

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 6th December 2016
Planning Application Report of the Service Lead, Planning, Infrastructure and Development

Application address: 8 Westridge Road			
Proposed development: Change of use from a 6-bedroom HMO (Class C4) to a 7-bedroom HMO			
Application number	16/01509/FUL	Application type	FUL
Case officer	Anna Coombes	Public speaking time	5 minutes
Last date for determination:	01.11.2016	Ward	Portswood
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors	Cllr Savage Cllr Claisse Cllr O'Neill

Applicant: Mr Rai	Agent: ACHIEVE - Town Planning and Urban Design Ltd
--------------------------	--

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	No
---	-----------

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, H4 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the guidance set out in the relevant sections of the HMO SPD (amended May 2016).

Appendix attached			
1	Relevant Development Plan Policies	2	Previous Decision Notices
3	Timeline of Events		

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 This application site lies within the ward of Portswood. The surrounding area is predominantly characterised as a suburban residential area with properties in a mix of styles. The site is located close to Portswood District Centre on Portswood Road.
- 1.2 The existing property is a semi-detached, two-storey dwelling, which was extended and refurbished in early 2011 to form 7 bedrooms. The property has recently been established as a HMO for up to 6 occupiers prior to 23rd March 2012 (prior to the introduction of the Article 4 direction to remove C3 to C4 permitted development rights) by way of a Lawful Development Certificate.
- 1.3 Existing communal facilities comprise of an open plan lounge and kitchen/dining room on the ground floor, as well as shared bathrooms on the ground and first floor. The occupiers also have access to a private garden at the rear (188 sqm in area).

2. Proposal

- 2.1 It is proposed to increase the number of bedrooms from 6 to 7. No internal or external alterations are required to achieve this, as the extension and refurbishment works in early 2011 provided these 7 bedrooms and a communal open plan Kitchen / Lounge / Diner. This large communal space (41sqm) will be retained as existing.
- 2.2 Bin and cycle storage facilities are currently provided within the existing garage. There is ample space to store one cycle per occupant, plus refuse and recycling bins with safe and convenient access.
- 2.3 In effect, this application seeks to regularise the existing use of the property as a large HMO for up to 7 persons by changing the use from a C4 small HMO for up to 6 persons, which was established as lawful under the Lawful Development Certificate (LDC) 16/00772/ELDC.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out in **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.
- 3.3 The Houses in Multiple Occupation SPD was originally adopted in March 2012. A revised SPD was recently adopted on 4th May 2016. This provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The revised SPD also sets a maximum threshold of 10% across the City of Southampton for the total number of HMOs within an assessment area of a 40m radius.

- 3.4 There will be no physical increase in the concentration of new HMO dwellings within the assessment area, as a C4 HMO use has been established by LDC 16/00772/ELDC, so the 10% threshold test is not applicable in this case. With regard to the increase in occupation of the existing C4 HMO by 1 person to a large HMO, the planning application is assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.5 The revised SPD (section 4.8) recognises that the intensification of existing small HMOs, by increasing the number of occupiers to become large HMOs, can have a harmful impact on neighbouring occupiers. This is due to increased traffic in and out of the property associated with the independent lifestyle pattern of occupiers living as individual households, as such, careful consideration of the impacts on the local community has been taken into account.

4. Relevant Planning History

- 4.1 The property was purchased by the applicant, Mr Rai, in late 2011, with the intention of converting it into an HMO. Student tenants were secured in November 2011 to occupy the property in the following year.
- 4.2 In February 2012 the applicant secured planning permission for a single storey rear extension to the property in order to provide the additional ground floor bedrooms and internal refurbishment works were under way to convert the property to an HMO (ref.11/01858/FUL). An application for use as a 7-bed HMO is also submitted, but subsequently refused (ref.12/00189/FUL).
- 4.3 On 23rd March 2012 the City-wide Article 4 Direction came into force, restricting the conversion of C3 family dwellings into C4 small HMOs without planning permission. At this point there was a clear intention to operate the premises as an HMO, as the extension to provide the additional bedrooms, and the internal refurbishments works were well underway, as seen on site visits by the Planning Case Officer. The HMO use for 7 bedrooms had also been applied for, although it was later refused in June 2012.
- 4.4 In July 2012 the tenants who had signed their tenancy agreement in November 2011 moved into the property. The pattern of signing a tenancy agreement in November / December of the previous year and occupying the premises in July of the following year is not unusual, as it is followed for all tenants at this property in the intervening years. This also reflects a common pattern of student tenancies across the City.
- 4.5 The applicant submitted a further application for the 7 bed sui generis HMO use in January 2016, following an Enforcement enquiry (ref. 16/00121/FUL). This was refused on the basis of a new HMO use breaching the 10% threshold for Portswood Ward.
- 4.6 In May 2016 the applicant submitted an application for a Lawful Development Certificate (LDC) for an existing C4 small HMO use for up to 6 occupants (ref. 16/00772/ELDC). An application for a LDC is assessed on a matter of fact and degree. The test was: was there clear intention to operate the property as an HMO on 23rd March 2012. The Council's evidence bases were cross-referenced and the information available did not cast doubt on the applicant's claim and evidence that the property was intended as an HMO, so the LDC was granted.

- 4.7 The validity of this LDC has recently been questioned by local residents in the Portswood area, who also provided further evidence of the occupation of the premises prior to Mr Rai's ownership. This new evidence was reviewed in detail, but was not found to alter the finding that, on 23rd March 2012, Mr Rai was in possession of the premises and actively refurbishing it with clear intention to provide an HMO use. This was considered sufficient evidence to grant the LDC. The Council is aware that the decision to grant the LDC, and subsequently not to revoke it following the submission of information/evidence from local residents is a cause for concern for residents but the LDC must in this case be seen as relevant and a material consideration to be used in considering this application
- 4.8 For further information, please refer to **Appendix 2** for the decision notices of the applications mentioned above and see **Appendix 3** for a detailed timeline of the above events.

5. 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 erecting a site notice (09.09.2016). At the time of writing the report **6** representations have been received, all objecting to the development, including objections from the Portswood Central Residents Association and from the North Southampton Community Forum. The following is a summary of the points raised:

5.1.1 Two previous refusals of planning permission for 7 bed Sui Generis HMO and the LDC, upon which this application is based, is subject to challenge.

Response

The two previous refusals of planning permission related to a change of use from a C3 family dwelling to a 7 bed Sui Generis HMO and were therefore subject to the 10% threshold test. This application is not subject to the 10% threshold test, as the HMO use has now been established via the granting of the LDC and the application does not, therefore, propose a new HMO use, only an increase of 1 occupant, in order to change the use from a C4 small HMO to a 7 bed Sui Generis HMO. The LDC has been reviewed in detail in light of the new evidence submitted by local residents, however the decision to grant this LDC has been found to be valid and correct.

5.1.2 Existing high concentration of HMOs and student houses in the local area.

Response

This proposal does not introduce a new HMO use to the area, as the property has been operating as a 7 bed HMO (albeit unlawfully) since July 2011, so the effects of having 7 occupants on site are known. The property is now established as a C4 HMO use (allowing up to 6 persons) by way of the Lawful Development Certificate, so the effective increase in occupiers would be 1 person. As such, the introduction of 1 additional person living in the local area is unlikely to arise in a significant change to the mix and balance of the local community. As noted above, it is also important to note that the previous application was refused on the basis of the threshold approach rather than the level of intensity associated with the use of the property as a 7-bed HMO.

5.1.3 Insufficient off-street parking, exacerbating existing parking pressures.

Response

The proposal meets our maximum parking standards of 2 spaces for a 7 bedroom HMO within a high accessibility area such as this, close to Portswood

District Centre. The existing front driveway provides at least 2 parking spaces, with the potential for a third parking space along the boundary wall, in front of the garage, if necessary. There is also an existing garage on site, which, although it is below our current parking standards, can provide secure, covered cycle storage for each of the residents, in order to promote more sustainable modes of transport.

5.1.4 **Overdevelopment of the site**

Response

There is no increase in the built form on site, only an increase of 1 occupant. Although this does result in some increase in traffic in and out of the property, this is not considered to represent overdevelopment.

5.1.5 **North Southampton Community Forum** – This application is based on the findings of the Lawful Development Certificate, which is subject to challenge; Similar applications previously refused; Enforcement proceedings; Threshold exceeded; Material harm to character and amenity. The application is contrary to Section 17 (Empowering Local People), Section 50 (Sustainable Development) and Section 58 (Design) of the NPPF.

5.1.6 **Portswood Central Residents Association** – This application is based on the findings of the Lawful Development Certificate, which is subject to challenge; Insufficient parking exacerbating existing parking issues; Over-intensification of site; Previous application refused.

Consultation Responses

5.2 **SCC Highways** – Westridge Road has unrestricted on street parking, and many properties benefit from off street parking. It is acknowledged that during the evening parking can be under great demand, but parking in itself does not create a highway safety issue. The addition of an additional room in this location does not create any highway safety concerns, although it could increase demand for kerbside parking.

5.3 **Environmental Health** – Environmental Health has no objection in principle, but recommend conditions S025, S030 and the applicant should be aware of the need to comply with the Council's requirements for HMOs and ensure that space standards and Lacors Fire Safety requirements are met.

6. Planning Consideration Key Issues

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

- Principle of Development;
- Impact on the Character and Amenities;
- Impact on Parking and Highway Safety and;
- Standard of Living Conditions.

6.2 Principle of Development

6.2.1 The property has been established as having a lawful use as a small HMO (class C4) for up to 6 occupants, via the granting of an LDC in June this year. Although the granting of this LDC was called into question, it was reviewed in light of the new evidence received and the decision to grant the LDC was found to be sound.

6.2.2 The 10% HMO threshold applicable across the City is, therefore, not applicable in this case, as the property is already established as a small HMO and there will be no increase to the concentration of HMO dwellings within the local area. The

provision of one additional bedroom would meet a need for this type of accommodation set out in Policy CS16 of the Core Strategy. Furthermore, the proposal would make efficient use of the property to provide additional accommodation that would reduce the pressure for the creation of new HMOs. The principle of development is, therefore, acceptable as a small HMO use (with up to 6 residents permitted) has already been established. This is subject to whether the intensification of use by 1 person would cause any material harm with respect to the key planning issues below.

6.2.3 Policy CS16 of the Core Strategy confirms that a family home is a dwelling of three or more bedrooms with direct access to sufficient private garden space. Planning Appeal decisions have confirmed that sui generis HMOs can be defined as dwellings. The proposed sui generis HMO does not involve any alterations to the existing property and retains a large element of communal living area (shared kitchen, dining, and bathroom facilities) and a communal garden of over 188sq.m in area. As such, it is considered that the property would continue to meet the adopted policy definition of a family dwelling and would not, therefore, result in a net loss of a family dwelling. Furthermore, the previous planning applications on this site were not refused on this basis.

6.3 Impact on the Character and Amenities

6.3.1 The proposal is considered to meet the policy objective of the HMO SPD by limiting the spread and concentration of new HMOs within the area. There would be no resulting change to the mix and balance of dwellings within the local community as a result of this application. The records held by the Council's licensing team indicate that, whilst there is a mix of HMO and single-family dwellings within the vicinity of the site, and whilst the 10% threshold has been exceeded, the locality is not over-saturated by HMO uses. Within the 40m radius of the front door of this property, there are 20 residential properties, 10 of which are listed as having an HMO licence, or an application for a HMO licence, resulting in a 50% concentration of HMO uses in the immediate area. As such, it is not considered that the proposed 1 additional occupant would have a significant or harmful effect on the intensity of HMO occupation within the local area.

6.3.2 The property itself is considered comfortably large enough to accommodate 7 persons and benefits from a private garden of over 188 sq.m, which exceeds the Council's amenity space standards for semi-detached properties (70 sq.m). The site is also large enough to comfortably accommodate the storage and parking needs of the use. As such, the addition of 1 occupant is not considered to result in an over-intensive use of the site and the comings and goings of 1 additional person would not adversely harm the amenities of the neighbouring occupiers.

6.4 Impact on Parking and Highway Safety

6.4.1 The Highways Officer has not raised any concerns with regards to the impact on highway safety in terms of access and parking. The Council's parking policies expect a maximum of 2 off street parking spaces in this high accessibility location in order to reduce car ownership levels and encourage the use of more sustainable transport. The current provision of 2 car parking spaces on the driveway is, therefore, acceptable in policy terms. This property is located in a highly sustainable location for access to public transport, as well as being within walking distance to local amenities and to the university for student occupiers, which reduces the need to own a car. This would therefore minimise any further pressure to street parking.

6.4.2 There would be a requirement to provide secure and covered cycle parking storage (1 space per resident) at the property, the details of which can be secured by condition. As such, the increase in occupancy by 1 person is considered to be acceptable in terms of potential on-street car parking generation.

7. Summary

7.1 In summary, the impact from the intensification of the HMO by 1 addition person would not cause harm to the character and amenity of the area with respect to the balance and mix of households, parking pressure, and highway safety of the local area. It should be noted that the Council's HMO licensing regime is intended to help address the negative amenity impacts associated with HMOs. The improvement of the existing HMO stock also contributes towards meeting an identified housing need in the city for low income and transient households.

8. Conclusion

8.1 In conclusion, the proposed development is considered to accord with the Council's guidance and policies and, therefore, is recommended for approval subject to the conditions in the report.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1(a), (b), (c), (d), 2(d), 3(a), 4(f), (qq), 6(a), (b)

AC for 05/12/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development hereby permitted shall begin no 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. Number of occupiers

The property shall be occupied by no more than 7 people without the grant of further specific permission from 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. Refuse storage and collection

Prior to the commencement of the use as a 7 bed Sui Generis HMO, the existing storage for refuse and recycling containers shall be made available for use. The storage shall be thereafter retained as approved.

Reason:

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

04. Cycle storage

Within 3 months of this decision, details of secure and covered storage for 7 bicycles, shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason:

To encourage cycling as an alternative form of transport.

05. Retention of communal spaces

The open plan kitchen/lounge/dining room, the ground and first floor bathrooms and storage cupboards, and the ground floor garage and store shown on the approved plans shall remain as communal space for the occupiers of the dwelling throughout the occupation of the building as a Sui Generis HMO 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 no intensification of use of the site as a whole.

06. 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

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

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (September 2006)

Parking Standards SPD (September 2011)

Houses in Multiple Occupation SPD (Revised May 2016)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Decision Notice – 11/01858/FUL – Single Storey Rear Extension



11/01858/FUL/10377

DETERMINATION OF APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning
(Development Management Procedure) (England) Order 2010

Sanders Design Services Ltd - FAO Mr Neil Sanders
95 Cedar Road
Hythe
Southampton
SO45 3PX

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: **Erection of a single storey rear extension**
Site Address: **8 Westridge Road Southampton SO17 2HQ**
Application No: **11/01858/FUL**

Subject to the following conditions.

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works 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 - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

04.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.


Chris Lyons
Planning & Development Manager

6 February 2012

If you have any further enquiries please contact:

Jagdeep Birk

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 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.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
RAI SHT 2		Proposed Plans	24.11.2011	Approved



DETERMINATION OF APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Sanders Design Services Ltd
Mr Neil Sanders
95 Cedar Road
Hythe
Southampton
SO45 3PX

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: Change of use from a 3-bed house to a 7-bed house in multiple occupation (HMO, sui generis)

Site Address: 8 Westridge Road Southampton SO17 2HQ

Application No: 12/00189/FUL

For the following reason:

01. REASON FOR REFUSAL - Cumulative effect of Houses in Occupation

The Local Planning Authority considers that the cumulative impact of a sui generis House in Multiple Occupation (HMO's) would result in an unacceptable concentration of HMO's in the immediate vicinity of the site (40m of the front door). This intensification of activity would harm the character of the area and undermine the Council's approach of promoting mixed and balanced communities to the detriment of the amenities of the area. As such the proposal is contrary to Policies SDP1 (i), H4 (i) and (ii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Chris Lyons
Planning & Development Manager

29 June 2012

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
RAI SHT 1	X	General Plan	08.02.2012	Refused
RAI SHT 2	X	General Plan	08.02.2012	Refused
RAI SHT 3	X	General Plan	08.02.2012	Refused



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Sanders Design Services Ltd
Mr Neil Sanders
95 Cedar Road
Hythe
Southampton
SO45 3PX

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: Change of use from a dwelling house to a 7-bed house in multiple occupation (HMO, sui generis) (retrospective)

Site Address: 8 Westridge Road, Southampton SO17 2HQ

Application No: 16/00121/FUL

For the following reason(s):

01.REASON FOR REFUSAL - Cumulative effect of Houses in Multiple Occupation

The Local Planning Authority considers that the cumulative impact of an additional Sui Generis 7 bed House in Multiple Occupation (HMO) results in an unacceptable concentration of HMO's in the immediate vicinity of the application site (40m of the front door). This intensification of activity is considered to harm the character of the area and undermine the Council's approach of promoting mixed and balanced communities to the detriment of the amenities of local residents. As such, the proposal is contrary to saved policies SDP1 and H4 of the City of Southampton Local Plan Review (as amended 2015) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015), as supported by the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Samuel Fox
Planning & Development Manager

22 March 2016

Decision Notice – 16/00772/ELDC – LDC for the existing use as a C4 Small HMO



TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015: article 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Mr Rai
C/O Mr Steve Lawrence
Achieve Town Planning and Urban Design Ltd
323 Havant Road
Farlington
Portsmouth
PO6 1DD

The Southampton City Council HEREBY CERTIFY that on 9th May 2016 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule and identified on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) ("the Act") for the following reason(s):

Based on the documents submitted, there is sufficient evidence that the property has been used a small House in Multiple Occupation (HMO) (C4) Use Therefore, it is immune from enforcement action.

A handwritten signature in black ink, appearing to be "Richard Ivory", written over a faint circular stamp or seal.

Signed

SERVICE DIRECTOR: LEGAL & GOVERNANCE
RICHARD IVORY, Solicitor
On behalf of **Southampton and Fareham Legal Services Partnership**

Dated 22nd July 2016

Application No: 16/00772/ELDC

FIRST SCHEDULE

Existing Use of the property as a C4 HMO (House in Multiple Occupation)

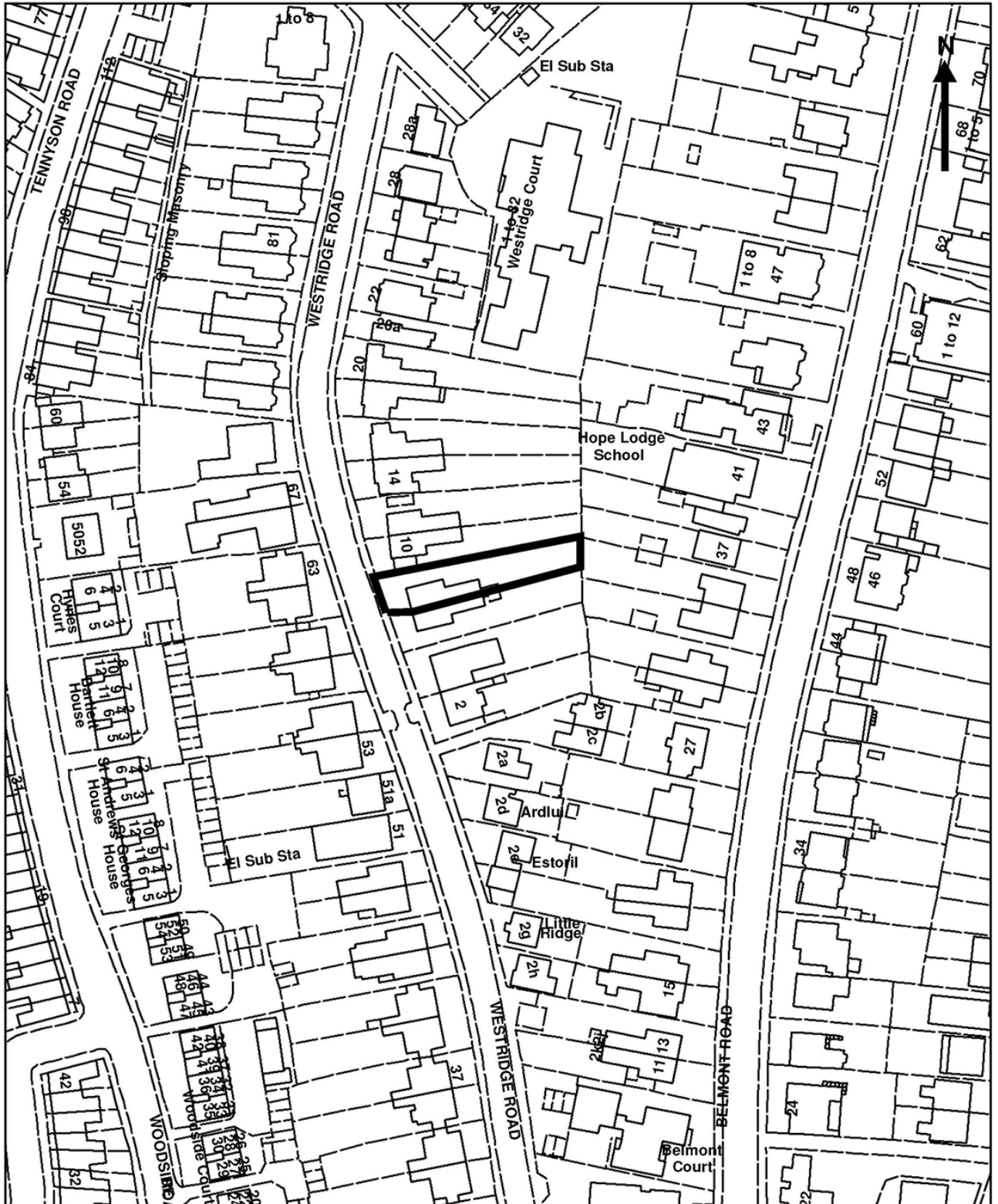
SECOND SCHEDULE

8 Westridge Road, Southampton, SO17 2HQ

Timeline of events for 8 Westridge Road

- 23/11/2011 – Applicant submits an application for an extension: 11/01858/FUL “Erection of a single storey rear extension”. Certificate of Ownership A is signed on the application form, indicating Mr Rai has taken ownership at this point.
- 28/11/2011 – 7x HMO tenants sign agreement for 12mth period 01/07/2012 – 30/06/2013
- 01/12/2011 – Data published for 2012 Electoral Register, showing single family occupation, but this data is collected much earlier in the year, prior to November 2011, during summer/autumn months.
- 30/01/2012 – Site visit for 11/01858/FUL – Photos show works for the rear extension clearly underway (site cleared and footings dug out).
- 06/02/2012 – 11/01858/FUL “Erection of a single storey rear extension” is conditionally approved.
- 08/02/2012 – Applicant submits an application 12/00189/FUL for “change of use from a 3-bed house to a to 7-bed HMO (sui generis)”. Application form states property is vacant.
- *** 23/03/2012 – HMO Article 4 Direction comes into effect *****
- 24/04/2016 – Site visit for 12/00189/FUL – Photos show works clearly underway and Mr Rai in possession.
- 29/06/2012 – 12/00189/FUL application for change of use refused.
- 01/07/2012 – 7 tenants move in.
- Aug 2012 – First evidence of HMO status on Council Tax records.
- 03/12/2012 – Enforcement investigation opened into unlawful change of use to an HMO (ongoing).
- 04/01/2016 – Enforcement Team write to applicant to advise them of their intention to serve an Enforcement Notice.
- 26/01/2016 – Applicant submits another application for retrospective change of use to 7-bed HMO 16/00121/FUL.
- 22/03/2016 – 16/00121/FUL application for change of use refused.
- 08/05/2016 – Applicant submits Lawful Development Certificate application 16/00772/ELDC for existing use as a C4 small HMO (3-6 persons).
- 09/08/2016 – 16/00772/ELDC Lawful Development Certificate application for existing use as a C4 small HMO is granted.
- 06/09/2016 – 16/01509/FUL application submitted for change of use from a C4 small HMO to 7 bed Sui Generis HMO.
- Sept/Oct 2016 – Lawful Development Certificate challenged by local residents and new evidence is submitted.
- Oct/Nov 2016 – Decision to grant LDC is reviewed in light of new evidence, but the decision is found to be sound.

16/01509/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

