

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 13 May 2014**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 57 Westridge Road, Southampton			
<b>Proposed development:</b> Change of use from six-bedroom House in Multiple Occupation (Class C4) to eight-bedroom HMO [Retrospective]			
<b>Application number</b>	14/00074/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07.04.2014	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Linda Norris Cllr Matthew Claisse Cllr Adrian Vinson

<b>Applicant:</b> Mr Nick Basra	<b>Agent:</b> Neame Sutton Limited
---------------------------------	------------------------------------

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

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact associated with the intensification of use of the existing C4 HMO by two persons will not cause any further material harm to the character, amenity and highway safety of the local area. Furthermore, the Council have introduced a new housing licensing regime in this ward to help address the negative amenity impacts associated with HMOs. The provision of further suitable HMO accommodation within an existing HMO also contributes towards meeting an identified housing need in the city for low income and transient households. 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, SDP5, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Council's approved Houses in Multiple Occupation Supplementary Planning Document (March 2014).

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

## **Recommendation in Full**

### **Conditionally approve**

#### **1.0 The site and its context**

- 1.1 This application site is located on the west side of Westridge Road in the ward of Portswood.
- 1.2 The application site contains a two storey semi-detached dwelling currently occupied as an eight person HMO over three floors, with off street parking to the front and a communal garden to the rear. Residents have access to a communal living area and kitchen on the ground floor.
- 1.3 The Council's records show that the property was occupied by six persons on 8<sup>th</sup> March 2012. The Council issued an HMO license on 30<sup>th</sup> March 2012 to allow up to eight persons to occupy the property.

#### **2.0 Proposal**

- 2.1 This application seeks permission to regularise the unauthorised change of use from a six person HMO (class C4) to a eight person HMO (sui generis use). The property has been occupied as an eight person HMO since July 2012.

#### **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 Having regard to paragraph 215 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies listed which have been adopted since 2004 retain their full material weight for decision making purposes, where in accord with the NPPF. In other cases, a presumption in favour of sustainable development exists.
- 3.3 The Houses in Multiple Occupation SPD was adopted in March 2012. It 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 SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Portswood. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23<sup>rd</sup> March 2012; the threshold does not apply in this case.
- 3.4 There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers). With particular regard to the increase in occupation of the existing C4 HMO by two persons 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. As well as students, HMOs provide an important source of housing for low income persons. The SCC Housing Department have identified a continued need for this type of housing in the city.

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

- 4.1 The property was historically granted permission to be converted into two flats. In 2012 an application was refused under delegated authority to convert the property

into an eight person HMO (LPA ref 12/00989/FUL) for the following reason:

4.2 *The proposed conversion of the property to a HMO will result in an excessive concentration of HMO's within the immediate area and will result in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. Therefore, the proposal will be contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).*

4.3 Following enforcement proceedings, the applicant subsequently provided further evidence to demonstrate the building was established as a HMO on 23<sup>rd</sup> March 2012 (as required to satisfy the Article 4 directive) and, therefore, the Local Planning Authority decided it was not expedient to serve an Enforcement Notice. The applicant was subsequently invited to submit a further application for reconsideration.

## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **33** representations have been received from surrounding residents (7 objections and 26 supporting).

5.1.1 **Ward Cllr Vinson** - Planning permission was given in 1970 for conversion to of this property into two flats, but an application submitted in June 2012 (12/00989) for (retrospective) conversion from two flats to an eight-bed HMO was refused. I am at a loss to understand why no enforcement action has been taken despite the fact that the property has been in operation as an unauthorised HMO. The latest (retrospective) application is claiming that it has established use as a six-bed HMO, yet the June 2012 application makes it clear that this status was not then being claimed, and therefore not claimed in March 2012 when the A4D and SPD came into force. The current application is therefore surely not an application for change of use from a Class C4 HMO to a sui-generis HMO, but should be an application for change of use from two flats – the only extant planning permission – to an HMO of any kind. The application, I suggest, should therefore have been refused registration as a false submission. Both the current usage and that applied for constitute gross over-occupation of this property and are out of keeping with the neighbourhood. Westridge Road is extremely congested, not least due to its use as a 'rat run'. The additional traffic and parking pressures generated by a sui generis HMO in this location compounds these problems, reinforced by the absence of parking provision within the application.

5.1.2 The following is a summary of the points raised by third parties:

### **5.1.3 Comment**

The property is not authorised as a HMO, and was used as flats prior to conversion. The Electoral Register (October 2012) shows the property was registered as two flats, with six persons in one flat (three the same surname and three different surnames) and seven persons all with different names.

### **Response**

Despite the Electoral Register records, which is not a definitive record of the property's occupation and use, an Environmental Health Officer observed on 8<sup>th</sup>

March 2012 that the property was being occupied by the owner occupier and 5 tenants at the time, and the property was being used as one single property. Furthermore, the applicant has provided a copy of the signed tenancy agreement dated 1st January to 30th June 2012 showing 5 unrelated tenants occupied the property as a whole. The property was then subsequently occupied as a 8 bedroom HMO when the owner occupier moved out in July 2012. They were occupying the 2 rooms in the roof space.

When the Case Officer visited the property on 5<sup>th</sup> March 2014 they witnessed no evidence of the property being subdivided internally or externally. The occupiers have access to a communal lounge and kitchen and other facilities. The property is served by a single entrance and none the property is separated inside into a separate unit.

5.1.4 **Comment**

Insufficient parking.

Response

The Highway Officer has raised no objection and off street parking exists for two vehicles. The applicant has been asked to undertake a parking survey and an update will be given at the Panel meeting.

5.1.5 **Comment**

Over concentration of HMOs in local area which unbalances and disrupts the mix of the community. HMOs have negative impacts on character and amenity, including litter, noise and disturbance, poorly maintained properties.

Response

The concentration of HMOs in the local area will not be increased. The Council has enforcement powers to enforce against statutory nuisance and disturbance problems. The Council has introduced a stricter HMO licensing regime in the Portswood ward, but this property is already licensed for eight people.

5.1.6 **Comment**

Over-development of use and out of character with the local area.

Response

As a result of the intensification of use, the Environmental Health team have confirmed that there have been no complaints received regarding noise disturbance to local residents. The Private Housing team have issued a license to confirm that the accommodation meets the Council's amenity and room standards.

**Consultation Responses**

5.2 **SCC Highways** – No objection

5.3 **SCC Environmental Health (Pollution and Safety)** – No objection

5.4 **SCC Environmental Health (Private Housing)** – No objection

**6.0 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 amenity of the surrounding area;

- Impact on highway safety;
- Standard of living conditions for existing residents.

## 6.2 Principle of Development

- 6.2.1 The property was occupied as a small HMO (class C4) under permitted development rights prior to 23<sup>rd</sup> March 2012. To demonstrate that the property was occupied on 23<sup>rd</sup> March 2012 (effective date of Article 4 direction) the applicant has provided a copy of the signed tenancy agreement dated 1<sup>st</sup> January to 30<sup>th</sup> June 2012 showing five tenants occupied the property as a whole. Furthermore, an Environmental Health Officer observed on 8<sup>th</sup> March 2012 that the property was being occupied by the owner occupier and five tenants at the time, and the property was being used as one single property.
- 6.2.2 The 10% HMO threshold applicable to the Portswood Ward does not apply in this case, as the HMO is already established as a small HMO on 23<sup>rd</sup> March 2012 and there will be no increase in the concentration of HMOs (section 6.7 of the HMO SPD refers). As such, the principle of a six person HMO use has already been established and, therefore, an assessment should only be made as to whether an additional two persons will cause any material harm.

## 6.3 Impact on the character and amenity of the surrounding area

- 6.3.1 Westridge Road is characterised by a good mix of owner occupied and rented households, including family homes, flats, and HMOs. No survey of existing HMOs in the surrounding area has been carried out for this application as the threshold limit does not apply. As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change. This application will not be adding to the overall supply of HMOs.
- 6.3.2 The two additional persons occupy the two rooms in the roofspace previously occupied by the owner. No complaints from local residents have been received by Environmental Health with regards to noise disturbance and nuisance during the period that the property has been occupied by eight persons (since July 2012). This strongly indicates that the impact associated with the day to day comings and goings of the two additional persons has not been materially perceptible to local residents.
- 6.3.3 The Council has introduced a HMO licensing regime in the Portswood ward to police the negative impacts associated HMOs. It is noted that the occupants are likely to be students and the current nature of the tenants can change. However, an HMO can be occupied by different groups other than students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area; however, this would be enforced separately using Police and Environmental Health powers.
- 6.3.4 As such, it is considered that the intensification of use from a C4 HMO (up to six persons) to an eight person HMO will not be harmful to the character and amenity of the local area.

## 6.4 Impact on highway safety and parking

- 6.4.1 The site is located in a defined high accessibility zone in close proximity to frequent bus and train services, reducing dependency on owning a car. There are no parking controls for on street parking within Westridge Road. The parking standards require a maximum of three spaces. There are two off street parking spaces available. The Highway Officer has raised no objection. As such, it is considered that the increased occupation will not adversely affect highway safety

or the amenity of local residents to park their vehicles within walking distance of their home.

- 6.4.2 Further details of the secure cycle storage will need to be agreed and installed within three months of issuing the decision, as the cycle storage area shown is insufficient size to house eight cycles with adequate cycle stands.

#### 7.0 Standard of living conditions for existing residents

- 7.1 The occupiers have access to decent communal facilities and useable private garden space. The Private Housing team have issued a license to confirm that the accommodation meets the Council's amenity and room standards. As such, the living conditions are considered to be acceptable.

#### 8.0 Summary

- 8.1 In summary, the impact associated with the intensification of use of the existing C4 HMO by two persons will not cause any further material harm to the character and amenity, and highway safety of the local area. Furthermore, the Council have introduced a new housing licensing regime in this ward to help address the negative amenity impacts associated with HMOs. The provision of further suitable HMO accommodation within an existing HMO also contributes towards meeting an identified housing need in the city for low income and transient households. This application is retrospective and the Council's Environmental Health team have not received any complaints since the property was occupied by eight persons (since July 2012).

#### 9.0 Conclusion

- 9.1 In conclusion, the regularisation of the development is considered to have an acceptable impact in accordance with the Council's guidance and policies and, therefore, can be recommended for approval.

#### Local Government (Access to Information) Act 1985

#### Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

#### **SB for 13/05/14 PROW Panel**

#### **14/00074/FUL PLANNING CONDITIONS to include:**

##### 01. APPROVAL CONDITION - Number of occupiers

The number of occupiers at the property in connection with the change of use hereby permitted shall not exceed eight persons.

##### Reason

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

##### 02. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

##### Reason:

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

03. APPROVAL CONDITION - Cycle storage [Regularisation Condition]

Within one month of this decision notice details shall be submitted to be agreed in writing by the Local Planning Authority for a secure, covered space with cycle stands to provide for eight bicycles to be stored. The cycle store hereby approved shall thereafter be installed and made available for residents within two months of the Council's agreement of the submitted details, and retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

## 14/00074/FUL – APPENDIX 1

### Policy Context

#### Core Strategy - (January 2010)

CS4	Housing Delivery
CS16	Housing Mix and Type

#### City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

#### Supplementary Planning Guidance

Houses in Multiple Occupation (Approved – March 2012)  
Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

#### Other Relevant Guidance

The National Planning Policy Framework 2012



**14/00074/FUL – APPENDIX 2**

**Relevant Planning History**

1392/P4

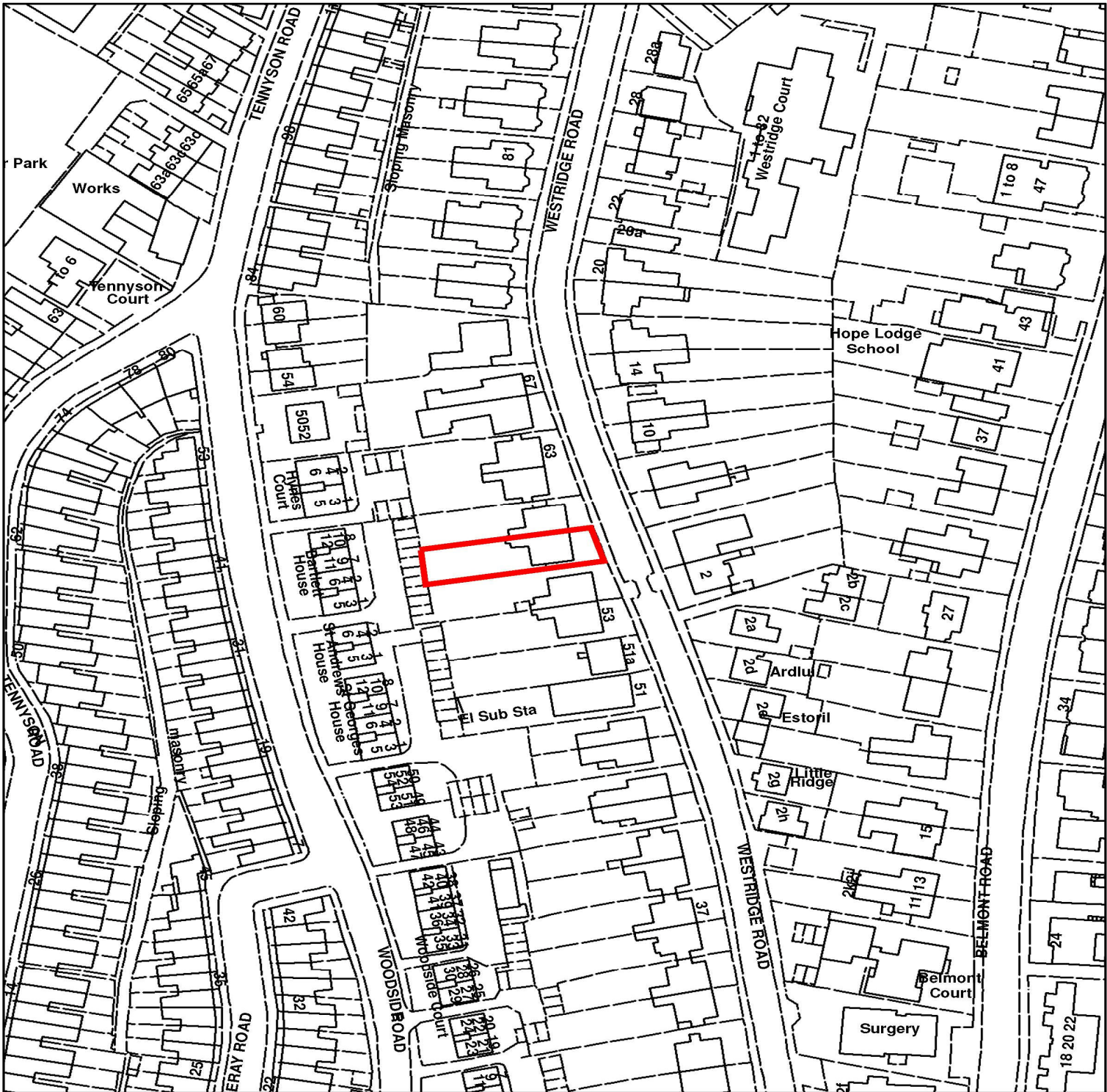
Convert to 2 flats - includes use of one garage (No. 57) (1298/22R1) – CAP 1970

1395/61

CONVERT INTO TWO FLATS – CAP 1970

12/00989/FUL

Change of use from 2 flats into an 8-bed house in multiple occupation (HMO, Sui generis use) (Retrospective) – REF



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

