

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 20 August 2013
Planning Application Report of the Planning and Development Manager

Application address: 39 Bacon Close SO19 9PZ			
Proposed development: Change Of Use From House (Class C3) To A Flexible Use Of House (Class C3) And House In Multiple Occupation (Class C4)			
Application number	13/00651/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	26.06.2013	Ward	Woolston
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Carol Cunio Cllr Christopher Hammond Cllr Warwick Payne

Applicant: Ms C Westwood	Agent: Fusion Town Planning
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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. The proposed HMO does not exceed the threshold limit of 20% surrounding the application site in accordance with the HMO SPD and, therefore, the introduction of a HMO in this part of Bacon Close 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. 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) as supported by the Council's relevant planning guidance.

Appendix attached			
1	Development Plan Policies	2	Map of 40m radius
3	Parking Survey		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 This application site is located on the north east side of the cul de sac Bacon Close within the ward of Woolston, in a mainly residential street. There are no parking controls in Bacon Close or the immediate adjoining streets.
- 1.2 The application site consists of a 2 storey, 4 bedroom terraced family dwelling with 1 off street parking space, enclosed to the front by a tall brick wall with gates.

2.0 Proposal

- 2.1 It proposed to convert the 4 bedroom family home into a 4 bedroom small HMO (class C4), with the provision of cycle and refuse storage, and 1 off street parking space. There will be a communal living room and dining room/kitchen on the ground floor.

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 (NPPF) came into force on 27th 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.
- 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 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 20% for the total number of HMOs in the ward of Woolston which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 refers).

4.0 Relevant Planning History

- 4.1 There is no relevant planning history.

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 (23.05.13). At the time of writing the report **17** representations have been received from surrounding residents, including a local Ward Cllr. The concerns raised have been summarised below.

5.2 Comment

The property does not have a sufficient number of off-street parking. This will lead to increased pressure on on-street parking and increased traffic congestion.

Response

The Council's parking standards requires a maximum of 3 off street spaces. Although there is only 1 off street space available, the Highway Officer is satisfied that the parking survey undertaken by the applicant demonstrates that there is sufficient on street parking available for remaining 2 vehicles to meet the parking standards. See section 6.4 of the report.

5.3 Comment

There will be between 10 to 12 residents. The likely nature and independent lifestyle of the tenants will cause noise and anti-social behaviour. Transient tenants will have no interest in maintaining the property to the detriment of the character of the local area.

Response

There are only 4 bedrooms proposed and, therefore, likely to be 1 individual per bedroom with a total of 4 occupants. The maximum occupancy for a C4 Use is 6. The HMO planning guidance recognises this issue and has been introduced to control the growth of HMOs to prevent new concentration of them. The HMO accommodation can be occupied by a range of groups such as professionals, students, low income groups on benefits and, therefore, the lifestyle of the individual groups should not be discriminated. The Council has statutory powers under Environmental Health legislation to monitor and take appropriate enforcement action against local nuisance, anti social behaviour, and litter.

5.4 Comment

This will set a precedent for loss of family homes to the detriment of the character of the local area by unbalancing the mix of households in the community, as well as reducing the overall supply of housing for families.

Response

See section 6.2 of the report. The 20% threshold has not been exceeded within the 40m radius and, therefore, meets the Council's planning guidance to control the growth of HMOs in a local area and prevent the high concentration of HMOs. Any further applications for HMO's will also be judged against this criteria and agreed the 20% limit will restrict the total number of HMO's that can be created in the locality.

5.5 **SCC Highways** - No objection.

5.6 **SCC Private Housing** – No objection, providing that room sizes are in accordance with the SCC guidance on amenity standards with a minimum of 10sqm.

5.6 **SCC Environmental Health (Pollution & Safety)** - No objection.

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 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 20% (Woolston 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.

6.2.2 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 is not contrary to this policy, as it 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.

6.3 Impact on the character and amenity of the surrounding area

6.3.1 This part of Bacon Close is mainly characterised by a high density small terraced family dwellings.

6.3.2 The property is established as a C3 dwelling and, therefore, must be assessed against the maximum 20% threshold limit set by the HMO SPD. 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.

6.3.3 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 (16th October 2012) and verification by the case officer on site. The survey shows that there is currently 1 HMO within the 40m radius. The concentration of HMOs including the proposed HMO will be **7%** (2 HMOs out of 29 residential properties) with 27 family dwellings remaining.

6.3.4 Given the intensity and nature of use of the dwelling as a small HMO with an anticipated occupancy of 4 residents, it considered that this will not be significantly different to a same size family group in terms of comings and goings

and noise disturbance to local residents. Furthermore, the concentration of the existing and proposed HMOs does not exceed the maximum threshold of 20% surrounding the application site, and there will be no further bedrooms as the communal rooms will be retained by condition for these purposes only. Therefore, the introduction of second HMO amongst the remaining 27 family dwellings surrounding this property will not significantly unbalance the mix of households, or detract from the character and amenity of the local area.

6.4 Impact on highway safety

6.4.1 A condition will be applied to ensure cycle storage is provided for a minimum of 4 cycles, in a secure and covered space with Sheffield style cycle stands.

6.4.2 There are no parking controls in Bacon Close and the immediate adjoining streets. The Council's parking standards requires a maximum of 3 off street spaces. Although there is only 1 off street space available, the Highway Officer is satisfied that the parking survey (*see Appendix 3*) demonstrates that there is sufficient on street parking available for remaining 2 vehicles to meet the parking standards. The survey observed that between 7pm and 9pm a minimum of 36 car parking spaces were available within the street. Therefore, it is considered that the proposal will have an acceptable impact on highway safety.

6.5 Standard of living conditions for future residents

6.5.1 The residential layout of the property will remain unchanged. The Private Housing team have raised no objection, providing that room sizes are in accordance with the SCC Housing guidance on amenity standards with a minimum of 10sqm for Category A HMOs (where occupants do not have access communal lounges and live independently under separate tenancies). Notwithstanding these comments, this property is more akin to the alternative category B HMO which does not specify minimum rooms standards, as the residents will have access to large communal rooms. Therefore, it is considered that the standard of living conditions will be acceptable for future occupiers.

7.0 Summary

7.1 In summary, the proposed HMO does not exceed the threshold limit of 20% surrounding the application site in accordance with the HMO SPD and, therefore, the introduction of a HMO in this part of Bacon Close 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.

8.0 Conclusion

8.1 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 20/08/13 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 4 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 - Retention of communal spaces

The rooms labelled living room and dining room/kitchen on the ground floor shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained and available for communal purposes only to serve the HMO.

REASON

To ensure that a suitable communal facilities are provided for the residents.

04. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall not be stored on the highway.

Reason:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

05. APPROVAL CONDITION - Retention of existing boundary treatment

The existing front boundary treatment shall be retained until the C4 use hereby approved ceases. The boundary treatment shall be replaced should it be removed in accordance with details to be agreed and submitted in writing by the Local Planning Authority.

REASON

In the interests of protecting visual amenity of the local area.

06. APPROVAL CONDITION - C3/C4 dual use

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 23 July 2023, 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.

07. APPROVAL CONDITION - Approved Plans

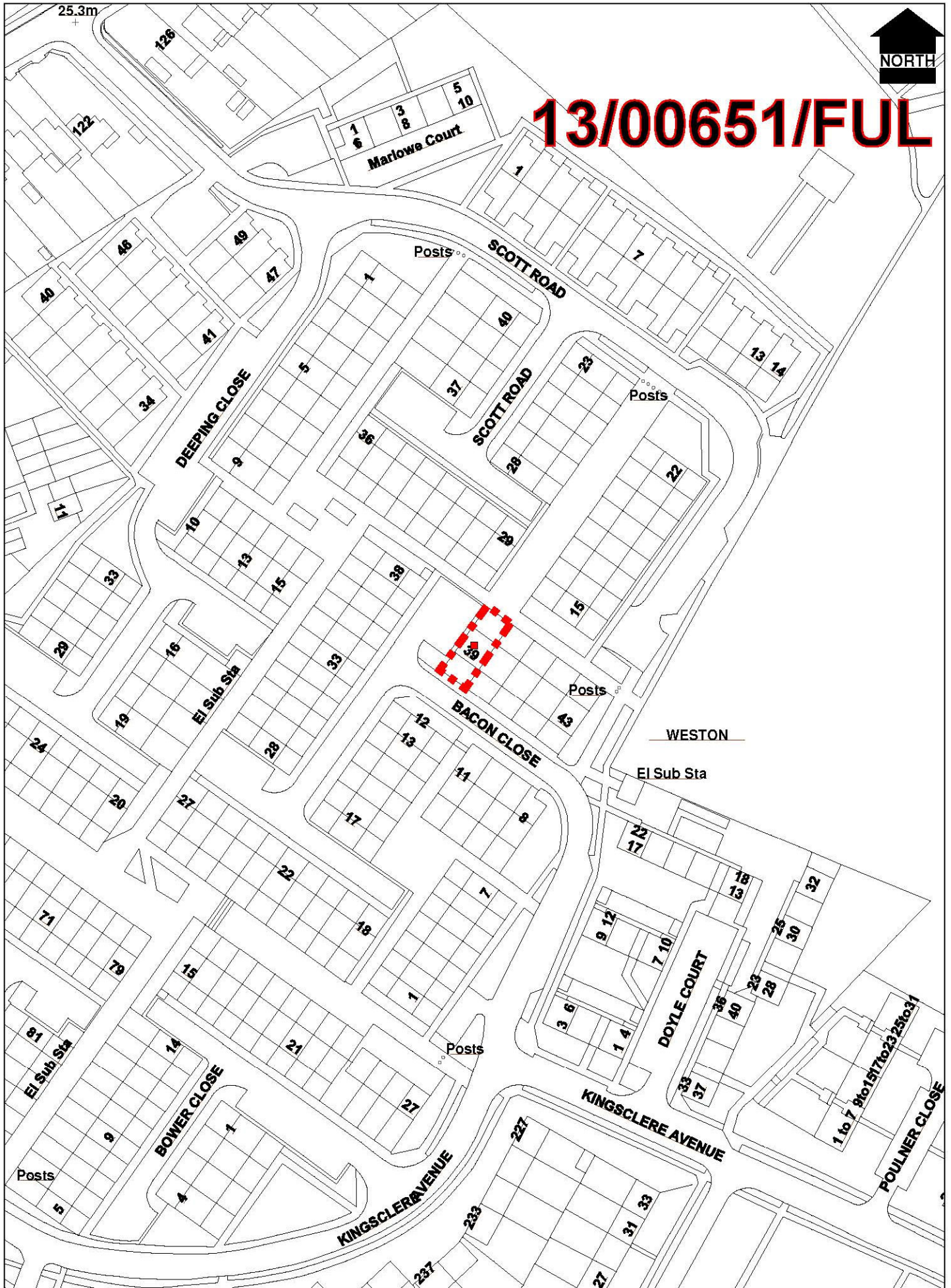
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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



13/00651/FUL



Scale : 1:1250

Date : 06 August 2013

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