

Planning Committee

Application Address	87 St Georges Drive, Bournemouth, BH11 8NY
Proposal	Change of use of existing (Class C3) residential to (Class C4) HMO for 6 persons.
Application Number	7-2024-29113
Applicant	Dr T Fakorede
Agent	Studio Essen Ltd
Ward and Ward Member(s)	Cllr Marcus Andrews Cllr David Brown Cllr Richard Burton Bearwood and Merley
Report Status	Public
Meeting Date	16 January 2025
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	23 Objection letters
Case Officer	Adam Davies
Is the proposal EIA Development?	No

Description of Proposal

1. Planning consent is sought for a change of use of existing (Class C3) residential dwelling to (Class C4) House in Multiple Occupation (HMO) for 6 persons.
2. The proposal would require alterations to the external front elevation and removing an existing garage door and replacing this with a proposed window of same design and stature to match the existing street scene frontage.
3. The applicant would provide additional En-Suite functions to dedicated rooms and convert the existing garage into a dedicated bedroom.
4. The plans also show the introduction of kitchen points / kitchenettes to bedrooms 1 and 2 on the second floor.

5. Plans submitted illustrate a cycle store to the rear, with access via a rear accessway, and refuse storage facility to the front. The applicant has served notice under Certificate B during the application process as the rear access pathway to the highway is in varied ownership.
6. A pre-app enquiry (PRE-29113) was conducted in February 2024 and a written reply in June 2024. Following this pre-app advice, the HMO use has been reduced from 10 persons to 6 persons.

Description of Site and Surroundings

7. St Georges Drive is an earlier 2000's housing estate located in north-west Bournemouth, off Ringwood Road. The application site is set on the Eastern end of St Georges Drive and is located in the middle of a row of four terrace with two parking spaces located to the front of the property. To the rear is a garden and rear access pathway that leads east onto a shared surface cul de sac and south west onto the adopted highway. The properties within the development are mainly two and three storey terrace and semi – detached properties. The area surrounding the site is largely family residential properties.

Relevant Planning History:

8. **7-2000-16-BQ** – Erection of 100 dwellinghouses, formation of vehicular access roads, parking areas and open space – Granted
9. **PRE29113** - The proposal is to change the existing dwelling listed as C3 class usage into Sui Generis and form an HMO status building with accommodation for 10 persons.

Constraints

10. There are no site specific constraints.

Public Sector Equalities Duty

11. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

12. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
13. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
14. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the "general biodiversity objective".

15. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.
16. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

17. Highways – No Objection

The site is located on St. Georges Drive, within Zone D, which requires specific provisions for parking and cycle storage for HMO properties, table 12 C4 HMOs refers. Highway Comments The property provides two parking spaces at the front of the property, which exceeds the one parking space required for a 6-bedroom HMO under the SPD. This ensures sufficient parking for the proposed development. Cycle Parking The plans include provision for cycle storage for 6 cycles, located in the back garden. This meets the SPD requirement of one cycle store per bedroom, ensuring compliance with sustainable transport provisions. The cycle store must be installed and ready for use before the HMO is occupied. The proposal includes a secure and lockable bin store in the back garden, accommodating two 240-litre general waste bins and one 240-litre recycling bin. This ensures that the bins are not left out on the public footway and can be returned to a specified location following collection. The proposal meets the necessary requirements for parking, cycle storage, and bin stores. As such, there are no objections to the development from the Local Highway Authority.

Fire & Rescue – Recommendations

At this stage of the planning application Dorset & Wiltshire Fire and Rescue Service is required to make comment relating to section B5 of Approved Document B. Essentially, this relates to the provision of reasonable facilities to assist fire fighters within the building and to enable fire appliances to gain access to the building.

Complying with these requirements, in advance of the formal Building Regulations consultation process, will assist with the process and are made without prejudice to it.

Environmental Health – No Comment

Waste & Recycling – No Objection

A House of Multiple Occupancy would be issued with a standard household allocation of 1 x 180 litre refuse bin, 1 x 240 litre recycling bin, and a 23 litre capacity bin for food waste.

Larger HMOs with 5 or more people living in them may also apply and pay for additional bins (1 x 180 litre refuse bin and 1 x 240 litre recycling bin). If the HMO generates more waste than the standard and the additional allowance, the landlord/managing agent must either arrange for the removal of the waste themselves, or pay a registered waste carrier to do so. The landlord would need a waste carrier's licence to remove the waste themselves, and pay for waste disposal at a licenced facility such as our household recycling centres.

An occupant of the proposed dwelling will need to ensure the bins are presented for collection at the kerbside and returned to the property boundary following emptying.

The plans are suitable from a Waste Collection Authority perspective.

Representations

18. Site notices were posted in the vicinity of the site on 07/08/2024 with an expiry date for

consultation of 28/08/2024.

23 letters of objections were received, 2 of which, residents lived over a mile away, which have not been included within the summary of objection comments below: -

- *Noise pollution to neighbouring properties*
- *HMO out of character with the area*
- *Increase in Traffic congestion on narrow road*
- *Parking issues from increase in number of residents*
- *Not enough parking spaces*
- *Not enough additional bins*
- *Alter the character of the area*
- *Loss of family dwelling*
- *Family home not suited for multiple occupants*
- *HMO will lead to anti-social behaviour, vandalism and poor maintenance*
- *HMO negative effect on character of neighbourhood*
- *Properties not designed to have kitchenettes on second floor*
- *Breaching restrictive covenants*
- *Impact in property valuation*

Key Issue(s)

19. The key issue(s) involved with this proposal are:

- Principle of the HMO use
- Impact on character and appearance of the area
- Impact on neighbouring residents
- Parking/traffic/highway safety considerations
- Waste and Recycling
- Living conditions for future occupiers

20. These issues will be considered along with other matters relevant to this proposal below.

Policy context

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the:

Bournemouth Local Plan: Core Strategy (2012)

Local documents:

CS16 – Parking Standards
CS18 – Increasing Opportunities for Cycling and Walking
CS24 – Houses of Multiple Occupation
CS41 – Quality Design

Supplementary Planning Documents

BCP Parking Standards SPD (2021)
Waste and Recycling Guidance
Dorset Heathlands Planning Framework SPD 2020

22. National Planning Policy Framework (“NPPF” / “Framework”) 2024

Section 12 - Achieving well-designed and beautiful places

Planning Assessment

Principle of the HMO use

23. A change of use is sought for the property from a residential dwellinghouse to a Class C4 HMO with proposed external alternations to the ground floor fenestration involve removing an existing garage door and replacing this with a proposed window of same design and stature to match the existing street scene frontage.
24. Planning permission would not normally be required for the change of use to 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. Therefore, planning permission is required for the change of use from Class C3 to Class C4.
25. 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. 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 HMOs are associated with specific wards, a Borough wide Article 4 Direction has been introduced in order to limit the likelihood of the impacts associated with concentrations of HMOs being dispersed to other parts of the town. A Borough wide approach therefore enables the Council to deal with problems associated with concentrations of HMOs in a timely fashion controlling the emergence of new concentrations of HMOs and limiting additional numbers in areas already impacted upon.
26. Policy CS24 of the Bournemouth Core Strategy refers to Houses in Multiple Occupation. Saved Policy 6.17 of the District Wide local Plan 2002 (DWLP) has not been engaged with this proposal as this is aimed at larger HMO uses. Policy CS24 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. Assessing the proposal in line with the policy identifies no properties within 100m of the application site on the streets that form part of the policy requirement. The adjacent roads include:-
- St Georges Drive
 - Stillmore Road

27. In this particular case the area generally contains traditional family sized houses and is not within the catchment area typically associated with university students and HMO properties. Reference to available records and the above data HMO catchment map identifies that the number of known HMOs dwellings in the catchment area are 0 and records show that no HMOs have been granted planning permission in the identified area, and therefore, the officer finds this proposal to be acceptable in principle, and in accordance with policy CS24.

Impact on character and appearance of the area

28. In terms of the impact on the visual amenity of the area, the proposed external alterations to the ground floor fenestration involve removing an existing garage door and replacing this with a proposed window of same design and stature to match the existing street scene frontage. This is considered acceptable and not found to harm the street scene or appearance of St Georges Drive or the wider character. This has been completed on the neighbouring property (No 86 St Georges Drive and No 85 St Georges Drive). The applicant has amended the original bin storage facility to ensure that no windows or doorways will be blocked.
29. The proposed use of a C4 HMO would introduce a more intensive occupation with a more transient resident and potentially short-term occupants. However, in this location and as there is not an overconcentration, the application is considered to safeguard the character and appearance of the area, in accordance with CS24 and CS41 of the Core Strategy. As this is a C4 use and there is not an overconcentration the impact will be compatible with the density in this residential location.
30. The proposed bin store is split in two and located outside of the front of the property. These will be viewed from the street; however, visual impact will be minimal and would not have a negative impact on the character and appearance of the area.
31. The neighbouring dwellings have parking areas to the front of the dwellings. No changes are proposed to the existing two spaces outside of the front of the property, so the internal changes are not out of keeping with the character and appearance of the immediate area, and therefore, the officer finds this proposal to be acceptable in line with policy CS24 and Policy CS41.

Impact on neighbouring property

32. The changes to the fenestration is not found to result in any undue overlooking or loss of privacy, often HMO proposals generate significant neighbour concerns about noise, parking, waste etc. As per the request within the pre-app, an HMO management plan has been submitted that sets out clear procedures for tenant selection, tenancy agreements and regular inspections to maintain high standards of accommodation. A professional property management company will be appointed to oversee all aspects of the property. The management agent will undertake property inspections every three to six months to assess the condition of the property and ensure that it is being maintained appropriately. By implementing these measures, this will create a harmonious living environment for residents and the surrounding community.
33. No adverse impacts are adjudged from a residential conversion of this building in this siting with the current usage either side. Regarding Policy CS24 and its supporting text for HMO uses, an overconcentration of HMO uses within a locality can result in a cumulatively materially harmful degree in the view of the LPA if such would exceed 10%. In this case, the local HMO saturation rate is considered very low around the application site.
34. It is therefore considered that the use of the property as a HMO in principle here would not in this case result in adverse HMO-associated activity / use concerns to a degree that would be detrimental to the neighbouring properties.

35. As mentioned previously, more intensive occupation with more transient residents and potentially students could result in an impact on neighbouring residents. However, the current legislation for permitted change of use suggests that a C4 use is similar in terms of intensification to a single dwelling house except in areas where there is an overconcentration. However, in this location and as there is not an overconcentration, the application is considered to safeguard the amenities of local residents, in accordance with policy CS24 and CS41 of the Core Strategy.

Parking/traffic/highway safety considerations

36. The proposal includes the provision of 2 parking spaces to the front of the property and a 6-cycle store to the rear of the property and refuse storage to the front. Access to the cycle storage will be via a private rear access pathway off St Georges Drive. Both storage facilities are made from timber in a honey brown colour with roof felting. No objections were raised from highways or waste and recycling.
37. According to the BCP Parking Standards SPD 2021, a C4 HMO for up to 6 unrelated residents should provide cycle parking at a ratio of 1 cycle parking space per bed space. The proposed cycle store is shown to house 6 cycles which is deemed acceptable, and a condition should be included to ensure its installation prior to the commencement of the HMO use.
38. As there are no proposed changes to the 2 existing spaces to the front of the property, this meets the standards as set out in the BCP Parking Standards SPD 2021.
39. The car parking spaces and cycle storage area provided is in line with the policy requirements CS16, CS18 and BCP Parking Standards SPD (2021), which is considered acceptable.

Waste and Recycling

40. The proposed site plan shows two bin storage facilities which has the capacity to store 2 x 180 litre refuse bin, 2 x 240 litre recycling bin and 1 x 23 litre capacity bin for food waste as requested by the waste and recycling team.

Living conditions of future occupiers

41. This scheme proposes three bedrooms with two per person room occupancy levels that has been specified. All rooms are above the national minimum standard size for HMO use. The following make up of rooms would be offered: -
- **Lower Ground Floor:** Bedroom 3 (double sized – 15m²) with a separate shower room and w/c, 1 kitchen / diner.
 - **First Floor:** Communal living room with shared bathroom, storeroom with wardrobe space.
 - **Second Floor:** Bedroom 1 (13m²) and 2 (12m²) are double bed sizes with wardrobe space and kitchenette fixings/points, 1 x ensuite (bedroom 1) and 1 x shared bathroom.
42. Most of the habitable rooms (all facing forward or rear in this mid-terrace 3 storeyed house) would have clear vertical outlooks and daylight.

Heathland Mitigation

43. 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.

44. 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. However, in this case, no contribution is required because the contribution for a Class C4 HMO (up to 6 residents) is the same as that for a single dwelling having regard to Appendix B of the Dorset Heathlands Planning Framework 2020-2025.

Planning Balance / Conclusion

45. Overall, it is considered that the proposal is not adjacent or located within 100m “*of more than 10% of dwellings*” that “*are within a Use Class C4 or Sui Generis HMO use*” as set out within Policy CS24 of the Core Strategy and therefore the change of use would not lead to an overconcentration of such uses and cause significant impact to neighbouring properties.
46. As per a request within PRE29113, an HMO management plan has been submitted that sets out clear procedures for tenant selection, tenancy agreements and regular inspections to maintain high standards of accommodation. It is also considered that with minimal changes to the fenestration and introduction of bin storage to the front of the property, this would not cause any visual impact and acceptable in line with policy CS41 of the core strategy and Waste and Recycling guidance.
47. The proposed development is considered to have an acceptable impact and respects the established character and appearance of the surrounding area. The proposed development would have an acceptable impact on neighbouring amenity and provides an acceptable standard of accommodation for future occupants
48. Therefore, having considered the appropriate development plan policy, 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

49. ***GRANT permission for the reasons as set out in this report subject to the following 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:

SGD-PL-103 Rev:C – Block Plan, Location Plan, Site Plan, Cycle Store, Refuse Store A
SGD-PL-102 Rev:B - Proposed General Arrangement

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

2. Cycle Storage

Before the change of use commences, the cycle parking facilities shown on the hereby approved plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

3. Provision of Refuse Bin Store

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 preserve the visual amenities of the locality in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

4. Parking

Prior to the occupation of the development hereby approved, the parking area shown on the approved plan shall be in place in accordance with the approved details and permanently retained and kept available for the residents of the development hereby permitted at all times.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

Informatives

Informative Note: Noise insulation

Your attention is drawn to the problems of noise transmission between dwellings in multiple occupied houses and other buildings. In the course of the preparation of design plans and specifications for the proposed development, you should have regard to the minimum standards specified in Building Regulations 2000 Approved Document E: Resistance to the passage of sound and other publications. Further advice on this matter is available from Environmental Health and Consumer Services.

Informative Note: Registration required with Environmental Health

The property subject to the application will be a House in Multiple Occupation under the provision of the Housing Act 2004. It is a requirement that these premises be registered with Environmental Health and Consumer Services. In addition, the property must comply with the Council's standards and statutes governing occupying levels, provision of amenities, means of escape from fire. It must also be properly managed. For further details of your statutory obligations contact Environmental Health and Consumer Services on (01202) 451083.

Background Documents:

Case File – ref 7-2024-29113

SGD PL 103 Rev A
SGD PL 103 REV C
SGD PL 102 REV B