

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: 216 Oakwood Drive			
Proposed development: Change of use from dwelling house (C3 Use) to flexible use as a dwelling (C3) or House of Multiple Occupation (C4).			
Application number	15/00271/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	19/05/2015	Ward	Coxford
Reason for Panel Referral:	Request by Ward Member and more than five letters of objection have been received	Ward Councillors	Cllr Spicer Cllr Thomas Cllr Morrell
Referred by:	Cllr Thomas	Reason:	Inappropriate use within a family dominated area which would set a harmful precedent. Impact of the proposed use on the residential amenities of neighbouring occupiers.
Applicant: Mrs Priscilla Watts		Agent: Adnac Services Attn. Mr Andrew Felton	
Recommendation Summary	Conditionally approve		

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, of the City of Southampton Local Plan Review (March 2015); CS4, 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, semi-detached dwelling house located on the western side of Oakwood Drive. At the current time, this property comprises a lounge / dining room and kitchen at ground floor level in addition to 3 bedrooms and a bathroom at first floor level.
- 1.2 This property is located within a predominantly residential area characterised by two storey, semi-detached dwelling houses. It benefits from off road parking in the form of a garage and associated parking space within the rear garden.

2.0 Proposal

- 2.1 Permission is sought for a change of use from Class C3 (Dwelling house) to a flexible use falling within Class C3 (Dwelling house) or Class C4 (House In Multiple Occupation). To the ground floor of the property, a lounge/diner and kitchen would be provided with three bedrooms and a communal bathroom provided at first floor level. A communal rear garden of approximately 63sqm would be retained and parking for 2 spaces are available to the rear of the site, one within a detached garage and one within the garden itself.

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 None.

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 (30/03/2015). At the time of writing the report, **32** representations have been received from surrounding residents. One response has also been received from Councillor Thomas. The following is a summary of the points raised:

5.1.1 ***The proposed use would give rise to additional noise and disturbance detrimental to the residential amenities of neighbouring occupiers.***

5.1.2 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. This is having particular regard to the modest size of the dwelling and its limited capacity which means that it is unlikely to accommodate up to 6 persons. Conditions are suggested to limit the number of occupants to 4 persons and to retain the communal living areas to prevent the formation of further bedrooms. The Council has powers under Environmental Health legislation to monitor and enforce against local nuisance and noise.

5.1.3 ***This proposal would destroy the quiet character of the neighbourhood which is characterised by family dwellings.***

Response: The application has been assessed in line with the HMO SPD. As such, a calculation was undertaken to ascertain whether any existing HMOs are present within a 40m radius of the application site. None have been identified. This would be the first HMO within a 40m radius. The HMO SPD sets a maximum threshold of 20% of HMOs in a 40m radius to minimise the impact of this type of use in terms of residential amenity. Furthermore, the limited occupancy of the HMO to no more than 4 persons is considered to be acceptable in this context. It is therefore, considered that the proposed use would not be harmful to the character of the area. A suitably worded planning condition will however, be imposed to restrict the number of occupants.

5.1.4 ***The proposed use would adversely impact on parking stress and congestion within the surrounding area.***

Response: There is space on site to park 2 vehicles. The Council's adopted car parking standards require the provision of 2 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.

5.1.5 ***The application site is not suitable for multiple occupancy.***

Response: A site visit was undertaken to assess the quality of the residential accommodation. This property is of an appropriate size to be used as a HMO and will provide a good-quality residential environment for occupants. Furthermore, the Council's Private Sector Housing Team have raised no objections to the standard of accommodation. A condition will be imposed to restrict occupation under Class C4 to 4 people only.

5.1.6 ***Allowing the change of use would set a precedent for the wider area.***

Response: Any subsequent applications for similar uses within the surrounding area will be determined based on their planning merits. The threshold calculation applied in this instance and would also apply for any similar applications in the surrounding area which would restrict the additional number of HMOs that could be formed in the area. Each application must be determined on its individual planning merits.

5.1.7 ***The proposed use would trigger an increase in crime in the local area.***

Response: Crime is not solely linked to HMOs and could also be associated with a family dwelling. It is not, therefore, reasonable to assume that the proposal would result in increased crime within the area.

5.1.8 ***The proposed use would adversely impact on highways safety in the surrounding area.***

Response: It is not considered that the proposed use would have an adverse impact in terms of highways safety. The same access arrangements to the rear parking space and garage would remain unchanged and sufficient parking provision would be made. As such, the Council's Highway Team have not objected to the proposal.

5.1.9

Response: 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 Housing** – No objections to the proposal.

6.0 Planning Consideration Key Issues

6.1 The determining issues for this application relate to; a) whether the proposed use is acceptable in principle; b) whether the proposal would provide an appropriate residential environment, c) the impact of the proposed use in terms of residential amenity and local character and d) the impact of the proposed use in terms of parking and highways safety.

6.2 **Principle of Development**

- 6.2.1 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.
- 6.2.2 The HMO SPD sets out that for the Coxford 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.
- 6.2.3 21 properties were initially identified within a 40m radius of the application site. Based upon information held by the City Council's Planning, Council Tax, Environmental Health and Electoral Registration departments, it has been identified that there are no HMOs within the area at the current time. When the application site is included, there would be 1 HMO out of the 21 properties within the 40m radius or 4.8%. 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.
- 6.3 Residential Amenity and Local Character
- 6.3.1 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'.
- 6.3.2 The threshold approach, as set out in the HMO Supplementary Planning Document (HMO SPD), is a key way to manage the impacts of HMOs on residential amenity. 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, since no more than 4 residents would occupy the property at any one time whilst it is being used as a HMO. Furthermore, having regard to the location of the site, remote from the city's universities, the applicant has confirmed the intention for the HMO to accommodate professionals which would be more conducive to the character of the area. 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.

6.3.3 The City Council has taken a consistent approach in the determination of small HMOs within Class C4. The following recent applications are relevant in this instance:

- (a) 15/00234/FUL: 32 Highcrown Street. Conditional approval for the change of use from a house in multiple occupation (HMO) to a flexible use of either a 4-bedroom HMO (Class C4) or a dwelling house (Class C3)
- (b) 15/00031/FUL: Flat 7, Winn Court. Conditional approval for the change of use from 3-bed flat to a House of Multiple Occupation (use class C4). Limited to 3 occupiers.
- (c) 14/01920/FUL: 32C Northbrook Road. Conditional approval for the change of use of existing first floor from office/storage space to a 4 bed HMO (class C4), with new external staircase to rear. Limited to 4 occupiers.
- (d) 14/00812/FUL: 7 Avro Close. Conditional approval for the change of use from a dwelling house (class C3) to a 4-bed house in multiple occupation (HMO, class C4) including conversion of garage. Limited to 4 occupants.
- (e) 13/01941/FUL: 55 Stoneham Lane. Conditional approval for the change of use from a HMO to either a 4-bed dwelling house (class C3) or a 4-bed HMO (class C4).
- (f) 13/01204/FUL: 1 Colebrook Avenue. Conditional approval for a change of use from a dwelling house (class C3) to either a HMO (class C4) or a dwelling house (class C3). Limited to 3 occupants.

6.4 Quality of the Residential Environment

6.4.1 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.

6.4.2 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 however it is acknowledged that secure and enclosed cycle storage could be provided in the garage. As this could be controlled by a suitably worded planning condition, this will not constitute an additional reason for refusal.

6.4.3 Refuse and recycling bins tend to be kept within the rear gardens of the properties along Oakwood Drive given that there is no vehicular access to the front of the property. A condition is suggested to secure purpose-built refuse storage and to require refuse containers to be stored within it, except on collection days.

6.5 Highways Safety and Parking

6.5.1 The HMO SPD outlines maximum car parking standards for HMOs. In this instance, a maximum provision of 2 spaces would apply for a Class C4 HMO. There is sufficient space for the parking of 2 cars at the application site. One space is provided within a detached garage and one is provided within the rear garden. Having regard to this, it is considered that sufficient parking is available at the application site.

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

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 (dwelling house) 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 - Room restrictions [Performance Condition]

The ground floor rooms annotated on the submitted floor plans as the lounge / dining room shall remain as communal space for the occupiers of the dwelling throughout the occupation of the building as a Class C4 HMO 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.

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

The number of occupiers within the property, when in Class C4 use, shall not exceed 4 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.

6. 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.

7. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Prior to occupation, details of a covered refuse store shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained thereafter. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front or rear of the property.

Reason:

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

8. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Class G (chimneys, flues etc.)

or Class H (satellite antenna or dish)

Reason:

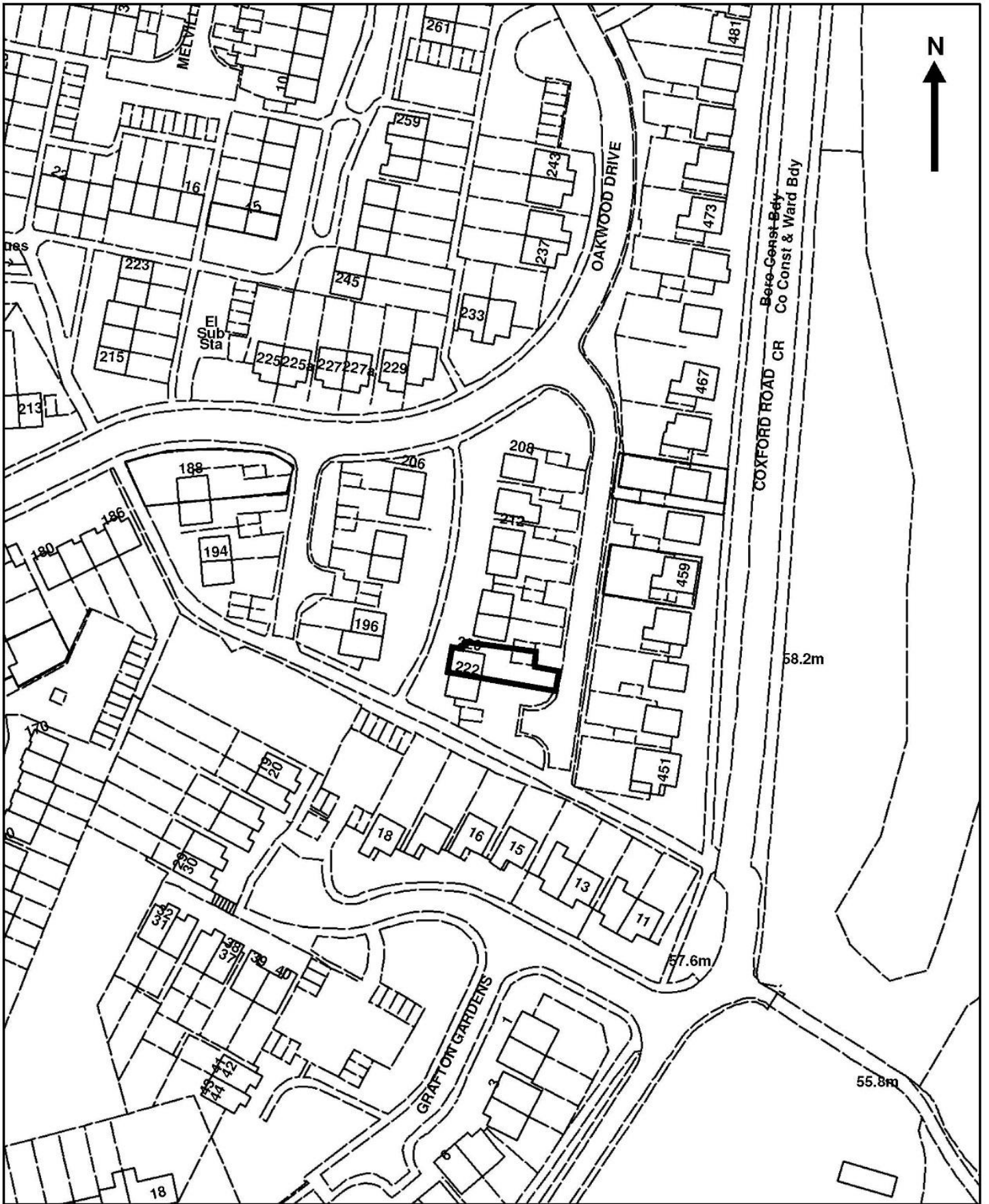
In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

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>

15/00271/FUL



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