

**Planning, Transport & Sustainability Division
 Planning and Rights of Way (EAST) Panel - 19 January 2016
 Planning Application Report of the Planning and Development Manager**

Application address: 62 Colby Street			
Proposed development: Change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4) (retrospective)			
Application number	15/02047/FUL	Application type	FUL
Case officer	Anna Coombes	Public speaking time	5 minutes
Last date for determination:	26/01/2016 (Extension of time)	Ward	Redbridge
Reason for Panel Referral:	Request from Ward Councillor	Ward Councillors	Cllr Pope Cllr McEwing Cllr Whitbread
Referred by:	Cllr Pope	Reason:	Increased parking pressures

Applicant: Mr Geoff Ibbett	Agent: None
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Recommendation Summary:	Conditionally approve
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Community Infrastructure Levy Liable:	Not applicable
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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 the development plan as required by 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 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full:

Conditionally approve

1. The site and its context

- 1.1 The application site is a two-storey, end-of-terrace dwelling with a room in the roof, located within the recently completed development, Compass Point, on the former Ordnance Survey Headquarters site. The property comprises a kitchen / breakfast room and separate living / dining room at ground floor, 2 x double and 1 x single bedrooms at first floor with a further en-suite double bedroom within the roof. There is one off-street car parking space to the front of the property and an area of private garden amenity space to the rear of the property of approximately 50m² including a shed on the rear boundary.
- 1.2 The property is located in a modern residential estate characterised by two-storey, terraced houses, each benefitting from one off-street car parking space to the front of the property. There are laybys and unallocated parking spaces scattered throughout the estate providing first-come, first-served car parking for visitors and overspill residents' parking.
- 1.3 There is an education centre nearby on Green Lane: the Oasis Academy Lordshill Community Hub / Pre-School / Down to Earth Farm.

2. Proposal

- 2.1 Retrospective permission is sought for the conversion of this C3 family dwelling to a C4 house of multiple occupation (HMO) for 4 people. The dwelling has been in use as a C4 HMO since 8th January 2015, so the actual impact of the proposed change can be assessed. There are no structural alterations proposed.
- 2.2 There will be no change to the size or footprint of the building. The proposed change of use would normally be achievable under a householders' permitted development rights, however planning permission is required for proposals such as this in Southampton due to a city-wide Article 4 Direction, put in place by the Council on 23rd March 2012, which revoked these permitted development rights.

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 at **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 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.

- 3.4 The Houses in Multiple Occupation SPD (HMO SPD) was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 20% for the total number of HMOs in the ward of Redbridge which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 of the HMO SPD refers).

4. Relevant Planning History

- 4.1 **13/00962/MMA** – Amendment to previous planning permission reference 11/01994/FUL for the redevelopment of the site to provide 193 dwellings (the change relates to the design and size of 13 houses)

12/01772/MMA – Amendment to previous planning permission reference 11/01994/FUL for the redevelopment of the site to provide 193 dwellings (the change relates to the design and size of 19 houses - Refused 28.01.2013)

11/01994/FUL – Redevelopment of the site to provide 193 dwellings (113 houses and 80 flats) within 2, 3 and 4 storey buildings and conversion of Crabwood House with associated access, parking and landscaping works (as amended by plans received 27.02.2012) – Conditionally approved 28.06.2012

07/01700/OUT - Redevelopment of the site to provide a mixed use scheme comprising refurbishment of Compass House for business use (Class B1); a new business enterprise centre (Class B1) new light/general industrial unit (Class B1/B2); new retail and food & drink use (Classes A1, A3, A4 & A5); new nursing home/clinic/surgery (Class C2/D1); open space and 495 residential units (361 flats and 134 houses) - outline application seeking approval for layout and access. As amended by plans received 26.03.08 and 17.02.10) – Conditionally approved 02.12.2010

5. Consultation Responses and Notification Representations

- 5.1 **Highways Development Management:** There are no objections to the proposal on grounds of highway safety. The main concern is for the impact on the amenity of local residents, due to increased pressure on unallocated parking spaces. The parking survey conducted accords with the Lambeth model and suggests that there is capacity to accommodate any potential overspill parking. The roads within the residential estate are un-adopted, so the management of the roads and parking arrangements are under the control of the developer.

Notification Representations

- 5.2 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 **3** representations have been received from surrounding residents (3 Objections) and **1** from Ward Councillor A Pope. The following is a summary of the points raised:

5.3 Increased Parking Pressure: The proposal will result in an increase in the intensity of use of the property, resulting in additional demand for parking in an area already under pressure.

RESPONSE: The parking standards set out in the Houses in Multiple Occupation Supplementary Planning Documents requires a maximum of 3 spaces for a 4 bed house. In a similar way, the Parking Standards Supplementary Planning Document also permits a maximum of 3 spaces for C3 dwellings. The adopted policies permit the provision of less parking than the maximum standard, via both off-street and on-street parking spaces, subject to the accessibility of the site and the applicant providing evidence that the surrounding roads have capacity to accommodate over-spill car parking. The applicant has supplied a parking survey to demonstrate that there is sufficient capacity in the surrounding area to accommodate additional on-street parking. Furthermore, as the site lies within approximately 200 metres of the high-accessibility bus corridor at the Lordshill District Centre, the level of car parking is considered to be acceptable.

6. Planning Consideration Key Issues

6.1 The determining issues for this application relate to; a) whether the proposed change of use from a C3 family dwelling to a C4 HMO is acceptable in principle; b) whether the proposed development would have a harmful impact on parking in the local area; c) whether the proposal would have a harmful impact upon the character of the property or local area; and d) whether the proposal would have a harmful impact upon the residential amenities of surrounding neighbours or the occupants of the host dwelling.

6.2 Principle of Development

6.2.1 When assessing applications for the conversion of a property into a HMO, policy CS16 (2) is applicable where internal conversion works limit the buildings' ability to be re-used as a C3 dwelling house in the future. The proposed conversion does not involve any alterations to the existing property and would retain the layout and facilities associated with a single-family dwelling. As such, its use could readily change back to a single-family dwelling house in the future. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 of the Core Strategy. The proposed development is also 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. As confirmed by Core Strategy Policy CS16, the proposed HMO use meets a recognised housing need for single person households or for those with lower incomes and is therefore, acceptable in principle.

6.3 Impact on Parking in the Local Area

6.3.1 The application site is located in a low Public Transport Accessibility area, although is approximately 200 metres from the High Accessibility bus corridor at Lordshill District Centre. The roads within the Compass Point development are private, not adopted by the Council's Highways Department, so the management of these roads is under the control of the developer. The design of these roads is a version of the home-zone style, with no designated pavements and a reduced road width, in an attempt to make drivers more aware of their surroundings and

give more priority to pedestrians.

6.3.2 The property currently provides one off-street car parking space on the front driveway (although some local residents manage to park two cars on their driveway, end-to-end). As a result of this application, the number of occupants will not increase, but the use of a C4 HMO property can be more intensive than that of a C3 family dwelling, generating more independent trips. It is worth noting, however, that this is a retrospective application, so the impact of this intensification of use is unlikely to change significantly from the existing situation experienced on site during the last year.

6.3.3 The applicant has provided a parking survey to support their application, following the recommended Lambeth Model methodology, which reviews the parking capacity within a 200m walking distance radius of the application site. In summary, the survey recorded the following levels of occupied parking spaces:

Monday 14 th December	15:00–15:30	35%
Tuesday 15 th December	00:30–00:45	63%
Tuesday 15 th December	14:45–15:00	30%
Wednesday 16 th December	00:30–00:45	63%
Wednesday 16 th December	14:30–14:45	63%

6.3.4 The survey demonstrates that there is still a reasonable level of parking capacity remaining in Colby Street and the surrounding roads, and reinforces the assessment made on site visit that there is remaining capacity in the local area to accommodate additional cars without causing significant harm to the amenity of local residents, or creating additional highway safety concerns.

6.4 Impact upon the Character and Amenity

6.4.1 There are no structural changes proposed to the building, and no changes to the visual appearance of the property, so the impact on character and amenity comes from the change in the intensity of use of the property. The proposal is for a modest-sized HMO of up to 4 people, with no increase in the number of bedrooms in the property.

6.4.2 The HMO SPD sets out that for the Redbridge ward, in which the application site is located, the maximum number of HMOs within a 40 metre radius of the application property should not exceed 20%. As such, if the percentage of HMOs within a 40m radius exceeds 20%, applications for additional HMOs will be refused for being contrary to policy.

6.4.3 26 properties were identified within a 40m radius of the application site. Based upon information held by the City Council's Planning, Council Tax and Licensing departments, it has been identified that there are no HMOs within the area at the current time. When the application site is included, there would be 1 HMO out of the 26 properties within the 40m radius or 4%. This is below the 20% threshold.

6.4.4 The threshold approach, as set out in the HMO Supplementary Planning Document (HMO SPD), is a key way to manage the impacts of HMOs on residential amenity. The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwellinghouse, since no more than 4 residents would occupy the

property at any one time whilst it is being used as a HMO. Furthermore, having regard to the location of the site, remote from the city's universities, the applicant has confirmed the intention for the HMO to accommodate professionals which would be more conducive to the character of the area. It is also important to note that the Council's Environmental Health Team have not received any complaints regarding the use of the property. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers.

- 6.4.5 Although it is recognised that HMO properties generally generate more 'comings and goings' than a family dwelling, there are no other HMOs recorded within in a 40m radius of the front door of the application site, and this HMO use has now been in operation for approximately 1 year with little impact on the surrounding area. Taking this into account, along with the modest size of the HMO and the fact that the number of occupants can be controlled by condition, it is not considered that the proposal will result in significant harm to the character of the area or the surrounding residents.

6.5 Quality of the Residential Environment

- 6.5.1 The proposal retains the communal rooms in the property and all habitable rooms have good quality outlook from windows. Residents have access to a private and useable garden, the size of which complies with the Council's Residential Design Guide. There will be no negative impact on the existing private amenity space to the rear, or the provision of internal living accommodation as a result of the development and, therefore, the amenity of the occupants of the host dwelling shall not be harmed. Refuse and recycling bin storage and collection will continue to operate as per the existing arrangements. Secure, covered, cycle storage is available within the existing shed in the rear garden and further details of this provision can be obtained via condition.

7. Summary

- 7.1 The use of this property as a HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highway safety. The applicant has demonstrated that there is capacity in the local area for additional parking without harm to residential amenity or highway safety. This proposal does not increase the size or footprint of the existing building and there are no changes to the visual appearance of the building. In addition to this, the proposal is for a modest sized HMO with a known low impact on the local area, so the proposal is not considered out of character with the property or the local area. It is not considered that there will be any significant harm caused to the residential amenity of neighbours caused by overlooking, or to the occupants of the host dwelling caused by impact on the rear amenity space or internal living accommodation.

8. Conclusion

- 8.1 The proposal for the change of use of the property from a C3 family dwelling to a C4 HMO is considered to be acceptable in principle, as unacceptable harm shall not be caused to neighbouring amenity or highway safety. In addition, the change of use is not considered to cause harm to the character of the property or local area, and the amenity of the occupants of the host dwelling shall not be harmed.

For these reasons the scheme can be supported.

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) and 4(f)

AC for 19/01/16 PROW Panel

PLANNING CONDITIONS

01. 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.

02. Limitation on number of occupants

The property shall be occupied by no more than 4 people without the grant of further specific permission from the Local Planning Authority.

Reason: To control the number of occupants of the property to protect the residential amenity of both the occupiers of the host dwelling and neighbouring residents.

03. Room restrictions

The lounge / dining room / kitchen and bathrooms shall remain as communal space for the occupiers of the dwelling throughout the occupation of the building as a Class C4 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 not intensification of use of the site as a whole.

04. Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures).

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

05. Cycle storage facilities

The cycle storage facilities shall be made available for use and retained in accordance with the agreed details whilst the property is in residential use.

Reason: To encourage cycling as an alternative form of transport.

06. Refuse & Recycling

The storage for refuse and recycling containers shall be made available for use and retained whilst the property is in residential use.

Reason: In the interest of visual and residential amenity.

POLICY CONTEXT

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

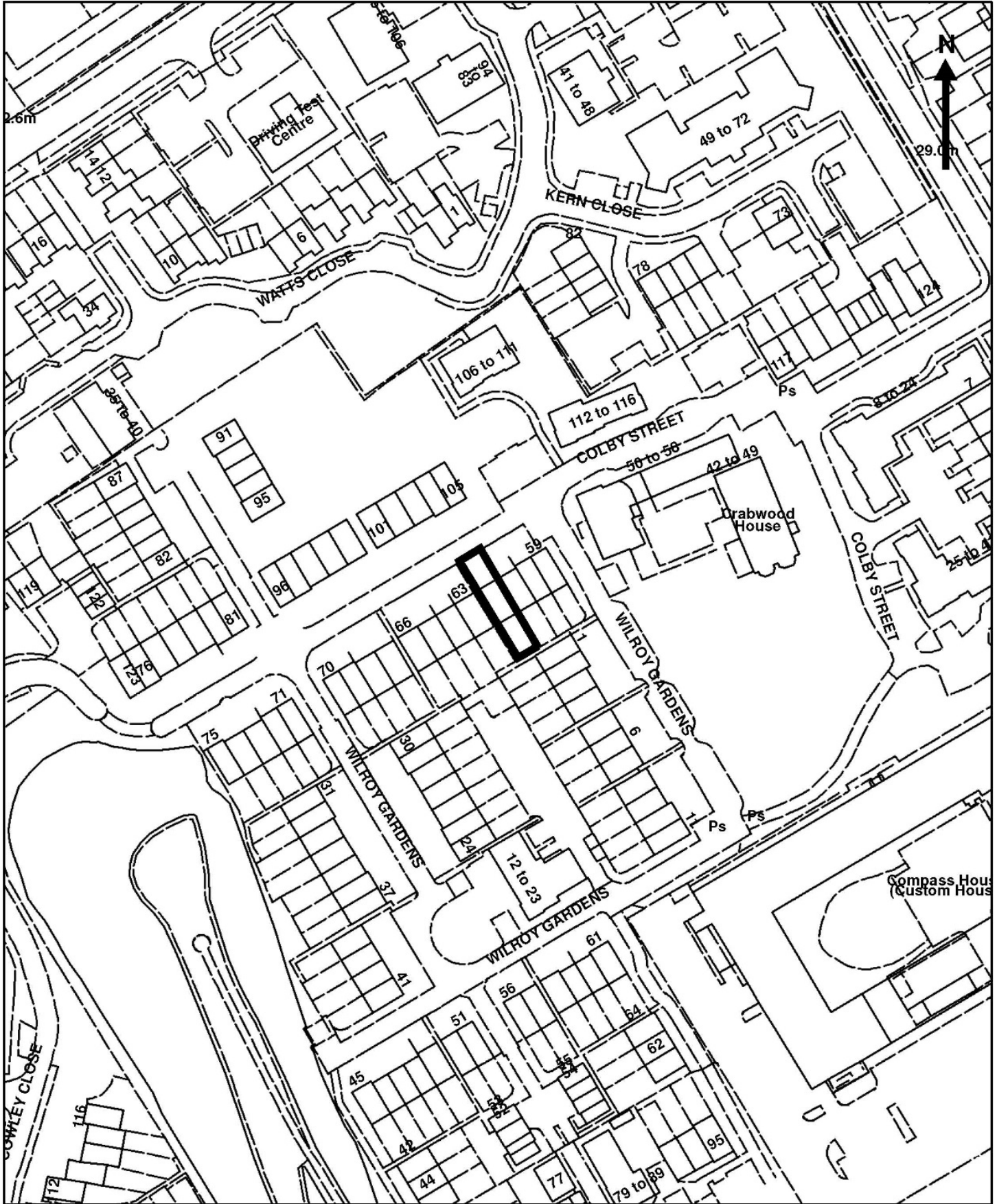
Supplementary Planning Guidance

Residential Design Guide (Adopted - September 2006)
Parking Standards (Adopted – October 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

15/02047/FUL



Scale: 1:1,250

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