

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 31st August 2010  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b>			
34 Northcote Road, Southampton			
<b>Proposed development:</b>			
Change of use from a 3-bed house (Class C3) to a 4-bed house in multiple occupation, HMO (Class C4)			
Application number	10/00743/FUL	Application type	Change of Use
Case officer	Mat Pidgeon	Public speaking time	5 minutes

<b>Applicant:</b> Mr Damion Theobald	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Grant planning permission.</b>
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**Reason for Granting Planning Permission.**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the character of the area, the potential intensification of occupation and the amenities of nearby occupiers have been considered and are not judged to have sufficient weight to justify a refusal of the application. 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.

Policies -

SDP1, SDP7 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).

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

**Recommendation in Full**

**Grant planning permission**

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

1.1 The application site comprises a Class C3, mid-terraced dwelling house positioned approximately midway along Northcote Road. The surrounding area is predominantly residential in character and supports both traditionally owner occupied family residential dwellings along with private rented accommodation.

## **2. Proposal**

2.1 The owner of number 34 wishes to change the use of the property from a C3 dwelling house to a C4 dwelling house. Usually a C4 use would allow the property to be occupied by between 3 and 6 unrelated occupants however the applicant is happy for the maximum number of residents to be restricted to 4. There are no proposals to extend the dwelling. The applicant states within the supporting documents that there are at present three bedrooms in the property however upon visiting the site a single bed was noted within the roof space which is intended for storage purposes only. The applicant states that the roof space would not be used as a bedroom if the scheme is supported, instead the additional bedroom (taking the total to 4) would be positioned in the room located at the front of the property and at ground floor level.

## **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**.

3.2 Policy CS16 of the Core Strategy resists the loss of family dwelling houses and seeks to control houses in multiple occupancy, particularly those properties which provide accommodation for students.

3.3 Paragraph 5.2.11 prevents the loss of family dwelling houses on redevelopment / conversion sites where planning permission is required. This means that CS16 opposes proposals which seek to change the physical layout of family dwelling houses so they no longer have the potential to be used as family dwelling houses without further physical alterations, i.e. it prevents the demolition or conversion of family dwelling houses into bedsits or flats where a family sized unit is not provided. Therefore Policy CS16 would restrict the conversion of a 3 bedroom (or larger) C3 dwelling to smaller flats and/or bedsits but does not prevent a change to C4 shared houses.

3.4 Paragraph 5.2.12 explains that *‘where planning permission is required the acceptability of a proposal to convert a building to a House in Multiple Occupation (HMO) will be assessed by balancing the contribution that such a*

*conversion will make to meeting housing demand against the potential harm to the character and amenity of an area and the suitability of the property concerned. Further information is contained in Policy H4 of the adopted Local Plan Review.”*

3.5 Planning permission is currently required for a change of use to a C4 dwelling house due to a change in the Use Classes Order (adding class C4) which took effect on 6<sup>th</sup> April 2010, however the government have indicated that from October 2010 this is unlikely to be the case. However, at the present time a change of use from a C3 Use to a C4 use is required and the criteria of Policy H4 are those, which applications of this type should be assessed. Valid considerations associated with C4 use include level of activity, parking and impact on the character of the area.

3.6 Policy H4 requires the LPA to balance the contribution a development could make to meet housing demand against the harm to the character and amenity of the area. In particular the assessment must take account of the amenities of the residents of nearby properties, the character and amenity of the surrounding area and the adequacy of the amenity space which is provided.

#### **4.0 Relevant Planning History**

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 which included notifying adjoining and nearby landowners and by erecting a site notice (08/07/2010). At the time of writing the report 8 representations have been received from surrounding residents. The following observations/comments were made:

- Parking pressure.
- Family homes should be retained for families.
- Contrary to PPS3, CS16 and H4.
- The site is within an area likely to be an area of restraint.
- The increase in size and occupancy would be inappropriate to the area which is largely made up of smaller houses intended for family and starter homes.
- Out of character with the rest of the area.
- Overdevelopment of the site, increased burden on local infrastructure

#### **RESPONSE**

These planning considerations are responded to in detail in section 6 of the report - Planning Considerations.

5.2 **SCC Highways Development Control** – No objection to the proposal.

5.3 SCC Planning Policy – No objection to the proposal. It is stated that:

*'The application for a change of use from a dwelling house (C3) to a house in multiple occupation (C4) is acceptable and is not contrary to adopted policies. CS16 refers to no net loss of family homes where a site can accommodate a mix of residential units. A family home is defined as being a dwelling with three or more bedrooms with access to useable private amenity space. The policy can only prevent a loss of a family home if redevelopment or conversion takes place (physical works undertaken) to convert an existing house into self contained units (as explained in Para 5.2.11 of the Core Strategy).*

*The proposal will not result in physical work; therefore the shell of the house will physically remain as a family home.*

*Policy H4 discusses proposals for the conversion of dwellings or other buildings into houses in multiple occupation and indicates that they will be assessed on the balance between the contribution the development could make to meeting housing demand, against the harm to the character and amenity of the area which might occur.*

*In this circumstance planning policy find the application acceptable'.*

## **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. character and amenity of the surrounding area; and
- iii. the adequacy of the amenity space provided.

6.2 Given that the scheme would not change the physical structure of the property or prevent it from being used as a family dwelling house in the future; and given the current policy status, the principal of the change of use is acceptable subject to the criteria of policy H4.

6.3 The council are yet to carry out further research to consider whether other forms of control, such as areas of restraint and/or the setting of HMO thresholds, would be suitable for the area or not, in which case little weight should be attributed to this consideration.

6.4 The impact on the character and amenity of the area has been assessed whilst carrying out a site visit. The character of the area is formed by both C3 and

C4 dwelling houses. The current balance between C3 and C4 dwelling houses in Northcote Road is continuing to be monitored with help from other council departments reviewing the electoral register and council tax records, the results of which will be verbally presented to panel.

6.5 The judgement as to the acceptability of the proposals whilst planning permission is still required falls upon the criteria of Policy H4. It is recognised that there is the potential for a greater level of activity to take place at the property and in the local area as a result of a C4 dwelling house in comparison to a C3 dwelling house. The activity is likely to include increased movement by residents, additional vehicular parking, additional refuse and noise as occupants would not be residing within the property as a family unit living together in a traditional sense. Whether the additional activity is harmful is, however, more difficult to prove particularly if a limitation on the number of occupiers is set at 4 persons. As previously stated the change of use would not be considered out of character and/or context with the surroundings as there are already C4 dwelling in the neighbourhood. Whilst there is potential for some additional Impact on the amenities of existing residents it would be very difficult to quantify and unlikely to be harmful in itself should future occupiers behave reasonably. Unreasonable behaviour by occupiers resulting in statutory nuisance would be dealt with by other legislation.

6.6 With regard to parking, the property is within a high accessibility area. The need for the use of a car in this location is reduced and this is reflected in the adopted parking standards in the development plan. There are no objections to the proposals on highway grounds.

6.7 The determination should also take into account the positive roll that C4 dwelling houses bring to the city and residents of the city. C4 uses do not only provide student accommodation. Southampton benefits from three hospitals with several thousand employees, two universities and a large commercial and retail base. It is also surrounded by a relatively expensive hinterland including Winchester and the New Forest. This has the effect of drawing many young professionals into the city to seek accommodation and C4 dwelling houses provide an important role in the supply of affordable residential units for a broad range of individuals making up a significant proportion of Southampton's community and economy.

6.8 Many of the representations object to the proposal on the grounds that there would be an overdevelopment of the site, in-sufficient amenity space and unacceptable parking pressure would be caused. In response it should be noted that whilst the property remains a C3 dwelling there is no reason why the same number of individuals could not live at the property and who could also own the same number of vehicles as those associated with a C4 dwelling house. The proposal is for a maximum number of four residents (as agreed with the applicant) and the amenity space is considered adequate given the context of

other private gardens in the area. Overdevelopment tends to refer to the scale/footprint of new development and is therefore not a consideration in this case, due to the fact that there are to be no physical changes or additions to the dwelling. The scheme is not considered out of context and for the reasons discussed above it is not considered reasonable to object to the scheme on the potential effect on surrounding residential amenity.

## **7.0 Conclusion**

7.1 This application has been assessed as being acceptable to residential amenity and its local residential context. The application is 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), 1(d), 2(c), 2(e), 4 (r), 4(s), 6(c), 7(a), 7 (c), 9(a), 9(b).

## **MP for 31.08.10 PROW Panel**

## **PLANNING CONDITIONS Application 10/00743/FUL**

### **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 - Residential Restriction**

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 4 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 scale of the property and surrounding context; and character.

**POLICY CONTEXT**

City of Southampton Local Plan Review – (March 2006)

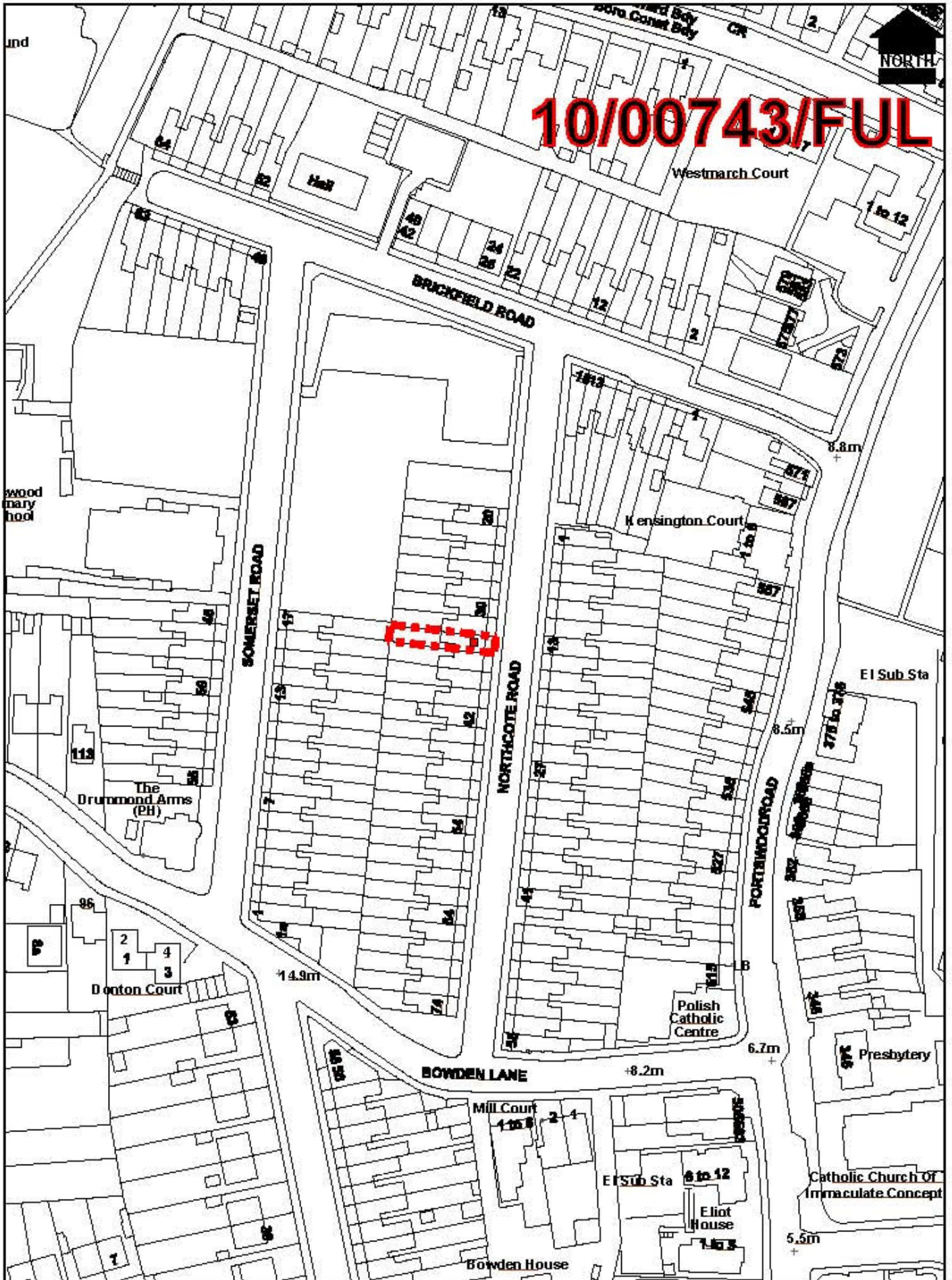
SDP1	Quality of Development
SDP7	Context
H4	Houses in Multiple Occupation

Local Development Framework Core Strategy Development Plan Document  
(January 2010).

CS16	Housing Delivery
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Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS4	Housing



10/00743/FUL

Scale : 1:1250

Date : 16 August 2010

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