

**Planning and Rights of Way Panel 20 April 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 27 Obelisk Road, Southampton			
<b>Proposed development:</b> Change of use from C3 dwelling house to 6-bed C4 House in multiple occupation (HMO) (Retrospective)			
<b>Application number:</b>	21/00263/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	Extension of Time 27.04.2021	<b>Ward:</b>	Woolston
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Payne Cllr Hammond Cllr Blatchford
<b>Applicant:</b> Ian Knight		<b>Agent:</b> Knight Architectural Design	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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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 – CS13, CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, H4, H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the HMO SPD (2016) and Parking Standards SPD (2011).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Appeal Decision
3	Plans		HMO 40m Radius Survey

**Recommendation in Full**

**Conditionally approve**

## **1. Introduction & background**

- 1.1 27 Obelisk Road is an unauthorised House in Multiple Occupation (HMO) with significant recent planning history that is material to the current application. The current application seeks to remedy this breach.
- 1.2 In 2019, the applicant carried out Permitted Development (PD) works to extend the property at ground floor and roof level, and re-landscaped the frontage to form hardstanding for additional parking. Then in February 2020, the applicant applied for retrospective planning permission to change the use of the property from a C3 dwelling to a 7 person HMO (7 bedrooms) – LPA ref no. 20/00156/FUL.
- 1.3 This application received 12 objections, and officers were seeking to negotiate a reduction in the number of bedrooms from 7 to 6-bedrooms in order to be in a position to support the scheme. In March 2020, the COVID-19 pandemic and lockdown ensued and rather than wait for a Planning Panel cycle the applicant lodged an appeal for non-determination of the application. The appeal was subsequently dismissed in September 2020 by the Planning Inspectorate (*see Appendix 2*). The use of the property is currently an unauthorised HMO (sui generis for 7 persons), albeit the 7<sup>th</sup> bedroom is being used as a lounge. Depending on the outcome of this planning application officers will, in line with our adopted Enforcement Policy, seek to take appropriate enforcement action against the unauthorised HMO use. Such action should not be taken whilst there is a 'live' planning application as this may lead to abortive work and time.
- 1.4 Side facing dormer windows were fitted under PD (see bedroom 6 on the floor plans), which does not form part of the proposed plans. In order to comply with permitted development, these windows should be obscure glazed and fixed shut up to 1.7m above the internal floor level (as per the conditions for PD). The frontage was hard surfaced to allow for unrestricted and informal parking by the occupants, including the removal of a hedge.

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

- 2.1 The site is located on the north side of Obelisk Road in close walking distance of the Woolston district shopping area and other amenities. The boundary of the Old Woolston Conservation Area adjoins east of the site. The surrounding context is mainly characterised as suburban two storey residential properties interspersed with flatted blocks. The site comprises a 2 storey semi-detached dwelling recently refurbished including a dormer loft conversion.

## **3. Proposal**

- 3.1 This application seeks to regularise the unauthorised change of use from a C3 dwellinghouse to a 6 bed HMO (class C4). The main difference between the previously refused application (and unsuccessful appeal) is to change the maximum number of the occupants from 7 to 6. The applicant has amended the plans to show the installation of soundproofing insulation from floor to ceiling height on the party wall of the habitable room spaces (not including circulation areas & excluding the chimney breasts in the bedrooms) comprising a 30mm plasterboard sheet bonded to an acoustic form (15mm plasterboard and 15mm laminated foam).
- 3.2 The plans have been further amended to reconfigure the frontage to reduce the overall size of the parking area (3/4 spaces) and soften the appearance of the landscaping by re-introducing a hedge (hollies and laurel) and provide a low front brick wall (to match facing brick of house).
- 3.3 The property is licensed as a HMO under the Council's mandatory licensing scheme. In terms of the quality of residential living standards for the occupants, the HMO licensing minimum room size standards are complied with as follows:-

Bathroom1 - shared bathroom required up to 5 persons

Bedroom 1 – 18sqm (min – 6.51sqm)

Bedroom 2 – 14sqm (min – 6.51sqm)

Bedroom 3 (en-suite) – 16sqm (min – 6.51sqm)

Bedroom 4 – 17sqm (min – 6.51sqm)

Bedroom 5 – 14sqm (min – 6.51sqm)

Bedroom 6 – 18sqm (min – 6.51sqm)

Combined Kitchen/living room – 25sqm (11.5sqm for up to to 5 persons)

Lounge – 12sqm (additional space to kitchen living area)

#### **4. Relevant Planning Policy**

- 4.1 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**.
- 4.2 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.
- 4.3 The Council's Houses in Multiple Occupation Supplementary Planning Document (SPD HMO) indicates:

*“1.1 Houses in Multiple Occupation (HMOs) provide much-needed housing accommodation. However, a large number of HMOs in one area can change the physical character of that residential area and this can lead to conflict with the existing community.*

*1.2 The planning system can assist in achieving a mix of households within the city’s neighbourhoods, meeting different housing needs whilst protecting the interests of other residents, landlords and businesses. This can best be delivered by preventing the development of excessive concentrations of HMOs and thus encouraging a more even distribution across the city.”*

4.4 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a 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 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. This is shown in **Appendix 4**.

4.5 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.

## **5. Relevant Planning History**

5.1 Officer’s rejected a planning application in June 2018 to extend and convert the property into 3 flats (LPA ref no. 18/01101/FUL). Since then, the formerly derelict property, has undergone significant investment and renovation to the interior and exterior by the applicant to restore the building back to a habitable standard and a well looked after appearance. This included permitted development extension works carried out in 2019. A retrospective application (LPA ref no 20/00156/FUL) for the change of use from a C3 dwelling to a 7 person HMO (sui generis) was dismissed under a non-determination appeal in September 2020 (**see Appendix 2**). See above in section 1 for more detailed background.

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

6.1 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 05.03.21. At the time of

writing the report **17 representations** (16 objections and 1 support) including an objection from Cllr Payne have been received from surrounding residents. The following is a summary of the points raised:

- 6.2 ***Out of character with the area and overdevelopment of a family home: Should resist more houses turned into flats. Too many units in a semi-detached house that will impact on neighbours and residents privacy. Loss of greenery in property frontage. Should be returned to a large family home. A dormer window has been created on the second floor which overlooks the bedroom of the property next door.***

**Response**

A strong 90% mix of family homes would still be maintained in the local neighbourhood following the grant of planning permission. With the reduction in occupancy to a small HMO for up to 6 persons, this intensity of residential use is not considered to be out of keeping with the character of the area. The standard of room sizes and living facilities well exceeds HMO licensing requirements. The applicant will implement green landscape improvements to soften the appearance of the frontage. The dormer window has been constructed under permitted development and, therefore, does not fall under the scope of this application.

- 6.3 ***Level of noise disturbance harmful to the residential amenity of the neighbours due to the level of activity and coming and goings associated with too many occupants living at the property, including disturbance through the party wall with no. 25 and tenants gathering to socialise in the garden late at night. Regardless that permission was refused for a 7 person HMO, the Inspector's decision stated that they found harm to neighbour's amenity based on the 6 persons living there at the time of their visit.***

**Response**

The residential amenity of the neighbouring occupiers would not be adversely harmed with the changes proposed under this application which includes change to a small C4 HMO, installation of acoustic insulation between the party wall of no. 25 and habitable areas of the HMO, and reduction in parking available on the frontage so less car traffic coming and going to the property. The Council has enforcement powers available outside the planning system to enforce against statutory noise nuisance.

- 6.4 ***Road Safety and parking: Car Parking on the property is insufficient for the number of vehicles leading to dangers for Pedestrians and Road Users, as Obelisk Road is a busy Bus and School Route. The limited changes to the plans does not address the issues of parking and road safety. Cars have to park one behind the other, which means moving cars in and out when people want to leave. The road is busy, with yellow lines, and moving cars in this way would be dangerous.***

**Response**

The parking layout on the frontage has been reconfigured to reduce the

spaces available to 3/4 cars which is compliant with the Council's maximum parking standards. The Planning Inspector did not have road safety concerns from the lack of no site turning available (paragraph 30 of the appeal decision of **Appendix 2**). Furthermore, the Highways Officer does not object to the arrangement of the parking layout initially submitted.

- 6.5 ***The Planning Inspectorate rejected a very similar plan on this site last year (2020) and it is unclear that enough changes have been made so that the previous reasons for refusal have been overcome. The revised plan is identical to the plan that was rejected, apart from the change from bedroom to lounge for the downstairs front room.***

**Response**

Since the validation of the application, the applicant has amended the plans to offer increased amount of acoustic insulation on the party wall and has reduced the parking spaces available to 3/4. These changes combined with the reduction in size to a small HMO are considered to address the Planning Inspector's concerns under the appeal decision. It should be noted that the Planning Inspector did not object to the principle of changing the use of the class C3 family dwelling to a HMO in respect of the Council's HMO policy test i.e. 10% threshold in 40m radius; that seeks to maintain mixed and balanced communities (see paragraph 11 of the appeal decision of **Appendix 2**).

- 6.6 ***Support: The property has been remodelled after falling into serious disrepair. This provides high quality affordable accommodation in our local area and diversifies the mix of households by providing the opportunity for young professionals to afford to live in the community. The quality of the fit out means it will only attract high quality tenants, who are likely to have disposable money to spend - in Woolston, giving a boost to the local economy. Should be encouraging existing HMO owners to meet the standard provided here and not negatively label all HMOs as anti-social.***

**Response**

The Council cannot insist that a landowner maintains the existing use and the planning application process enables the assessment of applicant's proposed changes. The standards of the HMO far exceed HMO licensing requirements for 6 persons. The Council's planning policies encourages sustainable and mixed communities and housing opportunities for low income households who cannot afford home ownership including students and young people working in the local economy. The retention of this HMO in this case does not imbalance the mix and balance of households in the local neighbourhood by maintaining a strong 90% mix of family homes.

- 6.7 ***This building has been occupied by many people since the works have been completed, this clearly is a breach of all planning regulations and must be deemed to be illegal, how can the owner and or occupiers have valid insurance, what would happen in the event of a fire, rateable value would be incorrect. The owner of this building should not be granted planning as they have no respect for the planning process involved and***

***if they continue to rent out rooms in such a way is putting lives at risk.***

**Response**

Whilst a breach has occurred, under planning law the applicant has the legal right to regularise the unauthorised use. Enforcement action is held in abeyance whilst the current application is considered in line with our adopted Enforcement Policy. They have complied with the safety and housing standards under the mandatory HMO license. Other legal issues mentioned such as invalid insurance are enforced under different legislation.

**6.8 *Internal conveniences being shared which is inappropriate with the threat of coronavirus.***

**Response**

The occupants are living together as a household in a shared house with shared facilities. This arrangement applies to all HMOs in the city and in the country throughout the Covid-19 pandemic.

**Consultation Responses**

6.9	<b>Consultee</b>	<b>Comments</b>
	Environmental Health	No objection
	SCC Highways	No objection

**7.0 Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport

**7.2 Principle of Development**

7.2.1 Following changes to legislation in April and October 2010, the government introduced the right to change between C3 (family dwelling) to C4 (small HMO) uses without planning permission. The C4 HMO classification was introduced to cover small shared houses within residential areas occupied by between 3 and 6 unrelated individuals who share basic amenities i.e. bathrooms, living rooms, kitchens. These permitted development use rights were removed by Southampton Council in April 2012 when the Council confirmed a citywide Article 4 direction to control the problems associated with high concentrations of HMOs in local communities.

7.2.2 Policy H4 acknowledges that there is a need to maintain the supply of HMO 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. Although the property would no longer be available for families, the proposal would not be contrary to policy CS16 which prevents the loss of a family dwelling, given that the property can be readily converted back into use as a family dwelling with minimal changes. That said, a condition can be applied to give the property flexible use so it can be occupied by either a family or as a HMO. Furthermore, the 10% threshold limit allows for an element of lower cost and flexible housing within the community for lower income persons to benefit from, who can provide low paid services in the local economy, as well groups such as students, whilst the 90% of family homes remaining within the 40m radius (see map in **Appendix 4**) retains a strong mix and balance of less transient owner occupiers living in the community.

7.2.3 It should be noted that the Planning Inspector did not object to the principle of changing the use of the family dwelling (class C3) to a HMO in respect of the Council's HMO policy test i.e. 10% threshold in 40m radius; that seeks to maintain mixed and balanced communities (see paragraph 11 of the appeal decision of **Appendix 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.

### 7.3 Design and effect on character

7.3.1 The internal works to facilitate the change of use does not visually impact on the appearance of the street scene. The applicant has agreed to complete the improvements to the frontage landscaping and reinstate the front boundary treatment within 3 months of the decision date. The softening of the frontage parking by adding hedge planting and reducing the size of the hardstanding will address the Planning Inspector's concerns related to visual impact on character and appearance raised in paragraph 15 of the appeal decision (**see Appendix 2**).

7.3.2 From carrying out the 40m radius survey (**see Appendix 4**), the up to date records for the Electoral Register, Planning Register, Licensing Register, and Council Tax show that **the resulting concentration of HMOs would be 9.5% (rounded up to 10% - 2 HMO out of 21 residential properties)** and, therefore, the application does not breach the 10% threshold limit for the mix of HMOs within the local community. Although the Council does not have a comprehensive database on the location of all HMOs in the city, these sources provide the Council's best known evidence.

7.3.3 The strategy of the Council is to support balanced communities by using the 10% threshold to maintain a sustainable mix of residential properties. The character of the local neighbourhood is predominantly family housing within this suburban street, however, the primary purpose of the HMO SPD guidance is to set a 10% threshold limit to determine where the introduction of HMOs into a local neighbourhood would tip the sustainable balance and mix of households to the detriment of the local character. This would be the second HMO within the 40m radius area, so therefore will maintain a strong mix of 19



family homes out of the overall households in the local neighbourhood. The adjoining flats (8 x 1 bedrooms) at Obelisk Court are discounted from the 40m radius survey as their small sizes are not capable of HMO occupation, however, these small flats affect the balance of the community differently to HMOs being occupied by separate individual households rather multiple persons living as a group in a shared house. Therefore, this HMO would not significantly change the character of the local neighbourhood, whilst the Planning Inspector had raised no policy objection on grounds of a sustainable and balanced communities (see paragraph 11 of the appeal decision of **Appendix 2**).

#### 7.4 Residential amenity

7.4.1 At the time of the Planning Inspector's visit (see paragraph 4 of the appeal decision of **Appendix 2**) they had witnessed the property being used as a 6 bed class C4 HMO, however, it should be noted that the Planning Inspector assessed the impact of the based the maximum occupancy of the property as a 7 person HMO (see paragraphs 8 & 20) so there is a material change to the occupancy levels to be taken into consideration when assessing the impact of the HMO use.

7.4.2 The occupiers of semi-detached pair at 25 Obelisk Road share a party wall with the proposed HMO. The habitable rooms adjacent to the party wall are bedrooms 2, 3 and 5 and the kitchen/diner. These are the spaces of the property where the HMO residents are likely to gather and socialise together as groups and therefore cause disruption to the neighbours through the party wall. Furthermore bedrooms within HMOs can be occupied differently to bedrooms within C3 dwellings with HMO residents spending more time in their bedrooms or hosting visitors within these residents which could lead to noise disturbance if adjacent to the party wall with an adjoining C3 dwelling, which could lead to noise disturbance to neighbouring bedrooms or other habitable rooms on the neighbouring side of the party wall . Living independently of each other, the residents of the 6 person HMO would have a different pattern of lifestyle compared to a family household living a single family unit, however, the activities of 6 persons is less intensive than 7 persons living in a HMO. So the degree of adverse harm to residential amenity from noise disturbance should be assessed on whether the additional (family home to C4 HMO) or reduced (7 to 6 persons) comings and goings at different times of the day and night would cause a significantly greater impact than the activities associated with the class C3 family household. The material difference between the refused application is the occupancy reduction from 7 to 6 persons.

7.4.3 In paragraph 21 of the appeal decision (**see Appendix 2**), the Planning Inspector commented on the level of disturbance experienced by the neighbour at no. 25 with regards to the 6 persons that were living in the HMO at the time of their site visit in August 2020. They also considered that the HMO application failed to put forward any specific measures to address the potential for noise and disturbance to neighbouring occupiers, such noise insulation measures or procedures for managing the future occupation of the HMO (see paragraph 22). As such, the proposal incorporates the following

changes which are now considered to address the Planning Inspector's reasons for refusal and, therefore, will ensure that the 6 person HMO use would not adversely affect the residential amenity of neighbouring occupiers:-

<b>Planning Inspector concerns</b> <b>See Appendix 2</b>	<b>Changes since the PINS refusal</b>
<p>1. Failed to put forward any specific measures to address the potential for noise and disturbance to neighbouring occupiers (para 22)</p>	<ul style="list-style-type: none"> <li>• Amended plans show acoustic insulation to be fitted on party wall within habitable areas. As it stands, the Environmental Health Officer (EHO) has no objection to the noise impacts of the HMO without any specified mitigation measures. In light of the Planning Inspectors comments though, the EHO advises that this type of acoustic insulation if professionally fitted should reduce noise transmission significantly between the party wall and is a reasonable practicable measure. The applicant has advised that the insulation will be fitted within 3 months of the decision date.</li> <li>• Not being a policy or legal requirement under Building Regulations Part E and planning guidance to have a minimum level of soundproofing between the party walls of existing residential properties for a change of use to a HMO, the applicant has offered improvements by adding soundproof insulation to the party wall to address the Planning Inspector's concerns (secured by condition). The EHO considers this will provide significant reductions in noise transmission.</li> <li>• The concerns of the neighbours are noted about noise disturbance through the party wall and in the garden. It should be held that the use of the property and behaviour of the residents are treated as being in a reasonable manner. The Council has enforcement powers available outside the planning system to enforce against statutory noise nuisance.</li> <li>• In this instance, there are also further</li> </ul>

	<p>safeguards because a mandatory HMO licence is required and, therefore, the management and standards of property would be monitored by other teams in the Council.</p>
<p>2. The occupiers of a HMO are likely to lead independent lives from one another. Families occupying a single dwelling, even a large one, are more likely to carry out day to day activities together as a household. Taking account of the size of the appeal property, the activity generated by <u>seven persons</u> living independent lives, with separate routines, and their attendant comings and goings, much of which potentially involves cars, given the amount of available on-site parking, along with those of their visitors, would lead to an level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family (para 20)</p>	<ul style="list-style-type: none"> <li>• It is noted that the occupancy levels have only reduced by 1 person, however, the occupancy levels go past a significant threshold in HMO sizes under planning use class rules – the maximum of 6 persons is classed as a small HMO C4 use and 7 person occupancy (or greater) is classed as a large HMO use (sui generis). Introducing class C4 HMO use for shared houses in 2010, the government drew a distinction in planning law between the impacts of these different category of HMOs by allowing family homes to change to a small C4 HMO without the need for planning permission, whilst larger HMOs need planning permission. This was until 2012 when the Council implemented an Article 4 direction to remove those permitted development rights to manage the negative social and environmental impacts seen from HMOs forming high concentrations in certain neighbourhoods.</li> <li>• On balance, with the incorporation of the noise insulation measures, the scale, nature and intensity of the 6 person HMO use, in terms of disturbance from the more intensive levels of occupation and different lifestyle patterns compared to a family home, is therefore not out of character with other properties in the street, and would not adversely harm the residential amenities of the neighbouring occupiers.</li> </ul>
<p>3. Taking account of the size of the appeal property, the activity generated by seven persons living independent lives, with separate routines, and their attendant comings and goings, much of which</p>	<ul style="list-style-type: none"> <li>• Landscape and the parking layout amendments shows a significant reduction in on-site parking spaces from 6 to 3/4 spaces, so reduces disturbance to neighbour's level to an acceptable level from the traffic coming and going to the site.</li> </ul>

potentially involves cars, given the amount of available on-site parking, along with those of their visitors, would lead to an level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family (para 20)	
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## 7.5 Parking highways and transport

7.5.1 The applicant has amended the plans to reconfigure the layout of frontage to allow space for 3/4 parking spaces. There will still be the opportunity for tandem parking, however, it is noted that the Planning Inspector did not have road safety concerns from the lack of no site turning available and, therefore, did not object to vehicles having to reverse out onto the Obelisk Road given the adequate level of driver visibility and taking into account the slow speed limit allowing sufficient time for drivers to react (paragraph 30 of the appeal decision of **Appendix 2**). Tandem parking is acceptable when people live together as a single household and can be managed accordingly. Furthermore, the Highways Officer had no objection to the parking arrangement initially submitted.

7.5.2 The Council's HMO SPD sets out that the maximum parking standards for a 6 bedroom HMO is 2 off-road spaces in this high accessibility location. These parking standards are not required as a minimum in order to encourage residents use sustainable modes of transport and discourage ownership of vehicles. It is noted that the current tenants have a high level of vehicle ownership with up to 6 vehicles having parked on the driveway. No parking survey has been undertaken, however, in reducing the off-road parking spaces available, the overspill impact from the additional parking demand to nearby streets would be adequately controlled by existing parking controls on the majority of local streets within a 200m radius in this part of Woolston.

7.5.3 Conditions can be applied to secure adequate storage facilities for cycles and refuse.

## 8. Summary

8.1 In summary, the retention of the HMO in light of the reduced occupancy to 6 persons and mitigation measures proposed is considered not to adversely harm the character and amenity of the area, and highways safety. The comings and goings, including traffic and parking demand generated, associated with the HMO use would not be detrimental to the amenity and

safety of the residents living in the area. Furthermore, the changes made address the Planning Inspector's reasons for refusal. The retention of the HMO would not imbalance the mix of the family households in the community by retaining 90% of the properties as family homes, whilst this housing would also positively contribute towards the mix and range of smaller lower cost and flexible accommodation to benefit lower income and transient households within the local community.

**9. Conclusion**

- 9.1 It is recommended that planning permission be granted subject to 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)

**SB for 20/04/21 PROW Panel**

**PLANNING CONDITIONS** to include:

**01. Retention of communal spaces (Performance)**

The rooms labelled lounge and kitchen area 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 HMO use.

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

**02. C3/C4 dual use (Performance)**

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.*

**03. Cycle storage facilities (Pre-Occupation)**

Within 2 months of the date of the decision notice, secure and covered storage for 6 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details within 2 months of approval and thereafter retained as

approved.

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

**04. Refuse & Recycling (Pre-Occupation)**

Within 2 months of the date of the decision notice, details of an enclosure for the storage of refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details within 1 month of approval and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside the storage approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

*Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.*

**05. Soundproofing (Performance)**

Within 3 months of the decision notice date, the party wall sound proofing insulation from floor to ceiling height shall be installed in accordance with the specification shown on the approved plans and shall thereafter be retained. Within 1 month of the completed installation, the applicant shall submit a report to the Local Planning Authority to verify that the sound proofing has been installed in accordance with the manufacturer's specification.

Reason: In the interests of residential amenity and for the avoidance of doubt.

**06. Landscaping and Means Enclosures (Performance)**

Within the 3 months of the decision notice date, the landscaping and means of enclosure works shall be carried out in accordance with approved drawing no. KAD-01-A-EX Rev B. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, the front boundary wall and hedge shall be retained and maintained for the lifetime of the residential use.

The approved landscaping scheme implemented shall be maintained for a minimum period of 5 years following its complete provision. Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: In the interests of visual and residential amenity and for avoidance of doubt.

**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.