

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

<b>Application address:</b> Flat 7 Winn Court, Winn Road			
<b>Proposed development:</b> Change of use from three-bed flat to a house of multiple occupation (use class c4)			
<b>Application number</b>	15/00031/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Laura Grimason	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	30/03/2015	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received.	<b>Ward Councillors</b>	Cllr O'Neill Cllr Claisse Cllr Norris
<b>Referred by:</b>	N/A	<b>Reason:</b>	N/A

<b>Applicant:</b> Ms Rebecca Mulley	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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<b>Appendix attached</b>			
1	Development Plan Policies		
2	Amended Neighbour Notification Letter		
3	HMO Calculation		

**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 characterised by a range of dwelling houses and flats. 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 highways safety. 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.

## **Recommendation in Full**

### **Conditionally Approve**

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

- 1.1 The application site is the top floor flat within a four storey building on the northern side of Winn Road. This property is located within a predominantly residential area characterised by a high proportion of flats.
- 1.2 This property comprises a kitchen, bathroom, lounge and three bedrooms.
- 1.3 This property benefits from the provision of two car parking spaces given the location of a garage block serving the property to the rear in addition to a large parking area for use by residents of Winn Court.

#### **2.0 Proposal**

- 2.1 Permission is sought for a change of use from Class C3 (Dwelling house) to Class C4 (House In Multiple Occupation).

#### **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 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 None.

#### **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. 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 Consultation Responses

- 5.2.1 **SCC Highways** – I can confirm that the submitted parking survey is acceptable. There is more than just one survey conducted and covers both restricted and unrestricted spaces at times where vehicular activity is generally settled. The results show that parking stress is less than half meaning that over half of the kerbside parking spaces are available.

The photos provide good visual evidence of the availability and think it should be presented at panel.

## 5.3 Notification Representations

- 5.3.1 The application site is a two bedroom flat and the owner is intending to use the lounge as a third bedroom.

Response: This is an incorrect assumption. Having undertaken a site visit, the property as originally constructed is a three bedroom flat. In addition to three bedrooms, this property also has a lounge, kitchen and bathroom for use by occupiers of the property. These communal rooms will remain as a result of this application.

- 5.3.2 The use of the property as a HMO would result in an increase in noise and disturbance, litter and antisocial behaviour, adversely impacting on the quality of life for neighbouring residents.

Response: The property is currently occupied by two people. Increasing the occupancy of the property to three people is not considered to give rise to a significant increase in noise, disturbance, anti-social behaviour or litter over or above that of the existing arrangement. The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwelling house.

- 5.3.3 The lease prohibits the running of any business from the property and multiple occupancy properties can be classed as this.

Response: HMOs are not classed as business premises.

- 5.3.4 The proposed use of the property would result in the loss of a family unit.

Response: Core Strategy policy CS16 defines family units as: 'dwellings of three or more bedrooms with direct access to usable private amenity space or garden for the sole use of the household'. In its current form, whilst this property has three bedrooms, it does not have direct access to usable private amenity space. It cannot therefore, be classed as a family home and as a result, this proposal would not result in the loss of a family home.

- 5.3.5 With one garage space allocated, the proposed use is likely to result in an increase in the number of cars parked along Winn Road. This would cause harm to highways safety.

Response: The City Council's Highways department have raised no objection to this proposal in terms of highways safety. The application site benefits from access to its own garage and to a shared communal parking area solely for the use of the occupiers of Winn Court. It is considered that this is sufficient for the proposed use.

5.3.6 The initial neighbour notification letters which were sent out referenced 7 Winn Road which is the wrong address.

Response: After being informed of this, new letters were sent out (dated 11<sup>th</sup> February 2015) with the correct address. Please see Appendix 2.

5.3.7 The application site shares adjoining walls with neighbouring properties potentially giving rise to additional noise and disturbance for neighbours.

Response: The application site is a top floor flat. Having undertaken a site visit, no walls adjoin any other flats within Winn Court. The only adjoining walls are to a communal stairwell and corridor.

## **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.

### **6.2 Principle of Development**

6.2.1 The application site is located within the Portswood ward where a 10% HMO threshold applies. As such, if the percentage of HMOs within a 40m radius exceeds 10%, applications for additional HMOs will be refused for being contrary to policy.

6.2.2 11 properties (including the application site) were initially identified within a 40m radius of the application site. Upon further investigation, a number of properties were discounted as they are currently in use as flats (4 x 2 bed flats within Winn Court, 24 flats at Sovereign Court, 70 flats at Albany Park Court, 10 flats at Hartley Court and 8 flats at Winchester Mews). These were discounted as they would not (due to being 1 and 2 bedroom flats) be physically able to accommodate the number of people associated with a HMO. As a result, a total of 10 properties have been included in the count (4 x 3 bed flats within Winn Court, 1 Winn Road, 8 Winn Road, 10 Winn Road, 10a Winn Road, 10b Winn Road and 10c Winn Road). Of these 10, no properties are currently in HMO use. The proposal would result in 1 out of 10 properties being used as a HMO or 10%. As this does not exceed the 10% threshold outlined in the HMO SPD, it is not therefore, considered that this proposal would result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle, in accordance with saved policy H4 of the City of Southampton Local Plan Review and the Houses in Multiple Occupation SPD.

### **6.3 Highways Safety and Parking**

- 6.3.1 The HMO SPD outlines maximum car parking standards for HMOs. For a HMO with 3 bedrooms, a maximum requirement of 2 parking spaces applies. The application site benefits from 2 off road parking spaces; one through the provision of a garage and one through the provision of a parking area to the rear of Winn Court. Having regard to this, is it considered that this proposal meets the requirements of the HMO SPD. Sufficient parking would therefore, be provided for the proposed HMO use.
- 6.3.2 A Parking Survey has been undertaken by the applicant to examine parking capacity of the area surrounding the application site. Westwood Road and Winn Road were included within the survey. Blenheim Avenue and Westbourne Crescent also fell within the 200m radius of the application site however were not included as they are only accessible via a wooded, unlit footpath during the evening. This is not considered to be a safe arrangement.
- 6.3.3 The following surveys were undertaken:
- (a) A survey of restricted spaces on 01/04/15 at 02:10. This survey identified that a significant number of restricted car parking spaces (12 on Winn Road and 17 on Westwood Road) were available.
  - (b) A survey of unrestricted spaces on 01/04/15 at 02:10. This survey identified that a significant number of unrestricted car parking spaces (31 on Winn Road and 13 on Westwood Road) were available.
  - (c) A survey of restricted spaces on 02/04/15 at 05:20am. This survey identified that a significant number of restricted spaces (12 on Winn Road and 18 on Westwood Road) were available.
  - (d) A survey of unrestricted spaces on 02/04/2015 at 05:20am. This survey identified that a significant number of unrestricted spaces (29 on Winn Road and 14 on Westwood Road) were available.
- 6.3.4 The parking surveys that were undertaken identified that there is sufficient car parking capacity along both Winn Road and Westwood Road.
- 6.3.5 The application site benefits from 2 off road car parking spaces and subsequently meets the maximum requirement outlined in the Parking Standards SPD. Furthermore, there is sufficient on road capacity along both Winn Road and Westwood Road. Having regard to this, this proposal is not considered to give rise to any adverse impact on residential amenity in terms of reduced parking.

In terms of highways safety, the impact of the proposed HMO is not considered to be materially different to that of a Class C3 household.

### **Residential Amenity**

#### **6.4**

- 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'.

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.

### **Cycle Storage**

- 6.5** The HMO SPD states that: 'A minimum number of 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'. The existing garage at this property meets this requirement by providing cycle storage which is easily accessible, secure and weatherproof.

### **Refuse Storage**

- 6.6** Arrangements for refuse storage would remain unchanged. They would continue to be provided through a communal refuse area to the rear.

6.6.1

### **Summary**

- 7.0** The use of this property as a 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.

7.1

### **Conclusion**

- 8.0** To conclude, this proposal is considered to have an acceptable impact and can therefore, be recommended for conditional approval.

8.1

## **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 - 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 (dwelling house) 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.

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 - Room restrictions [Performance Condition]

The room annotated on the submitted floor plans as 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.

## 05. 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 3 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

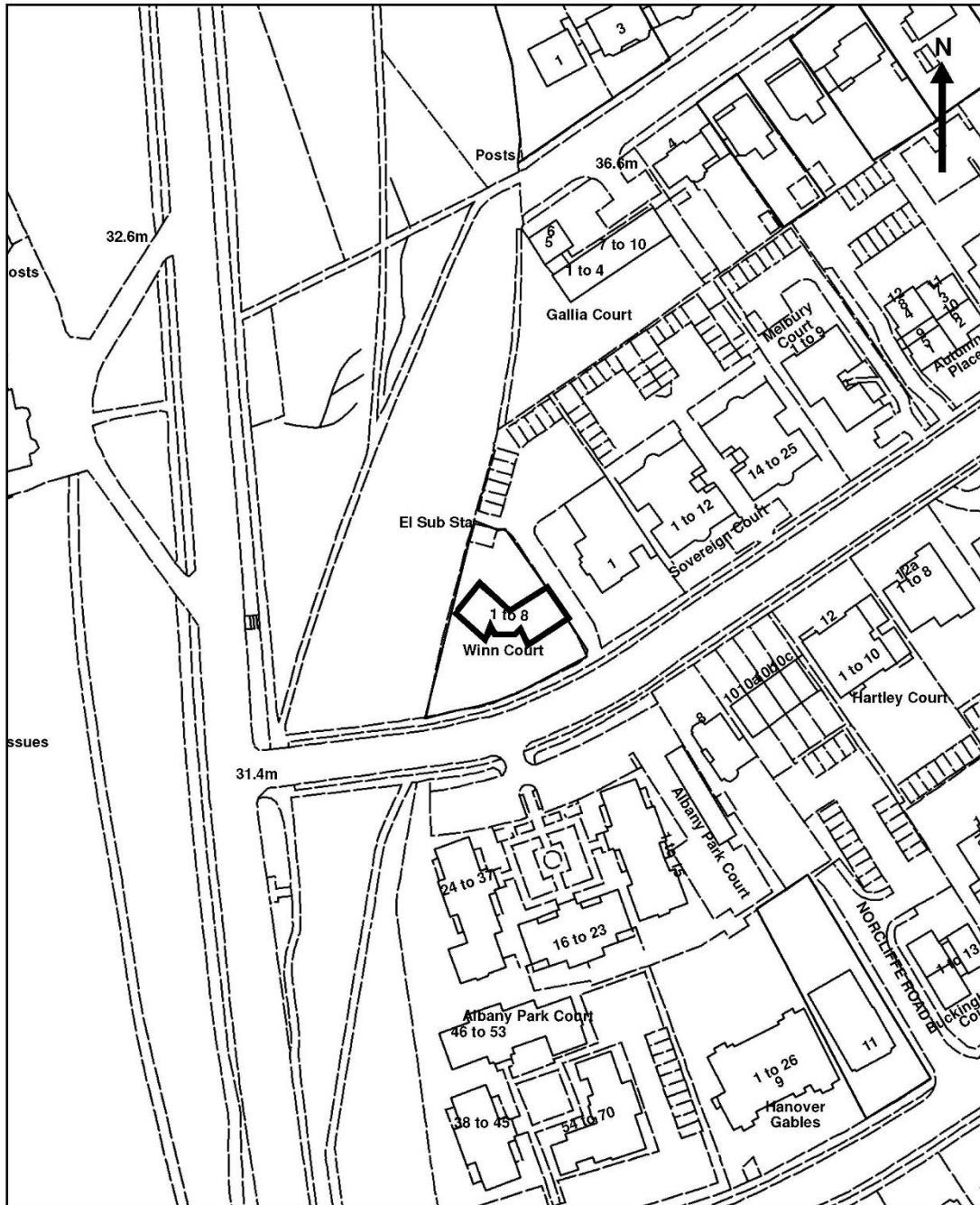
In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

## 06. Note to Applicant:

A HMO License will be required to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link;

<http://www.southampton.gov.uk/housing-council-tax/landlords-home-owners/landlords/houses-in-multiple-occupation/licensing-houses-in-multiple-occupation/default.aspx>

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