

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 19/11/2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 1 Colebrook Avenue SO15 5NS			
<b>Proposed development:</b> Change of use from a dwelling house (Class C3) to either a HMO (Class C4) or a dwelling house (Class C3)			
<b>Application number</b>	13/01204/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	05/11/2013	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager due to wider public interest	<b>Ward Councillors</b>	Cllr Mead Cllr Kaur Cllr Chaloner

<b>Applicant:</b> Miss Shabana Qaiyoom	<b>Agent:</b> N/A.
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<b>Recommendation Summary</b>	Conditionally approve
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<b>Community Infrastructure Levy Liable</b>	No
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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 Colebrook Avenue 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).

<b>Appendix attached</b>	
1	Development Plan Policies

## **Recommendation in Full**

### **Conditionally approve**

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

- 1.1 The application is located at the western end of Colebrook Avenue opposite a small area of public open space adjacent to St James Church. The Avenue is part of a predominantly residential area characterised by semi-detached dwellings.
- 1.2 The application site comprises a detached two storey dwelling located on a prominent corner in the road. The current authorised use is a family dwelling house (C3 use). The property has four bedrooms and a bathroom at first floor level; two reception rooms and a kitchen at ground floor.
- 1.3 The area of the rear private garden is approximately 74 square metres and the small front garden includes a narrow parking area for one vehicle.

#### **2.0 Proposal**

- 2.1 The Applicant has sought planning permission to enable the property to be used as either a family dwelling house or small house of multiple occupation. If granted the property would be able to continuously change between the two uses for a maximum period of 10 years after which the occupied use would then become lawful and no further change could take place without further permission.
- 2.2 The dwelling is not proposed to be extended to facilitate the change of use and the Applicant intends to let the property to a maximum of three individuals when in use as an HMO.

#### **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. The SPD sets a

maximum threshold of 20% for the total number of HMOs in the ward of Shirley which is measured from the application site within a 40m radius or the 10 nearest residential properties.

#### **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 undertaken which included notifying adjoining and nearby landowners, erecting a site notice (17.09.2013). At the time of writing the report **14** representations have been received from surrounding residents. The following is a summary of the points raised:

##### **5.2 *Additional noise/antisocial behaviour.***

5.3 The Council must assess whether or not the conversion alone will lead to disturbance and nuisance, sufficient to substantiate a refusal. Furthermore there are other statutory powers more suitable to use to control noise other than the planning system.

##### **5.4 *Increased parking pressure.***

5.5 The Council currently have maximum parking standards and the Highways Officer has raised no objection. 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.

##### **5.6 *Decreased highways safety.***

5.7 Having considered Highways Safety implications the Highways Officer does not oppose the development.

##### **5.8 *Overshadowing/overdevelopment/privacy (due to the position of rear habitable room windows).***

5.9 There are no extensions proposed that would increase the mass of the building and therefore no additional shadow will be cast over neighbouring properties. The scheme cannot be considered to represent an over-development of the site as the footprint of the building will not increase. The position of windows will also not change and therefore the privacy currently enjoyed by occupants of neighbouring dwelling houses will not be affected. Internal alterations to the layout of the building do not require planning permission.

##### **5.10 *Increased refuse generation.***

5.11 Refuse storage can be achieved on site. Sufficient bins and storage can be provided. It is not envisaged that there will be a significant increase in refuse generated as a consequence of the property being occupied as an HMO.

5.12 ***Impact on property value.***

5.13 This is not a material planning consideration.

5.14 ***Harmful to the character of the area/ Impact on St. James conservation area (adjacent listed St. James Church and Park).***

5.15 It is the behaviour of occupants and property owners; and the way in which they maintain their properties that affect the character of an area. If the property is well maintained and managed and has considerate and sensitive occupants harm to the character of the area shall not occur.

5.16 ***Development sets a precedent.***

5.17 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 to convert houses to HMO's in the immediate area would not be supported if they exceed the 20% threshold.

5.18 ***Loss of a family dwelling unit.***

5.19 The principle of policy CS16 is to prevent the net loss of family homes. In this instance, the conversion does not involve alterations to the building that will prevent the house from being used as either a family dwelling house or an HMO. Therefore as the property can be reused as a family home without the need for planning permission or physical alteration and based on the definition of a family home in policy CS16, the proposal does not result in the loss of a family home.

5.20 **SCC Highways** - The proposed development does not involve any increase in floor space and there is on-site provision for parking. No major harmful impact on the public highway is foreseen. Whilst traffic congestion is a local concern for residents the Council do not consider the development to be sufficient enough to exacerbate that problem.

**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 assessment area does not exceed 20% 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.

- 6.2.1 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 is characterised by mainly family homes and owner occupied properties.
- 6.3.2 The property is a C3 dwelling and, therefore, must be assessed against the maximum threshold limit set by the HMO SPD which is 20% within 40m of the property in the ward of Shirley. 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. 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, 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 5.5%, 1 HMO out of 18 residential properties with 17 family dwellings remaining.
- 6.3.4 The concentration of the existing and proposed HMOs does not exceed the maximum threshold of 20% 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 17 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 significantly 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, noise generated from the property and the amount of refuse associated with the future residents.
- 6.5 Impact on highway safety
- 6.5.1 The proposed development does not involve any increase in floor space and there is on-site provision for the parking of one vehicle. Along with the scale of the development the Council cannot foresee any major harmful impact on the public highway.

6.5.2 Whilst objectors raise concerns regarding traffic congestion and additional parking pressure caused as a consequence of the development significant harm to residential amenity that justifies refusing the application, is not envisaged by Officers.

6.5.3 Harm to highways safety cannot be demonstrated as a direct and identifiable consequence of the property being occupied as an HMO.

6.5.4 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.

6.6.2 The Applicant has confirmed in writing that the occupancy of the house will be limited to 3 when used as an HMO. The quality of the living environment created is considered acceptable.

## 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. The introduction of an HMO in this part of Colebrook Avenue 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 an 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(q), 6(c), 7(a), 9(a), 9(b).

## **MP3 for 19/11/13 PROW Panel**

### PLANNING CONDITIONS

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

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 - Approved Plans - [Performance Condition]

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.

#### 03. APPROVAL CONDITION - Cycle Storage Facilities [Pre-Occupation Condition]

Prior to the occupation of the development hereby approved the applicant shall provide a secure, lockable and covered cycle store for use by the occupants of the property. The cycle store shall be located to the rear of the dwelling and such facilities as approved shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

#### 04. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class E (curtilage structures), including a garage, shed, greenhouse, etc,

Class F (hard surface area).

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

#### 05. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

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.

06. APPROVAL CONDITION - Residential Restriction [Performance Condition]

The property to which this permission relates shall at no time be occupied by more than three individual residents whilst the property is occupied as an HMO (C4 use).

REASON

To reduce the potential impact of the development and to ensure that the shared amenities are suitable for the occupants and that an appropriate residential environment is created.

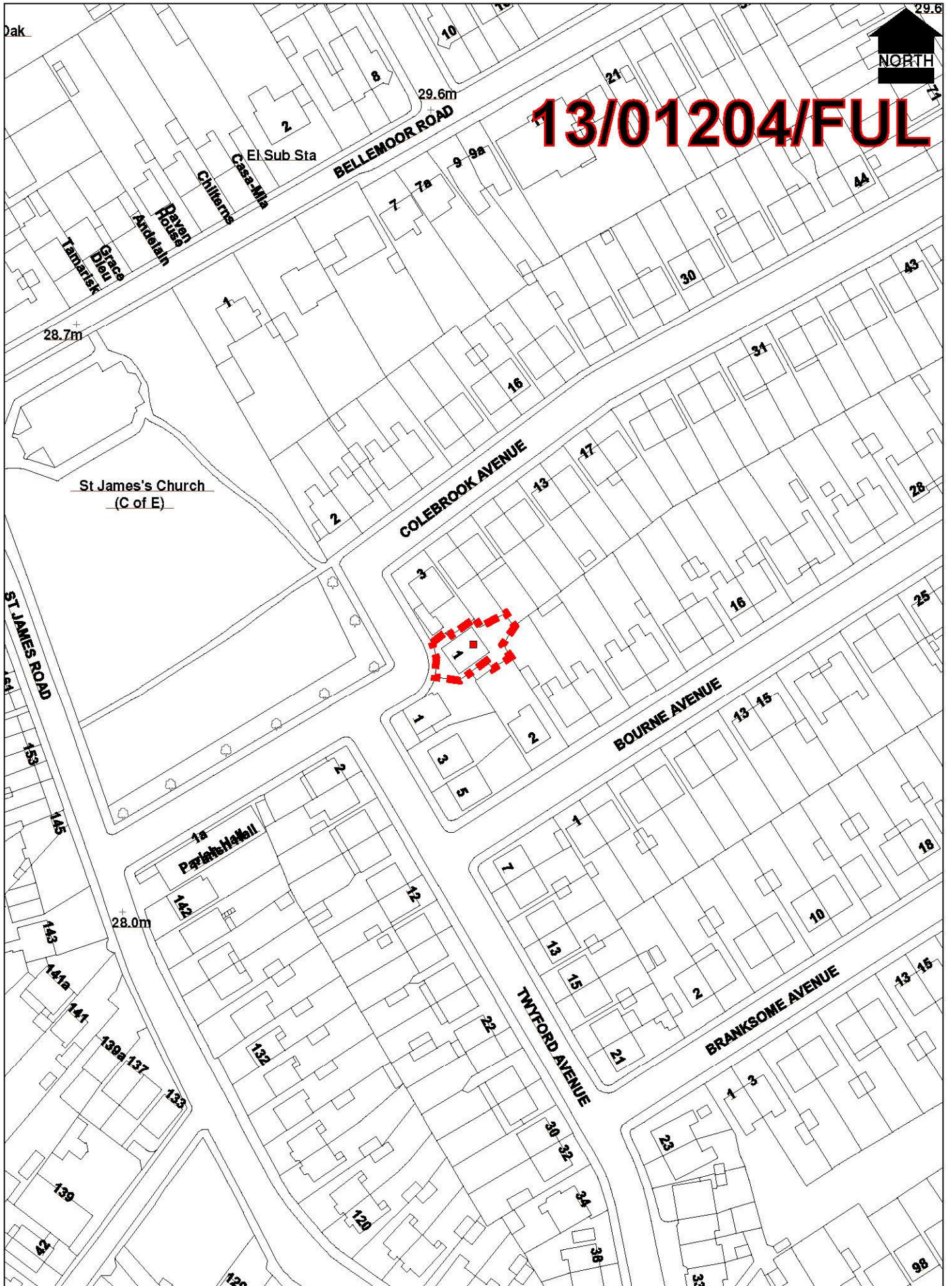
07. APPROVAL CONDITION - Retain boundary treatment (Performance Condition)

The boundary wall located to the front of the site (adjacent to Colebrook Avenue) shall be retained on site in perpetuity. Should at any time the wall be removed, within one month, details of a replacement shall be submitted to the Council for approval in writing. Once approved the wall shall be reinstated within three months of the date of the Council's written response in accordance with the submitted details and thereafter retained in perpetuity.

REASON

In the interests of highways safety and to protect the visual amenity of the area.





**13/01204/FUL**

Scale : 1:1250

Date 06 November 2013

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**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4            Housing Delivery  
CS16          Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance  
H4             Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Houses in Multiple Occupation (Approved – March 2012)

Other Relevant Guidance

National Planning Policy Framework (March 2012)