

**APPLICATION REFERENCE: PL/2021/01983/COU****Site Address:** 56 Lode Lane Solihull B91 2AW

<b>Proposal:</b>	Change of use from guest house to an 8 bedroom HMO.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	Number of objections received (8)
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<b>Recommendation:</b>	<b>APPROVAL</b>
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**EXECUTIVE SUMMARY**

This application seeks planning permission for a change of use from an existing Guest House to a House of Multiple Occupation with a capacity of 8 bedrooms.

The property would include 8 bedrooms two with en-suites, shared communal facilities comprising a lounge/diner, kitchen, utility and garden. Parking provision would include 4 off street parking spaces.

This report will demonstrate that the proposal will not be harmful to the character of the area, highway safety or the free flow of traffic, or residential amenity. The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework). The development therefore benefits from the presumption in favour of sustainable development and the planning balance is in favour for this proposal.

**MAIN ISSUES**

The main issues in this application are: -

- The effect of the development on the appearance of street scene and character and local distinctiveness of the local area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties; and

- Highway issues.

#### Other Material Considerations

- Public Sector Equality Duty; and
- Human Rights.

### **CONSULTATION RESPONSES**

**Statutory Consultees** The following Statutory Consultee responses have been received:

Lead Local Flood Authority - No objection.

**Non Statutory Consultees** The following Non-Statutory Consultee responses have been received:

SMBC Highways - No objection

SMBC Public Protection - No objection

### **PUBLICITY**

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

Objections to this application were received from 8 addresses. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

- Unregulated Landlord
- Vulnerable people next door
- Anti-Social Behaviour
- Proposed residents not DBS checked
- Previous use was well managed
- No landlord presence on site

### **PLANNING ASSESSMENT**

Policy P14 of the SLP seeks to protect the amenity of existing and potential

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the

development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

On the 13<sup>th</sup> May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2021, the National Planning Practice Guidance

## **MAIN ISSUES**

### **The effect of the development on the appearance of street scene and character and local distinctiveness of the area**

Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment. Developments will be expected to create a sense of place. Policy P15 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The proposal would include some minor internal reconfiguration of the layout to provide shared bathroom on the first and second floor.

The ground floor also includes communal areas including living/dining room, kitchen and cycle parking within the garage. A dropped kerb already exists to the front of the site to provide four off street parking spaces and the existing garage and hardstanding to the side of the site would provide cycle storage.

There would be no external changes to the building and therefore would not harm the visual amenity of the locality. As a result there would be no harm to the external existing character or appearance of the property, nor to the wider streetscene.

Therefore the proposal would accord with Policy P15 of the Solihull Local Plan, which carries neutral weight in the planning balance.

#### The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Policy P14 of the SLP seeks to protect the amenity of existing and potential occupiers of houses when considering new developments. Careful consideration must be made to amenity of both existing neighbours. The policy is consistent with the NPPF and thus carries significant weight.

With regards to privacy, there are no alterations to the window configuration that already exists. The proposal does not therefore result in any further potential to overlook the neighbouring properties or private gardens when compared to the existing property.

When considering the change of use from a C1 Guest House (with 7 bedrooms) to a HMO with 8 bedrooms, the impacts of the proposal need to be assessed against the potential impacts of the current use, which includes the full occupation of all seven bedrooms of the guesthouse with no restrictions on the amount of people able to occupy each room.

With regards to neighbour concerns regarding the number of occupants and noise and disturbance and the potential for criminal activity no objection has been received from the Councils Public Protection Officers on this matter. It is considered that there would be little difference in terms of noise and disturbance from the proposed 8 bedrooms when compared to potential 7 bedrooms that could be occupied in the property through the existing use. A condition is recommended which requires the applicant to submit a Tenancy Management Scheme to show how tenants would commit to approved standards and practices when living in the HMO and actions the Landlord would take to deal with tenants breaching this. This would offer betterment to the existing use of the property, which is run without the requirement for any such management scheme.

It is therefore considered that the proposal is compliant with Policy P14 of the Solihull Local Plan and the NPPF subject to the imposition of conditions. The matter carries neutral weight in the assessment and determination of this application.

#### Highway issues

Paragraph 109 of the Framework indicates 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.

Policy P8 of the Solihull Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The Councils Highway Engineer has no objection to the proposal commenting that the development proposals include the change of use of the existing seven-bed guest house to an eight-bed House in Multiple Occupation (HMO). There is an existing vehicular access off Lode Lane which serves the driveway fronting the application site, which could accommodate at least three off-street car parking spaces.

The Highway Authority notes that Lode Lane is a red route, which prohibits on-street car parking. It is unlikely that one additional bedroom will generate a significant increase in vehicle trips or demand for parking to have a severe impact on public highway safety, or on the operation of the local highway network. The application site is also considered to be in an accessible location, with Solihull Town Centre within an 800m walking distance of the application site, which offers a wide range of local facilities and amenities. There are two bus stops to the frontage of the application site along Lode Lane, which offer a number of high frequency services to local towns and villages within the Borough, and also to Birmingham City Centre. The Councils Highway Engineer considers the level of parking proposed to serve the development to be acceptable.

Having regard to the above, it is unlikely that the development proposals will generate a significant increase in vehicle trips to have a severe impact on public highway safety, or on the operation of the local highway network.

On this basis the proposals accord with Policy P8 of the Solihull Local Plan 2013 and guidance in the NPPF. This carries neutral weight in the balancing exercise.

### Other Material Considerations

#### Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights

In determining this request for approval, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

### Conclusion

This application seeks planning permission for a single storey side extension, alterations to the front elevation and a change of use from a guest house to a larger HMO (sui generis) for up to 8 residents and the associated internal reconfiguration.

This report has demonstrated that the proposal will not be harmful to the character of the area, highway safety or the free flow of traffic, or residential amenity. The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework). The development therefore benefits from the presumption in favour of sustainable development and the planning balance is in favour for this proposal.

## **RECOMMENDATION**

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS05 Commencement within 3 yrs
2. CS00 Compliance with all plans
3. Prior to the first occupation of the use hereby permitted a Tenancy Management Scheme shall be submitted for approval in writing to the Local Planning Authority. It should demonstrate how tenants would commit to approved standards and practices when living in the HMO and actions the Landlord would take to deal with tenants breaching this. The use will be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.