

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel – 15 October 2014
 Planning Application Report of the Planning and Development Manager**

Application address: 44 Sir Georges Road SO15 3AT			
Proposed development: Change Of Use From Dwelling House (C3) And Extension Approved Under Application 14/00933/Ful, To House Of Multiple Occupation (C4)			
Application number	14/01282/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	09/10/2014	Ward	Freemantle
Reason for Panel Referral:	Request by all Ward Members (Cllrs Shields, Moulton and Parnell) and five or more letters of objection have been received.	Ward Councillors	Cllr Brian Parnell Cllr David Shields Cllr Jeremy Moulton

Applicant: Mrs Annette Lavinia	Agent: Architecture & Planning
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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	HMO 40m radius survey area
2	Relevant History		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site consists of a semi-detached, two storey dwellinghouse within the Freemantle Ward of Southampton. The site has extant permission for a part two storey, part single storey rear extension (see appendix 2).
- 1.2 The character of the area is mixed in this location. There is a variety of housing types and styles with mostly two storey semi-detached or terraced dwellings as well as flatted blocks. There is also a commercial/light industrial site next door to the application site. The site is in close proximity of Shirley Road which has facilities for day to day living. Sir Georges Road is approximately 600m (as the crow flies) from both the City Centre and Shirley Town Centre.

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. The proposed arrangement includes 5 bedrooms with shared kitchen, lounge and bathroom.

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 See appendix 2

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 (19/08/2014). At the time of writing the report **13** representations have been received from surrounding residents and the ward councillors. The following is a summary of the points raised:

5.1.1 Consultation Responses

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. 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 there would be little impact on the highway as permits are restricted to 1 per person to a maximum of 2 per official postal address.

Character area

Response: The HMO SPD seeks to maintain a balance of different types of housing so that the character of an area is not adversely affected.

Loss of family home

Response: There is no net loss of a family unit as defines 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.

Refuse issues

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.

Increased population density

Response: There 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. C4 is limited to 6 people. More than six residents would constitute a Sui Generis large HMO and therefore require consent.

Over development

Response: There are no physical works that can be deemed overdevelopment. Over intensification is mentioned above.

Over provision

Response: There is currently only one known HMO in the 40m radius area set out in the HMO SPD, giving a percentage figure of 3%

Separate applications

Response: The applicant is entitled to submit separate applications for the physical works and the change of use. Neighbours were consulted on each application.

Room sizes/ Standard of living

Response: The Local Planning Authority does not have policies on minimum room size standards. However, the HMO licensing team do set out such standards and have not objected to the application. The amenity space provided is in-line with LPA standards.

Increase in bins

Response: A bin storage unit is provide to the front of the property to help protect the visual amenity of the street.

- 5.2 **SCC Highways** - The site is situated near a district centre and close to the city centre with public transport and facilities within walking distance. Sir George's Road is in a zone 8 residents parking permit zone and the proposed change of use will make no difference in the number of parking permits that the site is eligible for. For this reason, there will be limited impact on the highway. I recommend approval subject to the following conditions:
Details of cycle storage facilities to be submitted and agreed upon in writing by the local planning authority. Cycle stores must be enclosed, secure and lockable with every bedroom/bedsit having one cycle parking space each.
- 5.3 **SCC Private Sector Housing** – No objection to the application providing the applicant ensures that they have complied with the HMO requirements of the HMO amenity standards and fire precautions.
- 5.4 **Cllr Brian Parnell** – Objection and request to be referred to Planning and Rights of Way Panel
- 5.5 **Cllr David Shields** - Objection on the basis of overdevelopment, the negative impact that this may have on the character of the area, potential for traffic congestion resulting from increased parking associated with an increased density.
- 5.6 **Cllr Jeremy Moulton** - Objection and request to be referred to Planning and Rights of Way Panel
- 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

- 6.2.1 The principle of an HMO use on this site needs to be assessed against the Council's adopted HMO SPD to determine whether the area already has a concentration of such properties. In addition, the impact of an HMO on the character and amenity of the area and its nearby residents needs to be assessed. These issues are discussed in detail below.

6.3 Character of the area

- 6.3.1 The character of the area is mixed with a variety of housing types and styles and also a commercial/industrial site next door to the application site. The site is in close proximity of both the City Centre and Shirley Town Centre. It is the aim of the HMO SPD 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. There is a demand for HMO housing in 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, the SPD aims to create a sustainable balance and mix of households and provide accommodation for all types of residents within Southampton.
- 6.3.2 The application would not result in the 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 and therefore available to sharers and families as the market dictates. 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 and to encourage an even distribution across the city, the HMO SPD applies a threshold within a certain area (40m radius from front door of the property) to strict the amount of HMOs in that area to 20% in the Freemantle Ward. This helps to provide accommodation for people requiring shared accommodation whilst limiting the negative impacts of HMO concentration on the character of the area and the local community in terms of noise disturbance, waste management and parking and other issues.
- 6.3.4 Having conducted a survey of the area, it appears that there is one existing HMO within the 40m radius survey area. This is based on indicative information available from council tax and environmental health records as well as the electoral role and planning history. The council does not have a definitive list of existing HMOs. The current percentage of HMOS in the area is 3% and the inclusion of a second as a result of the application would increase this to 7% (see appendix 3). Therefore, the application is below the threshold limit of 20% for the area.
- 6.3.5 Previous appeal decisions have addressed concerns relating to the HMO properties harming the character of the area where the area is mostly owner occupied single dwellings. However, these have related to leafy, open and quiet residential areas. This area, close to the City Centre and a Town Centre and with a variety of nearby uses, is materially different from the areas previously protected by inspectors.

6.3.6 It is proposed that the bins for the property will be stored in a timber built bin store to the front of the property. This will disguise the bins from public view and create a space for bins to be returned after collection day. It is not judged necessary to store bins to the rear of the site as this is not practical for occupiers which appears to be the same situation for other residents in the street who store their bins in the front garden.

6.3.7 In accordance with the HMO SPD and Local Plan policy H4, 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 Private Sector Housing team have indicated that they have no objection to the application providing the applicant ensures that they have complied with the HMO requirements of the HMO amenity standards and fire precautions. If this is complied with, it is judged that there would be no harm to any future occupiers.

6.5 Residential amenity of neighbouring properties

6.5.1 There are physical works on-going on site to extend the property, planning permission for which as granted in July 2014 under reference 14/00933/FUL (see appendix 2). Therefore the impact on neighbouring residential amenities such as light, outlook and privacy have already been assessed. No additional physical works are proposed.

6.5.2 However, there is the potential for increased comings and goings associated with multiple people living as single households. Whilst there may be an increase in activity at the premises as a result of the change of use, the area as a whole is unlikely to be adversely affected due to the low level of HMO's in the locality. Similarly, the low level of HMO's would limit the impact on any potential waste management issues of the area as whole. However, these matters can be raised with authorities with the relevant powers such as environmental health should issues occur.

6.6 Parking and highway safety

6.6.1 The area is close to public transport links and local amenities in Shirley Road and the City Centre. This, together with the parking restrictions on the road which is for permit holder only or a 2 hours day, will help to discourage car use by occupiers of the dwelling. Sir George's Road is in a zone 8 residents parking permit zone and the proposed change of use will make no difference in the number of parking permits that the site is eligible for (2 permits). In addition, 5 cycle storage places will be provided in the rear of garden to encourage alternative transportation methods.

6.6.2 A parking survey has been suggested to assess the availability of off-street parking within the area. However, this is not judged to be essential in determining

the application.

7.0 Summary

7.1 Overall, it is judged that, based on the information available to the council at the time of writing, there is only one other HMO's within the survey area and therefore the creation of an addition HMO would not exceed the threshold of 20% in the area (7%). On this basis, the application complies with the HMO SPD and policy H4 helping to provide a site for an important housing need whilst limiting the impact on the area due the balance between different 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 14/10/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works 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 [Pre-Occupation Condition]

The cycle storage indicated to the rear of the site on drawing no. 100A shall be installed and made available prior to the first occupation of the dwelling as a C4 House of Multiple Occupation.

Reason:

To encourage cycling as an alternative form of transport.

05. APPROVAL CONDITION - Refuse storage [Pre-Occupation Condition]

Before the first occupation of the site as a C4 house of multiple occupation, the bin storage unit indicated on approved plans ref 115A and 100A shall be erected for use by future residents. The facilities as approved shall thereafter 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.

14/01282/FUL



Scale: 1:1,250

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POLICY CONTEXT

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

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APPENDIX 2

Relevant Planning History

14/00933/FUL - Erection of a part single-storey and part two-storey rear extension -
Conditionally approved 29/07/2014



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