

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

Application address: 10 Lumsden Avenue SO15 5EL			
Proposed development: Change Of Use From A C3 Dwelling House To A 5-Bed House In Multiple Occupation (Hmo, Class C4)			
Application number	14/01238/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	19/09/2014	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Members and five or more letters of objection have been received	Ward Councillors	Cllr Brian Parnell Cllr David Shields Cllr Jeremy Moulton

Applicant: Dr Helen Smith	Agent: NA
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	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. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	3	40m radius plan
2	HMO percentage calculations		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site consists of a semi-detached residential family dwellinghouse over 3 storeys (including loft conversion) within the Freemantle Ward of Southampton.
- 1.2 The area is very close to Shirley Town Centre and is characterised by mostly family dwellings occupied by single households but also with a mix of flats and commercial properties. The site is close to a car sales garage on Lumsden Avenue.

2.0 Proposal

- 2.1 The application seeks to change the use from a C3 family house to a C4 house in multiple occupation. In practice, this means applying for a flexible use between C3 and C4 in order to allow for the property to be let to both sharers and single households for a period of 10 years. On the 10 year date from determination, the permanent use would become that which it is used as on that date.
- 2.2 It is proposed that the site will accommodate up to 5 residents although a C4 HMO can include up to 6 residents.

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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 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.

4.0 Relevant Planning History

- 4.1 No planning history for this site.

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, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **27** representations have been received from surrounding residents. The following is a summary of the points raised:

Noise and disturbance

Response: Whilst it is acknowledge that there is a higher chance of noise disturbance due to increased comings and goings associated with HMO's, very few are subject to noise notices due to harmful disturbance. There area is close to the Shirley Town Centre so frequent pedestrian movement is characteristic. However, the environmental health department can deal with harmful noise nuisance should this arise.

Traffic parking and road safety

Response: The Highways team have indicated that there is not highway safety issue. On-street parking is in high demand in the area due to dropped kerbs leading to driveways for residents' on-site parking provisions. A parking survey has been requested.

Transient tenants/ less vested interest/ impact on community

Response: HMO tenants are less likely to engage in the community. However, such housing is an important need in the city. Therefore the impact on the community and the need for housing needs to be balance, hence the requirement for compliance with the HMO SPD threshold limit. Compliance suggest a limit amount of HMO's within the area and therefore limited impact on the community as a whole.

Character/ Family area

Response: The properties here are mainly family houses. This suggests that the area would not be significantly impacted upon by the introduction of an HMO in terms of concentration. Notwithstanding this, the character of the area should not be adversely impacted upon. It is judged that there is a mix of uses in this area of Lumsden Avenue and is close to local amenities.

Examples of over concentration in other areas

Response: Some areas of the city do have high concentrations of HMO such as the Polygon. The HMO SPD seeks to avoid this happening in other areas by limiting the amount of HMO's allowed within an area.

Poor maintenance

Response: The Council cannot control how an individual maintains their property. However, this is a recognised issue with some HMO properties. The limited number within a certain area limits the potential impact of this on the visual appearance of the streetscene.

Loss of family home

Response: There is no net loss of a family unit as defined by policy CS16 (at least 3 bedrooms with direct access to private amenity space). The property will physically remain a family unit and can be used as such due to a flexible C3/C4 use.

Loft conversion

Response: Some loft conversions can be dealt with under permitted development. We have not received a complaint that suggests the contrary. However, this could be raised with the enforcement team should residents believe the works are unlawful.

Refuse issues/ Fly-tipping

Response: Bin storage will need to be provided on site to comply with the council's standards and a condition can be applied to ensure that bins are not left on the public highway.

Licensing

Response: This is not a planning matter and is dealt with by the HMO Licensing team.

Increased population density

Response: This site is a high accessibility area, close to amenities and public transport, an area where high densities is deemed acceptable. However, there is not increase in dwellings and no limit to how many people can live together as one household under C3 use.

Consultation Responses

- 5.2 **SCC Highways** - The proposed development does not consist of increase in floor space and is difficult to foretell which use will generate more vehicular trips. Lumsden Avenue does not contain any parking restrictions and is within an area where on-street parking does appear to be in high demand. Most of the properties along Lumsden Avenue benefit from off-street parking which may be a reason for the high demand of on-street parking due to the number dropped kerbs.

As it is an existing situation, regardless if there is a potential increase in on-street parking, I cannot consider it to be a highway safety concern due to the straight-natured geometry of the road and the fact that the development will not be introducing any new impact on the highway. However, I can confirm it will create a harmful impact on the amenity for the local residents. Because of this, I cannot recommend refusal due to the lack of highway safety grounds but will recommend a parking survey (in the shape of the Lambeth Model) to be conducted in order to allow a better assessment of the current parking demands and to see if there is capacity for any potential overspill.

The following conditions should be applied

- Details of the proposed cycle store for 5 cycles to be submitted and agreed upon in writing by the local planning authority

5.3 **SCC Housing** – No objections in principle to the change of use. The applicant has already been advised of works required to bring the property to the standard required.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are: the principle of the development; the character of the area; the residential amenity of future occupiers; impact on nearby residents and; parking and highway safety.

6.2 **Principle of Development**

The principle of an HMO use on this site needs to be assessed against the HMO SPD to determine whether there is already a concentration of such properties within the area. In combination with this, the impact of an HMO on the character and amenity of the area and its residents needs to be assessed. These issues are discussed below.

6.3 **Character of the area**

6.3.1 The character of the area is mixed with a high level of single family households together with subdivided properties, retail units with flats above and other commercial uses such as a local car sales garage.

6.3.2 The aim of the HMO SPD is to achieve a mix of households with the city in order to meet different housing needs whilst protecting the interests of other residents, business owners and landlords. The demand for HMO housing is high with the city, mostly by young single people both students and professionals, those on low incomes and other groups such as migrants. Whilst there is also a demand for family housing, there would be no net loss of a family house in this case as the property would still be capable of being used as such by means of a flexible C4/C3 permission. The property could thereby be rented to either sharers or families. CS16 defines a family unit as having at least 3 bedrooms with direct access to private useable amenity space for the sole use for the unit.

6.3.3 In order to avoid a high level of concentration with a particular area of the city which can have a detrimental impact on the local community, the HMO SPD applies a threshold within a certain area (40m radius from front door of the property) to limit the amount of HMOs and to encourage an even distribution across the city. The threshold with the Freemantle ward is 20% in order to limit the negative impacts on HMO concentration on the character of the area and the local community in terms of noise, traffic, waste and other issues.

6.3.4 The information on the amount of HMO's with the 40m radius is inconclusive. However, the indicative information available from council tax and environmental health records appear to show that there is only one other HMO within the 40m radius, 1 Newlands Avenue. Objectors have stated that 20 Lumsden Avenue is already an HMO however this falls outside of the survey area. With the introduction of a second HMO the percentage within the area would be 10%,

below the threshold of 20% (see Appendix 2).

6.3.5 Previous appeal decisions have addressed concerns relating to HMO residents being more likely to leave bins outside on the highway and poor maintenance of the properties. However, these have related to leafy, open and quiet residential areas. This area, very close to a Town Centre and with a mixed use nature, is materially different from these areas previously protected by inspectors.

6.3.6 Therefore, in accordance with the HMO SPD, the tipping point of the amount of HMOs in an area which would lead to a harmful impact on the character of the area has not been exceeded. It is therefore judged that this area is capable of accommodating an HMO, providing much needed housing to the city, helping to spread the concentration more evenly whilst limiting the impact on the character of the area.

6.4 Residential amenity of occupiers

6.4.1 The property has been assessed by the Private Sector Housing team who are content with the change of use proposals and have made the applicant aware of the alterations that needs to be made in order to meet the licensing standards. The room sizes, shared facilities and amenity space available is sufficient to provide a good quality living environment for future occupiers.

6.5 Impact on amenity of nearby residents

6.5.1 There are no physical works proposed which would have an impact on neighbouring residential amenities such as light, outlook and privacy. However, there is the potential for increased comings and goings associated with multiple people living as single households. The area is close to public transport links and local amenities in Shirley Road and Shirley High Street and is within 100m of Shirley Town Centre. The area is therefore already likely to attract significant movement both pedestrian and vehicular. It is not judged hat the addition of a limited number of single residents is likely to significantly change this current arrangement.

6.5.2 Noise disturbance is a common concern with HMO properties. However, the HMO SPD outlines the fact that at the time of writing of the SPD, only 0.5% of the HMO housing stock in the city had been subject to noise notices. Whilst it is recognised that residents fear that there is an increased chance of noise disturbance and it taken into consideration, it is not judged to warrant refusal of the application due to the location close to a busy town centre. Noise complaints can be dealt with by the relevant authority (Environmental Health) should issues arise.

6.6 Parking and highway safety

6.6.1 The Highway team have indicated that there would be no safety issue as a result of the application. Parking would therefore be an amenity consideration rather than one of safety. A parking survey has been requested in order to access the impact on the locality.

6.6.2 It is noted that the on-street parking provision is somewhat limited by the dropped kerbs of properties within the street. This suggests that residents have off-street parking and therefore the on-street provision is likely to be used as overspill for households with multiple vehicles, for visitors to the area and for shoppers nearby. It is therefore judged that whilst parking pressures may increase, the

residential amenity of residents is unlikely to be significant effected.

- 6.6.3 The application form shows that there are 5 parking spaces already available on site. Having conducted a site visit, it is not judged that the site is capable of holding 5 cars on site. Therefore, the on-site parking provision should be limited to 3 in order to comply with the maximum allowance under the Parking Standards SPD. In addition, it is claimed the 5 cycle space area provide. However, this has not been indicated on the plans. Evidence of this as well as refuse storage will need to be secured by condition.

7.0 Summary

- 7.1 Overall, it is judged that on the balance of probability based on the information available to the council at the time of writing, there is a limited amount of HMO's within the area and therefore the creation of an addition HMO would not exceed the threshold of 20% in the area. On this basis, the application complies with the HMO SPD helping to provide a site for an important housing need whilst limiting the impact on the area due to the low level of HMOs in the area thereby creating a balance between households. The living environment would be satisfactory for both neighbours and future occupiers of the property.

8.0 Conclusion

- 8.1 The application is recommended for approval subject to conditions.

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

1. (a) (b) (c) (d), 2. (b) (d), 4. (f) (vv) (ww), 6. (c), 7. (a)

JOAHAL for 16/09/14 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 - 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.

03. 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 22 July 2024, 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.

04. APPROVAL CONDITION - Cycle storage facilities [Pre-Occupation Condition]

Prior to the first occupation of the site as an C4 dwelling, details of cycle storage facilities to conform to the Local Planning Authorities standards of one space per resident shall be provided and agreed upon in writing by the Local Planning Authority . Such parking and storage shall thereafter be permanently maintained for that purpose. In the avoidance of doubt this means that 5 secure, lockable cycle parking spaces shall be provided on site.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

05. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

06. 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 on the public footpath or highway and shall be stored in accordance with the details to be approved under condition X.

Reason:

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

07. Note to Applicant - Pre-Commencement and/or Pre-Occupation Conditions

Your attention is drawn to the pre-commencement and or pre-occupation conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal

application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

00. Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation SPD (Adopted - March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

Appendix 2 - HMO Percentage Calculations

	Council Tax	Environmental Health	Electoral Role	Other/Comments
Lumsden Avenue				
1	x	x	x	2 flats
3	x	x	x	2 flats
5	x	x	x	
7	x	x	x	
9	x	x	x	
11	x	x	x	2 flats
13	x	x	x	
15	x	x	x	
17	x	x	x	
4	x	x	-	
6	x	x	3	
8	x	x*	x	*No info since 2010
10	x	x	x	
12	x	x	x	
14	x	x	x	
16	x	x	x	
18	x	x	3	
Newlands Avenue				
1	✓	x	x	
3	x	x	x	
5	x	x	x	
7	x	x	x	
9	x	x	x	
11	x	x	x	
13	x	x	-	
Shirley Road				
291	x	x	-	Flat above shop
293	x	x	x	2 flats plus house
295	x	x	3	Flat above shop
297	x	x	-	Flat above shop
299	x	x	-	Flat above shop

Existing HMO's – 1

Proposed amount of HMO's – 2

Amount of property which can be counted (flats discounted) – 21

Maximum threshold within the Freemantle Ward = 20%

Current HMO percentage = 4%

Proposed HMO percentage = 10%

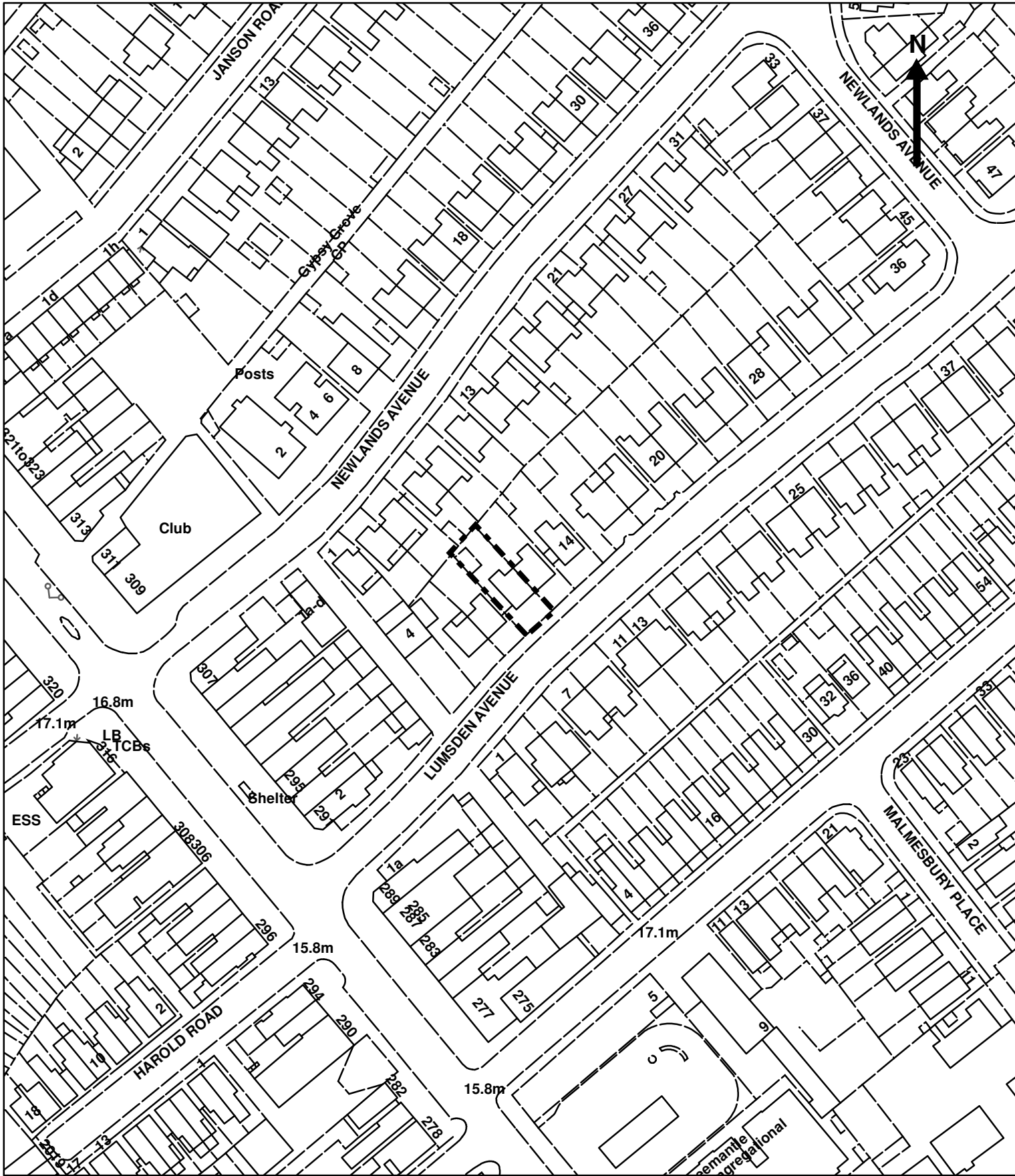
Appendix 3 – 40m Radius Plan



Scale: 1:1,250



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Scale: 1:1,250

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