

Application No: 21/4446N

Location: 91, HUNGERFORD ROAD, CREWE, CW1 5EY

Proposal: Change of use from existing C4, 6 bed, 6 person HMO to Sui Generis 6 bed, 9 person HMO

Applicant: Prabh Kalsi

Expiry Date: 14-Oct-2021

SUMMARY:

The site is within the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be neutral in terms of its impact upon design.

The proposal would provide positive benefits such as the economic sustainability roles by providing employment in the locality during conversion works and social role by providing housing in a sustainable location.

The dis-benefit would be the intensification of the existing use with a lack of suitable private amenity area which would harm not only future occupants but also amenity of neighbouring properties by forcing future occupiers away from the property for their outdoor space with potential noise and disturbance to neighbouring properties. The proposal would also not provide any parking provision.

As a result on balance it is not considered that the proposal would provide a satisfactory level of amenity/living conditions for future occupants and the intensification of the use would also cause harm to amenity of neighbouring properties. It is therefore not considered that the proposal constitutes sustainable development and should therefore be refused.

RECOMMENDATION:

REFUSE

REASON FOR REFERRAL

The application has been called into planning committee given a call in request from Ward Councillor Faddes for the following reasons:

"I have been asked to look at this planning application by a resident and to consider calling it in. I do think there are relevant material reasons for doing this and these are.

The siting of a 9 person HMO (House in Multiple Occupation) is not ideal, Hungerford Road is a very busy main road and the property is a few yards away from the access road to a local primary school. Children walk along this footpath to school and recently their walk has been hampered by cars parked over the narrow pavement and into the front garden of the property. this has been made possible by the removal of the front garden wall a few weeks ago. When cars are parked in this garden there was no room for mobility scooters and pushchairs to pass, this was extremely dangerous. cars had to reverse from or onto this busy road and this presents a road safety concern.

there are a large percentage of HMOs along Hungerford Road and the vicinity. The property next to the one in the planning application, this being 93 Hungerford Road is now sandwiched between two HMOS, one of which could house 9 people.

The rear garden houses a cycle shed for up to 6 cycles, this building is cramped for so many cycles but also leaves little room in the rear garden. two benches opposite this are the only outside seating with a small corridor between these and the cycle shed. The side of the property shows four waste bins which may not be sufficient for 9 people and a row of plant pots. Should a quick evacuation be needed from the house this would be hampered by the cramped exterior corridor.

The access to this property at the rear is limited by these issues.

The interior bedrooms do not give enough room for socialising or relaxing and residents would need to use the small kitchen. Although a good size for 4 people, showing a table with 4 chairs it would be very difficult to cook and perform other household duties in such a small space for 9 people.

the layout of the property is not conducive to any form of comfort and apart from their bedrooms residents would have little privacy.

For these reasons I should like to call in this application".

PROPOSAL

The proposal seeks the change of use from existing C4, 6 bed, 6 person HMO to Sui Generis 6 bed, 9 person HMO

The external changes include upgrading exists windows and adding a new first floor and ground floor window to the southern elevation

SITE DESCRIPTION

The application site is located off Hungerford Road.

The existing property is described in the application form as being in use as a 6 bed, 6 person HMO.

The area has a mix of residential and commercial uses with residential to both sides.

An area if hardstanding exists to the front of the property, used for parking.

The rear yard area is accessed by an alleyway off School Crescent.

Located in the Settlement Boundary as defined by the Local Plan and is within the Hungerford Road Article 4 Direction area which withdraws permitted development rights for the conversion of individual dwellings (Use Class C3) to small Houses in Multiple Occupation (HMOs) (Use Class C4) for parts of Crewe.

RELEVANT HISTORY

20/4453N – Single storey rear extension with flat roof over extending 5.27 metres beyond the rear wall, maximum height of 2.71 metres and eaves height of 2.52 metres (approved 20-Nov-2020)

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy – Adopted Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in Favour of Sustainable Development
PG2 Settlement Hierarchy
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 12 Pollution, Land Contamination and Land Instability
SC3 Health and Wellbeing
SC4 Residential Mix
EG1 Economic Prosperity
EG3 Existing and Allocated Employment Sites
C01 Sustainable Travel and Transport
C02 Enabling Business Growth through Transport Infrastructure

Appendix C Parking Standards

Development Plan:

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

Saved policies of the Crewe and Nantwich Local Plan:

BE1 Amenity
BE3 Access and Parking
BE4 Drainage, Utilities and Resources
E4 Development on Existing Employment Areas
RES2 Unallocated Housing Sites
RES9 House in Multiple Occupation

SPD:

Design Guide

Provision of Private Open Space in New Residential Developments

Hungerford Road Article 4 Direction

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

59. Delivering a Sufficient Supply of Homes

Other material considerations:

HOU4 Houses in Multiple Occupation of the Emerging SADPD (Moderate weight given the Policy has been through Main Modifications with no changes noted for this Policy)

Houses in Multiple Occupation Supplementary Planning Document

CONSULTATIONS:

Town Council: Objection on the following grounds:

- Inadequate kitchen provision for the density of occupancy proposed
- The proposal is not supported by the Planning Authority's emerging Article 4 Directive
- Room sizes do not demonstrate adequate living and amenity space for the density of occupancy proposed
- Additional density of occupancy will have detrimental effect on neighbouring residential amenity due to increase in noise, on street waste and parking
- Inadequate and impractical bike storage
- Overdevelopment of the site
- The provision of an HMO in this location will result in the "sandwiching" of a residential family home between 2 HMOs, which is identified as a negative issue within the emerging CEC Article 4 Directive
- Parking of vehicles on the property frontage has been introduced with the removal of a boundary wall without planning or highways consent and represents a potential risk to pedestrians as well as potential obstruction of the pavement due to vehicles protruding from the demised premises

CEC Highways: No comments received at the time of writing the report

CEC Environmental Protection: No objection subject to conditions/informatives regarding working hours for construction

CEC Housing: No objection

CEC Housing Adaptions: No objection however offer advice noted to the applicant regarding licencing

ANSA (Bins): No comments received at the time of writing the report

REPRESENTATIONS: x1 letter of objection on the following grounds:

- Not enough room, facilities in the property for 9 people
- Impact on surrounding properties given limited garden area
- Parking space added is dangerously located near to a bus stop

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Cheshire East Local Plan, where there is the presumption in favour of sustainable development.

As a result the proposal is acceptable from a pure land use perspective.

The main issue therefore is whether there are any other material considerations such as design, amenity, living conditions etc that outweigh the in principle support for the proposal.

Houses in Multiple Occupation

Policy RES.9 advises that proposals for the sub-division of buildings to provide self-contained residential units will be permitted provided that:

- The building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with policies BE.1 and BE.2;

In this case the property was recently extended thus no further extensions to the property are proposed. However the size of garden area is already limited for the existing 6 bed, 6 person HMO and is not considered of a suitable size for this number of users. The proposal would add 3 additional people to the property and thus would not provide a satisfactory level of private amenity space for use by all residents equally and this space would be further reduced by the need for additional bin and cycle storage areas.

- The proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;

There are no external changes proposed.

- The development does not detract significantly from the amenities of neighbouring residents, through noise transmission or overlooking, (in accordance with policy BE.1); and

No additional windows are proposed and an element of overlooking is to be expected from the existing use. Therefore would not significantly affect amenity of neighbouring properties. However clearly an increase in the number of occupants has the potential to cause harm through noise disturbance. The limited size of garden area is also likely force occupants to spill out in the street for some outdoor space and would cause some increased disturbance to neighbouring properties.

- Provision is made within the site for adequate and properly located car parking and safe access (in accordance with policies tran.9 and be.3). where sufficient off-street parking provision is not possible due to the constraints of the site, kerbside facilities may be acceptable provided that their use does not create or worsen dangerous highway conditions, or significantly detract from the amenity of local residents.

The application forms do not advise how many parking spaces will be provided. However, from a site visit it was noted that the front garden area has been opened up and has space for the parking of 2 vehicles. The parking is located very close to an existing bus stop and there is a concern it may interfere with ability of the bus to park. The Highways Engineer will be able to comment on the suitability of the parking area in the update report.

Emerging Policy Houses in Multiple Occupation and Houses in Multiple Occupation Supplementary Planning Document

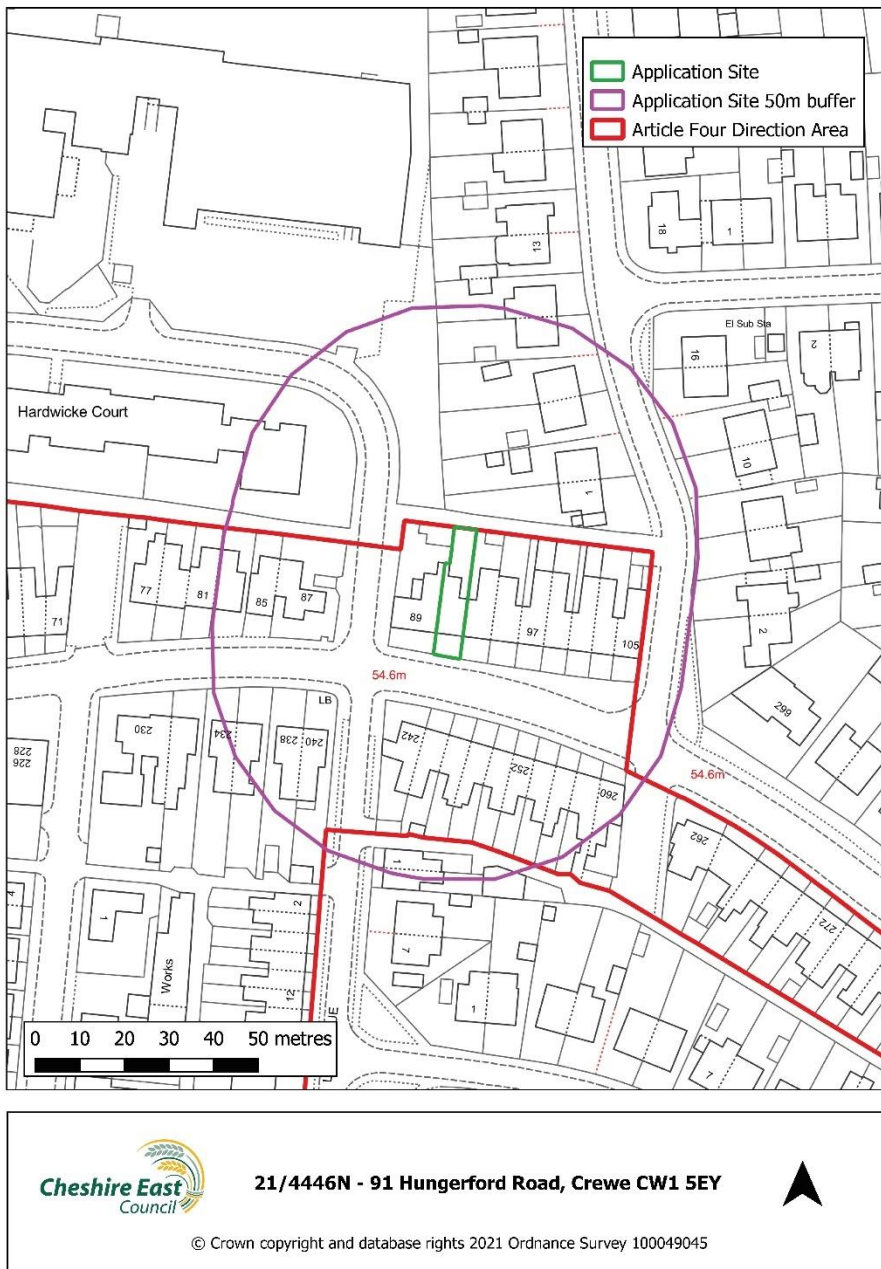
The Houses in Multiple Occupation Supplementary Planning Document (“HMO SPD”) was adopted by the Council on the 9 September 2021 and is a material consideration to be taken into account in the determination of planning applications for HMOs.

While HMOs and the wider private rented sector play an important role in meeting housing needs, a saturation of HMOs in a particular location can have negative impacts upon that area, for example the number of homes available for families or those wanting to purchase their first home may reduce due to a high demand for investment properties. In addition, the occupation of dwellings as HMOs by a higher number of adults compared to a typical family home, can place additional demands on services and infrastructure, for example increased waste generation.

The SPD includes guidance on avoiding or exacerbating concentrations of HMOs in order to support the well-being and amenity of neighbourhoods. This includes a threshold of no more than 10% of dwellings in HMO use within 50m of an application site and the sandwiching test. These tests are also replicated in SADPD Policy HOU 4 ‘Houses in Multiple Occupation’ referred to above.

Step 1: Drawing a 50 metre radius

The following plan shows the 50m radius drawn from the boundaries of the application site.



Step 2: Counting the number of addresses within the radius

There are currently 52 residential addresses within 50m of the application site including 8 flats at Hardwicke Court.

Step 3: Identifying the number of HMOs

Information is gathered from planning permission data, building regulations information, licencing information and data provided by the Council's housing team. This data was gathered December 2021. An update of this will be provided in the update report, however it is not expected to change significantly or see a reduction in the number of HMO's.

Based on information from December 2021, drawn across these sources, there is:

- No evidence available of HMO use for 47 of the 52 addresses.
- There are 4 dwellings with evidence of HMO use, including a licenced HMO at 234 Hungerford Road and 95 Hungerford Road which has planning permission for Sui Generis HMO use.
- The fifth dwelling is the application site but its use as a C4 HMO has no planning consent.

Excluding the application site, 4 out of 52 dwellings amounts to 7.69%, , so is under the 10% threshold as recommended in the SPD.

Step 4: Sandwiching

There is no evidence currently available of HMO use at No.93 Hungerford Road. 95 Hungerford Road has planning permission for Sui Generis HMO use (approval ref 21/1718N). The application proposal will therefore result in the sandwiching of 93 Hungerford Road between two HMOs. There is uncertainty over the lawfulness of the existing HMO use at the application property as there is no planning consent to confirm this and as part of the permission for the extension to the property approved under ref 20/4453N, the property was described by the applicant as being in a C3 residential use hence why the extension was deemed to be lawful. Depending on the existing use of the application site, this will either be a new sandwiching issue or the exacerbation of a sandwiching issue that already exists given the proposed increase in occupants, either way the proposal would be in conflict with part 1 ii of Emerging Policy HOU4 and part 5 of the SPD. The proposal also does not meet the exceptions noted as there is not a high concentration of non C3 uses to justify the proposed HMO in this location.

Achieving good standards of accommodation

The HMO SPD includes guidance on achieving good standards of accommodation and the dwelling and internal layout must be sufficient to accommodate the proposed number of residents in order to protect the residential amenity of future occupiers of the HMO and any adjacent residents. The external area serving the dwelling should also be of sufficient size to accommodate waste storage requirements, make adequate provision for cycle parking, provide space for outdoor clothes drying and amenity space for residents.

Given that a HMO licence has been granted for the property, it is assumed that the prescribed national minimum room sizes are met. However, it is noted that there is very limited space at ground floor for any shared social spaces except from the kitchen area, which appears a limited size for up to 9 people. The external useable rear amenity space to accommodate 9 persons also appears very limited, especially when taking away the land used for the extension and the required cycle and bin storage areas. The lack of amenity space would likely put future occupants off from using this space thus potentially forcing occupants into the street for outdoor space which has potential to harm amenity of surrounding properties. As result it is not considered that the proposal would provide a sufficient level of amenity space for future occupants and would harm amenity of neighbouring properties. In addition the need to provide waste and parking areas would further limit the available garden space.

Waste storage and disposal

The plans indicate storage of x4 bins in the garden area. However larger HMOs may have additional waste storage requirements due to the intensified use of the property. Most properties in Cheshire East have x3 bins (recycling bin; a garden/food waste bin and a non-recyclable bin). It is unclear if the proposed site plan shows 4 standard waste bins or accounts for all bin types, it also does not clarify the type of size of bins. Clearly any further requirement for additional bins, would further reduce the already limited rear amenity area to the detriment of future occupants. The plans also do not indicate any internal storage areas prior to removal to an external storage area. Confirmation of the number and size of bins has been sought from the waste management team and will be reported in the update report

In accordance with the SPD, it is recommended that consideration be given to the following:

- Existing and proposed floor plans that indicate the maximum number of bedspaces per room and shows that in total there would be 9 occupants. A note on the proposed plans indicates that only bedrooms 4 & 6 are to be used as double rooms. If the remaining 4 bedrooms are single occupancy then the number of occupants would be 8 not 9. This is in conflict with the number of occupants as noted in the applications forms which advises that this is 9. Therefore clarification has been sought from the applicant, however it is considered that the issues raised above re amenity would be similar to that of either 8 or 9 occupants.

Car and cycle parking

For car parking the SPD applies the parking standards as per the local plan which requires 1 space per bedroom. For cycle parking the SPD recommends 1 space per bedspace. 6 spaces are currently shown on the submitted plans. The front boundary wall has been removed creating parking for two vehicles. This may have required planning permission given the location off a classified road. Confirmation will be sought from the highway officer and provided in the update report. The SPD advises that any parking provided should not result in the loss of front gardens and boundary walls, which would be the case here.

Outdoor amenity space

Separate to external waste storage and cycle parking requirements, the submitted site plan must also identify the location of an external area for clothes drying and useable amenity space for residents. Whilst the plans show some amenity area, part of this is occupied by the extension, bin and cycle storage areas. The shape also limits the actual usable area for drying of clothes and sitting outside etc, which would limit the ability for all residents to use the space equally.

Amenity

As noted above, the lack of amenity space is likely to put off future occupants from using this space this forcing them to spill out of the property for their outdoor amenity area and this may result in noise/disturbance to neighbouring properties.

Highways

The proposal is for an 9 bed HMO. Off-road parking in the front garden is provided for 2 cars.

Whilst the site is within a sustainable location and within a short walking distance to a large number of shops, services and amenities, and bus service, the proposal would result in an increase in the number of users of the property by 3 (from 6 to 9) and thus would have a further need for parking spaces.

At the time of writing the report no comments have been received from the Councils Highways Engineer so these will be provided in the update report. However as noted above there is concern about the actual usability of the parking area to the front given the need to still access the property, the location to a bus stop which may hinder the ability of a bus to park outside the site and whether or not the dropped kerb obtained planning permission given its location off a classified road.

Design

No external changes are proposed. The character of the area is mixed commercial/residential so it is not expected that the residential use would harm the character of the area.

Therefore it is not considered that the proposal would cause any visual harm to the overall character/appearance of the area, excepted as noted by removal of the front boundary wall.

Amenity

- Surrounding neighbouring properties

The properties most affected by this proposal are Nos.93 and 89 Hungerford Road.

As the building is already in situ it is not considered that the physical mass of the building would pose any further harm to living conditions through overbearing/oppressive impact etc.

No new windows are proposed so the level of overlooking etc would remain the same.

However clearly the intensification of the property to add an extra 3 people, would put further pressure on the already limited garden area forcing people outside the property given the narrow streets where potential impact is likely to be more concentrated and directly affecting neighbouring residents.

- Future occupants

The proposal would provide an area of private open space to the rear of the property measuring approx. 45 square metres. However part of this space would be occupied by the bin and cycle storage areas, so taking this away would reduce to approx.40 sqm.

Council SPD advises that for a dwelling should have adequate open space no less than 50m² per dwelling, does not stipulate a specific size of amenity area for flats/apartments however it advises that where it is not appropriate to provide private open space for each dwelling, it will be necessary to provide communal areas of open space; these should be located so they can be used by all the residents equally.

In this case a small kitchen area is provided and the limited 40sqm amenity space. Whilst this would provide some area for outdoor sitting/clothes drying this is clearly a very limited space, which would be unlikely be used equally by all residents at the same time and would likely put off occupants from using this area.

There are areas of open space 300m away to the south of the site and Crewe Town Centre is within walking distance from the site. Both of these options would provide access to outdoor amenity space. However as noted above the lack of private amenity space is considered harmful to amenity of future occupants and would rely predominantly on areas away from the property for open space and would be contrary to the SPD and Emerging Policy HOU4.

Housing standards

The Housing Standards and Adaptions Team have been consulted and have not raised any objections

They advise that this property is capable of supporting up to a maximum of 10 persons at anyone time, as calculated against national minimum bedroom size requirements for HMO property and against Cheshire East local Housing Standards adopted standards for appropriate amenities and facilities present within the property.

A licence has also been granted by the Housing Standards Team for this property to operate as a licensable HMO from 27/07/2021 to 26/07/2026, up to a maximum of 10 persons, in accordance with the Housing Act 2004.

Therefore it is considered that the room sizes would not be of concern but this does not account for size of garden areas etc.

Economic benefit

The proposal would create economic benefits from employment during the conversion works and spending power of the future occupants.

Social benefit

The proposal would create/expand additional residential accommodation in an accessible location close to the town centre. However there would also be some social harm to amenity of neighbouring properties.

Other

No Neighbourhood Plan is in force for this area.

An informative will be added to any decision notice regarding CIL.

Conclusion

The site is within the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be neutral in terms of its impact upon design.

The proposal would provide positive benefits such as the economic sustainability roles by providing employment in the locality during conversion works and social role by providing housing in a sustainable location.

The dis-benefit would be the intensification of the existing use with a lack of suitable private amenity area which would harm not only future occupants but also amenity of neighboring properties by forcing future occupiers away from the property for their outdoor space with potential noise and disturbance to neighbouring properties. The proposal would also not provide any parking provision.

As a result on balance it is not considered that the proposal would provide a satisfactory level of amenity/living conditions for future occupants and the intensification of the use would also cause harm to amenity of neighbouring properties. It is therefore not considered that the proposal constitutes sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE for the following reason:

The proposed development would result in the creation of a sub-standard level of living accommodation for the future occupiers of the HMO and would also harm amenity of neighbouring properties. In particular the very limited level of private amenity space would cause harm to amenity of future occupiers. This in turn would likely force future occupiers to spill out into the street for their outdoor space causing harm to amenity of neighbouring properties by increased noise and disturbance. The proposal would also result in the sandwiching of No.93 Hungerford Road between two HMOs which would cause harm to amenity of this property. The proposal would also not provide a sufficient level of off-street car parking forcing further vehicles to be parked on surrounding streets causing a highway safety concern. Therefore the proposal would cumulatively have an unacceptable impact on the future occupiers amenity and that of neighbouring properties contrary to Policy BE.1 (Amenity) of the Crewe and Nantwich Local Plan, Policy SE1, SD1 (Sustainable Development in Cheshire East), SC3 (Health and Well-Being), SE12 (Pollution), C02 (Enabling Business Growth through Transport Infrastructure), Appendix C (parking standards) of the Cheshire East Local Plan Strategy, Emerging Policy HOU4 (Houses in Multiple Occupation) of the Emerging SADPD, Houses in Multiple Occupation Supplementary Planning Document, The Cheshire East Design Guide (part 2 Page 95 para vi 22), The Development on Backland and Gardens SPD and the NPPF.

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

