

# Planning Board Report

Report Subject	12 Richmond Park Crescent
Proposal	Change of use of the premises to a Ground Floor Flat (Class C3) and a House in Multiple Occupation (Class C4)
Application Number	7-2016-13003-Q
Applicant	Mr D White
Agent	Ken Parke Planning Consultants
Application Valid	10 August 2016
Status	Public
Ward	QP
Service Director	Development Services
Meeting date	21 November 2016
Report author	Richard Cable ☎ 01202 451323 ✉ <a href="mailto:planning@bournemouth.gov.uk">planning@bournemouth.gov.uk</a>
Recommendation	GRANT with conditions
Reason for Planning Board Decision	The number of objections received total 14 individual representations and are contrary to the officer recommendation to approve

## Previous Relevant Planning Applications and Appeals:

1. 7-1991-13003D Alterations and change of use of part of ground floor of dwellinghouse to form day nursery. Grant with conditions 06-02-1992. Condition 2 limited number of children to a maximum of 12 & hours of operation between 8am-6pm Monday to Friday.
2. Subsequent consents for renewal -7-1993-13003D dated 05-04-1993 & relief of condition 2 to increase numbers of children to 18 under planning ref: 7-1993-13003E dated 28-06-1993 & to 20 children under planning ref: 7-1996-13003G dated 04-11-1996.

3. Refusals under planning refs: 7-1996-13003F to increase number of children to 24 dated 29-07-1996, to 26 under ref: 7-2001-13003H dated 17-05-2001, ref: 7-2001-13003I dated 04-12-2001 & ref: 7-2005-13003K dated 13-09-2005.
4. Various consents between 2003-2013 to enable conversion of workshop sited to the rear of 12 Richmond Park Crescent to dwelling with access and parking & subsequent alterations - known as 12a Richmond Park Crescent. Primary consent being ref: 7-2003-13003J Alterations and conversion of workshop to dwellinghouse and formation of parking space grant 26-04-2004. Subsequent consents for alterations and additions to dwelling under 7-2007-13003M dated 22-05-2007, revised parking layout under 7-2010-13003O dated 08-04-2010 & alterations & extensions to roof under ref: 7-2013-13003P dated 05-06-13.

## **Summary of Proposal:**

5. Planning consent is sought for:

Change of use of the premises to a 3 bed ground floor flat (class C3) & a house in multiple occupation (class C4) for 5 beds.

6. The existing property has historically been under mixed use consisting of:

A children's nursery for 20 children at ground floor level including the rear garden & a 4bed maisonette set over the upper 2 floor levels

The applicant has advised that the child nursefy use ceased during early 2016 due to Ofsted not renewing its license.

## **Relevant Policies:**

7. Applications for planning permission must be considered having regard to the provisions of the Development Plan and any other relevant material considerations. The key document being the Bournemouth Local Plan. Various Development Plan Documents (DPD) make up the Local Plan, the Bournemouth Local Plan: Core Strategy (October 2012) being the overarching document. The CS has superseded the Bournemouth District Wide Local Plan (DWLP) as the strategic policy framework for the Borough although various policies in the DWLP have been retained as 'saved' policies. The Core Strategy covers the period 2006 to 2026.

8. The Affordable Housing DPD (December 2009) also makes up part of the Local Plan.
9. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions.
10. The following Policies are considered relevant to the current application:

### **Core Strategy**

CS1 Presumption in favour of sustainable development  
CS6 Delivering sustainable communities  
CS12 Retaining community uses  
CS16 Parking standards  
CS24 House of multiple occupation  
CS33 Heathland  
CS41 Quality Design

### **District Wide Local Plan**

6.10 Flats

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) sets out the government strategy to achieve sustainable development. The framework is relevant to the current application and issues relating to the economy, sustainable transport, housing, good design, promoting healthy communities, and conserving the natural environment will be dealt with in the report where relevant.

Paragraph 7 requires development to meet social, economic and environmental need

Paragraph 17 planning should seek development of good design and amenity for existing and future residents

Paragraph 50 requires the delivery of a wide choice of housing to meet demand and variety of needs

Part 6 delivering a wide choice of homes  
Part 7 requiring good design  
Part 11 conserving the natural environment

## **Other**

Affordable Housing - SPD  
Dorset Heathlands Planning Framework – SPD  
Day Nurseries and Playgroups - SPG  
Residential Development: A Design Guide - PGN  
Bournemouth Parking - SPD

## **Issues:**

10. The issues to consider in my opinion are whether the proposal complies with the relevant policies set out above and other material planning considerations set out below.

## **Policy clarification:**

11. The existing property is under mixed use as a child nursery at ground floor level and C3 dwelling, a maisonette including on the on upper floor level.
12. Policy CS24 seeks to control the provision & concentration of new houses of multiple occupation -HMO-where changes of use are proposed from dwellings under class C3.
13. As the existing residential unit is proposed to be converted to an HMO the requirement of policy CS24 clearly applies in this case. An assessment has therefore been made in regard to the tests under policy CS24 within this report.
14. The works for the conversion of the existing flat to a C4 HNMO would have fallen under the scope of permitted development work not requiring planning permission but the Council made an Article IV direction in 2011 removing permitted development rights and requiring planning permission for the change of use from C3 dwellings to either class C4 or sui generis HMO.

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

15. Land use in the area is primarily residential and suburban in character and appearance. The majority of buildings have the appearance of good sized detached houses occupying rectangular shaped plots with rear gardens and frontages. About a fifth of properties within 100m of the development site operate as houses with about three quarters functioning as flats and a number of HMOs are evident. Buildings are of generally harmonious design appearance, layout and scale.

16. The proposals would not make any material alterations to the external appearance or scale of the building. The proposals do seek the provision of a bin store to relocate the existing informal storage within the site frontage to a position along the southern wall of the building. This change would be considered to result in a net benefit for the appearance of the frontage with the bins only being sited within the frontage on collection day. The details of the bin enclosure being secured by condition.
17. The impact of the proposals on the area therefore relate fundamentally to the use considerations. The proposals would seek the provision of a small HMO under Class C4 (occupied by 3-6 unrelated persons sharing basic amenities)"
18. Paragraphs 4.3.23-4.3.29 of the Core Strategy that support Policy CS24 recognise the important contribution that HMO make to the mix of housing in the Borough and mixed communities but recognise that the supply of new HMO needs to be managed to avoid uncontrolled concentrations that could otherwise give rise to negative impacts on the amenities of local residents and on the character of the area.
19. Policy CS24 seeks to permit houses of occupation within existing residential areas subject to satisfying the requirement that no more than 10% of dwellings in the area adjacent -within 100m of the road frontage & surrounding highways including to the rear, side and opposite -to the development site are HMOs.
20. Having regard to the tests under policy CS24, 95 dwellings - including Houses, flats and HMOs- fall within the 100m catchment area. There are 3 identified properties operating as HMO. These being at the following addresses:
  - 4 Richmond Park Crescent
  - 103 Richmond Park Avenue
  - 94 Richmond Wood Rd
21. The policy permits 10 percent of properties to operate as HMO. If the proposed HMO at 12 Richmond Park Crescent is added to the 3 existing HMO, a total of 4 HMO would result. The 10% threshold (10% of 95dwellings = 9.5 properties) at 9.5 would therefore not be exceeded by the resulting total of 4 HMO.
22. The proposals would therefore accord with the tests of policy CS24 and not result in a concentration of HMO such that would be harmful to the character of the area. It should be noted that the resulting number of HMO falls well below the threshold indicating that the development would give rise to a relatively low concentration of HMO in the area.

23. Therefore, though concerns have been expressed by a number of objectors to the proposals on the basis of the impact on residential amenity and the character of the area the objective analysis, having regard to the policy tests under CS24, identifies that these would not be justified and be the development would not represent a harmful form of development.

### **Impact on neighbouring residents:**

24. Reference to the objections received, identifies that a number of concerns have been raised in regard to the resulting use activity including noise and potential for anti-social behaviour and criminal activity.
25. In regard to noise generated by vehicle activity the levels of parking demand associated with the existing and proposed uses reference to the assessment of the highway officer below shows that the proposed use demand would be less than existing. The patterns of car movements associated between the existing and proposed uses would be more intensive under the current use than the proposed. This would be due to the vehicular movements associated with the operation of the child nursery for 20 children together with a minimum of 3 staff. On the basis of 2 sessions a day and 40 vehicle movements per session – dropping off and collection - this would equate to a potential maximum of 80 movements a day, to which the vehicle movements of the occupier of the residential element would need to be added.
26. The proposed HMO use, taking into account the limited number of lettable bedrooms-5- and the scope of the associated living space would restrain the potential level of occupancy. The applicant has agreed to the provision of a condition to limit the occupation of the HMO to a maximum 5 people at 1 person per bedroom thereby limiting the maximum level of occupancy to 5 persons of the HMO.
27. Having regard to the adopted Parking Standards, car ownership for the HMO element would limit car demand to 1.2 & 1.4 spaces to the flat. The level of car movements therefore associated with the proposed use would clearly be significantly less than has been associated with the existing mixed use of the premises.

28. The proposed flat has 3 bedrooms that could accommodate between 3-6 persons and if combined with the occupancy of the HMO result in a site occupancy of between 3-11 persons. There are a number of properties in the area used as flats as at 104 Richmond Park Rd -5 flats- of comparable area that would give rise to a similar or greater level of occupancy. The tests under CS24 identify that the use would not be incompatible with the area.
29. In respect to concerns regarding antisocial behaviour if regard is given to the low level of occupancy, combined with the restrained scale of the HMO and resulting low concentration of HMO in the area it would be considered that the use would not give rise to the concerns that have been raised. It should be emphasised that a fundamental premise of policy CS24 is that if the 10% threshold is not exceeded then the impact of the use would not be materially incompatible with the surrounding area.

### **Living conditions for future occupants:**

30. The facilities within the HMO -over 2 floor levels- make provision for 2 bedrooms with en-suite washing & toilet facilities & separate communal bathroom and toilet & shower & toilet facilities for the 3 other bedrooms. A communal lounge and kitchen are proposed. The facilities are considered to be suitable for this type of accommodation.
31. The site currently is served by an enclosed rear garden. This area would be available for the communal use of the occupiers of the development. All rooms are served by windows and have an outlook with good daylight levels. Having regard to the layout and facilities the scheme would generally conform with the Amenity Standards of the Council for HMOs though it should be emphasised that these operate outside the planning process.
32. The facilities for the occupiers of the ground floor flat would also be considered to be suitable. Measures to provide suitable sound attenuation and mitigation measures to safeguard the occupiers of the ground floor flat from noise generated from the use of the first floor, would be a matter to be secured under the Building Regulations process.

### **Parking/Traffic/Highway Safety:**

33. Reference to the objections received identifies that a number of concerns have been raised in regard to the potential of the development to cause harm to highway safety by increasing the demand for parking in the area resulting in highway congestion and associated conflicts.

34. These matters have been carefully considered together with the highway officer, having regard to the characteristics of the site, locality & the relevant planning tests and material considerations including the provisions of the adopted Parking Standards.
35. An objective assessment of the existing and proposed parking demand based on the Councils adopted Parking Standards, identifies that the existing demand is marginally greater than that arising from the proposed use at 2.8 spaces in comparison to a current requirement of 2.6 spaces. The submitted plans identify that at least 3 car parking spaces can be accommodated within the site frontage repeating the current provision.
36. In this situation having regard to the objective evidence the proposals would have no greater impact in regard to parking demand on the area than the current use.

### **Heathlands mitigation:**

37. 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. Therefore as of 17<sup>th</sup> 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. An allowance for the existing accommodation would result in a capital contribution in this instance of £242 plus a £75 administration fee. A signed legal agreement has been drafted to provide this contribution.

### **Affordable Housing:**

38. The Council's affordable housing DPD is relevant to applications for residential development and sets out an approach to achieving contributions towards the delivery of affordable housing in the borough. However, in the light of the most recent changes to the NPPG, which states that schemes for 10 units or fewer should not be subject to affordable housing contributions, as the proposed development falls below this threshold, a contribution is not justified in this case & has not been sought on this application.



## **Community Infrastructure Levy:**

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

## **Other: loss of child nursery**

40. The ground floor use as a child nursery ceased in early 2016 the applicant advising that Ofsted decided not to renew their licence. Though there is a demand for uses in the Borough there is no planning policy requirement seeking the retention of such uses as such uses are fundamentally commercial operations falling outside the scope of community uses.

## **Representations:**

41. 14 letters of objection have been received, raising the following material planning issues:

Increase car movements and parking demand worsening existing highway safety concerns – one way street/poor visibility at road junction

- Inadequate on site amenities
- Excess number of existing HMOs
- Result in overdevelopment/over-intensive use level of occupancy
- Exceed 10% HMO threshold
- Noise and disturbance & result in crime and anti-social behaviour
- Out of keeping with the area
- Refuse facilities

42. **Response:**

These matters are addressed in the body of the report.

No letters of support have been received.

43. Other:

### **Dorset & Wiltshire Fire & Rescue**

Requires development to be designed and built to satisfy the requirements under the Building Regulation 2010 including in relation to Fire Safety measures.

## Conclusion:

44. In accordance with paragraphs 186 and 187 of the NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:
- offering a pre-application advice service,
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
45. In this instance the applicant did not undertake pre application advice but liaison was undertaken with the agent within the application process to clarify the planning issues, revise the layout in relation to bin facilities & manage occupancy levels. The applicant instructed extension of the determination date to enable these matters, the completion of the legal agreement to secure nature conservation contribution and determination of the application at Planning Board.
46. Having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The development would enable a mix of housing on the site that would seek to meet housing need on the Borough making use of an underused site. The Development Plan Policies considered in reaching this decision are set out above.

## **Recommendation**

47.

Delegate authority to the Head of Planning & Regulation to grant permission following the satisfactory completion of a Section 106 Agreement with the following terms and with the following conditions both of which are subject to alteration/addition by the Head of Planning & Regulation provided any alteration/addition does not go to the core of the decision. (In the event that the Section 106 agreement is not satisfactorily concluded within a reasonable timescale the Head of Planning & Regulation may refuse the application).

### **Section 106 terms**

Heathland (SAMM) £242 plus £75 administration fee

### **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: 317-01A existing floor and site layout plan & 317-02 dated 09-11-2016 proposed floor and site layout plan

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

#### **2. Unallocated Parking**

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

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

### **3. Maximum number of bedrooms and occupants not to exceed 5**

That the number of bedrooms within the house of multiple occupation hereby approved shall not exceed 5 in total and the number of occupants shall not exceed 1 per bedroom unless otherwise subject to the prior written agreement of the Local Planning Authority.

Reason: In order to enable a level of occupancy within the site that is sympathetic to the surrounding area and the living conditions of the occupiers of the development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **4. Refuse Bin Store (wheeled bins)**

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

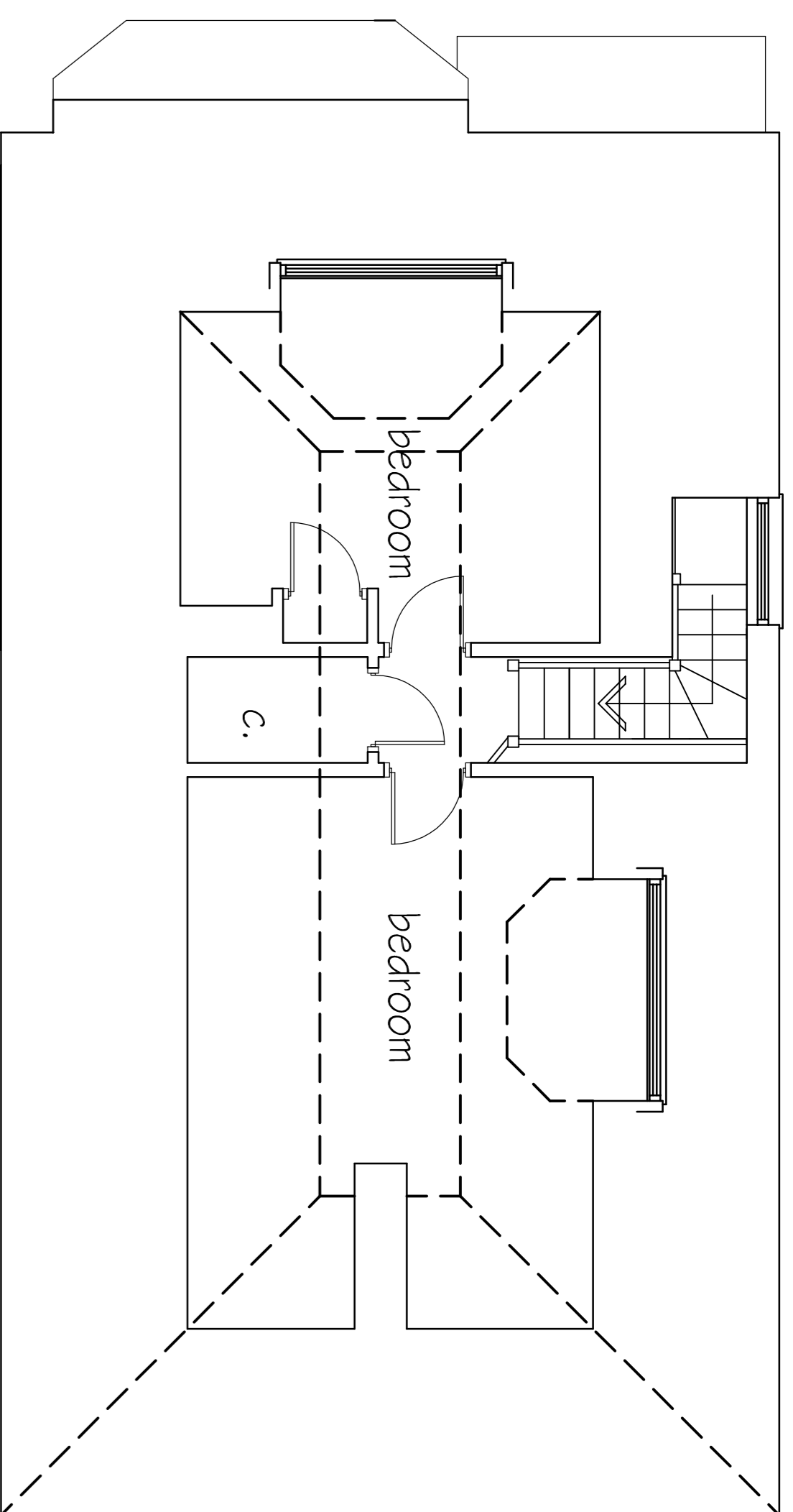
Reason: To safeguard the amenities of occupiers of adjoining and nearby residential properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **5. Statement required by National Planning Policy Framework**

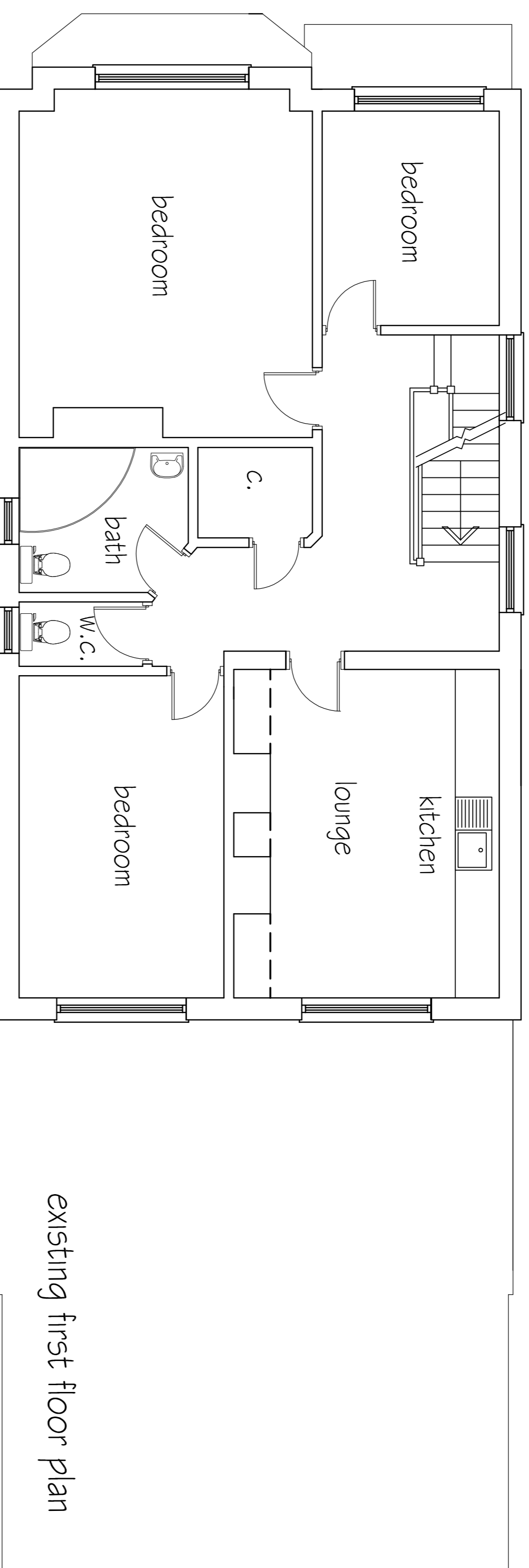
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convenience. The development would enable a mix of housing on the site that would seek to meet housing need on the Borough making use of an underused site. The Development Plan Policies considered in reaching this decision are set out above.

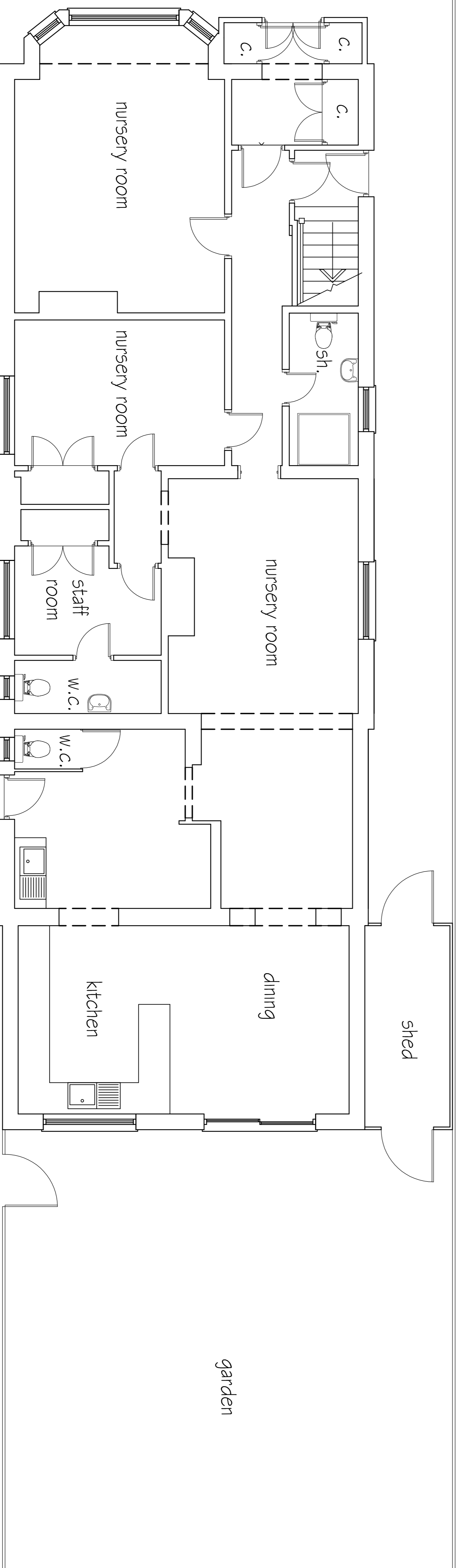




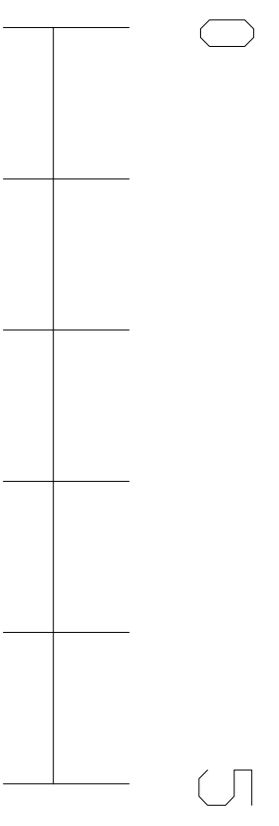
existing second floor plan



existing first floor plan



existing ground floor plan  
(scale 1:50)



Original Drawing Size @ A1

A - Planning documents 2007/16

Revision

Checked/Drawn

## SURVEY DRAWING

**amplio architecture**

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Project Title:  
Proposed Change Of Use To:  
12 Richmond Park Crescent  
Bournemouth

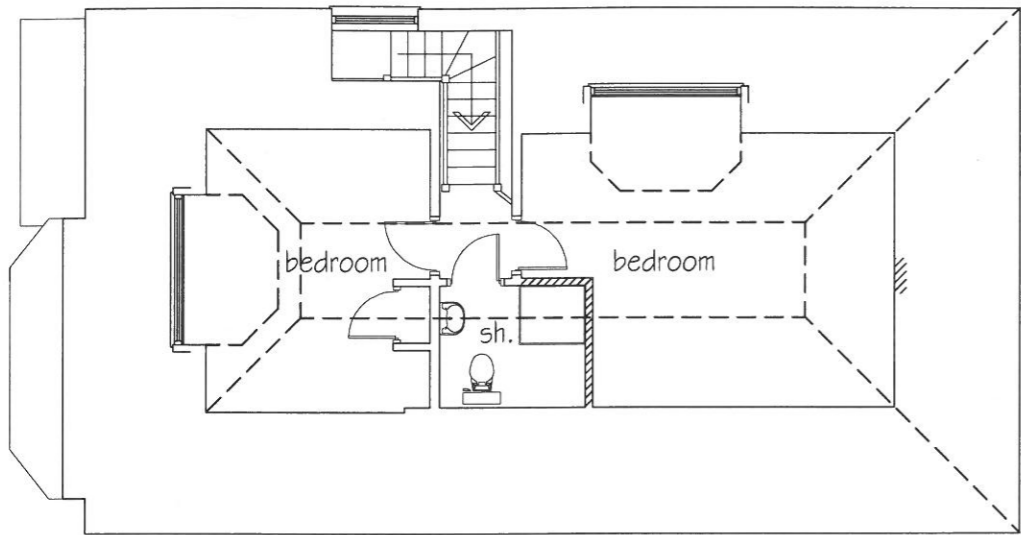
Drawing:  
Existing Floor Plans

Date:	July 2016	Drawing Number:	
Scale:	As Shown		
Drawn:	VJT		317-01
Checked:	GT	Revision:	A

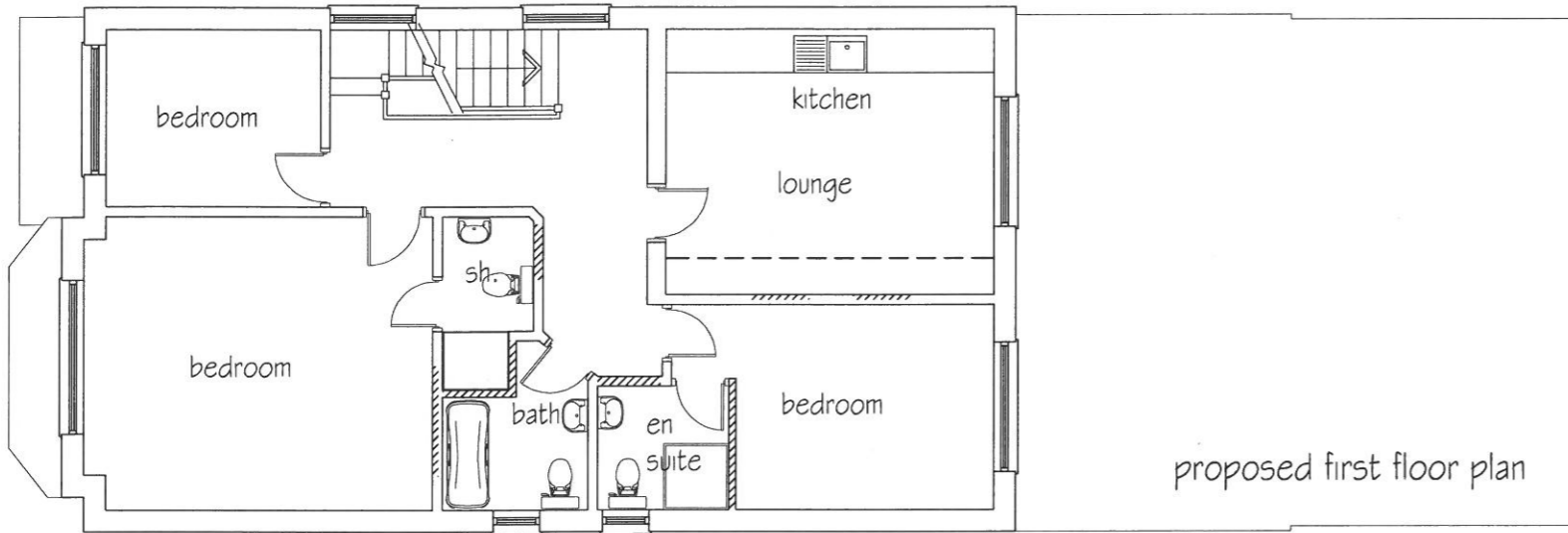
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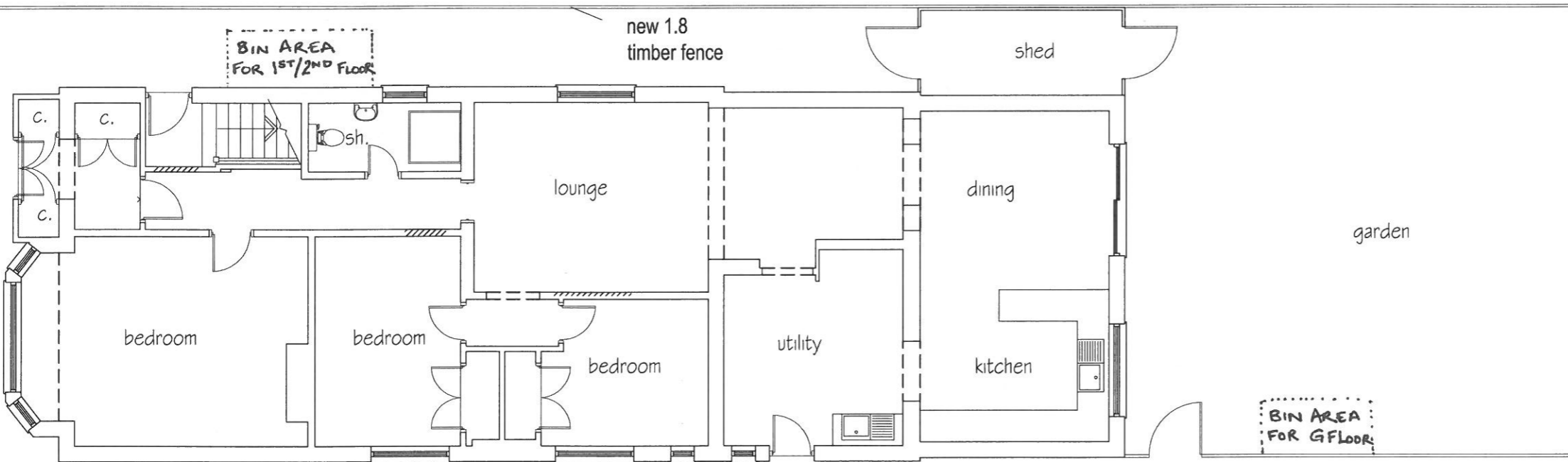




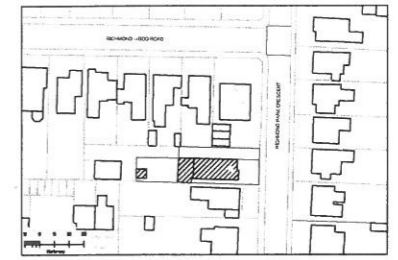
proposed second floor plan



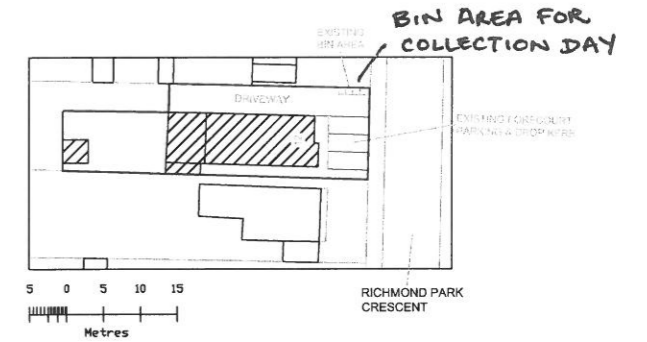
proposed first floor plan



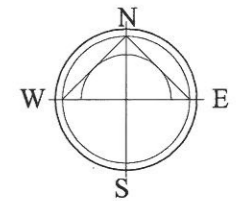
proposed ground floor plan  
(scale 1:50)



location plan 1:1250



site plan 1:500



Revision \_\_\_\_\_ Checked/Dated \_\_\_\_\_  
**PLANNING DRAWING**  
**amplio architecture**  
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Project Title:  
 Proposed Change Of Use To:  
 12 Richmond Park Crescent  
 Bournemouth

Drawing:  
 Proposed Floor Plans  
 & Site/ Location Plan

Date: July 2016	Drawing Number:
Scale: As Shown	317-02
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Checked: GT	

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