

Planning and Rights of Way Panel 12th January 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 27 Bronte Way, Southampton			
Proposed development: Conversion of dwelling to four bed assisted living dwelling for young persons (class C2).			
Application number:	20/01415/FUL	Application type:	FUL
Case officer:	Melanie Robertson/ Rob Sims	Public speaking time:	5 minutes
Last date for determination:	15/1/21	Ward:	Peartree
Reason for Panel Referral:	Request by Ward Member & five or more letters of objection have been received	Ward Councillors:	Cllr Thomas Bell Cllr Alex Houghton Cllr Eamonn Keogh
Referred to Panel by:	Cllr Alex Houghton	Reason:	Parking/ character
Applicant: Miss Grace Nkundu		Agent: N/A	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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 (2019). Policies –CS18 and 19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP 1,4,5,10,16 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Appeal Decision 18/02322/FUL		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The site lies on the eastern side of Bronte Way within the ward of Peartree. The surrounding area is mainly characterised as a suburban housing area with short terraces and garage blocks. The site comprises a 2 storey mid-terrace dwelling which is set back from the street by a steeply sloped grassed area with front access via a steep pathway and steps. There is also access to the rear via a footpath from Langbar Close.

2. Proposal

2.1 This application seeks permission for the change of use of 27 Bronte Way from a Class C3 dwelling into a Class C2 assisted dwelling for young persons.

2.2 It has been confirmed by the applicant that a carer will be present on site 24 hours a day, 7 days per week and will be using the downstairs bedroom. The assisted young persons will not be allowed to have their own car on site. Most of the young persons under care will be age 16 to 21 years and are unlikely to have their own vehicle in any event. There are no external changes proposed.

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) was revised in 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.

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 Of particular note is the Inspector's appeal comments on the previous application (and appeal) to change the dwelling into a C4 HMO, where the effects on character and amenity of the area were found acceptable, but effects on parking provision were found unacceptable:

(12) Furthermore, I have not been provided with any reason to believe that more frequent comings and goings would necessarily give rise to a level of noise and disturbance which was both noticeable, and materially harmful. The same would be true in relation to noise generated within the dwelling itself, particularly if again considering the example of a household formed by a family with young children, which might itself generate high levels of noise.

(16) The Council has made generalised reference to a number of other issues it associates with HMOs, some of which are again covered in appeal decisions to which my attention has been drawn. These include neglected gardens and lack of maintenance of the housing stock. However, noting that the dwelling in question currently appears to be well-maintained and has a reasonably low maintenance garden, I see no reason to believe these issues would necessarily occur if the use of No 27 changed.

(17) For the reasons outlined above I conclude that whilst the effect of the development on the living conditions of local residents in relation to noise and disturbance, and on the living conditions of both local residents and future occupants of the dwelling in relation to waste management, would be acceptable, the effect on the living conditions of each in relation to the inadequate level of parking provision which would exist, would be unacceptable.

4.3 Whilst these comments relate to an application for an HMO they are relevant in the determination of this revised case given that there are some similarities between the previous C4 and current C2 uses. The full appeal decision is appended at **Appendix 2**.

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 29 adjoining and nearby landowners and erecting a site notice (30.10.20). At the time of writing the report **23 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 - *Late Night Disturbance*
 - *Out of character*

Response

There is much concern from the neighbouring residents of the impact on the character of the area in terms of noise and disturbance from young persons in an assisted living dwelling. This is, to an extent, understandable. The Inspector on the appeal for the previously refused HMO application found that an HMO would not necessarily give rise to a noticeable or harmful level of noise and disturbance nor have a detrimental effect on appearance compared to a family dwelling. The young persons in the current application will have a warden 24/7 and there will be reduced potential for noise and disturbance given the commitment to on-site management. A condition can be imposed to ensure that there is adequate on site management in place to adequately manage the impacts of the care use and the behaviour of the young persons.

- 5.3 - *Impact on Traffic/ Road Safety*
 - *Shortage/loss of Car Parking*

Response

Whilst the Appeal inspector agreed with the report on the previous HMO application that there was potential for an increase in vehicles which would exacerbate the problems with parking and road safety in the area, the assisted young persons will not be allowed to have a car onsite, and are less likely to be in the ownership of a car, therefore it is likely there will be less cars associated with the property outside than if the property was a family dwelling. Conditions are recommended to limit the number of young people to 3 and a maximum 1 carer at one time, with professional visitors limited to working hours.

Consultation Responses

5.4

Consultee	Comments
Cllr Alex Houghton	I would like to object to the conversion of 27 Bronte Way, from a family dwelling, into a four bedroom assisted living property for young people. I believe this to be an unsuitable location for a property of multiple occupants. Bronte Way and Langbar Close are residential roads, in most cases home to families or older people. The area is not particularly well served with amenities to suit young people, living with some independence. Public transport would need to be picked up from Peartree Avenue, or from

	<p>Bitterne Road West, which would require a reasonable walk and the nearest shop is also located some way away. Younger people, generally favour a more central location, such as the city centre, or near shops. This could not be a favourable location for that age group.</p> <p>One of the key concerns, as identified by residents, is the limited availability of on street parking in this area. While some properties have driveways or garages, this falls significantly short of the parking needs on these roads. There is also evidence of these roads being used for over-spill car parking from Chine Avenue and businesses operating there. I cannot see from the application whether any attempt has been made to address the previously unsuitable parking highlighted in the 2019 application. I believe parking remains one of the key challenges for this application and we have no indication from the application forms whether all the occupants are likely to own vehicles. If they did, this would place an unacceptable level of additional on road parking in this area.</p> <p>The previous application for this property was to convert this into an HMO. This change, while a different usage class, would create a precedent for more intense occupation in a residential area. This would be unsuitable in an area that provides vitally needed family homes and a safe community. I would like this application, if the Council are minded to approve, to go before the planning panel</p>
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6.0 Planning Consideration Key Issues

- 6.1 The acceptability of the proposal within the local area should be assessed upon the impact on character and amenity, living conditions of the future occupiers, and highway safety in terms of parking and access. The assessment of this application should balance the supply and need for this type of housing against the balance and mix of households within the local community. The key issues for consideration in the determination of this planning application are, therefore:
- The principle of development;
 - Design and effect on character;
 - Residential amenity;
 - Parking highways and transport

Principle of Development

- 6.2 Policy CS16 (Housing Mix) supports the creation of a mixed and balanced community. Policy CS16 states that there should be: No net loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss. However, the policy also states that this does not apply to: specialist housing schemes entirely comprised of accommodation specifically for senior citizens, supported accommodation for people with disabilities and purpose built student accommodation. The applicant has explained within their submission that the property would be occupied by vulnerable young persons as clients from SCC social services who need care and assistance. There is a general need for this type of accommodation within the City and this application would provide this accommodation without being in conflict with Policy CS13 of the Core Strategy. As this relates to a conversion there is no additional impact on the Special Protection Areas of the New Forest or Solent Waters and no mitigation is, therefore, required.
- 6.3 In addition the property can be readily converted back into use as a family dwelling with minimal changes. The proposed change of use is considered acceptable in principle. No external significant alterations / extensions are proposed.
- 6.4 Furthermore, the proposed use would provide housing opportunities for vulnerable young persons to live independently in the community whilst receiving support living outside of a residential institutional setting which promotes a greater diversity of household types as part of the mix and balance of the community. As such, the proposal would be acceptable in principle, however, this benefit should be balanced against the impact to the character and amenity of the local area, in particular with regards to the intensification of use. The relevant impacts of the proposal are further assessed below.

Impact on the character of the area

- 6.5 There are no external alterations proposed to facilitate the conversion with the existing residential layout of the property being reused. In addition the introduction of a small household of this type would not be typically out of character of a community in a suburban residential area.

Residential amenity

- 6.6 There are standards set out in section 2.2 of the Residential Design Guide to protect the living conditions of the future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas. The occupiers would have access to a private amenity space of approximately 70sq.m at the rear of the property, which would exceed the requirements for a terraced dwelling, as set out within Paragraph 2.3.14 of the Residential Design Guide.

- 6.7 In terms of internal living environments, on the ground floor is an office/ bedroom to be allocated to the warden, as well as lounge and kitchen. A shower room is also provided for the warden's accommodation on the ground floor, and at the first floor there are three bedrooms, WC and shower-room. On this basis the property would provide an adequate internal and external living environment for future occupiers.
- 6.8 There would be one live-in staff member and another staff member will attend the site during the day to provide daytime care. The associated shift changes and vehicular movements will not generate an unreasonable level of noise or other nuisance, particularly when compared with the comings and goings associated with a family dwelling. However, a condition that restricts professional visitors (with the exception to a health emergency) to the working day can be imposed.
- 6.9 The nature and scale of the proposed use would not be dissimilar to a family group with older teenagers still living at home. The carer would act as a parent figure or head of the household by supervising and managing the behaviour of the young clients. Although the unrelated occupiers lead independent lifestyles, the nature of the C2 use is distinctly different in this sense to a House in Multiple Occupation (HMO), as there is a responsible adult acting as the head of household, whilst the carer ensures that the client's day to day activities and curfew follows their care plan which depends upon the level and need of care.
- 6.10 The property has 3 bedrooms, albeit with an additional ground floor bedroom/office space, and therefore could be occupied with a household of similar scale with large family e.g. 2 parents and 3 children. The applicant has confirmed that there would be a rota for 1 carer to be present at the property during the day and night time. There will be a further movements to and from the property associated with other visitors related to the client's care plan and family members/friends. The associated comings and goings of the 3 occupants and the morning and evening shift change of the care worker, would not be significantly different when compared to a typical family house in this residential street. In this instance, the level of trips associated with the size of the household of the C2 use is not considered to cause significantly greater disturbance than the current C3 family use and, therefore, would not harm the character of the area or be detrimental to the amenity of local residents or the character of the area.
- 6.11 The management of the noise and behaviour of the occupants would be controlled by the on-site carer, and a condition can be imposed to ensure that there is adequate on site management in place to adequately manage the impacts of the care use and the behaviour of the young persons. The neighbours' concerns about disturbance due to internal noise can be enforced under separate legislation in relation to the control of statutory noise nuisance, but the Panel's decision should be made on the assumption that residents will behave reasonably.

- 6.12 As such, the proposal is judged to have an acceptable impact on the character and amenity of the local area.

Parking highways and transport

- 6.13 One car parking space is provided in the garage block which would be used by the warden. Cycle storage would be provided in the garden and detail of the storage can be provided through a condition. Whilst the Appeal inspector agreed with the original HMO application assessment that there was potential for an increase in vehicles which would exacerbate the problems with parking and road safety in the area, assisted young persons are less likely to be in the ownership of a car, therefore it is likely there will be less cars associated with the property than if the property was a family dwelling. Therefore on balance, taking into account the parking demand from existing family dwelling use, the proposed C2 use would be unlikely to generate significant increase in parking demand and the application is considered to be acceptable in this regard.
- 6.14 Although there are understandably concerns from the local residents that the application is a 'repackaging' of the HMO application, a C2 use is fundamentally different to a C4 use. A C2 use comprises of assisted/care living under a single and managed household. A C4 HMO use comprises of up to 6 different households, which much more intensive day to day living. It is not considered there would be a requirement for additional car parking from the proposed use or any further impact on residential amenity in terms of inappropriate parking behaviour.

7. Summary

The proposed C2 use, providing assisted living accommodation for young persons, would not have an unacceptable impact on the character and appearance of the area and would not result in adverse noise and disturbance to neighbour amenity. Furthermore it is not considered the proposed use would result in adverse parking behaviour.

8. Conclusion

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)

Case Officer RS for 12/01/2021 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.Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details and not for any other purpose, including any other use within Use Class C2;.

Reason: In the interest of the amenities of neighbouring occupiers and highways safety.

03.Maximum Occupants, Parking and Hours of Visits (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be occupied by a maximum of 3 clients between the agree range of 16 to 21 years old, with one carer residing at the property during each care shift. With the exception of the live in carer and a health emergency, the professional visitors in relation to the care and wellbeing of the residents shall not visit the property outside the hours of 08:00 to 17:00 every day.

The 3 clients shall not have access to a private vehicle whilst living at the property.

Reason: In the interest of the amenities of neighbouring occupiers, the prevention of overspill parking and highways safety.

04.On-site management (Performance)

On-site management shall be available at all times in accordance with the measures set out in applicant's email dated 8th December 2020. This shall include providing the phone and email contact details of all carers operating on site and a company representative in writing to the occupants of the adjoining dwellings prior to the commencement of the use hereby approved and the operator shall, thereafter, keep the contact details up to date.

Reason: In the interests of protecting residential amenity

05.Retention and provision of communal spaces (Performance)

Prior to the first occupation of the C2 use hereby approved, the communal spaces shall be provided for the occupants in accordance with the approved plans. The rooms labelled kitchen and lounge shown on the plans hereby approved shall be retained for use by all of the occupants for communal purposes only to serve the occupiers whilst in C2 use.

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

06.Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

07.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.