

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 4th August 2015
Planning Application Report of the Planning and Development Manager

Application address: 18 Cavendish Grove			
Proposed development: Use of property as either a House in Multiple Occupation (HMO, Class C4) or a dwelling house (Class C3).			
Application number	15/01330/FUL	Application type	FUL
Case officer	Amber Trueman	Public speaking time	5 minutes
Last date for determination:	19/08/2015	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and five letters of objection have been received	Ward Councillors	Cllr Moulton Cllr Parnell Cllr Shields
Referred by:	Cllr Moulton	Reason:	Out of Character

Applicant: Ms Eleanor Cook	Agent: N/A
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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 the development plan as required by 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, SDP 5, SDP7, SDP9, SDP10, H4, H5 and H7 of the City of Southampton Local Plan Review (as amended 2015), CS4, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) as well as 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
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1.0 The site and its context

- 1.1 The application site is a two-storey, semi-detached dwellinghouse located on the westerly side of Cavendish Grove, which lies within The Avenue Conservation Area. At present the property has lawful C4 HMO status as proven by the tenancy agreements supplied with the application dating back to 2011. The property comprises a lounge, dining room/4th bedroom, kitchen and WC at ground floor level with a further 3 bedrooms and two WCs at first floor level.
- 1.2 The property is located in a residential area characterised by two-storey, semi-detached houses. The property does not benefit from off-road parking but there is a parking bay with four spaces directly opposite the front of the property.

2.0 Proposal

- 2.1 Permission is sought for a change of use from Class C4 (House in Multiple Occupation) to a flexible use falling within Class C3 (Dwellinghouse) or Class C4 (House in Multiple Occupation). No external or internal alterations are proposed in this application. However, the dining room which is currently the 4th bedroom, will be able to revert back to a dining room for the C3 use. Whilst the dining room will be lost when in C4 use, the property will still provide tenants with a communal lounge, kitchen and 3 WCs. The communal garden space of 107m² to the front of the property will also be preserved. There is no off-road parking available at present or proposed in the application.

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 HMOs make 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 of 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 Freemantle 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 1636/M13/19 - Conversion of 18 Cavendish Grove to two flats and one house and 19 Cavendish Grove to two flats and one house (Conditionally Approved 18/10/1983).

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 (03/07/2015). At the time of writing the report **5** representations have been received from surrounding residents, and **1** representation has been received from Ward Councillor Moulton. The following is a summary of the points raised:

- 5.1.1 **Parking problems will be aggravated with additional vehicles. [With over 50 residencies] this results in a considerable number of traffic movements, sometimes at speed, in what is a narrow roadway, often hampered by parked vehicles which do not necessarily belong to residents.**

Response:

It is not considered that the proposed use would have an adverse impact in terms of highways safety. The same off-road parking arrangements would remain unchanged and it is considered that there is sufficient parking within the road and surrounding areas. The site lies within an area of Medium Accessibility to Public Transport (Public Transport Accessibility Level 3) and is within close proximity to the City Centre public transport opportunities and shops and services. However, provision for cycle storage should be made on the property to encourage an alternative mode of transport. As such, the Council's Highway Team have not objected to the proposal.

- 5.1.2 **Number 18 should be a dwelling house and not an HMO as it would be out of character with the road and is not needed or desirable. There is no shortage of properties in the C3, C4 class in nearby areas.**

Response:

The applicant has already provided proof that the property has been in use as an HMO since 2011. Notwithstanding this information, 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.

5.1.3 **Occupiers of the houses and flats along the street contribute to the appearance of this conservation area, and multiple occupants may not share this communal responsibility of residents and owners.**

Response:

The site is large enough to accommodate satisfactory arrangements for the storage and collection of refuse so the impact of such should not be one of immediate concern. A planning condition is suggested to secure this and to ensure that refuse bins are kept to the side of the house at all times except on collection days. Again, it should be noted that the property has already been functioning as a C4 and following a site visit the property is not thought to look neglected. However, the maintenance of the property is the responsibility of the owner and should be discussed separately.

5.1.4 **Overdevelopment results in increased levels of population, which has adverse effects on the infrastructure like sewage and drainage, which when constructed were not intended for the increased volume.**

Response:

The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwellinghouse. As aforementioned, the property has been used as a C4 HMO for multiple years and with only 4 tenants the level of activity is not thought to be far different from that of a single family dwelling. Again, a suitably worded condition will be recommended to limit the occupants to 4.

5.1.5 ***No. 18 is best suited to the status of single family dwelling. This house, with proximity to the city, transport, open spaces, university and hospital employment, is an ideal single family home, and should remain classified C3(a), change to C3(b), (c) or C4 would seem inappropriate and undesirable.***

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, will provide a good-quality residential environment for occupants and is thought to be in an appropriate location close to the city centre, universities and parks with excellent transport links to other locations. Furthermore, the Council's Private Sector Housing Team have raised no objections to the use and a condition will be imposed to restrict occupation under Class C4 to 4 people only.

Consultation Responses

5.2 **Heritage Conservation** – No objection. Cavendish Grove lies within The Avenue Conservation Area, and recently had an Article 4 Direction removing permitted development rights imposed. It is a private road and there are no parking restrictions. Issues with parking were probably the most common raised during the public consultation with residents prior to the serving of the Article 4.

The application shows no changes to the external appearance of the building or to the front garden. In that sense it will have no impact on the character and appearance of the conservation area. On-street parking may impact on the adjacent Common Land and a car-free scheme may be a better solution.

Any future proposals to remove the front boundary wall to create parking spaces in the existing garden would be opposed.

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 have a harmful impact on residential amenity or the character of the local area, and c) 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 any 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 Supplementary Planning Document (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.

6.2.3 12 properties were initially identified within a 40m radius of the application site. Discounting all 1 or two bed units in accordance with the HMO SPD, this was brought down to 7. 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 8 properties within the 40m radius or 12.5%. 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 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. The application site has also functioned as a C4 from 2011 and this has not seemed to give rise to any complaints or enforcement cases. Furthermore, the application seeks permission for a flexible use between C3 and C4 indicating that the property will be used as a single family dwelling house for parts of the year. As such, the flexible use of this property as a C3 dwelling house and a C4 HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers.

6.3.3

In addition, the application does not propose any external or internal alterations except the change of use of a dining room to a 4th bedroom. As previously mentioned, whilst the dining room will be lost whilst in C4 use, the property will still provide tenants with a communal lounge, kitchen and 3 WCs which is deemed acceptable. The communal garden space of 107m² to the front of the property will also be preserved. There is no off-road parking available at present or proposed in the application and it will be conditioned that the front garden space will be retained as usable amenity space for occupants and not used for parking. With no external changes proposed the change of use is not considered to present any harmful impact to the conservation area in which it is located.

6.4 Highways Safety and Parking

6.4.1

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 currently no space for the parking at the application site and no additional parking spaces are proposed in the present application. There is, however, parking available on the road and in other places within the area and cycle storage should be provided on site to encourage other means to transport to car use. As noted above, given the location of the site, at the edge of the city centre, it is considered that sufficient parking is available at the application site but cycle storage must also be provided as an alternative.

7.0 Summary

7.1

The flexible use of this property as a C3 dwelling house and a C4 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

8.1.1

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), 1(d), 2(b), 2(d), 4(aa), 4(f), 4(qq) and 4(vv)

AT for 04/08/15 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 - C3/C4 dual use [Performance Condition]
The dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015). 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.

3. APPROVAL CONDITION - Room restrictions [Performance Condition]
The ground floor room annotated on the submitted floor plans as the lounge 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.

4. 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.

5. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]
The property shall not be occupied as a Class C4 HMO until secure and covered cycle storage have been implemented in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be retained thereafter.

Reason:

To encourage cycling as an alternative form of transport.

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

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

Reason:

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

7. 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.

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>

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
H4	Houses in Multiple Occupation
H5	Conversion to residential Use
H7	The Residential Environment

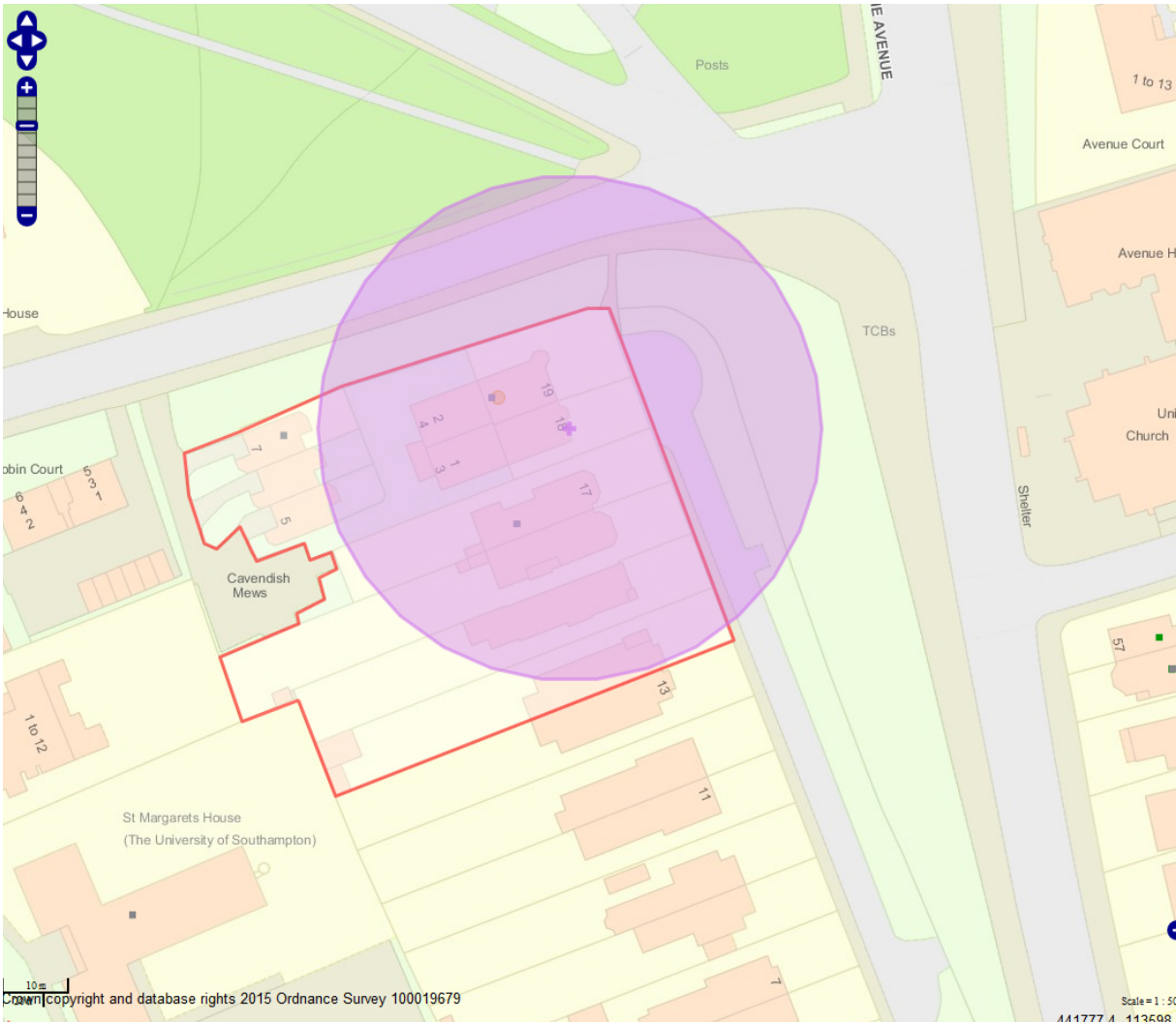
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
HMO SPD (March 2012)

Other Relevant Guidance

The National Planning Policy Framework (2012)

HMO CALCULATION



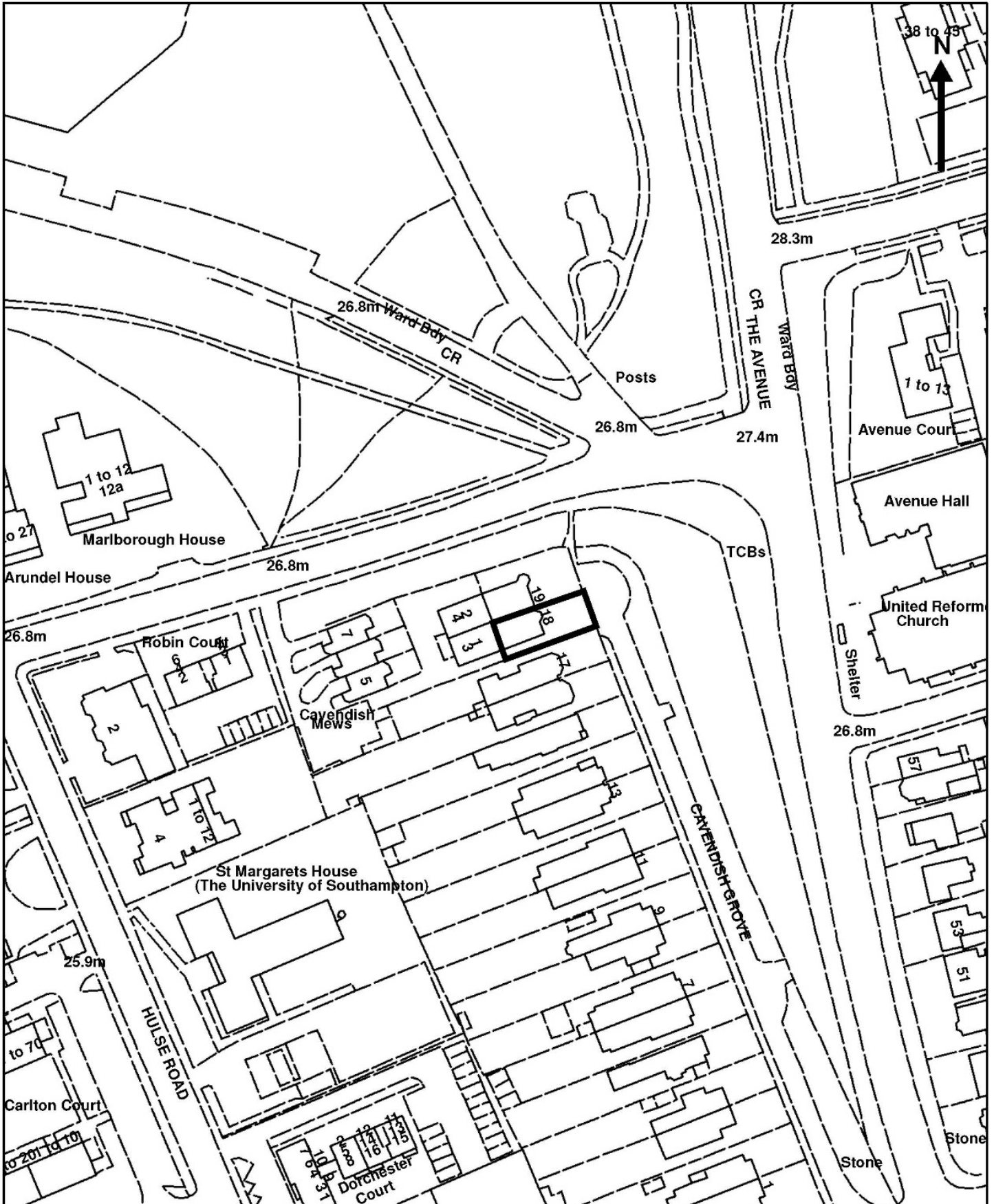
Total number of counted properties (including 18 Cavendish Grove): 8

Total number of existing HMOs: 0

Percentage of residential properties that are HMOs within radius at present: $0/8 = 0\%$

Percentage of residential properties that are HMOs within radius if given consent: $1/8 = 12.5\%$

15/01330/FUL



Scale: 1:1,250

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