

**Planning and Rights of Way Panel 4th August 2020**  
**Planning Application Report of the Service Lead – Infrastructure, Planning & Development**

<b>Application address:</b> 52 Bassett Crescent East, Southampton			
<b>Proposed development:</b> Change of use from dwelling (Class C3) to house in multiple occupation (HMO) (Class C4).			
<b>Application number</b>	20/00499/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mat Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	01.07.2020	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received and Panel referral by ward councillors	<b>Ward Councillors</b>	Cllr B Harris Cllr L Harris Cllr Hannides
<b>Referred to Panel by:</b>	Cllr Hannides & Cllr B Harris	<b>Reason:</b>	Exceeds 10% threshold. Fails to comply with Bassett Neighbourhood Plan, out of character impact on neighbouring amenity, loss of family house.

<b>Applicant:</b> Ms Isobel Austin	<b>Agent:</b> N/A.
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<b>Recommendation Summary</b>	Conditionally Approve
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<b>Community Infrastructure Levy Liable</b>	N/A
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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 39 – 42 and 46 of the National Planning Policy Framework (2019).

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (as amended 2015) and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the revised HMO SPD (revised 2016).

<b>Appendix attached</b>			
1	Development Plan Policies	2	40m Assessment Summary

## **Recommendation in Full**

### **Conditionally approve**

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

- 1.1 The application site is located on the western side of Bassett Crescent East and contains a three-storey, end of terrace dwelling with integral garage. There is an enclosed frontage that is shared with other properties of the terraced row. The frontage includes soft landscaping, refuse storage and car parking areas. The frontage area is enclosed by a wall with railings above and hedging behind. An access path leading to a rear garden of approximately 165sqm is located to the north of the building.
- 1.2 The property is located within a residential area characterised by mostly detached housing within walking distance of the University of Southampton's Highfield Campus. There are no other HMOs in the assessment area. The streets are covered by a residents' parking permit scheme (Zone number 9), where restriction times vary within different parking places including:  
8am - 6pm Monday to Friday.  
11am – 3pm Monday to Friday.  
8am – 6pm Monday to Friday (1<sup>st</sup> October to 31<sup>st</sup> May).

#### **2.0 Proposal**

- 2.1 Planning permission is sought to change the use from a dwelling to a Class C4 House of Multiple Occupation (HMO) with 5 bedrooms. Car parking onsite for two cars is proposed. One of the spaces would be provided within the integral garage the other would be on the frontage.
- 2.2 There are no external or internal structural changes to the layout of the property proposed, merely the conversion of the existing first floor living room into a bedroom. This leaves a communal kitchen diner and downstairs toilet on the ground floor for use by all tenants. Two bedrooms would have en-suite provision and there is a shared bathroom on the first floor.

#### **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 (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 27<sup>th</sup> March 2012, and then was recently revised in February 2019, and replaces the previous set of national planning policy guidance notes and statements. The Council reviewed the Core Strategy when the NPPF first came in to force, 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 relating to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMO 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, and more recently revised in 2016, and provides supplementary planning guidance for policies H4 and CS16 in terms of assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The revised SPD (2016) sets a city-wide maximum threshold of 10% for the total number of HMOs within a 40m radius from the front door of the application site, or the 10 nearest residential properties (section 6.5 of the HMO SPD refers). This test should be afforded significant weight in the determination of this application.
- 3.5 Furthermore, the Bassett Neighbourhood Plan states (paragraph 12.10): *‘further development of HMOs must comply with Policy BAS 6 and conform to the Local Plan (Policy H4), the Core Strategy (Policy CS16) and the HMO SPD 2012. Further to the noted impacts, it is also necessary to consider that HMOs make an important contribution to housing need and that the ‘balanced and mixed community’ as referred to in Policy BAS 6 (d) should be judged in accordance with the provisions of the adopted HMO SPD and the Local Plan (Policy H4).’*

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

- 4.1 There have been no previous applications on this site.

#### **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 whereby adjoining landowners were notified (letters sent 06/05/2020) and a site notice was erected (01/07/2020). It should be noted that the minimum statutory requirement for planning application notification is for either the direct residential neighbours to be notified or a site notice erected and, therefore, the Local Planning Authority have exceeded the statutory requirements by doing both. There was a delay in posting the site notice, but it has now been posted for the required 21 days. Before the site notice was erected 6 representations had been received from surrounding/nearby residents. At the time of writing the report a further 18 representations have been received from surrounding residents. Therefore in total **24 representations** have been received from 20 separate addresses. Further representations have also been received from Ward Cllrs Hannides & B Harris, including a request for a Panel determination. The following is a summary of the points raised:

- 5.2 **Bassett Crescent East is characterised by family homes not HMOs. Not suited to HMOs which cater for people at different stages of their lives.**  
*Response: The application must be assessed against the Development Plan and principally the HMO SPD. The Planning Considerations of this report provides further commentary.*
- 5.3 **There are already too many HMOs in the area, the 10% threshold has been exceeded, to allow more would further unbalance the community.**  
*Response: It is acknowledged that there are a significant number of HMOs within this area of the city, however within the specific assessment area (40m radius from the front door) the 10% threshold detailed within the HMO SPD will not be exceeded following approval.*
- 5.4 **1 The Mayflowers is an HMO and is causing problems in terms of noise and disturbance.**  
*Response: 1 The Mayflowers is not within the 40m assessment area and so does not need to be considered within the assessment. As each application must be judged on its own merits, and we must plan for reasonable behaviour, it would be unreasonable to refuse this application because of issues with other HMOs.*
- 5.5 **Contrary to Policy BAS 6 & section 12 (Development of student accommodation and HMOs) of the Basset Neighbourhood Plan.**  
*Response: The Bassett Neighbourhood plan identifies that applications for new HMOs must be judged in accordance with the provisions of the adopted HMO SPD and local plan policy. The threshold approach, as set out in the HMO Supplementary Planning Document (HMO SPD), is the key way to assess and manage the impacts of HMOs on residential amenity. No physical changes are proposed. 2 off road parking spaces are proposed (including the integral garage) and the owners of the property are eligible for 2 on road parking permits.*
- 5.6 **Falling demand for HMOs.**  
*Response: Not a material planning consideration as this is a matter for the applicant to consider before taking their decision to convert.*
- 5.7 **Bassett Crescent East is a road that's designated as an area for family housing only.**  
*Response: The Development Plan for Southampton does not include any policies which exclude the principle of the conversion of family dwelling houses to HMOs within any areas of Southampton.*
- 5.8 **Loss of family house.**  
*Response: There are no physical changes that would prevent the dwelling from being occupied by a family in the future. The change of use from C3 to C4 does not constitute the loss of a dwelling. If it did then the Council would be unable to approve any such applications without it representing a Plan departure. Instead, the policy position is that by protecting housing stock within the 40m radius we plan for a mixed and balanced community whilst enabling some growth in the HMO sector to meet suggested ongoing demand.*
- 5.9 **Out of character.**  
*Response: The physical nature of the building will not change and provided that residents behave reasonably the character of the area will not change. As the 10%*

*threshold would not be exceeded the HMO SPD identifies that the character of the area will not be significantly changed or harmed.*

**5.10 Neighbouring amenity.**

*Response: Provided that occupants of the HMO behave reasonably there would be no significantly harmful impact on neighbouring amenity.*

**5.11 Precedent.**

*Response: Each new app for HMO would be subject the assessment set out in the HMO SPD. Each application must be judged on its own merits.*

**5.12 No notification on the lamppost.**

*Response: To achieve our statutory responsibility the Local Planning Authority must either erect a site notice or send letters of notification to direct neighbours. Whilst we tend to do both an administrative error resulted in a site notice not being erected at the same time as letters of notification were sent to direct neighbours. Once residents had made us aware that a site notice had not been erected the Local Planning Authority erected one 01.07.2020, and accordingly extended the consultation period for another 21 days.*

**5.13 Delay in receiving consultation letter & some nearby residents did not receive letters of consultation.**

*Response: The consultation process has been carried out in accordance with planning legislation and the Council's own procedures. Neighbours have been given sufficient time to respond, all direct neighbours were consulted, and a site notice was erected.*

**5.14 Increased refuse storage demand**

*Response: HMOs would not necessarily generate greater refuse storage requirements than some families who could also live at the same property. There is no change to the storage provision.*

**5.15 Supporting letter provided by Applicant is misleading where it states 1 Mayflowers (an existing HMO) is not causing any problems.**

*Response: Whether or not 1 Mayflowers is causing problems is not a material planning consideration as each application must be judged on its own merits and there is separate legislation to address noise and disturbance issues off-site.*

**5.16 HMO properties risk not being well maintained and the transient nature of the occupiers don't have long term attachment or incentive to preserve or enhance the pleasant character of the neighbourhood.**

*Response: Management and upkeep of gardens/properties is not a material planning consideration.*

**Consultation Responses**

**5.17 Environmental Health:** Should we receive any noise complaints (it's very much down to the future individual behaviour of occupants which cannot be predicted) in future if the development is granted we would use powers under the Environmental Protection Act 1990 to address the issues outside of the planning regime. We are therefore not objecting to this proposed development.

**6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- a) Principle;
  - b) Character & Residential Amenity (including Parking);
  - c) Quality of Living Environment.

6.2 Principle of Development

- 6.3 The principle of additional HMOs across the city is accepted, subject to a detailed assessment of the case. If approved, the existing property could easily be returned to use as a family dwelling at any time by way of a change of tenants, as the building structure and internal layout would remain unchanged from the previous use as a C3 family dwelling. The change back from a C4 HMO use to a C3 dwelling would not require planning permission. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 (2) of the Core Strategy.
- 6.4 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. The site is close to the University and is likely to be a popular location for students without the need for reliance on the private car.

Impact in terms of Character, Amenity and Parking

- 6.5 There are no structural changes proposed to the building, and no changes to the external appearance of the property, so any impact on character and amenity would be as a result of changes in the intensity of use of the property.
- 6.6 In this case the proposal is for a C4 HMO with 5 bedrooms, replacing a house which could potentially be occupied by a family and which also, potentially, could contain 5 bedrooms. From the plans provided the scheme appears to show a 4 bed dwelling changing to a 5 bedroom HMO. This change is not considered to be significant and does not necessarily mean that there will be a harmful increase in comings and goings as it really depends on the individual circumstances of the group that is occupying the property at any given time.
- 6.7 The HMO SPD sets out that the maximum number of HMOs within a 40 metre radius of the application property should not exceed 10%. As such, if the percentage of HMOs within a 40m radius exceeds 10%, applications for future additional HMOs will be refused for being contrary to policy and harmful to character.
- 6.8 The assessment carried out by officers is appended at **Appendix 2**. 14 residential properties were identified within a 40m radius of the application site. 1 of these is a flatted block containing 2 beds flats (35 Bassett Crescent East), so is excluded from the count, leaving 13 properties. 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 13 remaining properties within the 40m radius, which equates to 8%. This is below the 10% threshold.

- 6.9 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. Although the use of this property as a HMO would be different to that of a C3 family dwelling, it is not necessarily considered to give rise to a level of activity that would be significantly harmful. 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.
- 6.10 Paragraph 5.2 of the HMO SPD states that where a property is within a residents' parking permit zone, occupants are entitled to apply for permits, however the number of permits available will be restricted in accordance with the local parking policy, which would control the number of cars associated with the dwelling. In this case 2 parking permits have been allocated to the property.
- 6.11 In terms of parking standards the SPD suggests a maximum of 3 off road parking spaces provided on site for a 5 bedroom property in this location. This is the same requirement for both C3 and C4 and officers feel it would be unreasonable to apply the policy differently between the 2 uses.
- 6.12 The onsite car parking for 2 vehicles does not exceed the maximum parking provision allowed by the parking standards SPD and with the allocation of 2 parking permits the development will sufficiently accommodate the overspill parking from the property.
- 6.13 Notwithstanding compliance with parking standards as demonstrated above the applicant has also provided a car parking survey which demonstrates that no greater than 13% of available on street car parking spaces within the assessment area were occupied on any of the 3 occasions that surveys were undertaken. The dates of the survey are: Friday 5<sup>th</sup> June at 00:30, Monday 8<sup>th</sup> June 04:30 & Tuesday 9<sup>th</sup> June 05:15. This survey work will form part of the officer's presentation to Panel and is available for inspection on Public Access. This level of available on road parking is not surprising given that most of the dwellings within the area include off road parking areas and the area is also covered by a resident's parking permit zone.
- 6.14 Although it is recognised that HMO properties can 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. 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.

#### Quality of the Residential Environment

- 6.15 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.
- 6.16 The proposed room sizes are:

Kitchen/living room 27.1  
First floor bedroom/living room 24.8  
First floor bedroom 8.4  
First floor bedroom 9.6  
Second floor bedroom 18.4  
Master bedroom (second floor) 24.8

- 6.17 These room sizes should be assessed against the guidance set out in the Council's HMO Guidance. Officers feel that the room sizes are acceptable as all bedrooms exceed the minimum room size standard for bedrooms in HMO's (6.51sq.m) and the combined kitchen/lounge is also deemed to be sufficient in size to fit the required kitchen facilities and to enable them to be used safely. Provision of a combined kitchen/lounge is also not opposed by the guidance and the living room is sufficient in size to accommodate all occupants at the same time.
- 6.18 The proposal would retain a communal living space on the ground floor with open plan lounge and kitchen area with direct access to the rear amenity area. A condition is recommended to secure retention of the communal living space. All habitable rooms would have suitable outlook from existing windows and would be typical of HMO's and dwelling houses in the vicinity. Occupants of the property have access to a large private garden that is characteristic of the properties in the area. The proposed bedrooms would be of suitable size, therefore, the amenity of the occupants of the host dwelling shall not be harmed. In addition, conditions are recommended to secure details of the proposed provision of refuse and cycle storage facilities. At the time of writing the garage is not to be used for cycle parking rather the shed in the rear garden would be used.

## **7.0 Summary**

- 7.1 In determining this application the Panel need to balance the need for new HMOs in the City against the protection of existing residential amenity and character. The Council has adopted a 40m radius test to assist with this assessment. The proposal for the conversion of the property to a C4 HMO would not result in the 10% threshold limit being exceeded and is considered to be acceptable in principle. The proposal shall not cause unacceptable harm to neighbouring amenity or highway safety. In addition, the amenity of the occupants of the host dwelling would not be harmed. Accordingly the scheme is deemed to comply with policy BAS 6 of the Bassett Neighbourhood Plan, Local Plan policies SDP1, SDP5 SDP7 SDP9, H1, H2 & H4, Core Strategy policy CS13, CS16 & CS19 and the HMO SPD.

## **8.0 Conclusion**

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore 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), 4(vv) 6(a) 6(b)



**PLANNING CONDITIONS**

**01. Full Permission Timing Condition (Performance Condition)**

The development hereby permitted shall begin no 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. 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.

**03. Refuse & Recycling (Performance Condition)**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

**04. Cycle storage facilities (Performance Condition)**

Prior to the first use of the building as an authorised C4 HMO for 5 people, secure and covered storage for 5 bicycles shall be provided on site in accordance with plans that shall have first been submitted and agreed in writing by the Local Planning Authority. The storage shall be thereafter retained as approved and made available for all occupants to use.

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

**05. Retention of communal spaces & number of occupiers (Performance Condition)**

The rooms labelled kitchen/lounge & integral garage on the proposed ground floor plan, together with the external amenity areas, shall be made available for use by all of the occupants prior to first occupation of the property as a C4 HMO use, as hereby approved, and thereafter shall be retained and available for communal purposes when in use as a HMO. The number of occupiers within the property, when in HMO use, shall not exceed 5 persons.

Reason: To ensure that suitable communal facilities are provided for the residents, in the interests of protecting the amenities of local residents, and to ensure that the application assessment undertaken relates to the 5 persons proposed by this application.

Note to Applicant

A HMO License is required in order to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link: [www.southampton.gov.uk/housing/landlords/houses-multiple-occupation/](http://www.southampton.gov.uk/housing/landlords/houses-multiple-occupation/)

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & 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
H1	Housing Supply
H2	Previously Developed Land
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)  
Houses in Multiple Occupation (amended 2016)  
Bassett Neighbourhood Development Plan (2016)

Other Relevant Guidance

The National Planning Policy Framework (revised 2019)

**40m HMO Assessment Summary**



House #	Road	Use	Count	HMO
27	Bassett Crescent East	C3	1	
29	Bassett Crescent East	C3	2	
31	Bassett Crescent East	C3	3	
35 (Flats 1 – 14)	Bassett Crescent East	C3		
48	Bassett Crescent East	C3	4	
50	Bassett Crescent East	C3	5	
52	Bassett Crescent East	C4	6	1
54	Bassett Crescent East	C3	7	
56	Bassett Crescent East	C3	8	
58	Bassett Crescent East	C3	9	
173	Burgess Road	C3	10	
175	Burgess Road	C3	11	
177	Burgess Road	C3	12	
179	Burgess Road	C3	13	

Note: 35 Bassett Crescent East is a flatted block containing 2 beds flats so is excluded from the count.

**13 dwellings, 1 HMO = 8%**