

# Planning Committee



Application Address	55 Highfield Road Bournemouth BH9 2SE
Proposal	Change of use from House in Multiple Occupation (Class C4) to seven person House in Multiple Occupation (Sui Generis) and erection of bin and cycle stores
Application Number	P/25/04672/FUL
Applicant	SO Properties Management Ltd
Agent	Mrs Carianne Wells Well Planned Ltd
Ward and Ward Member(s)	Wallisdown & Winton West Cllr Olivia Brown Cllr Richard Herrett
Report status	Public
Meeting date	19 February 2026
<b>Summary of Recommendation</b>	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	Called-in by Cllr Richard Herrett  Bulk, Scale, Loss of Privacy, Contrary to Policy CS41. In breach of Parking SPD as no off road spaces
Case Officer	Darren Henry
Is the Proposal Development?	EIA No

## Description of Proposal

1. Change of use from House in Multiple Occupation (Class C4) to seven person House in Multiple Occupation (Sui Generis) and erection of bin and cycle stores

## Description of Site and Surroundings

2. 55 Highfield Road is a two-storey detached dwellinghouse in the Ensbury Park area of Bournemouth. The property benefits from a porch to the front and a large rear ground floor extension (approximately 8m) and a large dormer to the rear. The roof is pitched with gable ends to the side and is covered with black concrete pan tiles. The elevations are rendered cream.
3. Hardstanding is laid to the front, side and rear. To the front is a dwarf wall and small garden area. To the rear is a good-sized amenity area and a detached outbuilding. There is no

vegetation, other than a small single tree to the rear. Whilst at the rear there would be space for car parking, there is no suitable vehicular access.

4. The immediate vicinity is predominantly residential, comprising of dwellings of a similar scale, and range of architectural styles and finishes. The site is within close proximity to two primary schools and there are several buses that service the area, all within a five to ten minute walk.

### **Relevant Planning History**

5. 7-2023-28954. Application for a Lawful Development Certificate for existing use of premises as a house in multiple occupation (Class C4). Lawful 18/09/2023.
6. 7-2024-28954-A. Proposed single storey rear extension and roof conversion. Refused 20/12/2024.
7. 7-2024-28954-B. Proposed change of use from C4 to Sui Generis class use, including a single-storey rear extension and roof remodelling for accommodation. Refused 24/12/2024.
8. 7-2025-28954-(TPD). Prior notification procedure - Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 8.0m, for which the maximum height would be 3.0m and for which the height of the eaves would be 3.0m. Approved 20/02/2025.
9. P/25/03964/CLE. Application for a Lawful Development Certificate for Works to roof, including gable raise, rear dormer, windows to front roof slope. Existing use as a six person House in Multiple Occupation and associated internal alterations. Pending decision.
10. ENF/25/0769. Change of use from C4 HMO to 7 person HMO Sui Generis HMO. No breach 23/01/2026.

### **Constraints**

11. Within 250m buffer zone for a landfill site.

### **Public Sector Equalities Duty**

12. 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**

13. 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.

14. 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.
15. 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.
16. 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".
17. 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**

- **BCP Environmental Health**  
Environmental Health response has been recorded. No comments provided.
- **BCP Highways – Minor Dev**  
Highways response has been recorded. No objections subject to bicycle parking condition and parking permit informative note.
- **BCP Waste & Recycling**  
Waste Management response has been recorded. No objections.
- **Natural England**  
Natural England's response has been recorded. Please see attached document for further details.

## **Representations**

18. Site notices were posted in the vicinity of the site on 01/12/2025 with an expiry date for consultation of the 2/12/2025.
19. 17 objections have been received stating the following summarised reasons:
  - There are already problems with parking along this dead ended road. Another HMO would cause even more parking problems for residents along with an increase in noise in the road.
  - Parking is already limited on the road with a number of properties now having dropped kerbs installed. Adding a 7-bedroom dwelling with the potential of at least another 7 vehicles.

- There is already a severe parking deficit. The volume of traffic would cause child safety issues.
- The HMO is out of character with this family orientated area and would be an intensive use of the property.
- The proposal will increase the number of potential adults living at the property to 14 based on the room sizes, harming neighbouring residential amenity.
- The Bournemouth parking SPD states that 1 parking space per occupant should be available for new *Sui generis* houses.
- The rear extension and roof conversion, both of which have been built despite prior applications being rejected, are of harm to the future amenity of the occupiers and contrary to Policy CS41 of BCP local strategy.
- The proposed change to *Sui generis* property would mean an additional 14 cars are added to the road, greatly increasing the chance of a child fatality whilst walking to school.

## **Key Issues**

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

- Presumption in favour of sustainable development
- Principle of development
- Impact on the character and appearance of the area
- Impact on the residential amenity
- Living conditions of occupants
- Impact on parking and highway safety
- Biodiversity Net Gain
- Waste collection considerations
- Heathlands, Poole Harbour, New Forest and CIL compliance

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

## **Policy Context**

22. 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 following.

### *Bournemouth Local Plan: Core Strategy (Adopted 2012)*

- CS1 – Presumption in Favour of Sustainable Development
- CS4 – Surface Water Flooding
- CS6 – Delivering Sustainable Communities
- CS16 – Parking Standards
- CS18 – Encouraging Walking and Cycling
- CS24 – *House in Multiple Occupation*
- CS33 – Heathlands
- CS41 – Quality Design

### *Bournemouth District Wide Local Plan*

- Policy 6.17: Housing in Multiple Occupation and Hostels

*Supplementary Planning Documents*

- Dorset Heathlands Planning Framework SPD 2020
- Parking Standards SPD 2021
- Residential Development: A Design Guide – PGN (2008)
- Sustainable Urban Drainage Systems (SUDS) - PGN

*National Planning Policy Framework (“NPPF” / “Framework”)*

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 states that “Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

## Planning Assessment

### Presumption in favour of sustainable development

23. At the heart of the NPPF is the presumption in favour of sustainable development. NPPF paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas of assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
24. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.

The NPPF (2024) paragraph 78 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. Paragraph 78 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where the Housing Delivery Test indicates delivery has fallen below the local planning authority's housing requirement over the previous three years, a buffer should be included as set out in paragraph 79 of the NPPF.

25. As of the 1 of April 2024 BCP Council had a housing land supply of **2.1** years against a 5-year housing requirement that includes a 20% buffer. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes.
26. In this instance, the scheme would provide one additional room (equivalent to one dwelling) that would contribute towards the Council's housing delivery target. Overall, there is no objection to the principle of the proposed development, subject to its compliance with the adopted local policies. This is assessed below.
27. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

#### Principle of the Proposal

28. The application site is located within a predominantly residential area. Saved Policy 6.17, of the Bournemouth District Wide Local Plan (DWLP) relates to Housing in Multiple Occupation (HiMO) and states that "*Houses in Multiple Occupation and Hostels will be permitted, provided that the following conditions are met:*
  - i. The proposal is compatible with existing character of the area and the amenities of the 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.*
  - ii. In the case of the conversion of an existing property, unless its 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.*
  - 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.*
  - iv. On-site car parking requirements will be assessed taking into account:  
20. The scope for parking to be successfully designed into the scheme.  
21. The anticipated demand for parking.  
22. Highway safety and the free flow of traffic.  
23. The availability of public transportation in the area".*
29. Additionally, Policy CS24 states that "*In order to encourage mixed and balanced communities, the change of use from a Use Class C3 dwellinghouse to a House in Multiple Occupation (HMO), either Use Class C4 or Sui Generis, will only be permitted where no*

*more than 10% of dwellings in the area adjacent to the application property are within a Use Class C4 or Sui Generis HMO use".*

30. Planning Officers consider the proposal is located in a suitable area for a House in Multiple Occupation HMO), with several other HMOs identified within close proximity along:

- Boundary Road
- Columbia Road
- Eldon Road
- Ensbury Park Road
- Highfield Road
- Kingsbury Avenue
- Vicarage Road
- Victoria Avenue
- Victoria Road

31. In identifying the number of existing HMOs in the nearby area, there was a total of 33 HMOs out of 365 residential properties, approximately 9.04% of the total stock. As such HMOs make up less than 10% of the total stock. Therefore, the proposal is compliant with Policy CS24 and would therefore encourage a mixed and balanced community. Moreover, the property has a Lawful Development Certificate for use of the property as a six-person HMO, reference 7-2023-28954, approved in 2023. In addition, it is arguable Policy CS24 is not applicable as the policy relates to the change of use between a C3 dwelling and a small HMO (C4) or a large HMO (Sui generis), not between a change of use between a small HMO and a large HMO.

32. The proposed use would, therefore, be considered compatible with the surround area. Furthermore, Planning Officers are satisfied the proposed large HMO would not result in an over saturation of HMOs in the area whereby it would cause a change in the character and appearance of the area. Furthermore, no external alterations or additions are proposed, so the existing scale, massing and appearance will remain the same.

33. The application site is also situated within a sustainable location on main bus routes, into Bournemouth, Christchurch and Poole, where connections to trains and buses serving the wider area can be accessed. As such, the Case Officer consider the proposal is located in a sustainable location with good public transportation to access services and employment opportunities and is therefore acceptable in principle.

#### Impact on the character and appearance of the area

34. Policy CS41 states, in part, that "The Council will seek to ensure that all development and spaces are well designed and of a high quality. Development should, through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings, provide a high standard of amenity to meet the day-to-day requirements of future occupants, and contribute positively to the appearance and safety of the public realm".

35. The property has no heritage designation and is not located within a Conservation Area and no external alterations or additions are proposed. Therefore, the appearance of the building will remain the same.

36. Whist the building is proposed to remain the same, soft landscaping is proposed, as shown in Proposed Site Plan, Drawing 001, including the planting of an additional tree, along with vegetated garden to the front, side and rear and a small area of developed land to the front with a pathway leading to the garage in the outbuilding to the rear. This would be a much-enhanced visual betterment in comparison to the existing hardstanding.

#### *Overall*

37. As there is no change in the appearance of the building and the only material change would be in relation to the number of occupants increasing from 6 to 7 occupants, the Case Officer considers the proposal would preserve the existing character and appearance of the area; thereby ensuring the proposal accords with Policies CS6 and CS41 of the Bournemouth Core Strategy and Policy 6.17 of the District Wide Local Plan.

#### Impact on Residential Amenity

38. The way buildings relate to each other must provide and protect acceptable levels of amenity for both existing and future residents. Therefore, the orientation and separation distance must be holistically thought out, taking account of primary front, rear and side facing windows to habitable rooms, as these will be protected from significant overlooking and overshadowing; secondary windows are not afforded such protection.

39. Policy CS41 relates to ensuring high quality design and protecting/enhancing residential amenity for existing and future residents; likewise, Policy 6.17 of the DWLP relates, in part, to HMOs respecting the residential amenity of the occupants of neighbouring properties.

40. The proposal is compatible with the existing character of the area and the amenities of the 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.

41. As stated above, no external changes are proposed. The only internal changes relate to the existing storeroom and gym, which are to be replaced by an ensuite bedroom to secure the additional room to change the use from a small HMO to a large HMO.

42. As no additional extensions or windows are proposed there would be no loss of privacy/overlooking or overbearing sense of enclosure or impact on outlook between neighbouring properties.

#### *Noise and Disturbance*

43. HMOs, like any other home, can lead to problems with noise and disturbance. However, with larger HMOs there is a greater chance of such problems due to the number of people living independently within the property. Noise, in particular, is not just an issue for neighbours but also for tenants within the property.

44. Objections were received stating that there could up to 14 occupants residing at the application site. Such an increase in occupancy numbers could have a significant impact in noise and disturbance. However, this is not the case as each bedroom will be occupied by one person

45. However, since HMOs do not need planning permission for up to six non-related people, the question in this instance is will a 7<sup>th</sup> person result in significantly more noise and

disturbance more so than if it was 6 people living together. Consequently, Environmental Health were consulted and have not raised any concerns relating to noise and disturbance.

## Overall

46. In light of the above, the Case Officer considers the proposed change of use of the property from a small HMO to a large HMO, to provide 1 additional person would not have a material impact upon the living conditions of the occupiers of neighbouring properties in accordance with Policy CS41 and Policy 6.17 of the DWLP. However, to ensure that no such nuisance noise and disturbance occurs in the future, a condition will be imposed to restrict the number of occupants to no more than seven, one occupant per bedroom.

## Living conditions of Occupants

47. Policy CS41 states, in part, that "*Development should . . . provide a high standard of amenity to meet the day-to-day requirements of future occupants*". Furthermore, Policy 6.17, requires HMOs to be of a substantial size, preferably detached, with seven rooms and good communal facilities, a suitable garden area capable of drying clothes and socialising with further additional space for storing refuse bins.
48. The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 sets out the minimum internal bedroom room sizes for HMOs as follows:
  - that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres.
  - that the floor area of any room in a HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres.
  - that the floor area of any room in a HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres.
  - that any room in a HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
49. The minimum floor area for an HMO kitchen is 7sqm, with an additional 1sqm required for every tenant exceeding five.
50. In this instance, the property is detached (measuring approximately 129.31sqm) and has more than seven rooms. The ground floor consists of two-ensuite bedrooms, a communal kitchen, a gym and a storage area. The first floor has two ensuite bedrooms as does the second floor.
51. The proposed ensuite bedroom would be located on the ground floor where the current gym and storage area is located.
52. All bedrooms would be over the minimum floor area of 6.51sqm for single occupancy as set out in the HMO licensing regulations and the communal kitchen is slightly over 20sqm.
53. The property meets the criteria for Policy 6.17 and would contribute towards a small level of housing for the borough, which is significant as currently the Borough is unable to demonstrate a five-year supply of homes. Furthermore, there is a significant shortfall in provision of affordable housing in the Borough. Whilst not directly affordable housing, HMOs and flats can provide a low-cost alternative to affordable housing, which again weighs in favour of the proposal.

## Overall

54. Planning Officers consider that all HMO bedrooms and communal areas meet the internal space standards as set out in the HMO licensing regulations and therefore complies with Policy CS41 and Policy 6.17 Of the DWLP.

## Impact on Parking and Highways Safety

55. Policies CS16 and CS18 are relevant and relate to parking standards and increasing opportunities for cycling and walking, respectively.
56. The site is located in car parking Zone D. However, regardless of which zone an HMO is located, only one on-site car parking space is required, as set out in Table 30 of the Parking Standards SPD (SPD). With regards to secure bicycle parking, the SPD requires 1 parking space per bedroom, plus 0.1 per unit for visitors.
57. Objectors have raised concern that no on-site parking is provided. The Council's Parking Supplementary Planning Document only requires one car parking space per HMO.
58. In this instance, no on-site car parking would be provided, although seven bicycle spaces would be secured within the detached outbuilding in the rear garden, the dimensions of which accord with the Parking Standards SPD and there is a suitably wide path from the store down to the highway. Furthermore, the property is close to major roads where there are plentiful bus services to shops, services, employment areas and recreational sites
59. The Local Highways Authority have been consulted and have no objections with regards to the shortfall in car parking, or the proposal increasing traffic levels or resulting in highway safety issues, subject to conditions being applied, concluding that "*The inclusion of suitable bin and cycle stores is welcomed by the LHA, and the lack of car parking is on balance, acceptable to the LHA due to the existing shortfall. Therefore, the LHA raises no objections on highway grounds to the change of use from C4 HMO to Sui Generis HMO and erection of bin and cycle store*".

## Overall

60. Given the Highways comments and the fact there is already a car parking shortfall, the Case Officer considers the proposal would not cause harm to highway safety and would provide acceptable secured bicycle parking within the site, in accordance with Policies CS16 and CS18 and the Parking Standards SPD.

## Biodiversity

### *Exemptions*

61. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan Policy CS35 – Nature and Geological Conservation, sets out policy requirements for the protection and where possible, a net in biodiversity.
62. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply. This proposal is exempt as it is de minimis.

## Drainage

63. Policy CS4, relating to surface water flooding states that “*The design and layout of all new buildings, and the development of car parking and hard standing, will incorporate appropriate Sustainable Drainage Systems (SUDS) capable of ensuring that the level of surface water leaving the site is no greater than that prior to the development, and ensuring the quality of local water. The use of SUDS is a requirement other than in exceptional circumstances where no technical solution is available*”.
64. The foul and surface water drainage will be connected to the existing systems in place and therefore the development will accord with Policy CS4.

## Refuse Management Arrangements

65. HMOs are likely to generate more waste than a regular family dwelling, meaning adequate storage space must be provided. If not, it can result in waste being left in unsuitable locations beyond the property boundary.
66. The applicant has provided a refuse storage area to the rear garden, adjacent to the secured bicycle storage area, which includes:
  - A 23 Litre container for food waste,
  - Two 240 Litre recycling containers, and
  - Two 180 Litre waste containers.
67. The Standards for Waste Container Storage and Access states that “*Each HMO qualifies for one standard allowance of waste and recycling. This amounts to a 240-litre recycling bin collected fortnightly, a 180-litre refuse bin collected fortnightly, and a food waste bin collected weekly*”
68. Waste & Recycling were consulted and are satisfied with the submitted plans. Notwithstanding, the Officer stated that “*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*”. Furthermore, “*An occupant of the dwelling will need to ensure the bins are presented for collection at the kerbside and returned to the property boundary following emptying*”.

## Overall

69. Given the proposed waste storage and provision of waste receptacle and the Waste Management Officer’s comments, the Case Officer is satisfied that suitable waste management arrangements are in place and would therefore be in accordance with BCP Guidelines set out in The Standards for Waste Container Storage and Access.

## Heathlands Mitigation CIL compliance

70. 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.

71. Therefore, as of 17th January 2007 all applications received for additional residential accommodation within the Bournemouth, Christchurch and Poole area are subject to a financial contribution towards mitigation measures towards the Heathlands. An additional bedroom will be created therefore a capital contribution of £360 (plus an administration fee of £75) is required
72. A legal agreement has been drafted, signed and sealed to ensure the contribution is provided.

#### New Forest Mitigation

73. Formal advice from Natural England (NE) has recently been given to the Council regarding the recreational pressures being placed on the New Forest's European designated sites (SAC, New Forest SPA and New Forest Ramsar site). In light of this, NE has advised that any additional residential development within 13.8km of the New Forest should not be permitted without first securing appropriate mitigation.
74. The New Forest Strategic Access Management and Monitoring Strategy 2023, prepared by Footprint Ecology, demonstrates that additional residential development within 13.8km of the New Forest Designated Sites, where in conjunction with advice from Natural England, it has been recognised that housing growth and increases in bedroom numbers have the potential to generate cumulative impacts upon the integrity of the New Forest. There is a reasonable likelihood that the occupants of the proposed development would visit the New Forest for recreation purposes.
75. Although the proposals contribution to this may be minimal by itself, it cannot be ruled out beyond all reasonable scientific doubt that the proposal would not have a likely significant effect on the sensitive interest features of the habitat sites, from human pressures, either alone or in combination with other proposals.
76. BCP Council's approved mechanism to deliver such compensation is via a s106 legal agreement.
77. The draft New Forest Access Management & Monitoring (SAMM) Strategy (October 2024) sets out suitable mitigation can be implemented through the collection of SAMMs payments and sets a tariff per net dwelling/flat of £300 for most of the BCP area. Whilst the proposal relates to a net increase of 1 bedroom, each increase in the number of beds is equivalent to a flat.
78. The site is within the 13.8 Km buffer zone and therefore is liable to make a financial mitigation payment of £300 plus £60 to cover administration costs.
79. A legal agreement has been drafted, signed and sealed to ensure the contribution is provided

## Community Infrastructure Levy

80. The development proposal is not liable to a community infrastructure levy charge.

## Planning Balance / Conclusion

81. The application is for a change of use from a C4 six-bedroom HMO to a Sui generis seven-bedroom HMO. The proposal would not result in any adverse impact on residential amenity to neighbours or occupants. There are no external alterations or additions which will detract from the existing character or appearance of the area nor would it result in an overly excessive number of HMOs in the area that would erode the character of the area.

82. There is, however, a shortfall of one on-site car parking space, contrary to the Council's Parking SPD.

83. As of the 1st of April 2024, BCP Council had a housing land supply of 2.1 years against a 5-year housing requirement based upon the standard method that includes a 20% buffer, representing a shortfall of 10,397 homes. For the purposes of para 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the Council is unable to demonstrate a five-year supply of homes.

84. In considering the housing shortfall, the tilted balance is engaged

85. Paragraph 11(d) of the NPPF states that "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, [the Local planning Authority] should grant permission*".

86. In essence this requires a shift in the weighing of the benefits and harms, where the balancing exercise is to determine whether the harm 'significantly and demonstrably' outweigh the benefits of granting permission, thereby tilting the balance.

87. The Parking SPD is clear with regards to requiring one on-site car parking space per large HMO in all zones.

88. The Case Officer acknowledges the proposal is not compliant with the SPD. Notwithstanding, the Highways Officer has not objected due to the fact that the existing small HMO also has a shortfall of one on-site car parking space. The Case Officer's assessment has shown that in all other matters, the additional person would not materially impact the character of the area or neighbouring amenity etc., and the Highways Officer has concluded the same with regards to the car parking situation.

89. Furthermore, given the dire shortfall in housing and housing land, the Case Officer gives moderate weight (as it relates to a room compared to a dwelling which would be considered as significant weight) to the proposal as the benefits include the provision of an additional accommodation for an additional person, along with financial mitigation contributions towards the Dorset Heathlands and the New Forest, which, in the Case Officer's view, significantly outweighs an already existing car parking shortfall, which will still be in effect if this application is refused or granted. If refused, the Council would lose mitigation contributions towards sensitive ecological areas in need of protection and lose an additional

contribution towards meeting its housing requirements, of which, furthermore, would be off an affordable nature.

90. In considering the breach of Policy CS16 and the relevant provision set out in the Parking SPD, the Case Officer only attributes a limited amount of weight. However, the Case Officer attributes moderate weight to be given to the tilted balance, as any conflict with CS16 and the Parking SPD will not significantly and demonstrably outweigh the benefits of the proposal. As this is a material consideration, the Case Officer considers the harm of breaching CS16 and the relevant provision set out in the Parking SPD is negligible and the benefits of the proposal are considered moderate. Furthermore, as the proposal is acceptable in all other matters, the Case Officer considers that planning permission should be granted.
91. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to a s106 agreement, CIL contributions and compliance with the attached conditions, 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 highway safety, secured bicycle and bin storage provision and general sustainability. The Development Plan Policies considered in reaching this decision are set out above.

## **Recommendation**

### **Conditional Permission**

**RECOMMENDATION I** - That delegated authority be granted to the Head of Planning Operations to Grant Conditional Permission subject to:

satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Dorset Heathlands and New Forest SAMMS by securing the payment of financial contributions and conditions (below)

**RECOMMENDATION II** - That delegated authority be granted to the Head of Planning Operations to add/amend conditions where necessary.

**RECOMMENDATION III** - That delegated authority be granted to the Head of Planning Operations to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

### **Section 106 terms**

- Heathland SAMMs Mitigation: £360 plus administration costs.
- New Forest Mitigation: £300 plus administration costs.

## **Conditions**

1. The development hereby permitted shall begin not later than the expiration of three years beginning with the date this permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

90.24038 000 Location & Block Plans, dated the 13/11/2025

91.24038 001 Proposed Site Plan, dated the 05/02/2026

92.24038 102 Proposed Ground, First, Second Floor & Roof Plans, dated the 13/11/2025

93.24038 201 Proposed Elevations, dated the 13/11/2025

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

3. No part of the development hereby permitted shall be used unless the bicycle parking facilities shown on approved plan 24038 001 dated 13.11.25 have first been fully constructed in accordance with the specification as set out in the above approved plan. Thereafter, the approved bicycle parking facilities shall at all times be retained, kept available for use as bicycle parking and maintained in a manner such that the facilities shall at all times remain so available.

Reason: In the interests of promoting alternative sustainable modes of transport.

4. No part of the development hereby permitted shall be occupied unless the bin store, as shown on Proposed Site Plan, Drawing 001, received on the 13/11/2025, has been fully constructed in accordance with above approved plan and thereafter at all times the approved bin store shall be retained and kept available for use by all the residents of the development. Bins shall be presented for collection at the kerbside and returned to the bin storage area following emptying. No bin shall be stored in the open, except on the day of collection.

Reason: To preserve the visual amenities of the locality.

5. At no time shall the large House in Multiple Occupancy, hereby permitted, accommodate more than seven persons unless approved by the Local Planning Authority.

Reason: To ensure the number of persons residing at the property does not create a level of activity that would be detrimental to the residential amenity of the occupants of the surrounding properties.

6. No part of the development, hereby permitted, shall be occupied unless the proposed landscaping as shown on the Proposed Site Plan, Drawing 001, received on the 13/11/2025, has been fully implemented. If any of the vegetated garden and new tree is found damaged, removed, dead or dying in the first 5 years following its planting, they shall be replaced with the same species of a similar size.

Reason: In the interests of securing the amenity and the appearance of the development and the locality.

## Informative Notes

1. The applicant should note and inform future residents that residents may be excluded from being able to purchase permits associated with existing or future parking permit schemes controlled by the Council in the area. This is to encourage the use of sustainable modes of travel amongst future residents in line with Council aims to promote sustainable travel.
2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
3. Based on the information provided, (were this application to be recommended for approval) it is considered that the approval of a biodiversity gain plan would not be required before development can be begun and the statutory biodiversity gain planning condition would not apply. This is because the development is considered to meet the conditions of the ‘de minimis’ exemption, as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The conditions are that the development does not impact on a priority habitat as specified under Section 41 of the Natural Environment and Rural Communities Act 2006; that the development impacts on less than 25sqm of onsite habitat that has a biodiversity value greater than zero; and that the development impacts on less than 5m of onsite linear habitat.
4. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive, creative and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance:
  - The application was acceptable as submitted and no further assistance was required.

**Background Documents:**

P/25/04672/FUL

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

**Notes.**

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.