

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

Application address: 21 Westrow Gardens SO15 2LZ			
Proposed development: Change of use from a Dwelling House (Class C3) to either a Dwelling House (Class C3) and/or a three-bed House In Multiple Occupation (Class C4)			
Application number	14/00709/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	22/07/2014	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and/or five or more letters of objection have been received	Ward Councillors	Cllr Brian Parnell Cllr David Shields Cllr Jeremy Moulton

Applicant: Dr Shabana Qaiyoom	Agent: NA
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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 CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	3	Parking Survey
2	HMO SPD Calculations	4	Site Map

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site consists of two-storey semi-detached dwelling house within the Freemantle Ward of Southampton. The site falls within the Banister's Park area of the City with Southampton Common to the north, the Polygon area to the south and with main roads Hill Lane and the Avenue to the east and west.
- 1.2 The immediate area around Westrow Gardens is characterised by semi-detached and detached dwellings of a similar scale. To the rear of the application there is a large nursing home. Westrow Gardens is a cul-de-sac leading off of Westrow Road and therefore has no through traffic. The road is subject to parking restrictions which prevents parking on the road between the hours of 08:00 and 18:00.

2.0 Proposal

- 2.1 The application seeks to obtain permission to use the property as either a C3 dwelling house or a C4 House of Multiple Occupation (HMO) for a period of 10 years. After this time, the use would permanently become that which it is used as on that date.
- 2.2 It is proposed that as well as using the property as it current exists (C3) it could be used as accommodation for three unrelated individuals. The proposal includes three parking spaces on site and bin storage within an existing car port to the side of the property. Amenity space is provided to the rear of the site.

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 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.

4.0 Relevant Planning History

4.1 No previous planning history for this site.

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 (10/06/2014). At the time of writing the report **20** representations have been received from surrounding residents. The following is a summary of the points raised:

- Take precedence/ creates other HMOs - Any future applications would also be assessed against the HMO SPD which states that no more than 20% of the households surrounding an application site should be HMOs in order to maintain a balance of types of households.
- Road safety – The Highways Development Management team have indicated that the application would not have an impact on highway safety and that any parking matters should be considered with regards to amenity rather than safety.
- Increased traffic – It is judged that the parking for an HMO property limited to three residents would not be significantly different to that of a family dwelling. On-street parking restrictions will deter overspill during the day. However, a parking survey has been submitted to illustrate the on-street parking availability.
- Character of the area/ family dwellings - The area is currently characterised by properties occupied by single families. The HMO SPD is designed to ensure that the balance between family homes and HMOs is controlled in order to maintain a balance of households within a community. The SPD sets out an assessment area of 40m radius around a proposal site of which the proportion of HMOs should not exceed 20% (in the Freemantle ward). There are no other HMOs within the assessment area and as such the threshold is not exceeded. It is therefore judged that the balance of households in the community would not be significantly altered in a way which would harm the character of the area. It should be noted that the application does not result in the loss of a family home as it can be let to families and would not be subdivide or altered in anyway which would mean that it could no longer be described as a family home.

- Intensification of use/ up to six people/ maybe more than six people – A C4 (small HMO) dwelling is defined as 3-6 unrelated people living together as separate households. More than six people would become a large HMO falling within use class Sui Generis. Planning permission would therefore be required to change from C4-Sui Generis in order to increase the occupancy to over six people. In relation to the intensification of the site, it is judged that a maximum of three people should be permitted to reside in the property whilst in C4 occupation in order to provide sufficient quality of residential amenity to occupiers. This would also limit this impact of the development in terms of potential for noise disturbance, parking pressures and refuse collection. It is judged that that the impact on three unrelated people is not significantly different from the occupation of a property by a family.
- Proximity to care home – As stated above, it is recommended that the occupancy is restricted to three people when in C4 use in order to mitigate the impact on neighbouring properties and to maintain an occupancy in-keeping with that of a family home
- More waste, noise and anti-social behaviour - As stated above, it is recommended that the occupancy is restricted to three people when in C4 use in order to mitigate the impact on neighbouring properties and to maintain occupancy in-keeping with that of a family home and the quiet residential cul-de-sac.
- Poor maintenance of property – The Local Planning Authority is not able to control the maintenance of the properties.
- Commercial interest behind application - The application needs to be assessed against material considerations and personal financial circumstances to do form such a consideration. However, perceived implications of a commercial venture which were raised in objections such as increased occupancy and parking pressures are dealt within this section.
- No demand for an HMO in this area – No evidence has been submitted to support this claim. However, the application seeks flexible C3-C4 use so would be suitable for letting to families if no demand is found for use as an HMO.
- Impact on quality of life – It has been raised that a combination of the aforementioned issues could impact on the quality of life of nearby residents. In order to mitigate this, it is recommended that the occupancy is restricted to three people when in C4 use in order to mitigate the impact on neighbouring properties and to maintain an occupancy in-keeping with that of a family home and the quiet residential cul-de-sac.
- Transient nature of residents - Whilst it is accepted that the nature of HMO tenancies is usually short-term, it is judged that the addition of one HMO within the area would not have a harmful impact on the area as supported by the HMO SPD 40m radius calculation of 6% of

property used as HMOs if this application is approved (current 0%). This is below the maximum 20% for the ward.

- Already too many HMOs - As stated above, there are current no HMOs within the assessment area. This is explored further on section 6.3.2.
- C3 use should be determined by parking issues - As the property already benefits from C3 use, there would be no change of use when let to a family regardless of owner-occupancy or occupancy by rental tenants

5.1.1 In response to the objections, the applicant has prepared a list of comments relating to the points raised. In particular, it indicated the acceptance of a limited occupancy condition. This note has been added to the file as part of the planning application.

Consultation Responses

5.2 **SCC Highways** - The proposal does not incorporate any increase in floor space or bedrooms. There is on-site parking but it is tandem which may cause cars blocking each other in. The street contains parking restrictions from 08:00-18:00 which will deter any overspill parking.

Any overspill parking in this area will be more of an amenity issue rather than highway safety due to the fact that it is a cul-de-sac, traffic levels are low and vehicles entering the street will mostly be residents and not through traffic. For this reason, I can recommend (not require) a parking survey to be conducted to see what the demand is for on-street parking during the evenings as an HMO can be argued to attract more visitors than a single dwelling.

As an HMO, each unit/bedsit should benefit from their own individual cycles store. If it is a communal store, then each resident should be able to lock their cycles within the store via for example, Sheffield stands.

Recommendation

I recommend approval subject to the following conditions:-

'Details of cycle storage to be submitted and agreed upon in writing by the local planning authority

Updated - The department are satisfied with the content of the parking survey and do not consider any potential overspill parking to be of a highway safety concern. The parking survey is acceptable and appears to have generally complied with the Lambeth Methodology.

5.6 **SCC Environmental Health (Pollution and Safety)** - No objections to this application for change of use. The use of the rooms should comply with SCC space and amenity standards for HMOs. Fire precautions to comply with Lacors fire safety guidance.

5.7 **Cllr Brian Parnell** – Request for item to be heard by Planning and Rights of Way Panel

5.8 **Cllr Jeremy Moulton** - Request for item to be heard by 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 development; its impact on the character of the surrounding area; the impact on residential amenity of occupiers of neighbouring properties and the application site and; the impact on highway safety and parking.

6.2 Principle of Development

6.2.1 The HMO SPD was designed to ensure that a mix of households is maintained and HMOs do not become dominant within an area. Having conducted the assessment outlined within the HMO SPD, it appears that this property would be the only HMO within the 40m radius assessment area (measured from the middle of the front door of the application site). The percentage of properties within the radius which would be HMOs as a result of this application would be 6% and therefore below the maximum 20% threshold of the Freemantle ward. (NB: the nursing home to the rear of the site has not been included in the calculation as does not meet the requirements of the HMO SPD section 3.4 as per Schedule 14 of the Housing Act 2004).

6.2.2 Whilst the principle is acceptable, other material considerations such as the impact on the area, residential amenity and highway safety need to be considered.

6.2.3 Policy CS16 seeks to provide a mix of housing types and requires that there be 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 can be used as a family home in the future. The application seeks a flexible use between a family unit (defined as at least three bedrooms with direct access to private amenity space) and a three bedroom HMO.

6.3 Impact on the character of the area

6.3.1 The HMO SPD seeks to maintain a balance of households and community by restricting the amount of HMOs within certain areas in order to maintain the character of the area. The area is characterised by mostly semi-detached family/owner occupier properties.

6.3.2 It is noted that 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, the HMO licensing register, Council Tax records and other checks. Based on this assessment, it is judged that the introduction of an HMO would maintain this balance as it would be the only HMO within the 40m radius. As this would not exceed the allowable threshold within the area. For details of the calculation, please see **Appendix 2**.

6.3.4 Notwithstanding this, it is recognised that the street is a quiet, residential cul-de-sac which is mainly occupied by families. Considering the context of the area, it is judged that the intensified use of the property as an HMO for four-six people would not be in-keeping with the family-orientated character of the area. This can be mitigated by reducing the allowable number of residents to three people when in C4 occupation in order to be more in-keeping with the use of other properties within the area.

6.4 Impact on residential amenity

6.4.1 It is considered that a small HMO would not have a significantly adverse impact on the residential amenity of neighbouring properties. It is unlikely that a dwelling house shared by three unrelated persons would have a different impact in terms of comings and goings, noise or refuse than a family or the same amount of people living as one household.

6.4.2 However, the potential impact of more than three people could increase the comings and goings to the property with four - six individuals using the application site independently from each other. It is therefore recommended that the application site is restricted to allow no more than three people to reside in the property whilst in C4 use in order to limit any potentially adverse impact of over-intensification such as increased parking pressure, noise disturbance and poor waste management.

6.4.3 There would be no physical alterations to the building which would impact neighbouring properties.

6.4.4 With regards to the residential amenity of occupiers of the application site itself, the Environmental Health team have indicated that they are content that the room and amenity space sizes comply with the Council's private sector housing standards (NB: the Local Planning Authority do not have minimum room size standards).

6.5 Impact on highway safety and parking

6.5.1 The site has parking space for three parking spaces, all of which would be retained. It is considered that three cars being parked on site by occupiers of an HMO would not be significantly different to having three cars within a family house. Whilst the parking is in tandem and would require some manoeuvring due to cars being block in, this again would not be significantly different to the situation should the property remain in C3 use. The street contains parking restrictions from 08:00 -18:00 Monday-Saturday which will deter any overspill parking during these hours.

- 6.5.2 A parking survey has been submitted to show the on-street parking availability within the surrounding area. This was undertaken on Wednesday, 2nd July 2014 between 20:30 and 21:15 hours. It appears to demonstrate a high level of on-street parking availability within the evening. The Highways Development Management team have indicated that the survey is acceptable in terms of its format and level of detail and generally complies with the Lambeth Methodology.
- 6.5.3 The Council has minimum cycle parking requirements to encourage alternative transportation use. One cycle storage space needs to be supplied for each resident. If the store is communal, each resident should be able to lock their cycles within the store via for example, Sheffield stands. This can be secured by condition.

7.0 Summary

- 7.1 In summary, the proposed HMO does not exceed the Freemantle threshold limit of 20% within 40 metres of the application site in accordance with the HMO SPD. The introduction of an HMO to Westrow Gardens is acceptable in terms of its impact on the character of the area surrounding the application site and the residential amenity of residents of the street. 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 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 22/07/14 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 - 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 - Occupancy Restriction [Performance condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 3 residents shall at anytime occupy the property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

REASON

In order that the Local Planning Authority may exercise further control in this locality given the surrounding context and character and to reduce the potential impact of the development.

05. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]

Adequate cycle storage facilities to conform to the Local Planning Authorities standards of one space per resident shall be provided within the site before the development hereby permitted commences and such parking and storage shall be permanently maintained for that purpose. In the avoidance of doubt this means that three secure, lockable cycle parking spaces shall be provided on site.

REASON:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

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

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

REASON:

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

07. Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.