

Planning and Rights of Way Panel 29th May 2018
Planning Application Report of the Service Lead – Infrastructure, Planning & Development

Application address: 88 Wilton Avenue, Southampton			
Proposed development: Conversion of existing 2 flats (1 x 3-bedroom HMO, 1 x 2-bedroom) into a 4-bed house for use as either a house in multiple occupation (HMO, class C4) or a dwelling house (class C3)			
Application number	18/00115/FUL	Application type	FUL
Case officer	Matthew Griffiths	Public speaking time	5 minutes
Last date for determination:	27/03/2018 (Extension of Time)	Ward	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	n/a	Reason:	n/a

Applicant: Dr E Fogg	Agent: Kingston Studio
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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, 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 current HMO SPD.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two-storey semi-detached dwelling currently in use as two flats. The ground floor comprises a 3-bedroom flat established as a licenced HMO that is accessed from the side elevation of the property, and the first floor is a 2-bedroom flat. The front of the property features a small area enclosed with a low wall, and a side access leading to the rear the property comprising a small garden that is largely paved.
- 1.2 The property is located on Wilton Avenue within a residential area characterised by semi-detached or terraced housing. There is a high concentration of HMOs in the locality, which is west of the Bedford Place/London Road commercial area. Wilton Avenue and the surrounding streets are covered by a parking permit residents scheme (8am-6pm Monday to Friday) and, in some stretches of road, 2 hours maximum parking.

2.0 Proposal

- 2.1 Planning permission is sought for the use of the property as either Class C3 family dwelling house or as a Class C4 House of Multiple Occupation (HMO) for up to 4 people. As per the HMO Supplementary Planning Document (HMO SPD) a condition can be applied to allow changing between these two uses for a period of 10 years without the need for planning permission, with the use at the end of the 10 year period resulting in the set lawful use from that point. This 'flexible' type of permission enables the owner to rent to families and groups without the need for further permission.
- 2.2 Although no external changes are proposed internal alterations to convert the two flats back into a single dwelling would be required, including the removal of a first floor kitchen and bathroom and conversion of two ground floor bedrooms into a communal lounge.

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 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 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, which provides supplementary planning guidance for policy H4 and policy 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 SPD sets a maximum threshold of 10% for the total number of HMOs within the defined area measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 of the HMO SPD refers). There is no loss of family housing proposed given the current and proposed arrangements.

4.0 Relevant Planning History

4.1 An existing Lawful Development Certificate was granted in 2004 under permission 04/01580/LDCE for the use of the property as two flats.

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, and placing a site notice on 09/02/2018. A further re-consultation period was undertaken for Councillors and all nearby properties after the description of development was amended to clarify the HMO status of an existing flat. At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 **Whilst a number of representations were supportive of the potential change to a family dwelling, there are already a large number of HMOs in the area and to allow more would result in a further unbalancing of the community.**

Response: It is acknowledged that there are a significant number of HMOs within this area of the city, and that the 10% threshold assessment detailed within the HMO SPD has already been exceeded in the 40m radius from the site. It is important to note, however, that one of the flats within the site is currently a HMO and thus there would be no net gain of HMOs as a result of this application. The HMO SPD also states that in cases where there is already an established HMO on the site the threshold limit is not a material consideration.

5.3 **Is this already an HMO, and was the house in that use as C4 before Article 4 came in March 23rd 2012**

Response: The property has been in use as two flats since at least 1984 as confirmed as part of the granting of the existing lawful development certificate in 2004. The Council's HMO licensing records have the ground floor 3-bedroom flat recorded as shared student accommodation (HMO) since at least 2009 (ie. before the Article 4 was enacted in the City). The Council's current HMO licensing regime has both existing flats recorded as HMOs.

5.4 **This intensification of activity is considered to harm the character of the area and undermine the Council's approach of promoting mixed and balanced communities to the detriment of the amenities of local residents.**

Response: The existing flats are licensed HMOs. The conversion of the existing flats (1 x 3-bed and 1 x 2-bed) into a 4-bed property would represent a net reduction in bedrooms and therefore the proposed conversion would not represent an intensification of activity.

Consultation Responses

5.5 **SCC Archaeology** – Although this site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy - LAAP 7

(Bannister's Park), the proposals are unlikely to affect below-ground archaeological remains. Therefore, no archaeological conditions are required.

5.6 **SCC Environmental Health – no comment**

6.0 Planning Consideration Key Issues

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

- (a) whether the proposed change of use from two flats to either a C3 family dwelling or 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 The existing lawful flats are licensed HMOs and the ground floor 3-bed flat has been in use as an HMO since at least 2009. 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 households or for those with lower incomes and is therefore, acceptable in principle.

6.2.2 Although the HMO SPD details that a threshold assessment would ordinarily be undertaken to establish the number of HMO's within a 40m radius of the site, in this instance a HMO is already established at the site as one of the existing flats. Although section 4.8.1 of the SPD talks specifically of extensions to HMOs, the assessment within the that the threshold limit will not be a material consideration in cases where established HMO's exist on site is relevant to this proposal, as there would be no increase to the concentration of HMOs in the local area.

6.3 Impact in terms of Character, Amenity and Parking

6.3.1 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. However in this case the proposal is for a Class C3 family home or Class C4 HMO of 4 bedrooms, which would be a reduction from the 5-bedrooms across two flats that currently exist. Furthermore the conversion of the property from two flats back to its original use as a single dwelling is welcomed, whilst there are a number of properties in the area having been converted to flats, the prevailing character is that of semi-detached or terraced single dwellings. As such there are no concerns with the proposal with respect to character or a potential intensification of the use of the site.

6.3.3 In terms of parking, although there is no off street parking provision the surrounding streets including Wilton Avenue are restricted to either Permit Parking only, or 2 hours maximum without a permit. As paragraph 5.2 of the HMO SPD states, where a property is within a residents 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. Furthermore the site is close to local amenities within Bedford Place and London Road, and the city centre is also nearby to the south. As such, and given there will be a reduction in the number of bedrooms within the property from 5 to 4 as a result of the changes, it is considered that there would not be a harmful impact from the development to the levels of parking available in the area.

6.4 Quality of the Residential Environment

6.4.1 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'.

6.4.2 The proposal would retain ample communal living space on the ground floor with separate lounge and kitchen areas provided with improved outlook. A condition is recommended to secure retention of the communal living space. All habitable rooms would have suitable outlook from windows. Occupants of the property have access to a private garden that, whilst small, is typical of the properties in the area. Although internal alterations would be made all bedrooms would be of suitable size, therefore, the amenity of the occupants of the host dwelling shall not be harmed. In addition, a condition is recommended to secure the provision of refuse and cycle storage facilities as detailed within the submitted plans.

7.0 Summary

7.1 The proposal for the conversion of the property to either a C3 family dwelling or to a C4 HMO is considered to be acceptable in principle, as the threshold criteria does not apply given the existing HMO flat and unacceptable harm shall not be caused to neighbouring amenity or highway safety. In addition, the alterations are considered to improve the character of the property by bringing the property back to a single dwelling use and the amenity of the occupants of the host dwelling would not be harmed.

8.0 Conclusion

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)

MG for 29/05/18 PROW Panel

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. C3/C4 dual use (Performance Condition)

The dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015). The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

03. Retention of communal spaces and number of occupiers (Performance Condition)

The rooms labelled kitchen and lounge on the proposed ground floor plan shall be made available for use by all of the occupants prior to first occupation of the converted dwelling 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 4 persons unless otherwise agreed upon in writing by the Local Planning Authority.

REASON

To ensure that suitable communal facilities are provided for the residents, and in the interests of protecting the amenities of local residents.

04. 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.

05. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

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

06. 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.

Note to Applicant

A HMO License will be required 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;

<http://www.southampton.gov.uk/housing-council-tax/landlords-home-owners/landlords/houses-in-multiple-occupation/licensing-houses-in-multiple-occupation/default.aspx>

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
H4	Houses in Multiple Occupation

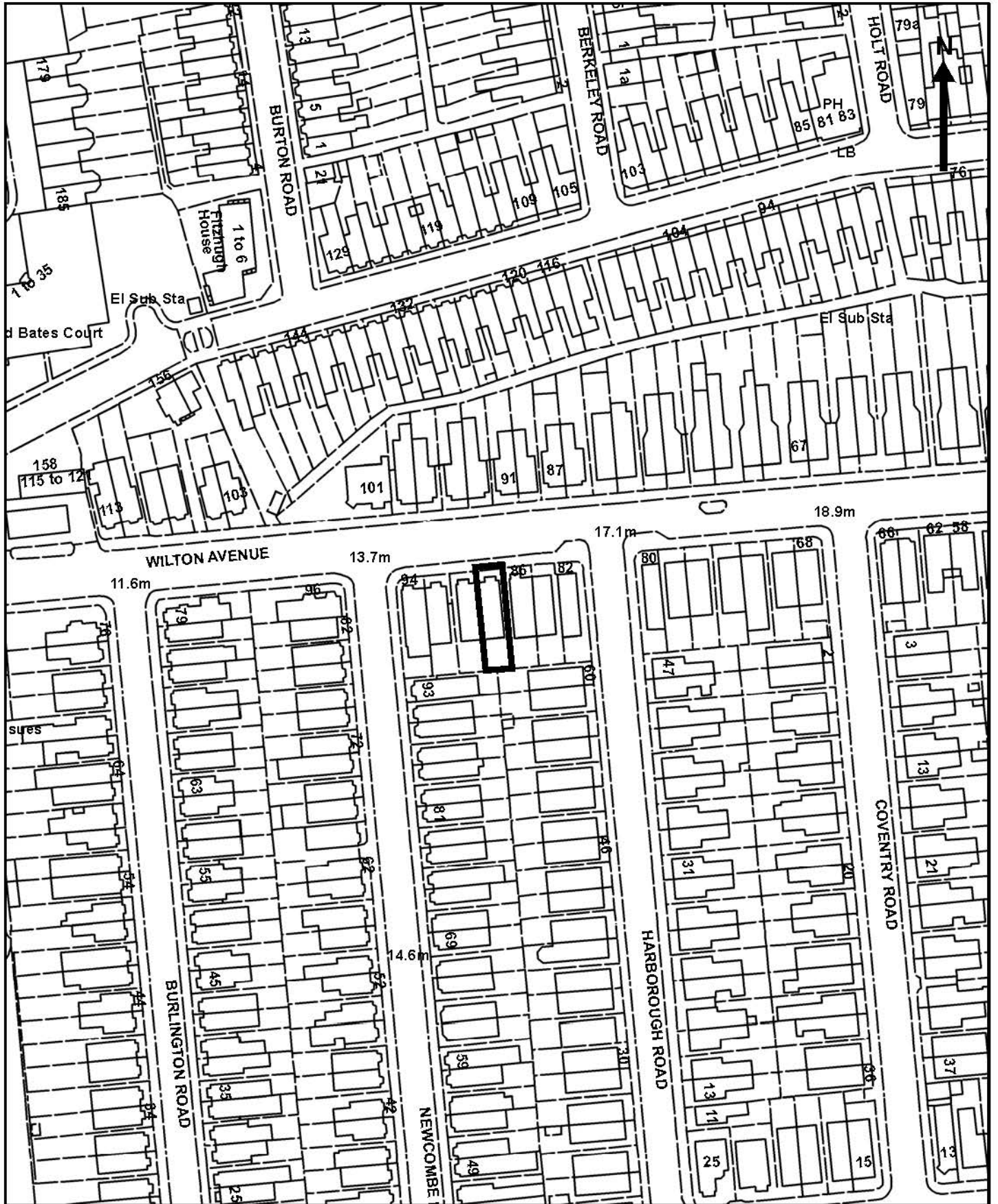
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2012)

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