

**Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13 March 2012
 Planning Application Report of the Planning and Development Manager**

Application address: 13 Grosvenor Road, SO17 1RU			
Proposed development: Conversion of existing dwelling to 2 x 5 person dwellings in multiple occupation (Class C4) with associated bin and cycle storage			
Application number	11/02001/FUL	Application type	FUL
Case officer	Steve Lawrence	Public speaking time	5 minutes
Last date for determination:	21.03.2012	Ward	Portswood
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider interest	Ward Councillors	Cllr Claisse Cllr Vinson Cllr Capozzoli

Applicant: Mr H Singh	Agent: Concept Design & Planning
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Recommendation Summary	Delegate to the Planning and Development Manager to grant conditional planning permission subject to the criteria listed in this report.
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Appendix attached			
1	Development Plan Policies	2	Summary of planning history
3	Letter from previous owner of 13 Grosvenor Road dated 14.2.1973.	4	Copy of decision notice 02/00482/FUL
5	Copy of Enforcement Notice dated 28 November 2011		

Reason for granting planning permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 13.03.12 do not have sufficient weight to justify a refusal of the application. The proposal would make reasonable use of a very large property to help meet the housing needs of the city and would not have a harmful impact on the amenities of the neighbouring properties. Whereas Core Strategy Policy CS16 resists the loss of family housing, evidence from the housing waiting list suggests there is no demand for a property of this size from a single family. Also, it is possible that the applicant may revert back to Class C3 use for either unit, where the rearmost dwelling enjoys direct access to private amenity space. The Council's emerging Supplementary Planning Document on Houses in Multiple Occupation is not due to come into force until 23 March 2012. Whilst it has formed a material planning consideration in the determination of this application, the sheer size of the property and the probability of it contributing to the city's housing need by being used by a single family has resulted in the local planning authority concluding its use as two Class C4 dwellings, each only occupied by five persons, is a reasonable use of the building, whose intensity of use would not harm the amenities of occupiers of adjoining properties. As such, the departure from CS16 is not considered to be so adverse to the planning of the area to justify the withholding of planning permission. Where appropriate

planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

'Saved' Policies - SDP1, SDP4, SDP5, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) as supported by the adopted Local Development Framework Core Strategy (January 2010) policies CS5, CS13, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2011) are also relevant to the determination of this planning application.

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
 - i) An occupation restriction to ensure that no more than 5 people occupy each of the two dwellings proposed under application 11/02001/FUL; and,
 - ii) The submission and implementation of a waste management plan, to ensure that refuse bins are brought to the front of the site on collection days and then returned to their respective storage positions once the refuse has been collected.

In the event that the S.106 Legal Agreement is not completed by 23 March 2012, delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.

- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

1. The site and its context

- 1.1 Substantial (321 sq.m floorspace arranged on three floors – top floor in roofspace) detached property on west side of street between the junctions of Welbeck Avenue to the north and Grosvenor Gardens to the south. The applicant's agent wishes to point out that this is 3.9 times bigger than a typical 83 sq.m, 3 bedroomed house. There is very large garden to the rear (195 sq.m). This is accessible via doors from the single storey rear projection and via a side way abutting No.11 Grosvenor Road. There are two single storey structures in the back garden. One is brick faced, whose flat roof is not yet fully clad. The other is a timber summerhouse which partly dog-legs behind No.11 Grosvenor Road's back garden. There is a 7m deep (from back edge of pavement to front door steps) x 10m (measured at pavement, where no front boundary wall has been retained) wide hard surfaced forecourt sloping down from the front door to the street. This is capable of accommodating 3 cars, or 4 cars if a single access route for pedestrians is left to reach the front door and side accessway abutting No.11.
- 1.2 Either side of the site are single family, detached houses. A great part of the street is comprised of detached character properties, in use as single family houses, but elsewhere in the street there are semi-detached properties and some purpose built flats, such as Richmond Gardens, Grosvenor Court, Dawtrey Court,

Richmond Hall and Grosvenor Lodge, all south of the application site. The latter are the closest to the application site being some 110m away. The immediate area is residential in character with good plot to building footprint ratios and mature, treed gardens. There are no TPO trees on, or overhanging, the site. Some properties in the street have been converted to flats. It appears that the majority of properties in the street are occupied as family homes.

2. Proposal

- 2.1 The applicant proposes to create 2 No. Class C4 dwellings and is prepared to sign a planning legal agreement to ensure that each is only ever occupied by up to five people. Each dwelling would contain 5 bedrooms. Certain internal walls will need to be removed to create the rooms shown on the approved plan.
- 2.2 An internal doorway on the ground floor would be blocked up to create the two dwellings. The rear dwelling would occupy the rear part of the ground floor, be accessed via the side passageway and have direct access to the large (195 sq.m) garden space, via a new door opening to be formed. The front dwelling would occupy the front part of the ground floor and all of the first and second floors. That dwelling would gain access to its rear garden space by exiting the front door and traversing the side passageway.
- 2.3 The two existing outbuildings would be utilised to provide lit, secure cycle storage for an overall total of 10 bicycles. The existing single storey glass conservatory at the rear of the property is shown to be removed.
- 2.4 Refuse storage would be provided in two locations, confirmed by the receipt of amended plans. The rear unit would store its bins by the access point in the side passageway. The front unit would store its bins within an enclosure to be formed on the front forecourt, but close to the front building line. The applicant is prepared to undertake within the planning legal agreement to commit to a waste management plan, such that refuse is brought to a collection point on the highway on collection days and bin then returned to their storage points after collection.
- 2.5 A revision to the front forecourt layout demonstrates pedestrian access through the three car parking spaces, which would be marked out.

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 (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 Southampton City Council made a city-wide Article 4 Direction on the 14th March 2011 and, following public consultation, confirmed this on 24th October 2011. The Direction will come into force on 23 March 2012 resulting in permitted development rights for a change of use from a Class C3 (dwelling house) to a class C4 (HMO) will be removed from this date. This means that planning permission will be required for this type of development from this date. Planning applications relating to C4 (HMO) uses must be considered in relation to adopted planning policy and assessed in terms of the key planning considerations set out in section 6 of this report.
- 3.3 Only major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The

Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

- 4.1 A summary of the site's relevant history is listed in **Appendix 2**. It is the opinion of planning officers that the authorised use of the site is as a single dwelling under permission 02/00482/FUL. This allowed for No. 11 to be a single house and for No.13 to be a single house. It is contended that this permission was implemented, not least because No. 11 Grosvenor Road is now in use as a single family house and electoral roll entries for just before and every year since the permission was granted. Where rest home use subsisted, this is easily apparent from the roll entries, with the applicant for the 02/00482/FUL permission also resident until 2004, whereafter a couple of the same surname occupied the property and paid council tax for single residential property. Later a large (and it is believed to be extended) family were in occupation between 2004 and 2009.
- 4.2 Conversion of the roofspace to provide owners accommodation took place under a permission granted in 1976, when the property appears to have been in use as a guest house (although no planning permission for that use was ever established/obtained. **Appendix 3** indicates how the property was being used at that time, when the loft conversion was first applied for). A rest home for the elderly in both 11 and 13 Grosvenor Road, was subsequently granted planning permission and in 1985 a single storey extension was approved that provided owners accommodation, which was not permitted to be used to house any further elderly residents in care at the rest home use, which then allowed for up to 16 elderly residents to be cared for in 11-13 Grosvenor Road.
- 4.3 On 24.1.2011, a Planning Enforcement Officer called at the site to investigate a brick built outbuilding being constructed. The property at that time was asserted to be a single house enjoying permitted development rights for the outbuilding. The property itself was gutted inside and not being occupied. The owner was told that planning permission for use for anything other than a single house or within Class C4 purposes would require planning permission before that use commenced.
- 4.4 During the summer of 2011, the Planning Enforcement Team had occasion to use its Rights of Entry powers to gain access to the property following complaints. The Council took action and sought an injunction from the High Court to prevent the unauthorised use from taking place. The High Court granted an interim injunction. On a further visit, before the matter was to be re-heard by the High Court, the property was only being occupied by 5 people.
- 4.5 The (new) judge refused to extend the injunction on the basis that he did not consider that the harm caused by the students going in to occupation was great enough to outweigh the harm and detriment that they would suffer in losing their accommodation especially bearing in mind that they had acted in good faith with the landlord.
- 4.6 The owner has sought to regularise this situation by the submission of this planning application. An alternative option is put forward in a parallel application 11/01026/FUL, which is being reported separately.
- 4.7 Under application 11/01025/FUL, retrospective planning permission was sought for '*Change of use to sui generis 15 bedroom student let from C3 use*'. This application was considered at the 6 September 2011 meeting of the Planning and Rights of Way Panel. The application was refused for the reason set out in

Appendix 2.

- 4.8 Under application 11/01026/FUL, retrospective planning permission was sought for 'Conversion of existing dwelling to 2 sui generis houses in multiple occupation (1 x 7 bedroom dwelling and 1 x 8 bedroom dwelling) with associated bin and cycle storage (alternative proposal to application 11/01025/FUL)'. This application was considered at the 6 September 2011 meeting of the Planning and Rights of Way Panel. The application was refused for the reason set out in **Appendix 2.**
- 4.9 After procedural clarification from The Planning Inspectorate, the council served a Planning Enforcement Notice relating to unauthorised conversion to 2 No. sui generis houses in multiple occupation on 28 November 2011. A copy of that Notice and its requirements is reproduced as **Appendix 5.**
- 4.10 An Appeal has been lodged against the Enforcement Notice on 3 grounds. That deemed planning permission should be granted; that the requirements of the Notice are excessive; and, that the period for compliance is unreasonable, given that the student tenants, are studying for imminent exams. The Planning Inspectorate has yet to confirm how this Appeal is to be heard.
- 4.11 Under reference 11/01716/PREAP1, the owner, having appointed a new agent, sought the Planning Service's opinion on the acceptability of a variety of conversion permutations including:-
(a) 2 HMO flats;
(b) 5 flats; and,
(c) 3 flats;
- as a prelude to deciding the format of the current application. Officer advice has prompted the submission of this application.

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 also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (11.7.2011). At the time of writing the report **17 objections** from mostly local addresses/Portswood Ward Councillor Vinson (himself a resident of Grosvenor Road)/The Highfield Residents' Association have been received from surrounding residents. Those **objections** are summarised below:-
- 5.1.1 The intensity of occupation is grossly excessive, overdeloped and out of character with a street which is still predominantly comprised of mostly well cared for family houses, whose average occupancy No.'s 1-26 is calculated at 4 persons per property. The life-styles of the students would be incompatible with those in family occupation and certainly very different to occupation by elderly persons being cared for in a rest home. Reference is made to the intensity of occupation when a rest home existed in 11 &13, (that use and its impact not being in existence for the last [it is asserted] ten years) limited by condition to prevent overintensive use and protect the character of the area. This approach has consistently been applied through the property's planning history. If permitted, this will be enough for the occupants of No.15 to assert they will move house. The Council sought an injunction to prevent occupation by 15 persons, indicating that it did not find that acceptable.

Response – Occupation by 10 persons is not considered an over-intensive use of the site, given the size of the property.

- 5.1.2 Increased noise disturbance from that level of occupation, which amounts to a mini-hall of residence and attendant comings and goings – especially to occupiers

of No. 11 and No.15, the former having bedroom windows above the position where access to the rear tenancy agreement is proposed/exists. Use of that lit area by tenants smoking at unsocial hours has prompted several occupants of No. 11 to seek other accommodation away from the application site. With no on-site management, the property and garden would be likely to become a focus for uncontrolled social events. Such disturbance would be more troublesome at night/unsocial hours and is cited as already occurring from an existing HMO in the street (8 Grosvenor Road), which wakes small children. One neighbour is a doctor and works night shifts, so undisturbed sleep is of clear importance.

Response – It is not considered that unacceptable noise disturbance would occur, to the detriment of neighbours’ amenities and peaceful enjoyment of their properties. Separate legislation exists to control unsocial noise issues.

- 5.1.3 Inadequate car parking to support that level of occupation. Occupation by students so far appears to have generated 4 cars being parked at the front of the site. Residents would also have visitors and parking would overspill into the street, exacerbating existing capacity problems, where the street is currently being considered for a residents’ parking scheme and adversely affecting highway safety in a street, where many walk their children to Portswood Primary School. Whilst provision of cycle parking as a sustainable alternative is admirable, the Council has no means of controlling actual car ownership and use. Criticism is also made on the location of the cycle parking.

Response – The Highways DM Team have not raised any objections to the quantum of car parking. An evening survey of on-street parking at 18.30 hours on 23.2.2012 revealed on-street spaces were generally available, whereas visits conducted during the daytime and discussions with a resident show that demands for on-street parking occur during the day from those attending the University and those visiting the Portswood Shopping Centre. Overall, no harm to highway safety arising from the site being occupied by 10 persons is concluded. The location of the cycle parking is considered to be acceptable.

- 5.1.4 The quantum of bins to be placed on the forecourt would be unsightly and liable to be left in that position after being emptied and not returned to any storage location. A complaint has been made to the council about refuse issues since its occupation by 15 students.

Response – The applicant has proposed two refuse storage areas, the front one been screened. The waste management plan secured through the legal agreement, would ensure bins would not just be left at the back edge of the highway, but returned to their storage locations.

- 5.1.5 ‘Thin end of the wedge’/precedent - One writer who has lived in Shaftesbury Road for many years (backing onto the application site) and has seen the decline in the character of that street, with families moving away, which in turn has taken children out of Portswood School. Another writer talks of those retired people in the street who may be down-sizing with private landlords being able to bid more for such properties coming onto the market, such that more family homes could be lost and the family, well-integrated character of the street eroded yet further.

Response – Only two dwellings are proposed in place of one. This is not

considered to have a detrimental impact on the character of the area and integrity of an existing settled, family-based community. The owner would not need permission to move to Class C3 use (single family occupation).

- 5.1.6 Loss of a family house – the agent’s assertion that the property has not and is not capable of occupation by a single family is not accepted. The next door neighbour in Shaftesbury Road confirms occupation at one time by a couple and their child.

Response – The proposals would result in the loss of a property whose authorised use is as a single house. Whilst this would be contrary to Policy CS16 of the adopted Core strategy, the C4 dwellings proposed could revert to family occupation and the use proposed is considered a reasonable use of such a large property. As such an exception to CS16 is warranted.

- 5.1.7 Light disturbance is asserted to neighbours – especially those adjoining at No.11 and No15.

Response – Whilst lights may be left on later into the evening compared to family occupation, this is not considered so significant to be used in the reasoning to refuse such a proposal. It is understood that the light by the side entrance door has recently been lowered.

- 5.1.8 Overlooking is asserted to neighbours from additional windows, adversely affecting their privacy, especially from the now glazed rear fire escape door to the roof level accommodation and fears that the flat roof to the rear addition would be used as a sun terrace, causing clear overlooking.

Response – Windows inserted to the side of No.13, where two new bedrooms have been created internally, only look at the blank flank wall of No.11. They do not harm that property’s privacy. The glazed door to the rooftop fire escape serves a corridor and would ordinarily only be used in the event of a fire. It is not considered to constitute a level of overlooking so severe to be used in any reasoning to reject the proposed use. The flat roofed area is not controlled by any planning condition, with regard to the site’s planning history. However, access to it is limited and so the potential for overlooking from that area is not considered great. A condition is proposed to prevent the flat roof been used as a recreational terrace.

- 5.1.9 An allegation that an outbuilding was erected without planning permission when the property was used as a rest home.

Response – This cannot be confirmed or denied. The timber structure is over 4 years old (thereby immune from planning enforcement action) and the more recent brick built structure was constructed at a time when the owner was asserting permitted development rights from use of No.13 as a dwellinghouse.

- 5.1.10 Current use is unauthorised, which gives neighbours no confidence in the owner managing or maintaining the site. The owner has only applied for planning permission when forced to do so, with no respect for regulatory procedures. Reference is also made to the lack of care shown to neighbours by heaps of building waste having been left on the forecourt for months during the recent lengthy refurbishment. Concern is expressed for the ‘hapless students’ who have

been duped by the property owner, resulting in the recent interim injunction being obtained at the High Court. The validity and purpose of the planning system is being circumvented.

Response – PPG18 advises that people quickly lose faith in the planning system if it is not seen to be followed and upheld. The owner has been advised in January of this year that planning permission would be required for alternative residential use to a single house and has chosen not to apply. The council has served a planning enforcement notice, which is currently the subject of an undetermined Appeal by the owner.

5.1.11 Devaluation of nearby properties.

Response – This is not a material planning consideration. Issues of amenity and highways safety are and are considered elsewhere in this report.

5.1.14 Concerns for health and safety of the students. The kitchen is right by the sole means of access/escape to the rear tenancy agreement, querying whether the property enjoys a Licence as a Registered HMO and general concerns as to the quality of workmanship undertaken. Internal amenities to serve the occupiers are considered insufficient.

Response – These are separate considerations under HMO Licencing under the Housing Act, addressed elsewhere in this report.

5.1.15 Insufficient garden space.

Response – The large rear garden is considered more than sufficient to provide for the 10 residents proposed.

5.2 **SCC Highways** – No objections. Parking within this area of Portswood is unrestricted, and therefore on street parking is available for use by all. There may be overspill parking as a result of this use, but there is no evidence that increased kerbside pressure would lead to a highway safety issue. The only recorded injury accidents were at nearby junctions where double yellow lines are already in place and are likely to involve turning traffic. Conditions are recommended, should Panel be minded to grant planning permission, as set out at the end of the report.

5.3 **SCC Private Housing** – No requirement for affordable housing. Comments of the previous application in 2011 were that the applicant has applied for an HMO licence and the Council is minded to grant a licence with conditions for the use of the property by 15 people/households.

5.3.1 The Team has visited the property with one of the officers from Hampshire Fire and Rescue, and would offer opinion as follows:

1. The property currently has sufficient kitchen and bathroom amenities for use by 15 people either in separate units or as the whole house. There are pipeworks to bedrooms for the provision of wash hand basins that had not been installed but will be required as a condition of the HMO licence.
2. The use of the property as a 15 bedroom HMO is likely to lead to more problems for neighbours than the use of the property as 2 separate flats.

Therefore we would support the application for 2 separate flats over the application for a 15 bedroom HMO.

3. The interconnecting door is not required and could lead to more problems if left in situ, for example being propped open or blocked. The rear flat has escape routes either through their main door to the property (which is via the kitchen) or via the side exit. This leads to an ultimate place of safety at the rear of the garden or access can be obtained to the front of the house round the building. This is also the view of the fire officer in attendance that this escape is satisfactory, once garden clearance has taken place and external lighting is provided. We have requested the removal or emptying of the conservatory at the ground floor right rear to allow a secondary means of escape from that bedroom.
4. The owner has submitted an application to licence the HMO. We will be requiring an additional partition wall in the front entrance of the main house (labelled as lounge on the plans) to create a 30 minute protected route from the upper levels to the front door.
5. The owner has applied to Southern Electric to split the electricity supply for the units. They will also be required to split the fire alarm system that is currently covering both units if given permission to create 2 units of accommodation and 60 minute fire separation would be required.

The improvements to the fire precautions can be required under Housing Act 2004 powers.

- 5.4 **SCC Sustainability Team** – With an additional dwelling are being created, there are requirements under policy CS20. A condition to secure Sustainable Measures is recommended.
- 5.5 **SCC Environmental Health (Pollution & Safety)** – No objections. One, as yet unsubstantiated noise complaint made 31.1.2012 regarding students shouting and swearing at the property is still being investigated.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - 6.2 The acceptability of this intensity of occupation of the building
 - 6.2.1 Disturbance to neighbouring occupiers from comings and goings to and from the site by 10 persons is not considered to be an overintensive use of this building, given its size (the applicant points out that the internal floor area is 3.9 times greater than an average three bedroomed house) and the commitment to sign an undertaking to keep it to that level of occupation.
 - 6.2.2 Whereas planning primarily concerns itself with the use of land, rather than who uses it, it is legitimate to consider whether the pattern and character of proposed residential occupation compared to that of the authorised or previous residential occupation of the site. The likely associated amenity or highway safety impacts typically flowing from these different forms of residential occupation also need to be considered.
 - 6.2.3 In terms of the authorised use under Class C3 of the UCO, a family unit

occupying the property – even a large extended family – would be a fairly settled form of occupation, under parental control, with reasonably predictable comings and goings from the property, usually at sociable hours. One pair of bins would serve a family and depending on who was of an age to hold a driving licence and income levels, the level of car ownership could be fairly low and more likely to be accommodated on the property forecourt

6.2.4 In terms of Class C4 use under the UCO (here occupation to be restricted to up to 5 unrelated persons), the pattern of use of the site could be very similar to occupation by a large family, albeit persons would be likely to live more independently and come and go at varying times, perhaps at less social hours compared to members of a family unit. Depending upon income and ability to hold a driving licence, the potential for the level of car ownership to be greater than a family unit is likely, albeit the quantum of refuse storage not necessarily more than for a family.

6.2.5 In terms of use as a rest home for the elderly, the character and pattern of use would again be different to Class C3 and Class C4 use. Residents would be likely to lead more sedate lifestyles and unlikely to come and go from the property at unsocial hours. Even coupled with owner's family accommodation, the pattern of activity would be rather low. It should be remembered that when in this use, the property was combined with No.11 Grosvenor Road, where overall occupation was limited to 16 elderly residents. Residents could be likely to receive visitors or visits from health care professionals or occasionally an undertaker. However, no amenity or highway safety issues appear to have resulted from that use of the property, which appears to have ceased, some time in 2002.

6.2.6 Occupation of the site by 10 persons, living independently of one another, is different in land use planning terms than the forms of occupation identified above. Comings and goings could be at later hours than under family occupation but most impact would be limited to the side passageway to No.11 where regular use by 5 persons is not considered so detrimental to sustain a refusal of this application.

6.3 The potential to adversely impact highway safety

6.3.1 No objections have been received from the Highways DM Team. The level of car parking and its layout is considered satisfactory. It is considered that overspill street car parking might be likely, but the availability of on-street parking on the evening of 23.2.2012, suggests this could be assimilated without harm to highway safety. The council has balloted residents on a residents' only parking scheme. Whilst indicative of the existing pressures on currently unrestricted on-street parking in the area, these pressures occur more during the daytime, owing to the street's relative proximity to the University and Portswood Shopping Centre.

6.4 Precedent and harm to the character of the area

6.4.1 No other property in the street is this large – a legacy of it having been extended whilst in care home use. It is right that the local planning authority to seek to make reasonable use of properties like this to meet the demand for housing in the city. Enquiries with the Housing Team show that of those on the housing waiting list, none is a family looking for a 10-15 bed roomed property. The sub-division of this property is therefore considered acceptable at the density proposed and it is not considered that an additional dwelling at this site would harm the character of the street.

6.5 The adequacy of the facilities being provided to serve 10 residents

6.5.1 Occupation by 15 persons was considered acceptable by colleagues in the Private Housing Team, who processed an application for a Licence. Room sizes are generous and the property is in a good state of repair. The size of the garden is considered more than adequate to meet the private recreational needs of 10 residents.

6.6 The standard of outlook and natural light to habitable room spaces

6.6.1 Concern was initially expressed about outlook and daylighting received by two bedrooms formed internally, whose sole outlook is the blank flank wall of No.11, some 1.8-2.0m away. Internal adjustments will ensure they do benefit from reasonable light and ventilation. Occupiers would have the use of communal spaces, which enjoy good outlook. All other habitable rooms are considered acceptable and the Private Housing Team have not raised any objections to the previous applications 11/01025/FUL and 11/01026/FUL.

6.7 Sustainability issues

6.7.1 CS20 is applicable and a condition is recommended to secure/demonstrate that adequate sustainable measures have been incorporated into the recent refurbishment last year.

7.0 Summary

7.1 The authorised use of the property is within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)(UCO). This allows occupation by a single family all related to one another and in 2007-2008 the building was occupied by 10 people. Alternatively, under amendments to the UCO, it is currently permitted to change to Class C4, whereby the property may be occupied by up to 6 unrelated people without planning permission being necessary. 15 students are occupying at this time, as a tenancy of 7 and a tenancy of 8.

7.2 The applicant now proposes that 10 people occupy the property and would carry out alterations to create 10 separate bedrooms (5 in each C4 dwelling proposed). The property is in a very good internal decorative state, just having been renovated. All rooms would have good outlook and natural light. Adequate car and cycle parking facilities would be provided. Refuse arrangements are satisfactory and the quantum of amenity space is more than generous.

8.0 Conclusion

Regard has been had to the emerging SPD on HMO's, but as that will not come into force until 23 March 2012, can only be afforded a certain amount of weight in this decision. If permission is given, the % of single family houses within a 40m radius of the front door to 13 Grosvenor Road would drop to 77.78%. Even then, it forms just one material consideration set against finding a beneficial and reasonable use of this very large property to help meet the city's housing need. The intensity of occupation put forward is not considered harmful to residential amenity, highway safety, nor would it have an adverse impact on the character and form of occupation prevailing in Grosvenor Road.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a), (b), (c), (d), 2. (b), (c), (d), 4. (f), 5. (e), 6. (c), 7. (a), (b), (e), (p), (v), 9 (a), 10 (a), 10 (b).

for 13/03/2012 PROW Panel

CONDITIONS for 11/02001/FUL

01. 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).

02. Approval condition - Refuse and recycling facilities [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, facilities for the storage, removal and recycling of refuse from the premises, which provides clear demarked pedestrian access to the site, shall be provided in accordance with the drawings prefixed C11/111. and numbered 405 Rev C and 407 Rev A. . Such facilities shall provide for a level approach and be permanently maintained and retained for that purpose at all times thereafter.

Reason:

In the interests of amenity.

03. Approval condition - Refuse storage and collection [Performance condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the property (other than in the enclosure shown on the drawings prefixed C11/111. and numbered 405 Rev C and 407 Rev A.

Reason:

In the interests of amenity.

04. Approval condition - Cycle storage [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, the cycle parking facilities shown on drawing C11/111.405 Rev C shall genuinely be made available to occupiers of the dwellings by giving each resident a key to access their respective store - (each store to be fitted with internal light activated by motion and each to provide a minimum of 5 cyce parking spaces) - and clearing out those stores, which are currently being used to store furniture and other items. Once provided, those secure cycle parking facilities shall be permanently retained for that purpose that all times thereafter.

Reason:

To promote more sustainable forms of travel, in accordance with 'saved' Policy SDP5 of the City of Southampton Local Plan Review (March 2006) and Policy CS19 of the Local Development Framework Core Strategy (January 2010).

05. Approval condition - Car Parking [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, a minimum of 3 car parking spaces shall be marked out on the site forecourt in accordance with drawing C11/111.405 Rev C. The utilities trench recently dug into the site forecourt shall also be properly resurfaced to match the original materials of the forecourt. The car parking shall thereafter be retained on site for those purposes at all times thereafter.

Reason:

To help meet the travel demands of occupiers of the two dwellings, whilst also defining/maintaining clear pedestrian/cyclist access to the property.

06. Approval condition - Amenity spaces [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, a revised site layout drawing shall be submitted to and agreed by the local planning authority in writing. The revision shall detail how the rear garden is to be subdivided to form two separate amenity spaces, one for each of the dwellings hereby approved. This shall also detail that a related cycle store shall be accessed from each respective amenity space and that common access to both spaces shall exist to gain access to the public highway. Once agreed, those amenity spaces shall be provided before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced. Once provided, those separate amenity spaces and access to them shall be maintained at all times thereafter.

Reason:

To provide adequate private recreational space for each dwelling and to provide for the possibility that a Class C3 dwelling may result under permitted development in the rear-most dwelling hereby approved.

07. Approval condition - Works of self-containment [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, the internal door, since marked by an asterisk on the attached plan shall be blocked up and retained in that condition at all times thereafter.

Reason:

To ensure that two dwellings are genuinely created and that alternative unauthorised occupation as a sui generis house in multiple occupation, shared by 10 persons, with potential to have different land use impacts, does not result without further control by the local planning authority.

08. PERFORMANCE CONDITION - Fire escape/No roof terrace

The existing rear fire escape from roof level shall only be used in times of emergency and in particular, the flat roof to the single storey rear projection of the building shall at no time be used as a roof terrace for recreational purposes.

Reason:

To protect the privacy of occupiers of adjoining properties, whilst still allowing for emergency egress from the building.

09. PERFORMANCE CONDITION – Internal works

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, those internal works necessary to remove currently existing dividing walls to amalgamate certain rooms to ensure that only 5 bedrooms are created in each dwelling shall be carried out.

Reason:

To enable the local planning authority to control the level of occupation in the building, in the interests of safeguarding the character of the area.

10. PRE-COMMENCEMENT CONDITION - Sustainability measures

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, details shall be submitted to the local planning authority for its written approval. This shall ensure that a 20% saving on top of Building Regulations Approval is achieved. The following sustainable measures shall be investigated:

Cavity wall insulation - Any dwelling that has empty cavity walls, subject to a check for suitability from an accredited installer and approval by local authority building control

Loft insulation (270 mm) - Any dwelling with an accessible loft and less than 100mm depth existing insulation

Floor insulation - Dwellings with un-insulated suspended timber floors only, where easily accessible from underneath (e.g. basements)

Replacement condensing boiler - Any dwelling with a 'wet' central heating system with a non-condensing gas or oil boiler more than 15 years old

Heating controls upgrade - Any dwelling with central heating that lacks a programmable timer, room thermostat or thermostatic radiator valves

Hot water insulation package - Any dwelling that has an un-insulated hot water tank or a tank has an existing insulating jacket that is in poor repair as judged by a building surveyor

Draught-stripping - Any dwelling that has excessive air leakage as judged by a building surveyor

Energy-efficient lighting - Any dwelling that has less than four energy-saving lamps fitted in commonly used areas

If these are insufficient to achieve the 20% saving, renewable and low carbon technologies should also be investigated. Once approved in writing, those measures shall be implemented before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced and be verified by the owner with the local planning authority in writing. Once implemented, those measures shall be retained and maintained for the life of the development.

Reason:

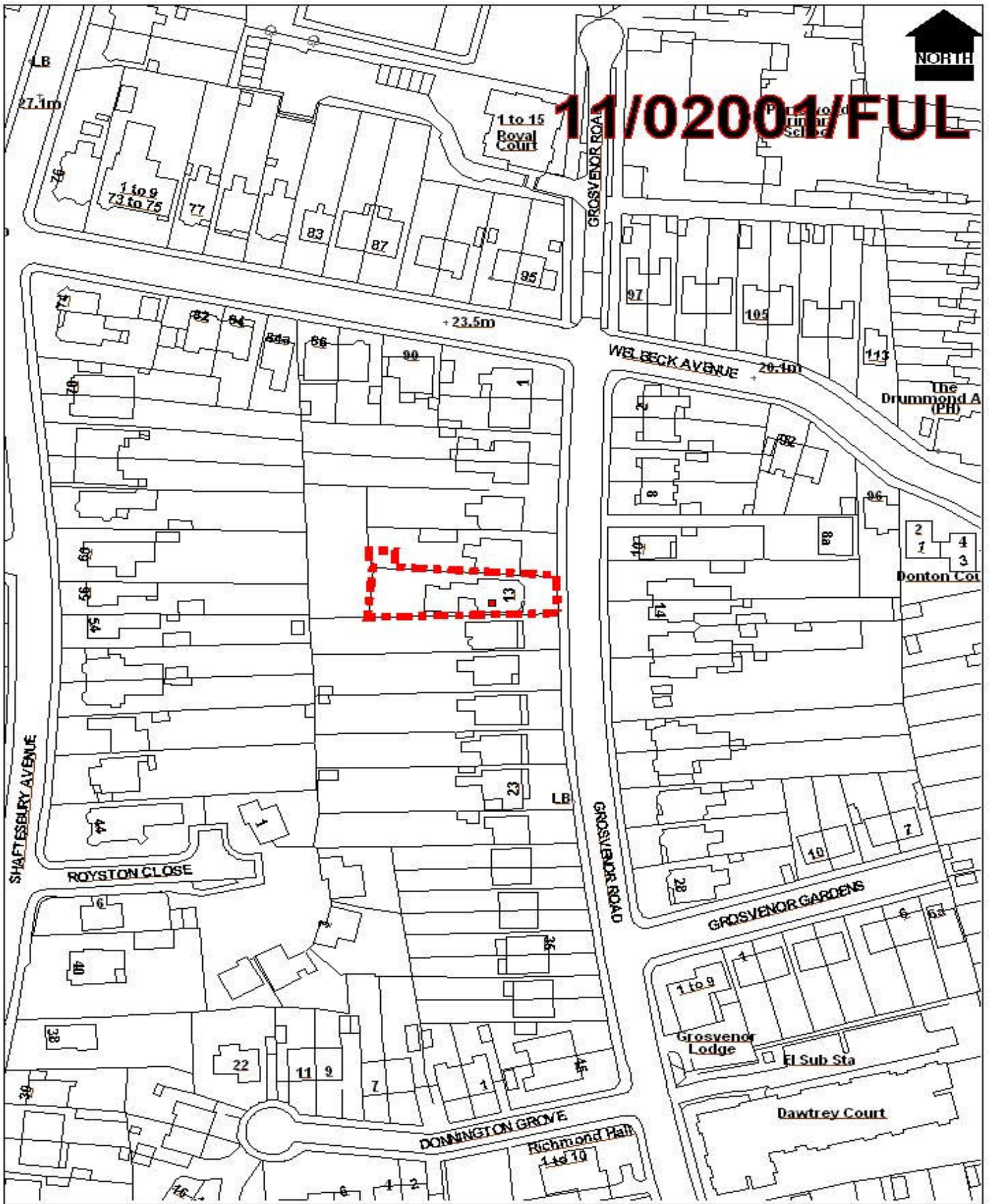
To achieve a sustainable form of development.

11. 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.



Scale : 1:1250

Date :28 February 2012

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