

Application	4.
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Application Number:	21/01564/COU
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Application Type:	Planning FULL
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Proposal Description:	Conversion from single occupancy semi detached house to 3 bed HMO (RETROSPECTIVE)
At:	29 St Patricks Road, Intake, Doncaster, DN2 5EP

For:	Dr Hena Brar
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Third Party Reps:	6 Representations & 2 objections from local councillors	Parish:	N/A
		Ward:	Wheatley Hills And Intake

Author of Report:	Róisín McFeely
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SUMMARY

The application relates to a retrospective change of use of an existing single occupancy semi-detached house to 3 bed HMO. The application does not propose any extension or external alterations to the dwelling house.

The proposal is located within the area covered by the Article 4 Direction, requiring the current proposal to be decided under a full application.

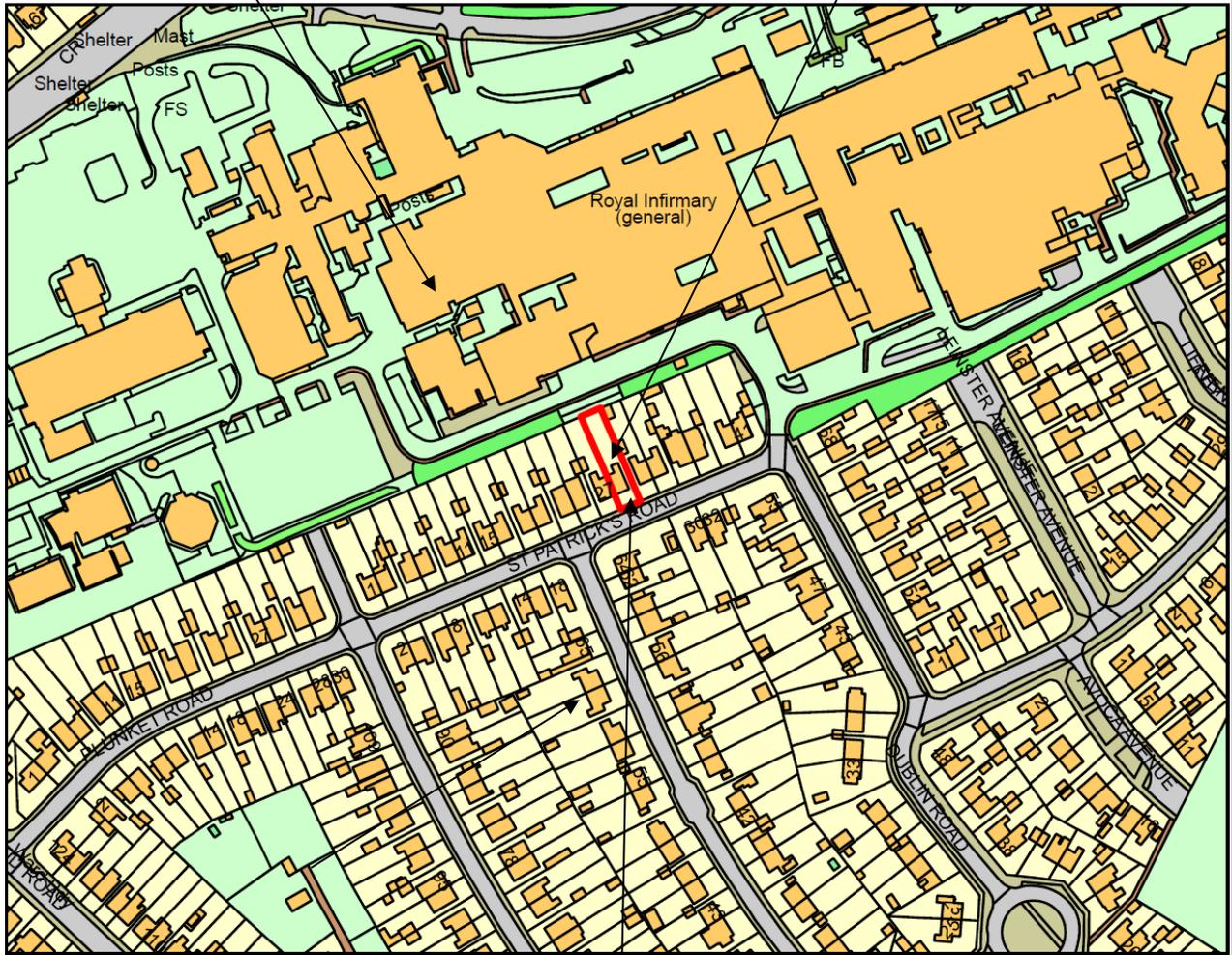
The application was called into Planning Committee by Cllr Daniel Barwell, and has also had significant public interest.

This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties or the character of the area.

RECOMMENDATION: GRANT planning permission subject to conditions

Doncaster Royal
Infirmary

Application Site



Existing dropped kerb and off
street parking

1.0 Reason for Report

- 1.1 This application is being presented to planning committee at the request of Councillor Barwell, due to concerns over parking and also due to significant public interest in the application.

2.0 Proposal

- 2.1 Retrospective planning permission is sought for the conversion from single occupancy semi-detached house to three bed HMO.
- 2.2 The proposal is located within the area affected by the Article 4 Direction, requiring the current proposal to be decided under a full application.
- 2.3 The applicant has confirmed that there are no external extensions or alterations as part of the current application.
- 2.4 The applicant also confirmed that they intend to have 3 occupiers in the HMO.
- 2.5 Each bedroom will have en-suite bathroom facilities. The floorplans indicate that the bedrooms at first floor are single occupancy with single bed. The bedroom at ground floor has a double bed and a small living area. There is a shared kitchen dining area on the ground floor.

3.0 Site Description

- 3.1 The property is a two-storey, red brick semi-detached dwelling, with a two-story walk in bay window to the front and hipped red tiled roof. There is a small red brick wall covering part of the front boundary, there is also a dropped kerb and driveway to the front of the property with off street parking for two vehicles. There is a long garden to the rear of the dwelling which backs on to the Doncaster Royal Infirmary. The property is located on a residential street characterised by similar two storey redbrick semi detached dwellings, with front gardens enclosed by small red brick walls – which are often used for off street parking.
- 3.2 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at and is of low risk of flooding.

4.0 Relevant Planning History

- 4.1 There is no relevant planning history for this site.

5.0 Site Allocation

- 5.1 The site falls within Residential Policy Area, as defined by the Local Plan. The property also falls within the Article 4 Direction which came into force on 14th October 2019 to remove the permitted development rights to change between C3 dwellinghouses and C4 Small HMOs. The following policies are applicable:

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless

material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

- 5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 56 states that planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.6 Paragraph 60 states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.7 Paragraph 111 of the NPPF states, 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.
- 5.8 Paragraph 119 states that planning decision should promote an effective use of land in meeting the need for homes and other uses.
- 5.9 Paragraph 124 states that planning policies should support the development that makes efficient use of land when taking into account the identified need for different types of housing and other forms of development.
- 5.10 Local Plan
- 5.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.12 Policy 7 (Delivering the Necessary Range of Housing) sets out the need to deliver a mix of housing types, sizes and tenures in the Borough.
- 5.13 Policy 9 (Houses in Multiple Occupation (HMOs)) deals specifically with HMOs and how they will be supported under strict circumstances.
- 5.14 Policy 10 (Residential Policy Areas) states that within Residential Policy Areas, as defined on the Proposals Map and is afforded substantial weight:

A) New residential development will be supported provided:

- 1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
- 2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
- 3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential

amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

- 5.15 Policy 44 (Residential Design) states that development proposals will be supported where they recognise and reinforce the character of local landscapes; are of a high quality design that contributes to local distinctiveness and respond positively to their context, setting and site features.
- 5.16 Policy 47 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime.

5.17 Other material planning considerations and guidance

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (2015)
- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) on the council website, and by neighbour notification.
- 6.2 8 letters of objection have been received from 8 persons. No letters of support have been received.
- 6.3 The letters of objection are in regard to the following summarised points:
- Works completed before planning permission applied for
 - HMOs attract people who work unsocial hours and create anti-social behaviour
 - Concerns over lack of parking
 - Bathrooms don't have obscure glazing, concerns over privacy
 - Loss of a family dwelling
 - Concerns regarding noise / anti-social behaviour
 - issues with previous tenants at site address from parking issues, noise and lots of visitors at all times of the evening
 - Concerns over precedent of HMO being approved and other HMOs appearing as a result of the proposal
- 6.4 The below concerns raised are not material considerations and cannot be considered as part of this application:
- HMO would affect the status of the street and devalue properties
 - Concerns over type of tenants inhabiting the HMO
- 6.5 Councillor Jane Kidd expressed concerns about the application. One concern was the impact on the character of the area as the area is one of mainly family homes. Concerns about impact on parking due to yellow line restrictions to control parking due to the proximity of the hospital.

7.0 Parish Council

7.1 No parish council exists for this area.

8.0 Relevant Consultations

8.1 **Highways DC** – support the proposal, given the existing off street parking provision on the site.

8.2 **Waste and Recycling** – raised no objections, noting a 3-bed HMO occupied by a maximum of 4 people should be adequately served by the Council's standard service provision.

8.3 **Environmental Health** – no objections to the scheme, subject to highways supporting the application. Confirmed that there are no known HMOs on St Patrick's Street or surrounding Streets

8.4 **Licensing** – no comments to make.

8.5 **South Yorkshire Police Liaison Officer** – gave advice on security measures, incorporated as an informative.

8.6 **Area Manager** – no comments received.

9.0 Assessment

9.1 The principle issues for consideration under this application are as follows:

- Principle of development;
- Impact on Amenity
- Highway Safety
- Waste
- Overall planning balance.

9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

9.3 Policy 9 of the Local Plan sets out the strict criteria that HMOs must adhere to in order to be supported. Each of the criteria will be addressed separately below:

9.4 **A) the internal standards of the property are suitable for multiple occupation, including bedrooms with good soundproofing, privacy, outlook, light,**

ventilation and have good communal facilities for washing, preparation and consumption of food;

There are no extensions of external alterations to the existing semi-detached dwelling as part of the proposal. Each bedroom contains an en-suite, providing privacy when using the bathroom. All of the bedrooms have large windows; two of the bedrooms are served by large bay windows providing a good amount of natural light. The dwelling provides a good standard of living. A condition will be attached to the application requiring the windows serving the en-suite bathrooms to be obscured glazed within three months of the date of the decision and to remain in this condition permanently to ensure adequate privacy. A good-sized communal kitchen/dining room is provided therefore the overall the residential amenity of future occupiers is considered to be satisfactory.

9.5 B) external communal areas and facilities are of sufficient size and standard to satisfactorily accommodate waste and recycling bins, safe and secure cycle storage and on-site parking (unless it can be demonstrated that the site is sustainably located and therefore justifies reduced levels of on-site parking);

The proposal has two off- street parking spaces in accordance with parking standards set out in Appendix 6 of the Local Plan, which requires 2 allocated spaces per dwelling for 2+ bed dwellings. The existing driveway leads to the rear garden and provides sufficient space to store the necessary waste and recycling bins. Likewise there is sufficient space to the side and rear of the dwelling to provide cycle storage.

9.6 C) the overall size of the dwelling is sufficient to provide proper and adequate accommodation and living space for the number of residents intended to be accommodated;

Policy 10 of the Local Plan requires new residential development to accord with the Nationally Described Space Standards (NDDS), which set out minimum standards for self-contained properties. As this application relates to a HMO with shared facilities, this guidance cannot be used as a marker for room sizes. The Housing Act 2004 outlines the legal minimum individual room size for one person as 6.51 square metres. However, in order to obtain a HMO License, the Council encourages bedroom sizes of at least 10 square metres, though this is not adopted Planning Policy. The proposed bedrooms are all in excess of 12sqm, which adheres to the licensing requirements. The proposal also provides a good-sized kitchen/dining area, as well as a large external garden and it is considered that the dwelling provides adequate accommodation and living space for future occupiers.

9.7 D) the existing dwelling or building is capable of conversion without causing harm to the area or the amenity of nearby residents particularly with noise and disturbances or over-looking and, in areas of flood risk, do not result in ground-floor or basement level self-contained rooms; and

There is no extension or external alterations to the property. As previously mentioned a condition has been imposed to require the obscure glazing of the en-suite windows to ensure screening and mutual privacy for both future occupiers and neighbouring properties. The remaining windows are existing windows which would have the same impact as when the dwelling was used as a single occupancy

dwelling. Therefore, there are no concerns that the amenity of nearby residents would be harmed by the development. The property is not in an area of flood risk.

- 9.8 **E) the proposal would not result in an over-concentration of HMOs within a community/locality/street/row, or result in a significant adverse impact to local amenities. Proposals must not create:**
- 1. more than two HMOs side by side; or**
 - 2. the sandwiching of a single self-contained house or flat between two HMOs; or**
 - 3. more than two HMOs within a run of twenty properties on one side of the road; or**
 - 4. more than one HMO in a road of fewer than twenty properties on one side of the road. The Council will utilise all of its powers available, including licensing and enforcement, to ensure the negative impacts of HMOs are managed and that our communities are not negatively impacted by the provision of such accommodation.**

Environmental Health confirmed there are no known HMOs on St Patricks Road or on the following surrounding streets; Plunkett Road, Lakeen Road, Ardeen Road or Dublin Road. The proposal therefore does not result in an over-concentration of HMOs within a within a community/locality/street/row.

- 9.9 The proposal accords with all of the criteria set out in Policy 9 of the Local Plan as demonstrated above and is therefore acceptable in principle.

9.10 SOCIAL SUSTAINABILITY

Impact on Amenity

- 9.11 There are no extensions or external alterations to the dwelling as part of this application and any overlooking or overshadowing would have no greater impact than the existing dwellinghouse.
- 9.12 Environmental health have raised no objections to the proposal stating that there is unlikely to be significant adverse impact from noise, as the property is already a 3 bedroomed house and this number of bedrooms/potential occupiers is not being increased from what would be normal in a single family house. Likewise, the comings and goings and waste disposal from the HMO would not be significantly different from the existing use as a single occupancy dwellinghouse. The conversion of this dwelling to a HMO would not alter the character of the property or the area, given that there would be a similar number of occupants to a family dwelling with similar coming and goings and a similar overall impact – Cllr Jane Kidd raised this as a concern. The number of occupants will be limited to four persons to limit the impact on neighbouring dwellings and to maintain the residential character of the locality.
- 9.13 As outlined in the principle of development section, the proposal would provide a good standard of living for future occupiers providing large bedrooms with en-suite bathrooms. All the bedrooms will be served by large windows, allowing natural daylight into the property. The proposal also provides a good-sized kitchen/dining area, as well as a large external garden.
- 9.14 Objections raised the issue of works completed before planning permission was sought and that residents notified the council of works to the property. However,

works can be applied for retrospectively. The current application seeks to regularise the works.

- 9.15 Another comment stated that rooms converted to bathrooms do not have obscure glazing. No new openings have been created as part of this application and the overlooking is no worse than when the property was a dwellinghouse and is not going to cause excessive harm to neighbouring dwellings. A condition has been imposed on this application requiring the windows serving the en-suite bathrooms to be obscured glazed within three months of the date of the decision and to remain in this condition to ensure adequate privacy.
- 9.16 Several objections raised the loss of a family dwelling. However, the local planning authority has a duty to provide a range of dwellings in terms of types, size and tenures, this is set out in Policy 7 of the Local plan and section 5 of the NPPF. Part E of Policy 9 of the Local Plan guards against loss of too many family dwellings by limiting HMOs. The current proposal is currently well within this limit being the only known HMO on the street and surrounding streets. Leaving a sufficient supply of family dwellings in the locality.
- 9.17 Concerns were raised that a HMO would attract occupants who work unsocial hours, create noise, and are prone to anti-social behaviour and would disturb neighbouring properties. However, planning decisions must be based on the assumption that occupiers will reside in a considerate manner and there is separate legislation in place to deal with those who do not. One objection-raised issues with previous tenants at site address from parking issues, noise and lots of visitors at all times of the evening – however I have not been provided with specific details of these issues and am unable to comment on this in relation to the current application. As previously mentioned there is legislation to deal with occupiers who do not reside in a considerate manner, should issues arise.
- 9.18 Another objection raised concerns over a precedent being set should the current HMO application be approved and would lead to other HMOs occurring within the locality. The local area is located within the Article 4 Direction, which requires all HMOs to be assessed under a planning application. Policy 9 of the local plan sets out strict criteria for HMOs and part E of this policy restricts the amount of HMOs within a community.
- 9.19 In summary, the proposal would provide a good standard of living for any future occupiers. The proposal would have a similar overall impact to the existing use as a single-family house, given that the occupants will be limited to a maximum of four inhabitants. This is not an increase from what would be expected in a single-family house and would have no worse impact than the existing use as a family dwelling.

9.20 Conclusion on Social Impacts

- 9.21 It is considered that, subject to a condition limiting the number of occupants to a maximum for four the proposal is acceptable. There are no external alterations or extensions to the dwelling and no worse impact in terms over overlooking and overshadowing. Overall, the conversion would have a similar impact to the existing single family dwelling (apart from en-suites which they could put in themselves without planning permission) and there are no concerns that the change of use would cause any significant harm to neighbouring dwellings. The dwelling would

provide a good standard of living for future occupiers, therefore the social impacts are considered to be acceptable.

9.22 ENVIRONMENTAL SUSTAINABILITY

Highway Safety

- 9.23 The site has an existing dropped kerb and a driveway/parking area to the front and side of the dwelling, providing two off street parking spaces. The proposal therefore meets the parking standards for a 2+ bed unit as set out in Appendix 6 of the Local Plan. The Highways Officer has reviewed the application, has stated that due to the existing off street parking provision, they do not feel the development will have an adverse effect on the existing highway network, and therefore supports the application. Furthermore, the proposal is set within a sustainable location, being located in close proximity to good public transport links. Bus stops located on Thorne Road are within walking distance of the property, less than a 10-minute walk.
- 9.24 Parking on the street is restricted due to the close proximity to the nearby hospital. Representations raised concerns over lack of parking; however, the proposal accords with parking standards as set out in the Local Plan. Furthermore, the Highways Officer supports the application, thus there are no concerns that the proposal would cause harm to highway safety.

Waste

- 9.25 Both the Waste & Recycling Officer and the Environmental Health Officer have reviewed the proposals and have raised no objections in relation to waste. The Environmental Health Officer noted that there is adequate space for waste storage prior to its off-site disposal. The Waste & Recycling Officer also noted that a 3-bed HMO occupied by a maximum of four people should be adequately served by the Council's standard service provision.
- 9.26 The Waste & Recycling Officer has also given advice on a HMO manager taking responsibility for waste - this is included as an informative as this is not under the remit of planning and a HMO manager cannot be enforced as part of a planning application.
- 9.27 Based on the number of occupants and the existing space for waste storage, the proposed development is considered to be suitable.

9.28 Conclusion on Environmental Issues

- 9.29 The parking and highways safety impacts of the proposal are considered to be acceptable, given the existing off street parking provision on site. Likewise, there are no issues with waste and recycling. It is therefore considered that the environmental impact of the proposed development is acceptable.

9.30 ECONOMIC SUSTAINABILITY

- 9.31 The only economic impact will be generated by the construction works to undertake the alterations relating to the development. Given the scale of the development, the benefits in terms of economic activity will be limited.

9.32 Conclusion on Economy Issues

- 9.33 Paragraph 8 (a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.34 The proposal would generate some economic benefit, in terms of the construction work which will result in the property providing a good quality of accommodation and more attractive to future tenants. Though, the scale of this increase is limited. As such the proposal carried limited weight in favour of the application.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the NPPF taken as a whole. Subject to the recommended conditions, the proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to conditions:

Conditions / Reasons

01. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
- Proposed Floor Plan, dwg no. 3655-01 - Received on 10.05.2021
Location Plan - Received on 28.06.2021
- REASON
To ensure that the development is carried out in accordance with the application as approved.
02. The number of occupants to reside at the property must not exceed 4 individuals forming 3 households.
- REASON
To ensure that the development does not prejudice the local amenity, particularly adjoining neighbours.
03. Within three months of the date of decision, the windows serving the en-suite bathrooms as shown on the approved plan (Proposed Floor Plan, dwg no. 3655-01 - Received on 10.05.2021) shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be

permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

REASON

To ensure that the development does not impact on the privacy of the adjoining premises.

INFORMATIVES

01.

INFORMATIVE:

A HMO License must be obtained prior to occupation of the 4th tenant. As the application is in an 'Additional Licensing Area' the property will require an Additional HMO Licence. Please contact the licensing department for more information regarding submitted an application. More information can be found at the following website: <https://www.doncaster.gov.uk/services/business-investment/additional-licensing>

02.

INFORMATIVE

Informative note for houses in multiple occupation:

Please store bins tidily within the property curtilage and out of view from the street.

Please keep front gardens tidy and well maintained, soft landscaping within front gardens is recommended and boundary walls should be retained where present.

HMO's are frequently advertised with 'ROOM TO LET' posters and boards, which clutter the street. The Council therefore ask these signs are not used and online advertising is used instead. If a vacancy board is necessary only one is permitted and should not exceed 0.5 of a square metre. The board must be removed not later than 14 days after completion of the sale or granting of the tenancy.

The property may need a HMO license. For further information and to apply online please visit

<http://www.doncaster.gov.uk/services/housing/houses-in-multiple-occupation-licensing>.

0.3

INFORMATIVE:

This advice is provided to ensure the physical protection elements of the development are to current minimum standards. This advice should be acted upon as the minimum requirement and should be enforced, irrespective of any additional correspondence (or not) received by other departments within South Yorkshire Police.

The main outer doors and each individual flat door must comply with a minimum standard of either of the following:

- o PAS 24:2016; or
- o STS 201 Issue 7:2015; or
- o LPS 1175 Issue 7.2:2014 Security Rating 2+; or
- o LPS 1175 Issue 8:2018 Security Rating A3+; or
- o STS 202 Issue 6:2015 Burglary Rating 2; or

o LPS 2081 Issue 1.1:2016 Security

Windows must comply with PAS 24:2006 standard

The plans submitted with the application include details of the timber stud walling between individual bedrooms. Whilst these modifications will increase sound efficiency, they do not provide any security. The security of a development can be severely compromised if lightweight framed walls do not offer sufficient resilience to withstand a criminal attack; this is recognised within Approved Document Q. Lightweight framed walls installed either side of a secure doorset (600mm for the full height of the doorset to restrict access to door hardware) or walls providing a partition between two bedrooms dwellings, or a bedroom and shared communal space, including a corridor shall meet the requirements below:

- o LPS 1175 Issue 7.2:2014 Security Rating 1; or
- o LPS 1175 Issue 8:2018 Security Rating 1/A1; or
- o STS 202 Issue 7:2016 Burglary Rating 1.

Specifiers are advised that the correct installation of lightweight framed walling systems is crucial to the level of security ultimately provided; it is therefore recommended that they are installed by approved installers who have received appropriate training. It is recommended that all internal walls within this development meet the security standards listed above.

Lighting is required to each dwelling elevation that contains a doorset and can also assist in identifying the door and operating locking mechanisms.

24 hour lighting (switched using a photoelectric cell) to communal parts of blocks of flats will be required.

04.

INFORMATIVE

HMO's are generally subject to Council Tax payments as a single residential property and remain eligible for the same level of waste collection service as any other domestic residence. Self-contained flats, each paying separate Council Tax, would each be eligible for our standard service provision.

Doncaster Council provides a standard alternate weekly waste collection service for each domestic premise liable for Council Tax payments. We collect residual waste one week and recyclable / compostable waste the following week:

- Week 1 Black Bin
- Week 2 Blue bin, Green box and Green bin

Households receive a Blue 240 litre bin for the storage and collection of mixed dry recyclable materials:

- Plastic bottles
- Cardboard, paper, newspapers, magazines
- Steel and Aluminium cans, foil, empty aerosol's

Households receive a Green 55 litre box for the storage and collection of glass bottles and jars.

Households (with gardens) receive a Green 240 litre bin for the storage and collection of compostable garden waste:

- Grass cuttings, leaf-fall
- Hedge clippings, tree and shrub pruning's
- Flowers, small plants and weeds

Households receive a Black 240 litre bin for the storage and collection of non-recyclable waste:

- Shredded paper and windowed envelopes
- Broken / sheet glass
- Food waste / soiled food packaging
- Nappies and sanitary products
- Plastic pots, tubs, trays and film
- Liquid food cartons (Tetra/Pure Pak)

At this type of property, with a communal garden, we would exclude Green bin provision if a professional gardener is employed.

The Council's standard service provision is sufficient for the needs of most households, a 3-bed HMO occupied by a maximum of 4 people should be adequately served.

Whilst we are sympathetic to local residents concerns about the potential problems from a HMO in this location, any problems related to waste management can be alleviated by the HMO manager ensuring that waste containers are filled with the correct materials and stored within the property boundary other than when presented for collection. The HMO manager should monitor waste and recycling activities and bin capacity requirements, ensuring there is adequate arrangements in place for the number of tenants at his/her property and taking any action necessary to minimise the potential for nuisance with respect to neighbouring properties.

The Council is satisfied it is reasonable and proportionate for the manager of a HMO to make adequate arrangements for the volume of waste produced by his tenants where the Council's standard service provision is inadequate. HMO managers should not encourage tenants to apply for extra Council bins, the storage of waste containers on the highway is not permitted and loose waste around containers is evidence of insufficient storage provision. Whilst the manager of a HMO must ensure there are sufficient waste receptacles for the number of the tenants occupying the property (having due regard to the standard service provision offered by the Council), there is no legal obligation for a HMO manager to rely on the local authority to provide the collection services required. If a HMO manager uses a private contractor, the waste containers used by that contractor must be clearly marked, the council will only collect waste in containers provided by the Council.

Please note:

HMO tenants may also utilise the Council's network of Household Waste Recycling Centres (HWRC's) for disposal of their own household items free of charge, but, HMO managers cannot take their tenants waste to these facilities. Managers of HMO properties are not ordinarily the 'occupier' of the property they manage and must act in accordance with Section 34 of the Environmental Protection Act 1990 ("Duty of Care") when managing waste from a HMO property. HMO managers are liable for the costs of disposal of waste furniture and other bulky items left by departing tenants, they must not deposit waste items from house clearances or renovation outside of their property boundary. Transporting another person's waste legally, requires a waste carrier's licence issued by the Environment Agency.

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

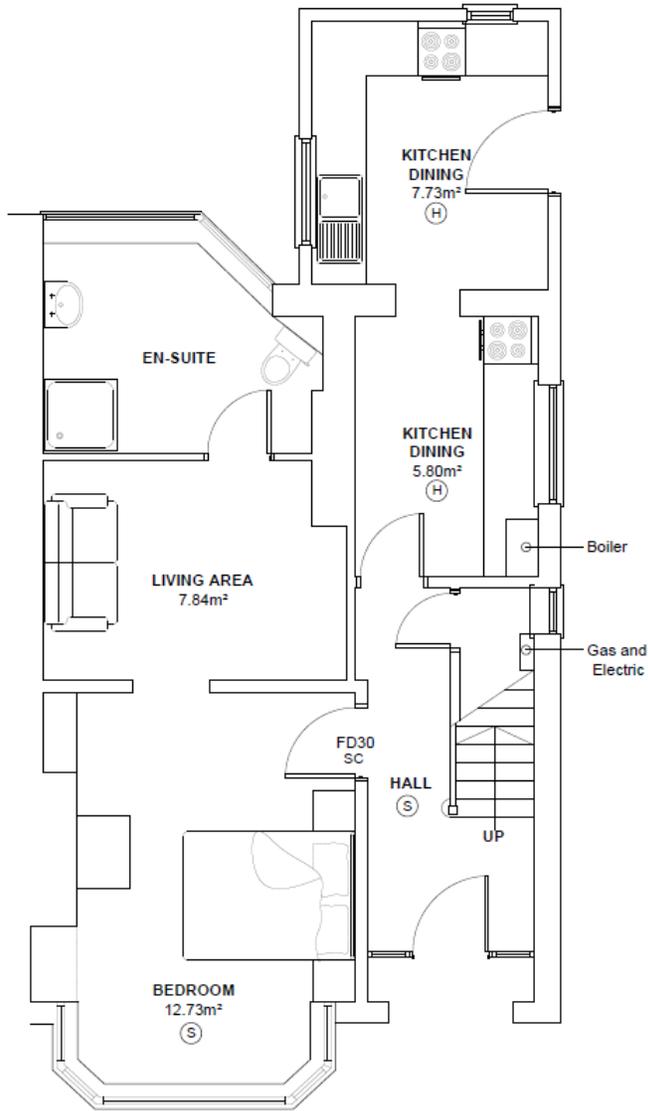
Appendix 1: Location Plan

Location Plan

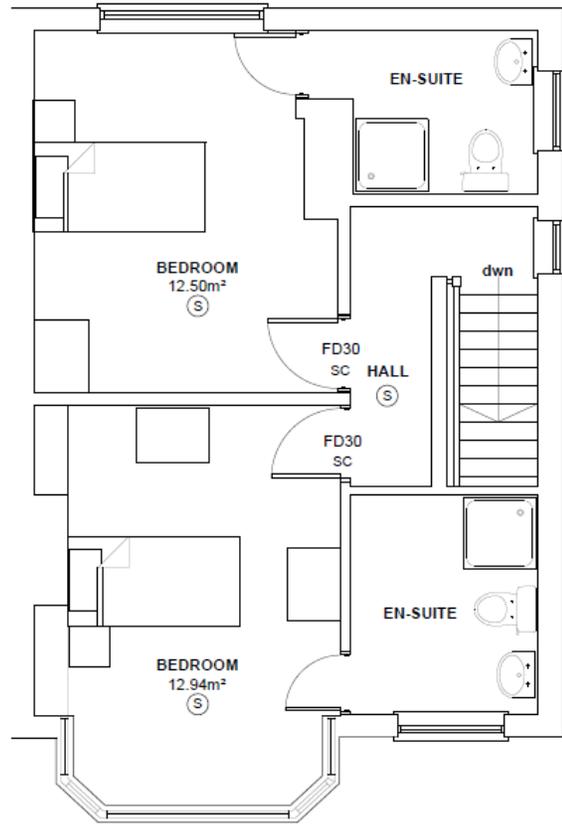


APPENDIX 2: Proposed Floor Plans

Proposed Floor Plans



Ground Floor Layout
Scale 1-50 @ A3



First Floor Layout
Scale 1-50 @ A3