

Parish:
Chichester

Ward:
Chichester East

CC/18/02818/FUL

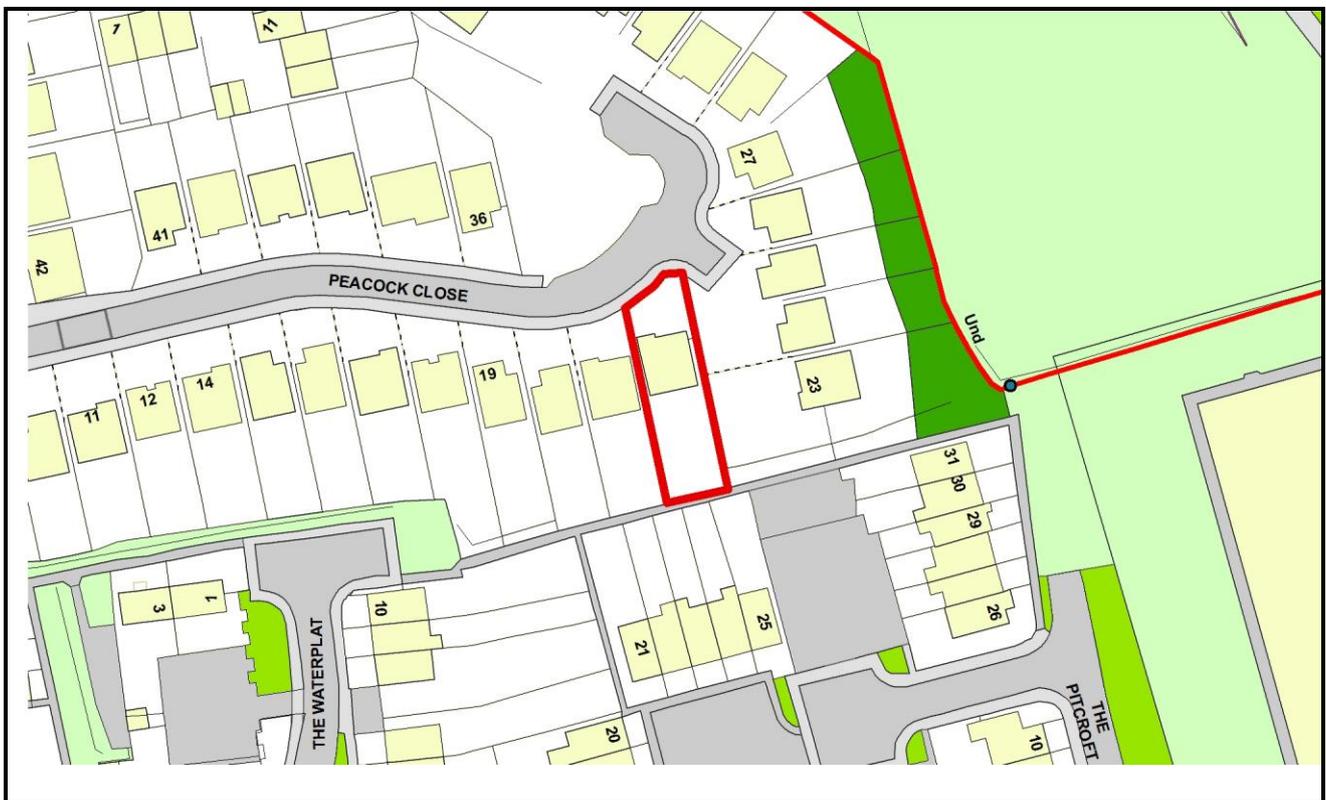
Proposal Change of use of a 6-bedroom house (Class C4) to a 7-bedroom House of Multiple Occupancy (Sui Generis) for a maximum of 7 professionals.

Site 22 Peacock Close Chichester PO19 6YD

Map Ref (E) 487087 (N) 106022

Applicant Mr Rupert Day

RECOMMENDATION TO PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

1.1 Parish Council Objection - Officer recommends Permit.

2.0 The Site and Surroundings

2.1 The application site is occupied by a detached, two-storey house situated towards the end of the Peacock Close cul-de-sac. The house, which is currently used as a 6-bedroom House in Multiple Occupation (HMO), has a conservatory and modest garden to the rear and a front driveway with parking provision for 3 or 4 cars (depending on the layout) to the front. The surrounding area is predominantly residential in character, comprising detached dwellings of a similar style to that of the application site. The neighbouring property at 21 Peacock Close is also used as a HMO.

3.0 The Proposal

3.1 The application proposes the change of use from a 6-bedroom HMO dwelling (Use Class C4) to a 7 bedroom HMO (Sui Generis), utilising an existing room within the dwelling, currently used for storage.

3.2 No external changes are proposed to the building and parking would remain as existing.

4.0 Planning History

01/01491/DOM	PER	Erect PVCu conservatory to rear of property.
93/00215/OUT	APPEAL	Mixed residential scheme (112 Units).
97/00887/REM	PER	Residential development to provide 25 x 2 bedroom houses and 34 x 3 bedroom houses and 46 x 4 bedroom houses and access roads.
97/00909/REM	WDN	Residential development to provide 42 x 3 houses and 57 x 4 bedroom houses.
97/00995/FUL	PER	Access road to serve residential development.
15/03752/TPA	PER	Reduce height by 2-3m, north and south sectors by 3m, east sector by 1m and reduce west sector by 2m on 1 no. Oak tree (T16) subject to CC/99/00320/TPO

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone 2 or 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **City Council**

Objection. The proposal would unacceptably impact upon residential amenity and would likely give rise to a disproportionate reliance upon on street parking, to the detriment of both the amenity of the area and the function of the local highway network. The shared amenity space, a kitchen and conservatory, is insufficient for the proposed level of occupancy.

6.2 **WSCC Highways**

This proposal is for the change of use from a 6-bedroom C4 House of Multiple Occupation (HMO) to 7-bedroom, 7-occupant House of Multiple Occupation (Sui generis). The site is located on Peacock Close, an un-classified residential road subject to a speed limit of 30mph.

Access

This proposal will not alter the existing access arrangements for the site. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site as result of the site layout. Therefore there is no evidence to suggest that the existing access is operating unsafely or that this proposal would exacerbate an existing safety concern. This proposal is not anticipated to result in a material increase in vehicle movements to and from the site over the existing C4 use.

Parking

The plans indicate that three parking spaces will be provided on the site frontage for use by the proposed HMO. The application form indicates that this parking provision currently exists on site for the existing C4 use of the site. Each space should measure a minimum of 2.4 x 4.8m. The plans demonstrate that the proposed spaces fall short of the required minimum depth at 4.3m; however there is sufficient depth on the site frontage for 4.8m to be achieved. Under WSCC maximum Parking Standards, 0.5 car spaces may be provided per room/unit. The proposed car parking provision falls below the maximum standard of 3.5 parking spaces for a 7-bedroom HMO; however, this is not deemed unacceptable due to the sustainable location of the site. We would not consider that highway safety would be detrimentally affected through the proposed parking provision. Any overspill parking could be accommodated on-street. The applicant has demonstrated five on-street parking spaces that could be utilised for the proposal; however these do not count towards parking

provision for the proposed HMO as they are unrestricted and unallocated. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

The LHA acknowledges local residents' concerns regarding parking pressures in the area. Any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 - (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police. There are also some links to the Highways Act 1835 (section 32), Town Police Clauses Act 1837 (section 28) and the Road Vehicle (Construction and Use) Regulations 1986 (SI 1986/1038), which have been used successfully in proceedings brought about against drivers parking on footways.

A turn on site would be preferred; however there is clearly insufficient space to accommodate this. Furthermore the site has been operating with this arrangement under the C4 use for some time without evidence of safety concern. In addition to this, many neighbouring properties have similar arrangements without any evidence of highway safety concern.

Sustainability

The site is sustainably located within walking distance of local shops and services, including Chichester city centre, bus stops and Chichester Train Station. Cycling is a viable option within this vicinity and sufficient secure and covered cycle storage is proposed for the development.

Conclusion

The LHA does not consider that the proposal for a 7-bedroom HMO would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied:

Condition - Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

6.3 Environmental Health

No comments to make on this application.

6.4 Waste/Contracts Services

Only one small point to raise - on collection day we require the relevant bin to be presented just inside the property boundary at the closest point to the public highway.

The plans show the bins position further inside the properties boundary, which is fine for storage purposes only.

6.5 Ecology

Recreational Disturbance - We are satisfied that a contribution would not be required for this proposal as there will be no net increase in units on the site. However we recommend that Natural England is consulted on this application to ensure there are happy with our position.

6.6 Natural England

No comments received to date.

6.7 Third Party Representations

A total of 24 third party letters of objection have been received concerning;

- a) Parking provision of 3 spaces is insufficient
- b) Parking provision does not comply with parking standards (requires 3.5 spaces)
- c) Neighbouring property is 6 bed HMO and has only 2 car parking spaces
- d) On-street parking should be for visitors rather than residents
- e) Emergency vehicle access impeded
- f) Highway safety
- g) Sets a precedent for future HMO applications
- h) Conversion to a HMO is out of character with the family home/residential area
- i) Proposal could result in a requirement for potentially 14 cars including visitors
- j) Parking an existing problem in the street due to hospital and university goes
- k) Concerns use of conservatory as amenity space would create significant noise
- l) Increased activity/noise and impact on neighbouring amenity
- m) Concerns students would occupy the property rather than professionals
- n) No engagement with neighbours prior to submission of an application
- o) Article 4 Directions should be considered to restrict the use of properties as HMOs
- p) No evidence that the property has been upgraded with sound insulation
- q) Loss/waste of heat through conservatory
- r) Enhanced capital value of the property as a HMO
- s) Existing HMO property at number 21 raises noise and nuisance issues

7.0 Planning Policy

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

Chichester Local Plan: Key Policies 2014-2029

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy & Settlement Hierarchy

Policy 10: Chichester City Development Principles

Policy 33: New Residential Development

Policy 39: Transport, Accessibility & Parking
Policy 40: Sustainable Design & Construction
Policy 50: Development & Disturbance of Birds in Chichester & Langstone SPA

National Policy and Guidance

7.3 Government planning policy comprises the National Planning Policy Framework (NPPF) 2018.

7.4 Section 2 (Achieving sustainable development), paragraphs 10 and 11 state:

"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development..."

"...For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

7.5 Section 5 (Delivering a sufficient supply of homes), paragraph 61 states:

"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)"

7.6 Consideration should also be given to sections 4 (Decision making), 7 (Ensuring the vitality of town centres), 9 (promoting sustainable transport), 11 (Making effective use of land), and 12 (Achieving well-designed places) of the NPPF..

7.7 Other Local Policy and Guidance

- CDC Waste Storage and Collection Guidance

7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs

8.0 Planning Comments

8.1 The main considerations are as follows:

- i) Principle of development
- ii) Design, scale and impact on character of the area
- iii) Amenity of neighbouring properties
- iv) Highways and parking
- v) Ecological considerations
- vi) Other matters

i) Principle of development

8.2 The application site is within the designated settlement boundary as defined by the Chichester Local Plan (CLP) Policy 2, and within a sustainable location close to the city centre. The existing house is currently occupied as a small HMO (6 individuals), which is the maximum size HMO permitted under Class C4 (residential) without a grant of planning permission.

8.3 There is no specific local plan policy or planning guidance relating to HMOs; however, CLP Policy 10 relates to Chichester city development principles and requires, amongst other things, proposals to 'support and strengthen the vitality and viability of the city centre and its role as a shopping/visitor destination and place to live' and 'support and promote improved access to the city and sustainable modes of travel....'. Additionally, CLP Policy 33 provides criteria for appropriate residential development and requires proposals to 'provide a high quality living environment in keeping with the character of the surrounding area', 'provide and appropriate density of development....and an appropriate mix of dwellings' and 'respect and where possible enhance the character of the surrounding area and site....and neighbouring and public amenity....'.

8.4 Given the sustainable location within the settlement boundary, the proposal is considered to be acceptable in principle, subject to compliance with development plan policies and other material considerations; in particular amenity and highways impact.

ii) Design, scale and character

8.5 No external changes are proposed to the building and the increase of a single additional person living in the building is not considered to alter the perception of the use of the building as a residential abode or impact on the character or appearance of the surrounding area. The proposal is therefore considered to accord with Local Plan Policy 33 in this regard.

iii) Amenity of neighbouring properties

8.6 The property is located within a residential area, relatively close to the city centre. No alterations or additions are proposed that would result in an impact upon neighbouring dwellings, and the nearest neighbouring property is also used as a HMO. The proposal would result in the intensification of the use of the site however it is not considered that there would be a significant change to the noise and activity associated with the proposal that would materially impact upon the amenities of neighbouring properties given the minor increase of one additional bedroom and occupant. The proposed use of the site would remain residential in nature and the existing rear conservatory is typical of homes

and HMOs alike, and would not result in an unacceptable level of noise impact to nearby residents.

- 8.7 The Council's Environmental Health team has been consulted and they have no comments to make on the application. Both the application property and the neighbouring property currently have a licence to be used as a 6-bed HMO. Environmental Health have confirmed that no noise complaints or any other form of complaint have been received in relation to either property. Due to the small intensification of the existing use proposed it is considered the proposal would not have a significant adverse impact upon neighbouring amenity and therefore the proposal would comply with Local Plan Policy 33.
- 8.8 With regards to amenity levels for future occupiers of the HMO, the rear garden is deemed to provide sufficient external private amenity space, and internally there is a reasonable size kitchen/dining room and conservatory; this is considered to provide adequate private amenity for future occupiers.
- 8.9 For the reasons set out above it is therefore considered that the proposal would safeguard the amenities of neighbouring properties and would provide an acceptable level of amenity for future occupiers in accordance with the NPPF and the CLP.

iv) Highways and Parking

- 8.10 The proposal would result in the increase of one additional bedroom and occupant, and therefore a likely maximum of one additional car. This is not considered to be a significant increase and would not materially increase the traffic movements within the street or area, or impact on the parking provision within the street. The site currently has provision for at least 3 car parking spaces, as indicated within the submitted parking plan. However, the site can accommodate 4 parking spaces and has been shown on a recently submitted additional parking plan option. The WSCC parking standards requirement for a 7-bed HMO is 3.5 cars. The existing provision of 3-4 spaces would therefore comply with this requirement. Furthermore, the site is within a sustainable location, close to the centre of Chichester, and the Highway Authority has in any event advised that a lower parking provision would be considered appropriate given the sustainable location and easy walking/cycling access to the city. It is recommended that a condition be imposed that requires the implementation of the 4 car parking space layout, as shown on the submitted parking plan.
- 8.11 The applicant has also confirmed that not all occupants own a car, which is not unexpected given the close proximity to transport and employments provision within the city centre. It was noted when visiting the site multiple times, including during the day and at 7pm, that the driveway never contained more than 2 cars, and there did not appear to be an issue with parking on the street. As a result, it is not considered that the increase of one 1 person/car would materially impact on highway safety or the amenity of the area, and there is sufficient parking provision both on-site and within the street which would accommodate the increase.
- 8.12 The Highway Authority was consulted and raised no objection to the application, stating they did not consider the proposal would have a severe impact on the highway network. The proposal is therefore deemed to be acceptable with regards to highway safety and parking provision, would not be to the detriment of public amenity, and in accordance with Local Plan Policy 39. A condition is recommended requiring the parking spaces to be

retained in perpetuity, and for covered cycle storage to be provided; in order to provide adequate parking and in accordance with sustainable transport policies.

v) Ecological considerations

8.13 The application site is within the 5.6km 'Zone of Influence' of the Chichester and Langstone Harbours Special Protection Area (SPA). The proposal would not result in a net increase in residential units, however regard has been had to the increase in size of the HMO. The Council's Ecology Officer was consulted and raised no objection to the scheme; stating that they did not consider the proposed increase in a bedroom/occupant would trigger a requirement to provide SPA mitigation. No comments have been received from Natural England. It can therefore be reasonably concluded that the proposed change of use from residential to a 7-bed HMO would not significantly impact on the nearby SPA with regards to potential recreational disturbance.

vi) Other Matters

8.14 The majority of the comments raised within the letters of representation have been addressed within the above assessment. The remaining comments are addressed below:

- The value of the property or other properties is not a material planning consideration.
- The site/area is not subject to an Article 4 Direction removing PD rights for HMOs. The current application has been submitted as permission is required for the change of use from a 6 to 7 bed HMO. Precedent is not a material planning consideration and any future HMO application would need to be assessed on its own merits.
- The occupancy of the proposed HMO, as to whether it be students or professionals, is not relevant to the nature of the use proposed and it would not be reasonable for the Council to limit occupancy to professionals only. The applicant has nevertheless confirmed that the property would be occupied by professionals.
- Although good practice, it is not a requirement for applicants to engage with neighbours prior to submission of an application.
- Building regulations requirements have been achieved and consent given, which includes thermal and acoustic upgrading.

9.0 Conclusion

9.1 The proposal is considered to be in accordance with local plan policies and national guidance and is acceptable, including Policies 10, 33 and 39 of the Chichester Local Plan, would preserve the character and amenity of the area, is appropriate with regards to parking provision and highways safety, and is therefore acceptable. There are no other material considerations which outweigh this conclusion.

Human Rights

9.2 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching these recommendations and it is concluded that the recommendations to permit are justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: TQRQM18303145611401 (Location Plan), 002 Rev A (Parking Plan), 003 (Block Plan) & 006 (Proposed First Floor Plan).

Reason: To ensure the development complies with the planning permission.

3) The additional bedroom hereby approved shall not be occupied until details of covered and secure cycle parking spaces have been submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

4) Prior to occupation of the additional bedroom hereby approved, the site shall implement and maintain in perpetuity a parking arrangement that provides for 4 on-site car parking spaces in accordance with the approved Parking Plan 002 Rev A.

Reason: To ensure sufficient on-site parking provision is provided and in the interests of highway safety.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) On refuse collection day, the relevant bin(s) should be presented just inside the property boundary at the closest point to the public highway.

For further information on this application please contact James Gellini on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PH3CTUERL2G00>