

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 15th March 2011  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b> 164 Hill Lane SO15 5DB			
<b>Proposed development:</b> Change of use to a house in multiple occupation for up to 11 people (sui generis) with associated amenity space, cycle/bin storage, and parking. No external alterations.			
Application number	11/00189/FUL	Application type	FULL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	04.04.2011	Ward	Freemantle
Reason for Panel Referral:	Ward councillor request	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Ball

<b>Applicant:</b> Mr Terry Bonnar	<b>Agent:</b> n/a
-----------------------------------	-------------------

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

**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 15.03.11. 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.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full**

Conditionally approve

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

1.1 This application site is located on the western side of Hill Lane, between Howard Road and Darwin Road. The site comprises a large 2 storey property with living space in the roof, with additions including a conservatory to the rear and external staircase to the north elevation providing first floor access. There is currently a large parking area to the rear accessed from Darwin Road also containing an outbuilding. The property is set back from the corner of the road by an open grassed area.

1.2 The properties along this part of Hill Lane are mainly residential in use, ranging from 2 to 3 storey buildings. The character of the surrounding area is mixed, where historically large family dwellings have been converted into self contained flats, hostels, guesthouses, and with 10 houses in multiple occupation out of 72 properties on Hill Lane between Howard Road and Raymond Road. (SCC 1<sup>st</sup> December 2010 Electoral Register refers). Directly opposite the site is a doctor's surgery.

## **2. Proposal**

2.1 The application seeks permission to change the use of the property from residential accommodation for Southampton Football Club academy players into a 11 person house in multiple occupation (sui generis) with no external alterations to the building. The occupiers will share the communal access from Darwin Road. The ground floor will be used primarily for communal facilities, providing a lounge and dining space, kitchen, toilet, bathroom and administrative office for the landlord. The bedroom accommodation will be provided on the floors above with additional washing and toilet facilities.

2.2 The existing parking area will be retained with space for 10 vehicles to the rear with access onto Darwin Road. Approximately 100 square metres of private amenity space will be provided to the rear enclosed by a tall close boarded fence with facilities for bin and cycle storage. This equates to 9 square metres per bedroom.

## **3. 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 Policy 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 HMOs make to meeting housing need should be balanced against the impact on the 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. Relevant Planning History**

4.1 The planning history of the site is given in **Appendix 2** of this report. The building has long been in residential use other than a single family dwelling, formerly occupied by Southampton Football Club academy team players as boarding house accommodation over the last 10 years since 1999. This use was made specific and personal to Southampton Football Club under condition 3 of permission 980609/W. Prior to this the property was used as a hostel and guest house during the 1970s to 1990s.

## **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 (10.02.2011). At the time of writing the report **1** representation had been received seeking further information and **1** letter broadly in support from the neighbouring occupier, and objections from **2** Ward Councillors.

A summary of the neighbour's comments have been set out below:-

5.1.1 The neighbouring occupiers at 166 Hill Lane have stated that it would be ideal to convert the property back into a single private family dwelling, though they accept in the current economic market that this is not a viable financial option. Following a meeting with the applicant, the neighbours are satisfied that they can approach the applicant should there be any antisocial behaviour.

The Ward Councillors are concerned with:-

5.1.2 The potential for noise disturbance and anti social behaviour will cause a nuisance to local residents due to the number of people socialising in the large communal areas.

### Response

Environmental Health Officers have raised no objection to the proposal in terms of noise. Noise disturbance from the social activities of residents causing a nuisance to local residents can be enforced under environmental health legislation. The property is 3 storeys and therefore should be registered with the SCC Private Housing team. Failure to obtain a licence for a licensable HMO is an offence. Conditions relating to the management of the HMO and anti-social behaviour of the tenants may also be included within the licence, if appropriate and relevant.

5.1.3 The number of HMOs is rising alongside the general overdevelopment of properties which is adversely affecting the character of the local area.

### Response

The application site has long been established as residential uses other than a single family dwelling. The character of the surrounding area along Hill Lane between Howard Road and Darwin Road is mixed, where historically large family dwellings have been converted into self contained flats, hostels, guesthouses, and houses in multiple occupation. The retention of one of the original Victorian properties in Hill Lane is preferable over any redevelopment of the site into flats.

5.1.4 The number of people living in the property is out of proportion with its size.

### Response

The existing building and permitted use consist of up to 14 bedrooms, as well as 1 bedroom with self contained accommodation on the ground floor.

5.2 **SCC Highways Development Management** - No objection. The Highways Officer is satisfied that a maximum of 10 parking spaces can be provided which would be sufficient to serve an 11 person development without an adverse impact on highway safety.

**5.3 SCC Private Housing** – No objection to the proposal in terms of the suitability of this property as a 3 storey 11 bedroom HMO under licensing requirements. All of the bedrooms are of a suitable size and the communal facilities – living space, kitchens, toilets and washing facilities are more than adequate for the proposed number of occupants. With reference to the public register for large HMOs, it is not uncommon for 3 storey large HMOs to be located in Hill Lane.

**5.4 SCC Sustainability Team** - No objection, no requirement under policy CS20 of the Core Strategy to provide sustainable measures such as water and energy efficiency as this is a conversion to an HMO.

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

## **6. 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 6th April 2010 the Town and Country Planning Use Classes Order was amended to include Use Class C4 HMOs which relate to properties 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 residential properties 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 including university students. Furthermore, the retention of one of the original Victorian properties in Hill Lane is welcome.

6.2.3 The property has not been occupied as a single family dwelling for many years. The application does not involve the loss of a family dwelling. Policy CS16 is not, therefore, applicable in this instance and the principle of development is considered to be acceptable.

### **6.3 Character of the area**

6.3.1 This part of Hill Lane is characterised by residential flatted and multiple occupancy properties which achieve high residential densities when compared to single-family dwellings. The former use consisted of a higher density occupation of 15 bedrooms (planning application reference 980609/W). As such the proposed use is not considered to be harmful to the character of this part of Hill Lane.

6.3.2 There is sufficient space on site for the requisite storage of 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 using the existing hardstanding area (in this instance 10 spaces can be provided) without overspill on the public highway.

#### 6.4 Residential amenity

6.4.1 The conversion would not result in any external alterations to the property and makes use of existing window and door openings. Consequently, 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 proposal in terms of noise disturbance. Any noise disturbance from the communal activities of residents causing a nuisance to local residents can be enforced under environmental health statutory legislation.

6.4.3 The previous occupiers were Southampton Football Club academy players (normally in their teens) living in a boarding arrangement, supervised by a full time house keeper. There were up to 14 bedrooms as well as 1 bedroom self contained accommodation on the ground floor for the house keeper.

6.4.4 It is considered that the intensity of the comings and goings associated with the HMO, which is smaller than the previous use, would not be significantly noticeable within a high density area such as this part of Hill Lane.

#### 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 private amenity space area is considered sufficiently private and useable in terms of layout, and will be laid out prior to occupation and secured through an appropriate condition. 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 HMOs have access to a useable communal lounge area.

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

#### 6.6 Highways and Parking

6.6.1 The Highways Officer has raised no objection to the proposal. The application site lies within an area of 'Medium Accessibility' for public transport. There is restricted parking on Hill Lane but no on street parking restrictions in surrounding residential streets, including Darwin Road and Thornbury Avenue.

6.6.2 There are no specific parking standards for HMOs. However, the Council's Highway Officer is satisfied that a maximum of 10 spaces can be provided which would be sufficient to serve a 11 person development without an adverse impact on highway safety. The revision to the parking and access layout can be secured prior to occupation by an

appropriate condition, including soft and hard landscaping and boundary works required for the provision of adequate highway sightlines and improvement of the street scene.

## **7. Summary**

7.1 The reuse of the existing building, which has been used for a range of shared residential uses, is suitable for the scale and nature of the proposed residential accommodation and activities given its size and location. The conversion of the property into a HMO would meet a recognised housing need and the location of this intensive residential use within a high density area is appropriate in terms of character and amenity.

## **8. 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), 2(c), 2(e), 4(s), 6(c), 6(f), 6(h), 7(a), 7(c), 9(a), 9(b)

### **SB for 15/03/11 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 - Amenity Space Access [Pre-Occupation Condition]

The external amenity space and associated means of enclosure serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the house in multiple occupation.

REASON:

To ensure the provision of adequate amenity space for the future occupiers.

03. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Notwithstanding the submitted details, prior to the first occupation of the use hereby permitted facilities shall be provided in accordance with details to be submitted and agreed in writing by the Local Planning Authority for the storage, removal and recycling of refuse. Such facilities as approved shall provide for a level approach and be permanently retained for that purpose.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

#### 04. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Notwithstanding the submitted details, prior to the first occupation of the development, details and plans of the covered, enclosed and secure bicycle parking compound (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 11 bicycles. The development shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority for the parking of bicycles clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

#### 05. APPROVAL CONDITION - Sightlines specification [Pre-Occupation Condition]

Adequate sight lines, 2m x 2m, measured at the back of footway to serve vehicle access from Darwin Road shall be provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

Reason:

To provide safe access to the development and to prevent congestion on the highway.

#### 06. APPROVAL CONDITION - Parking [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site in accordance with details to be submitted and agreed in writing by the Local Planning Authority for a maximum of 10 vehicles to be parked and for vehicles to turn so that they can enter and leave the site in a forward gear.

Reason:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

#### 07. APPROVAL CONDITION - Vehicle access [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until a vehicle access from Darwin Road with a width of 4.5 metres has been laid out within the site in accordance with details to be submitted and agreed in writing by the Local Planning Authority. Any redundant access to the site shall thereafter be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

To provide safe access to the development and to prevent congestion on the highway.

08. 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, for approval in writing by the local planning authority, which includes:

- i. car parking layouts; other vehicle pedestrian access and circulation areas;
- ii. hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- iii. details of any proposed means of enclosure/boundary treatment, including retaining walls.

The approved details for the whole site shall be carried out prior to occupation of the building and thereafter be retained whilst the building is used for residential purposes.

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 (as amended).

09. APPROVAL CONDITION - Restriction on number of occupiers [performance condition]

The House in Multiple Occupation (HMO) hereby approved shall be occupied by a maximum of 11 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 property.

REASON:

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

10. 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.



**POLICY CONTEXT**

CS4	Housing Delivery
CS5	Housing Density
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
SDP7	Context
SDP10	Safety & Security
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

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

**Relevant Planning History**

Recent history

861518/W Refused 02.09.1987  
REPLACEMENT OF EXISTING ROOF BY A MANSARD ROOF TO PROVIDE  
ADDITIONAL SECOND FLOOR ACCOMMODATION

980609/W Conditional Approval 07.08.1998  
CHANGE OF USE FROM HOTEL TO RESIDENTIAL ACCOMMODATION FOR  
SOUTHAMPTON FOOTBALL ACADEMY

Condition 3 – specific user

Unless the Local Planning Authority agree otherwise in writing this consent shall only be for the benefit of Southampton Football Club Ltd and for occupation only by staff and students of the Southampton Football Academy and shall not otherwise be occupied or operated by any other person or organisation.

**REASON**

This consent has been granted having regard to the specific nature of the proposed use and this Authority would wish to retain control over the future use of the premises in the interests of the amenities of the area.

00/01296/FUL Conditional Approval 13.12.2000  
Erection of a rear conservatory

01/00029/FUL Conditional Approval 02.03.2001  
Erection of prefabricated building to the rear of the property – CAP

05/00027/FUL Conditional Approval 21.02.2005  
Erection of a conservatory to the rear elevation – CAP

Older history

961/DD Temporary consent 05.02.1951  
GROUND FLOOR STORES AND OFFICES

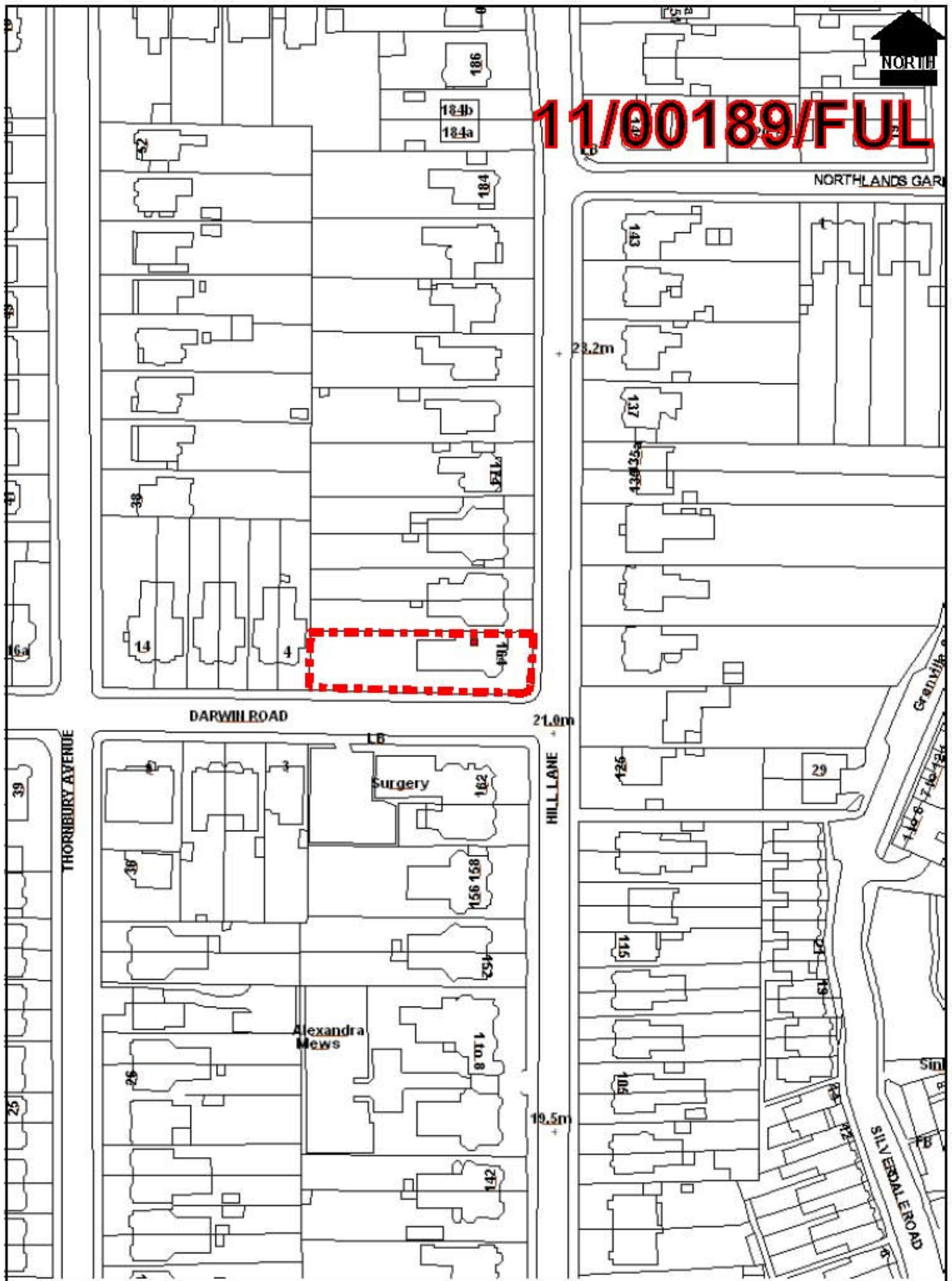
967/X Temporary consent 15.03.1951  
GROUND FLOOR STORES AND OFFICES

1047/DD Conditional Approval 16.09.1954  
USE AS GUEST HOUSE

1073/12 Conditional Approval 02.11.1955  
CONVERT TO SIX FLATS

1378/P41 Refused 22.09.1969  
USE AS SEAMENS HOSTEL AND CLUB

1384/P12 CONVERT TO SOCIAL CLUB	Refused 16.12.1969
1386/P9 CHANGE OF USE FROM HOSTEL TO DOCTORS SURGERY/NURSING HOME OR OLD PEOPLES HOME	Conditional Approval 27.01.1970
1413/P26 CHANGE OF USE TO GUEST HOUSE	Conditional Approval 06.04.1971
1416/82 ALTERATIONS AND ADDITIONS	Conditional Approval 25.05.1971
1416/82R1 ALTERATIONS AND ADDITIONS	Conditional Approval 28.09.1971
1416/82R3 ALTERATIONS AND ADDITIONS	Conditional Approval 04.01.1972
1416/82R4 ALTERATIONS AND ADDITIONS	Conditional Approval 25.04.1972
1461/17 EXTENSION TO KITCHEN	Conditional Approval 10.07.1973
1474/W31 CHANGE OF USE FROM HOTEL TO STUDENTS HOSTEL	Conditional Approval 06.06.1974
1538/W14 GARAGE AT REAR	Conditional Approval 16.05.1978
1550/W9 FIRE ESCAPE	Conditional Approval 18.12.1979
1611/W12 USE AS GUEST HOUSE	Withdrawn 04.02.1982
1613/W20 CHANGE OF USE FROM HOSTEL TO GUEST HOUSE	Conditional Approval 16.03.1982
1619/A7 ILLUMINATED POLE SIGN 'DARWIN LODGE GUEST HOUSE'	Conditional Approval 19.08.1982
1550/W9 FIRE ESCAPE	Conditional Approval 21.12.1982



11/00189/FUL



Scale : 1:1250

Date : 03 March 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

