

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

<b>Application address:</b> 382 Portsmouth Road SO19 9AS			
<b>Proposed development:</b> Change of use from a dwelling house (class C3) to either a HMO for up to 6 persons (class C4), or a dwelling house (class C3)			
<b>Application number</b>	13/01850/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	27.01.2014	<b>Ward</b>	Sholing
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Mrs Blatchford Cllr Jeffery Cllr Kolker

<b>Applicant:</b> Mr T Yas	<b>Agent:</b> J G Adair
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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.

Policies - SDP1 and H4 of the City of Southampton Local Plan Review (March 2006) and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

**Recommendation in Full**

**Conditionally approve**

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

- 1.1 The site forms part of a semi-detached pair of two storey residential dwellings. The area is predominately residential in character with St Marys Cemetery directly opposite.
- 1.2 The site lies on the busy Portsmouth Road, which forms a major arterial route through the city. However, it is actually set off Portsmouth Road by a minor side road, leading onto Worcester Place. This affords some set back for the residential properties from Portsmouth Road.

## **2.0 Proposal**

- 2.1 The application does not propose any external alterations to the physical form of the dwelling.
- 2.2 The proposal is for the change of use from a Class C3 residential dwelling to a mixed use of either Class C4 House in Multiple Occupation (HMO) or Class C3. As per the Southampton HMO Supplementary Planning Document (SPD) a condition can be applied to allow changing between these two uses for a period of 10 years without planning permission, with the use at the end of this period being the lawful use from that point.

## **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 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 Planning permission was granted under planning application reference 1509/E16 for 'One pair of semi-detached houses' on this site on 08.06.1976. No planning conditions relevant to this application were imposed.

## **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 (06.12.2013). At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Parking pressure is already significant on the narrow service road and would be made worse by increasing intensity of residential occupation***

5.3 **Comment**

The maximum parking standards of the HMO SPD outline a maximum provision of 3 cars on site for a 5-bed HMO in this area. The existing hard standing to the front of the property allows provision for 2 cars to be parked on site.

5.4 ***Additional noise generated by increasing intensity of residential occupation would have a harmful impact on neighbouring amenity***

5.5 **Comment**

A Class C4 HMO can be occupied by 3-6 individuals (with this property having a proposed 5 bedrooms). This is not out of line with expected occupation levels of a Class C3 residential dwelling. It is accepted that the style of occupation and nature of associated impacts is different. However it is not considered that the occupation of a Class C4 HMO is intrinsically harmful to neighbouring properties. Persistent noise complaints can be addressed through Environmental Health.

5.6 ***Approving this application would represent a precedent for similar development of properties into HMO. The character of the existing area is predominately formed of family dwellings and the proposal would have a harmful impact on this character***

5.7 **Comment**

The development does not violate the 20% threshold outlined in the HMO SPD. Should this application be approved, this threshold would prevent an over dominance of HMOs resulting a change in the character of the area. It is not considered that a single HMO would represent a significantly harmful impact to the character of the surrounding area.

5.8 **Consultation Responses**

5.9 **SCC HMO Licensing** - No objection. Applicant will need to comply with separate licensing requirements.

5.10 **SCC Environmental Health** - No objection.

5.11 **Cllr Jeffery** - Objection and request to be brought before the Planning and Rights of Way Panel. Specifically stated concern regarding setting a precedent, noted that the houses were not originally designed for multiple occupation and associated noise issues that may result.

6.0 **Planning Consideration Key Issues**

6.1 There are a number of key issues for consideration in the determination of this planning application:

6.2 Within a 40m radius of the front door of the property there were 10 properties. The concentration of HMOs surrounding the application site is **0%** (0/11). Were this application to be approved the concentration would be **9%** (1/11). The development therefore does not violate the 20% threshold for HMOs.

- 6.3 It is considered that the presence of the threshold would sufficiently protect the area from a potentially harmful future change in the character of the area with reference to the conversion of residential dwellings to HMOs. It is not considered that the presence of a single HMO in the immediate area would represent a significant enough harm to the character of the area sufficient to justify refusal of the application.
- 6.4 In terms of parking, the maximum allowable provision on site for an HMO of this size would be 3 parking spaces. Taking into account the situation on a main arterial route through the city and immediate access to public transport in the form of a bus stop, the existing provision of 2 spaces is not considered unreasonable.
- 6.5 An HMO has potentially different impacts on amenity of neighbouring properties when compared to a Class C3 residential dwelling. The nature of different living patterns and lifestyles can result in an increase in noise and disturbance noticeable to the occupiers of neighbouring properties. While set back from the main frontage of Portsmouth Road by the service road, the frontage is not considered to be a particularly secluded or quiet residential environment. With reference to the fact that any statutory noise complaints can be addressed under Environmental Health legislation, it is not considered that the proposed change of use would result in such significant harm as to justify a reason for refusal on this ground.
- 6.6 Consideration has been shown for recent appeal decisions at 30 Glen Eyre Drive, 6 Denbigh Gardens and 38 The Parkway. However, it is considered that the circumstances and character of this location is markedly different from these sites.
- 6.7 The property is considered to benefit from sufficient amenity and communal space to satisfy the needs of the occupiers of the host dwelling. In order to ensure this remains the case, a number of conditions are recommended to ensure their retention. All habitable rooms are considered to be served by windows with sufficient access to outlook and natural light.

## **7.0 Summary**

- 7.1 The proposal does not violate the threshold criteria and it is not considered that the creation of a singular HMO will have a significantly detrimental impact on the character of the area. It is considered that the features of the site and its surrounds would be sufficient to mitigate any potential impacts of the development which cannot be controlled through the use of conditions.

## **8.0 Conclusion**

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for 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).

**JF1 for 18/02/14 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 - Permitted change between Class C3 and Class C4 (time limited)**

The application hereby permitted shall allow the change between a residential dwelling (Class C3) and a House in Multiple Occupation (Class C4) for a period of up to 10 years from the date on which this decision is issued unless otherwise agreed in writing by the Local Planning Authority. After this period the occupied use on that date will become the lawful use of the property.

Reason:

To provide flexible use and comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

**03. APPROVAL CONDITION - Cycle Storage Facilities [Pre-Occupation Condition]**

Prior to the occupation of the development hereby approved the applicant shall provide a secure, lockable and covered cycle store for use by the occupants of the property. The cycle store shall be located to the rear of the dwelling and such facilities as approved shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

**04. 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 E (curtilage structures), including a garage, shed, greenhouse, etc,

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.

#### 05. APPROVAL CONDITION - Retention of communal spaces

The ground floor rooms and external amenity space shall be made available for use by all of the occupants prior to first occupation of the use hereby approved and thereafter shall be retained and available for communal use unless otherwise agreed in writing with the Local Planning Authority.

REASON

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

#### 06. 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)

CS16          Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

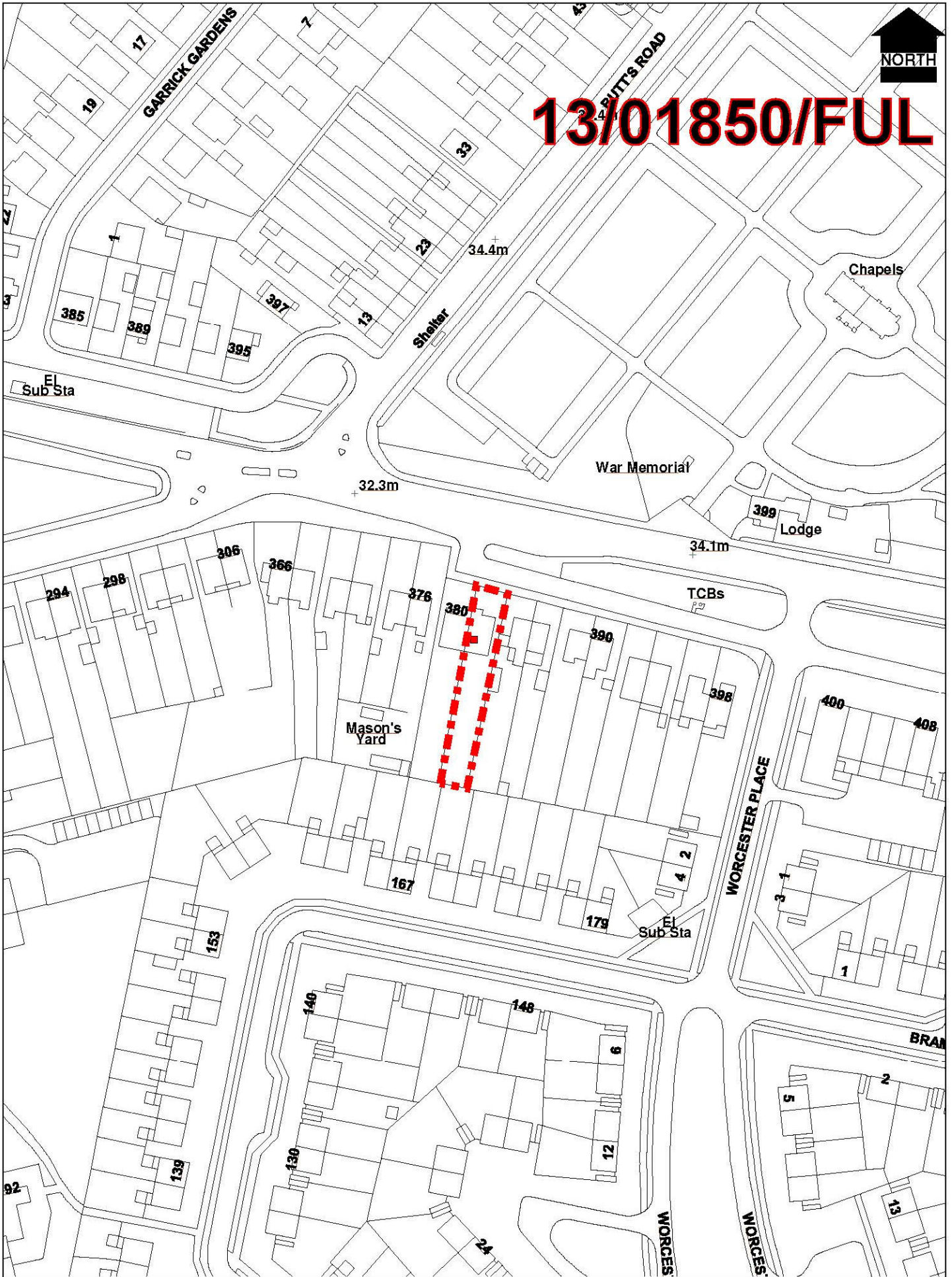
SDP1          Quality of Development  
H4              Houses in Multiple Occupation

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (March 2012)



**13/01850/FUL**



Scale : 1:1250

Date :04 February 2014

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