

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 19th November 2013
Planning Application Report of the Planning and Development Manager

Application address: 23 Bellevue Road SO15 2AX			
Proposed development: Change of use from dwelling house (C3) to a House of Multiple Occupation (C4) (retrospective) - resubmission of 13/00047/ful			
Application number	13/01306/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	09.10.2013	Ward	Bevois
Reason for Panel Referral:	Referred by the Planning & Development Manager	Ward Councillors	Cllr Derek Burke Cllr Jacqui Rayment Cllr Stephen Barnes-Andrews

Applicant: Mr Anthony Beardsmore	Agent: none
---	--------------------

Recommendation Summary	Refuse
-------------------------------	---------------

Reason for Refusal

The proposed conversion of the property to a HMO will result in an excessive concentration of HMO's within the immediate area and will result in an adverse impact on the overall character of the area surrounding the application site in terms of the mix and balance of households in the local community. The proposal will be contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the section 6.5 and 6.6 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Map of 40m radius		

Recommendation in Full

Refuse

1.0 The site and its context

- 1.1 The site is located in the Bevois ward within the city centre, on the south-side of Bellevue Road. The surrounding area consists of high density terraced housing with a mix of dwellings and flats. There are commercial uses on the west end of Bellevue Road as it meets London Road, and to the south and east along Kings Park Road and Dorset Street.
- 1.2 The site contains a 3 storey terraced dwelling currently being used as a C4 HMO, with off street garage parking.

2.0 Proposal

- 2.1 Planning permission is sought to regularise the unauthorised use of the dwelling as a small C4 HMO for up to 6 occupiers. There are 3 bedrooms, and communal facilities including a lounge, kitchen, and washing facilities. The occupiers will have access to approximately 40 square metres of private amenity space. The refuse bins will be stored in the front recessed porch, with space for cycle storage in the garage.

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 27th 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, and whether the quality of accommodation is suitable.
- 3.4 The Houses in Multiple Occupation SPD (adopted March 2012) provides supplementary planning guidance for aims of policy H4 and policy CS16, and sets out detailed criteria to assess the impact of an additional HMO on the character and amenity, and mix and balance of households of the local area. The SPD sets a maximum threshold which is considered to be the tipping point when the balance and mix of households becomes unbalanced. The threshold limit in the ward of Bevois allows 20% of the total number of residential properties to be HMOs, which is measured within a 40m radius or the 10 nearest residential properties surrounding the application site (section 6.5 refers).
- 3.5 There are certain streets in the city where the vast majority of the existing properties are HMOs and, therefore, the retention of the remaining 1 or 2 family dwellings (including the application site) within the 40m radius will not harm the

character of the local area as there is no significant difference to the balance and mix of households. Section 6.6 of the SPD states that the threshold limit will not be applied in these exceptional circumstances to help families who are struggling to sell their property to another family as there is no reasonable demand for their property. The applicant must demonstrate there is no reasonable demand by providing evidence from an estate agent there has been no reasonable offers (based on the local property market) to be sold as a family home for at least 6 months.

4.0 Relevant Planning History

4.1 This application is an amendment to the previously refused application ref no. 13/00047/FUL. See **Appendix 2** for 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 undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (27.08.2013). At the time of writing the report 1 representation has been received in support from a local Ward Councillor asking for the application to be heard at the Planning Panel. The following is a summary of the points raised:

5.1.1 Comment

This case should be considered as an exception to the guidance in the HMO SPD as there will only 2 family dwellings remaining, which will not make a significant difference to the character of the street.

Consultation Responses:

5.2 **SCC Highways** – No objection.

5.3 **SCC Private Housing** – No objection.

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;
- 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 family dwelling into a small HMO is acceptable as there is a need for this type of housing. However, the contribution of this additional HMO should be balanced against the harm to the character and amenity of the local area. In this case, the number of existing HMOs already exceeds the tipping point in the local area in terms of the 20% threshold limit but falls short of the point where the exception rule is triggered i.e there are only 1 or 2 family homes (including the application site) remaining within the 40m radius.

6.3 Impact on the character of the surrounding area;

- 6.3.1 Within the 40m radius surrounding the application site, 14 residential properties (including the site) have been identified from which the concentration of HMOs is calculated. The previously refused application found that the concentration of HMOs was 54% (5 family dwellings remaining), however, the applicant has carried out their own investigation into the status of the remaining family dwellings as an amendment to the application.
- 6.3.2 Based on information from the Council's records and a site visit, it was found that 3 of the 5 family dwellings previously identified are HMOs (see map in **Appendix 3**) and, therefore, there would only be 3 family dwellings remaining (including 23 Bellevue Road, albeit an unauthorised HMO). However, this is not sufficient to trigger the exceptional circumstances set out in section 6.6 of the HMO Supplementary Planning Document, where the character of the local area will be unaffected with only 1 or 2 family dwellings (including the site). Therefore, the additional HMO will further unbalance the mix of households to the detriment of the character of the local area.
- 6.3.3 The exceptional circumstances can only be applied to properties which have been marketed for continued family use for at least 6 months. Prior to the property being used as a HMO, the applicant stated that the property was marketed as a family dwelling in 2012 for 9 months through 3 estate agents (Enfields, HouseNetwork, Austin and Wyatt) at their market valuation and then at a reduced price, and no offers were received.

6.4 Impact on residential amenity

- 6.4.1 Bellevue Road is mainly characterised by high density housing, and there are existing examples of HMOs in terraced properties. The property has 3 bedrooms and therefore is likely to have maximum of 3 occupiers, though a small C4 HMO permission would allow up to 6 persons to live there.
- 6.4.2 The retention of the HMO is not considered to adversely impact on residential amenity of neighbouring occupiers in terms of the scale and intensity of the change of use, as the additional noise disturbance associated with the comings and goings and the amount of refuse produced by a HMO would not be significantly different to a family dwelling.
- 6.4.3 Whilst the concentration of HMOs and balance of household mix has far exceeded the tipping point set by the threshold in the HMO SPD, the impact on amenity is finely balanced in this instance. However, an additional HMO further exacerbates the transient and unsustainable nature of the community by further unbalancing mix of households and increasing the transient population. As a result, this further harms the amenity of local residents due to the negative affects associated with high concentrations of HMOs as outlined in section 5.4 of HMO SPD.

6.5 Impact on highway safety

- 6.5.1 The Highway Officer has raised no objection, as the site lies within an area with parking restrictions of various forms leaving little chance of any potential overspill

as a result of this development. Therefore this development will have little impact in highway terms. This is subject to providing details of cycle storage facilities to comply with SCC standards.

6.6 Standard of living conditions for future residents

- 6.6.1 The Private Housing team are satisfied with the standard of accommodation for future residents. Policy H4 specifies that the private amenity space provided should be adequate, however, does not specify a minimum standard for the quantity of space. Although the size of amenity space is small, this is not uncharacteristic of the garden sizes of the adjacent properties in Bellevue Road, and the usability of the space is considered to be acceptable. The retention of the communal rooms can be controlled by a planning condition.

7.0 Summary

- 7.1 In summary, the existing number of HMO's in the 40m radius exceeds to the 20% threshold for the area but does not trigger the exceptional circumstance of being the last one or two non-HMO's. On this basis a further erosion of the balance of the local community will cause harm to the character of the local area.

8.0 Conclusion

- 8.1 On balance, the impact of the application has been assessed as contrary to policy and therefore is recommended for refusal.

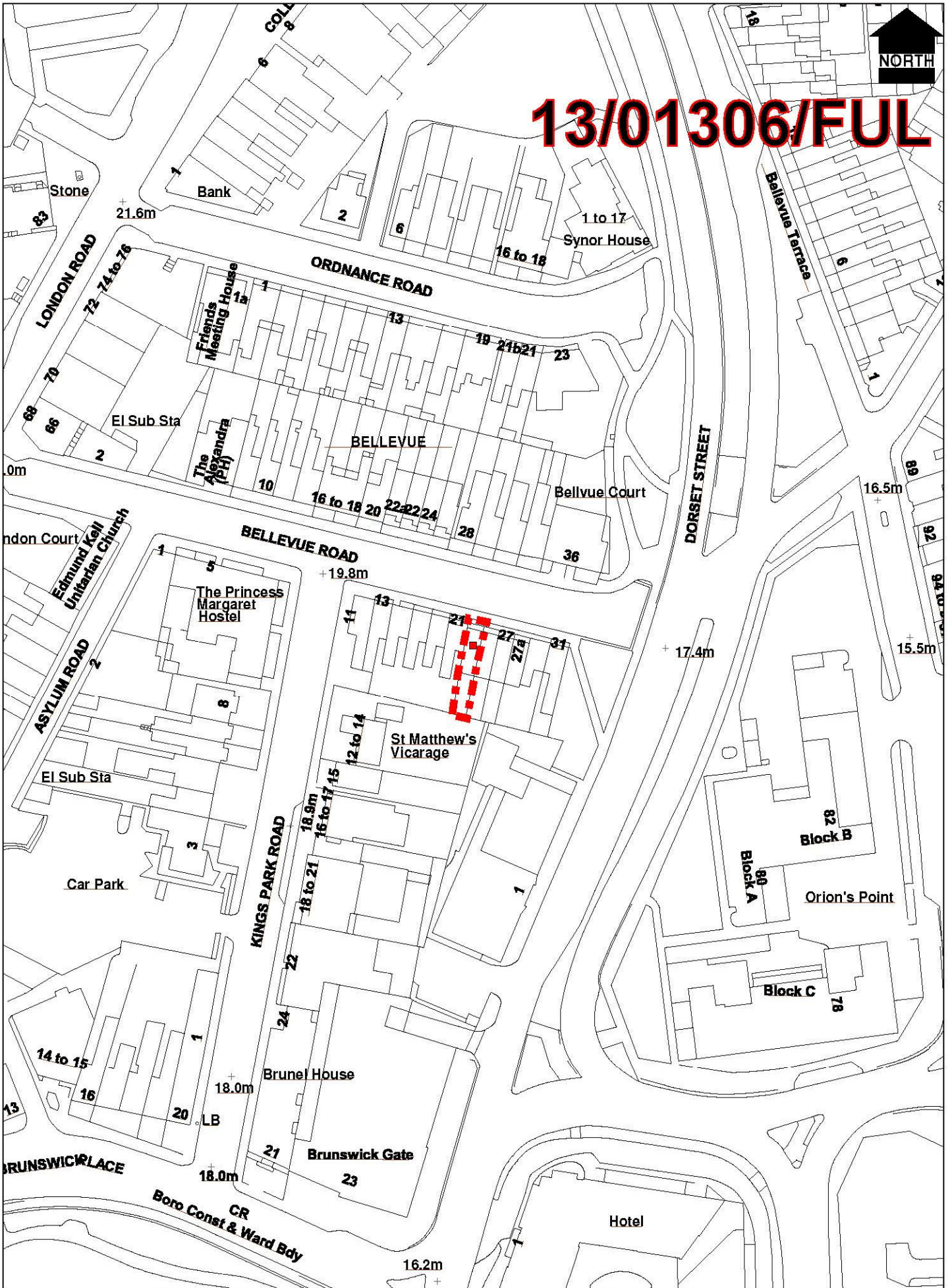
Local Government (Access to Information) Act 1985

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 19/11/13 PROW Panel

13/01306/FUL



Scale : 1:1250

Date 06 November 2013

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

