

## COMMITTEE REPORT

**Item Number:**

**Application Number:** S/19/0743

**Ward:** Eastcott

**Parish:** Central Swindon South

**Proposal:** Change of use of main dwelling to create 9 bed House in Multiple Occupancy (HMO).

**Location:** 74 Bath Road, Old Town, Swindon

**Agent:**

Mr Ben Williams  
Ben Williams Home Design And  
Architectural Services  
The Marlestons  
Old Town  
Swindon  
SN1 4NA

**Applicant:**

Mr Kirby  
76 Bath Road  
Old Town  
Swindon  
Swindon  
SN1 4AY

### Officers Report

**Background:**

i) This application has been called to the Planning Committee by the Central Swindon South Parish Council due to its proposed house in multiple occupation (HMO) usage.

ii) The proposal was amended from the initial proposal of a 10 bed HMO that included conversion of the rear detached garage to form the 10<sup>th</sup> bedroom. The garage will now be retained to provide a single car parking space, cycle storage for maximum 10 bicycles and general storage within the roofspace.

iii) Further amendments have been made to the lower ground layout plan in terms of relocation of bedroom 1 access door to adjoin the staircase. The removal of the door from providing direct access to the dining room mitigates impact onto bedroom 1 in terms of privacy, noise and disturbance.

iv) With regard to refuse collection, the applicant has clarified that 'standard' 240litre refuse bins rather than the large Euro 1100litre bins would be provided within a timber enclosure to the front of the property.

**Summary of Recommendation:**

That planning permission be GRANTED with Conditions

## **The Proposal:**

1. Planning Permission is sought to change the use of existing dwelling to create 9 bed House in Multiple Occupancy (HMO). The property consists of 4 floor levels. At lower ground floor will be a single bedroom, communal kitchen and dining space with direct access to the rear garden. The upper ground floor and first floor consists of 3 bedrooms each and the second floor level has 2 bedrooms. The submitted plans indicate that each bedroom would be en-suite.
2. Refuse bin storage is proposed to the front of the property and cycle storage for maximum 10 bicycles would be within the detached rear garage. Vehicle access to the detached garage is from a service lane to the rear of properties on Bath Road and Lansdown Road.
3. The only external alteration would be the introduction of an external side elevation door from the upper ground floor level. This will provide through access from the front of the property (Bath Road) to the rear garden.
4. Internal alterations would involve the introduction of en-suites to all the bedrooms and further partitioning of upper ground floor to create 3 bedrooms.

## **The Site and Surroundings:**

5. The mid terrace residential property at present includes 5 bedrooms at upper ground, first and second floors. Part of the upper ground floor consists of a large living room with the lower ground floor housing the second living room, dining and kitchen. The site is located in a predominantly residential area with detached garages to the rear of properties with separate vehicular access. As such the property is accessible from Bath Road to the front and a service lane to the rear. The site is located within the Swindon Towns Gardens Conservation Area.

## **Representations:**

6. Neighbours:  
Objections received from: 37 and 42 Lansdown Road, 72 Bath Road and 23 Springfield Road  
Concerns raised:
  - Inadequate parking as there are already parking problems on this part of Bath Road and to the rear.
  - Applicant owns property behind 70 Bath Road that already causes parking problems (*Officer comments: issues at number 70 are a separate issue from the current application*)
  - Increased amount of traffic using the rear service lane
  - Redline area of the application is inaccurate as it incorporates shared access area (*Officer comments: Right of access is not a planning matter in this instance*)
  - Overprovision of HMOs in the area
  - Application is misleading. Should apply for a hostel or hotel and not an HMO (*Officer comments: there is nothing misleading about the application*)

- The building has no fire proofing
  - Lack of sewage capacity to cater for the additional number of bedrooms
7. Central Swindon South Parish Council: Objection for the following reasons:
- Insufficient cooking hobs – plans for 4, SBC's HMO standards recommends twice that number
  - Kitchen is on ground floor and residents should not be carrying food upstairs. Communal dining room is not large enough to accommodate all residents at the same time – needs to be 18m<sup>2</sup> at least
  - Basement bedroom would have insufficient light and window is not fire escape window
  - Plans for bathrooms 1,3,4,6 and 7 show no ventilation
8. Local Highway Authority: No objection subject to a condition requiring submission of a Construction Method Statement and cycle storage provision. The site lies in Sector 1 and does not require parking. The addition of the HMO to the area is unlikely to cause a detrimental impact to the area or surrounding highway. A bin storage area is shown to the front of the property which is sufficient to incorporate refuse collection from Bath Road.
9. Healthy Neighbourhoods: No objection subject to the following
- Dorset and Wiltshire Fire Service will need to make a final comment regarding the suitability of the basement floor (bedroom 1) being used for a bedroom. As a minimum the window must be a fire escapable window current to Building regulations.
  - Bedroom 10 **cannot** be used as a bedroom as the occupant would have no access to a kitchen without exiting the building to enter the main house, this is not acceptable. (N.B. this room has now been omitted)
  - Building Control will make a final comment on the higher standard of fire precautions required for a HMO of this size taking into account the guidance in the LACoRS guide.
  - The room sizes must exclude the floor area of the en-suites.
10. Local Authority Conservation Officer – No objection and recommends the recycling bins being located to the rear and the reinstatement of front garden planting to enhance the character and appearance of the conservation area.

### **Relevant Policy:**

11. The Development Plan  
Swindon Borough Local Plan 2026 (2015)
- Policy SD1: Sustainable Development Principles
  - Policy SD2: The Sustainable Development Strategy
  - Policy DE1: High Quality Design
  - Policy HA4: Subdivision of Housing / Houses in Multiple Occupation
  - Policy TR2: Transport and Development.
  - Policy EN10: Historic Environment & Heritage Assets
- Swindon Central Area Action Plan (2009): No relevant policies

- Town Gardens Conservation Area Appraisal (2009)

## 12. Material Planning Considerations

- National Planning Policy Framework (2012)
- Planning (Listed Building & Conservation Areas) Act 1990
- Technical Guidance on Parking Standards Development Control Guidance Note (2009)

## Site History:

13. There has been a number of planning applications associated with the site over time of which none is relevant to the current application.

## Planning Considerations:

### Principle of the development

14. The Swindon Borough Local Plan was adopted on the 26<sup>th</sup> March 2015 and is part of the development plan for the Borough. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
15. The relevant considerations are the principle of the development, residential amenity, highway safety and impact onto the Conservation area.
16. The NPPF within the core planning principles states that planning should; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
17. Local Plan policy SD1 expects development proposals amongst other criteria to be of high quality design, to promote health, safe and inclusive communities and be accessible by walking, cycling and public transport. Policy SD2 expects to realise development opportunities within Swindon's urban area. As a result of the host property being located within Swindon's urban area in an area already characterised by residential usage (including houses, flats and HMOs) and within walking distance of the town centre and old town and is therefore a highly sustainable location in terms of its proximity to such services and public transport (bus-stop to the front of property), it is considered that the principle of development is acceptable.
18. The key Local Plan policy in respect of the conversion of buildings into Houses of Multiple Occupation is policy HA4.

### Minimum Floor Area

19. The first bullet point of part (a), states that the internal inhabitable floorspace of the original dwelling should be 100 square metres in area. The present floorspace that will be converted is well in excess of the 100 square metre minimum floorspace.

#### Character, Appearance and Amenity

20. Part b of Policy HA4 seeks to support mixed and balanced communities and to ensure that a range of household needs continue to be accommodated throughout the Borough. Applications for change of use to HMOs shall only be permitted where the proposal would not adversely affect the character of the surrounding area or lead to an unacceptable concentration of houses in multiple occupation. There is a demand for such types of accommodation within the Borough, particularly in more central locations where prospective occupants may not have access to a private car and are reliant upon access to more sustainable modes of travel for employment, services and leisure activities. The proposal will comply with all the above criterion for HMO's and licensing details from the Council's Healthy Neighbourhoods team confirms that there are only 7 other licensed HMO properties on Bath Road and Lansdown Road. Given the number and mix of properties in this part of Old Town, it is considered that this proposal will not lead to an unacceptable concentration of HMO properties and therefore can be recommended for approval.
21. The second bullet point of part (a) states that proposals for HMO's must not harm the character of the area, street scene or amenity of neighbouring residents including through the provision of parking, refuse and cycle storage. Policy DE1 and the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The immediate area is wholly residential. The only external change is the insertion of a door to the side elevation at upper ground floor level providing direct access from the front to the rear garden. The changes are very minor and therefore the building will retain its full residential appearance and character.
22. It is evident that each of the units would provide acceptable amenity levels for its future occupiers in terms of access to daylight and appropriate privacy levels. Bedroom 1 at lower ground level has a light well that is considered to provide appropriate levels of light. It should be noted that the room has always been in use as a habitable room. The proposal is deemed to be acceptable and will not harm the character of the street scene or host property in line with Policy DE1.
23. It is not considered that the proposed change of use of the single dwelling to a 9 bedroom HMO would have a significant impact on the existing levels of amenity enjoyed by neighbouring properties. There are no external changes to the building that would create loss of light or loss of privacy over and above the existing arrangement. In addition there is no evidence to demonstrate that the more intensive use of the site would result in harmful impact upon the living conditions of the occupiers of neighbouring dwellings.
24. The application has demonstrated that there is sufficient capacity to accommodate refuse bins to the front of the property and bicycle storage within the detached rear garage. The Highways Officer is happy with the provision.
25. Adequate outdoor amenity space is retained in terms of the existing rear garden that is accessible to all future occupants.

#### The impact on parking and highway safety

26. The site is considered to have good levels of accessibility to public transport links. Whilst concerns have been raised by residents regarding parking, the site is located within Sector 1 as defined by the adopted Parking Standards where Houses in Multiple Occupation can be considered to be “car free” developments with no specific requirement for parking. A planning condition has been added to ensure future occupants are prohibited from receiving car parking permits. It is therefore considered that the proposal will not impede the safety and efficiency of the adjoining highway network and is therefore in conformity with Policy TR2 of the Swindon Borough Local Plan.
27. Whilst not a requirement, the existing parking in terms of the detached garage to the rear would be retained. This ‘car free’ development is therefore not considered to exacerbate any existing car parking problems in the area.
28. The Highways officer recommended a condition for the submission of a Construction Method Statement. However, given that the proposals are for change of use with very minimal alterations to the building that would not generate high levels of construction traffic and the need for storage space for plant and equipment, such a condition would not be justifiable.

#### Room Sizes and Internal Arrangements

29. In order to comply with bullet point 5 of Policy HA4, room sizes must meet with the internal arrangements to meet the Council’s current standards. All the room sizes meet the minimum 10sqm (not including en-suite floorspace) for one room single person accommodation where there is no shared living room. A communal kitchen 17sqm in area that is in excess of minimum 13.5sqm required for a 9 bed HMO is provided. To avoid the need to carry food to upper floor levels communal dining space 12sqm adjoining the kitchen is also provided. Crucially in the interests of securing safe and habitable living conditions, and particularly ensuring that the development complies with fire safety requirements and regulations, the change of use; if approved will still be subject to mandatory HMO licencing.

#### Historic Environment Considerations

30. The site is located within Swindon Old Town Conservation Area. The relevant considerations in respect of Conservation issues include the National Planning Policy Framework (NPPF) in respect to requiring sustainable development (including) by way of good design and conserving and enhancing the historic environment and assessing whether harm to the significance of the Conservation Area arises. The relevant Swindon Local Plan policies are DE1 - High Quality Design and EN10 - Historic Environment & Heritage Assets.
31. The scheme does not propose any changes in design and appearance of the building that would result in harm to the setting of the Conservation area. The proposal is not contrary to Local Plan policy ENV10 or the provisions of the NPPF in this respect. The Conservation Officer has not objected to the proposals but recommends that the recycling bins being located to the rear and the reinstatement of front garden planting to enhance the character and appearance of the conservation area. However, some of the properties on this part of Bath

Road have recycling bins located to the front in covered wooden sheds. It is therefore considered that the location of recycling bins to the front that are appropriately covered would not be detrimental to the character of the conservation area. Further they will be located in close proximity to the property. A condition requiring submission of details is proposed. In addition, most properties on this apart of Bath Road have their frontages hardscaped to provide car parking and therefore retaining the hardscaped frontage would not be out of character.

32. Officers are of the opinion that the proposal preserves the character of the conservation area and officers are of the opinion that the benefits of the scheme in securing the overall contribution to the supply of housing, outweigh the minor and 'less than substantial' adverse conservation impacts.

#### Community Infrastructure Levy

33. The Community Infrastructure Levy Charging Schedule came into effect in April 2015 whereby a mandatory charge is levied for certain types of new floorspace for qualifying development. As a change of use of existing floorspace and as the proposal will not result in the provision of any self-contained residential unit but individual rooms sharing communal facilities, the development falls outside of the scope of the charging scheme and is not liable to CIL.

#### Other Matters

34. Most of the issues raised have been addressed in the above report. Fire safety, insufficient cooking hobs, en-suites ventilation and sewage capacity concerns have been raised by the Central Swindon South Parish Council and residents, however these are covered by other legislation and appropriate informatives will be added to that effect.

#### **Concluding Comments:**

35. The proposal would provide accommodation for young professionals and key workers in Swindon. The proposal would not be detrimental to the amenities of nearby residents, will not give rise to any unacceptable living conditions, will not harm the character of the surrounding Conservation area, will have adequate refuse storage and parking subject to conditions, will not generate any highway safety issues and will not adversely lead to a concentration of HMO properties in the vicinity. The proposal is therefore compliant with the above policies with specific regard to HA4. The minor external changes are deemed to be acceptable in line with policy DE1 and EN10. The proposal is therefore compliant with local plan policies and the National Planning Policy Framework. Finally, the development will also be subject to mandatory licencing under separate legislation.

#### **Recommendation**

36. That planning permission be **GRANTED** with Conditions.

## **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.
2. This approval shall be in respect of the following drawings: Drawing No. 468/001 Location Plan; Drawing No.s 468/200 and 468/210 Proposed Elevations received 16 May 2019; Drawing No.468/400 Rev A Proposed Garage Arrangement Plan received 6 June 2019; Drawing No. 468/050 Rev A Proposed Site Plan; Drawing No. 468/100 Rev A Proposed Floor Plans received 26 June 2019.  
Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.
3. Prior the commencement of use of the property as a House in Multiple Occupation, Provision for the storage and collection of refuse / waste shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter for the duration of the use.  
Reason: In the interests of providing suitable waste facilities.
4. Prior the commencement of use of the property as a House in Multiple Occupation, secure parking facilities for no. 9 cycles conforming to Swindon Borough Councils Parking Standards shall be provided within the detached rear garage approved plan 468/400 Rev A and shall be retained and maintained thereafter for the duration of use.  
Reason: In the interest of cycle user safety and transport sustainability
5. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the rooms hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential flats for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential flats.  
Reason: In order that the prospective occupiers are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area

## **Informatives**

1. Community Infrastructure Levy – Outside Meaning of Development  
The development proposed does not constitute Community Infrastructure Levy (CIL) liable development as the proposed works fall outside the 'meaning of development' for CIL purposes in accordance with the Community Infrastructure Levy (England and Wales) CIL Regulations 2010 (as amended) Regulation 6.
2. Fire Safety



In the interests of safety, the applicant is recommended to incorporate fire prevention measures within the development, such as sprinkler systems. Further advice can be obtained from Wiltshire Fire Brigade by visiting [www.wfb.org.uk](http://www.wfb.org.uk)

3. The approved development is still subject to mandatory Swindon Borough Council Houses in Multiple Occupation licencing requirements.