

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

Application address: 26 Stafford Road			
Proposed development: Change of use from a single dwelling house (Class C3) to flexible use as either a dwelling house or a house in multiple occupation (Class C4)			
Application number	15/00032/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	27/3/15	Ward	Freemantle
Reason for Panel Referral:	Objection by Cllr Moulton and 5 or more letters of objection contrary to officer recommendation	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton
Referred by:	Cllr Moulton	Reason:	Additional HMOs will erode the balance of surrounding community

Applicant: Mr Watmough	Agent: Mr Jonathan McDermott
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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 CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site consists of a terraced residential family dwelling house in an area typified by a mix of different types of residential dwelling.

2.0 Proposal

2.1 The application seeks to change the use from a C3 family house to a C4 house in multiple occupation. In practice, this means applying for a flexible use between C3 and C4 in order to allow for the property to be let to both sharers and single households for a period of 10 years. On the 10 year date from determination, the permanent use would become that which it is used as on that date.

2.2 It is proposed that the site will accommodate 6 bedrooms (with the maximum occupancy of a C4 HMO being up to 6 residents).

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.

4.0 Relevant Planning History

4.1 None relevant.

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

- HMOs result in anti-social behaviour/additional noise/different pattern of occupation from typical C3 use
- Surrounding area is 'family orientated' and associated impacts of multiple occupancy in terms of maintenance of property, refuse etc. would be harmful to the character of the surrounding area
- Applications for HMO use have been refused in nearby areas (specifically on Suffolk Avenue and Shirley Road)
- There are already enough HMOs in the locality

Note: These issues will be addressed in section 6.

- The proposal would exacerbate existing parking problems

Note: With reference to the Parking SPD and HMO SPD the maximum parking provision for a 3-bed dwelling house or 6-bed HMO are both 2 spaces.

Consultation Responses

5.2 **SCC Highways** – No objection.

5.3 **SCC Housing** – No objection.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are: the principle of the development; the character of the area; the residential amenity of future occupiers; impact on nearby residents and; parking and highway safety.

6.2 Principle of Development

The principle of an HMO use on this site needs to be assessed against the HMO SPD to determine whether there is already a concentration of such properties within the area. In combination with this, the impact of an HMO on the character and amenity of the area and its residents needs to be assessed. These issues are discussed below.

6.3 Character of the Area

6.3.1 The aim of the HMO SPD is to achieve a mix of households with the City in order to meet different housing needs whilst protecting the interests of other residents and landlords. The demand for HMO housing is high with the City, mostly by young single people both students and professionals, those on low incomes and other groups such as migrants. Whilst there is also a demand for family housing, there would be no net loss of a family house in this case as the property would still be capable of being used as such by means of a flexible C4/C3 permission. The property could thereby be rented to either sharers or families. CS16 defines a family unit as having at least 3 bedrooms with direct access to private useable amenity space for the sole use for the unit.

- 6.3.2 In order to avoid a high level of concentration with a particular area of the City which can have a detrimental impact on the local community, the HMO SPD applies a threshold within a certain area (40m radius from front door of the property) to limit the amount of HMOs and to encourage an even distribution across the City. The threshold with the Freemantle ward is 20% in order to limit the negative impacts on HMO concentration on the character of the area and the local community in terms of noise, traffic, waste and other issues.
- 6.3.4 The information available on the properties falling within the radius is inconclusive in some cases, with information being drawn from Council Tax records, data on record from Environmental Health, the planning history and electoral roll. However, the indicative information available appears to show that there are 2 HMOs within the 40m radius. The percentage within the area would be 14%, below the threshold of 20%.
- 6.3.5 Therefore, in accordance with the HMO SPD, the tipping point of the amount of HMOs in an area which would lead to a harmful impact on the character of the area has not been exceeded. It is therefore judged that this area is capable of accommodating an HMO, providing much needed housing to the City, helping to spread the concentration more evenly whilst limiting the impact on the character of the area.
- 6.4 Residential amenity of occupiers
- 6.4.1 The property has been assessed by the Private Sector Housing team who are content with the change of use proposals and have made the applicant aware of the alterations that needs to be made in order to meet the licensing standards. The room sizes, shared facilities and amenity space available is sufficient to provide a good quality living environment for future occupiers.
- 6.5 Impact on amenity of nearby residents
- 6.5.1 There are no physical works proposed which would have an impact on neighbouring residential amenities such as light, outlook and privacy. However, there is the potential for increased comings and goings associated with multiple people living as single households. The area is close to public transport links and local amenities in Shirley Road and the City centre. It is not judged that the addition of a limited number of single residents is likely to significantly change this current arrangement. Given the accessibility of the site and with reference to the relevant parking standards quoted in section 5.1, it is considered that the retention of the existing parking arrangement would meet the needs
- 6.5.2 Noise disturbance is a common concern with HMO properties. However, the HMO SPD outlines the fact that at the time of writing of the SPD, only 0.5% of the HMO housing stock in the City had been subject to noise notices. Whilst it is recognised that residents fear that there is an increased chance of noise disturbance and it taken into consideration, it is not judged to warrant refusal of the application. Noise complaints can be dealt with by the relevant authority (Environmental Health) should issues arise.
- 6.6 Parking and highway safety
- 6.6.1 The Highway team have indicated that there would be no safety issue as a result of the application. Parking would therefore be an amenity consideration rather than one of safety.

- 6.6.2 It is noted that while the submitted application form identifies that 1 parking space will be provided on site, however 2 are identified on the submitted plan, in accordance with the maximum parking provision for a 6-bed HMO as identified in the HMO SPD.
- 6.6.3 It is noted that the on-street parking provision is somewhat limited by the dropped kerbs of properties within the street. This suggests that residents have off-street parking and therefore the on-street provision is likely to be used as overspill for households with multiple vehicles and for visitors to the area. It is therefore judged that whilst parking pressures may increase, the residential amenity of residents is unlikely to be significantly affected.

7.0 Summary

- 7.1 Overall, it is judged that on the balance of probability based on the information available to the Council at the time of writing, there is a limited amount of HMO's within the area and therefore the creation of an additional HMO would not exceed the threshold of 20% in the area. On this basis, the application complies with the HMO SPD helping to provide a site for an important housing need whilst limiting the impact on the area due to the low level of HMOs in the area thereby creating a balance between households. The living environment would be satisfactory for both neighbours and future occupiers of the property.

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)(c)(d), 2(b)(d), 4(f)(qq)(vv), 6(c), 7(a), 9(b)

JF for 21/4/15 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 (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 - Cycle storage facilities [Pre-Occupation Condition]

Prior to the first occupation of the site as an C4 dwelling, details of cycle storage facilities to conform to the Local Planning Authorities standards of one space per resident shall be provided and agreed upon in writing by the Local Planning Authority . Such parking and storage shall thereafter be permanently maintained for that purpose. In the avoidance of doubt this means that 6 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.

05. APPROVAL CONDITION - Refuse and Recycling [Pre-Commencement Condition]

Before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

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 on the public footpath or highway and shall be stored in accordance with the details to be approved under condition 5.

Reason:

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

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation SPD (Adopted - March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

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Scale: 1:1,250

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