

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) - 24 February 2015
Planning Application Report of the Planning and Development Manager

Application address: 43 Marshall Square, Southampton SO15 2PB			
Proposed development: Change of use from C3 residential to C4 House in Multiple Occupation (Retrospective)			
Application number	14/01817/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 Minutes
Last date for determination:	15/01/2015	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton

Applicant: Mr Andrew Saxton	Agent:
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area characterised by a range of dwellinghouses and flats. It would provide an appropriate standard of accommodation for residents. This proposal would contribute to the city's housing need and would have an acceptable impact in terms of residential amenity, impact on the character of the wider area and highways safety. This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted

Policies - SDP1, SDP7, SDP10, of the City of Southampton Local Plan Review (March 2006); CS4, CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010); the HMO SPD; and the Parking Standards SPD.

Appendix attached			
1	Development Plan Policies	2	HMO 40m Calculation

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two storey, mid terraced dwellinghouse located to the south of Marshall Square. Residential accommodation is also provided within the roofspace. This property is located within a predominantly residential area.
- 1.2 This property comprises a kitchen / diner and integral garage at ground floor level, a lounge and en-suite bedroom at first floor level and two bedrooms and a bathroom within the roofspace.
- 1.3 This property benefits from the provision of two car parking spaces given the location of an integral garage and a front driveway, each providing sufficient space for one car.

2.0 Proposal

- 2.1 Permission is sought for a change of use from Class C3 (Dwellinghouse) to Class C4 (House In Multiple Occupation). 3 bedrooms are provided. This use has already commenced.

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.

4.0 Relevant Planning History

- 4.1 In 1997, outline approval (ref.970207/W) was granted for the re-development of the wider estate for residential purposes. The application site formed part of this wider permission.
- 4.2 In 2000, reserved matters approval (ref.00/00188/REM) was granted for the proposed redevelopment of the estate to provide 147 residential properties (flats and houses).
- 4.3 In 2000, reserved matters approval (ref.00/00881/REM) was granted for the amendment of the existing consent.

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 landowner and erecting a site notice (12.12.14). At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 The proposed HMO would adversely impact on the residential amenities of neighbouring occupiers by increasing levels of noise and disturbance in the area.

Response: The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwellinghouse. Conditions are recommended to limit the occupation of this building to 3 people so as to maintain suitable communal living space.

- 5.3 The proposed HMO would exacerbate existing parking pressure in the area and would adversely impact on highways safety. This property faces a children's play area and crossing the road to get to this facility is already dangerous.

Response: 2 parking spaces are provided for 3 residents. The proposal meets the requirements of the HMO SPD in terms of parking provision. Furthermore, the Highways department have raised no objection to the proposed scheme.

- 5.4 The proposed HMO would result in the loss of a family home giving rise to an imbalance in the community to the detriment of the character of the area. Responses indicate that the properties at 88, 44 and 41 already rented out to sharers with 40 and 42 also potentially used in this way.

Response: It is not considered that the character of the area would be significantly affected by this proposal and the threshold tests applied in the Council's HMO SPD have been met.

- 5.5 Poorly managed HMOs can adversely impact on the wider area due to a lack of maintenance and absent landlords.

Response: Agreed, although this does not represent a sustainable reason for refusal in planning terms as, equally, HMOs can be well managed.

Consultation Responses

- 5.6 **SCC Highways** – No objection. There is no clear evidence to show which use class (C3 or C4) generates more vehicular trips and car ownership levels, especially where the development does not generate an increase in the number of bedrooms. The site is situated within a residential cul-de-sac which also has traffic calming measures and officers do not envisage high levels of traffic or speed. Any potential overspill would be an amenity issue and not highway safety. Therefore officers can only recommend a parking survey to be conducted and not require one, in order to allow a better assessment of the current parking pressure demand to see if there is capacity to allow for any potential overspill. No objection subject to a condition requiring cycle parking.

Response: The garage can be retained for parking by condition and the HMO can be restricted to 3 people. The provision of 2 parking spaces for 3 people meets our current parking standards. A parking survey is not deemed necessary in these circumstances and a refusal of planning permission based on overspill parking is not recommended.

- 5.7 **SCC Environmental Health (Pollution & Safety)** - No objection to the proposed change of use. If planning permission is granted the applicant is advised to contact Environmental Health as additional fire precautions will be required.

6.0 Planning Consideration Key Issues

- 6.1 The determining issues that require consideration relate to:
- a) whether the proposed use is acceptable in principle;
 - b) the impact of the proposed use on parking and highways safety; and
 - c) the impact of the proposed use on the amenities of any adjoining occupiers.

6.2 Principle of Development

6.2.1 The application site is located within the Freemantle ward where a 20% HMO threshold applies. As such, if the percentage of HMOs within a 40m radius of the application site exceeds 20% applications for additional HMOs will be refused for resulting in an over-concentration of use.

6.2.2 47 properties were initially identified within a 40m radius of the application site. Upon further investigation, it was found that 21 of these properties were flats. These were subsequently discounted from the count as per the SPD. As a result, 26 properties have been included in the count as they would not (due to being 1 and 2 bedroom flats) physically be able to accommodate the number of people associated with a HMO.

6.2.3 Based upon information held by the City Council's Planning, Council Tax and Environmental Health departments, there is one existing HMO within the relevant area – at 44 Marshall Square. A HMO license was granted for the use of this property as a HMO on the 29/08/2007. This expired on the 29/08/2012. Another license was then granted for the occupation of this property by 6 unrelated people on the 19/03/2013. It appears that this property was in use as a HMO prior to the Article 4 Direction coming into force. The use of the application site as a HMO increases this to 2 HMOs out of 26 or 7.7%. This is significantly below the 20% threshold. As such, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle, in accordance with saved policy H4 of the City of Southampton Local Plan Review and the Houses in Multiple Occupation SPD.

6.2.4 The Planning Enforcement team have previously investigated a number of properties within the 40m radius. These are;

(a) 40 Marshall Square. This property is under investigation by the Planning Enforcement team. It has found to be occupied by 4 unrelated people. The owner states that it has been occupied in this way since before 23/03/2012 however no evidence has been provided.

(b) 41 Marshall Square. This property is under investigation by the Planning Enforcement team. It has found to be occupied by 4 unrelated people. The owner states that it has been occupied in this way since before 23/03/2012 however no evidence has been provided.

It is noted that as a result, there are 2 more potential HMOs within the 40m radius. For clarity, if these HMOs were included in the count, the total of HMOs within the 40m radius would increase to 4 out of 26 (including the application site) or 15.3%. This is still below the 20% threshold. As such, even if these properties were included within the count, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in

principle, in accordance with saved policy H4 of the City of Southampton Local Plan Review and the Houses in Multiple Occupation SPD.

6.3 Highways Safety and Parking

6.3.1 The HMO SPD outlines maximum car parking standards for HMOs. For a HMO with 3 bedrooms, a maximum requirement of 2 parking spaces applies. The application site benefits from 2 off road parking spaces; one through the provision of an integral garage and one through the provision of a driveway. Furthermore, there are no on road parking restrictions. Having regard to this, it is considered that this proposal meets the requirements of the HMO SPD. Sufficient parking would therefore, be provided for the proposed HMO use. To ensure that adequate parking is retained on site, a suitably worded planning condition will be imposed to ensure that the garage is retained for parking at all times.

6.3.2 In terms of highways safety, the impact of the proposed HMO is not considered to be materially different to that of a Class C3 household.

6.4 Residential Amenity

6.4.1 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (ii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.

6.4.2 The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwellinghouse. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers.

6.4.3 This property benefits from sufficient, usable rear amenity space for the enjoyment of all residents.

6.5 Cycle Storage

6.5.1 The HMO SPD states that 'a minimum number of cycle parking spaces to serve the HMO residents should be made available prior to the first occupation of the HMO enclosed within a secure cycle store'. The existing garage at this property meets this requirement by providing cycle storage which is easily accessible, secure and weatherproof. Furthermore, there is a shed within the rear garden which could also potentially be used to provide additional cycle storage if required.

Refuse Storage

6.6

6.6.1 Refuse and recycling bins tend to be kept either on the front forecourt or inside the garages. This arrangement will continue at the application site and is considered to be acceptable. As such, sufficient storage for refuse and recyclable materials will continue to be provided.

7.0 Summary

7.1 The use of this property as a HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highways safety. The development is considered to be acceptable in terms of other planning considerations.

8.0 Conclusion

8.1 To conclude, this proposal is considered to have an acceptable impact and can therefore, be 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), 2(b), 2(c), 9(a) and 9(b).

LAUGRI for 24/02/15 PROW Panel

PLANNING CONDITIONS

01. 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.

02. 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.

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.

03. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor room annotated on the submitted floor plans as the kitchen/lounge shall remain as communal space for the occupiers of the dwelling throughout the occupation of the buildings and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole.

04. APPROVAL CONDITION - Number of occupiers [Performance Condition]

The number of occupiers within the property, in connection with the change of use hereby permitted, shall not exceed 3 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

05. APPROVAL CONDITION - Retention of garage [Performance Condition]

The integral garage shall be retained for car parking purposes at all times unless otherwise agreed in writing by the Local Planning Authority.

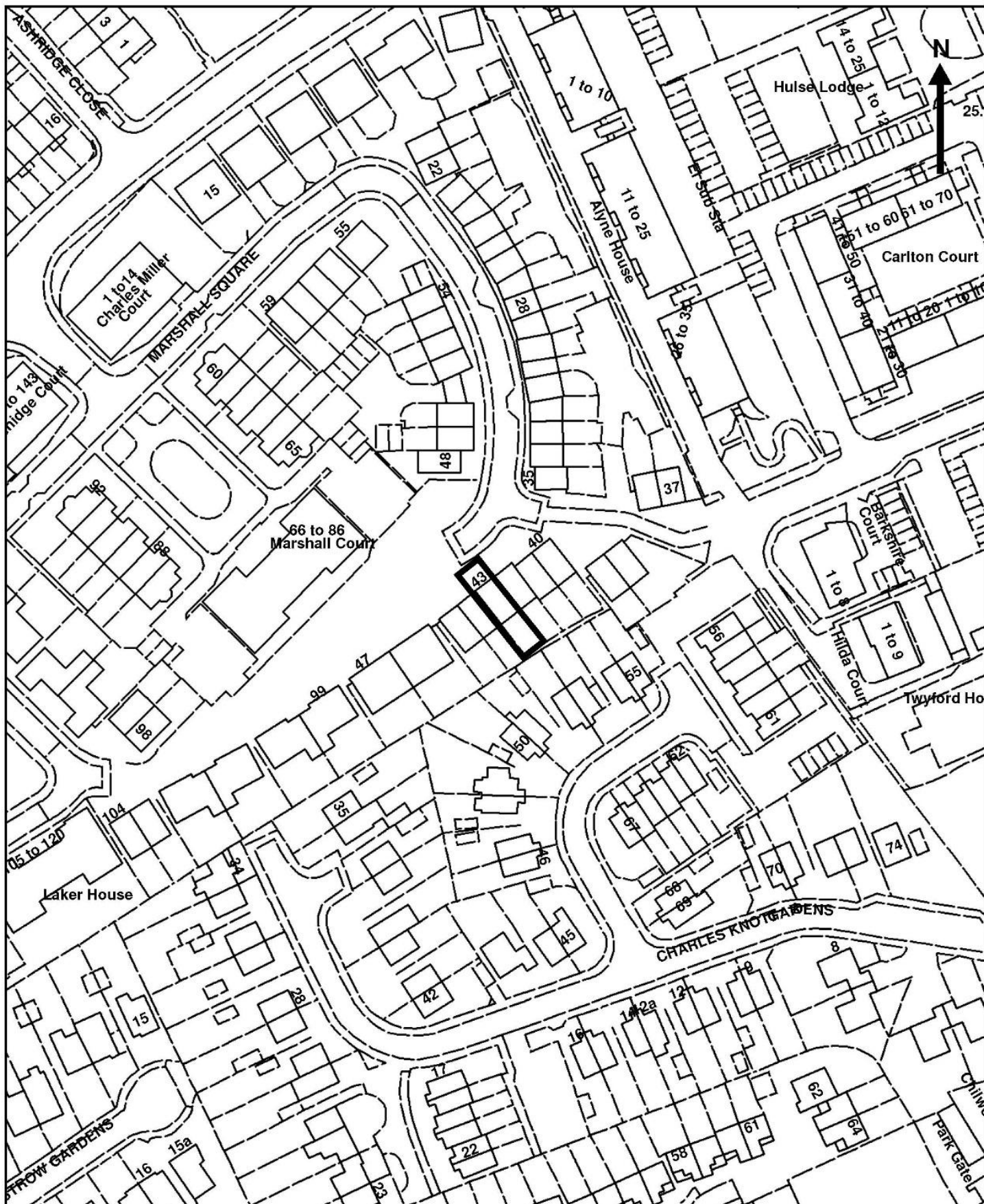
Reason:

To ensure sufficient parking is provided to serve the property.

Note to Applicant:

A HMO License will be required to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link; <http://www.southampton.gov.uk/housing-council-tax/landlords-home-owners/landlords/houses-in-multiple-occupation/licensing-houses-in-multiple-occupation/default.aspx>

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