

Item No. 1

Application Reference Number P/18/1134/2

Application Type:	Full	Date Valid:	01/06/2018
Applicant:	Mr Piers Ross-Roberts		
Proposal:	Change of use from C3 dwelling to C4 House in Multiple Occupation.		
Location:	10 Silverton Road Loughborough LE11 2RJ		
Parish:	Loughborough	Ward:	Loughborough Outwoods
Case Officer:	Helene Baker	Tel No:	01509 634741

This application is presented to the Plans Committee at the request of Ward Councillor Morgan on the grounds of traffic and parking and impact on the character of the area.

Description of the Application Site

10 Silverton Road is situated in a residential area, characterised by detached and semi-detached houses and bungalows of a similar age to the application property. The application site is within walking distance of the Park Road District Centre which includes a large supermarket, within easy cycling distance of the town centre and University campus and close to a bus route.

No 10 is an extended semi-detached house, with four bedrooms on the first floor and a fifth in the roof space. The ground floor has a living room, kitchen/dining room, conservatory and integral garage. The front garden of the dwelling is largely hard-surfaced and there is currently on-site parking for 2 vehicles on this frontage.

There are no on-street parking restrictions in the vicinity of the application site.

Description of the Application

This application relates to the change of use of 10 Silverton Road from a Class C3 dwelling to a Class C4 house in multiple occupation. The submitted layout plan shows no changes to the internal layout or uses of the rooms in the existing dwelling. The whole of the ground floor provides communal living space and all bedrooms are on the upper floors.

There are no proposed alterations to the external appearance of the property.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9th November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design requires new developments to make a positive contribution to Charnwood resulting in places where people would wish to live through high quality, inclusive design which responds positively to its context. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new developments to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS3 – Strategic Housing Needs states that the Council will manage the delivery of at least 13,940 new homes between 2011 and 2028, seeking an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area.

Policy CS4 – Houses in Multiple Occupation is concerned with managing the proportion of houses in multiple occupation. It states that the Council will support the well-being, character and amenity of communities by managing the proportion of houses in multiple occupation that, either in themselves, or cumulatively with other houses in multiple occupation, damage the social and physical character and amenity of a street or area, generate noise and disturbance which is detrimental to amenity, or generate increased demand for on-street car parking which would prejudice the safe operation of the highway or cause detriment to amenity. The policy explains that further policy and guidance will be prepared in respect of HMOs. In this regard, the Council has adopted its Housing SPD which is also a material consideration in determining the application.

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.

Policy CS25 – Presumption in Favour of Sustainable Development

Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy TR/18 – Parking Provision in New Development 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 minimise harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4+ bedroom dwelling, although it states that this will be used as a starting point in assessing the level of provision and represents 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.

Material considerations

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 without the need for planning permission. 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 (or 3 or where one is the owner of the property) living as a single household. Planning permission is required for the occupation of dwellings by residents in excess of these numbers.

The National Planning Policy Framework (NPPF) (July 2018)

This confirms that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Framework requires the 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.

National Planning Policy Guidance (PPG)

This document provides additional guidance to ensure the effective implementation of the planning policy set out in the NPPF.

Housing Supplementary Planning Document (adopted 11th May 2017)

The SPD provides further explanation and guidance when dealing with Houses in Multiple Occupation proposals in the context of adopted Policy CS4.

The SPD provides a threshold 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. Information on HMO numbers and locations is sourced from University accommodation records, analysis of 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. Halls of Residence and purpose built student accommodation are not 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 HMOs 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 seek to support the well-being, character and amenity of local communities by managing the proportion of HMOs.

The Council has used a threshold of 20% in decision making and therefore changes of use to Houses of Multiple Occupation 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 SPD recognises that the threshold will provide one material consideration to be considered alongside a number of other matters identified in Policy CS4 and this SPD. These include those set out in the SPD at HSPD 12 Social and Physical Character and Amenity, HSPD13 Amenity Space, HSPD14 Noise Insulation and HSPD15 Parking. The SPD acknowledges that there will be instances where the impacts of a new HMO in an area with a low proportion of HMO properties may be judged to be so significant under the provisions of Policy CS4 that planning permission should not be granted.

Leicestershire Highways Design Guide (2018)

This guide, published by Leicestershire County Council, aims to achieve development that (inter alia) provides for the safe and free movement of all road users and encourages people to walk, cycle and use public transport and to feel safe doing so.

Relevant Planning History

P/99/0466/2: Extension to side of semi-detached house. Planning permission refused June 1999

P/99/1299/2: Single storey extension to side of house (revised scheme). Planning permission granted August 1999

P/01/0429/2: First floor extension over garage to side of semi-detached house. Planning permission granted April 2001

P/02/3363/2: Erection of conservatory to rear of semi-detached house. Planning permission granted December 2002

Responses of Statutory Consultees

The Council's Environmental Protection Manager whilst not specifically objecting to the application, identifies potential issues of waste bin storage, external security lighting and property maintenance. With regard to noise, they propose to contact the applicant to clarify the internal layout, welfare facilities etc. and to provide them with notes on additional sound insulation measures and recommendations on minimising noise and disturbance so as to avoid unnecessary nuisance to neighbours.

Other Comments Received

Ward Councillor Morgan has referred this application on the grounds of traffic and parking and impact on the character of the area.

The occupiers of 8 properties in Silverton Road have objected to the application. Matters that have been raised are as follows:

- The proposed HMO would have a harmful impact on the social character of this quiet residential area which is occupied by families and retired people and where there are currently no HMOs
- Would not meet Borough's housing needs
- Noise and disturbance, through both internal and external transmission, and the inability to mitigate/lack of detail of proposed mitigation measures
- Potential use of open space on Hambledon Crescent by occupiers of HMO
- Periods of non-occupation would lead to risk of burglaries and unkempt appearance of property
- Insufficient daylight/ventilation in loft space bedroom
- Silverton Road cannot sustain the additional traffic and parking associated with the proposed use
- Silverton Road is narrow in width, used by school children and as a 'rat run' and the lack of adequate parking provision would lead to an exacerbation of street parking and congestion on Silverton Road and the increase risk of traffic incidents, to the detriment of highway safety
- Impact of the additional parking generated by the proposal would have a damaging impact on the character of the street
- Requirement to meet licensing standards for sizes of rooms and building regulations in terms of soundproofing and thermal upgrading of external walls
- No planning statement accompanying application to address bin storage, HMO management, tenant market, fire strategy
- Setting of a precedent resulting in arbitrary, unplanned spread of HMOs across Loughborough
- The accuracy of plans, validity of application and the consultation process
- Impact on property prices in the local area.

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 on the local character and amenities of the area in respect of:
 - the balance of the local community
 - anti-social behaviour
 - noise and disturbance
 - amenity space and visual amenity
 - 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.

Principle of Development

The supporting text to Policy CS4 states that HMOs provide accommodation for a group of tenants who do not live together as a family and who share basic amenities such as a kitchen, bathroom facilities but have separate bedrooms. It acknowledges that HMOs 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 HMOs 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 HMOs. 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 HMOs 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 impact on the balance of the local community

This is an issue that is addressed in the adopted Housing SPD which uses a threshold approach to assess whether there is already a high concentration of HMOs in a specified area and seeks to resist further HMOs (small or large) where there is already 20% or more HMOs within a 100m radius of the application site.

The 20% threshold allows for consistency in decision-making on proposals for changes of use to HMOs and has been recognised by appeal inspectors as the level above which the problems associated with higher concentrations of students 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 adopted in May 2017.

The number of HMOs in the local area within which the application site is located, based on the 100m radius methodology in the newly adopted SPD, is 0 out of a total of 62 properties. This equates to 0% of the residential stock.

The available evidence indicates that HMOs are very under-represented in the area. The area within which the application site is located is residential in character, surrounding housing is not high density and the introduction of a HMO would contribute to a more mixed community which is advocated through the NPPF and development plan policy. Taking account of these factors, it would be difficult to argue that this proposal would adversely affect the community balance and the availability of family housing in the local area so as cause such harm to the social character and general amenities of the area to justify the refusal of planning permission on these grounds. Having regard to this, it is considered that the proposal accords with Policies CS4 of the Core Strategy and the NPPF.

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 and 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 no recorded incidents on Silverton Road, Farndale Drive or Parklands Drive relating to anti-social behaviour. It is not considered therefore that the proposal which would 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, HMOs 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, however, the proposed 5 bed HMO is unlikely to be more intensively occupied than a large family occupying it as a Class C3 dwelling. Having regard to the above, it is unlikely that noise levels associated with the proposed HMO would be significantly greater than its use as a large family house and thus the concerns relating to increased noise cannot be sustained.

With regard to noise transference between properties, without a sound test, there is no absolute guarantee that there would not be some sound transmission to the adjoining property. However, it is considered that requiring such a test would be unreasonable and unnecessary, given that the property is to remain in residential use. It is also not considered reasonable to condition the provision of sound proofing to confirm with building regulations (document E), as set out in the HSDP14, as such works would not be reasonably related in scale and kind to the development being applied for. Notwithstanding this, the internal layout of the proposed HMO would not result in noise sensitive rooms (such as bedrooms) sharing the party wall with rooms in the adjoining property where noise is likely to be generated (such as living rooms, stairs, kitchen) and vice versa which would serve to limit the potential for any significant noise transference between the adjoining properties.

Notwithstanding the above, the Council's Environmental Protection team is able to provide advice to the applicant on additional sound insulation measures and recommendations on minimising noise and disturbance so as to avoid unnecessary nuisance to neighbours and will be sending out information separately. It is considered that a planning condition requiring such works would be unreasonable and would not meet the necessary legal tests for the appropriate use of planning conditions.

To conclude, whilst it is considered that there will 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. 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. HMO 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 that it would be unreasonable to impose a planning condition requiring physical alterations to the property in this regard. The proposal does not therefore conflict with Policies CS2 and CS4, saved Policy EV1 and the adopted SPD.

Amenity space

In terms of amenity space for the storage of refuse/recycling containers, there is adequate provision for such storage within the rear garden or the garage (which does not count towards the on-site parking provision due to its substandard size) 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.

In terms of storage of refuse/recycling storage and the potential for its negative impact, the proposal accords with HSPD13 and 12.

Taking account of the above, the proposal is judged to accord with Policies CS2 and CS16 of the Core Strategy, saved Policy EV/1 of the adopted Local Plan and the adopted SPD.

Visual amenity

This application is for a change of use only and there are no proposed alterations to the external appearance of the property.

The perceived poorer maintenance and repair of the property as a proposed Class C4 HMO is raised by local residents. However there is no evidence put forward to substantiate this claim. Given that the proposed Class C4 use would be similar in scale to the existing Class C3 use, it is considered that it would be difficult to argue that this potential issue would be likely to have a damaging impact on the appearance of the area such that it provides reasonable grounds for refusing this planning application.

Taking account of the above, the proposal is judged to accord with Policy CS2 of the Core Strategy, saved Policy EV/1 of the adopted Local Plan and the adopted SPD.

Highway safety

There is space for 2 cars to be accommodated off road at the property. This could be increased to 3 with the removal of vegetation from the frontage. There is also a double garage at the property. The garage is substandard in its internal length and cannot therefore be counted towards on-site vehicle parking provision. The garage would however provide covered and secure space for a minimum of four cycles which could be required by planning condition.

The current vehicle parking provision does not meet the highway authority standard of 3 spaces for a 4 or more bedroom dwelling. Whilst there is the opportunity to increase on-site parking to 3, by removing vegetation from the front garden, this needs to be weighed against the following facts. Silverton Road is a relatively lightly trafficked residential road with no parking restrictions. The application site is situated within walking/cycling distance of the town centre and university campus and is close to a bus route. Occupiers of the property would not therefore be solely reliant on the use of a car to meet daily needs. There would also be the provision of covered and secure cycle parking and the landscaped frontage to the property would be retained.

The NPPF requires that safe and suitable access to the site can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Given the characteristics of the local road network and the application site, together with the convenient location of the property to facilities and services, it is considered that the proposed on-site parking provision (for vehicles and cycles) would not be contrary to the NPPF although it would not generally accord with the highway authority's standard and saved Policy TR/18 of the adopted Local Plan.

Other matters

Security lighting issues raised through consultation responses is not considered to be a material planning consideration in this instance as it is not proposed and is just as likely to be provided in connection with a Class C3 use.

Matters relating to standards governed by Building Regulations and HMO Licensing are dealt with by other regulatory bodies and are not planning considerations.

The local planning authority is satisfied that the submitted plans and accompanying documentation allows for the determination of a valid application and that the correct consultation process has been followed.

The impact of proposal on local property prices is not itself a material planning consideration.

Conclusion

For the reasons given above, it is considered that the proposed change of use would not result in an overconcentration of HMOs in the area that would result in a community imbalance. Furthermore the proposal would not result in harm to the residential character and amenity of the area or be detrimental to highway safety. It would therefore comply with Policies CS2, CS4 and CS16 of the Core Strategy, and Policies EV/1 of the Local Plan and the Housing SPD. It is acknowledged that in terms of on-site vehicle parking provision, it does not accord with saved Policy TR/18 however this does not outweigh the benefits of the scheme.

Whilst the Housing SPD does acknowledge that there may be situations where permitting a HMO in an area where there is low proportion of HMOs may be judged to be so significant under the provisions of Policy CS4, it is not considered that the circumstances are such in this case.

Accordingly, having regard to the above considerations, it is recommended that planning is granted conditionally.

RECOMMENDATION:-

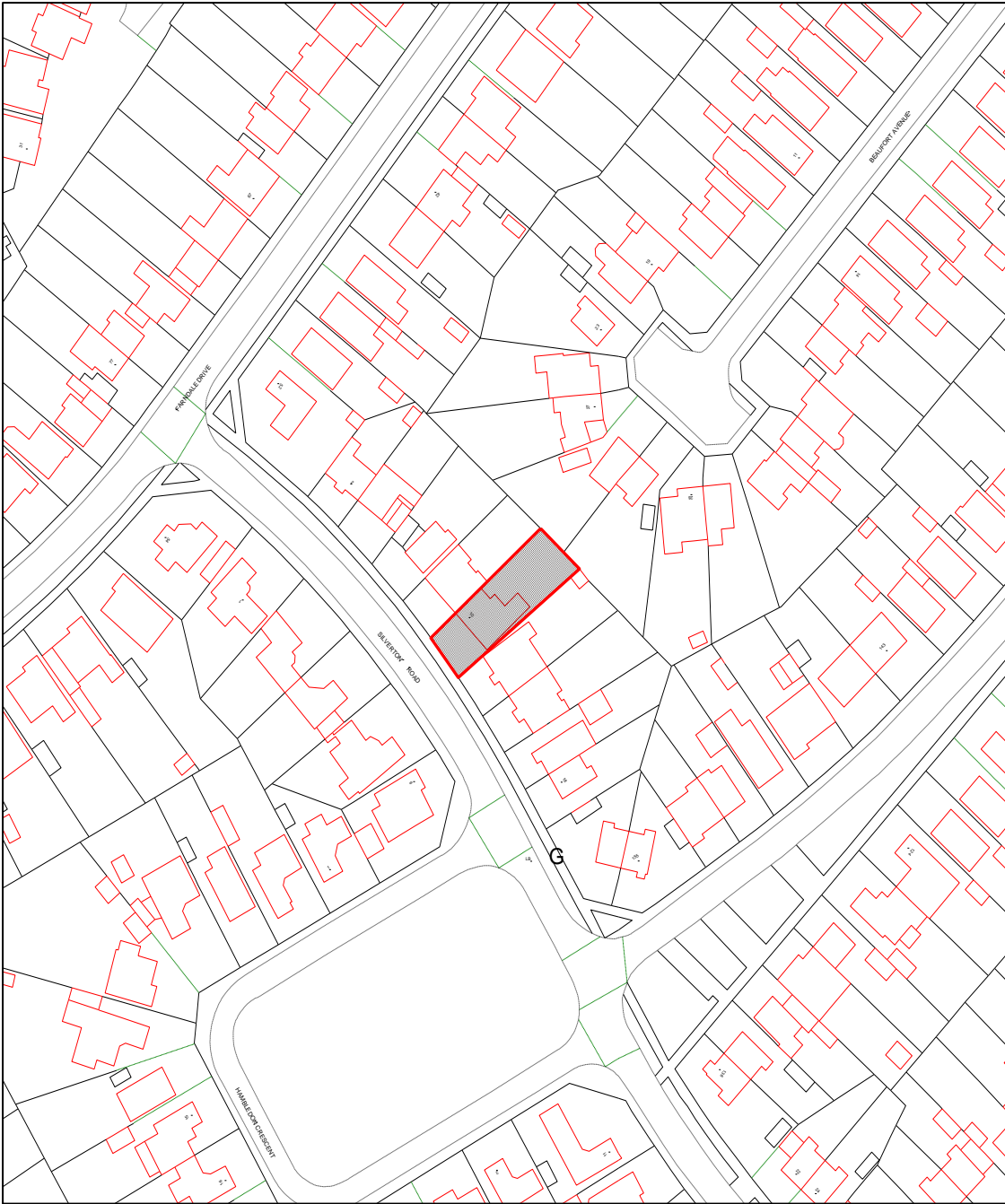
Grant Conditionally

- 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: 1:1250 Site Location Plan and NA2070-018-01.
REASON: To define the terms of the planning permission.

- 3 The hard surfaced area on the frontage of the property shall be available for vehicle parking at all times and shall not be obstructed in any way that would prevent such use.
REASON: To provide off-street parking, in the interests of road safety.
- 4 The use hereby permitted shall not commence until a minimum of 4 cycle parking spaces have been provided within the garage. This cycle parking provision shall be available at all times thereafter for this purpose.
REASON: To encourage the use of bicycles as an alternative to the car.

The following advice notes will be attached to a decision

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



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