

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 20<sup>th</sup> July 2010  
 Planning Application Report of the Head of Division

<b>Application address:</b> 16 Bassett Heath Avenue, Southampton.			
<b>Proposed development:</b>  Conversion of existing house in multiple occupation (HMO) for 8 people into 7 x 1-bed flats with associated parking and cycle/refuse storage (submitted in conjunction with 10/00061/FUL)			
Application number	10/00059/Ful	Application type	Full
Case officer	Andy Amery	Public speaking time	5 minutes

<b>Applicant:</b> Mrs Surinder Kaur	<b>Agent:</b> Roderick Moore
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<b>Recommendation Summary</b>	<b>That planning permission be granted subject to the conditions set out within the report.</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. The development provides amenity space, car parking, refuse and cycle storage to the standards required by adopted policies and the Residential Design Guide. The property is currently a HMO for 8 persons and is therefore not a C3 or C4 dwellinghouse but a Sui Generis Use. The proposals do not therefore result in the loss of a family dwelling. The level of occupation is unlikely to be higher than currently exists and therefore levels of activity and potential disturbance are not considered to compromise the existing level of amenity enjoyed by surrounding occupiers. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

“Saved” Policies – SDP1, SDP5, SDP7, SDP9, H1, and H7, of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16 and CS19, and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

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

**Recommendation in Full**

That planning permission be granted subject to the conditions set out in this report.

## **1. The site and its context**

1.1 This application relates to an existing two storey property with an existing authorised use as a HMO for 8 people following the granting of a Lawful Development Certificate in 2006. The property is currently being extended to provide additional floor-space at ground and first floor level.

1.2 The site is located on the north side of Bassett Heath Avenue in an area typically characterised by detached family houses in an attractive low density residential area . The site however is not typical of the area.

1.3 There is an long and complicated planning history on the site which has been the subject of enforcement notices, planning appeals and lawful devilmnt certificates over any years. The site is currently more akin to a building site that a typical residential property and garden.

## **2. Proposal**

2.1 The application seeks to convert the existing property from a HMO for 8 persons into seven self-contained one-bedroom flats.

2.2 The works will be contained within the existing building, as extended, without the need for further external changes.

2.3 Internal alterations to the existing layout are proposed to ensure each flat has natural daylight and outlook from habitable room windows. The floorspace of each flat varies between 36 and 48 sq .

2.4 Externally, seven parking spaces are provided on the existing hardstanding to the site frontage together with a refuse store located within 10m of the collection point in Bassett Heath Avenue.

2.5 To the rear of the site, approximately 140 sq m of amenity space is shown to be provided for future occupiers. This space also includes a cycle store for 7 cycles to be used by future occupiers.

2.6 It should be noted that the very rear of the site contains an outbuilding which is the subject of a separate application to be considered by the Panel and has been the subject of it's own considerable planning history. The combined proposals therefore seek to sub-divide the existing planning unit to create 7 flats on the main building along the street frontage and a wholly separate 3-bedroom dwelling on land at the rear.

## **3.0 Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), 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**.

## **4.0 Relevant Planning History**

The site has a lengthy and complex history as is set out below.

860279/W: ERECTION OF PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION. Conditionally Approved 25.06.1986

870496/W: ERECTION OF DETACHED TWO STOREY GARAGE.  
Refused 25.11.1987

881724/W: CHANGE OF USE FROM SINGLE DWELLING TO REST HOME FOR THE ELDERLY. Approve with Conditions 02.11.1988

930558/W: CHANGE OF USE OF BUILDING AT REAR OF PROPERTY TO STAFF ACCOMMODATION. Refused 28.09.1993

An enforcement notice was subsequently served against the use of this property as a dwelling. An initial appeal was withdrawn and the Notice subsequently came into effect.

931024/W: CHANGE OF USE FROM SINGLE DWELLING TO REST HOME FOR THE ELDERLY - RENEWAL OF PLANNING PERMISSION 881724/22951/W PRIOR TO EXPIRY.  
Conditionally Approved 03.11.1993

940328/W: ERECTION OF A 2 STOREY REAR EXTENSION WITH THE INSTALLATION OF AN EXTERNAL FIRE ESCAPE STAIRCASE Refused 13.05.1994

941113/W: ERECTION OF 2 STOREY REAR AND SIDE EXTENSIONS  
Refused 22.11.1994 Appeal Dismissed 16.08.1995

950074/W: ERECTION OF A 2 STOREY REAR EXTENSION AND THE INSTALLATION OF A FIRE ESCAPE STAIRCASE Refused 26.04.1995

951324/W: ERECTION OF SINGLE STOREY AND 2 STOREY EXTENSIONS WITH EXTERNAL STAIRCASE  
Approve with Conditions 21.02.1996

03/01331/LDCE: To establish lawful use of premises as a house in multiple occupation for 8 people. Approved 23.09.2004

06/01663/FUL: Two storey rear/side extensions and first floor extension to east elevation. Refused 02.01.2007. Appeal Dismissed 06.07.2007

07/01914/FUL: Erection of part two-storey and part one-storey extension to existing HMO to accommodate a maximum of 9 people. Refused 07.03.2008

08/01376/ELDC: Certificate of lawfulness for the existing use of the rear-most detached out-building as managers accommodation ancillary to the use of the main front building as a house in multiple occupation.  
Refused 10.12.2008 Appeal Dismissed 16.10.2009

08/01482/FUL: Single storey rear extension and part 2-storey part single storey side extension (amendment of consent 05/01381/FUL)  
Refused 07.01.2009 Appeal Allowed 19.06.2009

In summary the current situation is that the main property has a lawful use as a HMO for up to 8 people. The current building works on the building relate to an extension allowed on appeal in June 2009.

## **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 also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 9 representations have been received from surrounding residents.

### **5.1.1 The site is already over-developed and an eye-sore these proposals represent a gross over-development of the site.**

Response: The authorised use of the property is a HMO for 8 people The property is currently being extended in accordance with plans allowed on appeal. The proposals do not seek to make any external changes to the property or add volume to what has already been approved. The conversion to 7 flats does not result in the loss of a family dwelling or the loss of garden space. Amenity space, car parking refuse and cycle storage are all provided in accordance with adopted standards. The proposals do not therefore exhibit any features normally associated with over-development. The rear of the site in particular is more akin to a building site with large quantities of materials generally stored in the open. Any consent would require this material to be removed in order to allow the amenity space to be provided as a useable and functional space for future occupiers.

### **5.1.2 Car Parking is totally inadequate.**

Response: The site is located in a low accessibility area where the maximum parking provision for one bedroom flats is one space per unit. This has been provided on site. The low level on on-road parking does not provide any justification for parking to be provided in excess of the maximum standards.

### **5.1.3 Up to 19 persons are already living at the site.**

Response:

Recent site visits and other Council records indicate up to 7 people are currently living at them main property with internal building works still continuing. The rear building has been recently vacated. There is no evidence of the currently authorised limit of 8 people living in the property being exceeded.

### **5.1.4 Refuse stores will not be able to cope with the level of occupation**

Response:

The refuse storage facilities are designed to accommodate the volume of refuse generated by 7 one-bedroom flats. Subject to final design details of these facilities to ensure security and visual amenity refuse facilities can be provided to the required standards within the site.

### **5.1.5 The site is not located close to amenities such as shops and schools and doctors which will mean greater reliance on the car and a significant increase in traffic.**

Response:

The site is located within a low accessibility area and the level of parking provision which is the maximum allowable for the number and size of units reflects this.

#### **5.1.6 The applicant has a long history of flagrantly breaching planning controls.**

Response:

The site has a very complex planning history as has been set out above and has been the subject of enforcement notices in the past which have required regularisation of breaches of planning control. At the present time the requirements of those enforcement notices have been complied with.

#### **5.1.7 The introduction of 7 flats into an area of detached family houses will be totally out of character with the area.**

Response:

The area is characterised by detached family dwellings in what is a low density and attractive residential area. The introduction of flats is at odds with that over-riding character but not necessarily contrary to policy. As the existing property is not a family dwelling but a HMO for up to 8 people the application should be judged on whether the potential increase in occupancy levels would have an adverse impact on neighbours and the character of the area and whether the site can provide all the facilities required to serve this number of units in accordance with the council's adopted standards.

#### **5.1.8 Highway safety will be compromised by the additional traffic generation.**

Response:

The highway officers have assessed the potential impact of the development and raise no objection to the proposals on highway safety grounds.

#### **5.1.9 Each flat is likely to be occupied by more than one person and therefore the increase in occupation will impact on amenity and privacy of adjacent and nearby residents.**

Response: The level of occupancy of each flat could vary and could be greater than the currently imposed limit of 8 people in the HMO. The units, whilst generous in size for modern one bedroom flats, do not lend themselves to high occupancy levels in terms of their general layout. The council has identified likely occupancy rates for different unit types. This equates to one person per unit in a bedroom in a HMO and 1.4 people in a one bedroom flat. The council's own standards therefore indicate that the level of occupancy of the building could increase from 8 to 10. It is not considered that this increase in occupancy would result in a materially greater impact on the amenity of nearby residents or the character of the area.

**5.2 SCC Highways** - No objections subject to a condition requiring the re-location of the parking space adjacent to the refuse store to ensure cars enter and leave the site in a forward gear and full details being provided of the refuse store. These matters can be secured by condition.

**5.4 SCC Sustainability Team** - Please note that conversions cannot be assessed via the Code for Sustainable Homes (CSH) and therefore a condition relating to the code is not reasonable.

However the applicant is still required to demonstrate how energy efficiency shall be improved and whether or not renewable energy will be able to be incorporated in the development.

Furthermore the development should improve water efficiency in accordance with CS20 2.b.

In which case the following conditions are recommended to ensure that CS20 is complied with:

Water Conservation (Pre-Occupation Condition), Renewable Energy - Micro-Renewables, Renewable Energy - Micro-Renewables.

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- i. The principle of development;
- ii. Impact on Established Character;
- iii. Residential Amenity;
- iv. Highways and Parking;

### **6.2 Principle of Development**

6.2.1 The application seeks to convert a HMO for 8 people into 7 self-contained one-bedroom flats. As such the proposals do not result in the loss of an existing family dwelling nor do they represent 'garden grab'. The acceptability in principle therefore must be judged on the schemes ability to satisfy the residential standards for flatted development without harming the character of the area or the amenity of adjacent occupiers.

### **6.3 Impact on Established Character**

6.3.1 The application does not seek any additional external alterations beyond those already allowed on appeal by the Planning Inspector when allowing the recent extension to the property. As such, in visual terms the property will appear the same as it currently does. The site frontage is already totally covered by hardstanding which is used by the occupiers of the HMO as parking. The application will formalise the parking arrangements in terms of the layout of the frontage but gain will appear little changed from the current use of the property.

6.3.2 The occupation of seven one-bedroom flats compared to 8 bedsits would, if measured against the councils standards of typical occupancy (1 per bed-sit and 1.4 per one bedroom flat) potentially increase the number of people living in the premises from 8 to 10 people. This is not considered to represent such a significant increase in occupation to be able to demonstrate the increase in activity, disturbance and loss of privacy expressed by local residents.

6.3.3 The impact on the character of the area is not therefore considered to be greatly different from that currently experienced other than that in approving the scheme conditions could be imposed requiring the removal of all extraneous materials from the front and rear of the site to enable the car parking and amenity spaces to be properly laid out. This would in fact represent a significant improvement to the visual qualities of the site compared to it's present condition.

## 6.4 Residential Amenity

6.4.1 The scheme provides the quantum of amenity space, car-parking, refuse and cycle storage required by the Councils adopted standards to serve 7 one-bedroom flats. In addition each flat benefits from natural light and outlook. In this regard it displays no characteristics of over-development and subject to the removal of the large quantities of material from the rear of the site would provide future occupiers with an appropriate living environment.

6.4.2 As already stated above, the occupation of seven one-bedroom flats compared to 8 bedsits would potentially increase the number of people living in the premises from 8 to 10 people. This is not considered to represent such a significant increase in occupation to be able to demonstrate the increase in activity, disturbance and loss of privacy expressed by local residents.

## 6.5 Highways and Parking

6.5.1 Car parking is provide at a rate of 1 space per unit. Notwithstanding the site is located in a low accessibility area this is the maximum parking provision allowed under the Council's adopted standards. Given the character of the area and high levels of off-road parking, on-road parking is not such a problem in this location to justify parking in excess of the maximum standards.

6.5.2 Subject to the relocation of on of the parking spaces to encourage all cars to enter and leave in a forward gear there is not considered to be a threat to highway safety.

## 7.0 Summary

7.1 The proposed development achieves the required standards for flatted development.

7.2 In visual terms the proposals will not result in any changes to the building but will remove the large quantities of materials that have built up on the site during a number of building programmes that have taken place over a number of years. The potential for increased occupancy rates is limited given the size and layout of the units and therefore it flats is unlikely to result in harm to the character and amenities of the area.

## 8.0 Conclusion

8.1 Notwithstanding the history of the site and the previous breaches of planning control, the application must be judged on it's merits and whether it satisfies the requirements of the development plan.

8.2 The proposals are considered to meet these requirements and as such are 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), 2(c), 2(d), 2(e), 4(s), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

**SH for 20.07.10 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 - No other windows or doors other than approved [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 windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

**03. APPROVAL CONDITION - Refuse and Cycle Storage**

Prior to first occupation of any of the flats hereby approved full elevational details of the cycle and refuse store shall be submitted to and agreed in writing with the Local Planning Authority. The Bin and cycle storage shall thereafter be laid out with a level approach (not in excess of 1:10) prior to the first occupation of the flats hereby approved in accordance with the approved plans. The refuse facilities shall include accommodation for the separation of waste to enable recycling with doors hinged to open outwards. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days.

REASON:

In the interests of highway safety and visual amenity and to encourage recycling.

**04. Approval condition - Amenity Space**

The amenity space shown on the approved plans shall be cleared of all building materials and made available for use by occupiers of all flats prior to first occupation of any of the approved flat units. The amenity space shall thereafter be permanently maintained in a useable condition with access to it for occupiers of each flat unit.

REASON

To ensure the occupiers of the flats have access to a useable amenity in the interests of their amenities and the amenities of adjacent occupiers.

**05. APPROVAL CONDITION - Water Conservation [Pre-Occupation Condition]**

Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the dwellings hereby approved water conserving appliances shall be installed, details of which shall be



submitted to and approved by the Local Planning Authority in writing prior to the commencement of development. Such details shall include specification of facilities such as low flow or dual flush toilets, spray taps to hand basins and shower units which utilise a maximum of 9 litres of water per minute.

**REASON:**

In the interests of water conservation

**06. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

**REASON:**

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009)

The condition shall need to be adjusted depending on the development type. Please refer to Policy CS20.

**07. APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]**

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

**Reason:**

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

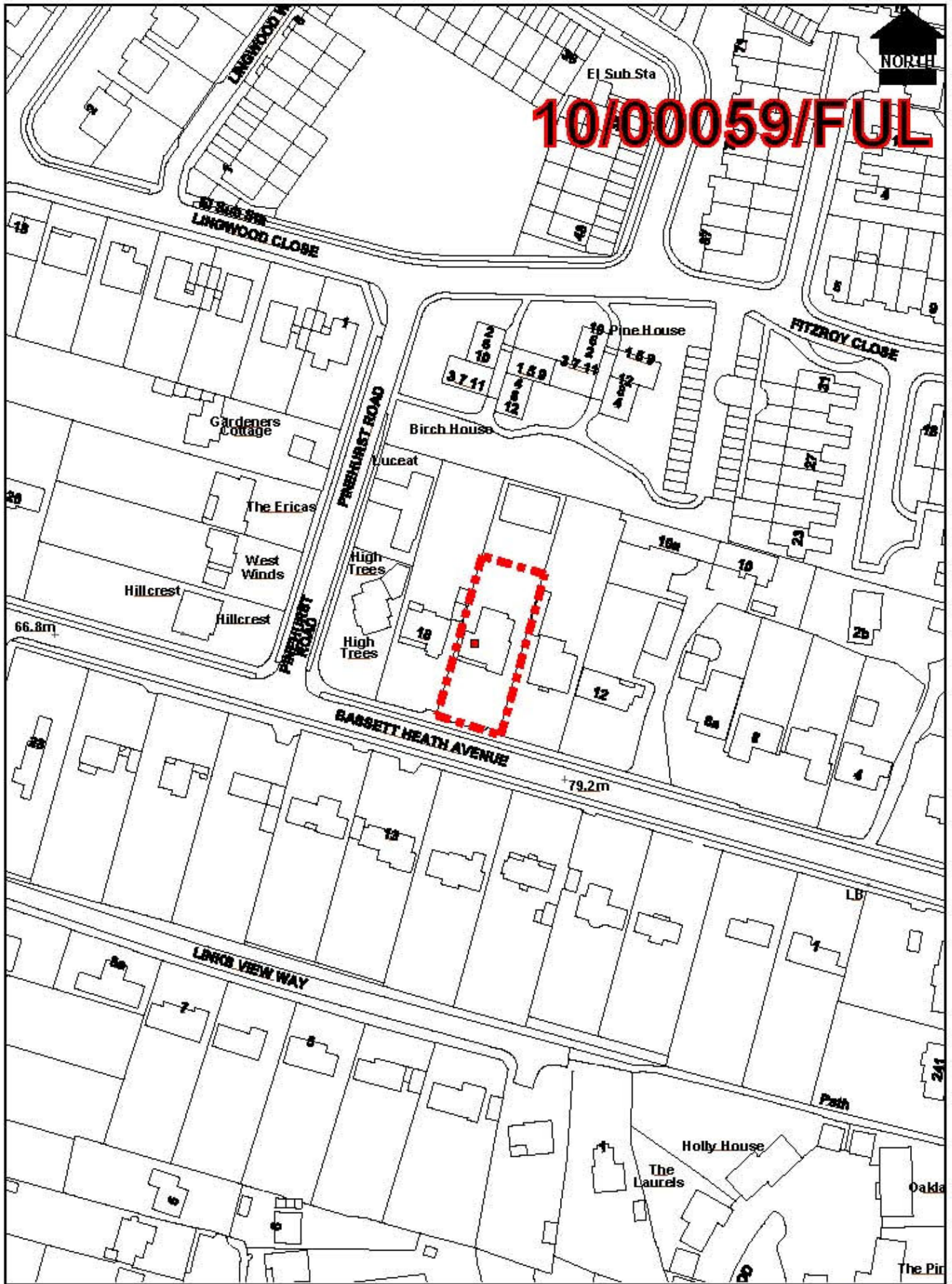
SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)



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Scale : 1:1250

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