

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 6th December 2016
Planning Application Report of the Service Lead, Planning, Infrastructure and Development

Application address: 238 Bursledon Road, Southampton			
Proposed development: Change of use from dwelling (Class C3) to a house in multiple occupation (HMO, Class C4) (retrospective)			
Application number	16/01122/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	06.12.2016	Ward	Sholing
Reason for Panel Referral:	Five letters of objection have been received	Ward Councillors	Cllr Wilkinson Cllr Bailie Cllr Hecks

Applicant: Mr A Joseph	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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. Policies - SDP1 and H4 of the City of Southampton Local Plan Review (March 2006) and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site forms part of a semi-detached pair of two storey residential dwellings. The area is predominately residential in character with Sholing Common opposite. The site lies on the busy Bursledon Road, which forms a major arterial route through the City.

2. Proposal

- 2.1 The application does not propose any external alterations to the physical form of the dwelling. The property comprises 6 bedrooms together with communal living areas (living room, kitchen and bathrooms). There is space for parking one vehicle to the front of the property. Refuse and recycling containers are stored to the side of the dwelling. To the rear of the site is a private garden of approximately 70sq.m in area.
- 2.2 The proposal is for the change of use from a Class C3 residential dwelling to a mixed use of either Class C4 House in Multiple Occupation (HMO) or Class C3. As per the Southampton HMO Supplementary Planning Document (HMO SPD), a condition can be applied to allow changing between these two uses for a period of 10 years without planning permission, with the use at the end of this period being the lawful use from that point.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (2015) and the City of Southampton Core Strategy (2015). 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.
- 3.3 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.
- 3.4 The Houses in Multiple Occupation SPD (HMO SPD), revised in May 2016, 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 10% for the total number of HMOs across the city, 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).

4. Relevant Planning History

- 4.1 There is no relevant planning history associated with the site.

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 (15.07.2016). At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Proposal would exacerbate existing parking problems in the surrounding area***

5.3 Comment

The provision of one car parking space to serve the property is in accordance with the maximum parking standard for 3 spaces outlined in the HMO SPD. The applicants have submitted a parking survey to support the proposal. This issue is discussed in more detail in section 6 below.

5.4 ***Application site has insufficient amenities to provide for 6 residents/noise associated with additional occupants***

5.5 Comment

A Class C4 HMO can be occupied by 3-6 individuals (with this property having a proposed 6 bedrooms). This is not out of line with expected occupation levels of a Class C3 residential dwelling. It is accepted that the style of occupation and nature of associated impacts is different however, it is not considered that the occupation of a Class C4 HMO is intrinsically harmful. The rooms retain good outlook with good quality communal space available for occupants. This issue is discussed in more detail in section 6.

5.6 ***Approving this application would set a precedent for similar development of properties into HMOs. The character of the existing area is predominately formed of family dwellings and the proposal would have a harmful impact on this character***

5.7 Comment

The development does not breach the 10% threshold outlined in the HMO SPD. Should this application be approved, this threshold approach would prevent an over dominance of HMOs resulting a change in the character of the area. It is not considered that a single Use Class C4 HMO would represent a significantly harmful impact to the character of the surrounding area particularly when balanced against the contribution the proposal would make to addressing housing need.

5.8 Consultation Responses

5.9 **Environmental Health** - No objection.

5.10 **Highways** – Following amended plans to alter the parking layout, no objection subject to suitable conditions to control refuse and cycle stores and parking layout.

6. Planning Consideration Key Issues

6.1 The determining issues for this application relate to whether the proposed change of use from a C3 family dwelling to a C4 HMO is acceptable in principle; the impact of the proposal on parking in the local area; its impact upon the character of the property and local area; and its impact upon the residential amenities of surrounding neighbours and the occupants of the host dwelling.

- 6.2 Within a 40m radius of the front door of the property there are 16 properties (including the application site). The existing concentration of HMOs surrounding the application site is **0%** (0/16). Were this application to be approved, the concentration would be **6%** (1/16). The development therefore does not breach the 10% threshold for HMOs outlined in the HMO SPD.
- 6.3 The proposal would, therefore, ensure a mixed and balanced character is retained within the locality of the site. Furthermore, the threshold approach would sufficiently protect the area from a potentially harmful future change to the character of the area by managing the growth of HMOs. It is considered that the presence of a single HMO in the immediate area would not represent significant harm to the character of the area, sufficient to justify refusal of the application.
- 6.4 In terms of parking, the maximum allowable provision on site for an HMO of this size would be 3 parking spaces. The application originally proposed a number of parking spaces to the front of the property however, concern was raised by the Council's Highway team that, with particular reference to the busy nature of Bursledon Road, the manoeuvring required to fit multiple vehicles onto the site would be hazardous to highway safety. On this basis, an amended parking scheme has been submitted with a single parking space on site
- 6.5 The applicant has submitted a parking survey of the surrounding area. There is no legal parking on the Bursledon Road frontage (while some unauthorised parking does appear to occur this falls within the remit of the Highway Authority to control if necessary). The parking survey identified sufficient availability in the surrounding area to accommodate the shortfall in on-site parking. On this basis, it is considered that the proposal will have an acceptable impact in terms of associated highways issues.
- 6.6 An HMO has potentially different impacts on amenity of neighbouring properties when compared to a Class C3 residential dwelling. The nature of different living patterns and lifestyles can result in an increase in noise and disturbance, noticeable to the occupiers of neighbouring properties. Being situated on the busy Bursledon Road, the frontage is not considered to be particularly secluded or quiet residential environment. It is noted that, to date, no noise complaints have been made regarding the property. With reference to the fact that any statutory noise complaints can be addressed under Environmental Health legislation, it is not considered that the proposed change of use would result in such significant harm as to justify a reason for refusal on this ground.
- 6.7 The property is considered to benefit from sufficient amenity and communal space to satisfy the needs of the occupiers of the host dwelling. Outlook from habitable rooms is good and the size and the overall quality of spaces within the property is acceptable. A number of conditions are recommended to secure suitable refuse and cycle storage facilities given the nature of the new occupation. All habitable rooms are considered to be served by windows with sufficient access to outlook and natural light.

7. Summary

- 7.1 The proposal does not breach the threshold criteria and it is not considered that the creation of a singular HMO will have a significantly detrimental impact on the character of the area. It is considered that the features of the site and its surrounds would be sufficient to mitigate any potential impacts of the development which cannot be controlled through the use of conditions.

8. Conclusion

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for 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(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

JF for 06/12/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no 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).

02. Permitted change between Class C3 and Class C4 (time limited)

The application hereby permitted shall allow the change between a residential dwelling (Class C3) and a House in Multiple Occupation (Class C4) for a period of up to 10 years from the date on which this decision is issued unless otherwise agreed in writing by the Local Planning Authority. After this period the occupied use on that date will become the lawful use of the property.

Reason:

To provide flexible use and comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

03. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

04. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

05. Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Prior to the occupation of the development the hereby approved a 2m vision splay shall be provided adjacent to the access to the site within which no boundary treatment shall exceed 0.6m in height, with the remaining boundary treatment to the front of the property having a maximum height of 0.8m. The development shall be maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

06. 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS16	Housing Mix and Type
CS19	Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
H4	Houses in Multiple Occupation

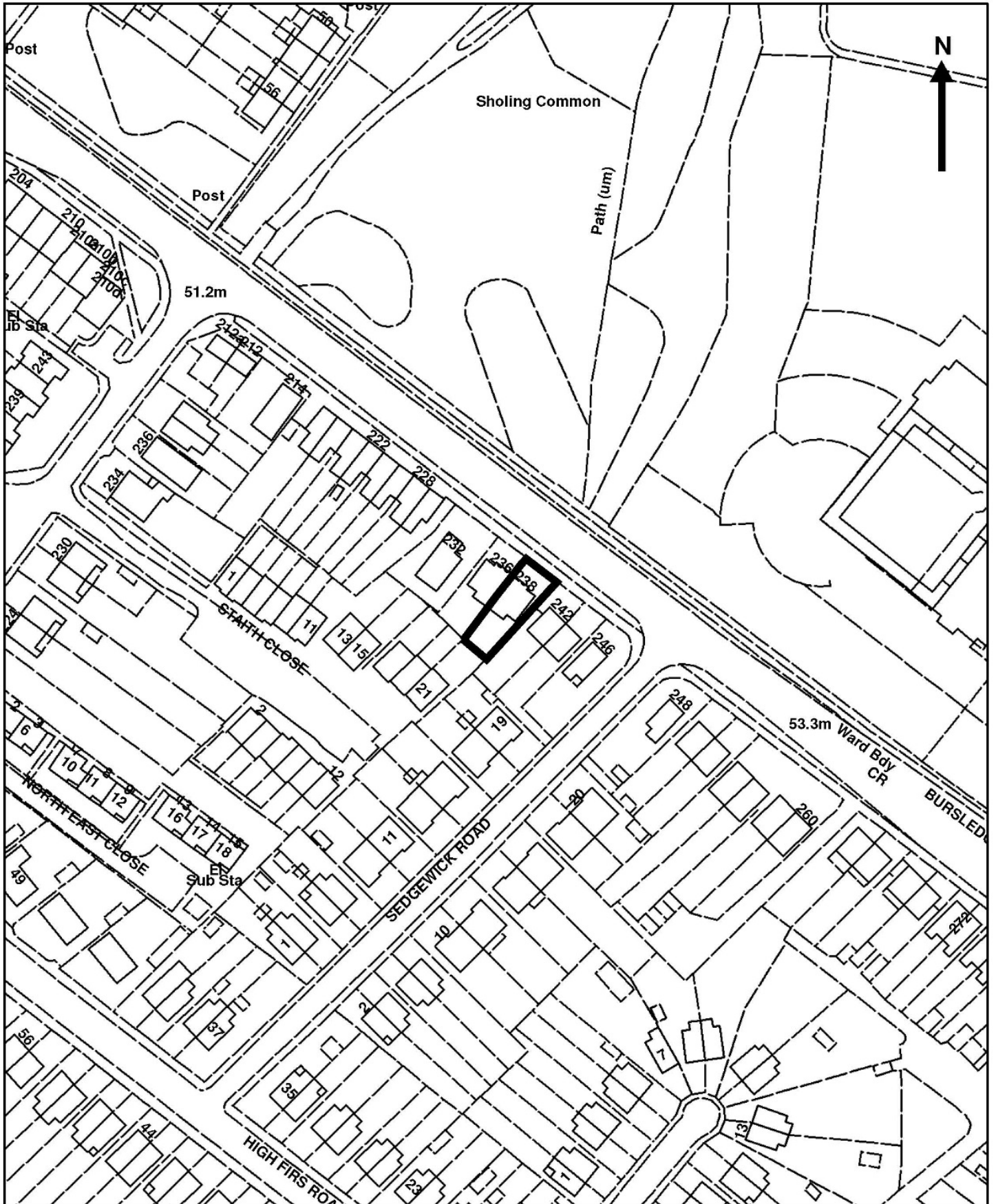
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Houses in Multiple Occupation (amended 2016)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)

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Scale: 1:1,250

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