

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 21 August 2012
Planning Application Report of the Planning and Development Manager

Application address: 9 Pointout Close SO16 7LS			
Proposed development: Change Of Use From Dwelling House (C3) To House Of Multiple Occupation (C4)			
Application number	12/00705/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	06.08.2012	Ward	Bassett
Reason for Panel Referral:	Member request and 5 letters of objection	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides

Applicant: Mr Charles Glanville	Agent:
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The introduction of an HMO in this part of Pointout Close will not have a detrimental impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS4, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (March 2012) and the relevant sections of the Residential Design Guide Supplementary Planning Document (September 2006).

Appendix attached	
1	Development Plan Policies
2	Plan to show 40m assessment area

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application is located in Pointout Close, accessed by car from Pointout Road

but with separate pedestrian access to Burgess Road. The Close is part of the predominantly residential area located north of Burgess Road and south-east of Winchester Road. It is a modern cul-de-sac comprised of 22 three-storey town houses in semi-detached pairs and short sections of terrace. The properties were originally designed with integral garages, some of which have been converted into living accommodation.

- 1.2 The application site comprises a three storey dwelling located centrally within a short terrace of three dwellings. The current use is a family dwelling house (C3 use). The property has 3 bedrooms, 2 bathrooms, an integral garage, a lounge at first floor level and a kitchen/dining room which links to a conservatory at ground floor level.
- 1.3 The area of the rear private garden is approximately 55 square metres.

2. Proposal

- 2.1 It is proposed to convert the existing C3 single family dwelling into a C4 small House in Multiple Occupation (HMO) dwelling with the provision for off street parking.
- 2.2 The physical alterations to the building, including conversion of the garage to habitable accommodation, have already taken place in preparation for the start of the 2012/13 academic year. The change of use to C4 HMO has not been undertaken.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in Appendix 1 which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Bassett which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 refers).

4.0 Relevant Planning History

- 4.1 871053/W - 25 x 3 bed houses with integral garage in block of 3&4 terraces, 1 detached house and garage – Conditionally Approved.

Condition 11: Before any dwelling unit hereby approved is occupied, both the on-site car parking and a proper vehicle access relating to it shall be provided to the satisfaction of the Local Planning Authority. The car parking shall thereafter be retained and not used for any trade, business or industrial use.

Reason

To ensure provision of vehicle access and car parking, to avoid congestion in the adjoining area and to protect the amenities of the area.

- 4.2 Planning records show that planning permission has been granted for the conversion of two integral garages in the close to be converted to habitable accommodation.
- 4.3 At the time of allowing the conversion the Council's policy identified maximum parking standards and as such the retention of one of street parking space per property was not opposed in policy terms.
- 4.4 The Council's current policies with regard to parking retain maximum standards.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (25/06/2012). At the time of writing the report 31 representations have been received, two of which have been from local Ward Councillors, one from Old Bassett Residents Association and the remaining 28 are from local residents.
- 5.2 The comments are summarised below.

5.3 Comment

Pointout Close is characterised by family homes which should be protected under Core Strategy policy CS16.

Response

In principle, policy CS16 seeks to prevent the net loss of family homes. In this instance, the conversion of the family home to a HMO does not involve any subdivision of the property and, therefore, the property can be reused as a family home without the need for planning permission or physical alteration. Based on the definition of a family home in policy CS16 the proposal does not result in the loss of a family home.

5.4 Comment

The Council should ensure that there is provision of good sized family homes for professional people (University lecturers, business managers, etc) and to maintain a sustainable mixed and balanced community.

Response

The 10% threshold limit for the Bassett ward set out in the HMO SPD takes into account the need to maintain a sustainable mix and balance of households in the community by ensuring that there is not an overconcentration of HMOs within the area surrounding the application site. This would be the only HMO within the assessment area and therefore satisfies the more restricted 10% threshold agreed for Bassett.

5.5 Comment

The 10% limit for HMOs in Bassett is likely to have already been reached.

Response

The guidance in the HMO SPD requires the assessment of the existing and proposed concentration of HMOs for each application at local level restricted to a radius of 40m surrounding the application site when measured from the centre point of the front door of the property comprising the application site. The threshold limit will ensure that there is a mixed and balanced community is maintained.

5.6 Comment

The use of the 40m radius for the assessment area is flawed. A community is not limited to 40m around the application site.

Response

40m is what the Council agreed and recently adopted as the assessment area for this type of application.

5.7 Comment

There are 9 existing HMO's in Burgess Road/there are other HMO's just outside the assessment area.

Response

The properties in question fall outside of the assessment area as defined by the HMO SPD. The assessment as per the HMO SPD specifically states that there should be a clearly defined assessment area for the Local Planning Authority to survey, as such properties outside of that area should not be taken into account.

5.8 Comment

There are 6 or 7 HMO's in Pointout Road.

Response

The survey results are discussed below in section 6.0.

5.9 Comment

Precedent would be set.

Response

There would be no precedent set. Each proposal would need to accord with the HMO SDP and relevant policies in order to gain the support of the Local Planning Authority. Each application is judged on its own merits. Further applications in the immediate area which were shown to exceed to 10% threshold due to the presence of a HMO at No9 would be recommended for refusal.

5.10 Comment
Overdevelopment of site. Changes to shower/bath rooms.

Response

There are no external physical alterations which increase the footprint or site coverage of the building and therefore it cannot be considered to represent overdevelopment. The conversion of the garage proposed is not objected to by the Highways Team and the additional bedrooms formed by converting the garage and the first floor lounge (taking the occupancy to 5) is not judged to be an unacceptable use of the internal space available. A family within the Pointout Close may also choose to use their property in the same fashion and, subject to planning permission being granted for the loss of the integral garage, is likely to be considered acceptable to the Local Planning Authority. Internal alterations, to rooms not controlled by previous planning conditions, do not require planning permission.

5.11 Comment
Not in keeping with surroundings.

Response

The design of the frontage, through the removal of the garage door, is not considered harmful to the character of the dwelling or the surrounding area/streetscape. Planning permission has been granted for similar changes within the Close.

5.12 Comment
Removal of the garage is contrary to condition 11 of 871053/W.

Response

The Council currently have maximum parking standards and the Highways Officer has raised no objection. At the time of the original consent, it was common practise for Council's to impose minimum standards for car parking. The move towards encouraging alternative modes of transport and less reliance on the car in areas where alternatives and other services are available is enshrined by both local and national policies.

5.13 Comment
The property does not have a sufficient number of off-street parking spaces leading to increased pressure on on-street parking, increased traffic congestion, danger to pedestrians, inconvenience to less mobile members of the community, difficulty for access by emergency vehicles and refuse collectors.

Response

The Highway Officer has raised no objection to the proposal on grounds of parking levels or highway safety.

5.14 Comment
Maximum parking standards require 3 parking spaces on site.

Response

The Council has maximum parking standards which mean that an application is contrary to policy only if parking spaces, in excess of the maximum, are proposed.

As such schemes which propose less than the maximum number of parking spaces allowed on the site should not normally be resisted for parking reasons.

5.15 Comment

Street width should be 5.5m for the on street parking to be acceptable.

Response

There are no restrictions regarding parking of private vehicles on the public highway provided that there are raised kerbs and no specific controls (for example double yellow lines, parking permit zones etc).

5.16 Comment

Increased on road parking pressures leads to increased paving of soft landscaped frontages which places stress on drainage systems.

Response

Planning permission is required to hard surface (using non permeable materials) on frontages when the surface area proposed to be covered exceeds 5 square meters. In such instances planning permission is unlikely to be granted. Solutions designed to deal with surface water within plots are now required.

5.17 Comment

There are existing drainage problems in Pointout Close. The applicant would need additional connections to the public sewer system.

Response

The drainage should not be affected by the proposal, there is not expected to be significant additional pressure place on the drainage system as a result of the scheme. There is not proposed to be an additional connection to the public sewer system.

5.18 Comment

There are not enough bins provided. The bins are unable to be stored to the rear and they will look unsightly stored at the front of the property.

Response

The standards set out in the Residential Design Guide (paragraph 9.2.2 refers) states that 2x240 litre wheeled bins (one with green lid, one with blue lid) are required for households with less than 6 residents. It is therefore considered that the same number of bins provided for a family would be sufficient for the needs of a small HMO. It is considered that the storage of the bins in their current location will not be any more harmful to the visual amenities of the local area.

5.19 Comment

Position of refuse bins will obstruct emergency vehicles and if placed on side access will obstruct a right of way. Bins could obstruct right of way to the rear which is protected by title deeds of the property.

Response

The concerns can be addressed by the use of planning conditions.

5.20 Comment

Cycle parking to the rear will cause nuisance and there is the potential to be a

security threat.

Response

The most likely storage location for cycles is within the rear of residential gardens. A family living at the property are likely to store cycles in the same location. It is not considered inappropriate to store cycles at the rear and disturbance is unlikely to be caused to neighbours from the occupants coming and going with cycles provided that occupants behave reasonably and are considerate to neighbours. This is no different to the occupants of a dwellinghouse.

5.21 Comment

Use of the conservatory for living accommodation will increase the noise disturbance. Conservatory is not considered 'communal space'. Students will cause more noise and disturbance than a family.

Response

It would be unreasonable to oppose a development on these grounds. The conservatory can be considered adequate as communal space, it is also noted that from a planning perspective there is no definition of what constitutes 'communal space'. The behaviour of individuals within a dwelling house, whether it is a family or students, cannot be controlled by the planning system. It cannot be stated with certainty that a house occupied by students will cause more noise and disturbance than a house occupied by a family. The link between student accommodation and noise is anecdotal and alone should not be used as a reason for refusal. The Council has statutory powers under Environmental Health legislation to monitor and enforce against local nuisance including noise disturbance.

5.22 Comment

Consideration should be had for a fall in revenue of Council tax due to student exemptions for HMOs and their increasing demand on SCC services.

Response

Council tax rules are set by national legislation and therefore out of the control of the planning system, however the presence of a highly regarded University within Southampton has significant economic and commercial benefits for the city.

5.23 Comment

The application is retrospective: internal alterations and conversion of the garage to habitable accommodation.

Response

The applicant is entitled to submit a retrospective application. If the application is refused the garage will need to be reinstated and the dwelling will not be permitted to be occupied as an HMO. If necessary an enforcement case will be opened.

5.24 Comment

Neighbours have been misled by the consultation letters. Different deadline dates have been referred to for letters of representation to be received.

Response

The Local Planning Authority has undertaken the consultation with local residents

in accordance with the statutory procedures. Letters to residents clearly set out the deadline date and all letters of representation received prior to the production of the report (02/08/2012) have been taken into account. Should any further letters of representation be received, the Panel will be informed on the day of the Panel meeting.

5.25 Comment

Contrary to Local Plan Policies SDP1 2.8, SDP7 (i) and (iv), H4 b and c and H7, Core Strategy Policy CS16 5.2.11, 12 and 14; and NPPF paragraphs 06, 07, 09, 50 and 69.

Response

The proposal is not judged to be contrary to the policies listed and the issues are addressed in section 6.

5.26 Comment

Paragraph 50 of the NPPF states that local authorities should identify the size, tenure and range of housing that is required in particular locations, reflecting local demand.

Response

Policy CS4 and CS16 identifies the strategic sites for the supply and need of housing in the city over the next 15 years based on the Strategic Housing Land Availability Assessment (SHLAA) and Strategic Housing Market Assessment (SHMA). The HMO SPD has identified in terms of housing demand that there is a need for additional HMOs in the city (section 5.2 refers). Although the Council are unable to precisely identify the demand, HMOs provide accommodation for a wide range of groups including young professionals, students, migrants, and young people on low incomes, often on a transient basis. As such they fulfil a very important role in meeting housing need in the city. The application retains the property for future use as a family home in accordance with policy CS16. The 10% threshold set for the Bassett ward in the HMO SPD is to ensure that the sustainability, mix and balance of the community are maintained.

5.27 Comment

Relationship between HMO Licensing and Planning

Response

The considerations taken into account by the Planning Team and the HMO Licensing Team are separate. There are no minimum room sizes for planning to consider.

5.28 Comment

Due to the rental prices advertised the property will only attract affluent tenants who are also more likely to own cars.

Response

The assumption that the occupants will be more affluent and more likely to own cars cannot be substantiated and therefore little weight should be attributed to this point. The parking standards address the parking issues.

5.29 Comment

The appeal decision at 5 Crofton Close is considered be a material consideration

which supports refusal of the application as the Inspector considered it important to retain the integral garage.

Response

5 Croften Close was mainly opposed by the Inspector due to the impact that the conversion would have on the character of the Close. In addition the two schemes differ as the Croften Close garage is a double garage and therefore could accommodate a modern vehicle. Each application should be judged on its own individual merits and given that the circumstances differ (scale of garages proposed to be altered) the Croften Close appeal decision does not support refusal of the current scheme.

5.30 Comment

Inaccurate information provided on the application forms seeking to purposefully mislead the Council, retrospective nature of the scheme, there are not 5 cycle parking spaces provided at present.

Response

The points raised are not considered to be material to the determination of the planning application. Conditions can be imposed to secure an appropriate level of cycle storage.

5.31 Comment

Dwellings inside the assessment area have been extended.

Response

This has no relevance to the determination of this application.

5.32 Comment

It is the Council's responsibility to under the HMO SPD (6.4.2) to determine precisely and exactly how many properties are HMOs.

Response

The HMO SPD acknowledges that it is impossible to be 100% certain of the accuracy of the survey results (see paragraph 6.4.5).

5.33 Comment

The building does not comply with the SCC guidance and standards for Houses in Multiple Occupation.

Response

The document referred to is a document used by the HMO licensing Team not the Planning Department. The HMO licensing Team do not oppose the scheme.

5.34 Comment

Two of the rooms are double rooms and therefore the occupancy could be as much as 7 individuals.

Response

Should the occupancy at any time exceed 6 individuals planning permission for a change of use to a large (sui generis) HMO would be required. A planning condition could be used to restrict the number of occupants to 5 if considered necessary.

5.35 Comment

Paragraph 6.5.1 of the SPD states that *“notwithstanding the threshold limit and exceptional circumstances, other material considerations (such as intensification of use, highway safety, residential amenity of future and existing occupiers) arising from the impact of the proposal will be assessed in accordance with the Council’s relevant development management policies and guidance.”*

Response

The emphasis of the SPD is for schemes to be supported only when the threshold for HMOs within the assessment area is not exceeded. The HMO SPD identifies there is a need for additional HMO accommodation; however, the threshold limit balances the demand for new HMOs against the need to protect the character and amenity of the local community. The impact on the character and amenity of the local community is discussed below in section 6.0.

5.36 Comment

The NPPF aims to empower local people to produce their own neighbourhood plans to reflect the needs and priorities of their communities. A neighbourhood plan is currently being drafted and will oppose development of this nature.

Response

There is currently no Neighbourhood Plan adopted within the Bassett Ward and, therefore, this does not form a material policy consideration. A Neighbourhood Plan will also have to conform with the strategic policies of the Council.

5.37 **SCC Highways** - The forecourt parking area is private land and therefore is not within our control. Potential overspill onto the public highway of Pointout Close beyond the private land will be limited due to most of the kerbs being dropped. Parking should not occur in front of dropped kerbs.

The existing garage appears to be fairly small compared to current standards for garages (dimensions of 6m x 3m). Therefore it is unlikely that integral garages are now used for the storage of modern vehicles.

The condition applied to the site, as per the original permission was applied due to the standards and policies relevant at that time, since that time the Local Planning Authority have adopted Maximum standards and as such the scheme accords with those standards.

5.38 **SCC Environmental Health (Private Housing Team)** - No objections to the proposed use.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on residential amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

- 6.2.1 In principle the conversion of the dwelling into a small HMO is acceptable, providing that the threshold for the maximum number of HMOs in the street does not exceed 10% (Bassett ward) of the total number of residential properties within a 40m radius of the property (measured from the midpoint of the front door). Notwithstanding the threshold, other considerations will apply such as intensification of use, parking and access issues, residential amenity, etc.
- 6.2.2 Policy CS16 seeks to provide a mix of housing types and more sustainable and balanced communities through no net loss of family homes. The application does not result in the loss of a family home as the property will not be subdivided and, therefore, can be used as a family home in the future.

6.3 Impact on the character and amenity of the surrounding area

- 6.3.1 The area surrounding the application site in Pointout Closet is characterised by mainly family homes and owner occupied properties.
- 6.3.2 The property is established as a C3 dwelling and, therefore, must be assessed against the maximum threshold limit set by the HMO SPD which is 10% in Bassett ward. The threshold determines whether the concentration of existing and proposed HMOs will detrimentally affect the balance and mix of households surrounding the application site whilst ensuring that the city wide demand for HMOs is met.
- 6.3.3 Following the guidelines of the HMO SPD, the location of existing HMOs has been surveyed within a 40m radius of the application site (**see Appendix 2 for a plan which includes the 40m assessment area**). The Council does not have an up to date database of the location of HMOs in the city, though the location of HMOs was gathered using the best information available to the Council using the Electoral Register (1st December 2011), the HMO licensing register, and other checks. The survey shows that there are currently no HMOs within the 40m radius. The concentration of HMOs including the proposed HMO will be 3.3%, 1 HMO out of 30 residential properties with 29 family dwellings remaining.
- 6.3.4 The concentration of the existing and proposed HMOs does not exceed the maximum threshold of 10% surrounding the application site. The intensity and nature of use of the dwelling associated with a small HMO will not be significantly different to a family group. The introduction of a small HMO within the surrounding 29 family dwellings will not result in a significant change to the character of the local area in terms of the mix and balance of households.
- 6.3.5 It is considered that the proposed HMO will not have a detrimental impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community.

6.4 Impact on residential amenity of neighbouring occupiers

- 6.4.1 It is considered that there will be no adverse impact on the residential amenity of local residents following the conversion of the family dwelling to small HMO in terms of the intensity and nature of comings and goings and the amount of refuse

associated with the future residents.

6.5 Impact on highway safety

6.5.1 The Highway Officer has raised no objection to the impact on highway safety, subject to agreeing secure cycle storage (1 space per bedroom) prior to occupation.

6.5.2 The integral garage which was removed prior to the submission of the application was unlikely to be used for the parking of cars given its small size.

6.5.3 To infer that the use of the property as an HMO would result in higher car ownership for the occupants, than if the property was occupied by a family, is a spurious link. A planning decision should not be based on this factor.

6.5.4 Harm to highways safety cannot be demonstrated. Refusal of the planning application, based upon Highways Safety, cannot be substantiated.

6.6 Standard of living conditions for future residents

6.6.1 The Private Housing Team are satisfied that the standard of accommodation for future residents will meet the SCC Amenity Standards for HMOs.

7.0 Summary

7.1 In summary, the proposed HMO does not exceed the threshold limit of 10% surrounding the application site in accordance with the HMO SPD. The introduction of a HMO in this part of Pointout Road will have an acceptable impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city.

8.0 Conclusion

In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

MP3 for 21/08/12 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990(as amended).

02. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until details for a secure, covered space has been laid out within the 5 bicycles to be stored and for cycle stands to be made available for the occupiers have been submitted and agreed in writing with the Local Planning Authority and thereafter implemented in accordance with the agreed details. The cycle store and cycle stand hereby approved shall thereafter be retained on site for those purposes.

Reason:

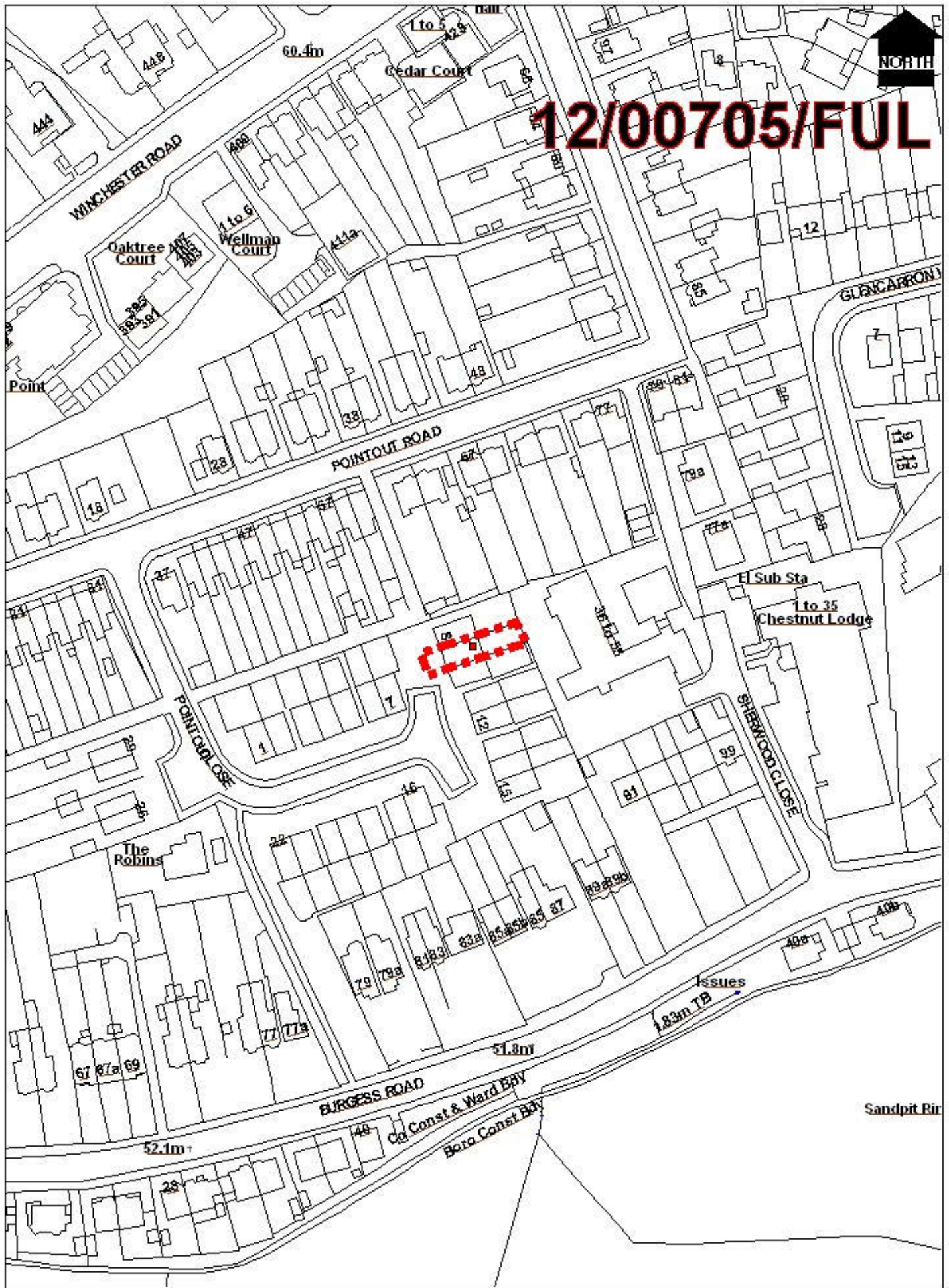
To encourage cycling as an alternative form of transport.

03. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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



12/00705/FUL

NORTH

Scale : 1:1250

Date : 09 August 2012

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