

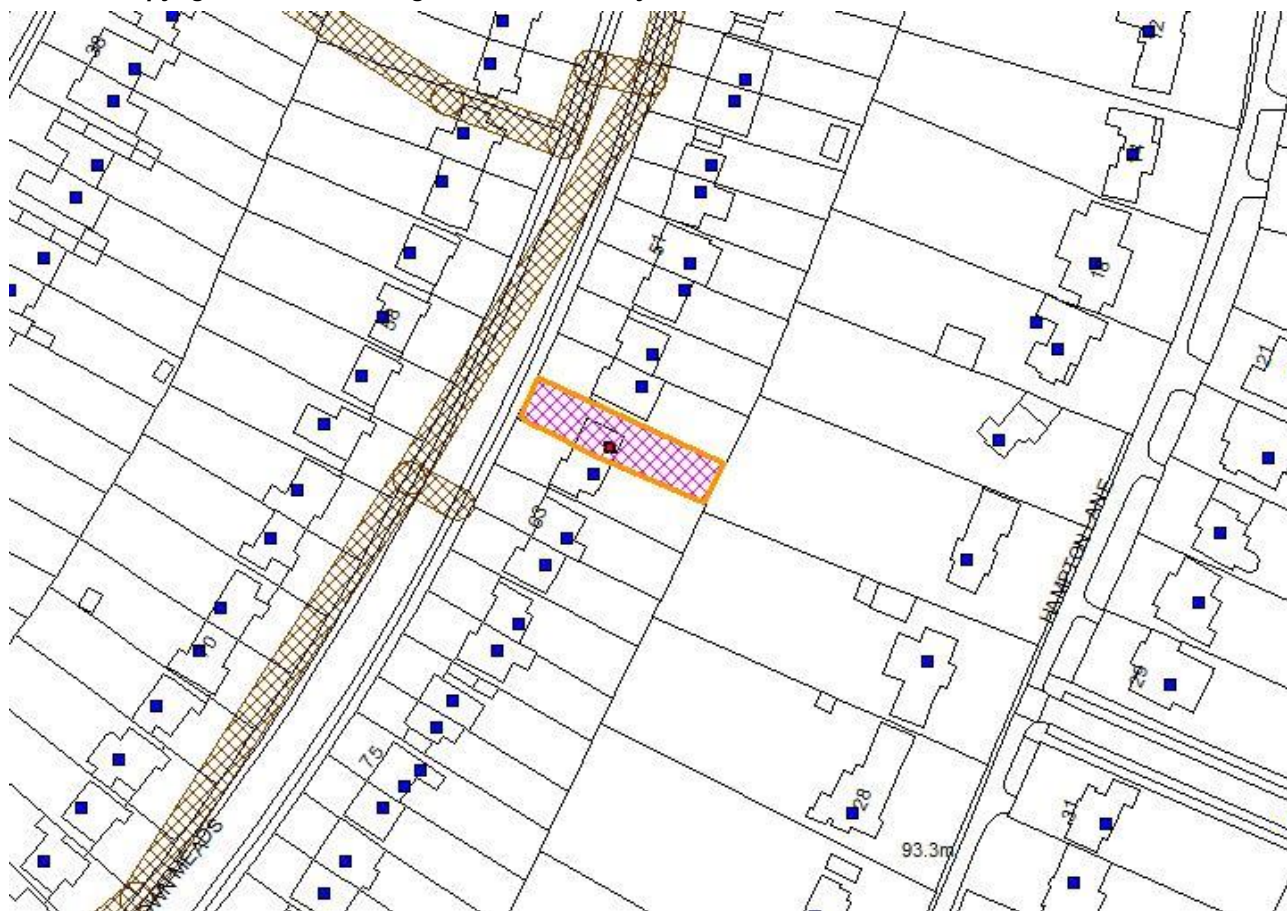
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/01388/FUL
Proposal Description: The change of use from a 6-bedroom house in multiple occupation (C4) to an 8-bedroom HMO (sui generis)
Address: 59 Teg Down Meads Winchester Hampshire SO22 5NG
Parish, or Ward if within Winchester City: St Barnabas Ward
Applicants Name: Sealey
Case Officer: Cameron Taylor
Date Valid: 23 June 2022
Recommendation: Permitted
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 22/01388/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>

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Reasons for Recommendation

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The development is recommended for permission as it is considered that it will not have a significant adverse impact on the character of the area in accordance with Policies DM15 and DM 16 of the LLP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2.

General Comments

The application is reported to Committee due to the number of Objections received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

None

Site Description

The site is located to the east of Teg Down Meads and consists of a two-storey semi-detached dwelling with the access and parking located to the west of the dwelling. The area itself consists of two-storey semi-detached dwellings with various developments visible within the area.

Proposal

The proposal is for the change of use from a 6-bed house in multiple occupation (C4) to an 8-bed house in multiple occupation (Sui-generis). The proposal does not include any external changes to the building itself with the plans showing ample parking for at least 3 cars along with a bin store to the front and bike store to the rear.

Relevant Planning History

-19/00277/HOU - Demolition of existing garage, chimney and associated porch. Construction of two storey side and single storey rear extension. Extension of existing driveway.- Permitted 29.03.2019

Consultations

Service Lead – Private Sector Housing

- No Objection or comments to the proposal.

Service Lead – Public Protection (Environmental Health)

- No Objection or comments to the proposal.

Representations:

City of Winchester Trust: No Objection

19 Objecting Representations received from different addresses citing the following material planning reasons:

- Inappropriate use in a residential area

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- Set precedent in the area
- Overdevelopment of the area
- Change to the living environment in the area
- Antisocial behaviour
- Parking issues for 8 residents
- Impact upon neighbouring amenity

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 - Development Strategy and Principles

MTRA1 – Development Strategy Market Towns and Rural Area Market Towns and Larger Villages

CP2 - Housing Provision and Mix

CP13 - High Quality Design

CP16 – Biodiversity

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 - Location of New Development

DM15 - Local Distinctiveness

DM16- Site Design Criteria

DM17- Site Development Principles

DM18- Access and Parking

Emerging Plan - Winchester District Local Plan 2020-2040

SP1 – Vision and Objectives

SP2 – Spatial Strategy and Development Principles

D1 - High Quality, Well Designed and Inclusive Places

D2 - Design Principles for Winchester Town

T1 - Sustainable and Active Transport Travel

T2 - Parking for New Developments

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NE5 - Biodiversity
H10 - Houses in Multiple Occupation (HMOs)

Supplementary Planning Document

National Design Guide 2019
Car Parking Standards (2008)
High Quality Places SPD (2015)
Air Quality SPD September 2021
Shedfield Parish Council Village Design Statement

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030
Statement of Community Involvement 2018 and 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Emerging Local Plan, as now agreed by Full Council, has been submitted to the Secretary of State, and examination sessions have been completed but the examination remains open and can be given appropriate and increasing weight in the assessment of development proposals in advance of examination and adoption.

The application site is situated within the defined settlement boundary of Winchester. The principle of the change of use from a 6-bed HMO (C4) to a 8-bed HMO (sui-generis) is considered acceptable in principle in accordance with policy DM1 of the LPP2 subject to compliance with the development plan as a whole and material planning considerations.

The proposal would result in the increased number of bedrooms to an existing HMO. Policy WIN9 of the Local Plan Part 2 seeks to retain a balanced housing stock. The proposal seeks the expansion of an existing HMO from a 6 to an 8 bed under a sui-generis use class. WIN9 relates primarily to the creation of new HMO properties within the Winchester Town area, whereas this proposal is for an expansion of an existing HMO, the criteria of WIN9 are not therefore engaged apart from criteria iii which requires parking to meet the needs of the development. This issue is considered under Sustainable Transport below.

The site had previous permission in 2019 for development to the property when it was a C3 dwelling. This included the demolition of existing garage, chimney and associated porch and the erection of a two-storey side and single-storey rear extension, along with an extension to the existing driveway. It is noted the site was put into use as a C4 HMO in April of 2020, however this change of use was completed under permitted development and as such did not require permission for the C3 to C4 change of use.

Assessment under 2017 EIA Regulations.

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The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The site is situated to the east of Teg Down Meads which is characterised by two-storey semi-detached dwellings with a similar external finish but various examples of development within the area. The dwelling currently consists of a 6 bed HMO (C4) and the proposal seeks the addition of 2 more bedrooms to create an 8 bed HMO under a sui-generis use class.

The proposed increase in bedrooms does not include any external changes to the dwelling, with the dwelling already having a C4 use. The change will see an increase to the number of occupants from 6 to 8 tenants. It is appreciated that the new use will cause a more intensified use of the dwelling, however the additional bedrooms are within the existing footprint and do not require additional development to accommodate the increase in accommodation – instead existing store rooms are being utilised. There is also adequate amenity and living space provided within the property. Therefore, given the overall size of the dwelling and the urban character of the surrounding area, the increase from 6 to 8 tenants is not considered to be harmful or to materially change the character of the dwelling and surrounding area.

The proposal includes the addition of a bin store to the front that has a scale ancillary to the dwelling and a lightweight appearance. A bike store is also proposed to the rear which will not be readily visible from the public realm. The bike store has a scale and appearance subservient and ancillary to the dwelling. Both bin and bike store are located on existing hardstanding, with the bin located on the driveway and bikes storey being on the rear paved area. Therefore, the proposal is not considered to cause a significant adverse harm to the character and appearance of the site and surrounding area.

Therefore the proposal complies with policies DM15 and DM16 of the LPP2.

Development affecting the South Downs National Park

The application site is located over 2km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The building sits within an urban environment. Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

Historic Environment

There will be no adverse impact as the works do not affect a statutory listed building or structure including its setting; the area is not a conservation areas and there is no archaeological sensitivity or non-designated Heritage Assets within the site's vicinity.

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Neighbouring amenity

The site has adjoining neighbouring properties along its north, east and southern boundaries. However, the proposed development does not include any development which affects scale or massing of the dwelling, nor does it include any additional gazing. The bin and bike store to the site are along the boundary, however are low level structures and will be behind existing boundary treatment. Therefore given the nature of the changes, an adverse overbearing, overshadowing and overlooking impact is not identified. The site has adequate living and amenity space within its curtilage with the site having a licence already for the use of the property as a 8 bed HMO. Concerns have been raised with regards to noise as a result of the change of use. The proposal would allow an increase in the number of bedrooms from 6 to 8, however the property has an existing HMO use and the council's Environmental Protection team have raised no concerns about the change from 6 to 8 occupiers. It is therefore not considered that this change of use will lead to any materially harmful noise impacts over the current use.

The proposal therefore complies with policy DM17.

Sustainable Transport

The site has a large parking area to the front of the dwelling which notes on the plans to be able to accommodate at least 3 allocated spaces, however it is possible to accommodate more. The site includes a bike store. The site is within 100 metres of 2 bus stops along with pedestrian access available from the site to nearby amenities. The increase in the number of bedrooms does cause an increase in the number of tenants, this increase is not considered to lead to an increase in traffic generation that would cause significant harm to highways safety. The site is also within a sustainable location, with additional sustainable transportation available along with encouragement for alternative transport methods through the inclusion of an enclosed bike store. Therefore the proposal is considered to comply with policy DM18 of the LPP2.

Ecology and Biodiversity

The proposal will have no direct impact as it is not development within, bordering or in close proximity to a European Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites). The proposal does not cause any changes to the external property and there are no internal ecological considerations.

The application was submitted before Biodiversity Net Gain came into force and therefore is exempt from this requirement.

Therefore it is not considered to lead to an adverse impact upon ecology and the proposal complies with policy CP16 of the LPP1.

Appropriate Assessment.

The proposal seeks an increase in the amount of overnight accommodation and the application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution of 2.63 Kg/TN/year and 0.02 Kg/TP/year is made. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on Nitrates from Natural England.

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The applicant has submitted a nutrient budget that indicates the amount of nitrogen and phosphates which the Council will require to be mitigated. The agent has submitted an allocation agreement with a suitable site for the credits to mitigate nitrates and phosphates. A 'confirmation letter' has also been submitted demonstrating payment has been made in full for the required credits. A water efficiency calculator is required to meet the final section of the Grampian condition which is secured by condition 3.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework.

Sustainable Drainage

The proposal will have no impact on this because the proposed development does not change the foul or surface water drainage to the site itself with no external alterations occurring to the property itself. The increase in number of occupiers will not materially affect foul drainage. The proposal therefore complies with policy DM17 of the LPP2.

Private Sector House

The site had a licence issued in April 2020 which allowed for 8 individuals as a bedsit-type HMO and is compliant with all HMO standards. Therefore the increase from a 6 bed HMO to a 8 bed is confirmed to be acceptable under relevant HMO standards.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The site is located within a defined settlement boundary and is an existing C4 HMO use. The increase to an 8 bed will result in a sui generis use class. However, the property retains an overall residential appearance and the ability to return to a residential property. Therefore, the change of use and increase in bedroom numbers internally are not changes which it is considered will have an adverse impact upon the character and appearance of the site and surrounding area.

The proposal does not cause a change to the externals of the property nor will the change of use result in additional overlooking. The change will see the increase in the number of bedrooms, however the existing property is already a 6 bed HMO and the creation of an 8 bed HMO is not considered to create a material change to noise impacts in comparison to the current use. It therefore will not result in significant adverse residential amenity impacts.

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The site has ample parking for 3 allocated spaces, along with a bike store and has good pedestrian and public transport links. It therefore will not lead to an impact upon parking or highways safety.

There will be no impact on ecology and the development will be nitrate neutral.

The proposal is therefore considered to comply with policies CP16 and MTRA1 of the Local Plan Part 1 and DM15, DM16, DM17 and DM18 of the Local Plan Part 2.

Recommendation

That the application be Granted subject to the following conditions:

Conditions

1. The development hereby approved shall be constructed in accordance with the following plans:

- Site Plan- Received 23.06.2022
- Floor Plans- Revised Proposal - Dwg No. 826/03- Received 23.06.2022

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

2. The property will be occupied by no more than 8 tenants within the 8 bedrooms. All bedrooms shall be occupied by no more than 1 tenant under the sui generis (HMO) use.

Reason: In the interests of the amenities of the property and area.

3. The development hereby permitted shall NOT BE OCCUPIED until:

- a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
- b) All measures forming part of the nitrogen and phosphates mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

Informatives:

1. In accordance with paragraph 39 of the NPPF 2024, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, CP16, MTRA1

Local Plan Part 2 - Development Management and Site Allocations: WIN9, DM1, DM15, DM16, DM17, DM18

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Emerging plan- SP1, SP2, D1, D2, T1,T2, NE5, H10

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:

- The application for planning permission was made before 12 February 2024.