

Planning and Rights of Way Panel 13th December 2022
Planning Application Report of the Head of Transport & Planning

Application address: 3 Vosper Road, Southampton			
Proposed development: Change of use from Dwellinghouse (C3) to House of multiple occupancy (C4) (Retrospective)			
Application number:	21/01805/FUL	Application type:	FUL
Case officer:	Craig Morrison	Public speaking time:	5 minutes
Last date for determination:	31.03.2022 Extension of Time Agreed to 18/12/2022	Ward:	Woolston
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Mrs Sue Blatchford Cllr Warwick Payne Cllr Robert Stead
Applicant: Meridian Property		Agent: AC Design	

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 (2021).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Parking Restrictions Plan	4	Properties within 40m Radius

Recommendation in Full

Conditionally Approve

1. The site and its context

1.1 The site forms part of the Centenary Quay development in Woolston, and is a modern 3 storey dwelling forming a terrace of 8 dwellings on the Southern Side of Vosper Road. The dwelling has a garage and driveway capable of accommodating one car each and a South Facing rear garden.

1.2 The property had an integral garage and kitchen, dining room at ground floor level, a

living room and bedroom at first floor level and two further bedrooms at 2nd floor level. Externally a garden measuring 52 square metres. The property is now arranged as a 4 bedroomed House in Multiple Occupation.

2. Proposal

- 2.1 This application proposes the change of use of the property from a C3 dwelling to a C4 House in Multiple Occupation. The C4 use class allows for up to 6 people living in different households to occupy the property. The use of the property is understood to have commenced in July 2021, the application is therefore retrospective.
- 2.2 The uses of the ground floor would remain as it is currently with the current kitchen/dining room forming the main communal space for the property. On the first floor the previous living room would be occupied as a bedroom. With the existing bedrooms retained the total number would increase from 3 to 4.

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 2021. Paragraph 219 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 The property was constructed as part of the Centenary Quay development (LPA ref: 08/00389/OUT). Permitted development rights were removed from the properties for enlargements to properties, outbuildings and hard surfaces.

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 the 11th February 2022. At the time of writing the report **6 representations** have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***There will be impacts on traffic and car parking in the local area***

Response

There are currently 2 car parking spaces at the property, 1 within the existing garage

and 1 to the front of the property to the front of the garage. It is considered that given that the proposed residents of a HMO would lead independent lives that it would be impractical to count/use the existing garage for parking. A Parking survey has been conducted which acknowledges that parking stress is high in the area. However, much of the local area is covered by controlled parking and other regulation orders (**Appendix 3** of this report). The nearest non-permitted parking is approximately 200m away which is not considered likely to be utilised by occupants of the property given the distance.

5.3 ***The use of the property as a HMO is already taking place***

Response

The application form states that the use has taken place since the 15th July 2021. Section 73A of the Town and Country Planning Act allows for planning permission to be applied for after development has taken place. The fact that an applicant is made retrospectively is not a material planning consideration and Paragraph: 012 Reference ID: 17b-012-20140306 of the Planning Practice Guidance confirms that retrospective planning applications should be considered in the normal way.

5.4 ***A legal covenant prevents the property being used for business purposes***

Response

The presence of a legal covenant does not prevent planning permission being granted. It is a civil matter between the owner of the property and the owner of the covenant and cannot influence the outcome of this planning application.

5.5 ***There are a lot of flats and not many family homes in Centenary Quay***

Response

Policy CS16 of the Core Strategy provides a framework for requiring balanced communities within new developments. The proposal for a HMO in this location does not involve physical alterations to the building and therefore the property would remain conducive to occupation as a single family dwelling in the future, with the exception of the addition of an en-suite bathroom. Planning permission would not be needed to convert the HMO back to a C3 family dwelling. A condition is recommended that allows interchange between C3 (single family dwelling) and C4 (HMO) use with the use on the 10 year anniversary of any permission granted being the ongoing use of the property. It should be noted that, despite the presence of the citywide Article 4 direction, changes of use from C4 to C3 (not vice versa) remain lawful by virtue of permitted development rights. For this reason it is considered that the proposal does not preclude the use of the property as a single dwelling and therefore does not remove a family dwelling from the local area.

5.6 ***The proposal would result in a reduction of house prices in the local area.***

Response

Property prices are not a material planning consideration this has not been considered further in this recommendation.

Consultation Responses

5.7

Consultee	Comments
CIL Officer	The proposal does not appear to be CIL liable.
SCC Council Tax	Council tax records show that this property has never been a multi occupancy household. Used as a family home.
Highways	<p>I agree that due to the nature of HMO living, tandem parking would not normally work.</p> <p>However, it is important to note that the proposal doesn't change the number of units or the driveway which means the number of permits would likely remain the same. Therefore any potential overspill would only occur outside the restricted times. Due to this, it would unlikely that residents would be able to rely on the permit bays as the times are quite restrictive. Therefore the only impact may result from visitors in late evening and night times.</p> <p>Having said that, the only unrestricted parking is along Church Road. This would be susceptible to overspill parking and is near capacity (14 out of 18 spaces being occupied). Having said that, this road is just beyond the 200m radius which is the normal distance used for the Lambeth methodology.</p> <p>One further point to consider is that whether the maximum standards have changed as result of development. From the plans, it appears that there are in fact currently only 3 bedrooms which results in max standards being 2 spaces. The proposed 4 bed HMO I believe would increase the max standards to 3 spaces.</p> <p>Like other schemes, the parking in the area are mostly restricted with double yellows protecting sightlines and tracking at junctions. Therefore there are no objections to the application and any impact on parking is more of an amenity issue.</p> <p>I would request that long stay cycle spaces are provided for each bedroom/bedsit for the HMO.</p>

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;
- Design & effect on character;
- Residential amenity; and
- Parking highways and transport.

6.2 Principle of Development

- 6.2.1 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of mixed and balanced communities, whilst these policies require an assessment of how the introduction of HMOs maintain the character and amenity of the local area. A 10% threshold test (carried out over a 40m radius) is set out in section 4 of the Council's House in Multiple Occupation Supplementary Planning Document (SPD) to avoid over-concentrations of HMOs leading to an imbalance of mix of households within a local neighbourhood.
- 6.2.2 From carrying out the 40m radius survey the up to date records for the Planning Register, Licensing Register, and Council Tax data show that there are currently no HMOs within the relevant area. The resulting concentration of HMOs would be 3% (1 HMO out of 36 eligible residential properties) and, therefore, the application does not breach the 10% threshold limit for the mix of HMOs within the local neighbourhood. The properties included and excluded from the calculation are included in **Appendix 4** of this report.
- 6.2.3 The principle of the change of use to a HMO is, therefore, considered acceptable. Policy H4 then requires detailed consideration of matters relating to the character of the area and the amenity of neighbouring properties which are considered in the following sections:

6.3 Design and effect on character

- 6.3.1 The use of a property as a HMO requires no changes to the exterior of the building and, therefore, the proposal would not affect the visual character of the area. There could be an increase in comings and goings associated with the increase in numbers of people residing in the property.
- 6.3.2 3 Vosper Road is located on a road open to through traffic and on two reasonably frequent bus routes that begin around 5am and run through to past midnight. There is, therefore, a reasonable level of activity in the area already and it is not considered that the additional comings and goings would significantly alter the character of the area.
- 6.3.3 Were the house to be occupied by the maximum number of 6 people that the C4 use class allows there would be a requirement for 2 x 360l wheeled bins rather than the 2 x 240l bins for properties with 5 persons or under. The existing bin store is capable of accommodating the larger bins if needed and therefore the proposal would not result in proliferation of bins within the frontage of properties.

6.4 Residential amenity

- 6.4.1 For the reasons listed above in paragraph 6.3.2 it is not considered that the additional comings and goings would result in an adverse impact on the nearby residents.
- 6.4.2 Issues associated with noise and disturbance within the property would be covered by the Environmental Protection Act, however there is a risk of increased noise

associated with the intensification of residential use. The layout of the property would not change the location of communal areas, where more residents may be likely to congregate and would not position these areas next to neighbouring bedrooms where the occupants may be more sensitive to noise. Notwithstanding this given the increase in residential occupancy it is considered reasonable and necessary to implement a condition requiring additional noise insulation to be provided to both party walls to protect neighbouring amenity

- 6.4.3 In terms of living conditions for occupiers. The Council's 'Guidance on Standards for Houses in Multiple Occupation' requires bedrooms to meet the following size standards. For rooms occupied by two persons this is 14m² except where a separate communal living room is provided in which case the bedroom may be 10.22 m². The bedroom sizes are as follows

Bedroom 1 - 15.5m²

Bedroom 2 – 15m²

Bedroom 3 – 15m²

Bedroom 4 – 12.5m²

All bedrooms therefore meet the requirements for dual occupancy (given the provision of a shared kitchen and living area of 15.5 m² which meets the minimum (13m²) outlined by the above Guidance.

- 6.4.4 The bedrooms on the first floor share a bathroom between 2 rooms and on the second floor both bedrooms have en-suite bathrooms. Taken into account with the provision of a garden to the rear of the property the HMO is considered to have an adequate level of shared space and facilities. In order to ensure that the garden remains a sufficient size and the facilities within the property remain adequate it is necessary to re-impose the permitted development removal condition that applies to the remainder of the development.

6.5 Parking highways and transport

- 6.5.1 The access and parking arrangement would remain unchanged by the proposal, however it is considered that the garage is unlikely to remain usable for vehicle parking as the tenants would not be related and parking in a tandem arrangement would not be feasible as a result. The garage could however be used to store cycles for residents. The maximum parking standard (as set out in Houses in Multiple Occupation SPD) for a 4 bedroom HMO is 3 car parking spaces outside of the high accessibility area and therefore the property would be 2 spaces under the maximum standard. Departures from the maximum standard are allowed for as set out in paragraph 5.4 of the HMO SPD, as well as guidance contained in the Residential Parking Standards SPD provided that it is demonstrated that the level of parking provision is suitable. These standards are also implemented as 'maximums' meaning that sites in sustainable locations (such as this one within walking distance of Woolston District Centre) can be considered with less on-site parking than the standard.

- 6.5.2 The applicant has submitted a parking survey, which was undertaken between 22.30 and 23.30 on Wednesday 5th October. The survey assessed the availability of on-street parking in surrounding roads and recorded between 71% (In Surrey Road) and

100% parking stress (Vosper Road and Church Road (South)). The Council's Parking Service has confirmed that as the property is a post 2001 development that the property is not entitled to parking permits.

- 6.5.3 The site is located in an accessible location within easy reach of the facilities in Woolston and two frequent bus routes providing access to the city centre and general hospital. The local roads are also primarily subject to controlled parking with the nearest unrestricted parking spaces being approximately 200 metres away such that this is unlikely to be desirable to future residents. Given the limited unrestricted off-road parking available in the area and available of quality public transport it is considered that the 1 car parking space is sufficient in this instance and would not result in an unacceptable impact on the function or safety of the local highway network.

7. Summary

- 7.1 The proposal for a retrospective C4 HMO does not breach the Council's adopted 10% threshold for HMOs within 40 metres of the site, and is not considered to have a significant impact on the character of the area or amenity of neighbouring properties. Given the available public transport and limited uncontrolled parking availability it is considered that the proposal would not have an adverse impact on the local highway network.
- 7.2 The proposal therefore complies with the relevant saved policies of the City of Southampton Local Plan Review and Core Strategy.

8. Conclusion

- 8.1 It is recommended that retrospective 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 **Craig Morrison** PROW Panel 13.12.2022

PLANNING CONDITIONS (to include):

- 1. Retention of communal spaces & number of occupiers (Performance Condition)** The rooms labelled kitchen, dining room, garage and living room on the ground floor plan, together with the external amenity areas, shall be made available for use by all of the occupants of the property as a C4 HMO (House in Multiple Occupation) use, as hereby approved, and thereafter shall be retained and available for communal purposes when in use as a HMO.

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

2. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

Reason: For the avoidance of doubt and in the interests of proper planning

3. Dwelling House and House in Multiple Occupation Dual Use (Performance)

The dual Use Class C3 (dwelling house) and/or Use Class 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. 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: Before the building can be occupied as a single dwelling any HMO license may need to be revoked and reissued.

4. Cycle Storage

Unless within 1 month of the date of this decision a scheme for cycle storage is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 1 month of the local planning authority's approval, the use of the site as a house of multiple occupation shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a house of multiple occupation shall cease until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained in perpetuity. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To encourage non-car based modes of transport in accordance with Policy CS18 of the City of Southampton Core Strategy (2015).

5. Noise Insulation

Unless within 3 months of the date of this decision a scheme for the insulation from floor to ceiling height of both party walls, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site as a house of multiple occupation shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a house of multiple occupation shall cease until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: to protect the amenities of neighbouring properties in accordance with saved Policy SDP16 of the City of Southampton Local Plan Review (2015).

6. Permitted Development Conditions

APPROVAL CONDITION - PD Restriction (Residential)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, (Classes as listed below) shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

- Class A (enlargement of a dwelling house);
- Class B (roof alteration);
- Class C (other alteration to the roof);
- Class D (porch);
- Class E (curtilage structures), including a garage, shed and greenhouse;
- Class F (hard surface area);
- Class G (heating fuel store); and
- Class H (satellite antenna or dish).

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area in line with Local Plan Policy SDP1

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
SDP4	Development Access
SDP5	Parking
SDP16	Noise
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

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

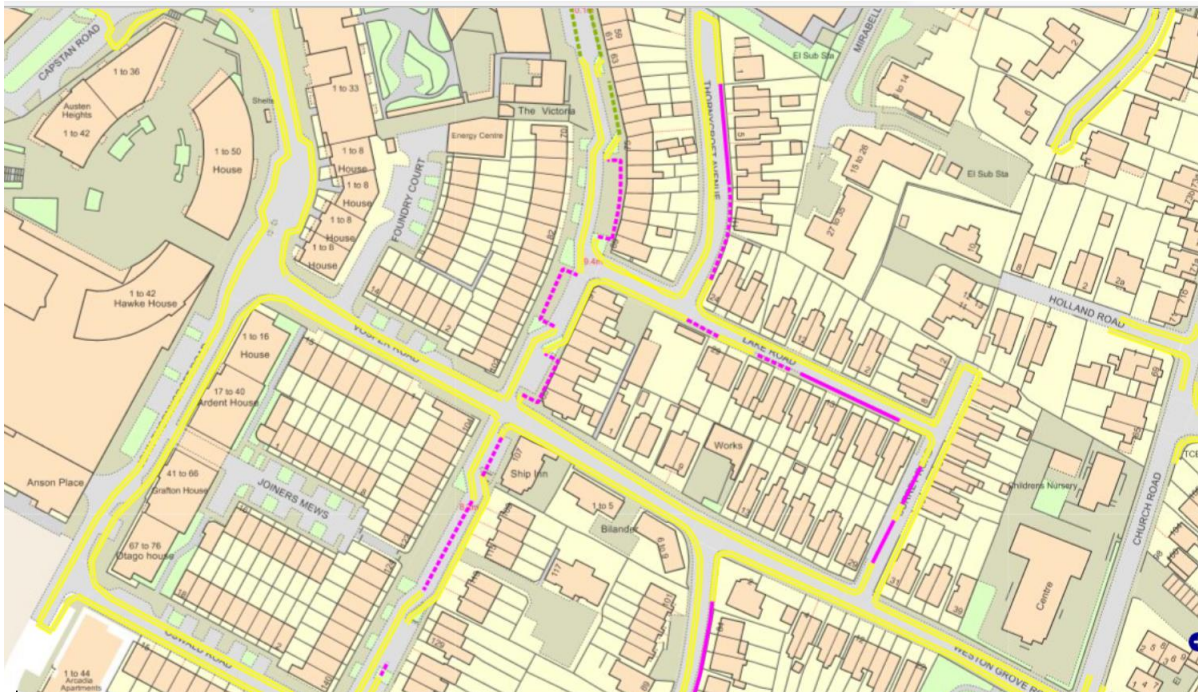
Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref	Proposal	Decision	Date
08/00389/OUT	<p>Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge and quays; new means of access and associated highway/ environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted). Description amended following submission following the removal of 33 residential units from the scheme and the introduction of a temporary car park.</p>	Approve with Conditions	31.12.2009

Local Parking Restrictions Plan



Legend

- Car Club
- Motorcycle Parking
- Taxi Rank
- Bus/Coach Stand Parking
- Limited Waiting
- Limited Waiting (except Permit Holder Parking)
- Permit Holder Parking only
- No Waiting
- No Waiting At Any Time
- Inner Tariff
- Outer Green Tariff
- Outer Grey Tariff
- Yellow Tariff

40m Property Radius And Properties Included



Properties Included with Search

1-15 Vosper Road

1-8 Joiners Mews

94-122 (Evens) Victoria Road

1-16 Amazon House – Excluded from assessment as per HMO SPD methodology as properties are 1 and 2 bed roomed flats.