

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

Application address: 2A University Road SO17 1TJ			
Proposed development: Internal Changes To Facilitate Change Of Use From C4 (House In Multiple Occupation) To 7 Bedroom, Sui Generis HMO (Resubmission 11/00346/FUL)			
Application number	12/01092/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	11.09.2012	Ward	Portswood
Reason for Panel Referral:	Referred by the Planning and Development Manager due to wider public interest	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Mr David Kimber	Agent: n/a
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Recommendation Summary	Conditionally approve
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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. It is considered that the occupancy of the property by one additional person will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. Furthermore, the previous concerns regarding highway safety have been addressed. 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 CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Appeal decision 1 Blenheim Gardens	4	Appeal decision 67 Arthur Road

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application is located on east side of University Road in the Ward of Portswood. This is mainly a residential street comprised of detached and semi detached dwellings with a mix of styles.
- 1.2 The application site contains a detached bungalow (C3 use) with habitable rooms in the roofspace. The property has 7 bedrooms (3 bedrooms on the ground floor and 4 in the roof space) and shared wash and toilet facilities on both floors. On the ground floor there is a lounge and kitchen. The area of the rear private garden is approximately 250 square metres.

2. Proposal

- 2.1 It is proposed to change the use of the property from a C4 to a Sui Generis HMO for up to 7 persons. This is a resubmission of the refused application 12/00346/FUL. The only reason for refusal imposed on the earlier application related specifically to insufficient information provided with the application to demonstrate that the off street parking layout would not have an adverse impact on highway safety. The revised application has provided a revised parking layout and which has been worked up following consultation with the Development Management Highway team.

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 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.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, 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 Portswood. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23rd March 2012, the threshold does not apply in this case. There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).

4.0 Relevant Planning History

4.1 The relevant planning history for the application site is set out in **Appendix 2**. In summary, an application was approved December 2010 to extend the property. An application to further extend the property and convert the property into a 7 person HMO was refused in March 2011. Without the need for planning permission the property was thereafter occupied as a C4 HMO with 6 occupiers from July 2011. The most recently refused application 12/00346/FUL to convert the property to a 7 bed HMO was refused only on the grounds of insufficient information provided to demonstrate that the off street parking layout would not have an adverse impact on highway safety.

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 (09.08.2012). At the time of writing the report **4** representations (3 letters of objection and 1 support) have been received from surrounding residents and 1 representation from a local Ward Councillor. The representations raised have been summarised below.

5.2 Comment

The mix of households in the local area has been imbalanced by the number of HMOs. There is an overconcentration of HMOs.

Response

As the property was already established as a small HMO before 23rd March 2012 the 10% threshold in the HMO SPD does not apply. There will be no increase in the concentration of HMOs (section 6.7 refers) within the assessment area. The intensification of occupation associated with one additional person living at the property will not significantly change the character of the local area.

5.3 Comment

The number of occupiers will result in noise disturbance to local residents.

Response

The impact from the day to day comings and goings from an additional occupier is considered not to be significantly different to existing small HMO 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.

5.4 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. There will be highway safety problems with vehicles reversing onto University Road on a dangerous steep corner.

Response

The applicant has provided a revised parking layout which avoids tandem parking and provides sufficient space for on site turning so vehicles can enter and leave in a forward gear. The Highway Officer has raised no objection to the

proposal on grounds of parking levels or highway safety.

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

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

6.0 Planning Consideration Key Issues

6.1 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 highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 The property has been occupied as a C4 HMO under permitted development rights prior to 23rd March 2012. The applicant has provided a 12 month signed tenancy agreement for 6 tenants from 1st July 2011 to 30th June 2012.

6.2.2 The 10% threshold applicable to this site which falls within the Portswood Ward does not apply as the HMO is already established as a small HMO on 23rd March 2012 and, therefore, the 10% threshold in the HMO SPD does not apply in this case as there will be no increase in the concentration of HMOs (section 6.7 refers).

6.2.3 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 homes as the property will not be subdivided and, therefore, can be used as family home in the future.

6.3 Impact on the character and amenity of the surrounding area

6.3.1 The area surrounding the application site in University Road is characterised by a mix of households including rented and owner occupied properties. The property itself is detached house with a garden area in excess of 20m long.

6.3.2 No survey of existing HMOs in the surrounding area has been carried as the threshold limit does not apply. Even though the threshold does not apply other material considerations still apply in relation to the impact on character and amenity of the local area from the intensification of use to a property shared by 6 to 7 individuals.

6.3.3 It is noted that the occupants are likely to be students, however, a HMO can be occupied by different groups other than students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area, and this will be enforced under Environmental Health powers.

6.3.4 An application was refused in 2011, changing from a C3 family dwelling to a large HMO for 7 persons by reason of increased parking demands, additional

general activity/noise/disturbance, to the detriment of the character of the area and the amenity of nearby residents. However, since that time the property has been occupied as small HMO with 6 persons in occupation without the need for planning permission. The additional bedroom to increase the occupancy to 7 people already exists within the footprint of the existing building. The issue of amenity therefore rests on the impact one additional person living in the property will have on the character of the surrounding area and the amenities of nearby residents. Regard has been had of two recent appeal decisions which are set out in the appendices to this report.

- 6.3.5 It is noted that an enforcement notice was upheld at 1 Blenheim Gardens by an Inspector at appeal (ref no. 2156569) (see **Appendix 3**) in January 2012 to revert an unauthorised 8 bedroom HMO into a C4 or C3 use (prior to the HMO Article 4 direction coming into effect). The Inspector considered the disturbance associated with 2 additional people would be perceptible enough to be materially harmful to the living conditions of neighbours. However, there are material differences between this site and 1 Blenheim Gardens. 2a University Road is a detached house whereas 1 Blenheim Gardens is a semi-detached house. There therefore is a greater degree of separation between the neighbouring properties and one less person seeking to be occupied.
- 6.3.6 An Inspector allowed an appeal (ref no. 2143903) at 67 Arthur Road (Freemantle ward) in 2011 (see **Appendix 4**) for a change of use from a single dwelling house to HMO up to 9 persons. At the time, the property was able to convert from a family dwelling to a HMO for up to 6 persons under permitted development rights. It was considered by the Inspector that the intensification of the use from 6 to 9 individuals would not have a materially detrimental effect on the living conditions of surrounding residents in terms of noise disturbance from comings and goings of occupiers (paragraph 9 of the decision notice refers) and no harm to the character of the area.
- 6.3.7 These appeal decisions are material considerations, and can be helpful in coming to a judgement as to the likely impact caused by more an intensive occupation of a property and the activity attributable to an additional person. It is not considered in this case that it would have a harmful impact on residential amenity or the character of the area. A condition can be applied to restrict the occupancy to 7 persons to avoid people co-inhabiting in the same bedroom.
- 6.3.8 As such, and on balance, it is considered that the proposed HMO will not have a detrimental impact on the mix and balance of households in the local community and the residential amenity of local residents.

6.5 Impact on highway safety

- 6.5.1 The only reason for refusal on the previous application related to insufficient information to demonstrate that the off street parking layout would not have an adverse impact on highway safety. The applicant has now provided a revised parking layout which avoids tandem parking and provides sufficient on site turning. The Highway Officer has raised no objection to the proposal on grounds of parking levels or highway safety. This is subject to agreeing further details by condition for an enclosure or landscape treatment in the driveway adjacent to the front door to prevent tandem parking.

6.6 Standard of living conditions for future residents

6.6.1 The Private Housing team are satisfied with the standard of accommodation for future residents, subject that the kitchen amenities provided are in line with SCC guidance on HMO standards. An informative has been applied to advise the applicant accordingly. The property has a rear amenity space well in excess of the minimum standards to be provided and can house cycle and refuse storage within the curtilage. Therefore, it is considered that the standard of living conditions will be acceptable for future occupiers.

7.0 Summary

7.1 In summary, it is considered that the previous highways related reason for refusal has been addressed and that an additional person will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents.

8.0 Conclusion

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 16/10/12 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 - Parking [Pre-occupation Condition]

Prior to the first occupation of the use hereby approved, details of landscape treatment or enclosure shall be submitted and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details and thereafter retained for the duration of the use.

Reason:

To provide safe access to the development and to prevent congestion on the highway by installing a barrier to prevent tandem parking on the driveway adjacent to the garage.

**03. APPROVAL CONDITION - Residential - Permitted Development Restriction
[Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

04. APPROVAL CONDITION - Storage of refuse

The storage of refuse bins shall be implemented in accordance with the approved plans and thereafter retained for the duration of the use hereby approved. The bins shall only be left on the frontage on collection days and at no other times.

REASON

In the interests of protecting visual amenity.

05. APPROVAL CONDITION - Approved Plans

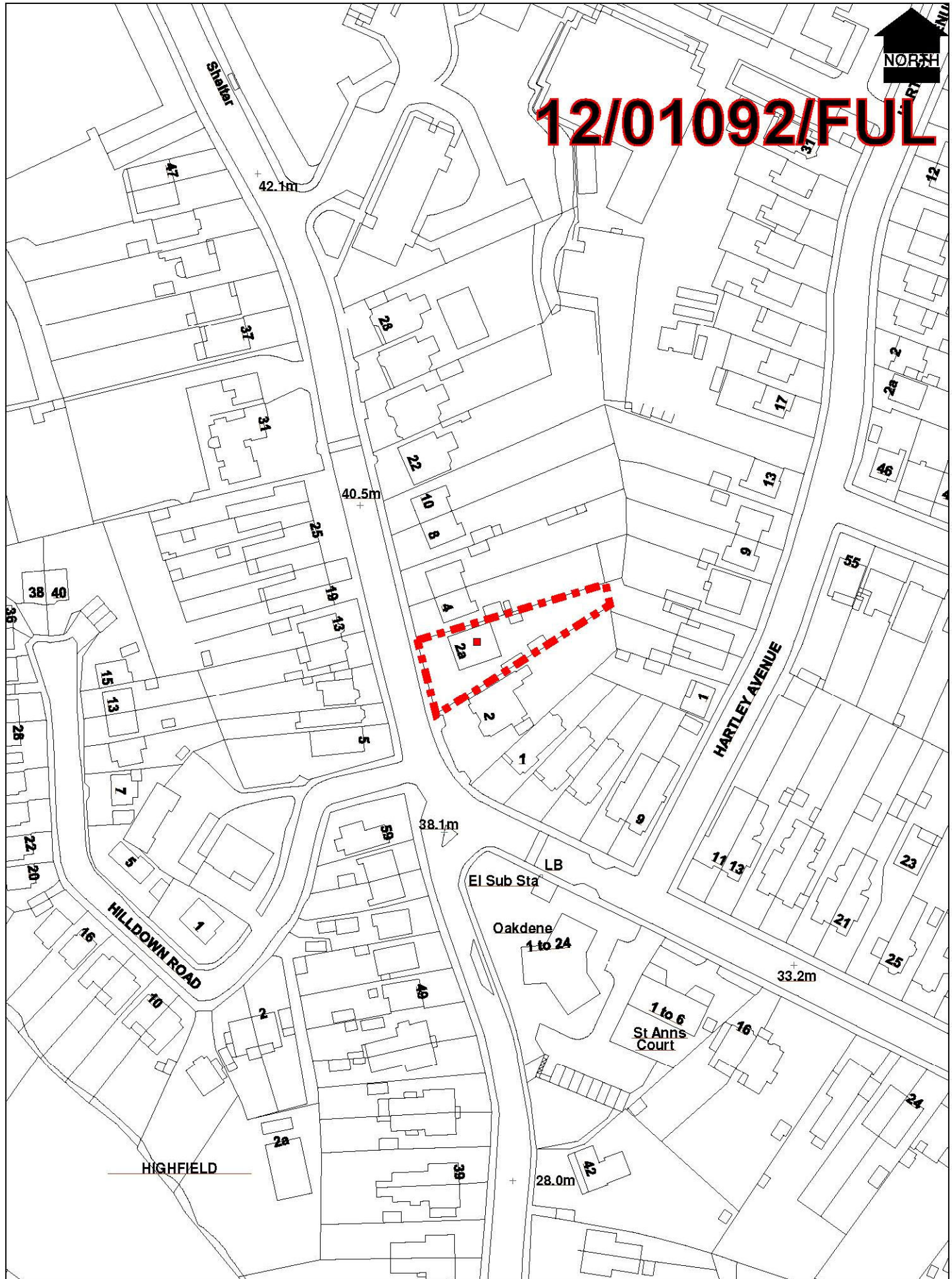
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.



12/01092/FUL



Scale : 1:1250

Date :03 October 2012

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