, with both bedrooms being large enough to be used as double rooms. The creation of the additional bedroom would not have a significant impact in terms of the number of residents, which is proposed to be 4, with two rooms being single occupancy, and one room being double occupancy. The proposed communal kitchen/dining area and living room on the ground floor would more than meet the HMO accommodation requirements.

The internal alterations proposed would not have any impact on the external appearance of the building, however, the first floor side facing window, which formerly served a w.c. would be within bedroom 3, and therefore a condition is recommended that this window be obscurely glazed and non-opening in order to ensure no overlooking impacts or loss of privacy to neighbouring occupiers. A further window to this bedroom would remain on the rear elevation to provide outlook light and ventilation.

In terms of the access arrangements, via a shared entryway, it is considered that the use of this entryway by residents of the proposed HMO would not be significantly different to that of a family and associated visitors to the existing dwelling.

The management of HMO accommodation is controlled through the HMO licencing and through The Management of Houses in Multiple Occupation Regulations 2006. These regulations ensure that the premises have an acceptable level of accommodation which is maintained and managed. An HMO Management Plan and document Dealing with Problematic HMO Tenants have been submitted by the applicant showing their commitment to the smooth running of the HMO.

The Environmental Health Team have raised no objections to the proposals and therefore given the level of accommodation proposed it is considered that there would be no significant impact in terms of noise and disturbance to neighbouring occupiers over and above the existing situation.

The level of accommodation proposed meets the HMO requirements in terms of room sizes, facilities and amenity space and will provide an acceptable level of residential amenity for the future residents.

Highways Safety Implications

The site sits within a semi-residential area, being located by the River, characterised by terraced housing and flats that do not benefit from allocated off street parking facilities.

There is a public car parking area to the north of this row of terraced dwellings which is capable of accommodating in excess of 12 vehicles. During the officer visits to the site, there were no more than 2 or 3 cars parked in this parking area.

The applicant has agreed to provide secure cycle storage within the existing outbuilding to the rear to encourage more sustainable modes of transport, and the site lies within easy walking distance of regular public transport connections in the Town Centre. Occupiers of the property would therefore have a choice of means of transport to access local services, facilities and places of work, in accordance with Policy SP35 of the Local Plan.

The existing dwelling is a two bedroomed dwelling, with both rooms being large enough to accommodate 2 people, therefore the existing dwelling is capable of accommodating a family which could generate 3 or 4 vehicles associated with the premises. Whilst an additional bedroom is proposed to be created within the property, this would not change the parking requirements, which according to the Parking Standards SPD would be 2 parking space for a 2-3 bedroomed dwelling, therefore the existing deficit of off-street parking would not worsen as a result of the proposal.

The Highway Authority have commented that the site is accessed along a single track bridge from the A511 and as there is no room for two vehicles to pass at the junction or along the bridge and it is not a location where development that would generate additional traffic would be considered acceptable. The proposed development would create a 3 bedroomed HMO, which is a similar arrangement to a domestic dwelling, with older children or a lodger for example, and therefore it is considered unreasonable to conclude that the development will result in additional traffic and a reduction in highway safety. The Highway Authority therefore have no objections to the proposals subject to a condition limiting the development to 3 bedrooms.

The proposal is therefore considered to result in no significant adverse impact to Highway safety in compliance with Policies SP1 and SP35 of the Local Plan and the Parking Standards SPD.

Flood Risk/Drainage Implications

The application site is located in Flood Zone 3, which is at the highest risk of flooding, due to its proximity to the River Trent, which forks off to the south and runs to both sides of Meadow Road. This area of the River Trent does not benefit from flood defences. The use of the property in flood risk terms remains in the same vulnerability class being considered 'more vulnerable'.

The proposal is supported by a Flood Risk Assessment (FRA) and it is recognised that no sleeping accommodation is proposed at ground floor level. The FRA identifies the main flood risk to be from the River Trent, with surface water flood risk being minimal.

The proposed use of the premises would remain in a 'residential' use from a flood risk perspective and as such, given that the proposal would not result in the creation of any sleeping accommodation at ground floor level, there would be no significant impact on the existing property from flooding.

It is acknowledged that neighbours have raised concerns in respect of flooding, however, the existing properties are at risk from flooding and the use as an HMO,

	<p>with sleeping accommodation at first floor level, similar to the existing dwelling, would not result in any additional risk over and above the existing situation.</p> <p>An informative is recommended to advise the applicant to consider installing the flood resilience measures set out in the Flood Risk Assessment.</p> <p>It is therefore considered that the proposals comply with Policies SP1 and SP27 of the Local Plan.</p> <p>Other Matters</p> <p>The neighbour comments in respect of water pressure are noted, however, the level of accommodation proposed and number of residents proposed is not considered to be significantly above that which the dwelling is currently capable of accommodating and therefore it is considered that it is unlikely that the proposal will result in any significant impact to water pressure in the area.</p>
Planning Officer's response to Parish Council and Neighbour Comments	Covered in the main report.
Conclusion	Accordingly, the application is recommended for approval as the proposal complies with the objectives of Local Plan Policies, relevant SPD's and the NPPF.
Section 106 required?	No
Recommended condition(s)	<p>1: Time Limit - 3Yr Standard</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2: Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:</p> <p>Drawing No.s:</p> <p>2024-796-01, 1:100 Existing Elevations, Floor Plans and Roof Plan dated as received on 4th April 2024</p> <p>2024-796-03B, 1:1250 Location Plan, 1:200 Proposed Site Plan, 1:100 Proposed Elevations and Cross Section and 1:50 Proposed Floor Plans dated as received on 4th June 2024</p> <p>24149-24-01, 1:300 Topographical Survey dated as received on 4th April 2024</p> <p>Flood Risk Assessment ref RAM:3301FRD Version:1.0 dated as received on 4th April 2024</p>

HMO Management Plan dated as received on 23rd May 2024

Dealing with Problematic Tenants document dated as received on 23rd May 2024

Document detailing how the accommodation will be advertised dated as received on 23rd May 2024

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP16, SP24, SP25, SP27, SP35, DP1, DP5 and DP7, the East Staffordshire Design Guide, the housing Choice Supplementary Planning Document, Parking Standards Supplementary Planning Document, the Separation Distances and Amenity Supplementary Planning Document and the National Planning Policy Framework.

3: Provision of Cycle Storage Facilities

Prior to the first occupation of any of the residential units hereby granted permission the secure cycle storage facilities within the outbuilding to the rear of the application building, shall be provided and thereafter retained for the life of the development.

Reason: In order to promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policy SP35 and the National Planning Policy Framework.

4: Use restricted to that applied for

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the use of the premises as a Class C4 House in Multiple Occupation for up to 4 residents with a maximum of 3 bedrooms as described in the application and for no other purpose.

Reason: To ensure any future use of the premises does not adversely affect highway safety or the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, SP24, SP35, DP1 and DP7.

5: Obscure Glazing

The first floor window in the north elevation shall be permanently glazed in a minimum of level 4 Pilkington obscure glass (or its equivalent) and shall have fixed (i.e. non-openable) lights/units at all times, unless the opening parts are 1.7 metres above the floor level of the room in which they are installed.

Reason: To safeguard the privacy of occupiers of the adjoining property in accordance with East Staffordshire Local Plan Policy DP3 and the National Planning Policy Framework.

**Recommended
informative(s)**

1: Flood Resilience Measures

	<p>The applicant is advised to consider installing the flood resilience measures contained within the Flood Risk Assessment approved under Condition 2 above.</p> <p>2: Engagement (Proactive)</p> <p>During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.</p>
<p>Biodiversity Net Gain</p>	<p>Biodiversity Net Gain</p> <p>Unless an exception or a transitional arrangement applies, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be East Staffordshire Borough Council.</p> <p>This development has been considered as an exempt development in accordance with the submissions and the requirements set out in the following link: Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)</p>
<p>Officer Details</p>	<p>Lisa Bird Tel 01283 508746 lisa.bird@eaststaffsbc.gov.uk</p>
<p>Human Rights Act Considerations</p>	<p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person’s private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.</p>
<p>Crime and Disorder Implications</p>	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
<p>Equalities Act 2010</p>	<p>Due regard, where relevant, has been given to the East Staffordshire Borough Council’s equality duty as contained within the Equalities Act 2010.</p>