

**Planning, Transport & Sustainability Division
 Planning and Rights of Way (WEST) Panel - 9 February 2016
 Planning Application Report of the Planning and Development Manager**

Application address: 5 The Parkway, SO16 3ZN			
Proposed development: Change of use from a 6 bedroom House in Multiple Occupation (Class C4) to a 7 bedroom House in Multiple Occupation (Class Sui Generis) no external alterations			
Application number	15/02017/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	15.02.2016	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides
Referred by:	Cllr B Harris	Reason:	Parking Out of Character Residential amenity

Applicant:	Agent: N/A
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Recommendation Summary	Conditionally approve
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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 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Relevant Policies	2	Parking Survey

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 This application site lies within the ward of Bassett. The surrounding area is predominantly characterised by residential properties in a mixed style within a suburban and verdant setting.
- 1.2 The existing property is a detached two-storey dwelling (6 bedrooms) with parking to the front. The property has been established as a HMO before March 2012 (prior to the introduction of the Article 4 direction to remove C3 to C4 permitted development rights). Existing communal facilities comprise kitchen/dining room to the ground floor and shared bathrooms to the first floor. The occupiers also have access to a large private garden at the rear.

2.0 Proposal

- 2.1 It is proposed to increase the number of bedrooms from 6 to 7 by reconfiguring the internal layout. Bedroom 2, on the ground floor, will be divided into two smaller rooms, and the communal space will be enlarged by reducing the size of bedroom 1 and providing a lounge. In effect, this will facilitate the change the use from a C4 HMO (up to 6 occupiers) to a large HMO for up to 7 persons.

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 in **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 The Houses in Multiple Occupation Supplementary Planning Document (SPD) was adopted in March 2012. It provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, 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 Bassett. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23rd March 2012. The threshold does not apply in this case.
- 3.4 There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers). With particular regard to the increase in occupation of the existing C4 HMO by 1 person to a large HMO, the planning application is assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.5 Also of relevance is the draft Bassett Neighbourhood Plan which confirms that proposals should not result in an over-concentration of HMOs in any one area of the Ward, to an extent that would change the character of the area or undermine the maintenance of a balanced and mixed community.

4.0 Relevant Planning History

4.1 There is no relevant history.

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 (06.11.2015). At the time of writing the report **4** representations (including from 2 Ward Cllrs) have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Overcrowding of the property by increasing the occupiers to 7 persons. The size of the communal kitchen and lounge fall below the minimum room size standards set out in the HMO SPD and HMO licensing.

Response

Currently the ground floor communal facilities comprise a kitchen/diner and small utility area (14 sq.m in area). The application will create a larger communal living space in addition to the existing kitchen/diner. The overall size of the communal space available for the occupiers would be 20sqm (Lounge = 10sqm and Kitchen = 10sqm). The room space standards (set out in Appendix 1 of the HMO SPD) states that the dining/kitchen room should provide an area of 19.5sqm and 16.5sqm for the communal living room.

5.1.2 It is considered that an additional 1 person would not represent overcrowding of the property. The proposal represents better communal living space by reconfiguring the ground floor layout. The new layout would provide suitable access to outlook and light for the bedrooms and shared living space in terms of planning standards. The occupiers will benefit from the improved communal space.

5.1.3 Notwithstanding the shortfall of standards, this would be separately regulated through the HMO licensing requirements. Following clarification from the Environmental Health team, it was advised that the room space standards are not strictly applied. Although the room sizes will be separately consented under the licensing standards, they have advised that bedroom 1 should be reduced to increase the size of the lounge to better meet the room size standards. At the time of writing this report, amended plans have been requested to further increase the lounge size to 13sqm.

5.1.4 As such, the concern of overcrowding from the shortfall in communal space against the room space standards for 7 persons would not have sufficient weight on its own to warrant a reason to refuse the application.

5.1.5 Increasing the number of HMO occupiers would nullify the intention of the HMO policy to limit the spread of HMO concentrations in this area.

Response

The threshold policy in the HMO SPD is intended to maintain the mix and balance of transient and single-family households within the community by limiting the spread and concentration of new HMOs. There would be no material change in

the proportion of households through adding 1 person to an existing household. As such, the proposal would meet the policy objective of limiting the spread and concentration of HMOs within the local area.

5.1.6 Increased late night disturbance.

Response

The SCC Environmental Health team have powers to enforce against any disturbance considered to be a statutory nuisance. No noise complaints have been received regarding the existing HMO use and an immediate neighbour has stated that the landlord has ensured that their tenants are well behaved.

5.1.7 Increase pressure on on-street parking demand resulting in less parking available for local residents.

Response

There is one car parking space to the front of the property. The HMO SPD permits a maximum of 3 car parking spaces for a 7-bedroom HMO and confirms, at paragraph 7.3, that the provision of less spaces is permissible subject to it being demonstrated that the level of car parking proposed is sufficient. The applicant has, therefore, carried out a detailed parking survey within a 200m radius of the site (using the Lambeth Model as recommended by the SCC Highways team) on Friday 15th (06:00 and 22:00 hours) and Saturday 16th January (06:00 and 22:00 hours) (see **Appendix 2**). The survey has demonstrated sufficient capacity for further on-street parking within close walking distance of the site. Furthermore, the property is within 800 metres of the main university campus which provides excellent bus links to the city centre. As such, it is not considered that the increase in occupancy by 1 person would have a significant effect on the on-street car parking availability in the area.

5.1.8 The installation of the boiler flue does not comply with Gas safe regulations as there should be a 1m gap between the adjacent property

Response

This is not a relevant planning consideration as this is covered under separate legislation. The applicant will be made aware of this issue through an informative note.

5.1.9 The Landlord has a good relationship with the neighbour and has successfully ensured that his tenants have not caused any noise disturbance

Consultation Responses

5.2 SCC Highways - No objection

Comments

The site is situated within an area where there are no parking restrictions. Depending on the current demand for on-street parking, any overspill can create a harmful impact to the amenity of the local residents. It is always difficult to judge or predict the impact of such a small-scale development (in this case, one additional bedroom) but looking towards the worst-case scenario, there would be one additional vehicle on the road.

- 5.3 I can suggest a parking survey (in the form of the Lambeth model) to be conducted to see what the current level of demand is and whether on-street parking has reached capacity or not. As the development does not affect the highway in terms of access or layout, there is no highway safety concerns. I will however request a cycle parking space to be provided as HMO's are more akin to individual living and should be treated as separate living units.
- 5.4 Response – A parking survey has been carried out and is provided as **Appendix 1** of this report.
- 5.5 **SCC Environmental Health (Pollution & Safety) - No objection**

Comments

This property will require a licence as an HMO. Room sizes must comply with SCC standard for HMOs and fire precautions to comply with Lacors fire safety guidance. With this fire safety guidance in mind the current proposed layout to the ground floor will not comply, as the ground floor front left bedroom will be classed as an inner room, and to overcome this the door to this room should be moved to open from the protected stair well, rather than from the kitchen.

- 5.6 Following clarification from the Environmental Health team, it was advised that the room space standards are not strictly applied. Although the room sizes will be separately consented under the licensing standards, they have advised that bedroom 1 should be reduced to increase the size of the lounge to better meet the room size standards.

Officer Response

Amended plans have been requested, as per the advice given, and a verbal update will be provided at the Panel meeting.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of Development;
 - Impact on the Character and Amenities;
 - Impact on Parking and Highway Safety and;
 - Standard of Living Conditions.

6.2 Principle of Development

- 6.2.1 The property is occupied as a small HMO (class C4) under permitted development rights that existed prior to 23rd March 2012. To demonstrate that the property was occupied on 23rd March 2012 (effective date of Article 4 direction) the applicant has provided a copy of a signed tenancy agreement (11 month period) dated 15th October 2011 showing that 5 tenants occupied the property. Council Tax records corroborate this information.
- 6.2.2 The 10% HMO threshold applicable to the Bassett Ward does not apply in this case, as the property is already established as a small HMO (on 23rd March 2012) and there will be no increase to the concentration of HMOs (section 6.7 of the HMO SPD refers) within the local area. The provision of an additional bedroom would meet a need for this type of accommodation set out in Policy CS16 of the Core Strategy. The principle of development is, therefore, acceptable as a 6

person HMO use has already been established. This is subject to whether the intensification of use by 1 person would arise any material harm with respect to the key planning issues below.

6.3 Impact on the Character and Amenities

- 6.3.1 The proposal is considered to meet the policy objective of the HMO SPD by limiting the spread and concentration of HMOs within the area, as there would be no resulting material change to the mix and balance of households within the local community. Notwithstanding this, the records held by the Council's licensing team indicate that whilst there is a mix of HMO and single-family dwellings within the vicinity of the site, the locality is not over-saturated by HMO uses. As such, it is not considered that the proposed 1 additional occupant would have a significant or harmful effect on the intensity of HMO occupation within the area.
- 6.3.2 The large size of existing bedrooms 1 and 2 lend to the reconfiguration of the ground floor layout in a more efficient manner and provide better communal facilities for the occupiers as a result. The property itself is considered comfortably large enough to accommodate 7 persons and benefits from a private garden of over 170 sq.m, which exceeds the Council's amenity space standards for detached properties (90 sq.m). The site is also large enough to comfortably accommodate the storage needs of the use. As such, the addition of one occupant is not considered to result in an over-intensive use of the site. Whilst the detached spacing from the neighbouring properties would ensure that the comings and goings of the additional person would not adversely harm the amenities of the neighbouring occupiers.
- 6.3.3 The local residents' concerns are noted with regards to the overcrowding of the site. The access to light and outlook serving the communal rooms is acceptable from a planning perspective under the standards of the Residential Design Guide and, therefore, the overcrowding concern (shortfall of the SCC Housing Standards) could not justify sufficient weight alone to warrant refusal of the application. In addition, it is considered that the improved communal facilities would be a significant benefit to the occupiers and condition 5 will provide and retain the communal spaces for this purpose. Furthermore, the garden space provided for occupiers would be sufficient in terms of its functional quality and quantity.

6.4 Impact on Parking and Highway Safety

- 6.4.1 The Highway Officer has not raised any concerns with regards to the impact on highway safety in terms of access and parking. They have commented that the local concerns with regards to on-street parking pressure is an issue of amenity rather than highway safety and therefore officers would have to independently assess this impact. There would be a requirement to provide secure and covered cycle parking storage (1 space per resident) within the rear garden and this can be secured by condition.
- 6.4.2 The Parking Standards SPD refers to research that shows 1 vehicle is typically owned per household in Southampton. It is acknowledged that occupiers of multiple occupancy dwellings are more likely to own vehicles for individual use, however, the close proximity of the site to the University would encourage student occupiers to use more sustainable and healthy methods of travel such as cycling

and walking. Furthermore, the university campus also benefits from excellent bus links to the city centre.

6.4.3 The site lies within an area of standard accessibility to public transport under the Parking Standards SPD. The parking standards for a 7 bedroom HMO (set out in the HMO SPD) requires the maximum of 3 spaces. The driveway of the property already provides 1 parking space. The Parking Standards SPD states that provision of less than the maximum parking standards is permissible however, it is required for developers to demonstrate that the capacity of street parking would be sufficient to make up this shortfall.

6.4.4 The applicant carried out a detailed parking survey within a 200m radius of the site (using the Lambeth Model as recommended by the SCC Highways team) on Friday 15th (06.00 and 22.00 hours) and Saturday 16th January (06.00 and 22.00 hours). The survey showed that there was sufficient capacity for additional on-street parking in the nearby streets. A copy of the survey has been attached to **Appendix 2**.

6.4.5 In summary, the following available capacity was (as illustrated on the survey map):

Friday 15th January

06.00 hours - 49/67 spaces (73% capacity)

22.00 hours - 42/67 spaces (63% capacity)

Saturday 16th January

06.00 hours - 49/67 spaces (73% capacity)

22.00 hours - 49/67 spaces (73% capacity)

6.4.6 As such, the increase in occupancy by 1 person is considered to be acceptable in terms of potential on-street car parking generation.

7.0 Summary

7.1 In summary, the impact from the intensification of the HMO by 1 person would not cause any further harm to the character and amenity of the area with respect to the balance of households and parking pressure, and highway safety of the local area. It should be noted that the Council's HMO licensing regime in this ward is intended to help address the negative amenity impacts associated with HMOs. The improvement of the existing HMO stock also contributes towards meeting an identified housing need in the city for low income and transient households.

8.0 Conclusion

8.1 In conclusion, the proposed development is considered to accord with the Council's guidance and policies and, therefore, can be recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), (b), (c), (d), 2(d), 3(a), 4(f), (qq), (vv), 6(a), (b), 7(a), 9(a), 9(b)

PLANNING CONDITIONS

01. Full Permission Timing Condition

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. Number of occupiers

The number of occupiers at the property in connection with the change of use hereby permitted shall not exceed 7 persons.

Reason:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

03. Refuse storage and collection

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

04. Cycle storage

Before the development hereby approved first comes into occupation, secure and covered storage for 7 bicycles (with cycle stands) 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.

05. Retention of communal spaces

Prior to the formation of bedroom 7 hereby approved, the improved ground floor communal facilities, namely the lounge area, shall be provided in accordance with the plans hereby approved. The communal rooms shall thereafter be retained for that purposes.

Reason:

In the interests of the living conditions of the occupiers.

06. 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.

Informative note:

The applicant should be aware of their duties under the gas safe regulations in terms of venting the gas boiler.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

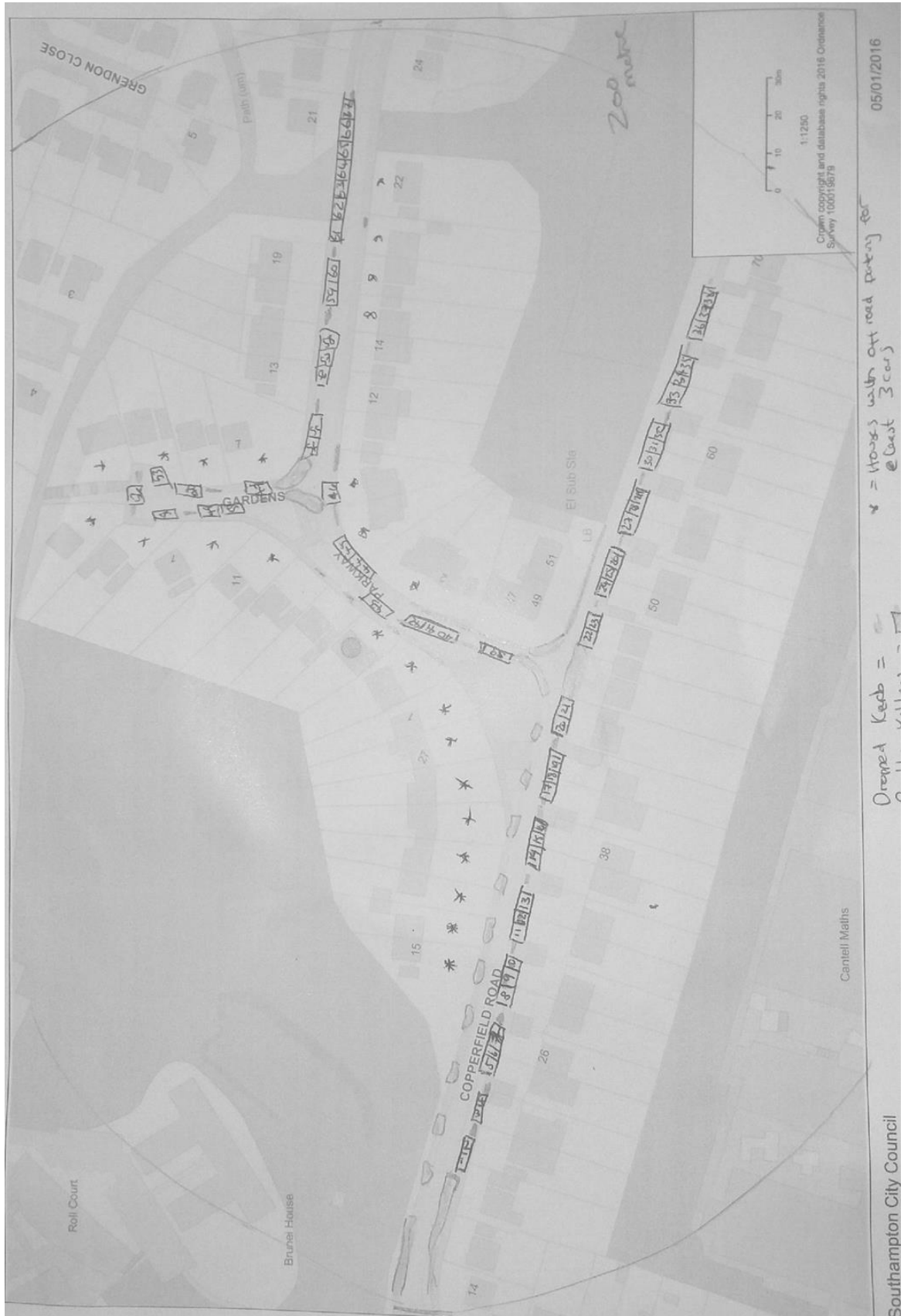
SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation SPD (March 2012)
Emerging Bassett Neighbourhood Plan (Post Examination 2015)

Other Relevant Guidance

The National Planning Policy Framework (2012)



Available Spaces

Space Number

✓ = available Space

	10PM	6AM		10PM	6AM
1	✓	✓		✓	✓
2	✓	✓		✓	✓
3	✓	✓		✓	✓
4	✓	✓		✓	✓
5	✓	✓		✓	✓
6	✓	✓		✓	✓
7	✓	✓		✓	✓
8		✓		✓	✓
9	✓	✓		✓	✓
10		✓		✓	✓
11				✓	✓
12		✓		✓	✓
13		✓		✓	✓
14	✓	✓		✓	✓
15		✓		✓	✓
16		✓		✓	✓
17					
18					
19					
20	✓	✓			✓
21	✓	✓		✓	✓
22				✓	✓
23					
24		✓		✓	✓
25		✓		✓	✓
26				✓	✓
27					
28					
29					
30	✓	✓		✓	✓
31	✓	✓		✓	✓
32	✓	✓		✓	✓
33				✓	✓
34				✓	✓
35	✓	✓		✓	✓
36					
37	✓	✓		✓	✓
38	✓			✓	✓
39	✓	✓		✓	✓
40	✓	✓		✓	✓
41	✓	✓		✓	✓
42	✓	✓		✓	✓
43	✓	✓		✓	✓

44	✓	✓			
45	✓	✓		✓	✓
46	✓	✓		✓	✓
47		✓			✓
48	✓	✓		✓	
49	✓	✓		✓	✓
50	✓	✓		✓	✓
51	✓				
52	✓	✓			
53	✓	✓		✓	✓
54	✓	✓		✓	✓
55					
56	✓				✓
57	✓	✓		✓	✓
58	✓	✓		✓	✓
59					
60	✓	✓		✓	✓
61	✓	✓		✓	✓
62	✓	✓		✓	✓
63	✓	✓		✓	✓
64	✓	✓		✓	✓
65	✓	✓		✓	✓
66	✓	✓		✓	
67	✓	✓			
68	✓				
69	✓				
70	✓				
Total Available	42/67	49/67		49/67	49/67

NB – This is an extract of the parking survey submitted. The complete survey including photographs taken are viewable on the Council’s public access system.

15/02017/FUL



Scale: 1:1,250

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