

**Planning and Rights of Way Panel 23<sup>rd</sup> April 2019**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

Application address: 47 Gainsford Road, Southampton SO19 7AS			
Change of use from a dwelling house (class C3) to a flexible use as a dwelling house (class C3) or a small house in multiple occupation (6-bed HMO, class C4) (amended to flexible C3/C4 use after validation)			
Application number:	19/00189/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	03.04.2019	Ward:	Peartree
Reason for Panel Referral:	Referrals from Ward Councillors and Five or more objections have been received	Ward Councillors:	Cllr Bell Cllr Keogh Cllr Houghton
Applicant: Mr Martin Hughes		Agent: None	

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 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 (2018). Policies –CS13, CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, H4, and H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the HMO SPD (2016), Parking Standards SPD (2011) and Residential Design Guide SPD (2006).

<b>Appendix attached</b>			
1	Development plan policies	2	Parking survey
3			

**Recommendation in Full**

**Conditionally approve**

## **1. The site and its context & background to the scheme**

- 1.1 The site lies on the south-eastern side of Gainsford Road within Peartree ward and within a short walking distance of the One Stop convenience store on Peartree Avenue. To the South (approx. 770m / 13 minute walk) lie local convenience stores on Bridge Road, with further facilities in Woolston District Centre beyond (approx. 16 min walk). Bitterne District Centre lies 110m north-east (approx. 22 min walk).
- 1.2 The surrounding area is mainly suburban housing with a mix of housing styles. Many of the properties on the opposite side of Gainsford Road have been historically subdivided into flats. The property is part of a modern development of three and four-storey townhouses, each with 5 bedrooms, originally granted permission under reference 07/00068/FUL in 2007.
- 1.4 The application site comprises a three-storey detached dwelling with integral garage. There are 2 off-road parking spaces on a sloping block-paved driveway to the front and planting bed along the northern boundary. The property has a gated path along the eastern side boundary, leading to a large 20m long (238m<sup>2</sup>) garden to the rear, which is terraced with a large area of decking and lawn and two further terraced lawn areas with rotary washing line, stepping up to the rear boundary.

## **2. Proposal**

- 2.1 In response to the objections raised by local residents and Ward Councillors, the applicant has now amended the proposal to reduce the number of bedrooms from 7 to 6, thereby scaling the proposal down from a large Sui Generis HMO to a small C4 HMO and reducing the intensity of occupation on site. Planning permission is now sought for flexible use as either a C3 dwelling or a small C4 HMO for 6 persons, by subdividing the existing first floor front lounge into 2 bedrooms and converting the ground floor front bedroom and en-suite into a communal study and WC.
- 2.2 The amended proposal now provides 6 good sized bedrooms of between 10m<sup>2</sup> and 17.5m<sup>2</sup>, 5 with en-suite bathrooms, and 1 next to the large second floor shared bathroom. Communal facilities comprise a large open plan kitchen / dining / living area (38m<sup>2</sup>), opening directly onto the rear garden decking; A large utility room (9.1m<sup>2</sup>), study (10m<sup>2</sup>) and cloakroom WC at ground floor; and large shared bathroom at second floor.
- 2.3 The residential environment is of good quality and the room sizes far exceed the minimum standards for mandatory HMO licensing, which are min 6.51m<sup>2</sup> for bedrooms, and min 13m<sup>2</sup> for combined kitchen/living room area for 6 occupants. In addition, the property provides 238m<sup>2</sup> of private amenity space with bin storage via the side access path, cycle storage within the garage and 2 off-street parking spaces on the driveway, with a potential third space in the garage.

## **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) and the City Centre Action Plan (adopted 2015). The most relevant policies are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in February 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The

Council has reviewed the Development Plan 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 Policy H4 (HMOs) and CS16 (Housing Mix) support the creation of a mixed and balanced community, and require new HMO proposals to be assessed against maintaining the character and amenity of the local area. The HMO SPD sets out a 10% threshold test (carried out over a 40m radius) to avoid over-concentrations of HMOs and unbalancing the mix of households within a local community.
- 3.4 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) allows development which respects the character and appearance of the local area. Policy H7 (Residential Environment) expects residential development to provide good quality living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards set out in the Residential Design Guide and Houses in Multiple Occupation SPDs, which seek high quality housing, maintaining the character and amenity of the local area.

#### **4. Relevant Planning History**

- 4.1 The application site is part of a modern development of three and four-storey townhouses, originally granted permission under reference 07/00068/FUL in 2007. This application granted conditional approval for *“Erection of 11 four-bedroom houses (two main storeys plus additional accommodation in the roof space and at lower ground floor level) with associated parking (Note - Affects Public Right of Way)”*. There is no other planning history for this site.

#### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a subsequent site notice on 22.02.2019. At the time of writing the report **14** representations have been received, 12 of which are from surrounding residents living in Gainsford Road, 1 of which is a group letter from residents of Bryanston Road, and 1 of which is from a resident outside of the ward who visits Gainsford Road regularly. The group letter from residents of Bryanston Road was received after the response deadline, however it has been included, as it contained issues relevant to this planning application. Below is a summary of the points raised:

- 5.1.1 **The proposal will exacerbate existing parking issues and create potential highway safety problems. The survey is not a true reflection of parking in Bryanston Road.**

**Response:** The amended proposal will now have a maximum of 6 bedrooms. The Council has maximum parking standards and provision of less than the maximum number of spaces would still be policy compliant. This is discussed further below.

- 5.1.2 **Gainsford Road is made up of predominantly family households. The introduction of an HMO is out of character with the local area. This will set a precedent for more HMOs and this will change the character of the area. The value of homes will be negatively affected.**

**Case Officer's Response:** The impact on property value is not a material consideration. The introduction of a single HMO within the 40m radius would not breach the 10% threshold for HMO properties and so is not considered to significantly change the character of the area. Any future applications for new HMOs within Gainsford Road would be assessed against the 10% threshold test. HMOs can exist within areas of family housing as part of mixed and balanced community and there is a recognised need for all types of housing across the City.

- 5.1.3 **The over-intensive use would result in additional comings and goings, causing noise nuisance and general disturbance for neighbouring residents.**

**Case Officer's Response:** This issue is discussed further below.

- 5.1.4 **The proposal would generate nuisance due to refuse bins being left out, anti-social behaviour and littering to the adjacent public footpath and stairway.**

**Case Officer's Response:** The property has an existing bin storage area within the gated access path, and there is capacity for the proposed larger 360 ltr bins, away from the street edge. These arrangements can be controlled via condition.

- 5.1.5 **Neighbouring residents in Bryanston Road were not consulted.**

**Case Officer's Response:** No.74 Bryanston Road, directly neighbouring to the rear, was notified by letter in accordance with correct consultation procedures.

### **Consultation Responses**

- 5.2 **Highways Development Management:** (summarised) It is difficult to accurately predict the car ownership levels between the existing and proposed use, however, in terms of the maximum parking standards, the difference would be minimal.

- 5.2.1 The site does have two forecourt parking spaces as well as garage parking, however plans are not to scale to clarify whether the garage could accommodate a modern sized vehicle [*N.B. scaled plan now submitted*]. It would be unlikely the garage will be used as it could be blocked by another resident. Therefore the development is considered to have 2 on-site parking spaces, 1 less than maximum parking maximum standards. Census data of car ownership for Peartree ward shows only 1.18 vehicles per household – although this is an average figure and does not differentiate between C3 or C4 (HMO) households.

- 5.2.2 The parking survey is generally in accordance with the Lambeth Methodology and of an acceptable standard. The survey shows sufficient spaces within the 200m survey area, indicating capacity to accommodate this development. Additional demand for on on-street parking is more an amenity issue than safety, so the above is to inform the case officer and actual results will hold limited weight in this [*highways*] recommendation.

8 cycle spaces are proposed but these should be provided via horizontal stands rather than the proposed vertical. [*N.B. amended plans have now been submitted*].

- 5.2.3 The forecourt bin access is sloped, so there is potential for bins left on the highway on collection days, however, this is an existing arrangement and the amount of bins will not change, only increased in size. Therefore, this is considered acceptable. In summary, the proposed development is considered acceptable subject to the cycle spaces being provided with horizontal stands
- 5.2.4 **Case Officer's Response:** The amended proposal for flexible use as either a C3 family dwelling, or 6 bed C4 HMO would still have an expected maximum standard of 3 parking spaces, which is the same as for the existing 5 bed C3 family dwelling. The amended floorplan now shows that the Garage measures 6m by 2.9m, which meets our minimum standard in length and is only 10cm narrower in width. The Parking Survey also shows that there is ample capacity in the local area to absorb potential overspill parking. The cycle storage provision has been amended to show 6 spaces on Sheffield stands, which now complies with the Parking Standards SPD.
- 5.3 **Ward Councillor Eamonn Keogh:** Objection. Referral to PROW panel. The proposal will exacerbate existing parking problems. The forecourt is large, but unlikely to provide more than 3 spaces. Poor access to public transport. Very few HMO's in the area; mainly family homes. Application would change character of the area and encourage future applications. Lack of good public transport and no local shops in easy walking distance. Loss of family home. Poor amenity for occupiers: cramped living conditions, overcrowding of kitchens and living rooms, small rear garden. Concerns about noise transfer internally.
- 5.4 **Ward Councillor Alex Houghton:** Objection. Referral to PROW panel. The proposal will exacerbate existing parking problems. Precedent set by this application would be damaging for the local area. This road is popular with families and it would be a shame to lose a family home.
- 5.5 **SCC Environmental Health** – No objection, but recommend planning condition regarding refuse and recycling storage.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in determining this planning application are:
- The principle of development;
  - Effect on character;
  - Residential amenity; and,
  - Parking, highways and transport.
- 6.2 Principle of Development
- 6.2.1 Policy H4 acknowledges there is a need to maintain the supply of housing whilst balance this against maintaining a sustainable mix of households within the community. The threshold test set out in section 1.1 of the Council's HMO SPD indicates that the maximum concentration of HMOs should not exceed 10% of the surrounding residential properties within a 40m radius. The proposal would not be contrary to policy CS16 given that the property can be readily converted back into use as a family dwelling with minimal changes.
- 6.2.2 As such, the principle of development to convert the property into use as either a C3 residential dwelling, or a C4 small HMO for 6 persons can be supported, subject to an assessment of the planning merits.

### 6.3 Effect on character

- 6.3.1 The HMO concentration as a result of this application would be **6%** (1 HMO out of 17 eligible residential properties) which is significantly under the 10% limit for the 40m radius survey area.
- 6.3.2 The Case Officer's investigation found 3 properties which needed to be excluded from the calculation, bringing the number of eligible residential properties down from 20 to 17, as they had only 2 bedrooms, so were not capable of hosting an HMO use (No's 54, 56 and 57 Gainsford Road). This investigation found no other HMO uses within the 40m radius, so the proposal would be the first in the street.
- 6.3.3 This assessment comes as the result of an examination of available data in the form of the Planning register, Electoral register, Council Tax records and HMO Licencing register. Where the current status of a property remained unclear, further research was undertaken by way of publicly available property sales records. The HMO SPD acknowledges that it will not be possible to guarantee a 100% accurate count in all cases, however there was no visible evidence found on the site visit to cast doubt on these findings.
- 6.3.4 Given the mix of housing types and sizes within this area of Gainsford Road, and the low concentration of HMO properties within the 40m radius, it is not considered that the character of the area will be materially changed. The mix and balance of the area will still be predominantly made up by family households, and the comings and goings associated with the intensification of use to a 6 bedroom small HMO (occupancy limited to 6 unrelated persons) would not be significantly more harmful than the existing use of the property as a large 5 bedroom C3 family home. In addition, the proposal for flexible use as either C3 or C4 small HMO allows flexibility for the property to be rented to a single family in future, if market demands change.
- 6.3.5 The concerns of setting a precedent for creating more HMOs in the area can be adequately controlled by the 10% threshold policy, as this would prevent an overconcentration of HMOs within a 40m radius of the site.
- 6.3.6 As such, the amended proposal for flexible use as either a C3 residential dwelling, or a C4 small HMO for 6 persons would respect the character of the area in accordance with the aims of policies H4, SDP7, CS13 and CS16 and other relevant policy guidance.

### 6.4 Residential amenity

- 6.4.1 There will be an impact on neighbouring properties in association with the amended proposal for flexible use as either a C3 residential dwelling, or a C4 small HMO for 6 persons, however in this particular case, given the detached nature of the property, it is considered that the level of comings and goings and other incidental activities associated with a small C4 6 bedroom HMO use would not be significantly more harmful than the existing use of the property as a large 5 bed C3 family home.
- 6.4.2 In addition, it is noted that issues regarding bin storage can be controlled via condition. As such, the intensification of the use from C3 family dwelling to flexible use as either a C3 dwelling, or a C4 small HMO on this detached plot would not detrimentally affect the amenity of the neighbouring occupiers.

### 6.5 Parking highways and transport

- 6.5.1 We note the concerns raised by local residents in relation to pressure on local street parking. The parking standards set out in the HMO SPD (section 5) expect

a 6 bedroom C4 small HMO to provide a maximum of 3 parking spaces, which is the same as the maximum provision for the existing 5 bed C3 family dwelling. 47 Gainsford Road provides 2 parking spaces on the existing front driveway. There is a potential third parking space in the garage, however the Highways Officer has noted that the garage parking space would be obstructed if the driveway parking spaces were both in use.

- 6.5.2 The Parking Standards SPD states that provision of less than the maximum number of spaces is permissible, however, it should be demonstrated that there is sufficient kerbside capacity within surrounding streets to absorb overspill parking.
- 6.5.3 A parking survey has been submitted to support this application, indicating that there is sufficient on-street parking capacity within the local area, with an existing parking stress of between 22% - 28%. The parking survey was carried out on four occasions: two overnight surveys (at 00:30 on 7<sup>th</sup> and 8<sup>th</sup> March, in line with the recommended Lambeth Model); an additional weekend daytime survey (17:00 on 10<sup>th</sup> March) and an additional weekday daytime (12:00 12<sup>th</sup> March). See the table of survey results at **Appendix 2**. Although these are snapshots, this comprehensive parking survey demonstrates that there was sufficient kerbside capacity to absorb the parking demand from potential additional cars as there were found to be between 27 and 35 spaces available at the time of each survey.
- 6.5.4 The amended proposal indicates that 3 'Sheffield' type, floor-mounted cycle stands will now be provided within the existing garage, which would provide individually lockable spaces for 6 cycles, in accordance with the Parking Standards SPD. Whilst this will impact on space in the garage, it is worth noting that our minimum garage parking space size (6m x 3m) already includes provision for cycle and bin storage.
- 6.5.5 The Highways Officer has no objection in principle to the proposal, and has indicated that the issue of parking capacity in the local area is one of amenity, rather than highway safety. The amended proposal has reduced the intensity of occupation on site from 7 persons down to 6, and introduces a flexible use between C3 and C4 (HMO). Taking this into account, along with the findings of the parking survey, the impact on local parking amenity is not considered significantly harmful.

## **7. Summary**

- 7.1 In summary, the proposal for flexible use as either a C3 residential dwelling, or a C4 small HMO for 6 persons at No.47 is not considered to be significantly harmful to the character and amenity of the area, nor to highway safety. The introduction of an HMO use would not imbalance the mix of the family households in the community, as this would be the first within a 40m radius of the site, and this proposal would positively contribute towards the range of available smaller housing within the City. Furthermore, the comings and goings, including traffic and parking demand, associated with the C4 small HMO use would not be significantly harmful to the amenity of neighbouring residents.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

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

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

1. (a) (b) (c) (d) 2. (b) (d) 4.(f) (qq) (vv) 6. (a) (b)

**AC for 23/04/19 PROW Panel**

## **PLANNING CONDITIONS**

01. Full Permission Timing Condition (Performance)

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. C3/C4 Dual use 10 years

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

Note to applicant: Whilst this planning permission allows occupation of the building as both a single dwelling and by a shared group, you are advised that an HMO that is licensed needs to have that license revoked before the building can lawfully be occupied again as a single dwelling.

04. Retention of communal spaces

The rooms labelled Kitchen, Lounge and Study on the plans hereby approved shall be retained at all times for communal use only, to serve the occupiers whilst in HMO use.

REASON: To ensure that a suitable communal facilities are provided for the residents.

05. Occupancy limit

The C4 small HMO use hereby approved shall be occupied by no more than 6 persons.

Reason: In the interests of protecting the character and amenity of the local area and to ensure appropriate shared space is available.

06. Parking

Before the development first comes into occupation, the existing two driveway parking spaces and the third garage parking space shall be made available for use by all occupants of the HMO use hereby approved. These parking spaces shall thereafter be retained as available for use at all times by the occupiers of the HMO use.

Reason: In the interests of local parking amenity.

06. Cycle and bin storage

Before the development hereby approved first comes into occupation, the storage for bicycles and bins 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.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

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

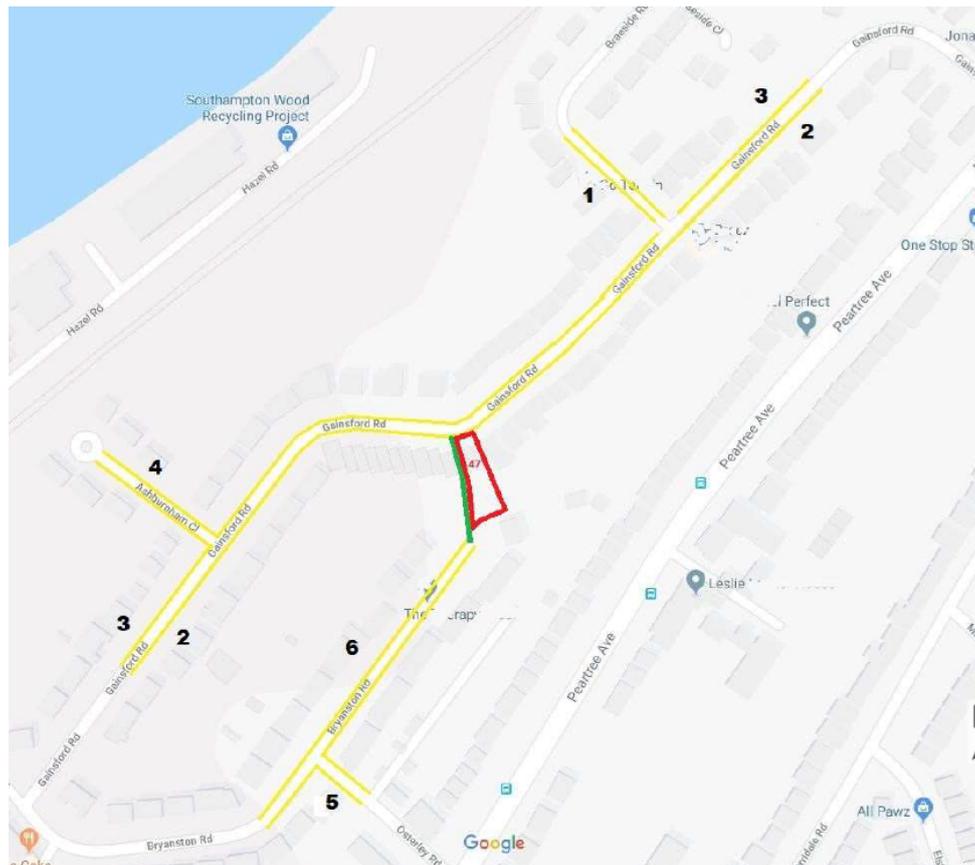
Other Relevant Guidance

The National Planning Policy Framework (2019)

Parking Survey

**Survey Results**

Parking Location	Marked Parking Bays	Kerb Space (m)	Max Spaces	Survey 1	Survey 2	Survey 3	Survey 4
				Thurs 07/03/19 0030-0045	Fri 08/03/19 0030-0045	Sun 10/03/19 1700-1715	Tues 12/03/19 1200-1215
1 Braeside Rd	-	25.5+10.2	7	5	5	5	3
2 Gainsford Rd (south)	-	215 total	39	11	10	10	9
3 Gainsford Rd (north)	-	228.5	40	11	11	9	8
4 Ashburnham Cl	-	5.2+10.2	3	0	0	0	0
5 Osterley Rd	-	23.5+23.5	18	5	4	5	3
6 Bryanston Rd	-	(2x23) +7.6 +(2x6) +11+27	18	3	5	3	4
<b>TOTAL</b>			<b>125</b>	<b>35</b>	<b>35</b>	<b>32</b>	<b>27</b>
<b>Parking Stress</b>				<b>28%</b>	<b>28%</b>	<b>26%</b>	<b>22%</b>



**Parking Locations in the Survey Area**



# 19/00189/FUL



Scale: 1:1,250

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