

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 23rd November 2010
 Planning Application Report of the Planning and Development Manager

Application address: 14 Westwood Road			
Proposed development: Retrospective application for change of use from a single dwelling house (Use Class C3) to a 9-bed House in Multiple Occupation (Sui Generis) and a 5-bedroom House in Multiple Occupation (Use Class C4).			
Application number	10/01013/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	30.09.2010	Ward	Bevois
Reason for Panel Referral	To consider the implications of the recent change in regulations for Houses in Multiple Occupation (HMO)	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Mr Kultar Roath	Agent: Chris Edmond Associates
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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 for the reasons given in the report to the Planning and Rights of Way Panel on the 23.11.10. The proposal would not harm the character or amenity of the area and the level of car parking is acceptable. 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	2	Planning History

Recommendation in Full

Conditionally Approve

1. The site and its context

1.1 The application site comprises a 3-storey Victorian villa which has a large two-storey extension to the side which was constructed in the 1990s. The extension has been converted into a self-contained, 5-bedroom HMO and the main house has been converted into a 9-bedroom HMO. To the front of the property is a gravel area used for car parking for up to 6 cars. The application site contains a protected tree adjacent to the northern site boundary. The application is partially retrospective, with works underway to refurbish the the properties.

1.2 Westwood Road is a residential road within close proximity of Southampton Common. Many of the plots in Westwood Road have been redeveloped at different points in time meaning there is a good deal of variation in design of individual buildings within the street. Typically, Westwood Road is characterised by large blocks of flats located within spacious plots and ranging between 2 and 5 storeys in height. The Council's records indicate that there is one other HMO within Westwood Road. Property frontages typically contain mature trees and vegetation and the buildings themselves are well set back from the front boundaries.

2. Proposal

2.1 The application seeks retrospective planning permission for the conversion of the property into two HMO's including a self-contained 5-bedroom HMO (Use Class C4), and a 9-bedroom HMO (Sui Generis). The 5-bedroom unit has two floors of accommodation with a communal kitchen/lounge area on the ground floor and a communal bathroom on the first floor. The 9 bedroom unit has three floors of accommodation with separate communal lounge, kitchen and bathroom on the ground floor and a further communal bathroom on the first floor. The properties are currently fully occupied.

2.2 A total of 6 parking spaces are provided to the front of the property. Approximately 125sq.m of amenity space is provided to the rear of the property and there is a further 85 sq.m to the side of the property within a courtyard area. This equates to 15sq.m per bedroom.

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**. Core Strategy CS16 and Saved Local Plan policy H4 are relevant to the determination of planning applications for the change of use to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMOs makes to meeting housing need should be balanced against the impact on character and amenity of the area. Saved policy H4 of the Local Plan requires new HMOs to respect the amenities of neighbouring properties and the character of the area and to provide adequate private and useable amenity space.

4.0 Relevant Planning History

4.1 The planning history of the site is attached in **Appendix 2** to this report. The last use of the property was as a single-family dwelling house but prior to this, was used as a guest house for a number of years. More recently, a planning application for the redevelopment of the site with a five-storey block of 18 flats was refused planning

permission for failure to enter into a Section 106 agreement. An application was also refused in 1996 for the conversion of the property into a HMO for students for the reason of insufficient car parking. Since 1996 the Council has replaced its minimum parking standards with maximum requirements.

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, erecting a site notice (12.08.10). At the time of writing the report **13** representations, a petition with 44 signatures and a circular letter with 18 signatures have been received from surrounding residents, all are objections. The following is a summary of the points raised:

5.2 *There would be inadequate car parking to serve the development which would lead to overspill car parking on the road.*

5.3 *The development will lead to noise disturbance of the neighbouring properties, particularly late night noise if it is intended to be used by students.*

5.4 *The proposed use would not be conducive with the sheltered and accommodation for retired people which neighbour the site.*

5.4 *The proposal will have a harmful impact on the privacy of the neighbouring properties*

5.5 *The additional refuse containers needed would have a harmful impact on the character of the area. There is currently insufficient storage for refuse.*

5.6 Consultation Responses

5.7 **SCC Highways** - No objection.

5.8 **SCC Environmental Health (Pollution & Safety)** – No objection.

5.9 **Southern Water** - No objection or conditions suggested.

6.0 Planning Consideration Key Issues

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

- i. Principle of development;
- ii. Character of the area;
- iii. Residential amenity;
- iv. Residential Standards; and
- v. Highways and parking.

6.2 Principle of Development

6.2.1 On the 6th April 2010 the Town and Country Planning Use Classes Order was amended to include Use Class C4 HMOs which relate to properties which are occupied by between three and six people who form two or more households. On the 1st October 2010 further amendments were made to the General Permitted Development Order to give

permitted development rights for changes of use from C3 to C4. The larger Sui Generis HMOs, which comprise six or more people, are unaffected by these changes.

6.2.2 The proposed development is in accordance with saved policies H1 and H2 of the Local Plan which support the conversion of existing dwellings for further housing and require the efficient use of previously developed land. The proposed development meets a recognised housing need for single person households or for those with lower incomes. Furthermore, the retention of one of the original Victorian villas in Westwood Road is welcome.

6.2.3 The Planning Policy Team advise that when assessing applications for the conversion of a property into a HMO, policy CS16 (2) is only applicable where internal conversion works limits the building's ability to be re-used as a C3 dwelling house. The conversion has not involved extensive internal alterations and as such, the property could be converted back to a single-family dwelling with ease in the future, notwithstanding the fact that such a change would be unlikely given the size of the building and its location. Policy CS16 (2) is not therefore, considered applicable in this instance and the principle of development is considered to be acceptable.

6.3 Character of the area

6.3.1 Westwood Road is characterised by flatted developments which by nature, achieve high residential densities when compared to single-family dwellings. In addition to this, a scheme for a high-density flatted scheme on this site, was found to be acceptable in principle last year (planning application reference 09/00847/FUL). As such, a more intensive residential use of this site is not considered to be harmful to the character of Westwood Road.

6.3.2 There is sufficient space on site for the requisite storage for refuse and cycles without the storage being readily visible from public vantage points and a planning condition is suggested to secure the appropriate storage. Furthermore, the car parking needs of the development can be accommodated on site (in this instance 6 spaces are provided) without needing to overspill on the public highway. As such it is considered that the development would not have a notable impact on the character of the area.

6.4 Residential amenity

6.4.1 The conversion has not resulted in any physical external alterations to the property and makes use of existing window and door openings. As such, the proposal does not introduce any issues such as loss of light, or additional overlooking.

6.4.2 Environmental Health Officers have raised no objection to the proposals in terms of noise disturbance. It is considered that the additional comings and goings associated with the development would be negligible within a high density area such as Westwood Road.

6.5 Residential Standards

6.5.1 There are no specific amenity space standards relating to HMOs, although it is reasonable to expect residents to have access to communal space (internal and external) and a reasonable outlook from their bedrooms. The amount of amenity space proposed is in excess of what would usually be acceptable for a family dwelling. The proposed amenity space areas are sufficiently private and useable in terms of layout. Having regard to the proximity of the site to Southampton Common and the single-occupancy nature of the

development, the amenity space provision is considered to be acceptable. In addition to this, residents of both HMOs have access to a useable communal lounge area.

6.5.2 There is sufficient space on the curtilage of the property to accommodate cycle and refuse storage and conditions are suggested to secure these.

6.6 Highways and Parking

6.6.1 The application site lies within an area of 'Medium Accessibility' for public transport. There are no specific parking standards for HMOs; however, in this location, a maximum of 1 car parking space would be permissible for a 6 person property and as such the Council's Highway Officer is satisfied that 6 spaces would be sufficient to serve a 14 person development. Furthermore, there is a bus stop directly adjacent to the access to the property and the site is also within close proximity of The Avenue which is well served by public transport.

7.0 Summary

7.1 The building no longer lends itself to the needs of a single family given its size and location. The applicant has struggled to secure a viable alternative use (see attached planning history). The conversion of the property into two HMO units would meet a recognised housing needs and the location of this intensive residential use within a high density area is appropriate in terms of character and amenity.

8.0 Conclusion

8.1 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)

JT for 23/11/10 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Refuse Storage [performance condition]

Within one month of the date of this consent full details of the refuse and recycling bin storage shall be submitted to and approved by the Local Planning Authority in writing. The details shall include the number and type of bins to be used. The scheme shall be implemented in accordance with the details within three months of being agreed.

REASON

To secure a satisfactory form of development and in the interests of the visual amenity of the area.

02. APPROVAL CONDITION - Cycle Store [performance condition]

Within one month of the date of this consent full details of the secure and undercover cycle storage shall be submitted to and approved by the Local Planning Authority in writing. The

scheme shall be implemented in accordance with the details within three months of being agreed.

REASON

To secure a satisfactory form of development and in the interests of the visual amenity of the area.

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

04. APPROVAL CONDITION - Retention of front boundary treatment [performance condition]

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 form of development.

05. APPROVAL CONDITION – Restriction on number of occupiers [performance condition]

The Sui Generis House in Multiple Occupation (HMO) hereby approved shall only be used for a maximum of 9 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority and the Use Class C4 HMO shall only be used for a maximum of 5 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority. The communal lounges and kitchens as shown on the plans hereby approved shall be retained for the communal use of the occupants of the properties.

REASON:

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

06. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance 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 14 Westwood 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.

07. APPROVAL CONDITION - Permitted Development Restriction - Use of Building [performance condition]

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991, the C4 HMO hereby approved shall be used only for the purposes indicated in the submitted details and not for any other purpose including a Use Class C3 dwellinghouse unless formally approved by the Local Planning Authority.

Reason:

The C4 HMO hereby approved is unlikely to provide suitable family accommodation unless satisfactory private garden space can be provided.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

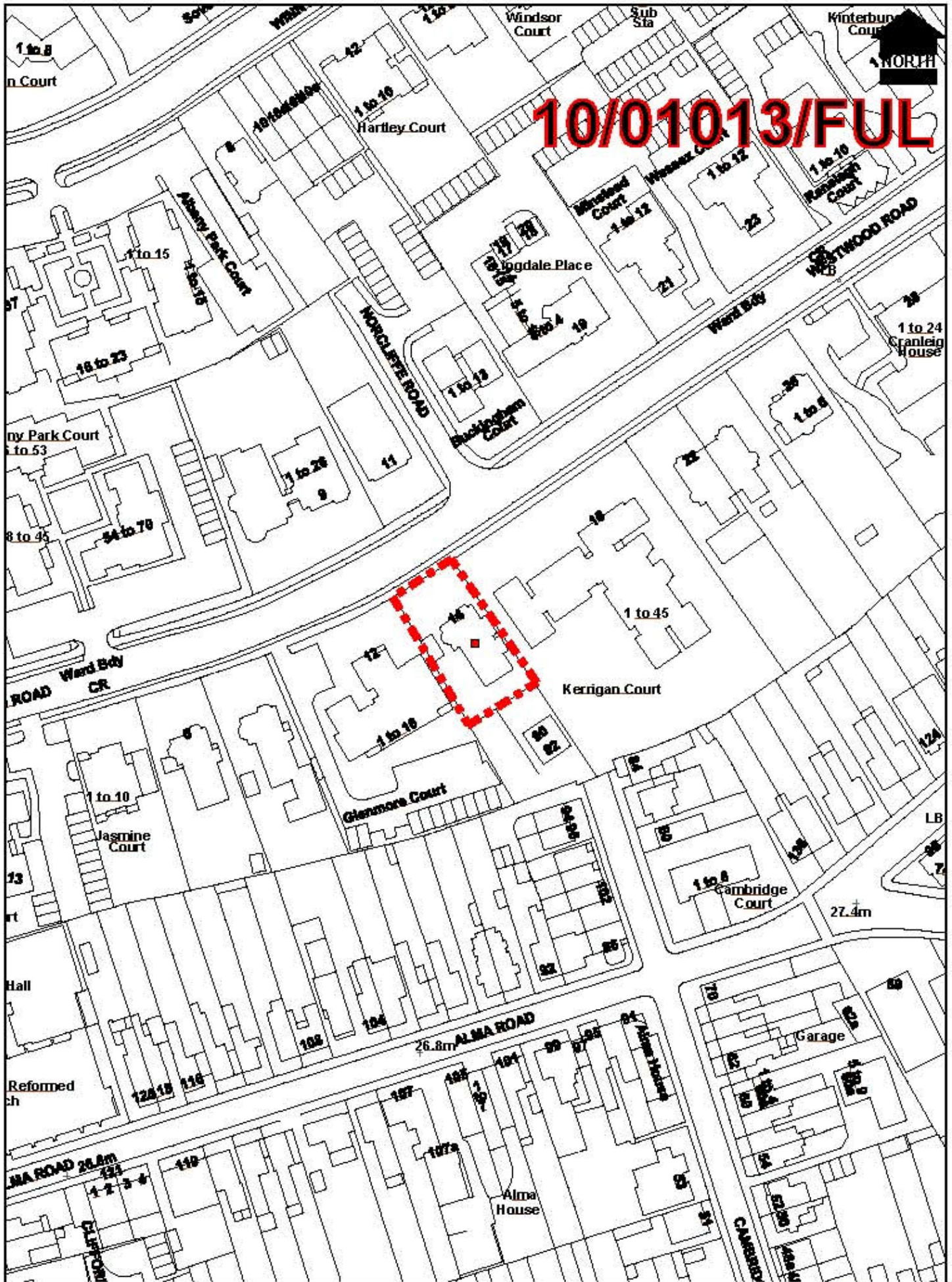
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG13	Transport (2001)

Relevant Planning History

1070/27R1 Convert into three flats	Permitted 08.11.55
1606/M29 Use as guest house	Conditionally Approved 12.01.82
1410/20 Additional flat to make a total of four	Conditionally Approved 23.02.87
880080/WX Relief from condition 5 of 1606/M29 in order to increase the number of guest bedrooms from 8 to 10 and extension to car parking area	Conditionally Approved 30.03.88
891337/W Erection of single storey extension two-bedrooms for owners accommodation	Conditionally Approved 25.08.89
892056/W External staircase with doorway at first floor level	Conditionally Approved 05.07.90
892294/W Erection of first floor side and rear extensions	Conditionally Approved 05.07.90
961085/W Change of use from hotel to private dwelling	Conditionally Approved 06.11.96
970598/5364/W Change of use to shared residential accommodation for students	Refused 25.09.97
01. The proposals do not provide adequate on-site car parking facilities to meet the demands of the use as shared accommodation and fails to meet the standard required of the Local Planning Authority in this respect. This would lead to on-street car parking and congestion on the highway. As such the proposal is contrary to policy GP1 (x) and T33 of the City of Southampton Local Plan (1996).	
09/00847/FUL Re-development of the site. Erection of a part four-storey and part five-storey building to provide 18 flats (10 x 2-bedroom, 8 x 3-bedroom) with associated parking and vehicular access from Cambridge Road following demolition of the existing buildings	Refused 17.12.09



10/01013/FUL

Scale : 1:1250

Date 11 November 2010

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