

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 28 September 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
67 Arthur Road SO15 5DW			
Proposed development:			
Change Of Use From Residential (Class C3) To A 7-Bed House In Multiple Occupation For A Maximum Of 9 People (Sui Generis)			
Application number	10/00826/FUL	Application type	FUL
Case officer	Steve Lawrence	Public speaking time	5 minutes
Last date for determination:	25.8.2010	Ward	Freemantle
Reason for Panel referral	This application has been brought to the panel at the request of three ward councillors and a minimum of five letters of representation has been received, in accordance with agreed Panel procedure.	Ward Councillors	Cllr J R Moulton Cllr M A Ball Cllr B E Parnell

Applicant: Mr Martin Clegg	Agent: Turley Associates - Mr Daniel Wiseman
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development has been assessed as being acceptable to residential amenity and its local residential context taking into account the policies and proposals of the Development Plan as set out below. 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.

Policies SDP1, SDP7 and H4 of the City of Southampton Local Plan Review - Adopted March 2006.

Policy CS16 of the Local Development Framework Core Strategy - January 2010.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises a two-storey semi-detached property with single dormers in the front and rear roof slopes to facilitate accommodation in the roof.

1.2 The property has recently been converted from a dwelling house into a 7-bedroom House of Multiple Occupation (HMO) without planning permission and therefore this application is retrospective.

1.3 The front of the site is enclosed by a dwarf wall and hedging with gated access. A private garden is located to the rear with external side access.

1.4 The surrounding area is predominantly residential in nature and comprises semi-detached properties occupied as single dwelling houses, flatted accommodation and shared houses, as acknowledged in the Character appraisal section of the Howard Road and Thornbury Avenue Development Control Brief (1991).

1.5 There are no parking restrictions within Arthur Road or surrounding streets.

2. Proposal

2.1 The application seeks retrospective planning permission for the conversion of the property into a 7-bedroom House of Multiple Occupation. The layout of the property comprises communal facilities and a bedroom on the ground floor; three bedrooms and shared toilet and bathing facilities on the first floor; and two bedrooms with en-suite facilities at first-floor level.

Two of the bedrooms are larger and could accommodate couples and therefore the application seeks consent for a maximum of 9 persons.

No significant external or structural alterations have been carried out to facilitate the conversion. The rear gardens provide 112 square metres of private amenity space. Bin and bicycle storage is provided to the rear with external side access. 1 car parking space is located to the front of the property.

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 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 of use to houses of multiple occupation.

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 6th April 2010, however the government have indicated that from 1st October 2010 this will not 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 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report **9** representations had been received, which included 3 from Ward Councillors which can be summarised as follows:

- Loss of a family home / contrary to policy CS16 of the Core Strategy
- Car parking displacement into Arthur Road and surrounding streets
- Change in demographic may lead to increased anti-social behaviour
- The Council should seek a fairer demographic mix
- Insufficient amenity space to serve 9 residents
- There are already a number of HMO properties within the road already
- Existing HMO properties have been problematic in terms of litter and mess left outside which has spilled out onto the street to the detriment of the visual amenities of the area
- Existing HMO properties have led to problems in terms of noise nuisance, alcohol, litter etc

5.2 **SCC Highways** - No highway objection subject to the attached planning condition to secure cycle storage for 7 cycles. The application site lies within an area defined as having "high" accessibility to public transport and services. The development is not considered to compromise highway safety. The provision of 1 space to serve the proposed level of development accords with the Council's maximum standards.

5.3 **Housing** – There is no requirement for affordable housing provision.

5.4 **Pollution & Safety** – No objection raised subject to conditions restricting hours of work, and no bonfires (Response - as the conversion has taken place, it would not be relevant to impose these conditions).

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 the character and amenity of the surrounding area;
- iii. The adequacy of the residential environment provided for occupiers;
- iv. and whether the travel demands of the development can be met.

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 HMO's play an important part in the city economy, meeting housing need, providing housing choice and creating "mixed and balanced communities" (the bedrock of PPS3 (Housing)) and, therefore, it is considered that the delivery of this accommodation type should not be unreasonably stifled to safeguard market housing for another demographic.

However it is acknowledged that high concentrations within parts of the city can lead to anti-social behaviour, noise nuisance, parking problems and reduced opportunity for family housing which can detract from local character.

6.5 The character of the area is formed by a mix of dwelling houses, flatted accommodation and houses of multiple occupation. There would appear to be a balanced range of accommodation types within this area. The provision of this additional 9 person HMO within the area is not considered to harmfully tip the balance of accommodation choice within this area to a degree that would unreasonably compromise the character of the area. It should be noted that the submission indicates that the refurbishment has been carried out to a high standard and seeks to target mature students or young professionals because of the associated higher rental values.

6.6 The proposal does not create any new residential floor space, however, 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 sui generis 7-bedroom House of Multiple Occupation in comparison to a large 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. As previously stated the change of use would not be considered out of character and/or context with the surroundings as there are already a mix of housing choice in the area. 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.

6.7 The residential environment for occupiers is considered acceptable and was evident during a site inspection. As stated, the refurbishment works have been carried out to a good standard. All habitable rooms are of sufficient size and are served by natural lighting and ventilation. The rear garden is 14 metres in length and exceeds the minimum garden size for a detached dwelling house within the Residential Design Guide with an area of 112 square metres; this area is sufficient in terms of amount, quality and usability to serve this level of occupancy and having regard to the context of other private gardens in the area.

6.7 Bin storage provision has been made to the rear of the premises. The proposal seeks to retain the hedging to the front of the premises which will provide screening to bins stored in the front garden during collection times; a maximum of 2 x 360 litre wheeled bins will be secured through condition.

6.9 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. The site is within close proximity to regular bus services and other amenities within Shirley Road. Provision has been made for cycle storage in the interests of sustainable transport.

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), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), 2(c),

LDF Core Strategy and saved policies from Local Plan (Review)

AG 15.09.10 for 28.09.10 PROW Panel

CONDITIONS for 10/00826/FUL

01. PERFORMANCE CONDITION – Refuse facilities

Unless otherwise agreed in writing by the Local Planning Authority a maximum of 2 x 360 litre Euro bins (one with green lid, one with blue lid) shall be provided to serve the flatted development hereby approved. The bins shall be stored in the area to the rear of the site, as shown on the plans hereby approved, and shall only be moved to the front of the site on the day of/evening before collection. The bins shall be returned to the approved stores on the day of collection and shall not be left on the site frontage for the remainder of the week.

REASON

In the interests of the visual amenities of the area.

02. PERFORMANCE CONDITION – Bicycle parking

Within 1 month from the date of this decision secure, enclosed bicycle storage for a minimum of 7 bicycles shall be provided in the position as shown on the site layout plan hereby approved. The cycle storage shall be retained for the lifetime of the development.

REASON: To secure a satisfactory for of development.

03. PERFORMANCE CONDITION – Front hedge/gate retention

Unless otherwise agreed in writing by the Local Planning Authority the front boundary hedge and gated access enclosing the front of the site shall be retained for the lifetime of the development.

REASON: To secure a satisfactory for of development.

04. PERFORMANCE CONDITION – Restriction on number of occupiers

The premises shall only be used as a House in Multiple Occupation (HMO) for a maximum of 9 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority upon submission of a formal planning application.

REASON:

To define the planning permission and to ensure that the HMO meets Council's standards.

05. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008), or any Order amending, revoking or re-enacting that Order, no other building, extension or structure permitted within Schedule 2, Part 1, Class A (enlargement of a dwelling house) or Class E (Outbuilding – other than the bicycle store to be constructed under condition 02 to this consent) shall be erected or carried out to 67 Arthur Road without the prior written consent of the Local Planning Authority:

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the harm that could arise to adjoining residents arising from a more intensified residential occupation of the site.

06 APPROVAL CONDITION – Rear garden

The rear garden shall be available for use by all occupants of 67 Arthur Road at all times.

REASON:

To ensure the private recreational needs of all inhabitants of the building are met.