

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 23 June 2015
Planning Application Report of the Planning and Development Manager

Application address: 86 Waterloo Road			
Proposed development: Change of use of existing dwelling to flexible use as either a dwelling (C3 use) or House in Multiple Occupation (C4 use)			
Application number	15/00298/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	25/05/2015	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member.	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Shields
Referred by:	Cllr Moulton	Reason:	Parking, loss of a family home, overly intensive use of the property, excessive quantify of HMOs and rented properties in the area already.
Applicant: Mr P Watmough		Agent: Town Planning Experts	
Recommendation Summary	Conditionally approve		
Community Infrastructure Levy Liable	Not applicable		

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 dwelling houses 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, H4 and H7 of the City of Southampton Local Plan Review (March 2015); CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document Partial Review (March 2015); the HMO SPD (March 2012); and the Parking Standards SPD (September 2011).

Appendix attached			
1	Development Plan Policies	2	HMO Calculation

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two storey, detached dwellinghouse located on the southern side of Waterloo Road. At the current time, this property comprises a lounge, WC, store, kitchen and dining room at ground floor level; 5 bedrooms, a WC, bathroom and store at first floor level in addition to 2 bedrooms within the roofspace.
- 1.2 This property is located within a predominantly residential area. It benefits from a large front forecourt accessed via a dropped kerb and has a large garden to the rear.

2.0 Proposal

- 2.1 Permission is sought for a change of use from Class C3 (Dwellinghouse) to a flexible use falling within Class C3 (Dwellinghouse) or Class C4 (House In Multiple Occupation). To the ground floor of the property, three lounges, a WC, dining room, store and kitchen would be provided with 5 bedrooms and a bathroom at first floor level and two bedrooms within the roofspace. A communal rear garden of approximately 77sqm would be retained and a driveway provides off road parking to the front of the property.

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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Core Strategy CS16 and Saved Local Plan policy H4 are relevant to the determination of planning applications for the change of use to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMOs makes to meeting housing need should be balanced against the impact on character and amenity of the area. Saved policy H4 of the Local Plan requires new HMOs to respect the amenities of neighbouring properties and the character of the area and to provide adequate private and useable amenity space.
- 3.3 The Houses in Multiple Occupation SPD (HMO SPD) was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 20% for the total number of HMOs in the ward of Coxford which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 of the HMO SPD refers).

- 3.4 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 2015, an application (ref.15/00137/PAH) for the erection of a single storey rear extension was refused. This was a delegated decision.
- 4.2 In 2014, an application (ref.14/01707/FUL) for a change of use from a dwelling house (Class C3) to a flexible use of either a dwelling house (Class C3), a House in Multiple Occupation (Class C4) or a large House in Multiple Occupation for more than six people was refused. This was a delegated decision. The reason for refusal for this application was as follows;

REASON FOR REFUSAL - OVER-INTENSIVE USE OF THE PROPERTY

The change of use of the property from a C3 family dwelling to a large HMO (Sui Generis use) for 9 people, taking into account the context and character of the area, will result in an over-intensification in the use of the property which, by reason of the additional general activity, refuse generation, noise and disturbance associated with such a use, would be to the detriment of the amenity of nearby residents, reasonable living conditions of the proposed occupants and is out of character with the context of the local neighbourhood. This proposal is therefore, contrary Policies SDP1 (i), SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review 2006; policy CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and section 6.9 of the HMO SPD.

An appeal against this decision has been submitted and is currently being determined by the Planning Inspectorate. It should be noted that this previous reason for refusal related to the proposed use of the property as a large 9 bedroom HMO only. The principle of a Class C4 HMO was deemed acceptable at this time.

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 (09/04/2015). At the time of writing the report **three** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 There is insufficient parking in the area to accommodate an additional HMO.

Response:

There is space on site to park four vehicles. The Council's adopted car parking standards require the provision of two spaces in this location. The proposal subsequently meets the requirements of the HMO SPD in terms of parking provision. As such, it is considered that sufficient parking would be provided to serve the proposed use.

5.1.2 ***The proposed use would result in an increase in noise and disturbance for neighbouring occupiers.***

Response:

The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwelling house. The Council has powers under Environmental Health legislation to monitor and enforce against local nuisance and noise.

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

Response:

Issues relating to maintenance are not limited to HMOs and can also be associated with Class C3 dwelling house. The site is large enough to accommodate satisfactory arrangements for the storage and collection of refuse. A planning condition is suggested to secure this and to ensure that refuse bins are kept within the rear garden at all times except on collection days.

5.2 **Consultation Responses**

5.2.1 **SCC Highways** - The site is situated within a residents parking zone whereby permits are allocated per address. The number of permits this site will be eligible for remains the same regardless of the outcome of this application. Therefore the likelihood and level of impact from overspill parking will be limited. Impact on the public highway is likely to be minimal.

As HMO's can accommodate individual living, a cycle parking space should be provided for each bedsit/bedroom in order to promote sustainable travel.

It is difficult to judge from the plans submitted to determine whether they have sufficient space on the forecourt to accommodate four parking spaces whilst providing an area to store bins on collection days and an appropriate width pathway for residents to access the property.

Regardless of how many cars can fit on the forecourt, the site currently benefits from a dropped access/kerb along the entire site frontage enabling vehicular access to the whole forecourt.

Other than the above, I do not think there are any other major highway concerns. I will be recommending approval subject to a condition to secure enclosed, secure and lockable cycle storage facilities with a 1 cycle space per 1 bedroom/bedsit provision.

5.2.2 **Councillor Moulton** – Reason for referral request: Parking, loss of a family home, overly intensive use of the property, excessive quantify of HMOs and rented properties in the area already.

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 quality of the proposed living environment; c) the impact of the proposed use on the residential amenities of any adjoining occupiers; and d) the impact of the proposed use in terms of parking and highways safety.

6.2 Previous Refusal

6.2.1 It is important to note that a key consideration in this instance is whether the reason for the refusal of the previous application has been overcome this time around. This previous application (ref.14/01707/FUL) sought permission for the change of use of the property from a dwelling house (Class C3) to a flexible use of either a dwelling house (Class C3), a House in Multiple Occupation (Class C4) or a large House in Multiple Occupation for more than six people. The submitted information for this previous application indicated that the property could potentially accommodate a maximum of nine people when in use as a large HMO. The reason for the refusal of this previous application focussed solely on the impact of the large HMO use for 9 people. It did not make reference to the use of the property as a Class C4 HMO for six people. As such, it was deemed at this stage that a Class C4 HMO for a maximum of six people would be an acceptable use in this location. As the applicant has removed the large HMO use from the scheme this time around, it is considered that the previous reason for refusal has been successfully overcome.

6.3 Principle of Development

6.3.1 Permission is sought for a flexible use of the property as a Class C3 dwelling house or a Class C4 HMO. When assessing applications for the conversion of a property into a HMO, policy CS16 (2) is applicable where internal conversion works limit the buildings' ability to be re-used as a C3 dwelling house in the future. The proposed conversion does not involve significant alterations to the existing property and as such, it could be converted back to a single-family dwelling house in the future. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 of the Core Strategy. The proposed development is also in accordance with saved policies H1 and H2 of the Local Plan which support the conversion of existing dwellings for further housing and require the efficient use of previously developed land. The proposed development meets a recognised housing need for single person households or for those with lower incomes and is therefore, acceptable in principle.

6.3.2 The HMO SPD sets out that for the Freemantle ward, in which the application site is located, the maximum number of HMOs within a 40 metre radius of the application property should not exceed 20%. As such, if the percentage of HMOs within a 40m radius exceeds 20%, applications for additional HMOs will be refused for being contrary to policy.

6.3.3 38 properties were initially identified within a 40m radius of the application site. Upon further investigation, it was found that 21 of these were flats. These were removed from the count as they would not physically be able to accommodate the number of people associated with a HMO. As such, 17 properties were included in the final count. Based upon information held by the City Council's Planning, Council Tax, Environmental Health and Electoral Registration departments, there is one HMO within the area at the current time (5.9%). When the application site is included, there would be two HMOs out of the 17 properties within the 40m radius

or 11.7%. This is 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.

6.4 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 (iii) 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 dwelling house. 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.

Quality of the Residential Environment

6.5

- 6.5.1 This property benefits from sufficient, usable rear amenity space for the enjoyment of residents. Furthermore, all habitable rooms are considered to benefit from sufficient outlook and access to light.

- 6.5.2 Paragraph 7.5 of the HMO SPD states that: 'A minimum number of cycle parking spaces to serve the HMO residents should be made available prior to first occupation of the HMO, enclosed within a secure cycle store'. The applicant has not submitted any details of cycle storage. As this could be controlled by a suitably worded planning condition, this will not constitute an additional reason for refusal.

- 6.5.3 Refuse and recycling bins tend to be kept either on the front forecourt at the majority of properties along Waterloo Road. 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.

6.6 Highways Safety and Parking

- 6.6.1 The HMO SPD outlines maximum car parking standards for HMOs. In this instance, a maximum provision of two spaces would apply for a Class C4 HMO. There is a relatively large front driveway at this property with sufficient space to meet these requirements. Having regard to this, it is considered that sufficient parking is available at the application site. The City Councils Highways department raise no objection to this proposal. They have requested a parking layout condition to be added requiring the applicant to submit a revised parking layout prior to occupation. This is however, not considered to be reasonable given that the existing driveway has sufficient space to provide the maximum standard of two space and has not therefore, been included.

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 02/06/15 PROW Panel

PLANNING CONDITIONS

1. 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).

2. 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.

3. 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. The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

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.

4. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The property shall not be occupied as a Class C4 HMO until details of secure and covered cycle storage have been submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in full and retained thereafter.

Reason:

To encourage cycling as an alternative form of transport.

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;



Scale: 1:1,250

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