

PLANNING COMMITTEE



Application Address	Milton House, 53 Wellington Road, Bournemouth BH8 8JJ
Proposal	Change of use of Children's Hostel (Class C2) to a House in Multiple Occupation (Sui Generis) - Regulation 3
Application Number	7-2019-4932-E
Applicant	Department for Housing
Agent	
Date Application Valid	18 March 2019
Decision Due Date	12 May 2019
Extension of Time Date (if applicable)	
Ward	Queen's Park - Pre May 2019
Report status	Public
Meeting date	3 October 2019
Recommendation	Grant in accordance with the recommendation within the report
Reason for Referral to Planning Committee	The proposal is considered to be contentious as it has attracted a number of objections from local residents and has a finely balanced Officer recommendation
Case Officer	Julie Allington

Description of Development

- 1 Planning consent is sought for Change of use of the former Children's Hostel (Use Class C2) to a House in Multiple Occupation (Use Class Sui Generis). The proposal is to use the property to provide temporary accommodation for homeless families. The Council has a statutory duty to provide temporary accommodation for all homeless families with children that request assistance.

- 2 The proposal would provide 14 units of accommodation with a mix of between 1 and 5 bed spaces per unit. The residents would have access to shared kitchens, bathroom/shower rooms, toilets and dining room facilities for the duration of their stay. The proposal would also include use of the front garden area for play and general amenity and use of the rear garden for laundry drying.
- 3 Parking for 4 vehicles is provided on site on an unallocated basis, and pushchair and cycle storage is to be provided within the existing garage at the side of the property.

- 4 The applicant has provided the following information about the proposed use:

'BCP Council has a statutory obligation to provide temporary accommodation for homeless families who approach the Authority for assistance.

Family hostels are used to temporarily accommodate families with children as an alternative to Bed & Breakfast accommodation. The provision of this type of temporary accommodation in the area enables families to continue with their day to day routines, working lives and maintaining school attendance for the children whilst securing a more settled accommodation offer.

Milton House has been identified as a suitable property to provide this much needed temporary accommodation to families and contribute towards reducing costs for the Local Authority in respect of bed and breakfast accommodation and housing benefit costs.

It is important to note that family temporary accommodation differs from larger Houses of Multiple Occupation (HMO) due to its;

- *Family only client group (no singles or people without children are accommodated)*
- *Robust Management Procedures and;*
- *On site and on call support from hostel/housing management staff*

Large HMOs are occupied by multiple households that share facilities such as a kitchen and bathroom.

In the private sector this type of property is used to accommodate any mix of client group but predominantly accommodates singles and couples. Usually, no additional support or management is provided at the property to the tenants.

The risk profile of the client groups and anti-social behaviour issues experienced with operating a large HMO with no management differ greatly from a property owned and operated by the Council providing family temporary accommodation solely to families with children occupying rooms under very strict terms detailed in a Licence Agreement'.

Key Issues

- 5 The main considerations involved with this application are:
- Assessment of proposal against HMO Policies including the following issues:
 - Concentration of HMOs
 - Impact on character of the area and amenities of neighbouring residents
 - Suitability of property for use as an HMO and provision of adequate facilities
 - Provision of amenity space and refuse storage facilities
 - Provision of parking and impact on highway safety
 - Heathland mitigation
- 6 These points will be discussed as well as other material considerations at paragraphs 25 to 50 below.

Planning Policies

Core Strategy (2012)

CS6: Delivering Sustainable Communities
CS16: Parking Standards
CS18: Increasing Opportunities for Cycling and Walking
CS24: Houses of Multiple Occupation
CS33: Heathland
CS41: Design Quality

District Wide Local Plan (2002)

6.17: Houses in Multiple Occupation and Hostels

Supplementary Planning Documents:

Dorset Heathlands Planning Framework SPD 2015
Residential Development: A Design Guide – PGN (2008)
Sustainable Urban Drainage Systems (SUDS) - PGN
Bournemouth Parking – SPD

The National Planning Policy Framework (2019)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits

when assessed against the NPPF. The following chapters and paragraph are relevant to the proposed development.

Relevant Planning Applications and Appeals:

- 1948-4932 – Use as a children's home – granted
- 7-1972-6877-E – Alterations and 2 storey addition to form 3 additional bedrooms, staffroom and office – granted.
- 7-1975-4932-C - Alterations and additions to children's home to form external fire escape and doors – granted.

Representations

- 7 Site notices were posted in the vicinity of the site on 26/03/2019 with an expiry date for consultation of 18/04/2019.
- 8 Additional information was submitted in support of the application, relating to the management of the proposed use and further site notices (blue) were posted to advise local residents of the additional information on 13/05/2019 inviting further comments, with an expiry date of 28/05/19.
- 9 The Management Plan was revised again in August following a meeting with the Case Officer and Police Architectural Liaison Officer. Although there is no statutory obligation to notify neighbouring residents, additional site notices (green) were posted on 15th August advising local residents of the updated Management Report and inviting comments until 21st August.
- 10 38 representations have been received from local residents, from 29 separate addresses raising objections. The issues raised are summarised below:-
 - Concern about additional HMO resulting in an over concentration within the area
 - concern about antisocial behaviour and noise and disturbance from number of families and children, particularly given issues with previous use as a children's home and existing crime and drug related problems relating to other HMOs in the area
 - development would be very high density
 - concern about level of supervision, particularly during the night and at weekends
 - insufficient parking will exacerbate existing parking issues
 - concern about safety of children living at the site as close to busy road and living within close proximity of adults they do not know
 - concern about where children will go to school and that there are no play parks within close proximity of the site

- concern about potential impact on staff and children of nearby nursery, school and language school students from residents of HMOs
- de-valuation of surrounding properties
- installation of CCTV suggests problems are expected with the use
- should have been better notification to neighbours than just two site notices and concern the Council would be granting permission to itself
- suggestion site should be redeveloped for flats or something more appropriate

Consultations

Dorset Police:

- 11 Initially the Crime Prevention and Design Advisor raised concerns about the siting of another HMO in this area increasing existing problems in relation to drug related crime and anti-social behaviour, and potential impact on children passing close to the site on their way to the nearby nursery and school.
- 12 Following a meeting attended by the Crime Prevention and Design Officer and Housing Officers and the submission of a more detailed Management Plan on 13th August, revised comments have been received stating the following:

'This is a temporary placement for homeless families controlled by the Council.

There will be robust assessment of people seeking placement, with the very professional and experienced team working with the families placed into the house. There will be a stringent set of rules governing being allowed to reside at the house, with a proven record of being capable and willing to deal with breaches of those agreements.

Access control will be on an audited fob access system, and there will be CCTV monitoring the site. Outside normal office hours there will be regular visits from a security company, able to respond to issues within an hour around the clock, including weekends. There will always be professional staff members on call.

I now make no objection to this application'.

Highways

- 13 The Highways Officer has advised that the site is within Parking Zone 3. The Bournemouth Parking SPD states that for a HMO in Parking Zone 3 a ratio of 0.18 spaces per habitable room (including kitchens, lounges and dining rooms) would be required. It has been calculated that there are 21 habitable rooms within the premises and therefore to meet the SPD requirements 3.78 spaces would need to be provided. The proposal includes 4 parking spaces to the front of the property and therefore the development would meet the standards of the SPD.

- 14 The provision of a new dropped kerb is proposed to satisfy the requirements of the Council's Waste and Recycling Team to enable the bins to be serviced and ensure compliance with their maximum 10m pull distance. This would result in the loss of one on street parking space. The Highways Officer has advised that he does not consider the loss of this space would have a significant impact on highway safety or demand.
- 15 A cycle store/buggy store is shown on the site plan. The plan indicates 4 Sheffield stands accommodating 8 bicycles, but the Highways Officer has requested a further 3 to provide storage stands to accommodate 14. A condition has been added requiring details of a store that shows accommodation for 14 cycles to be submitted and approved in writing and provided prior to the occupation of the site.

Waste and Recycling

- 16 The Waste and Recycling Team Manager has advised that he is happy with the bin provision proposed subject to weekly collections subject to provision of a dropped kerb within close proximity of the gate to enable compliance with the Council's maximum 10m pull distance requirement.
- 17 A condition has been attached requiring the refuse storage and management to be in accordance with the plans and refuse management plan submitted.

Natural England

- 18 Natural England confirmed that a financial contribution in accordance with the Dorset Heathlands SPD would be acceptable. They also requested that as the proposal does not include any contributions towards biodiversity, swift boxes should be added. Swift boxes are an RSPB biodiversity priority within the built environment due to current declining numbers of swifts. A condition has been added requiring swift boxes to be added.

Constraints

- 19 There is a Tree Preservation Order which covers six trees within the rear part of the site. However, the development does not include any building work that would encroach into this area.

Planning Assessment

Site and Surroundings

- 20 The site is located within an established residential area originally characterised by large villa houses set within generous plots. Whilst some of the original villa houses remain in use as single dwellinghouses, a number have been converted to flats. In more recent years many of the original villas have been replaced with more modern and purpose-built blocks of flats.

- 21 Whilst Wellington Road is a fairly busy road linking Charminster to the Springbourne/town centre area of Bournemouth, it retains a leafy, suburban character, with a significant number of mature trees.
- 22 Milton House sits at the corner of Wellington Road and Milton Road. It has a low wall and hedge to the front boundary addressing Wellington Road and part low wall and hedge and part fence to Milton Road.
- 23 The application property is an original villa house that has been extended over time. The property is currently vacant but its last use was as a children's home, a use that was established in 1948.
- 24 There is an existing garage on the site which is proposed to be used to house cycles and pushchairs. Parking is proposed on the existing hard standing to the front of the site. There is also an existing bin store adjacent to the western boundary, behind the fence to Milton Road and it is proposed to utilise this area for bins serving the proposed use.
- 25 The property retains gardens to the front and rear of the property. The Management Plan states that the front garden would be used for play and general amenity, whilst the rear garden would be used for drying clothes only.

Key Issues

Assessment of proposal against HMO Policies

Core Strategy Policy CS24: Houses in Multiple Occupation (HMO) Policy

- 26 The 'Bournemouth District Wide Local Plan: Core Strategy' includes a policy relating specifically to the use of premises as HMOs. The policy was introduced to provide a threshold for HMOs across the borough so that where applications for new HMOs are received, permission can only be granted where it would not result in more than 10% of dwellings within a 100m area around the application site being in use as HMOs.
- 27 There are 221 dwellings (including flats and houses) within the 100m area around the application site, and 5 of these are identified as being existing HMOs. Therefore, the percentage of HMOs within the 100m area is 2.26%, well below the 10% stipulated within the policy. The proposal would therefore meet the requirements of Policy CS24.

Bournemouth District Wide Local Plan Policy 6.17

- 28 Policy 6.17 of the Bournemouth District Wide Local Plan relates specifically to HMO development. The policy states that HMOs and hostels will only be permitted where a number of conditions (as set out below) are met:

Criterion i)

the proposal is compatible with the existing character of the area and the amenities of neighbouring residents will not be adversely affected by noise,

overlooking, lack of privacy or general disturbance, having regard to the nature of the use and the levels of activity which would likely be generated;

Character

- 29 The application does not include any extensions or additions to the existing property and therefore there would be limited impact on the visual character of the area or appearance of the street scene. The area is residential in character and therefore the proposed use would be in keeping with existing surrounding uses.
- 30 Surrounding properties are in use as a mix of houses and flats. Flat blocks on this part of Wellington Road range in size from 7 to 17 units. The proposed use for 14 family units is therefore not considered to be uncharacteristic in terms of number of residents and intensity of use.

Noise and disturbance

- 31 Neighbouring residents have raised concerns about potential noise that would be created by occupiers of the HMO. The main entrance would be to the front of the site with access being from Wellington Road and therefore set away from properties at the rear. The rear elevation of the property is 11m from the rear boundary. The Management Plan states that the rear garden area will only be used for clothes drying and that any recreation shall take place within the front garden only. It is considered the distances and limiting the use of the rear garden would ensure noise is minimised.
- 32 In addition, the Management Plan confirms that there would be curfew after 10pm and that the following rules will be enforced in relation to the outside space:
- residents only within amenity space
 - no unaccompanied children
 - no fitted play equipment
- 33 The Management Plan also states that there is a zero-tolerance policy to antisocial behaviour. There would be staff on site between the hours of 09:30 and 16:00 hours Monday to Friday. Outside of these hours the Council would employ a security company to undertake regular patrols at random times, between 4-5 times per day during out of office hours including at weekends.
- 34 The Management Plan states that local residents would be provided with contact details for both Council staff and the out of hours security company in case of any issue and that the response time to call outs from both staff and the security team would be within 60 minutes.

- 35 There is a gap of 14.5m between the application property and the 'Watergardens' flats to the southeast. The garden area to the front would be the other side of the driveway and so a significant distance from these flats.

Overlooking/lack of privacy

- 36 The site is a corner plot with northwest and southwest boundaries fronting the street with Milton Road to the northwest and Wellington Road to the southwest.
- 37 The site is bounded to the northeast by a detached garage associated with one of the flats at 60 Portchester Road. There is more than 30m separation distance between the application property and the main building at 60 Portchester Road and the development does not propose any additional extensions or windows and the rearmost elevation is 11m from the boundary. The amenity space associated with the flats at 60 Portchester Road would currently be overlooked by the flats themselves and it is not considered that the proposal would result in any detrimental increase in overlooking.
- 38 The site is bounded to the southeast by 'Watergardens', a block of flats with a gap of 14.5m between the nearest parts of the two properties. There is good spacing and no additional windows are proposed to the facing elevation. Therefore, it is not considered that there would be a detrimental increase in overlooking.

General disturbance

- 39 Local residents have raised a number of concerns about the proposed use. The main concerns relate to anti-social behaviour and exacerbating the existing drug related crime in the area.
- 40 The Police have identified that this area is a hotspot for drug related crimes including possession and dealing. Both the Police and local residents have related this issue with existing HMOs within the area. HMOs

Criterion ii)

in the case of conversion of an existing property, unless its existing use is non-residential and it is adjacent to other appropriate non-residential properties, it should be a substantial detached building which at present provides a minimum of seven habitable rooms, a kitchen and adequate bathroom and toilet facilities

- 41 Milton House is a large detached property. The plans indicate the provision of 4 shared kitchens, 5 bathroom/shower rooms and 6 separate toilets

Criterion iii)

the property has a defined garden or amenity area capable of being used for activities associated with residential use (e.g. clothes drying area and sitting out area) and of a size appropriate to the number of occupiers and the

location of the property. There should also be an adequate area provided for the storage of refuse

- 42 The site is set within a fairly large plot with ample amenity space. A plan has been provided which indicates that the front area of garden would be utilised for general amenity and the rear garden used for clothes drying. The site block plan also shows details of a refuse store adjacent to the northwest boundary and the existing garage to be used to house cycles and pushchairs. It is considered that the amount of amenity space and refuse storage provision would be sufficient to address the needs of future occupiers and therefore the proposal would meet the requirements of criterion iii).

Criterion iv)

on-site parking requirements will be assessed taking into account:

- *the scope for parking to be successfully designed into the scheme;*
 - *the anticipated demand for parking;*
 - *highway safety and the free flow of traffic;*
 - *the availability of public transport in the area*
- 43 The Highways Officer has considered the proposal and advised that he is satisfied with the parking levels proposed and that they are considered to meet the requirements of the Parking SPD which would require a ratio of 0.18 spaces per habitable room (3.78 in total). The proposal includes 4 parking spaces and is therefore considered to meet the requirements of the policy. These parking spaces would be provided on an unallocated basis and a condition has been added in respect of this.
- 44 The proposed parking would utilise an existing access and parking area and it is not considered there would be a detrimental impact on existing traffic flows or highway safety.
- 45 The site is close to both Bournemouth town centre and Charminster for access to shops and services, with regular bus services from the numbers 3, 4 and 5 along Lansdowne Road with a stop a short distance from the property. It is also well linked to the train station which is a short distance away.
- 46 For the above reasons it is considered that the proposal would satisfy the requirements of criterion iv).

Heathland Mitigation

- 47 The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken

with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.

- 48 Therefore as of 17th January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. In this case Natural England have confirmed that they would expect to see a financial contribution for each family room in the same way that contributions are required for new residential units. The financial contribution in this case would be £ 4,970.00, plus £248.50 administration fee.
- 49 Natural England have also requested that at least one swift brick/box per room should be installed in line with the NPPF which states that opportunities to incorporate biodiversity improvements in and around development should be encouraged.
- 50 A swift box per room is appropriate in this situation as a biodiversity enhancement. Swifts are well adapted to nesting in swift boxes in the urban environment and are an RSPB biodiversity priority for the built environment due to their current declining rates. Other biodiversity enhancements are unlikely to be effective due to the location of the application site and the absence of advice from a qualified ecologist.
- 51 A condition has been added requiring details of the swift boxes to be provided and that they shall be installed prior to the occupation of the building for the proposed use.

Summary

- 52 It is considered that:
- The proposed use is required to enable the Council to meet its statutory obligation to provide temporary accommodation for homeless families who approach the Authority for assistance
 - The proposed change of use of the property to one of multiple occupation would meet the requirements of Policy CS24 of the Core Strategy in terms of ratio of HMO properties within the defined 100m area around the site
 - The proposal does not include the addition of any extensions or external alterations to the existing property
 - The Management Plan provided is considered to satisfy the local planning authorities that the development would be managed in such a way that it would not result in detrimentally adverse impact on the amenities of residents of neighbouring properties
 - The proposal includes retention of the 4 existing parking spaces which is considered to meet the requirements of the Parking SPD
 - The details of bin storage and management are considered to be acceptable to meet the requirements of the development and ensure rubbish will be properly housed and not result in an environmental nuisance

Planning Balance

- 53 The application seeks planning permission for change of use of the existing premises to form an HMO to provide temporary accommodation for homeless families. The management of the property and outdoor space, as detailed in the Revised Management Plan is considered to be sufficient to ensure that there will be no harmful impact on the amenities of neighbouring residents and that the development would not have a detrimental impact on the wider character of the area.
- 54 Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character of the area or the amenities of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

GRANT permission with the following conditions, which are subject to alteration/addition by the head of planning services provided any alteration/addition does not go to the core of the decision and the completion of a Section 106 Agreement with the following terms:

Section 106 terms:

Heathlands mitigation	£ 4,970.00
Heathlands admin	£ 248.50

Conditions:

1. Development to be carried out in accordance with plans as listed

The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg 01 Rev B Existing and Proposed Floor Plans
Dwg 02 Rev B Site, Location, Buggy/Cycle Store and Refuse Store Plans
Dwg 03 Existing and Proposed Elevation Plans - East and North Elevations
Dwg 04 Existing and Proposed Elevation Plans - West and South Elevations
Site plan indicating proposed use of external areas, received 20 August 2019

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

2. Use in accordance with Management Plan

The use of the property as a HMO for homeless families shall operate in accordance with the details within the 'Updated Management Plan', dated 9th

August 2019, which forms a part of this planning permission, at all times unless otherwise agreed in writing by the local planning authority.

Reason: That otherwise the proposed development would be unacceptable to the Local Planning Authority and in the interest of protecting the amenities of neighbouring properties in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy, October 2012 and Policy 6.17 of the Bournemouth District Wide Local Plan, February 2002.

3. Use of Outdoor Areas

The Outdoor areas shall be used in accordance with the approved 'site plan indicating use of outdoor areas', received 20th August 2019 and as stated within Section 13 'Management of Outdoor Amenity' of the 'Updated Management Plan' dated 23rd September only, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of neighbouring properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

4. Parking Spaces to be Unallocated

All residential car parking spaces shown on the approved plans shall be made available for any resident of the development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.

Reason: In the interests of highway safety and quality design in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

5. Cycle Store

Notwithstanding the details on the submitted plans, prior to first occupation of the development hereby approved, details of a secure, fully enclosed, brick-built and walk-in cycle store for at least 14 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall have a lockable door(s) and keys should be made available to all residents. It should also contain a sufficient number of Sheffield stands, spaced at 1000mm centres, and 550mm should be allowed between the store walls and the adjacent edges of the Sheffield stands, to enable the required number of cycles to be stored and each cycle shall be accessible and not obstructed by other cycles in the store. The cycle store shall be in an accessible location and have internal and external illumination and adequate lighting shall be provided along the route to the store. Works shall be carried out in accordance with the approved details and completed prior to occupation of the development hereby approved. The cycle store and associated lighting shall thereafter be retained, maintained and kept available for the residents of the development.

Reason: In the interests of highway safety, to promote alternative means of transport and in accordance with Policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

6. Refuse Storage and Management

Refuse and Recycling Waste shall be stored and managed in accordance with the details of the 'Revised Refuse Management Plan' dated 23rd September 2019.

The bin stores hereby approved shall be constructed in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.

Reason: To safeguard the amenities of occupiers of adjoining and nearby residential properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

7. Swift Boxes/Bricks

Prior to commencement of the use hereby approved, details of the design and location of 14 swift boxes/bricks shall be submitted to and approved in writing by the local planning authority.

The swift boxes/bricks shall be installed at least 5 metres high on a wall in clear airspace away from hazards and rodent access routes (e.g. creepers) and preferably immediately underneath overhanging eaves and roofs, with the top of the box flush with the roof's lower surface. They should be fitted in shade or on the north/northwest facing sides of the building

The swift boxes/bricks as approved shall be installed prior to the first occupation of the building for the approved use.

Reason: In the interest of ensuring a net gain in biodiversity and in accordance with paragraphs 8, 170 and 175 of the National Planning Policy Framework, February 2019.