

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager

Application address: First Floor Flat Warwick House 12 Carlton Road SO15 2HL			
Proposed development: Change of use of upper floors to 1x 6-bed maisonette flat (C4 use [6 bed HMO]). Amended plans received 08/03/2012 which include internal alterations and alterations to the amenity space provision/car parking layout which reduces the number of available car parking spaces proposed on site from 3 to 2.			
Application number	12/00053/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	20.03.2012	Ward	Bargate
Reason for Panel Referral:	Member referral	Ward Councillors	Bogle Noon Tucker
		Previously consulted Cllrs	Bogle Noon Willacy

Applicant: Mr Hayden Ebert	Agent: Chris Edmond Associates
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Recommendation Summary	Refuse
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Reason for Refusal

The Local Planning Authority considers that the conversion to residential use, for occupation by up to 6 unrelated individuals, constitutes a change of use to a C4 House of Multiple Occupation. The resulting concentration of HMO's in the immediate vicinity of the site (40m of the front door) would lead to a cumulative change in the character of the area and undermine the Council's approach of promoting mixed and balanced communities to the detriment of the amenities of the area. As such the proposal is contrary to Policies SDP1 (i), H4 (i) and (ii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Appendix attached	
1	Development Plan Policies
2	Web link to the Houses in Multiple Occupation Supplementary Planning Document

Recommendation in Full

Refuse

1. The site and its context

- 1.1 The site contains a large end of terrace property which was originally designed as a dwelling house. The property is currently in use as a dental surgery at ground floor level. The first floor level and roof space have been converted to residential accommodation whilst the application has been with the Local Planning Authority, it is not clear when the internal alterations began. In the past the first floor has been used as an office under the B1 use class before which presumably the building was used for residential purposes.
- 1.2 The surrounding area is predominantly residential in nature with a mix of tenure. Within close proximity to the application site there is a variety of property types including family dwellings, HMO's (Houses of Multiple Occupation) and flats.
- 1.3 The site forms a prominent corner of Milton Road and Carlton Road.

2. Proposal

- 2.1 The proposal involves the change of use to a 6-Bed flat which will be occupied as a house of multiple occupation (C4 Use).
- 2.2 Only minor external alterations are required. A new front door is required on the Carlton Road frontage and there will need to be obscure glazing added at ground floor level to protect the amenity enjoyed by the occupants of the residential accommodation whilst they enjoy their external amenity space.

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 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 The City Council adopted its Houses in Multiple Occupation Article 4 direction and associated Supplementary Planning Document on the 23rd March 2012. The two documents immediately became material planning considerations and therefore applications submitted before that date but which have been/are determined after that date need to comply with the legislation before support can be given to those schemes. Please refer to **Appendix 2** for a web link to the Houses in Multiple Occupation Supplementary Planning Document.

4.0 Relevant Planning History

- 4.1 1308/P1 – Convert to offices and use of rear garden for car parking - CAP, 1966
- 4.2 1514/M17 – Change of use from offices to dental surgery on ground floor - CAP, 1966

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 (02.02.2012). At the time of

writing the report 11 representations have been received from surrounding residents.

Banister Freemantle and Polygon Community Action Forum - objection.
Cllr Bogle - Objection and requests that the application is determined at panel.
Cllr Willacy – Objection and requests that the application is determined at panel if minded to approve.

John Denham MP - Objection.

Summary of Comments:

- Noise generation.
- Proposed occupants will lack respect for surroundings & cause anti social behaviour.
- Shortage/loss of car parking.
- Overdevelopment of HMO's.
- Contravention of Article 4 direction.
- Change to the façade of the property.
- Inadequate amenities, inc room sizes.

5.2 **SCC Highways** - no objection.

5.3 **SCC Sustainability Team** – no objection.

5.4 **Southern Water** – a formal application is needed to connect to the public sewer.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- i) Principle of conversion to an HMO.
- ii) Amenities provided for the occupants.
- iii) Character of the property.
- iv) Neighbouring residential amenity.

6.2 Principle of conversion to an HMO

6.2.1 Following the adoption of the SPD a threshold limit has been set which seeks to restrict the number of houses converted to HMO's in the city. In the Polygon area there is a 20% threshold. Section 6 of the SPD explains how the assessment is made.

6.2.2 If the threshold is exceeded it is unlikely that further conversion of family dwelling houses will be permitted that is unless the street is clearly dominated by HMOs. Such exceptional circumstances may lead to the determination of the planning application concluding that the change of use would not, in fact, cause further harm to the character of the area.

6.2.3 Following the desk top exercise described in section 6 of the SPD and after visiting the site on a number of occasions, to ensure that a complete and accurate survey of surrounding land use was achieved, 3 out of 14 properties within 40m of the host dwelling would be HMO's (the figure incorporates the proposed HMO).

6.2.4 Of the 14 buildings there is at present:

- two HMO's,
- three owner occupied/family dwelling houses,
- five flat conversions (of less than three bedrooms),
- one school,
- one purpose built residential care home; and
- two mixed use properties (medical with offices above).

It is also noteworthy that the use of one property, number 20 Carlton Road, is unknown as the Officers investigation has proven to be inconclusive, however the applicant believes that there is at present only two occupants and therefore the property is not being occupied as an HMO. Furthermore paragraph 6.4.5 of the SPD states that where there is significant doubt as to whether a property is an HMO it will not be counted towards the threshold.

6.2.5 As such eight properties should be eliminated from the calculation (refer to paragraph 6.4.2 'stage 3' of the HMO SPD).

6.2.6 It should be noted that paragraph 6.4.2 of the SPD states: *'The concentration of HMOs surrounding the application site is calculated as a percentage of the 'total estimated number of **existing HMOs**' against the 'total number of residential properties'.*

6.2.7 Therefore the concentration of HMOs surrounding the application site is **50%**. (2 out of 4).

6.2.8 Paragraph 6.5.1 of the SPD goes on to say that in this location *'where the proportion of HMO dwellings will exceed 20% of the residential properties'* applications should be refused. Therefore we also need to take account of the proposed HMO in the calculation.

6.2.9 As such when the calculation includes the proposed HMO, calculated as a percentage of the total estimated number of **'existing and proposed HMOs'** against the total number of 'residential properties', the concentration of HMOs within the assessment area would become **60%** (3 out of 5).

6.2.10 The application has been submitted on behalf of Tenant Direct. As Tennant Direct is a Housing Agency they consider themselves well placed to appreciate/comment on the market potential of the property.

6.2.11 The applicant states that the offices have been vacant for three years. The applicant claims that there is no market potential for the office use and is unlikely to be let as a family dwelling owing to its location and rental cost of such a large unit. It is also considered by the applicant that there is no demand for family dwellings of this size in the private sector.

6.2.12 As the threshold limit for HMO's in the location would be exceeded the application cannot be supported.

6.3 Amenities provided for the occupants

6.3.1 The proposed living environment is acceptable; occupants of the flats would not need to leave the site in order to gain access to the amenity space which is sufficient in size and is fit for its intended purpose.

6.3.2 Refuse and cycle storage provision can be met on site and there will not be a conflict of use between the two separate uses occurring within the building due to the proposed layout.

6.4 Character of the property

6.4.1 The proposed front entrance facing Carlton Road is considered acceptable; the proposal does not require the building to be extended. The physical character of

the property will not be harmed.

6.5 Neighbouring Residential Amenity

6.5.1 The resulting high concentration of HMO's within the area will have a negative effect on neighbouring residential amenity. Should the application be supported the current mix of housing tenure in the community will become less evenly balanced.

6.5.2 Greater concentrations of HMOs in a particular area can have negative effects on the amenity of the surroundings and on long term residents. This can occur in a variety of ways as described in section 5.4 of the SPD.

7.0 Summary

7.1 Refusal of the change of use is recommended in respect of this application owing to the scheme not being considered appropriate given the resulting ratio of HMOs to owner occupied properties in the area. Furthermore the development does not fall within the scope where exceptional circumstances should be applied.

8.0 Conclusion

Notwithstanding the statement provided by the applicant confirming that the property cannot be rented for office purposes the application cannot be supported in principle. The scheme would result in the threshold limit of HMO's in the area being exceeded and there is not sufficient HMOs in the area to enable the proposal to be considered an exceptional circumstance in light of section 6.6 of the HMO SPD.

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).

MP3 for 29/05/2012 PROW Panel

Reason for refusal

The local planning authority considers that the conversion of offices to residential use, for occupation by up to 6 unrelated individuals, constitutes a change of use to a C4 HMO. The resulting concentration of HMO's within close proximity to the site (40m of the front door) would lead to a change to the physical character of the area which would harm and conflict with the existing community and amenity. As such the proposal is contrary to policies SDP1 (i), H4 (i) and (ii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010).

POLICY CONTEXT

Core Strategy - (January 2010)

CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

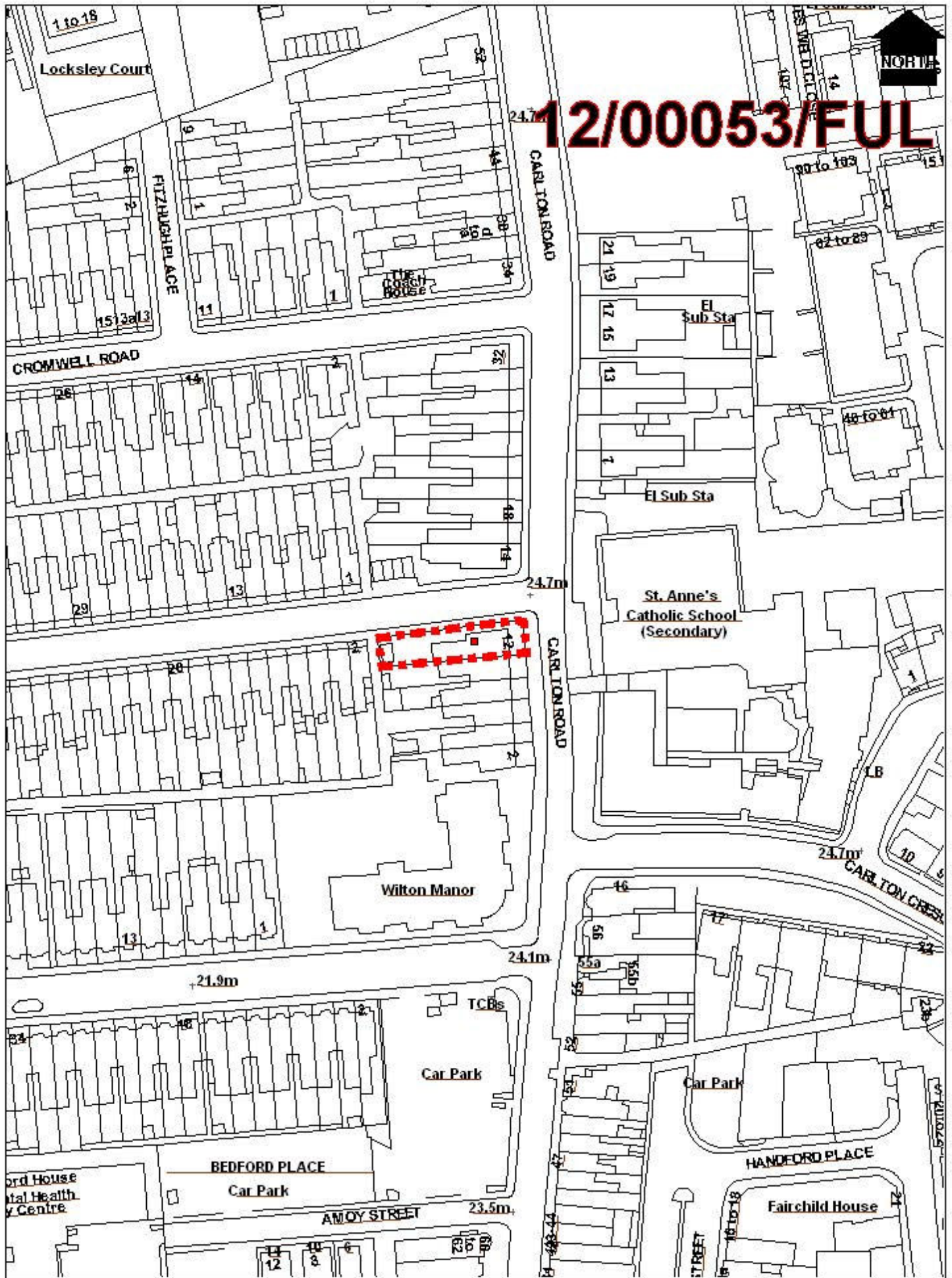
Houses in Multiple Occupation Supplementary Planning Document - (March 2012).

Application 12/00245/FUL

APPENDIX 2

Web link to the Houses in Multiple Occupation Supplementary Planning Document:

<http://www.southampton.gov.uk/s-environment/policy/planningdocuments/hmo-spd.aspx>



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