

Planning, Transport and Sustainability Division
Planning and Rights of Way Panel (West) 21st April 2015
Planning Application Report of the Planning and Development Manager

Application address: 29 Janson Road			
Proposed development: Change of use to a large house in multiple occupation (retrospective).			
Application number	14/01959/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	19/01/2015	Ward	Shirley
Reason for Panel Referral	Five or more letters of objection have been received	Ward Councillors	Cllr Coombes Cllr Kaur Cllr Chaloner

Applicant: Mr Dosanjh	Agent: Sanders Design Services Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area. It would provide an appropriate standard of accommodation for residents. This proposal would contribute to the city's housing need and would have an acceptable impact in terms of residential amenity, impact on the character of the wider area and highway safety and meets the requirements of the Council's adopted Housing in Multiple Occupation SPD (2012). This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted

Policies - SDP1, SDP7, SDP10, of the City of Southampton Local Plan Review (March 2006); CS4, CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010); the HMO SPD; and the Parking Standards SPD.

Appendix attached			
1	Development Plan Policies	2	HMO Calculation

Recommendation in Full

Conditionally approve

Panel Update

This application was deferred at the Planning and Rights of Way Panel on the 24th March to enable the applicant to provide additional information on how the property was occupied prior to its use as a sui generis HMO for seven people.

This property began being occupied by seven people in 2011. This is supported by the following information:

- A HMO license for a maximum of seven people was granted by the City Council's Private Housing team on the 23/03/2011.
- The roof space of this property was converted to provide an additional bedroom. Planning permission was not required for this however the applicant was required to meet building regulations. The City Council's Building Control team signed off this conversion on the 26th October 2011.

The tenancy agreements submitted indicate the following:

- Room one has been occupied since the 28th March 2010 to the current day. The current tenancy agreement expires on the 7th June 2015.
- Room two has been occupied since the 1st March 2010 to the 5th April 2015.
- Room three has been occupied since the 1st March 2010 to the current day. The current tenancy agreement expires on the 12th April 2015.
- Room four has been occupied since the 1st March 2010 to the current day. The current tenancy agreement expires on the 31st August 2015.
- Room five has been occupied since the 1st March 2010 to the current day. The current tenancy agreement expires on the 28th June 2015.
- Room six has been occupied since the 28th November 2010 to the current day. The current tenancy agreement expires on the 7th June 2015.
- Room seven has been occupied since the 21st March 2011 to the current day. The current tenancy agreement expires on the 12th June 2015.

To summarise, rooms one to six have been occupied since March / November 2010. Room seven has been occupied since March 2011.

Class C4 (HMO) was introduced on the 6th April 2010 (Town and Country Planning (Use Classes) (Amendment) (England) Order 2010). In light of the above information, it can be judged that up until March 2011, the lawful use of this property was as a Class C4 HMO by six people. It was on the 21st March 2011 that this use changed to a Sui Generis HMO for seven people.

As such, the assessment that is required is whether the impact of one additional person at the property over and above that of its lawful use as a Class C4 HMO for six people would be considered harmful.

1.0 The site and its context

1.1 The application site is a two storey semi-detached dwelling house located on the south side of Janson Road. This property is located within a predominantly

residential area, although Janson Road leads onto Shirley Road and its local shops, facilities and transport links.

2.0 Proposal

2.1 The application property is currently occupied as a Sui Generis House in Multiple Occupation (HMO) and has been licensed as such since March 2011. Retrospective planning permission for this use is now sought and, following the submission of an amended plan to reduce the occupancy the property would comprise a kitchen, lounge, lobby and two bedrooms at ground floor level; four bedrooms and a bathroom at first floor level; and 1 bedroom within the roof space (ie. seven bedrooms in total).

2.2 There is an area of hard standing to the front of this property however this does not benefit from access via a dropped kerb.

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 application falls to be determined against saved Local Plan Policy H4 and the Council’s current HMP SPD (2012). A full list of 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.

4.0 Relevant Planning History

4.1 In 2011, conditional approval (ref.11/01600/FUL) was granted for the construction of a single storey rear extension. In 2014, the Planning Enforcement team investigated this property following a complaint regarding unauthorised use. At this time, it was found that the property was occupied as a Sui Generis HMO.

5.0 Consultation Responses and Notification Representations

5.1 At the time of writing the report **seven representations** have been received from surrounding residents (including two representations from 27 Janson Road next door). The following is a summary of the points raised:

5.2 The surrounding area is characterised by single family properties and the proposed use would be contrary to the character of the area.

Response:

The character of the area is residential. However, the HMO SPD discusses the need to support mixed and balanced communities whilst meeting the City’s housing need. It is accepted that concentrations of HMOs can harm the character of an area and the SPD seeks to manage the growth and location of new HMOs. The

Planning Considerations section of this report provides further analysis with regards the impacts of the proposed HMO in this context.

5.3 The proposed use would place extra pressure on local services.

Response:

The application site is located in close proximity to Shirley Town Centre (approximately 180m away from Shirley High Street). This town centre is intended to meet the needs of those living in close proximity. The application is not considered likely to place additional strain on local services within the district centre.

5.4 The proposed change of use would constitute an overdevelopment of the property.

Response:

It is not considered that the character of the area would be significantly affected by this proposal. Amended plans have been received to ensure that the seven residents have access to a communal kitchen and lounge area, which can be accommodated within the property without further building works. As room sizes are appropriate and such communal living is achievable the scheme is not considered to represent an over-intensive use of the building.

The proposed use would exacerbate existing parking pressure in the area.

5.5

Response:

The highways team have indicated that there would not be a safety issue by allowing a large HMO in this location with nil on-site parking. A parking survey has been provided to explain the impact on any potential overspill. The results were collated in the early hours of 11th and 12th February 2015 and reported an 84% parking stress. This demonstrates that there is sufficient parking within the surrounding area to accommodate the proposed use. Furthermore, this property benefits from excellent access to public transport services due to its proximity to Shirley Town Centre (approximately 180m away from Shirley High Street) and it would be possible for residents to live in this location without the need for car ownership. Furthermore, as the property is currently occupied the parking requirements of the development are already accounted for in these parking surveys.

The proposed use would give rise to increased noise and disturbance for neighbouring occupiers.

5.6

Response:

The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwelling house. Any noise and disturbance following the grant of permission can be dealt with using other statutory powers

The shed within the rear garden could potentially be used to occupy additional residents.

5.7

Response:

Having undertaken a site visit to the property, it is clear that the outbuilding within the rear garden is intended for cycle storage / general storage purposes only. A number of representations have suggested that this building could potentially be used to provide additional living accommodation. Planning permission would be required to use this outbuilding for residential purposes. Such an application would be unlikely to be supported. As such, this cannot form a consideration in the determination of this application.

5.8 The owner of the property has started construction works prior to the determination of this application.

Response:

Works to construct the rear extension at this property are nearing completion. Permission was granted for this extension in 2011 (ref.11/01600/FUL) and the applicant is perfectly within their right to construct this approved development. The construction of this extension does not form part of this application. As such, this cannot form a consideration in the determination of this application.

5.9 Permission was previously granted for a rear extension. At the time, it was indicated that this would be to extend the kitchen however this is now shown as two additional bedrooms.

Response:

The approved plans for the permitted extension (ref.11/01600/FUL) indicate that part of the extension would comprise a dining room while the remainder would enlarge the existing lounge. The previous scheme granted permission for a single storey rear extension. How this is used internally did not form a matter for consideration at this time as internal works do not require planning permission. Initially, this application (ref.14/01959/FUL) indicated that the extension previously approved would be used to accommodate two bedrooms. This has however been amended through negotiation with the applicant. As such, this approved extension will now accommodate a lounge and one additional bedroom. Using this extension to accommodate a bedroom and a lounge will be considered as part of this new application.

5.10 The previous loft conversion has been carried out without planning permission.

Response:

The loft of this property has been converted to provide additional living accommodation. The only external alteration to facilitate this has been the installation of two roof lights; one within the rear roof slope and one within the side roof slope. To constitute permitted development the side roof light should be obscure glazed and non-opening however it is clear glazed at the current time. The applicant has been informed of this. This does not however form a determining issue for this application and should not form a reason for refusal.

Consultation Responses

5.11 **SCC Highways – No objection**

The parking survey in my opinion is acceptable. There is a slight lack of photos but as the survey suggest that the on-street parking is near or around full capacity, I do not think more photos would be beneficial. Regarding the dropped kerb application, I personally cannot see how this would work as the site does not have a lot of depth

to accommodate a standard parking space (2.4m x 5m). Plus there are various street furniture along the frontage i.e. lighting column, power/meter box and road sign. Even though the survey suggests that there are not many available on-street spaces available any overspill will cause harm to amenity for the local residents rather than highway safety. However, it is difficult to clearly prove which use (C3 of HMO) will generate more vehicular trips/parking demand and this should not form a reason for refusal in this instance.

5.12 **SCC Housing – No objection following receipt of amended plans**

As a side note, the applicant should be reminded that the Council doesn't encourage the use of fire extinguishers in HMOs as tenants aren't trained to use them and they tend to be misused. The only fire-fighting equipment should be a fire blanket.

6.0 Planning Consideration Key Issues

6.1 The determining issues that require consideration relate to;

- a) whether the proposed use is acceptable in principle;
- b) the impact of the proposed use on parking and highways safety; and
- c) the impact of the proposed use on the residential amenities of any adjoining occupiers.

Other policy considerations relate to the provision of cycle parking, car parking and refuse storage and are detailed below.

6.2 Principle of Development

6.2.1 The application site is located within the Shirley ward where a 20% HMO threshold applies. As such, if the percentage of HMOs within a 40m radius of the front door of 29 Janson Road exceeds 20%, applications for additional HMOs will be refused for being contrary to policy and creating an over concentration within the affected zone.

6.2.2 As part of the assessment 24 properties were identified within a 40m radius of the application site. Based upon information held by the City Council's Planning, Council Tax and Environmental Health departments, there are currently no other HMOs within this 40m radius and the application therefore introduces the first HMO into the radius. The use of the application site as an HMO means that there would be 4.2% of the current stock identified for this use. This is significantly below the 20% threshold. As such, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle as detailed in the Council's adopted Houses in Multiple Occupation SPD. The tests of 'saved' Local Plan Policy H4 then apply:

6.3 Highways Safety and Parking

6.3.1 Whilst it would appear that there is off road parking at the front of this property (within the front forecourt), this is not served by a dropped kerb and has not been counted. If a dropped kerb were established, there would be one off road parking space at this property.

6.3.2 The applicant has produced a parking survey in the style of the Lambeth Model.

Two surveys were undertaken at the following times;

- (a) 00:30 to 01:30 on Wednesday 11th February 2015.
- (b) 00:30 to 01:30 on Thursday 12th February.

These surveys examined parking provision along Janson Road, part of Cunard Avenue and part of Treeside Road. These surveys have demonstrated that the proposed use could be accommodated within the survey area. Whilst certain areas were identified as being under stress, other areas would be able to accommodate additional parking. The City Council's Highways department have assessed this survey and are satisfied with its findings.

6.3.3 This property is located within a high accessibility area (20 + buses per hour) as indicated in the Parking Standards SPD. Furthermore, it is located within an area of moderate accessibility (Band 3) of the Public Transport Accessibility Map (PTAL) within the Core Strategy. The proximity of this site to Shirley Town Centre (approximately 180m away from Shirley High Street) means that occupiers of the property would benefit from good access to public transport services in addition to local facilities and may not require a car to get around. Furthermore, as the property is currently occupied the parking requirements of the development are already accounted for in these parking surveys.

6.3.4 Having regard to the above information and the nature of the proposed HMO use, it is considered that the proposed use would not be detrimental in amenity terms. The City Council's highways team have raised no highways safety objection to the proposal.

6.4 Residential Amenity

6.4.1 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.

6.4.2 The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwelling house. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers. A suitably worded condition will however be imposed to restrict the occupancy to seven people only and ensure that residents have access to appropriate communal living – including a lounge which is located off the common boundary with 31 Janson Road.

6.4.3 As discussed previously (see 'Panel Update' above), the lawful use of the property would be as a Class C4 HMO for six people as it was used in this way when Class C4 was introduced on the 6th April 2010 up until the 21st March 2011. It is not considered that one additional person at this property would give rise to a significant impact over and above that of the six people who could occupy the property within Class C4.

6.4.4 This property benefits from sufficient, usable rear amenity space for the enjoyment of residents and all habitable rooms have an acceptable outlook and access to light.

6.4.5 The HMO SPD states that: '... cycle parking spaces to serve the HMO residents should be made available prior to the first occupation of the HMO enclosed within a secure cycle store'. There is an existing outbuilding located to the rear of this property which would provide secure and covered cycle storage for the required number of cycles. This is accessed via a side access way from Janson Road. This proposal would therefore, satisfy policy requirements relating to cycle storage.

6.4.6 Refuse and recycling bins tend to be kept either on the front forecourt at the properties within this area. This arrangement will continue at the application site and is considered to be acceptable provided the existing wall is retained to screen these bins. As such, sufficient storage for refuse and recyclable materials will continue to be provided.

7.0 Summary

7.1 The use of this property as an HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highways safety. The development is considered to be acceptable in terms of other planning considerations.

8.0 Conclusion

To conclude, this proposal is considered to have an acceptable impact and can therefore, be 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), 2(b), 2(c), 9(a) and 9(b).

LAUGRI for 21/04/15 PROW Panel

PLANNING CONDITIONS

01. 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.

02. APPROVAL CONDITION - Number of occupiers [Performance Condition]

The number of occupiers within the property, in connection with the change of use hereby permitted, shall not exceed 7 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

03. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor rooms annotated on the submitted floor plans as the 'kitchen' and the 'lounge' shall remain as communal space for the occupiers of the dwelling throughout the occupation of the buildings and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole.

04. APPROVAL CONDITION: Retention of front boundary wall

The front boundary wall shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To provide adequate screening for refuse storage associated with the proposed use in the interests of visual amenity.

Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant – Fire Extinguishers

As a side note, the applicant should be reminded that the Council doesn't encourage the use of fire extinguishers in HMOs as tenants aren't trained to use them and they tend to be misused. The only fire-fighting equipment should be a fire blanket.

14/01959/FUL



Scale: 1:1,250

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