

**SECTION 2 – ITEM 6**

**Application No:** 21/P/3016/FUL

**Proposal:** Proposed change of use from residential care home of 21no rooms (Use Class C2) to a House of Multiple Occupation (HMO) of 21no rooms (Sui Generis Use) with associated car parking, refuse and cycle storage.

**Site address:** 20 Cambridge Road, Clevedon, BS21 7HX

**Applicant:** N/A

**Target date:** 24.01.2022

**Extended date:** 25.03.2022

**Case officer:** Ellena Fletcher

**Parish/Ward:** Clevedon/Clevedon Walton

**Ward Councillors:** Councillor Caroline Cherry

**REFERRED BY COUNCILLOR CHERRY**

**Summary of recommendation**

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**The Site**

The application site is located within the settlement boundary of Clevedon. The existing building is currently vacant but formally served as a care home. The proposal includes some external alterations to the site layout to accommodate parking and waste storage.

**The Application**

Full permission is sought for:

- Change of use of 21 bed care home to a 21 bed HMO for use by vulnerable refugees (mainly women and children)
- Alterations to layout to allow for parking and waste storage
- 9 vehicle parking spaces and 21 cycle storage spaces

**Relevant Planning History**

**Year:** 2009

**Reference:** 09/P/1917/F

**Proposal:** Erection of three-storey extension to south-east elevation to provide eight bedrooms and a lounge

**Decision:** Refuse

**Year:** 2004  
**Reference:** 04/P/1974/F  
**Proposal:** Change of use from nursing home to 8 flats and 1 house (involving increasing the height of a single storey extension to enable the creation of a first floor; erection of a single storey entrance porch)  
**Decision:** Approve

**Year:** 2002  
**Reference:** 02/P/1345/F  
**Proposal:** Erection of rear conservatory.  
**Decision:** Approve

### **Policy Framework**

The site is affected by the following constraints:

- Within the settlement boundary for Clevedon
- NS and Mendip SAC Horseshoe Bat Zone C
- Landscape Character Area *Clevedon*

### **The Development Plan**

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

CS11 Parking  
CS12 Achieving high quality design and place making  
CS31 Clevedon, Nailsea and Portishead  
CS32 Service Villages  
CS33 Smaller settlements and countryside

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

DM8 Nature Conservation  
DM24 Safety, traffic and provision of infrastructure etc associated with development  
DM28 Parking standards  
DM32 High quality design and place making  
DM39 Subdivision of properties  
DM40 Retirement accommodation and supported independent living for older and vulnerable people  
DM41 Nursing and care homes for older people and other vulnerable people

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

SA2 Settlement boundaries and extension of residential curtilages

## Other material policy guidance

### National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 3 Plan-making
- 4 Decision-making
- 11 Making effective use of land
- 12 Achieving well designed places
- 15 Conserving and enhancing the natural environment

### Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

## Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

**Third Parties:** 152 letters of objection have been received. The principal planning points made are as follows:

- Out of keeping with the low density and quiet housing neighbourhood
- Overdevelopment
- Increased traffic, highway safety and inadequate parking.
- Should retain as vital elderly care accommodation
- Inappropriate location for 21 bed HMO
- Worry of unsocial behaviour
- Have a harmful effect on the character and living conditions of adjoining properties
- Inadequate utilities in building for number of people sharing
- Noise pollution
- Limited amount of employment in the area

2 letters of support have been received. The principal planning points made are as follows:

- An HMO would help reduce the housing crisis
- Proposal would provide affordable accommodation for Clevedon

**Clevedon Town Council:** “Clevedon Town Council objects to the proposed application to alter the change of use from a residential care home to a House of Multiple Occupancy (HMO).”

**Other Comments Received:**

Avon and Somerset Police: No objection subject to comments.

**Principal Planning Issues**

The principal planning issues in this case are (1) principle of development, (2) character and appearance, (3) living conditions, (4) highway safety, (5) trees, (6) protected species, (7) setting of a listed building.

**Issue 1: Principle of development**

Policy CS31 in the Core Strategy supports residential development in the settlement boundary for Clevedon. Policy DM39 in the Sites and Policies Plan (Part 1) permits conversions of buildings within settlement boundaries to House in Multiple Occupation (HMO) provided.

- the proposals will not have a harmful effect on the character and living conditions of the property, adjoining properties and the local area; and
- a satisfactory standard of accommodation and living conditions are provided and that the proposal does not create an over-intensive use of the site; and
- the development will not singularly or cumulatively contribute to an unacceptable change in the balance of types of properties in one street or area: and
- parking should meet the councils parking standards.

The proposal falls within the settlement boundary of Clevedon and so the principle of development is supported by policy DM39. The other criteria are assessed in detail below.

**Issue 2: Character and appearance**

Policy CS12 of the Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1) require a high standard of design in all new developments. These policies require that development is sensitively designed to respect the character of the site and its surroundings, taking the opportunity to enhance an area where relevant. Policy DM39 requires that proposals will not have a harmful impact on the character of the area or will not contribute to a change in the balance of the types of property.

The proposal seeks to change the use of a care home to a HMO. The proposal would result in external changes to the parking layout and waste storage, which would result in some visual clutter. However, the change of use would not create alterations to an extent it would significantly or unacceptably harm the character of the area.

The surrounding area is characterised by large, detached dwellings. The existing building's lawful use is as a care home. Therefore, the existing site already does not function as a single household. The proposal is therefore unlikely to unacceptably unbalance the types of property in the local area.

The proposal would not unacceptably harm the characteristics of the existing site or the character of its surroundings. In this respect, the proposal complies with policy CS12 of the Core Strategy, policies DM32 and DM39 of the Sites and Policies Plan (Part 1).

### **Issue 3: Living conditions**

Policy DM32 of the Sites and Policies Plan (Part 1) states that the design and layout of development should not prejudice the living conditions for the occupiers of the proposal or that of adjoining occupiers through loss of privacy, overlooking, overshadowing or overbearing impact. Policy DM39 also requires that proposals provide high quality living accommodation for future occupiers.

Neighbours raised concerns in relation to noise disturbance and anti-social behaviour affecting nearby residents. Avon and Somerset Constabulary consider the proposal is unlikely to result in an increase in crime or anti-social behaviour provided the design incorporates onsite security systems. The applicant advises in the Supporting Statement that the HMO would be used to house vulnerable refugees including women and children and a management company would be in place to provide control. Therefore, given the above, the proposal is unlikely to result in unacceptable noise disturbance or disruption through anti-social behaviour. Any concerns regarding noise or anti-social behaviour would be dealt with by Environmental Health or Police.

There were concerns raised that the proposal would not result in high quality accommodation. However, the council's Housing team consider the bed spaces would be functional and safe. It also considers the communal spaces would meet the requirement for up to 25 households. The details would be confirmed when the applicant applies for a HMO licence. Details of fire precautions would be dealt with through the Building Regulations. Considering the proposed bed spaces have adequate natural light and the size and layout would be safe and functional; the proposal is unlikely to result in unacceptable living conditions for future occupiers.

There were concerns raised that the proposal would be sited too far away from local services, including supermarkets. However, the proposal is located within a settlement boundary and is considered a sustainable location. The nearest shops are within a 20 minute walking distance along pavements and footpaths. The area is also served by local bus routes. The proposed location is therefore considered sustainable.

The proposal would not result in unacceptable living accommodation nor would it unacceptably harm adjoining neighbours. In this respect, the proposal complies with policy CS3 of the Core Strategy and policies DM32 and DM39 of the Sites and Policies Plan (Part 1).

### **Issue 4: Highway safety**

Policy DM24 of the Sites and Policies Plan (Part 1) requires that development would not prejudice highway safety or inhibit necessary access for emergency, public transport, service or waste collection vehicles. Policy DM39 requires that proposals comply with the council's parking standards.

Access to the site would be through the existing stone gate pillars and driveway which is 3.9m wide. The wide footway outside the property and the access position, on the outside of a bend in the road, offers good visibility in both directions.

The plans show the provision of 9 allocated car parking spaces on site, a deficit of 2. Cambridge Road is 7m wide with footways both sides immediately outside the site; and does not have parking restrictions. It is considered that safe on-street parking for 2 vehicles could be accommodated either immediately outside, or very close to the application site.

The area is served by public transport through the X6 and X7 bus services which run within 100m of the site and provide half hourly services on week days, and hourly services on the weekend between Clevedon and Bristol. Shops and services within central Clevedon are around one mile away and a 20-minute walk through residential areas.

Refuse collection for residents would be by regular roadside collect. The plans indicate adequate space for waste storage to serve the premises.

The proposal is therefore in accordance with policies DM24, DM28 and DM39 of the Sites and Policies Plan (Part 1).

#### **Issue 5: Trees**

The Town Council raise concerns that the proposal may harm trees adjoining the site. However, the works are largely internal with minimal operational development. The proposed parking area and waste storage space would make use of an existing hardstanding. The proposal is therefore unlikely to result in adverse harm to onsite trees. In this respect, the proposal complies with policy DM9 of the Sites and Policies Plan (Part 1) and to the council's Biodiversity and Trees SPD.

#### **Issue 6: Protected species**

The proposal is unlikely to affect features used by bats, however as a precaution, an advice note is recommended warning the applicant of the requirements should bats be encountered during the development works. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

#### **Issue 7: Setting of Listed Building**

The proposal does not affect the setting of any listed buildings.

#### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

## The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

### Conclusion

**RECOMMENDATION: APPROVE** (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Prior to commencement of use a scheme for the management of the use of the site to include provision for a designated manager to be on site at all times during which the accommodation hereby approved is occupied shall be submitted to and approved in writing by the Local Planning Authority. The site will only thereafter be occupied in accordance with the approved scheme.

Reason: To ensure that the House in Multiple Occupation (HMO) is managed to avoid any anti-social behaviour that would harm the living conditions of the occupiers of neighbouring dwellings and the character of the area and in accordance with policy DM39 of the North Somerset Sites and Policies Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the premises shall be used as a House of Multiple Occupation for a maximum of 25 residents (sui-generis use class) and for no other purpose.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of the living conditions of the occupiers of neighbouring dwellings and the character of the area and in accordance with policy DM39 of the North Somerset Sites and Policies Plan

5. The HMO use hereby permitted shall not be occupied until a properly consolidated and surfaced parking area for 9 vehicles has been constructed in accordance with the approved plans and specifications. The approved parking area shall thereafter be permanently retained and kept available for parking at all times.

Reason: In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the

North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

6. The HMO use hereby permitted shall not be commenced until secure parking facilities for 21 bicycles have been provided in accordance with the approved plans and specifications. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policy DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

7. The HMO use hereby permitted shall not be commenced until space and facilities for the separate storage and collection of waste and recycling materials have been provided in accordance with the approved plans and specifications. The said space and facilities shall thereafter be made permanently available for the storage and collection of waste and recycling materials only in connection with the use hereby permitted.

Reason: The Local Planning Authority wishes to encourage sustainable recycling initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1, CS3 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).