

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 05/08/2014
 Planning Application Report of the Planning and Development Manager**

Application address: 13 Omdurman Road, Southampton			
Proposed development: Change of use from a Dwelling House (Class C3) to either a House of Multiple Occupation or Dwelling House (Class C3/C4)			
Application number	14/00644/FUL	Application type	FUL
Case officer	Nathan Pearce	Public speaking time	5 minutes
Last date for determination:	01/08/2014	Ward	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Norris Cllr Claisse Cllr O'Neill

Applicant: Mr and Mrs Sood	Agent: Mr Amrik Chahal
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Recommendation Summary	<ol style="list-style-type: none"> 1. Refuse 2. Serve an Enforcement Notice to remedy the breach of planning control
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Community Infrastructure Levy Liable	No
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Reason for Refusal

The proposed conversion of the property to a House in Multiple Occupation (HMO) will result in an excessive concentration of HMOs within the immediate area. This would result in an adverse 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. Therefore, 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 Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012), particularly section 6.5 which seeks to control and manage the growth of the HMO sector.

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

Recommendation in Full

1. Refuse
2. Serve an Enforcement Notice to remedy the breach of planning control

1.0 The site and its context

- 1.1 The application site is located on the north side of Omdurman Road within the ward of Portswood. This part of the street consists of two storey detached dwellings and flats, with on street permit parking.
- 1.2 The application site consists of a two storey detached dwelling. The property is currently occupied as a C4 HMO without planning permission, with a loft conversion and six bedrooms. The applicants have been unable to provide evidence that the property was occupied by between three and six unrelated people on 23rd March 2012 when the Council's Article 4 Direction took effect.

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 six occupiers. The applicant seeks a flexible C3/C4 use which will enable them to rent to families and shared groups. There are six bedrooms, and communal facilities including a lounge, kitchen, and washing facilities. The occupiers will have access to approximately 80 square metres of private amenity space. The refuse bins will be stored in the front garden, with space for two cycles.

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 taking effect on March 23rd 2012, the conversion of a family house into a small HMO for between three and six unrelated people requires planning permission. The planning application will be assessed against Local Plan Policy H4 and LDF Core Strategy Policy 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 the 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 Portswood allows 10% of the total number of residential properties to be HMOs, which is measured within a 40m radius of the application site, or the 10 nearest residential properties surrounding the application site (section 6.5 of the SPD 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 one or two 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 six months. Section 6.6 does not refer in this case.

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 and erecting a site notice (17.06.2014). At the time of writing the report **5 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Proportion of existing HMOs in the area leading to change in character of the area.

Response: Agreed. The number of HMO's within a 40m radius of this property already exceeds the amount that is acceptable for the Portswood Ward, according to the HMO SPD.

5.1.2 There is no planning permission for this retrospective HMO and the electoral register shows that the property wasn't occupied as a shared house on 23rd March 2012.

Response: Agreed. The applicant is, however, entitled to make a planning application for due consideration by the Council.

5.1.3 Will lead to an increase in noise and disturbance during the evenings/night.

Response: There is no evidence to suggest that this HMO will cause problems and noise and disturbance issues can be enforced against using other legislation and enforcement powers.

5.1.4 Likely to set a precedent for further conversions to HMOs.

Response: All new HMOs will require planning permission and will need to be assessed using the HMO SPD.

5.1.5 Many HMOs are left in a state of disrepair, rubbish can be left in front gardens and on the street.

Response: There is no evidence to suggest that this HMO will cause problems and refuse and maintenance issues can be enforced against using other legislation and enforcement powers.

- 5.2 **Consultation Responses**
5.3 **SCC Highways - No Objection**

6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i.) Principle of development.
 - ii.) Impact on the character of the surrounding area.
 - iii.) Impact on residential amenity and quality of accommodation of offer
 - iv.) Impact on highway safety.

6.2 **Principle of Development**

- 6.3 In principle, the conversion of the family dwelling into a small HMO is acceptable as there is a growing need for this type of housing. However, the contribution of this additional HMOs should be balanced against the harm to the character and amenity of the local area. An assessment of the existing concentration of HMOs in the vicinity of the site is required before the principle of an additional HMO can be supported. In this case the applicable 10% threshold has been breached already and an additional HMO cannot, therefore, be supported for the reasons given below.

6.4 **Impact on the character of the surrounding area;**

- 6.5 Within the 40m radius surrounding the application site there are nine residential properties (including the site) from which the concentration of HMOs should be calculated. The concentration of HMOs currently within this radius is 11% (8 family dwellings remaining with No. 3 Nile Road identified as an HMO).
- 6.6 In this case, the number of existing HMOs already exceeds the tipping point in the local area in terms of the 10% threshold limit, but falls short of the point where the exception rule is triggered. As such, the introduction of a second HMO will erode the established character of the area and erode an existing mixed and balanced community.

6.7 **Impact on residential amenity and quality of living accommodation offered**

- 6.8 Omdurman Road is mainly characterised by high density housing, and there are existing examples of HMOs in terraced properties. The property has six bedrooms and therefore is likely to have maximum of 6 occupiers.
- 6.9 The Inspector considering an HMO at 18 the Parkway concluded that 'the level of activity associated with six unrelated individuals living together, including possible comings and goings at unsociable hours, numbers of visitors and general activity levels, is likely to be much greater than with a single household'.
- 6.10 The standard of living accommodation is acceptable with each resident having access to a bedroom, a shared kitchen, communal living areas and adequate private amenity space.

6.11 **Parking and Highway Safety**

6.12 The Site is situated within a residents parking zone and the number of permits allowed is based on the address and therefore there will be no change in the take up of the parking bays as a result of this development. There is no highway objection to this application.

7.0 **Summary**

7.1 In summary, the existing number of HMOs in the 40m radius exceeds to the 10% threshold for the area but does not trigger the exceptional circumstance of being the last one or two. On this basis a further erosion of the balance of the local community and mix of housing stock will cause harm to the character of the local area.

8.0 **Conclusion**

8.1 The impact of the application has been assessed as contrary to up to date policy and guidance and, therefore, is recommended for refusal. As the application is retrospective further enforcement action is needed.

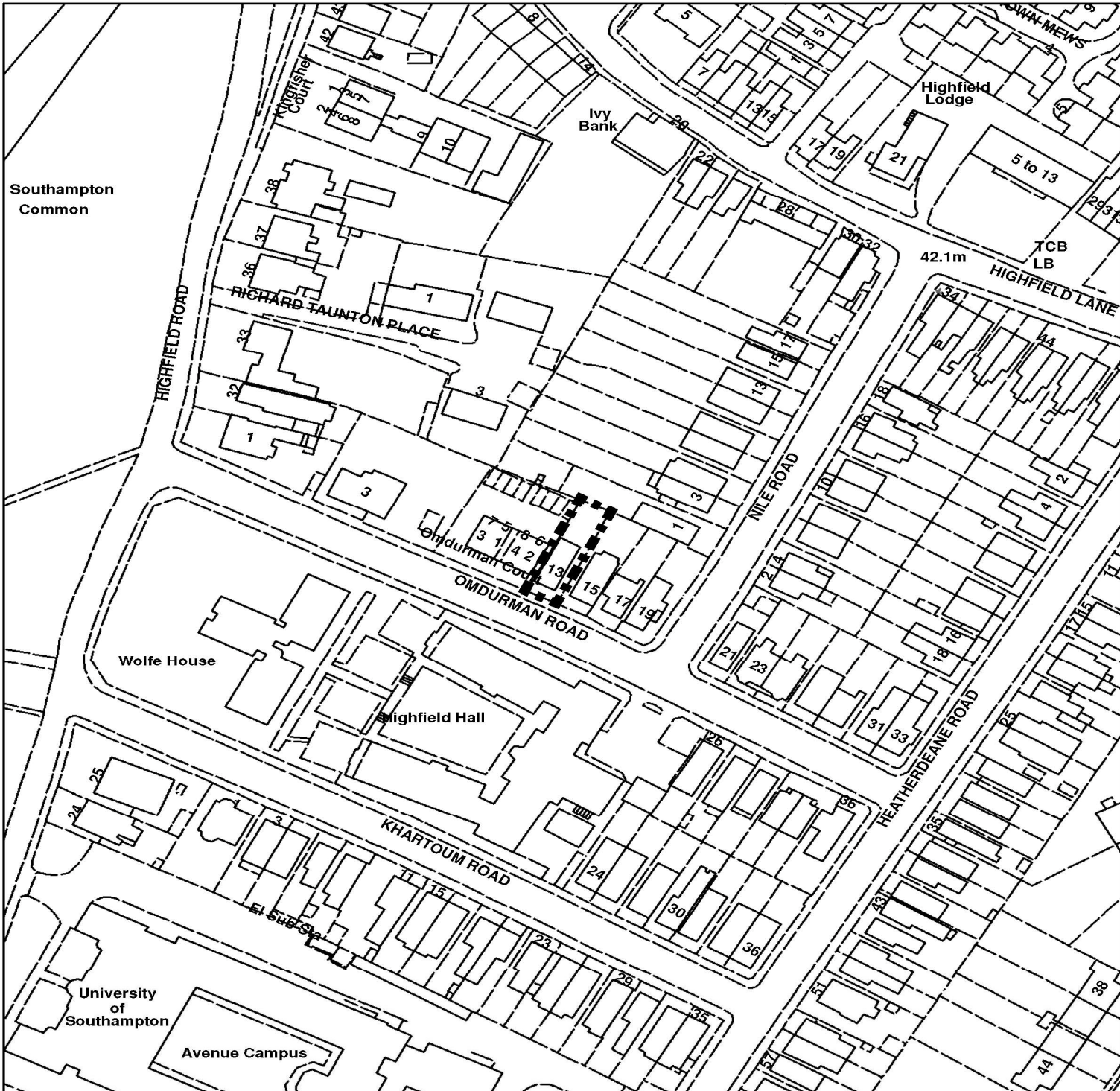
Local Government (Access to Information) Act 1985

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).

NP for 05/08/2014 PROW Panel

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Scale: 1:1,250

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