

**Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 24 July 2012
 Planning Application Report of the Planning and Development Manager**

Application address: 6 Denbigh Gardens SO16 7PH			
Proposed development: Change of use from a C3 dwelling to a house in multiple occupation (HMO, Class C4)			
Application number	12/00684/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	25.06.2012	Ward	Bassett
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider public interest.	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides

Applicant: Mrs Devinder Sidhu	Agent: none
--------------------------------------	--------------------

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The introduction of a HMO in this part of Denbigh Gardens will not have a detrimental impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS4, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (March 2012) and the relevant sections of the Residential Design Guide Supplementary Planning Document (September 2006).

Appendix attached			
1	Development Plan Policies	2	Survey of HMOs

Recommendation in Full

Conditionally approve

1. Introduction

- 1.1 This application was previously reported to and deferred by the Panel at the meeting on 26th June 2012. Further clarification was sought regarding the current authorised uses of two properties within the 40m assessment area in order for the Panel to make a decision based on full information. The application has therefore been referred back to this Panel with the additional information relating to the nature of occupancy of 3 and 8 Denbigh Gardens.
- 1.2 The applicant has provided a written statement from the residents of 3 and 8 Denbigh Gardens. Whilst previously occupied as a HMO, 3 Denbigh Gardens is now occupied by a family with children and therefore is a single family dwelling (C3 use). 8 Denbigh Gardens is lived in, and has been occupied for more than 10 years, by a parent and their four children (two of whom have different surnames to the parent, explaining the occupancy by 5 people with 2 different surnames). It should also be noted that the council's recently adopted 'Houses in Multiple Occupation SPD' paragraph 3.5 states that, 'guidance in DCLG circular 08/2010, paragraph 14, states that 'properties containing the owner and up to two lodgers do not constitute a house in multiple occupation'.
- 1.3 On the basis of all the current information available at the time of making a recommendation, it is considered that the 10% threshold has not been breached and, therefore, the Officer's recommendation is unchanged.

2. The site and its context

- 2.1 The application is located in Denbigh Gardens accessed from Bassett Crescent East which is north of Burgess Road. This is an attractive residential street comprised of detached family houses in well landscaped gardens.
- 2.2 The application site contains a 2 storey detached dwelling (C3 use) with rooms in the roofspace. The property has 4 bedrooms and shared bathroom on the first floor and 1 bedroom in the roofspace. On the ground floor there is a sitting room, lounge/dinning room, and kitchen/breakfast room. The area of the rear private garden is 168 square metres.

3. Proposal

- 3.1 It is proposed to convert the existing C3 single family dwelling into a C4 small House in Multiple Occupation (HMO) dwelling with the provision for off street parking. There will be no external or internal changes to the building.

4.0 Relevant Planning Policy

- 4.1 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**.
- 4.2 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.

- 4.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 4.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Bassett which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 refers).

5.0 Relevant Planning History

- 5.1 The list below sets out the relevant planning history for the application site:
- 5.2 01/01659/FUL - Construction of two storey rear extension and single storey front extension - CAP 25.02.2002

6.0 Consultation Responses and Notification Representations

- 6.1 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 (09.05.2012). At the time of writing the report **11 representations** have been received from surrounding residents and 2 representations from local Ward Councillors. The representations raised have been summarised below:

6.2 Comment

Denbigh Gardens is characterised by family homes which should be protected under Core Strategy policy CS16.

Response

In principle, policy CS16 seeks to prevent the net loss of family homes. In this instance, the conversion of the family home to a HMO does not involve any subdivision of the property and, therefore, the property can be reused as a family home and the proposal does not result in the loss of a family home.

6.3 Comment

The Council should ensure that there is provision of good sized family homes for professional people (University lecturers, business managers, etc) to maintain a sustainable mixed community and support the city's economy.

Response

The 10% threshold limit for the Bassett ward set out in the HMO SPD takes into the need to maintain a sustainable mix and balance of households in the community by ensuring that there is not an overconcentration of HMOs within the area surrounding the application site.

6.4 Comment

Paragraph 50 of the NPPF states that local authorities should identify the size, tenure and range of housing that is required in particular locations, reflecting local demand. The property is in a location with the appropriate type of housing for occupation by the family of a staff member of Lloyds Register offices. The needs of transient occupation (such as student accommodation) should not be at the expense of the long term stable, sustainable, community. A HMO will be out of character with the character with the local area which consists of family homes and owner occupied properties.

Response

Policy CS4 and CS16 identifies the strategic sites for the supply and need of housing in the city over the next 15 years based on the Strategic Housing Land Availability Assessment (SHLAA) and Strategic Housing Market Assessment (SHMA). The HMO SPD has identified in terms of housing demand that there is a need for additional HMOs in the city (section 5.2 refers). Although the Council are unable to precisely identify the demand, HMOs provide accommodation for a wide range of groups including young professionals, students, migrants, and young people on low incomes, often on a transient basis. As such they fulfil a very important role in meeting housing need in the city. The application retains the property for future use as a family home in accordance with policy CS16. The 10% threshold set for the Bassett ward in the HMO SPD is to ensure that the sustainability, mix and balance of the community are maintained.

6.4 Comment

The intention of the Article 4 direction is to prevent further concentrations of HMOs like those existing in central and northern wards of the city.

Response

The HMO SPD has set a limit of threshold limit of 10% for the concentration of HMOs in the Bassett Ward. An application for a new HMO is likely to be refused where the threshold limit has been exceeded in the area surrounding the application site.

6.5 Comment

The 10% limit for HMOs in East Bassett is likely to be already reached as there are high concentration of HMOs in the highest housing density including Burgess Road, The Flower Roads, parts of Copperfield Road and The Parkway, spreading into Glen Eyre Road, Elmsleigh Gardens and westwards into Oaklands Way.

Response

The guidance in the HMO SPD requires the assessment of the existing and proposed concentration of HMOs for each application at local level surrounding the application site. The threshold limit will ensure that there is a mixed and balanced community is maintained.

6.6 Comment

The NPPF aims to empower local people to produce their own neighbourhood plans to reflect the needs and priorities of their communities. Within the Bassett Ward, a group of residents associations see the preservation and provision of housing for a sustainable and stable community as an urgent priority.

Response

There is currently no Neighbourhood Plan adopted within the Bassett ward and, therefore, this does not form a material policy consideration.

6.7 Comment

The conversion of the property to HMO will likely result in a permanent loss of family home as multiple landlords are likely to buy it and continue renting as a HMO. As a result more landlords will invest in properties in the local area, and this will deter families living in the area due to the gradual loss of good -sized professional family homes.

Response

The 10% threshold set in the HMO SPD will put a limit on the concentration of future HMOs in the rest of Denbigh Gardens and where the 40m radius intersects properties on adjacent streets. The HMO SPD identifies there is a need for additional HMO accommodation; however, the threshold limit balances the demand for new HMOs against the need to protect the character and amenity of the local community.

6.8 Comment

There are not enough bins provided. The bins are unable to be stored to the rear so they will look unsightly stored at the front of the property.

Response

The standards set out in the Residential Design Guide (paragraph 9.2.2 refers) states that 2x240 litre wheeled bins (one with green lid, one with blue lid) are required for households with less than 6 residents. It is therefore considered that the same number of bins provided for a family would be sufficient for the needs of a small HMO. It is considered that the storage of the bins in their current location at the front and side of the property will not be harmful to the visual amenities of the local area.

6.9 Comment

HMOs adversely impact on the quality of life of permanent residents. The property is built as a family home and not as a HMO. The pattern of young persons lifestyle living in a HMO, in terms of early morning and late night activity, additional vehicle movement, and additional refuse does not fit within the normal family timetable of the local area and leads to disturbance of local residents.

Response

The impact from the day to day comings and goings from the occupiers of a small HMO (between 3 and 6 people) when taking into account the enforcement of the 10% threshold is considered not to be significantly different to a family group and, therefore, will not have an adverse impact on the amenity of local residents. The Council has statutory powers under Environmental Health legislation to monitor and enforce against local nuisance and litter. The Private Sector Housing team have raised no objection to standard of living conditions for the future HMO residents.

6.10 Comment

Estate agents are not informing the Council about properties being converted to HMOs without planning permission following the Article 4 direction coming into affect on 23rd March.

Response

The Council's planning enforcement team will investigate concerns raised by the members of public with regards to unauthorised use of a property.

6.11 Comment

The property does not have a sufficient number of off-street parking spaces leading to increased pressure on on-street parking, increased traffic congestion, and restriction of driver's sightlines. Pedestrians will be forced to walk on the road at risk of injury due to the narrow width of the footpath along Denbigh Gardens and additional on-street parking caused by an increase in HMOs.

Response

The Highway Officer has raised no objection to the proposal on grounds of parking levels or highway safety.

6.12 Comment

Consideration should be had for a fall in revenue of Council tax due to student exemptions for HMOs and their increasing demand on SCC services. This is compounded by cuts to local government funding.

Response

Council tax rules are set by national legislation and therefore out of the control of the planning system, however the presence of a highly regarded University within Southampton has significant economic and commercial benefits for the city.

6.13 Comment

Will devalue property.

Response

This is not a material planning consideration.

6.14 Comment

The property at 15 Denbigh Gardens is already being used as a HMO.

Response

The property at 15 Denbigh Gardens falls outside the 40 metre radius and, therefore, is not counted against the threshold as set out in the HMO SPD.

6.15 **SCC Highways** - No objection raised.

6.16 **SCC Private Sector Housing** – No objection raised.

7.0 Planning Consideration Key Issues

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on residential amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

7.2 Principle of Development

- 7.2.1 In principle the conversion of the dwelling into a small HMO is acceptable, providing that the threshold for the maximum number of HMOs in the street does not exceed 10% (Bassett ward) of the total number of residential properties within a 40m radius of the property (measured from the midpoint of the front door). Notwithstanding the threshold other considerations will apply such as intensification of use, parking and access issues, residential amenity, etc.
- 7.2.2 Policy CS16 seeks to provide a mix of housing types and more sustainable and balanced communities through no net loss of family homes. The application does not result in the loss of a family home as the property will not be subdivided and, therefore, can be used as family home in the future.

7.3 Impact on the character and amenity of the surrounding area

- 7.3.1 The area surrounding the application site in Denbigh Gardens, Bassett Close, and Bassett Crescent East is characterised by mainly family homes and owner occupied properties.
- 7.3.2 The property is established as a C3 dwelling and, therefore, must be assessed against the maximum threshold limit set by the HMO SPD which is 10% in Bassett ward. The threshold determines whether the concentration of existing and proposed HMOs will detrimentally affect the balance and mix of households surrounding the application site whilst ensuring that the citywide demand for HMOs is met.
- 7.3.3 Following the guidelines of the HMO SPD, the location of existing HMOs has been surveyed within a 40m radius of the application site (**see Appendix 2**). The Council does not have an up to date database of the location of HMOs in the city, though the location of HMOs was gathered using the best information available to the Council using the Electoral Register (1st December 2011), Council Tax records (1st May 2012), and verification by the case officer on site. The survey shows that there are currently no HMOs within the 40m radius. The concentration of HMOs including the proposed HMO will be 6%, 1 HMO out of 17 residential properties with 16 family dwellings remaining. Local residents have stated that 15 Denbigh Gardens is an existing HMO, however, this property is not within the radius and, therefore, not counted towards the threshold level.
- 7.3.4 The concentration of the existing and proposed HMOs does not exceed the maximum threshold of 10% surrounding the application site. The intensity and nature of use of the dwelling associated with a small HMO will not be significantly different to a family group. The introduction of a small HMO within the surrounding 16 family dwellings will not result in a significant change to the character of the local area in terms of the mix and balance of households.
- 7.3.5 It is considered that the proposed HMO will not have a detrimental impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community.

7.4 Impact on residential amenity of neighbouring occupiers

7.4.1 It is considered that there will be no adverse impact on the residential amenity of local residents following the conversion of the family dwelling to small HMO in terms of the intensity and nature of comings and goings and the level amount of refuse associated with the future residents.

7.5 Impact on highway safety

7.5.1 The Highway Officer has raised no objection to the impact on highway safety, subject to agreeing secure cycle storage (1 space per bedroom) prior to occupation.

7.5.2 The proposed development does not increase the number of bedrooms or floor space therefore the increase in trips will be fairly limited. The on-street parking in this area is restricted with parking permits and that this property should be only eligible for a maximum of 2 parking spaces – which is the same as the existing site. So in terms of maximum impact on the local on-street parking, it remains the same. Therefore, it is considered that the proposal will have an acceptable impact on highway safety.

7.6 Standard of living conditions for future residents

7.6.1 The Private Housing team are satisfied with the standard of accommodation for future residents, which will meet the SCC Amenity Standards for HMOs in relation to kitchen and bathroom facilities for 6 persons. The applicant will be informed that it is likely that the property will require works in relation to fire precautions such as a fire alarm system, emergency lighting and fire doors, as well the requirement for a mandatory HMO licence if occupied by 5 or more persons. Therefore, it is considered that the standard of living conditions will be acceptable for future occupiers.

8.0 Summary

8.1 In summary, the proposed HMO does not exceed the threshold limit of 10% surrounding the application site in accordance with the HMO SPD. The introduction of a HMO in this part of Denbigh Gardens will have an acceptable impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city.

9.0 Conclusion

9.1 In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d),4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

SB for 24/07/2012 PROW Panel

PLANNING CONDITIONS

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 - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until details for a secure, covered space has been laid out within the 5 bicycles to be stored and for cycle stands to be made available for the occupiers have been submitted and agreed in writing with the Local Planning Authority and thereafter implemented in accordance with the agreed details. The cycle store and cycle stand hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

03. 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4 Housing Delivery
CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Houses in Multiple Occupation (Approved – March 2012)

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Survey of HMOs surrounding the application site

Street	Property	Site visit (1/6/12)	Council Tax	Electoral register	Planning history	Flats
Denbigh Gardens	8		C3	C3 - 3 related, 2 unrelated	03/00594/FUL - n/a	
	10		C3	C3 - 2 unrelated		
	12		C3	C3 - 2 related	10/00465/FUL - n/a	
	4		C3	C3 - 2 related		
	2		C3	C3 - 2 related	06/01271/FUL - n/a	
	1		C3	C3 - 3 related		
	3	C3 - Rented to family	C3	HMO - 3 unrelated		
	5		C3	C3 - 2 related	10/01418/FUL - n/a	
	7		C3	C3 - 3 related		
	9		C3	C3 - 2 related	882247/W - n/a	
	11		C3	C3 - 1 person	1546/M6 - n/a	
Bassett Crescent East	5		C3	C3 - 2 related	02/00329/FUL - n/a	
	7		C3	C3 - 1 person		
	9		C3	C3 - 2 related		
Bassett Close	15		C3	C3 - 2 related	1107/04 - n/a	
	14		C3	C3 - 3 related		

Total Residential properties for threshold level

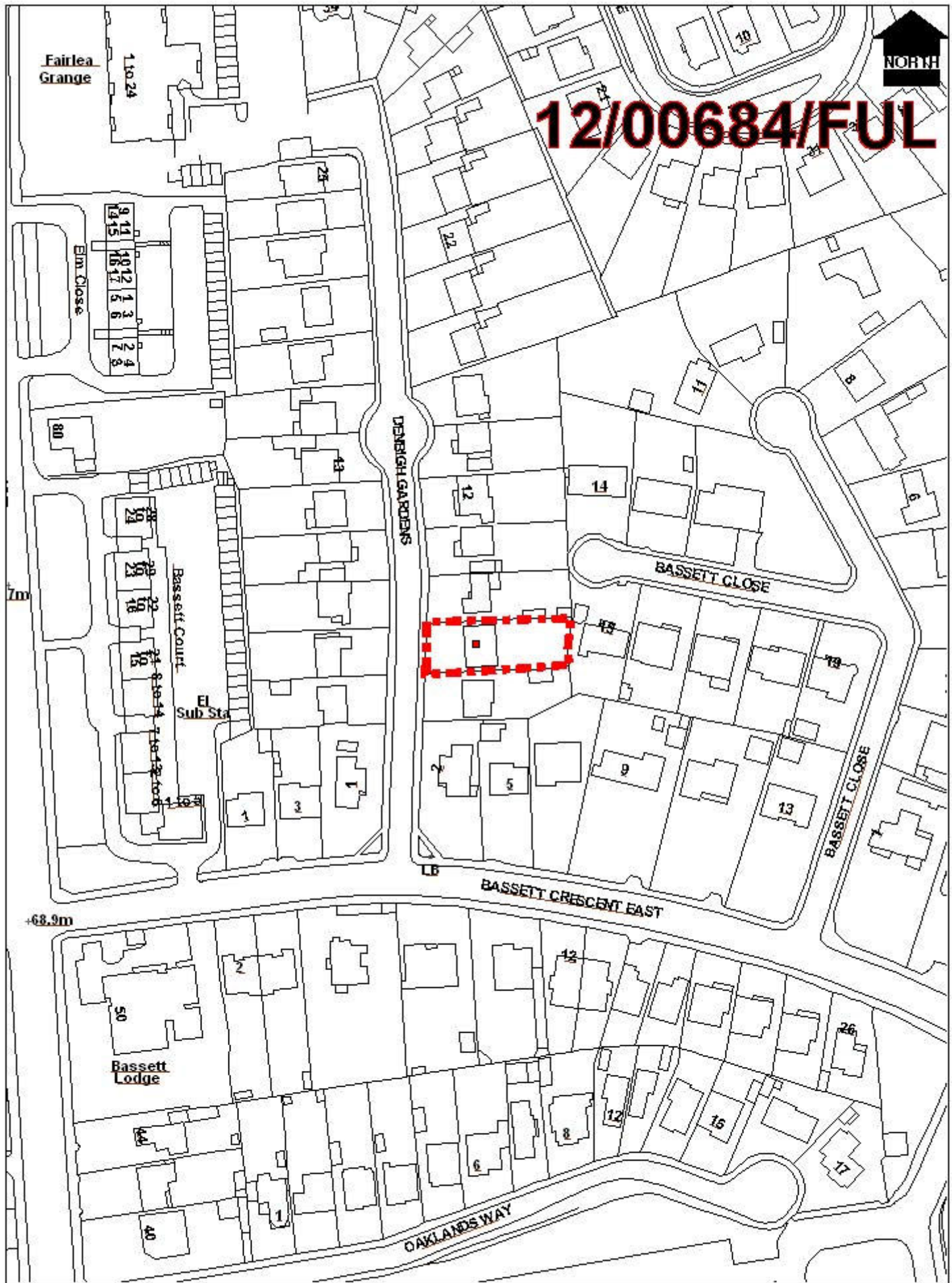
No properties discounted.

Street	Residential properties	Proposed and Existing Use	Number of properties
Denbigh Gardens	8	C3	1
	10	C3	2
	12	C3	3
	4	C3	4
	2	C3	5
	1	C3	6
	3	C3	7
	6	HMO	8
	5	C3	9
	7	C3	10
	9	C3	11
	11	C3	12
Bassett Crescent East	5	C3	13
	7	C3	14
	9	C3	15
Bassett Close	15	C3	16
	14	C3	17

HMO concentration = $1/17 = 6\%$



12/00684/FUL



Scale : 1:1250

Date : 12 July 2012

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

