

Planning and Rights of Way Panel 20th February 2018
Planning Application Report of the Service Lead, Infrastructure, Planning and Development

Application address: 17 Raymond Road, Southampton			
Proposed development: Change of use from a dwelling house (Class C3) to either a dwelling house (Class C3) or a house in multiple occupation (HMO, Class C4)			
Application number	17/02485/FUL	Application type	FUL
Case officer	Matthew Griffiths	Public speaking time	5 minutes
Last date for determination:	30/01/2018	Ward	Shirley
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Coombs Cllr Kaur Cllr Chaloner
Referred to Panel by:	n/a	Reason:	n/a

Applicant: Dr Richard Dodds	Agent: n/a
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liabile	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).

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 detached dwelling that has recently been extended with the creation of living accommodation within the roof. The property features a lounge, dining room and kitchen at ground floor level, with three bedrooms on the first floor and two further bedrooms within the roofspace. There are bathrooms on the first and second floors with a further cloakroom on the ground floor. The house also features an attached garage which can only be accessed externally, and the front garden has recently been paved to allow for space for up to three off-road car parking spaces.
- 1.2 The property is located on Raymond Road within a largely residential area characterised by detached or semi-detached housing, with the majority of properties on Raymond Road and the surrounding streets featuring driveways, many for multiple vehicles. To the east of the site at the Raymond Road/Hill Lane junction is Atherley Bowling Club, and nearby accessed from Hill Lane is a pedestrian entrance into Southampton Common and the Cemetery.

2.0 Proposal

- 2.1 Planning permission is sought for the use of the property as either Class C3 family dwelling house (as existing) or as a Class C4 House of Multiple Occupation (HMO) for up to 5 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 further planning permission, with the use at the end of the 10 year period resulting in the set lawful use from that point.
- 2.2 There would be no change to the size or the footprint of the dwelling, and the internal layout would not be altered. The proposed change of use would normally be undertaken using permitted development, however planning permission is required for such proposals in Southampton as a result of a city-wide Article 4 Direction enacted by the Council on 23rd March 2012, which revoked the right to do so under permitted development.

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 for the change of use to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMOs 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 in the ward of Shirley, which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 of the HMO SPD refers).

4.0 Relevant Planning History

4.1 15/02054/PAH – Erection of a single storey rear extension (Max Depth 5m, Max Height 3.3m, Eaves Height 2.7m). Prior Approval Not Required 27/11/2015

4.2 The recent works to the property mentioned within paragraph 1.1, namely the roof alterations to create a gable end and side dormer window and front driveway paving, did not require planning permission.

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 erecting a site notice (05.01.18). At the time of writing the report 9 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 **The property has recently been extended at roof level, resulting in overlooking from the rear windows that would intensify with a HMO use.**

Response: The works undertaken to the roof have been completed under permitted development, and as such the rear window within the converted loft is lawfully in place. There is, however, a 30 metre gap to the shared boundary at the rear of the site and a 50 metre distance between the rear of the site and rear elevations of the properties to the rear on Evelyn Crescent. Section 2.2 of the Residential Design Guide details minimum distance standards between properties, with the distance between three storey and two storey dwellings 28 metres. Although it is noted that bedrooms within HMOs are often used more intensively than those within C3 dwellings, given the distances involved in this case it is considered that significant overlooking of the properties to the rear would not occur. The impacts are, nevertheless, no worse than the existing situation.

5.3 **The change in use to a HMO would result in increased noise and disturbance to the area, with the potential for 7 rooms to be let to couples.**

Response: Although the type of occupants cannot be controlled, and the planning system plans for reasonable behaviour, there are 5 bedrooms proposed with large communal spaces at ground floor and a condition is proposed to limit the number of occupants to 5 people (as applied for). Any additional occupation would require the formal approval of the Council following further assessment of impacts. Occupation of a property of this size with 5 individuals is not considered to be out of line with expected C3 residential dwelling occupation levels. It is accepted that the style of occupation is different to that of a family home and can have differing associated impacts, however it is not felt that the use of a Class C4 HMO is intrinsically harmful in itself. Any statutory noise complaints can be addressed under Environmental Health legislation.

5.5 **There are already a large number of HMO's in the area, to allow more would result in an unbalanced community.**

Response: As detailed further in section 6 of this report, the application has been assessed in line with the method detailed within the HMO SPD and the

10% threshold would not be breached by this change. It is not considered that a single Class C4 HMO within the immediate surrounding area, as defined within the HMO SPD, would result in a significantly harmful impact; particularly when taking into consideration the contribution the proposal would make to address housing need.

5.5 The proposal would create further parking pressures within the area.

Response: The parking standards detailed within the HMO SPD require a maximum of 3 spaces for a 5-bedroom house. In addition the Parking Standards SPD also allows a maximum of three spaces for Class C3 dwellings of 4 or more bedrooms. In this instance, as detailed within the Highways Officer comments, in paragraph 5.6 below, following the works to the front of the property under permitted development the site would offer the maximum off-road parking spaces permissible, in addition to available on-road parking in the area.

Consultation Responses

5.6 SCC Highways - As there are no changes to the number of bedrooms, the impact on the highway will be minimal. With the change of use to a HMO, it could be argued that the nature of living may generate higher demand for car ownership. This however is accommodated by a change in the parking area to accommodate more cars. However, the design will need to be changed to allow for more turning space which should reduce the number of spaces to 3 (also in accordance with the parking standards). The parking spaces need to be 5m in length with a 6m clearance space behind them to allow for onsite turning.

Because HMO occupants are more akin to individual living, each bedroom/unit should benefit from its own secure long stay cycle space. This means for a 5 bed HMO, 3 Sheffield stands should be provided for example so that each cycle is secure in the communal store.

The application is to be recommended for Approval subject to the following conditions:

- 1) Parking and On-Site turning. Details of the parking area to be submitted and agreed upon in writing by the local planning authority. Parking spaces should be fully marked out and laid and should be 2.4m x 5m in dimension. A 6m long clearance space will be needed behind the parking spaces to allow for turning space – of which will need to be kept clear at all times.
- 2) Cycle Parking. Details of cycle parking for 5 long stay spaces (as defined by the parking SPD) to be submitted and agreed upon in writing by the local planning authority.

Note: the creation of a formerly laid out parking forecourt would not be in keeping with the existing character of the property or its neighbours, and it is unclear whether or not there is sufficient space to achieve the required space. Parking is available for up to 3 cars currently and no change is, therefore proposed. The garage will be used for cycle parking.

5.7 SCC Environmental Health - The proposed five bed HMO would require licensing under the additional HMO licensing scheme operated by SCC, therefore the room sizes must comply with the SCC standards for HMOs and the fire precautions must comply with LACORS fire safety guidance.

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 a C3 family dwelling to 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

When assessing applications for the conversion of a property into a HMO, policy CS16 (2) is applicable where internal conversion works limit the buildings' ability to be re-used as a C3 dwelling house in the future. The proposed conversion does not involve any alterations to the existing property and would retain the layout and facilities associated with a single-family dwelling. As such, its use could readily change back to a single-family dwelling house in the future. 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 person households or for those with lower incomes and is therefore, acceptable in principle subject to the threshold tests set out in the next section of this report.

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 visual appearance of the property, so the impact on character and amenity comes from the change in the intensity of use of the property. The proposal is for a HMO of up to 5 people, with no increase in the number of bedrooms in the property.

6.3.2 The HMO SPD details that the maximum number of HMO's within a 40 metre radius of the application property should not exceed 10%. As such, if the percentage of HMO's within a 40m radius exceeds this percentage applications for future additional HMOs will be refused as being contrary to this policy.

6.3.3 Within the 40 metre radius of the application property 16 properties were identified. Based upon information held by the City Council's Planning, Council Tax and Licencing departments, it has been identified that there are currently no HMOs within the defined area. With the application site included, there would be 1 HMO out of the 16, resulting in a percentage of 6.66%, below the 10% threshold.

6.3.4 The proposed would therefore ensure a mixed and balanced character is

retained within the site locality. The threshold approach would protect the area from a potentially harmful change to the area in the future by controlling the growth of HMOs. The presence of a single HMO within the immediate area would not represent significant harm to the character of the area

6.3.5 In terms of parking, as mentioned within paragraph 5.5 the maximum allowable provision on site for a HMO of this size would be 3 parking spaces and this would be provided to the front of the dwelling, subject to condition. Beyond this, there are no on-road restrictions for parking to the majority of Raymond Road and the surrounding streets including directly forward of the site, however on Raymond Road itself there are two bus stops and double yellow lines fronting the Bowling Club close to the Hill Lane junction. As such, and given the maximum levels of off-road parking permissible would be provided, it is considered that the proposal will have an acceptable impact in terms of highway issues.

6.4 Quality of the Residential Environment

6.4.1 The proposal would retain ample communal living space on the ground floor and all habitable rooms would have good quality outlook from windows. Occupants of the property have access to a private garden that complies with the size requirements within the Residential Design Guide. As detailed there would be no impact in terms of the layout or footprint of the dwelling and, therefore, the amenity of the occupants of the host dwelling shall not be harmed. In addition a condition is recommended to secure suitable cycle storage facilities given the nature of the new occupation in line with the HMO SPD.

7.0 **Summary**

7.1 The proposal for the change of use of the property from a C3 family dwelling to a C4 HMO is considered to be acceptable in principle, as the threshold criteria would not be breached and unacceptable harm shall not be caused to neighbouring amenity or highway safety. In addition, the change of use is not considered to cause harm to the character of the property or local area, and the amenity of the occupants of the host dwelling shall 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 20/02/18 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition - Change of use

The use hereby permitted shall begin not 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. Number of occupiers (Performance Condition)

The number of occupiers within the property, when in Class C4 use, shall not exceed 5 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

The application is for up to 5 persons and this is what has been assessed. In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

04. Cycle & refuse storage facilities (Pre-Commencement Condition)

The garage shall be retained for the storage of cycles and refuse bins and shall be thereafter retained as approved. Refuse bins shall not be left on the site's frontage or the public highway except on collection day.

Reason: To encourage cycling as an alternative form of transport and in the interests of visual amenity

05. Approved Plans (Performance Condition)

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

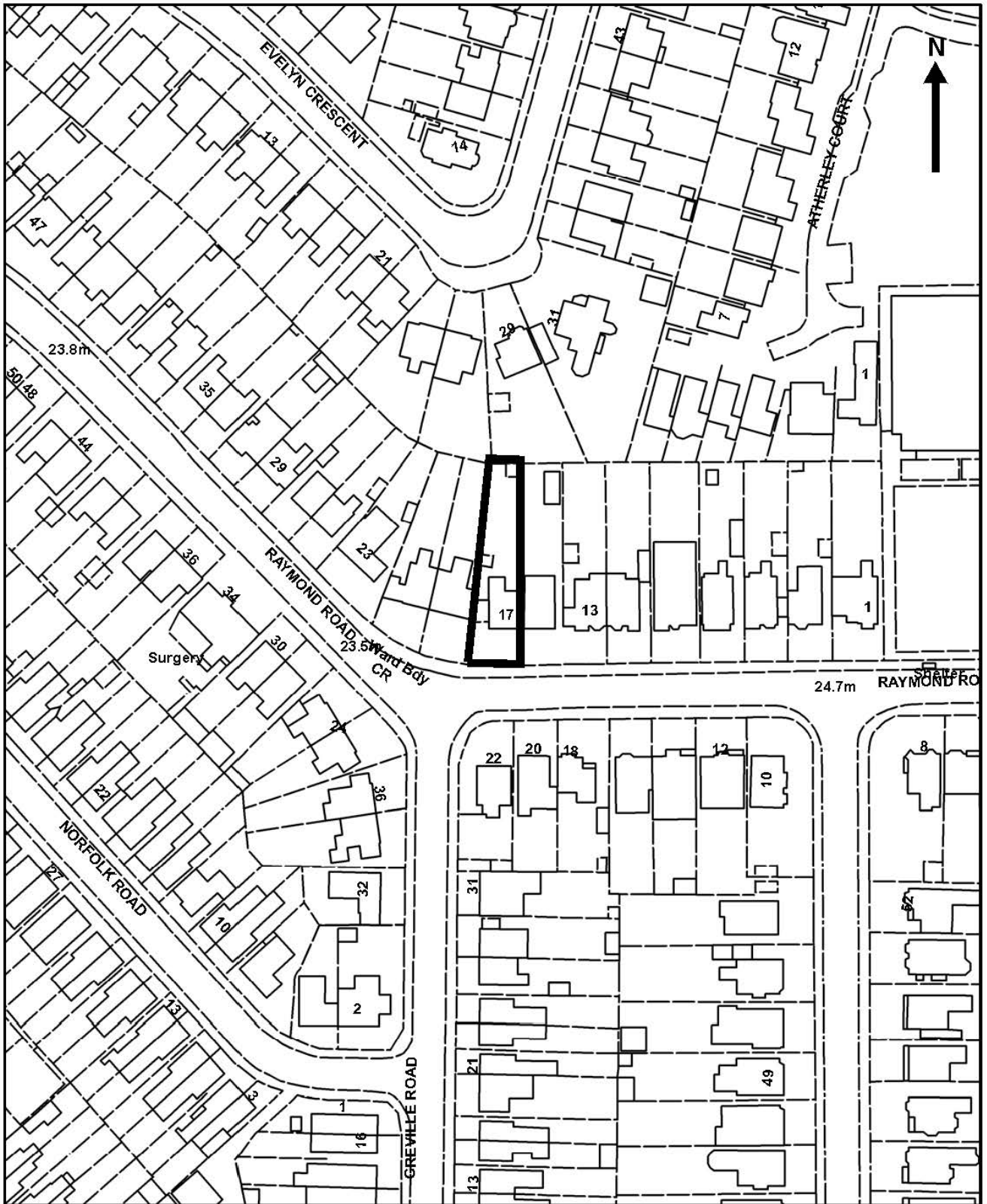
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2012)

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Scale: 1:1,250

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