

Item No. 3

Application Reference Number P/18/2482/2

Application Type:	Full	Date Valid:	10/01/2019
Applicant:	Ms A Bailey		
Proposal:	Change of use from House in Multiple Occupation (Use Class C4) to a large House in Multiple Occupation (sui generis).		
Location:	133 Knightthorpe Road Loughborough Leicestershire LE11 5JR		
Parish:	Loughborough	Ward:	Loughborough Storer
Case Officer:	Deborah Liggins	Tel No:	01509 634733

This item is referred to Plans Committee at the request of Councillor Tillotson who expresses concerns as the neighbours are already experiencing considerable amounts of noise from this property, which she considers would be exacerbated by the proposal and is also concerned that parking in the area is already difficult.

Description of the Application Site

The application property is a detached hipped roof bungalow to the north side of the street, close to the junction with Milton Street. The property has a gravelled frontage and driveway and a 1m high iron railing fence to the highway boundary. Car parking for 1 vehicle is available on the site frontage with 2 tandem spaces being available to the side of the dwelling. The property is a recognised C4 HiMO with 6 bedrooms and the use pre-dates the introduction of the Article 4 Direction in February 2012.

Description of the Proposals

The proposal is to use an attic store room as an additional bedroom, bringing the total number of bedrooms within the property to 7, which would amount to a change of use from C4 to a sui-generis 'large HiMO' use. The application is for the change of use only and does not include any external alterations.

The control over who the property is let to (whether to students or professional people) is outside the remit of planning control and is a matter for the owner/letting agency.

The following Development Plan policies and guidance are relevant in the assessment of an application for the development:

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the Borough.

Policy CS2 – High Quality Design requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

Policy CS3 – Strategic Housing Needs seeks to manage the delivery of new homes, making provision for an appropriate mix of types, tenure and sizes of homes, having regard to identified housing needs and the character of the area.

Policy CS4 – Houses in Multiple Occupation seeks to support the well-being, character and amenity of our communities by managing the proportion of houses in multiple occupation. It states that Class C4 dwellings will be prevented where they, either in themselves, or cumulatively with other HiMOs damage the social/physical character and amenity of a street or residential area or generate noise and disturbance which is detrimental to the amenity of the street or residential area or generate a demand for on-street car parking that would prejudice the safe operation of the highway or cause detriment to amenity.

Policy CS16 – Sustainable Construction and Energy encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Borough of Charnwood Local Plan

Policy EV/1 – Design seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy TR/18 – indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Other material considerations

National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The Framework contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation

- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

The Framework does not make specific reference to extensions to HiMOs but includes guidance which is relevant to this application as follows:

Paragraph 8 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

The Framework requires that planning decisions should, inter alia, create places that are safe, inclusive and accessible which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

In considering development proposals, it should be ensured that sustainable transport modes can be taken up, and that safe and suitable access to the site can be achieved for all users. Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning decisions should ensure that developments (inter alia) create places that promote health and well-being, with a high standard of amenity for existing and future users.

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 108 requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Housing Supplementary Planning Document (HSPD) December 2017

A Housing Supplementary Planning Document (as amended) was adopted in December 2017 which provides guidance when dealing with Houses in Multiple Occupation proposals in the context of adopted Core Strategy Policy CS4.

Section 4 of the Housing SPD provides guidance for assessment of applications that propose small or large houses in multiple-occupation. Small HMOs are defined as shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities and large HMO's are for more than 6 occupiers and are a 'sui generis' use. i.e. they do not fall into any existing class in the Town and Country Planning (Use Classes) Order. These proposed changes of use do not benefit from being 'permitted development' in Loughborough due to the Article 4 Direction that was introduced in 2012.

The SPD provides a methodology (at HSPD11) for assessing the concentration of Houses in Multiple Occupation against the criteria of Core Strategy Policy CS4 as part of understanding the potential for cumulative impacts. The methodology assesses the concentration of HMOs within 100m of the application site as a proportion of the total number of residential dwellings. Halls of Residence and purpose built student accommodation will not be included in the calculation. However, any Halls of Residence and purpose built accommodation will be considered as part of the overall decision making process in terms of their impacts.

The SPD accepts that HiMOs help to meet local housing requirements and can be an important type of accommodation for a range of people including those on low incomes and young people (para 4.1) and it also repeats the objectives of Core Strategy Policy CS4 that seeks to support the well-being, character and amenity of local communities by managing the proportion of HiMOs.

The SPD also provides guidance in respect of the Policy CS4 criteria for considering the potential impact on the social and physical character and amenity (HSPD12), amenity space (HSPD 13), noise insulation (HSPD 14) and parking (HSPD 15).

The Council has used a threshold of 20% in decision making and therefore changes of use from Class C3 dwellings to Class C4 dwellings have usually been resisted in principle where the percentage of houses in multiple-occupation exceeds 20% in a particular area. This approach has been accepted in appeal decisions. The calculation of the household percentage is the subject of a methodology specified in the SPD that uses data held by the University, electoral registers, the HMO register and third party data and it is considered that collectively, this gives the best indication available of the relevant household situation and the most accurate picture of local balance and amenity.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

Article 4 Direction

Loughborough is subject to an Article 4 Direction, put in place in February 2012, and which removes the rights to change the use of Class C3 dwellings to Class C4 Houses in Multiple Occupation in Loughborough. These are dwellings where between 3 and 6 unrelated persons, sharing basic amenities could occupy a property without the need for planning permission - whereas, the Article 4 Direction limits this to occupation by a family or up to 2 unrelated persons living as a single household. Planning permission is now required for occupation of dwellings by more than 2 unrelated persons.

Relevant Planning History

P/07/0655/2 – Erection of rear extension to bungalow and alterations to roof, including side dormer to form first floor accommodation – granted conditionally:

P/07/1988/2 – Erection of a conservatory to the rear of the dwelling –granted conditionally.

Responses of Statutory Consultees

The Council's Environmental Health Officer has some concerns about the proposal in terms of the number of adults to be accommodated i.e. 7. This is generally greater than that of an average family group and there is therefore the potential for increased disturbance to neighbouring residents which should be acknowledged. A review of its records also reveals that there appears to have not been any complaints made to the department about noise or nuisance from neighbours. Environmental Health Officers are to contact the applicant to clarify waste storage and collection arrangements.

The Council's Housing Standards Officer has no objection to the proposed change of use from a licencing point of view.

Other Comments Received

Councillor Tillotson does not support the application stating that the neighbours are already experiencing considerably more noise from this property than would be the case if it were occupied by a family. Parking in the area is already difficult and more people at the house would exacerbate this.

No comments from neighbours have been received.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- Principle of Development
- The effect of the proposed development in terms of the Community Balance and the Character of the Area
- Anti-social behaviour and Noise and Disturbance
- Bin Storage
- Highway Safety.

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Charnwood Local Plan are therefore the starting point for consideration.

The Principle of the Development

The supporting text to Policy CS4 states that HiMOs provide accommodation for a group of tenants who do not live together as a family and who share basic amenities such as a kitchen and bathroom facilities, but have separate bedrooms. It acknowledges that HiMOs help to meet local housing requirements and can be an important type of accommodation for a range of people including those on low incomes and young people. In Loughborough, a large number of HiMOs are occupied by students in further and higher education.

The commentary goes on to state that, whilst the Council values Loughborough University and Loughborough College and the significant economic, social and cultural contributions the student population brings to Loughborough, a negative impact has been experienced in some neighbourhoods because of the over concentration of HiMOs. These impacts have affected some community facilities, the character and appearance of the area and caused disturbance and parking problems. In response to this, the Council has developed a strategy for managing the proportion of HiMOs in Loughborough, particularly where it is demonstrated that there are associated adverse impacts.

The application site is within the main urban area and, whilst the principle of development is acceptable as the property remains in residential use and would contribute to the mix of tenures of homes in the area (thus complying with Policy CS3), the proposal needs to be considered in relation to relevant policies and detailed planning considerations as assessed below.

The effect of the proposed development on the local character and amenities of the area

The balance of the local community is an issue that is addressed in the adopted Housing SPD through the use of a threshold to assess whether there is already a high concentration of HiMOs in a specified area. It seeks to resist further HiMOs (small or large) where there is already 20% or more within a 100m radius of the application site.

The 20% threshold allows for consistency in decision-making on proposals for changes of use to HiMOs and has been recognised by appeal inspectors as the level above which the problems associated with higher concentrations could occur.

Recent appeal decisions relating to Class C4 changes of use at Ashleigh Drive, Grange Street, Derby Road, Park Road, Frederick Street, Ashby Road, and Goldfinch Close (all within the built-up area of Loughborough) accept this threshold approach and attach weight to its use. The latter two appeal decisions were made since the Housing SPD was first adopted in May 2017.

The number of HiMOs in the local area within which the application site is located, based on the 100m radius methodology, is just 1 out of a total of 64 dwellings. This equates to 1.6% of the residential stock. The figure is well below the adopted threshold. However, there are 6 other HiMOs close by, but outside of, the 100m radius circle. Even taking these into account, the saturation of 5% would be well within the adopted guidance. It is therefore considered that the proposal accords with Policy CS4 of the Core Strategy, the adopted SPD on Housing and the NPPF in terms of the concentration of small or large HiMOs in the area.

It is acknowledged that the threshold is one aspect of the assessment, which is not confined to the mathematics of the case. There are other considerations which need to be assessed and a judgement reached as to whether the level of harm that would be caused, whether individually or cumulatively, to support the refusal of planning permission or whether the impact would be limited so as to indicate that planning permission should be granted. These are discussed below.

Anti-social Behaviour & Noise and Disturbance

The adopted Housing SPD acknowledges that where there is a high proportion of HMOs it can often result in a higher incidence of anti-social behaviour, particularly at unsociable hours, and increases in crime and fear of crime. Information from the Borough Council's Neighbourhoods service shows that over the past year, there have been 5 recorded incidents on Milton Street relating to anti-social behaviour. Whilst it is not possible to say if these incidents were directly attributable to student behaviour, it suggests that existing residents already experience a small degree of disturbing incidents but which may not affect their day to day domestic lives. It is therefore considered that the proposal, which is already a small HiMO and would increase by one occupant under the provisions of this application, would not be likely to lead to increases in anti-social behaviour, crime or fear of crime which would be damaging to the living conditions of local residents and the amenity of the local area.

In addition, it is acknowledged that HiMOs can often be noisier than a family home because of the number of people who are living independently within the property which can adversely affect the amenity of neighbouring properties. In this case, the proposed 7 adult HiMO is likely to be more intensively occupied than a large family occupying it as a Class C3 dwelling. However, the use of the property is as a small HiMO which can lawfully be occupied by up to 6 persons and the increase in noise from one additional occupier is not likely to be significant.

The property is a detached dwelling and there would therefore be no direct sound transference with the neighbouring dwellings, however, this is no absolute guarantee that there would not be additional noise emanating from the property from open windows or the use of outside spaces. Given that the property is to remain in residential use and already

has use as a house in multiple occupation for 6 tenants, it is unlikely an additional person at the dwelling would generate significant additional noise. The Council's Environmental Health department is unaware of any complaints regarding noise at this dwelling although it is acknowledged that Councillor Tillotson has concerns about noise.

To conclude, whilst it is considered that there may be instances where a clash of lifestyles or behaviour may cause disturbance to adjoining occupiers, it is considered unreasonable to assume this will happen to an extent greater than might be the case with other types of residential occupation or the current lawful use. Conflict that may occur in individual cases is not a matter that can easily be expressed as a planning objection. Such occurrences may be dealt with by other forms of regulation. HiMO properties may also be occupied by professionals just as easily as students or other persons sharing the property. Having regard to the above, it is concluded that there is insufficient justification to refuse the application on the basis of a perceived increase in noise and disturbance and the impact on the character and amenity of the area in general. It is considered that the proposal therefore accords with Policies CS2 and CS4, saved Policy EV1 and the adopted SPD.

Bin storage

In terms of amenity space for the storage of refuse/recycling containers, there is adequate provision for the storage of bins within the rear garden which would be secure, unobtrusive and accessible to residents. The property has a frontage which could satisfactorily accommodate bin storage in a location which is accessible to refuse collectors. Accordingly, in terms of storage of refuse/recycling storage and the potential for its negative impact, the proposal accords with HSPD12 and 13 and CS16 of the Core Strategy.

Highway safety.

The Council has adopted standards which, under Policy TR/18 would require the provision of 3 off-street car parking spaces to serve dwellings with 4 or more bedrooms. The submitted plans show the provision of 3 car parking spaces, although it is acknowledged that it may not always be convenient for occupiers to tandem park. The proposal therefore meets LCC parking standards. It is also important to consider that the site is situated within walking or cycling distance of the town centre, university and close to local shops and bus services and therefore, there is no essential need for occupiers of the dwelling to use a car to access services and facilities. However, the potential intensification in the use of the house could generate additional vehicular activity which could result in increased demand for car parking but this could be accommodated in nearby streets which have unrestricted on-street car parking. It is therefore considered that the proposal would not lead to increased indiscriminate parking within the street which could cause dangers to highway users, including pedestrians.

To refuse a planning application on highway safety grounds it must be demonstrated that there is 'severe harm' caused by the proposal in accordance with para 109 of the NPPF. For the reasons set out above, it is not considered that such harm would arise and a highway reason for refusal cannot be substantiated.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them, including in this case the adopted SPD on Housing.

For the reasons given above, it is considered that the proposed change of use would not result in an overconcentration of HiMOs in the area or result in further significant community imbalance. Furthermore the proposal would not result in harm to the residential character and amenity of the area. The proposal would therefore accord with Policies CS2, and CS4 of the Core Strategy, and Policies EV/1 of the Borough of Charnwood Local Plan and the Housing SPD and TR/18 of the Borough of Charnwood Local Plan.

RECOMMENDATION:

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
386A - Issue No. 1 - Proposed floor plans
386A - 1:1250 scale site location plan
REASON: To define the terms of the planning permission.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS2, CS3, CS4 and CS16 of the Charnwood Local Plan (2011-2028) Core Strategy) and Policies EV/1 and TR/18 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in

accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

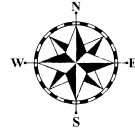
- 4 In order to arrange for the delivery of the necessary equipment for participation in the refuse and recycling service and to ensure that the properties receive a collection service as appropriate, please contact Environmental Services on 01509 634538 or recycle@charnwood.gov.uk, before the first property is completed.



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Location:

133 Knightthorpe Road, Loughborough, Leicestershire, LE11 5JR

