

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) 6 October 2015
Planning Application Report of the Planning and Development Manager

Application address: 58 Park Road, Southampton			
Proposed development: Change of use from dwellinghouse (Class C3) to a house in multiple occupation (Class C4).			
Application number	15/01504/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 Minutes
Last date for determination:	18/09/2015	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member.	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton
Referred by:	Cllr Moulton and Cllr Shields	Reason:	Highways safety issues. Loss of a family home. Out of character with the local area. Over occupancy. Overconcentration of HMOs in the area. Inadequate parking provision.

Applicant: Mr Robert Dixon	Agent: N/A
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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. 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, 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 Calculation

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site is a two storey detached dwellinghouse on the eastern side of Park Road. This property benefits from a small forecourt to the front. Currently, this property comprises a kitchen, dining room and lounge at ground floor level in addition to 3 bedrooms and a bathroom at first floor level. As a result of this proposal, this property would comprise a lounge / kitchen and 2 bedrooms at ground floor level in addition to 3 bedrooms and a bathroom at first floor level.

2. Proposal

2.1 Permission is sought for a change of use from Class C3 (Dwellinghouse) to Class C4 (House In Multiple Occupation).

3. 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 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 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. Relevant Planning History

- 4.1 In 2010, conditional approval (ref.10/00598/FUL) was granted for the erection of a 2 storey, 2 bed house to the rear of 58 Park Road.

5. 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. At the time of writing the report **4** representations have been received from surrounding residents. Panel referral requests have been received from Cllr Moulton and Cllr Shields. The following is a summary of the points raised:

- 5.2 The proposed HMO would constitute overdevelopment and would be contrary to the prevailing character of the area.

Response: The proposed HMO is considered to be an appropriate use within a residential area. The surrounding area has a diverse character with single dwellinghouses, flats and commercial uses all present along Park Road. This scheme would introduce an acceptable use in this location and would not have a detrimental impact on this already diverse character. The application site is considered to be of a sufficient size to accommodate the facilities required by a HMO with planning conditions proposed to limit occupation to no more than 4 people, to retain the ground floor living / kitchen area as communal accommodation and to demolish the existing outbuilding in order to provide a residential garden more in keeping with the local area.

- 5.3 The proposed HMO would exacerbate existing parking pressure in the area and would adversely impact on highways safety.

Response: No off road parking is proposed however the application site is located within an area of high accessibility and does therefore, benefit from excellent access to public transport services and local facilities within the Shirley Town Centre. The City Council's Highways department have been consulted and have raised no objection with regards to highways safety.

- 5.4 The proposed HMO would result in the loss of a family home.

Response: A family home is defined as a dwelling of 3 or more bedrooms with direct access to usable, private amenity space or garden for the sole use of the household. It could be argued that given the lack of a rear garden at the current time, this property does not constitute a family home at present. This scheme would establish a rear garden at the property improving the existing arrangement. Overall, it is not considered that HMO uses result in the loss of family homes. This proposal would retain an appropriate number of bedrooms to enable the property to be used as a family home again in the future if required.

- 5.5 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. As such, this proposal is not considered to be detrimental to the residential amenities of neighbouring occupiers.

- 5.6 The proposed use of the property as a HMO would place further pressure on local services.

Response: The proposed use would have an impact on local services however this is not considered to be significant and it would be unreasonable to refuse permission based on this.

5.7 Consultation Responses

5.7.1 SCC Highways

The proposed development will make minimal impact in terms of highway safety. However, due to the nature of HMO's and the element of independent living, cycle parking provisions should be for each bedroom/bedsit. I will be recommending approval subject to a condition requiring details of cycle parking provisions. Details to be submitted and agreed upon in writing by the local planning authority.

5.7.2 SCC Environmental Health (Pollution & Safety)

I have no objection to this application. This property will require a licence as an HMO.

6. 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 residential amenities of any adjoining occupiers. Other policy considerations relate to the provision of cycle parking, car parking and refuse storage.

6.2 Principle of Development

- 6.2.1 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 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 exceeds 20%, applications for additional HMOs will be refused for being contrary to policy. 45 properties were initially identified within a 40m radius of the application site. Upon further investigation, it was found that 26 of these

properties were flats and 6 were used for commercial purposes. These were subsequently removed from the count. 1 and 2 bedroom flats cannot physically accommodate the number of people associated with a HMO. As a result, 13 properties have been included in the final count.

- 6.2.3 Based upon information held by the City Council's Planning, Council Tax and Environmental Health departments, there are no existing HMOs within this area. This proposal would establish 1 HMO within this area out of a total of 13 properties 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.

6.3 Highways Safety and Parking

- 6.3.1 At the current time, no off road parking is available to serve the existing C3 dwellinghouse. The constraints of the site do not provide sufficient space for this. As a result, no parking is proposed to serve the proposed HMO.

- 6.3.2 The application site is located within an area of high accessibility due to its proximity to 20+ bus services per hour and Southampton Central railway station. Residents of the proposed HMO would therefore, benefit from excellent access to public transport facilities. It is also noted that the application site is located in close proximity to Shirley Town Centre (approximately 157m away), subsequently benefitting from excellent access to local facilities. Having regard to this, it is considered that a car free proposal would be acceptable in this location.

- 6.3.3 The application site is located within Residents Parking Zone number 8 (Freemantle) and residents would be eligible to apply for parking permits.

- 6.3.4 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 and Quality of the Residential Environment

- 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 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 scheme proposes 5 bedrooms at the property. Room 5 is however, considered to be of an insufficient size to be used as a bedroom. A suitably

worded condition will therefore, be imposed to ensure that this room is not occupied as a bedroom at any time. It is considered reasonable to restrict the level of occupation to 4 occupiers only given the size of this property. This will also be controlled by planning condition.

6.4.4 All habitable rooms would benefit from sufficient access to light and outlook. Privacy levels are also considered to be acceptable. The proposed lounge / kitchen area is considered to be of an adequate size for the proposed use of the property.

6.4.5 Paragraph 4.4.1 of the Residential Design Guide states that: 'All developments should provide an appropriate amount of private amenity space for each dwelling to use'. Paragraph 4.4.4 continues: '...Proposals should include suitable locations for sitting outside in sun and in shade, planting beds, hanging out washing and barbeques'. The garden of this property has previously been subdivided to enable the construction of a new house to the rear (ref. 10/00598/FUL as detailed in section 4.1). As such, the garden of this property is smaller than those within the surrounding area. At the current time, there is a large outbuilding to the rear which effectively covers the whole of the garden. To overcome this issue and to provide an appropriate garden space for future occupiers of the proposed HMO, a suitably worded condition will be imposed requiring the demolition of this existing outbuilding. Provided that this is complied with, this scheme is considered to provide an acceptable residential environment.

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 applicant has indicated that 3 cycle spaces would be provided however a minimum of 4 spaces would be required to meet the requirements of the Parking Standards SPD. Sufficient space would be available to the rear of the property to accommodate this following the demolition of the existing outbuilding. To ensure that this is provided, a suitably worded planning condition will be imposed.

6.6 Refuse Storage

6.6.1 Refuse and recycling bins tend to be kept within the front forecourt at the current time. This is the same for the majority of properties within the surrounding area. 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. 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. 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).

LG for 06/10/15 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, 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.

3. 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.

4. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor room annotated on the submitted floor plans as the 'kitchen/lounge communal area' 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.

5. 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 4 persons at any time and the room annotated as 'Bedroom 5' on the approved plans shall not be used as a bedroom at any time 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 to ensure an appropriate standard of accommodation is provided for future occupiers.

6. APPROVAL CONDITION: Demolition of outbuilding and provision of landscaping

Prior to occupation, the existing outbuilding within the rear garden of the property shall be demolished and a landscaped area shall be established in its place to provide a communal residential garden. A detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted shall be submitted to and approved in writing by the Local Planning Authority.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To ensure an acceptable standard of accommodation is provided for future occupiers.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP7	Urban Design Context
SDP10	Safety & Security
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Houses in Multiple Occupation SPD (March 2012)

Other Relevant Guidance

The National Planning Policy Framework 2012

HMO Calculation



(NOT TO SCALE)

15/01504/FUL



Scale: 1:1,250

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