



# Planning Committee

Application Address	41 Thistlebarrow Road, Bournemouth, BH7 7AL
Proposal	Change of use from dwellinghouse (Use Class: C3) to 6-bedroom House in Multiple Occupation (HMO) (Use Class: C4) with associated access and parking, including formation of garage, cycle and bin store.
Application Number	7-2024-22978-B
Applicant	Ms D. Kaddah
Agent	Mr Chris Miell MRTPI
Ward	Littledown & Iford
Report Status	Public
Meeting Date	8 <sup>th</sup> July 2024
<b>Summary of Recommendation</b>	<b>Approval subject to conditions</b>
Reason for Referral to Planning Committee	Councillor Call in as proposals are considered to be out of character in the context and additional parking pressures due to intensification of the use of the property.
Case Officer	Natasha McCann
Is the proposal EIA Development?	No

## Description of Development

1. Planning consent is sought for change of use from dwellinghouse (Use Class: C3) to 6-bedroom House in Multiple Occupation (HMO) (Use Class: C4) with associated access and parking, including formation of garage, cycle and bin store.

## Key Issues

2. The main considerations involved with this application are:
  - Impact on character and appearance of the area;
  - Impact on immediate neighbours;
  - Impact on the highway.
3. These points will be discussed as well as other material considerations throughout this report.

## **Planning Policies**

### **4. Core Strategy(2012)**

Policy CS4 – Surface Water Flooding

Policy CS16 – Parking Standards

Policy CS17 – EV

Policy CS18 – Cycling

Policy CS24 – Houses of Multiple Occupation

Policy CS33 – Heathlands – *Not required for HMO's 3-6 People*

Policy CS38 – Minimising pollution

Policy CS39 – Designated Heritage Assets

Policy CS41 – Quality Design

### **District Wide Local Plan**

Saved Policy 6.17 – Houses in Multiple Occupation

### **Supplementary Planning Documents:**

BCP Parking Standards SPD (2021)

Waste and Recycling Guidance

### **The National Planning Policy Framework (2023)**

The National Planning Policy Framework (NPPF) sets out the government strategy to achieve sustainable development. The framework is relevant to the current application and issues relating to the economy, ensuring the vitality of town centres, sustainable transport, high quality communications, housing, flooding/climate change, good design, promoting healthy communities, protecting green belt land, and conserving the natural and historic environment will be dealt with in the report where relevant.

- *The National Planning Policy Framework is the key national planning guidance. Within this it sets out the need for 'Achieving well-designed places'. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and in creating better places in which to live and make development acceptable to communities. Good planning decisions should ensure developments will function well and add to the overall quality of the area.*
- *This should be not just for the short term but over the lifetime of the development. They should be visually attractive as a result of good architecture and layout. They should be sympathetic to local character including the surrounding built environment and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and*

*the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

### **Relevant Planning Applications and Appeals:**

- 7-2006-22978: Alterations extension at 1st floor level of dwellinghouse and formation of dormer window. Planning permission granted on 12th February 2007.
- 7-2007-22978-A: Formation of dormer window on side and retrospective application for dormer window on front. Planning permission granted on 23rd January 2008.

### **Representations**

5. Site notices were posted in the vicinity of the site on 25/03/2024 with an expiry date for consultation of 17/04/2024. 15 objection comments have been received and are summarised below:
  - Out of keeping with the residential character of the area
  - Noise and disturbance
  - Refuse/waste issues
  - Loss of privacy
  - Anti-social behaviour
  - Diminishing of the single family dwelling nature of the area
  - On street parking restrictions
  - Congestion
  - Burden on local services
  - Impact on access for emergency services (congestion)
6. The comments received shall be taken into consideration during the assessment of the application and discussed further below.
7. It is also noted that this application was called in by Councillor Lawrence Williams.

### **Consultations**

8. Consultations were raised with Environmental Health and Waste and Regulation but no responses were received.

### **Constraints**

9. No relevant site constraints.

### **Planning Assessment**

#### **Site Location and Proposal**

10. The site is occupied by a detached, two storey dwelling with front projecting bay windows under a hipped roof form. The property benefits from a loft conversion with dormer windows to the front and side elevation. The building has a render finish with concrete roof tiles. To the side of the dwelling there is a single storey garage. The property is set back from the road and features a large forecourt parking area. The front boundary is defined by a low wall and two conifer trees. The rear garden is lawned with mature planting to the rear boundary adjacent to the football stadium.

11. Vehicular and pedestrian access to the dwelling is provided via Thistlebarrow Road. The front door of the dwelling is located on the side elevation. The application site is located in the Kings Park area of Bournemouth close to the Vitality Stadium. The area is predominately residential in character with good access to local services and facilities within Springbourne, Boscombe and Pokesdown. The dwellings along Thistlebarrow Road are typically detached properties from the interwar period.

Principle of a C4 Use & impact on the character of the area

12. In terms of the impact on the visual amenity of the area, the proposal does not include any external alterations and as such is not found to harm the street scene or appearance of 41 Thistlebarrow Road.
13. Planning permission would not normally be required for the change of use to Class C4. However, the Council made an Article 4 Direction on the 15th December 2010 under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended. An 'Article 4 Direction' is a planning tool that can be used to remove permitted development rights from a particular type of development. The Direction relates to development consisting of a change of use of a building to a use falling within Class C4 (houses in multiple occupation), from a use falling within Class C3 (dwellinghouses) and removes permitted development rights for this type of development from when the Direction came into force on the 16th December 2011.
14. Therefore, planning permission is required for any change of use from Class C3 to Class C4. As the Council has issued an Article 4 Direction to prevent these types of development taking place without planning permission, consideration must be given to the reasons behind this. In introducing the Article 4 direction the Council considered that the concentration of HMO properties was causing tension to existing residents. Commonly, University and coastal towns experience higher rates of HMO uses and consequently higher rates of associated negative impacts on the amenities of local residents and on the character of the area.
15. These tensions and issues are recognised nationally and can include anti-social behaviour; noise and nuisance from properties and on the street; imbalanced and unsustainable communities; negative impacts on the physical environment and streetscape; pressures on parking provision; untidy gardens; higher than average occurrence of to-let boards and the accumulation of rubbish. Even though high concentrations of HMO uses are associated with specific wards, a Borough-wide Article 4 Direction was introduced to avoid high concentrations of HMOs in certain areas. A Borough-wide approach therefore enables the Council to deal with problems associated with concentrations of HMO uses in a timely fashion controlling the emergence of new concentrations of HMO uses and limiting additional numbers in areas already impacted upon.
16. Policy CS24 of the Bournemouth Core Strategy refers to Houses in Multiple Occupation. This states that the change in use of Class C3 to Class C4 will only be permitted where no more than 10% of dwellings in the area adjacent to the application property are within Use Class C4 or larger 'Sui Generis' HMO use. In light of this policy an assessment of the existing numbers of HMO uses has taken place, which involves using a data base of registered HMO uses, examining Council Tax exemptions for student housing, and other data, as well as a site visit to the area. This assessment determines if there are a high number of HMO uses in the

locality. It is difficult to be precise in the identification of HMO uses, but the variety of assessment measures builds up a picture.

17. Assessing the proposal in line with the policy identifies that there is one publicly registered and licenced HMO within the 100m of the application site to the street that form part of the policy requirement; 24 Littledown Avenue. 73 dwellings have been identified within the 100m policy radius,
18. Out of the 73 dwellings identified within the 100m policy radius, this one HMO would result in 1% of the residential units being HMO accommodation. Taking into account the flatted nature of some of the buildings further reduces the percentage of HMO units within the assessment zone. Therefore, a new HMO use would therefore be acceptable in principle based on the requirements of Policy CS24, which aims to restrict concentrations of HMO uses below 10% to maintain a balanced population. It is considered that the point has not been reached where the character of the area and balance of the population are becoming affected in the immediate area. The proposal is considered to accord with policy CS24.

#### Impact on neighbouring residents

19. The proposal does not include additional building mass or changes to windows. It is acknowledged that upper level windows will now serve habitable rooms compared to predominantly bedrooms when in use as a house, however it is noted that upper level windows face forwards towards the street scene and rearwards towards AFC Bournemouth's football ground. As such, the proposal would not result in any adverse overbearing, overshadowing or overlooking / loss of privacy impacts to the neighbouring properties.
20. The siting of a small bike store to the front garden and bin stores adjacent the side of the dwelling does not give rise to adverse impacts on neighbouring residential amenity.
21. HMO accommodation frequently give rise for concern about noise, parking, waste etc. In this instance the intensification is acknowledged and invariably there will be more activity associated with the premises, however the intensification is modest and it is considered that the use of the property as a Class C4 HMO would not in this case increase vehicular parking / access intensity of use to a materially harmful degree from that of a large C3 single-household dwelling. Absence the Article 4 Direction this type of proposal would ordinarily constitute permitted development. As such, the proposal is considered acceptable in terms of neighbouring amenity and compliance with CS 41 of the Core Strategy is achieved.

#### Living Environment for Future Occupants

22. The proposal would provide 6 bedrooms, 1no bathroom, 3no ensuites, 1no kitchen and 1no lounge area. Each of the habitable rooms would be provided with sufficient day/light and outlook, would afford sufficient communal living space for the 6no bedroom occupants and would provide an outdoor amenity space to the rear. The proposal is therefore considered to accord with CS 41 of the Core Strategy.

#### Parking/traffic/highway safety

23. Table 12: C4 HMO of the Parking Standards SPD is relevant to this application. The table states that a HMO for up to 6 unrelated residents should have cycle parking on

a 1 cycle parking space per bed space ratio. Cycle store details have been provided and show sufficient parking for six bikes across two stores, one to the front garden and the remainder in the garage. Furthermore, table 12: C4 HMO states that a HMO should have car parking for 1 vehicle. The site benefits from car parking to the front of the site which meets these requirements set out in the SPD. In conclusion, the Local Highway Authority raises no objections to the change of use subject to a condition relating to cycle parking.

## **Summary**

24. It is considered that:

- The development would not result in an over-concentration of HMO uses
- The development would not be harmful to the character and appearance of the area
- The development would not be harmful to neighbouring residents
- The development would not on its own have any significant highway impacts.

## **Planning Balance**

25. The change of use would satisfy the requirements of Policy CS24 in terms of the number of HMO uses in the assessment zone and would not be an over intensive use of the site. The living conditions of future occupiers is considered acceptable and the proposal is not found to result in undue harm to neighbouring amenity. No concerns are raised in terms of highway safety.

26. 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 or appearance of the area or the amenities of neighbouring and proposed 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**

### **27. GRANT**

#### **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:

400-346-01  
400-346-02  
400-346-03  
400-346-04  
400-346-05

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

#### **2. Cycle Store**

Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter kept maintained in a manner sufficient to ensure that the bicycle store is safe and secure to use and the bicycle store shall at all times be available for use by all the households of development hereby permitted.

Reason: To promote alternative modes of transport and in the interests of amenity in accordance with Policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

3. Before development commences unless agreed in writing by the Local Planning Authority details of a screened refuse bin store suitable for the housing of bins showing the site location, elevations and materials to be used in the construction of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved store shall be completed prior to the occupation of any of the units of accommodation granted by this permission and shall be retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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).

4. **INFORMATIVE NOTE:** This consent gives permission for a House in Multiple Occupation for 3-6 persons under Class C4 of the Use Classes Order. The maximum number of occupants permitted is therefore six, and any more would constitute a change of use for which further planning permission would be required.

#### **Background Documents:**

#### **Case File – ref 7-2024-22978-B**

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.