

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

<b>Application address:</b> 129 Ludlow Road			
<b>Proposed development:</b> Change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4)			
<b>Application number:</b>	19/00122/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Laura Treagus	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	30.04.2019	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Thomas Bell Cllr Alex Houghton Cllr Eamonn Keogh
<b>Applicant:</b> Mrs Elizabeth Pritchard		<b>Agent:</b> None	

<b>Recommendation Summary</b>	Conditionally approve
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<b>Community Infrastructure Levy Liable</b>	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	HMO 40m radius survey

**Recommendation in Full**

**Conditionally approve**

## **1. The site and its context**

- 1.1 The application site lies on the western side of Ludlow Road within the Peartree ward. The site lies within a medium accessibility zone and walking distance to Woolston District Centre (approx. 16 min walk).
- 1.2 The site comprises a two-storey mid-terraced dwellinghouse, characterised by a bay-window feature at the front of the property. The front building line is set back from the highway by a front lawn. The property has an elongate garden at the rear, which contains three outbuildings.
- 1.3 The surrounding area is mainly suburban housing with a mixed style of dwellings.

## **2. Proposal**

- 2.1 The application proposes change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4)
- 2.2 The proposal provides three good-sized bedrooms that receive sufficient outlook and light. There is a large communal lounge/dining area and a separate kitchen. One shared bathroom is situated at the rear of the ground floor.
- 2.3 While no cycle or bin storage has been specifically identified in the plans, there are three existing outbuildings that would provide sufficient storage at the western end of the rear garden. Refuse collection would remain at the rear of the property.

## **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 to these proposals are set out at Appendix 1.
- 3.2 The National Planning Policy Framework (NPPF) was revised in July 2018. 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) supports the creation of a mixed and balanced community, whilst the policies requires HMO proposals to be assessed against maintaining the character and amenity of the local area. A 10% threshold test (carried out over a 40m radius) is set out in the HMO SPD to avoid over-concentrations of HMOs leading to an imbalance of mix of households within a community.
- 3.4 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive 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 as set out in the relevant chapters of the Residential Design Guide

SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

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

4.1 A schedule of the relevant planning history for the site is set out in Appendix 2 of this report.

4.2 No relevant planning history.

#### **5. 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 erecting a site notice on 15.02.2019. At the time of writing the report 12 representations (5 in support, 7 objections) have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 **Ludlow Road is a desirable area for families with predominantly family households. The introduction of the HMO is out of character with the make-up of households as family homes.**

##### **Response**

The introduction of a single HMO within the 40m radius is not considered to significantly change the character of the area. HMOs can exist within areas of family housing as part of mixed and balanced community and there is a need for all types of housing across the City.

5.1.2 **Allowing this HMO will set a precedent and would further affect the character of the area in a negative way.**

##### **Response**

The Houses in Multiple Occupation Supplementary Planning Document (SPD HMO) indicates a threshold percentage of HMO properties as 10% of HMOs in the housing stock. Applications will not be granted for new HMOs where the proportion of HMOs within a 40m radio was above 10% (unless exceptional circumstances apply). The introduction of a single HMO within the 40m radius would result in a HMO percentage of 2.5% of the housing stock

5.1.3 **The additional demand on parking will lead to further competition for street parking with local residents and cause congestion and potential highways safety problems.**

##### **Response**

The property will have a maximum occupancy of 3 persons. The Council has maximum parking standards, so providing less spaces is policy compliant. The demand for parking spaces in a three-bedroom HMO is not considered to be more harmful than the existing C3 dwelling

##### **Consultation Responses**

5.2 **Ward Councillor Eamonn Keogh:** Objection. Referral to PROW panel. Parking in Ludlow road is at a premium and this will only add unnecessary pressure to what is already a very difficult local issue. Loss of a three-bedroom family dwelling. Negative impact on character of the area. Poor amenity for occupiers. Application would encourage future applications.

5.2.1 **SCC Environmental Health:** Environmental Health have no objections to the proposed development in terms of planning regulations.

NB: The applicant will have to comply with HMO licensing requirements

## **6.0 Planning Consideration Key Issues**

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

- The principle of development;
- Effect on character;
- Residential amenity;
- 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 a C4 HMO can be supported subject to an assessment of the planning merits in relation to the relevant policies and guidance.

### **6.3 Effect on character**

6.3.1 The HMO concentration as a result of this application would only be 2.5% (1 HMO out of 40 residential properties), which is significantly under the 10% threshold for the 40m radius survey area (see results of the 40m radius survey in Appendix 2).

6.3.2 By virtue of the low concentration of HMO properties within the 40M radius, it is not considered that the character of the area will be materially changed, given that the mix and balance of the area will still predominantly consist of family households. The comings and goings associated with a three-bedroom HMO is not considered to be significantly more harmful than the existing use of the property as a three-bedroom C3 family dwelling. 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 application site.

6.3.3 As such, the proposed change of use to a three-bedroom C4 HMO 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 It is considered that the level of comings and goings and other incidental activities associated with the HMO use would not be significantly more noticeable than the use of the property as a three-bedroom family home (authorised C3 use). As such, the intensification of the use from C3 family dwelling to a C4 HMO (limited occupancy to 3 persons) on this mid-terrace plot would not detrimentally affect the amenity of the neighbouring occupiers. Issues regarding bin storage can be controlled via condition.

### **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) expects a 3 bedroom C4 small HMO to provide a maximum of 2 parking spaces,

which is the same as the maximum provision for the existing three-bed C3 family dwelling.

- 6.5.2 The Parking Standards SPD states that the provision of less spaces than the maximum standard is permissible, however, it should be demonstrated that there is sufficient kerbside capacity within the surrounding streets to absorb overspill parking.
- 6.5.3 It is considered that the demand for parking for a three-bedroom HMO would not be significantly greater than that of the current three-bedroom C3 dwelling. While we have requested a parking survey, one has not been submitted for this application. The Highways Officer has not commented on the proposal, however, it is not considered that the additional comings and goings and street parking demand associated with the HMO use would result in an adverse impact to highways safety.
- 6.5.4 Cycle storage facilities would need to be provided for 1 space per HMO bedroom. Although there is an existing shed in the rear garden it is unclear if its dimensions and rack system is suitable. A condition can be used to secure the details of a secure and covered enclosure for cycle storage.

## **7. Summary**

In summary, the proposed change of use from a C3 family dwelling to a C4 small HMO for 3 persons at No.129 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) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

**LT for 23/04/2019 PROW Panel**

**Application 19/00122/FUL**

## **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. Retention of communal spaces

The rooms labelled Kitchen, Dining Room and Lounge 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.

04. Occupancy limit

The C4 small HMO use hereby approved shall be occupied by no more than 3 persons.

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

05. Cycle and bin storage

Prior to the first occupation as a C4 HMO, details of the facilities to be provided for cycle and refuse storage shall be agreed and then provided and made available for use in accordance with the approved details. 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

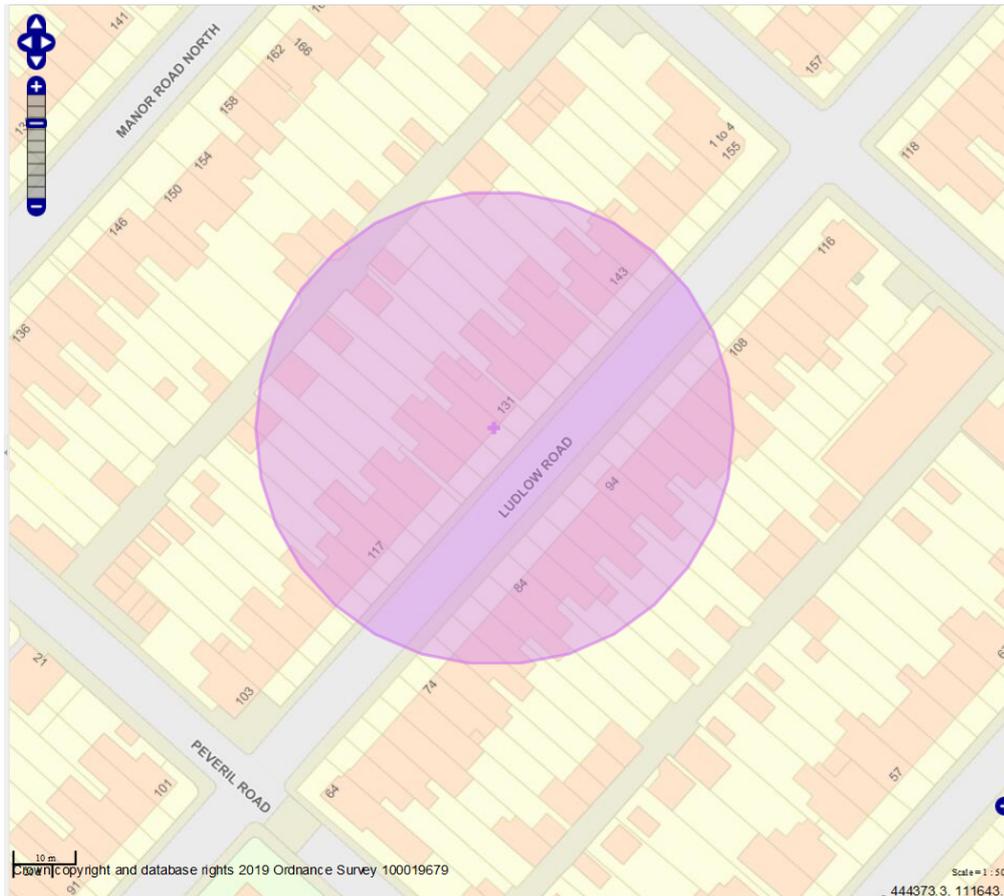
Supplementary Planning Guidance

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)

**HMO Assessment**

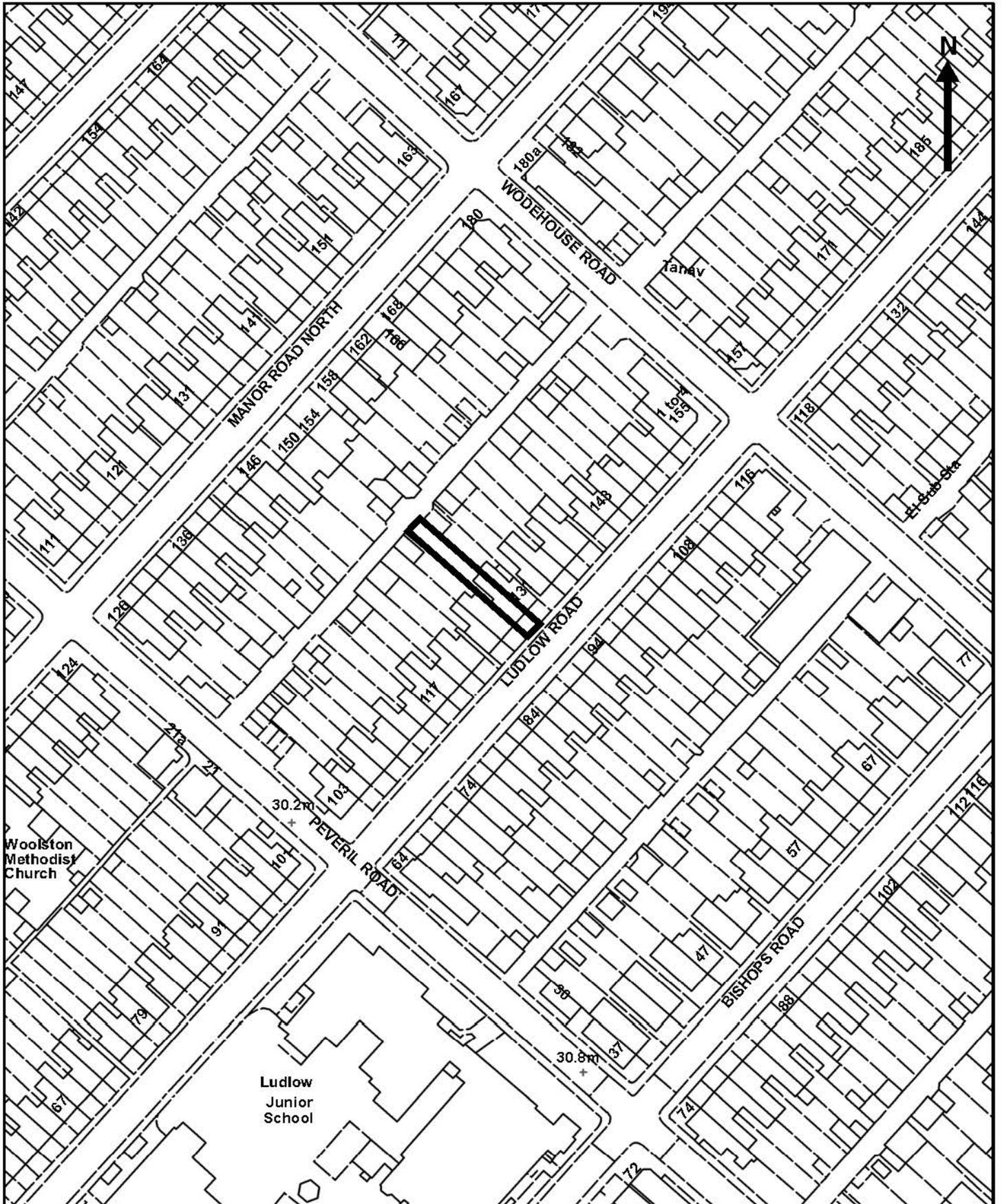


Address	Surnames on Electoral Register (No.)	HMO on SoMap (Y/N)	HMO Council Tax (Y/N)
113 Ludlow Road	n/a	N	N
115 Ludlow Road	1	N	N
117 Ludlow Road	1	N	N
119 Ludlow Road	n/a	N	N
121 Ludlow Road	1	N	N
123 Ludlow Road	2	N	N
125 Ludlow Road	2	N	N
127 Ludlow Road	1	N	N
129 Ludlow Road	n/a	N	N
131 Ludlow Road	2	N	N
133 Ludlow Road	1	N	N
135 Ludlow Road	2	N	N
137 Ludlow Road	2	N	N
139 Ludlow Road	3	N	N
141 Ludlow Road	1	N	N

143 Ludlow Road	1	N	N
145 Ludlow Road	1	N	N
147 Ludlow Road	1	N	N
76 Ludlow Road	1	N	N
78 Ludlow Road	1	N	N
80 Ludlow Road	2	N	N
82 Ludlow Road	1	N	N
84 Ludlow Road	1	N	N
86 Ludlow Road	2	N	N
88 Ludlow Road	1	N	N
90 Ludlow Road	1	N	N
92 Ludlow Road	1	N	N
94 Ludlow Road	2	N	N
96 Ludlow Road	1	N	N
98 Ludlow Road	1	N	N
100 Ludlow Road	1	N	N
102 Ludlow Road	1	N	N
104 Ludlow Road	1	N	N
106 Ludlow Road	n/a	N	N
108 Ludlow Road	1	N	N
156 Manor Road North	n/a	N	N
154 Manor Road North	1	N	N
152 Manor Road North	n/a	N	N
150 Manor Road North	2	N	N
148 Manor Road North	n/a	N	N

Total counted residential properties: 40  
Total existing HMO properties: 0  
Total proposed HMO properties: 1  
**Proposed HMO concentration: 2.5%**

# 19/00122/FUL



Scale: 1:1,250

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