

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 23 July 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 21 Darwin Road SO15 5BU			
<b>Proposed development:</b> Change Of Use From Dwelling (C3) To House Of Multiple Occupation (C4)			
<b>Application number</b>	13/00684/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	04.07.2013	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Parnell Cllr Shields Cllr Moulton

<b>Applicant:</b> Ms Caroline Smith	<b>Agent:</b> none
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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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 proposed HMO does not exceed the threshold limit of 20% surrounding the application site in accordance with the HMO SPD and, therefore, the introduction of a HMO in this part of Darwin 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. 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 CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Council's relevant planning guidance.

<b>Appendix attached</b>			
1	Development Plan Policies	2	40m radius for HMO survey

**Recommendation in Full**

**Conditionally approve**

## **1.0 The site and its context**

- 1.1 This application is located on the south side of Darwin Road within the ward of Freemantle, in a mainly residential street characterised by a mix of flats and family homes. There are no parking controls in Darwin Road and the immediate adjoining streets.
- 1.2 The application site consists of a large 2 storey semi detached family dwelling with 1 off street parking space.

## **2.0 Proposal**

- 2.1 It proposed to convert the 6 bedroom family home into a 6 bedroom HMO (class C4), with the provision of cycle and refuse storage, and 1 off street parking space. There will be communal dining room and kitchen on the ground floor.

## **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 (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 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 20% for the total number of HMOs in the ward of Freemantle 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 No relevant planning history.

## **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, and erecting a site notice (30.5.2013). At the time of

writing the report **14** representations have been received from surrounding residents, including a referral to be heard at panel from 2 local Ward Councillors. The concerns raised which are material considerations have been set out below:

5.2 Comment

The 20% threshold in the 40m radius has been breached as 19 and 27 Darwin Road are defined as HMOs under section 254 and 257 of the Housing Act.

Response

The 20% threshold has not been breached, see paragraph 6.3.3 of the report. The definition of C4 HMOs under the Town and Country Planning (Uses Classes) (Amendment) (England) Order 2010 has the same meaning as section 254 of the Housing Act 2004, however, flat conversions defined as HMOs under section 257 (completed prior to 1992 or approved Building Regulations 1991) are exempt as C4 HMOs under the Uses Classes Order. These properties are self contained flats and therefore classified as C3 dwellings.

5.3 Comment

The property does not have a sufficient number of off-street parking for 6 residents. This will lead to increased pressure on on-street parking and increased traffic congestion.

Response

The Council's parking standards requires a maximum of 3 off street spaces. Although there is only 1 off street space available, the Highway Officer is satisfied that the parking survey undertaken by the applicant demonstrates that there is sufficient on street parking available for remaining 2 vehicles to meet the parking standards.

5.4 Comment

The front garden will be re-laid and used for parking with the removal of the front wall, which will adversely affect the character and appearance of the area and increase surface water run off.

Response

A condition can be applied to require retention of the front wall and provision of soft landscaping at the property in the interests of protecting visual amenity.

5.5 Comment

Family homes have already been converted into flats and HMOs in the local and wider area, increasing the population density and causing pressure on local infrastructure designed for single or family occupier housing. This will set a precedent for loss of family homes to the detriment of the character of the local area by unbalancing the mix of households in the community.

Response

The 20% threshold has not been exceeded within the 40m radius and, therefore, meets the Council's planning guidance to control the growth of HMOs in a local area and prevent the high concentration of HMOs.

5.6 Comment

The Council's guidance states that HMOs are more likely to cause noise and anti-social behaviour.

### Response

The HMO planning guidance recognises this issue and has been introduced to control the growth of HMOs to prevent new concentration of them. The Council has statutory powers under Environmental Health legislation to monitor and enforce against local nuisance and litter.

### 5.7 Comment

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

### 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 up to 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. A condition will be applied to require bins not to be stored at the front of property except for collection days.

5.8 **SCC Highways** - No objection.

5.9 **SCC Private Housing** – No objections to the proposal. The property may require additional amenities and fire precautions from those proposed on the plans depending on how the property is to be let.

## **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 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 20% (Freemantle 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 family home in the future.

### 6.3 Impact on the character and amenity of the surrounding area

6.3.1 This part of Darwin Road is mainly characterised by large semi detached properties, consisting of 13 family homes and other properties converted into self contained flats including 19, 26, 27, 28 Darwin Road and 78 Atherley Road. There

is a care home at 39 Thornbury Avenue.

- 6.3.2 The property is established as a C3 dwelling and, therefore, must be assessed against the maximum 20% threshold limit set by the HMO SPD. 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 citywide 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**). 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 (16th October 2012) and verification by the case officer on site. The survey shows that there is currently 1 HMO within the 40m radius. The concentration of HMOs including the proposed HMO will be **15%** (2 HMOs out of 13 residential properties) with 11 family dwellings remaining. Local residents have stated that 19 and 27 Darwin Road and 39 Thornbury Avenue are HMOs, however, the former are self contained flats (C3 dwelling) (refer to paragraph 5.2) and the latter is a care home for disabled persons.
- 6.3.4 Given the large size of the dwelling, and the intensity and nature of use of the dwelling as a small HMO, it considered that this will not be significantly different to a family group in terms of comings and goings and noise disturbance to local residents. Furthermore, the concentration of the existing and proposed HMOs does not exceed the maximum threshold of 20% surrounding the application site, and there will be no further bedrooms as the communal rooms will be retained by condition for these purposes only. Therefore, the introduction of second HMO amongst the remaining 11 family dwellings surrounding this property will not significantly unbalance the mix of households, or detract from the character and amenity of the local area.

#### 6.4 Impact on highway safety

- 6.4.1 The applicant has proposed cycle storage to the rear for 6 cycles, however, this will need to be provided through a condition in a secure and covered space with sheffield style cycle stands.
- 6.4.2 There are no parking controls in Darwin Road and the immediate adjoining streets. The Council's parking standards requires a maximum of 3 off street spaces. Although there is only 1 off street space available, the Highway Officer is satisfied that the parking survey demonstrates that there is sufficient on street parking available for remaining 2 vehicles to meet the parking standards. Therefore, it is considered that the proposal will have an acceptable impact on highway safety.

#### 6.5 Standard of living conditions for future residents

- 6.5.1 The Private Housing team have raised no objection, however, the property may require additional amenities and fire precautions from those proposed on the plans depending on how the property is to be let. This matter should be dealt with outside the planning system under separate legislation through the Housing Act. Therefore, it is considered that the standard of living conditions will be acceptable for future occupiers.

## **7.0 Summary**

7.1 In summary, the proposed HMO does not exceed the threshold limit of 20% surrounding the application site in accordance with the HMO SPD and, therefore, the introduction of a HMO in this part of Darwin 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**

8.1 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).

### **SB for 23/07/13 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 6 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 - Retention of communal spaces**

The rooms labelled dining room and kitchen on the ground floor shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained and available for communal purposes only to serve the HMO.

REASON

To ensure that a suitable communal facilities are provided for the residents.

**04. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]**

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

**05. APPROVAL CONDITION - Retention of existing boundary treatment**

The existing front boundary treatment shall be retained until the C4 use hereby approved ceases. The boundary treatment shall be replaced should it be removed in accordance with details to be agreed and submitted in writing by the Local Planning Authority.

REASON

In the interests of protecting visual amenity of the local area.

**06. APPROVAL CONDITION - C3/C4 dual use**

The "dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. That dwelling shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. For the avoidance of doubt, if a C4 use is instituted and subsequently reverts to C3 use and is in that use on 23 July 2023, planning permission will be required to convert to Class C4 use thereafter.

Reason:

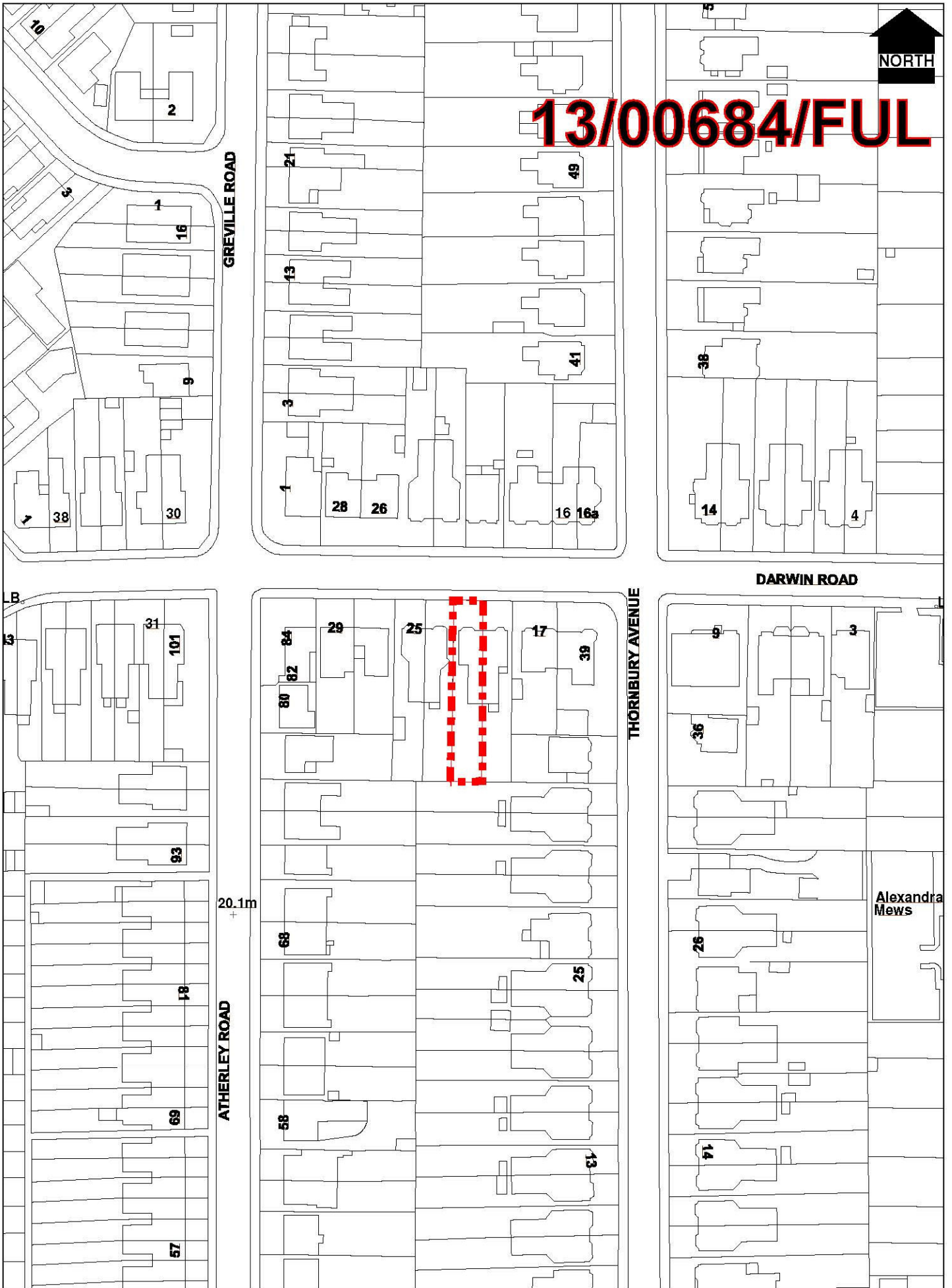
In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

**07. 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.

NORTH

13/00684/FUL



Scale : 1:1250

Date : 10 July 2013

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