

# Planning and Rights of Way Panel (WEST)

Wednesday, 15th October,  
2014  
at 6.00 pm

## PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

### Members

Councillor Lewzey (Chair)  
Councillor Lloyd (Vice-Chair)  
Councillor Claisse  
Councillor L Harris  
Councillor Mintoff

### Contacts

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## **PUBLIC INFORMATION**

### **Role of the Planning and Rights of Way Panel**

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

**Public Representations:-** At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest. Members of the public in attendance at the meeting are advised of the process to be followed.

### **Southampton City Council's Priorities**

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** If, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

**Fire Procedure** – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2014/15**

<b>Planning and Rights of Way - EAST</b>	
<b>2014</b>	<b>2015</b>
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

<b>Planning and Rights of Way - WEST</b>	
<b>2014</b>	<b>2015</b>
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
Wednesday 15 October	
11 November	
9 December	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

**Agendas and papers are available via the Council's Website**

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 16 September 2014 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 44 SIR GEORGES ROAD SO15 3AT 14/01282/FUL** (Pages 9 - 20)

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

Tuesday, 7 October 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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PLANNING AND RIGHTS OF WAY PANEL (WEST)  
MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2014

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Present: Councillors Lewzey (Chair), Lloyd (Vice-Chair), Claisse, L Harris and Mintoff

16. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that, following discussion, the Minutes of the Meeting held on 22 July 2014 be approved and signed as a correct record.

17. **10 LUMSDEN AVENUE SO15 5EL 14/01238/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval in respect of an application for a proposed development at the above address.

Change of use from a C3 Dwelling House to a 5-Bed House in Multiple Occupation (HMO, Class C4).

Mr Smith (Applicant), Ms Lawler-Levene (Chair Lumsden Avenue Residents Association/objecting), Mr Clark (local resident/objecting), Councillors Shields, Moulton and Parnell (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the final sentence in Condition 4 should start as follows: "For the avoidance of doubt this means ..." and that the final line in Condition 6 should read as follows: "... details to be approved under Condition 5".

**RESOLVED** to refuse planning permission for the reasons set out below.

**Reasons for Refusal**

The proposed change of use of the property from a family dwelling to C4 HMO given the semi-detached nature of the property and the existing on-road parking demands within Lumsden Avenue would result in a detrimental impact on the amenities of adjacent occupiers and the character and amenity of the wider area due to the activity associated with the intensification of the use of the property. The proposal would therefore be contrary to Policies SDP1 and H4 of the City of Southampton Local Plan Review.

18. **20 ELMSLEIGH GARDENS SO16 3GF 14/00994/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval in respect of an application for a proposed development at the above address.

Part two storey, part single storey side and rear extensions to existing HMO (resubmission of 14/00379/FUL)

Mr Singh (Applicant), Mr Spillett (local resident/objecting), Ms Wawman (East Bassett Residents Association/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that paragraph 2.2 should be amended as follows: “ ..... the ground floor will be reconfigured to provide 1 additional bedroom ....”.

**RESOLVED** to refuse planning permission for the reasons set out below.

#### Reasons for Refusal

The scale and massing of the proposed extension by reason of its height (to eaves and ridge level) and rearward depth of projection in close proximity to the common boundary of 18 Elmsleigh Gardens represents an unneighbourly form of development, resulting in an undue loss of outlook and visual dominance when viewed from the neighbour’s most useable and private area of their garden. As such the proposal will have an unacceptable impact on residential amenity and therefore contrary to saved policies SDP1(i) of the City of Southampton Local Plan Review (adopted March 2006) as supported by the guidance set out in paragraph 2.2.1 to 2.2.2 of the Council’s Residential Design Guide Supplementary Planning Document (approved September 2006).

RECORDED VOTE to refuse planning permission

FOR: Councillors Claisse, Harris and Mintoff

AGAINST: Councillors Lewzey and Lloyd

19. **3 RIDGEMOUNT ROAD SO16 7FG 14/01110/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval in respect of an application for a proposed development at the above address.

Erection of single storey and two storey extensions.

Mr Bartlett (local resident/objecting) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to refuse planning permission for the reasons set out below.

#### Reasons for Refusal

The additional scale, height and massing, taking into account the change in levels, would result in an unduly dominant and overbearing property when viewed from neighbouring properties to the west, to the detriment of the amenity currently enjoyed by residents of those properties. The proposal would therefore be contrary to Policies SDP1 (i) and SDP7 (iii) & (iv) of the City of Southampton Local Plan Review.

#### Note to Applicant

The applicant be advised of a suggestion to extend to the east rather than the west side of the property.



20. **59 LILAC ROAD SO16 3DA 14/00677/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval in respect of an application for a proposed development at the above address.

Erection of a two storey side and part two storey/part single storey rear extension to facilitate conversion of 5-bedroom HMO to 1 x 3-bedroom flat (Class C3/C4) and 1 x 3-bedroom flat (Class C3) with associated cycle and refuse storage (description amended).

Mr Lawrence (Agent) and Ms Wawman (East Bassett Residents Association/objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to refuse planning permission for the reasons set out below.

**Reasons for Refusal**

The proposed mix of C3 and C4 uses within the same development and the level of intensification of occupation of the plot would have a detrimental impact on the amenity of future and adjoining occupiers and the character of the area. The proposal would therefore be contrary to Policies SDP1 (i) of the City of Southampton Local Plan Review.

RECORDED VOTE to refuse planning permission

FOR:	Councillors Claisse, Lewzey and Harris
AGAINST:	Councillor Lloyd
ABSTAINED:	Councillor Mintoff

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# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 15 October 2014 - 6pm

Council Chamber, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	JH/AA	Conditionally Approve	5	14/01282/FUL: 44 Sir Georges Road SO15 3AT

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers:  
PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent

AA – Andy Amery

JH – Joanne Hall

## **Southampton City Council - Planning and Rights of Way Panel**

### **Report of Executive Director of Environment**

#### **Local Government (Access to Information) Act 1985**

#### **Index of Documents referred to in the preparation of reports on Planning**

##### **Applications:**

##### **Background Papers**

1. **Documents specifically related to the application**
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. **Statutory Plans**
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
  - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)
  
3. **Statutory Plans in Preparation**
  - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)
  
4. **Policies and Briefs published and adopted by Southampton City Council**
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Developer Contributions SPD (September 2013)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)

- (l) Economic Development Strategy (1996)
- (m) Test Lane (1984)
- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)\*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)\*
- (tt) Old Woolston Development Control Brief (1974)\*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

\* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

#### 5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook

- (c) Southampton C.C. - Cycling Plan (June 2000)
  - (d) Southampton C.C. - Access for All (March 1995)
  - (e) Institute of Highways and Transportation - Transport in the Urban Environment
  - (f) I.H.T. - Traffic Impact Assessment Guidelines
  - (g) Freight Transport Association - Design for deliveries
  - (h) DETR Traffic Advisory Leaflets (various)
6. Planning related Government Circulars in most common use
- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
  - (b) Planning controls for hazardous substances 04/00
  - (c) Environmental Impact Assessment 2/99
  - (d) Planning Controls over Demolition 10/95
  - (e) Planning and Affordable Housing 6/98
  - (f) Prevention of Dereliction through the Planning System 2/98
  - (g) Air Quality and Land Use Planning 10/97
  - (h) Town and Country Planning General Regulations 19/92
7. Government Policy Planning Advice
- (a) National Planning Policy Framework (27.3.2012)
  - (b) National Planning Policy Guidance Suite
8. Other Published Documents
- (a) Planning for Daylight and Sunlight - DOE
  - (b) Coast and Countryside Conservation Policy - HCC
  - (c) The influence of trees on house foundations in clay soils - BREDK
  - (d) Survey and Analysis - Landscape and Development HCC
  - (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
  - (f) Shopping Policies in South Hampshire - HCC
  - (g) Buildings at Risk Register SCC (1998)
  - (h) Southampton City Safety Audit (1998)
  - (i) Urban Capacity Study 2005 – 2011 (March 2006)
  - (j) Strategic Housing Land Availability Assessment (March 2013)
9. Other Statutes
- a) Crime and Disorder Act 1998
  - b) Human Rights Act 1998

# Agenda Item 5

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel – 15 October 2014  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 44 Sir Georges Road SO15 3AT			
<b>Proposed development:</b> Change Of Use From Dwelling House (C3) And Extension Approved Under Application 14/00933/Ful, To House Of Multiple Occupation (C4)			
<b>Application number</b>	14/01282/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Joanne Hall	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	09/10/2014	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by all Ward Members (Cllrs Shields, Moulton and Parnell) and five or more letters of objection have been received.	<b>Ward Councillors</b>	Cllr Brian Parnell Cllr David Shields Cllr Jeremy Moulton

<b>Applicant:</b> Mrs Annette Lavinia	<b>Agent:</b> Architecture & Planning
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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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. 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, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	3	HMO 40m radius survey area
2	Relevant History		

## **Recommendation in Full**

### **Conditionally approve**

#### **1.0 The site and its context**

- 1.1 The application site consists of a semi-detached, two storey dwellinghouse within the Freemantle Ward of Southampton. The site has extant permission for a part two storey, part single storey rear extension (see appendix 2).
- 1.2 The character of the area is mixed in this location. There is a variety of housing types and styles with mostly two storey semi-detached or terraced dwellings as well as flatted blocks. There is also a commercial/light industrial site next door to the application site. The site is in close proximity of Shirley Road which has facilities for day to day living. Sir Georges Road is approximately 600m (as the crow flies) from both the City Centre and Shirley Town Centre.

#### **2.0 Proposal**

- 2.1 The application seeks to change the use from a C3 family house to a C4 house in multiple occupation. In practice, this means applying for a flexible use between C3 and C4 in order to allow for the property to be let to both sharers and single households for a period of 10 years. On the 10 year date from determination, the permanent use would become that which it is used as on that date.
- 2.2 It is proposed that the site will accommodate up to 5 residents although a C4 HMO can include up to 6 residents. The proposed arrangement includes 5 bedrooms with shared kitchen, lounge and bathroom.

#### **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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4.0 Relevant Planning History**

- 4.1 See appendix 2



## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (19/08/2014). At the time of writing the report **13** representations have been received from surrounding residents and the ward councillors. The following is a summary of the points raised:

### **5.1.1 Consultation Responses**

#### Noise and disturbance

Response: Whilst it is acknowledge that there is a higher chance of noise disturbance due to increased comings and goings associated with HMO's, very few are subject to noise notices due to harmful disturbance. However, the environmental health department can deal with harmful noise nuisance should this arise.

#### Traffic parking and road safety

Response: The Highways team have indicated there would be little impact on the highway as permits are restricted to 1 per person to a maximum of 2 per official postal address.

#### Character area

Response: The HMO SPD seeks to maintain a balance of different types of housing so that the character of an area is not adversely affected.

#### Loss of family home

Response: There is no net loss of a family unit as defines by policy CS16 (at least 3 bedrooms with direct access to private amenity space). The property will physically remain a family unit and can be used as such due to a flexible C3/C4 use.

#### Refuse issues

Response: Bin storage will need to be provided on site to comply with the council's standards and a condition can be applied to ensure that bins are not left on the public highway.

#### Increased population density

Response: There site is a high accessibility area, close to amenities and public transport, an area where high densities is deemed acceptable. However, there is not increase in dwellings and no limit to how many people can live together as one household under C3 use. C4 is limited to 6 people. More than six residents would constitute a Sui Generis large HMO and therefore require consent.

#### Over development

Response: There are no physical works that can be deemed overdevelopment. Over intensification is mentioned above.

### Over provision

Response: There is currently only one known HMO in the 40m radius area set out in the HMO SPD, giving a percentage figure of 3%

### Separate applications

Response: The applicant is entitled to submit separate applications for the physical works and the change of use. Neighbours were consulted on each application.

### Room sizes/ Standard of living

Response: The Local Planning Authority does not have policies on minimum room size standards. However, the HMO licensing team do set out such standards and have not objected to the application. The amenity space provided is in-line with LPA standards.

### Increase in bins

Response: A bin storage unit is provide to the front of the property to help protect the visual amenity of the street.

- 5.2 **SCC Highways** - The site is situated near a district centre and close to the city centre with public transport and facilities within walking distance. Sir George's Road is in a zone 8 residents parking permit zone and the proposed change of use will make no difference in the number of parking permits that the site is eligible for. For this reason, there will be limited impact on the highway. I recommend approval subject to the following conditions:  
Details of cycle storage facilities to be submitted and agreed upon in writing by the local planning authority. Cycle stores must be enclosed, secure and lockable with every bedroom/bedsit having one cycle parking space each.
- 5.3 **SCC Private Sector Housing** – No objection to the application providing the applicant ensures that they have complied with the HMO requirements of the HMO amenity standards and fire precautions.
- 5.4 **Cllr Brian Parnell** – Objection and request to be referred to Planning and Rights of Way Panel
- 5.5 **Cllr David Shields** - Objection on the basis of overdevelopment, the negative impact that this may have on the character of the area, potential for traffic congestion resulting from increased parking associated with an increased density.
- 5.6 **Cllr Jeremy Moulton** - Objection and request to be referred to Planning and Rights of Way Panel
- 6.0 Planning Consideration Key Issues**
- 6.1 The key issues for consideration in the determination of this planning application are: the principle of the development; the character of the area; the residential amenity of future occupiers; impact on nearby residents and; parking and highway safety.

## 6.2 Principle of Development

- 6.2.1 The principle of an HMO use on this site needs to be assessed against the Council's adopted HMO SPD to determine whether the area already has a concentration of such properties. In addition, the impact of an HMO on the character and amenity of the area and its nearby residents needs to be assessed. These issues are discussed in detail below.

## 6.3 Character of the area

- 6.3.1 The character of the area is mixed with a variety of housing types and styles and also a commercial/industrial site next door to the application site. The site is in close proximity of both the City Centre and Shirley Town Centre. It is the aim of the HMO SPD to achieve a mix of households with the city in order to meet different housing needs whilst protecting the interests of other residents, business owners and landlords. There is a demand for HMO housing in the city, mostly by young single people both students and professionals, those on low incomes and other groups such as migrants. Whilst there is also a demand for family housing, the SPD aims to create a sustainable balance and mix of households and provide accommodation for all types of residents within Southampton.
- 6.3.2 The application would not result in the net loss of a family house in this case as the property would still be capable of being used as such by means of a flexible C4/C3 permission and therefore available to sharers and families as the market dictates. CS16 defines a family unit as having at least 3 bedrooms with direct access to private useable amenity space for the sole use for the unit.
- 6.3.3 In order to avoid a high level of concentration with a particular area and to encourage an even distribution across the city, the HMO SPD applies a threshold within a certain area (40m radius from front door of the property) to strict the amount of HMOs in that area to 20% in the Freemantle Ward. This helps to provide accommodation for people requiring shared accommodation whilst limiting the negative impacts of HMO concentration on the character of the area and the local community in terms of noise disturbance, waste management and parking and other issues.
- 6.3.4 Having conducted a survey of the area, it appears that there is one existing HMO within the 40m radius survey area. This is based on indicative information available from council tax and environmental health records as well as the electoral role and planning history. The council does not have a definitive list of existing HMOs. The current percentage of HMOS in the area is 3% and the inclusion of a second as a result of the application would increase this to 7% (see appendix 3). Therefore, the application is below the threshold limit of 20% for the area.
- 6.3.5 Previous appeal decisions have addressed concerns relating to the HMO properties harming the character of the area where the area is mostly owner occupied single dwellings. However, these have related to leafy, open and quiet residential areas. This area, close to the City Centre and a Town Centre and with a variety of nearby uses, is materially different from the areas previously protected by inspectors.

- 6.3.6 It is proposed that the bins for the property will be stored in a timber built bin store to the front of the property. This will disguise the bins from public view and create a space for bins to be returned after collection day. It is not judged necessary to store bins to the rear of the site as this is not practical for occupiers which appears to be the same situation for other residents in the street who store their bins in the front garden.
- 6.3.7 In accordance with the HMO SPD and Local Plan policy H4, the tipping point of the amount of HMOs in an area which would lead to a harmful impact on the character of the area has not been exceeded. It is therefore judged that this area is capable of accommodating an HMO, providing much needed housing to the city, helping to spread the concentration more evenly whilst limiting the impact on the character of the area.
- 6.4 Residential amenity of occupiers
- 6.4.1 The Private Sector Housing team have indicated that they have no objection to the application providing the applicant ensures that they have complied with the HMO requirements of the HMO amenity standards and fire precautions. If this is complied with, it is judged that there would be no harm to any future occupiers.
- 6.5 Residential amenity of neighbouring properties
- 6.5.1 There are physical works on-going on site to extend the property, planning permission for which as granted in July 2014 under reference 14/00933/FUL (see appendix 2). Therefore the impact on neighbouring residential amenities such as light, outlook and privacy have already been assessed. No additional physical works are proposed.
- 6.5.2 However, there is the potential for increased comings and goings associated with multiple people living as single households. Whilst there may be an increase in activity at the premises as a result of the change of use, the area as a whole is unlikely to be adversely affected due to the low level of HMO's in the locality. Similarly, the low level of HMO's would limit the impact on any potential waste management issues of the area as whole. However, these matters can be raised with authorities with the relevant powers such as environmental health should issues occur.
- 6.6 Parking and highway safety
- 6.6.1 The area is close to public transport links and local amenities in Shirley Road and the City Centre. This, together with the parking restrictions on the road which is for permit holder only or a 2 hours day, will help to discourage car use by occupiers of the dwelling. Sir George's Road is in a zone 8 residents parking permit zone and the proposed change of use will make no difference in the number of parking permits that the site is eligible for (2 permits). In addition, 5 cycle storage places will be provided in the rear of garden to encourage alternative transportation methods.
- 6.6.2 A parking survey has been suggested to assess the availability of off-street parking within the area. However, this is not judged to be essential in determining

the application.

## **7.0 Summary**

7.1 Overall, it is judged that, based on the information available to the council at the time of writing, there is only one other HMO's within the survey area and therefore the creation of an addition HMO would not exceed the threshold of 20% in the area (7%). On this basis, the application complies with the HMO SPD and policy H4 helping to provide a site for an important housing need whilst limiting the impact on the area due the balance between different households. The living environment would be satisfactory for both neighbours and future occupiers of the property.

## **8.0 Conclusion**

8.1 The application is recommended for approval subject to conditions.

### **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d), 2. (b) (d), 4. (f) (vv) (ww), 6. (c), 7. (a)

**JOAHAL for 14/10/14 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works 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 - 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.

#### **03. 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. That dwelling shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. For the avoidance of doubt, if a C4 use is instituted and subsequently reverts to C3 use and is in that use on 22 July 2024, planning permission will be required to convert to Class C4 use thereafter.

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.

**04. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]**

The cycle storage indicated to the rear of the site on drawing no. 100A shall be installed and made available prior to the first occupation of the dwelling as a C4 House of Multiple Occupation.

Reason:

To encourage cycling as an alternative form of transport.

**05. APPROVAL CONDITION - Refuse storage [Pre-Occupation Condition]**

Before the first occupation of the site as a C4 house of multiple occupation, the bin storage unit indicated on approved plans ref 115A and 100A shall be erected for use by future residents. The facilities as approved shall thereafter be permanently maintained and retained for that purpose.

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.

# 14/01282/FUL



Scale: 1:1,250

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**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation SPD (Adopted - March 2012)  
Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



**Relevant Planning History**

14/00933/FUL - Erection of a part single-storey and part two-storey rear extension -  
Conditionally approved 29/07/2014



Scale: 1:1,250

