

Planning, Transport & Sustainability Division
Planning and Rights of Way (West) Panel 22nd December 2015
Planning Application Report of the Planning and Development Manager

Application address: 61 Charlton Road			
Proposed development: Conversion of existing dwelling to 2 flats comprising 1x 3-bed flat and 1x 1-bed to include replacement ground floor side extension			
Application number	15/01660/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	22/12/15	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and more than five letters of objection have been received	Ward Councillors	Cllr Moulton Cllr Shields Cllr Parnell
Called in by:	Cllr Moulton	Reason:	Concern that layout does not provide a reasonable family unit. Lack of sufficient parking. Out of character with neighbouring properties.
Applicant: Mr A Dbss		Agent: Southern Planning Practice Ltd	
Recommendation Summary		Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report	
Community Infrastructure Levy Liable		No	

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, SDP5, SDP7, SDP9, H1, H4 and H7 of the City of Southampton Local Plan Review (as amended 2015); CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full

Conditionally approve

1. Delegate to the Planning and Development Manager to grant planning permission subject to the provision of a contribution towards the Solent Disturbance Mitigation Project.

In the event that the contribution is not provided by 22nd February 2016, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the necessary mitigation on nearby Special Areas of Conservation (SAC) and Special Protection Areas (SPA).

1.0 The site and its context

1.1 The application site is an end of terrace residential dwelling in Freemantle ward. The surrounding area is primarily residential in nature, with a mix of different dwelling types including terraced and semi-detached houses in addition to some flatted units. There is a private footpath to the side and rear of the site.

1.2 The site was previously occupied as a house in multiple occupation prior to a fire in February 2015. Due to significant fire damage, the property has been vacant since the fire.

2.0 Proposal

2.1 The application proposes a number of amendments to the existing property. Primarily the proposal seeks consent for the conversion of the existing single dwelling to form two separate flats. The property would be subdivided vertically, providing a one-bedroom flat to the front, split over the ground and first floor and a three bedroom unit to the rear, also across ground and first floor.

2.2 The application proposes a number of physical alterations to facilitate this change. An existing conservatory to the site of the property (which has been mostly destroyed by the fire) will be removed and replaced with a brick built extension. This extension has a reduced width but increases in length when compared to the existing extension. There are also some new windows in the side and rear elevation as a result.

2.3 The application has been amended since originally submitted, reducing the number of flats proposed from 3 to 2 and reducing the number of bed spaces provided by 2.

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**. The site is not identified for development within the adopted Plan although lies within an areas of Medium

Accessibility to Public Transport (Public Transport Accessibility Level 3).

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.

4.0 Relevant Planning History

4.1 The existing two storey protrusion to the rear of the property was approved in 1988 under planning application 881478/W. Full details are set out in **Appendix 2**.

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 (01/09/15). In response to the first notification exercise 20 representations were received. Following receipt of amended plans and a second neighbour notification exercise, a further 11 responses were received. The following is a summary of the points raised:

- 5.1.2 • Additional occupants and inadequate on-site parking will exacerbate existing parking and highways safety issues in surrounding area
- 5.1.3 • Internal layout is contrived and doesn't provide reasonable amenities for other occupiers of the application site
- 5.1.4 • Overdevelopment which is out of character with the surrounding area
- 5.1.5 • Size of the proposed extension is excessive and leaves little outside space
- 5.1.6 • Parking survey was conducted during the summer period when students may not have been present and as such is not representative
- 5.1.7 • Parking survey is insufficiently detailed/inaccurate
- 5.1.8 • Further details of bin store required given the proliferation of bins for additional units
- 5.1.9 • Layout and additional residential intensity will potentially increase risk of further fires

Response: The issues raised in the above points are addressed more fully in section 6.

- 5.1.10 • The application was not advertised in the street/insufficient consultation has taken place
 Response: Statutory requirements for this application type are that either the Council sends letters notifying occupiers who adjoin the site or erects a site notice advertising the application. In this case the Council did both, sending letters to neighbouring occupiers initially on 26th August 2015 and erecting a site notice outside the property on 1st September 2015. Following the receipt of amended plans and a change to the description of development, a re-consultation exercise was undertaken on 13th November 2015, sending letters to the original neighbours and all those who had written in regarding the application.
- 5.1.11 • The landlords have not been willing to engage with the concerns of local residents in terms of maintaining the property or controlling anti-social behaviour of tenants
 Response: The planning system is predicated on the assumption that individuals will behave in a reasonable fashion. If there are issues of anti-social behaviour this is usually addressed under separate legislation and can be referred to the relevant Council department or police as necessary.
- 5.1.12 • Landlords will not comply with planning conditions/restrictions
 Response: If consent is granted and the development does not proceed in accordance with the requirements of the consent then the issue can be referred to the planning enforcement team who can investigate and take action if necessary. It is important to note that there is no right of appeal against a breach of condition notice, meaning this is a robust way to manage the development.
- 5.1.13 • Tree to the front of the property has a harmful impact on neighbouring occupiers and general appearance within the street scene is harmed by poor maintenance to the front of the property
 Response: Typically maintenance of the property is the responsibility of the landlord. The Council can take action under a Section 215 notice to require a land owner to undertake remedial action if the site is deemed to be sufficiently harmful to the amenity of the surrounding area. Notwithstanding this, the Local Planning Authority can, if consent is granted, imposed conditions requiring landscaping details for the new site.
- 5.1.14 • The proposed dwellings do not meet the relevant space standards or Part M of the Building Regulations for housing association dwellings
 Response: It is noted that this objection was submitted prior to the amended plans being received. Regardless, it is noted that the technical housing standards are not currently adopted by Southampton and as such are not a material policy consideration in their own right. In addition, building regulations are addressed under separate legislation and an application could not be refused on this basis. The proposal meets the Council's supplementary guidance for residential design and, as such, the quality of accommodation proposed is considered to be acceptable.
- 5.1.15 • On the night of the fire, the property was being occupied by 13 individuals
 Response: A Class C4 HMO can be occupied by between 3-6 unrelated individuals. In order to be occupied by 7+ individuals a separate sui generis permission is required. On the basis of the evidence available the Council considers the lawful use of the property to have fallen within the Class C4 use.

- 5.1.16 • Concern regarding structural integrity of previous two-storey extension
Response: Such issues would not typically fall within the remit of the planning system and this matter has been forwarded onto the Council's Building Control Team.
- 5.1.17 • Would set a precedent for future conversions
Response: Each application is considered on its specific individual merits at the time of submission, with reference to local and national planning policies at the time.
- 5.1.18 • Hard standing to front is inappropriate as a parking space
Response: The applicant suggested that the space could be used for parking in section 7.6 of their supporting statement. Notwithstanding this, it is not considered that the space represents a practical parking space given the position, orientation and existing circumstances of the site. The application has been considered on the basis of no on-site parking.
- 5.1.19 • Applicant should clear neighbouring footpath as part of the application
Response: There is a footpath running to the side and rear of the application site which is currently overgrown. It lies outside the boundary of the site and appears to be a private footpath. No evidence had been provided as part of this application to clarify who is responsible for maintaining this footpath. In addition, the applicant has not relied on this access as part of their application. It would not appear reasonable to require the applicant to undertake works which do not relate to their application and which fall outside of their site as part of the application. This is, therefore, a civil matter which would need to be addressed outside of the planning system.
- 5.1.20 Cllr Moulton (summary) -
- Proposal does not provide a real family unit with the layout splitting bedrooms over multiple floors and not providing sufficient room sizes, maximising rooms at the cost of creating a quality environment.
 - Lack of parking in existing property and as part of proposal in addition to intensification will harm amenity of residents given existing issues.
 - Extension is out of character with neighbouring properties
- 5.1.21 Cllr Shields –
- Over-development in an area with an already high density of people and a large number of HMOs and similar properties
 - Impact on public realm from increased on street car parking pressure
 - Concern that development would be out of character and issues regarding quality of development given existing issues with property

5.2 **Consultation Responses**

5.2.1 **SCC Contamination** – No objection.

5.2.3 **CIL** – The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the residential building. The charge will be levied at £70 per sq. m on the increase in Gross Internal Area.

5.2.4 **SCC Environmental Health** – No objection.

5.2.5 **SCC Sustainability** – No objection.

5.2.6 **SCC Highways** – The submitted parking survey (while conducted during a school holiday period) is indicative of the high levels of parking pressure in the surrounding area. Notwithstanding the high take up of on street parking, it is not considered that there is a highways safety issue. Further details of satisfactory refuse and cycle storage details are required. N.B This issue is discussed in more detail in paragraphs 6.11-6.13, below.

5.2.7 **Southern Water** – No objection.

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;
- Character and design;
- The impact on residential amenity;
- Parking and highways and;
- The effect on protected habitats.

6.2 Principle of Development

The application proposes the subdivision of an existing dwelling. Despite currently being in use as a house in multiple occupation, the property currently meets the definition of a 'family home' (classified in CS16 as a 3-bed dwelling with direct access to suitable amenity space). A family dwelling is retained as part of the application, with the unit to the rear of the property having three bedrooms (one at ground floor level and two at first floor level) and direct access to the subdivided garden to the rear. The size of the amenity space is more than 20 sq. in area meaning the proposed flat meets the definition of a family dwelling provided by Policy CS16.

6.3 The site currently has a density of 48 dwellings per hectare, which would be increased to 95 following the application proposal. The site lies in an area of medium accessibility in terms of CS5, which recommends a density of 50-100 dwellings per hectare would typically be expected in such areas. The proposed density of 95 dwellings per hectare, therefore, accords with CS5 although, the also needs to be tested in terms of the detailed design of the proposal. This is discussed in more detail below.

6.4 The use of the site for residential purposes is acceptable in principle and given the issues raised above, it is not considered there is an intrinsic policy objection to intensifying the use of the site. As such the main assessment is the specific impacts on the proposed development in relation to the site and surrounding area.

6.5 Character and Design

The application proposes the replacement of a previous single storey, UPVC side extension with a single-storey brick built extension, increasing the depth of extension with a slight reduction in width to retain a reasonable side access to the rear within the site.

6.6 While the proposal represents an increase in the overall footprint of the extension, taking into account the set back from the boundary with the neighbouring property and single-storey height of the extension, it is not considered that there will be a harmful impact. Furthermore, the retained garden to the rear would be over 14 metres in depth and 75 sq.m in area. This exceeds the amenity space standard that the Council usually expects for semi-detached properties (10 metre deep gardens of 70 sq.m in area) and as such, it is not considered that the site would appear over-developed. While the presence of the neighbouring footpath somewhat increases the visibility of the extension within the street scene, it is not considered that, taking into account the proposed design and scale, it would represent significant harm to the character of the host dwelling.

6.7 Amenity of neighbouring occupiers

The proposed change of use would have an impact in terms of changing the pattern of how the property is currently being occupied and utilised. While the proposal increases the number of residential dwellings, it is noted that the property (prior to being vacated due to fire damage) was in use as a 5-bedroom house in multiple occupation, with the current proposal forming a total of 4 bedrooms (1x 1-bed and 1x 3-bed).

6.8 Whilst the change in the layout and use of the site will alter the pattern of occupation, it is considered that the reduction in the number of bed spaces, thereby reducing the potential number of occupants that the property could accommodate, would represent a significant improvement on the previous situation. It is accepted that local residents have a number of concerns regarding the management of the existing property (with reference to section 5.11) and while concerns regarding anti-social behaviour fall outside the remit of the planning system, it is considered that smaller units are typically easier to manage than larger units.

6.9 On balance, taking into account the layout and existing use of the property, it is not considered that the impacts associated with the change of use would amount to such significant harm to justify refusing the application on these grounds.

6.10 The application does rely on a number of side facing windows for habitable rooms, however these are all part of the existing layout of the property so it is not felt that this would represent an increase in overlooking when compared to the existing situation and, therefore, does not give rise to significant harm.

6.11 Parking and Highways

The application form identifies a single on-site parking space retained as part of the application. As outlined in section 5.8 of this report, it is not considered that the hard standing to the front can accommodate a parking space and the application needs to be assessed on the basis of no on-site parking provision for the site. That said, it is important to note that the previous HMO use also did not benefit from off-street car parking. The current maximum parking provision for a 5-bed HMO is 2 spaces (in accordance with the HMO SPD). Following the conversion to 1x 1-bed flat and 1x 3-bed flat, the Parking Standards SPD sets out that a maximum of 3 spaces could be provided.

6.12 The application site lies within walking distance (under 400 metres) to Shirley Town Centre and less than 200 metres to the High Accessibility Bus Corridor. As such, the site benefits from excellent public transport links and is also accessible to local shops, services and facilities. As such, given the nature of the development, as two smaller flatted units and the edge of town centre location, it is considered entirely appropriate to not provide off-street car parking. The Council's adopted policies seek to promote sustainable development by increasing residential densities in accessible locations, to reduce reliance on the private car. The proposal would fully accord with this aim.

6.12 The applicant has submitted the application with a parking survey. Notwithstanding the concerns raised regarding the date on which the surveys were conducted, the survey does show a high uptake of on street parking, which is supported by the concerns of local residents. As noted in section 5.25, it is not considered that the proposed would result in significant harm in terms of highways safety.

6.13 Parking can be considered as an amenity issue for neighbouring residents however, as noted above it is considered that to comply with the outlined parking standards the applicant would need to demonstrate sufficient parking provision for one additional space, since the proposal would generate the need for one additional space when compared with the previous use of the property. With reference to the parking survey undertaken, even taking into account the parking restrictions in the surrounding area, sufficient capacity was identified to meet this provision. While it is accepted that the area does have a very high uptake of on-road parking, given the issues discussed above it is not considered that the proposal results in such significant additional harm to justify a reason for refusal on this basis.

6.14 Amenity of occupants

In accordance with the requirements of CS16 and sections 2.3.12 of the RDG the flats have both been provided with over 38m² of amenity space, with the 3-bed unit having direct access and the 1-bed unit having access via a side passageway. Further details are required of bin and bike store facilities are required. The layout of the units would provide a good-quality residential environment for occupants.

6.15 Habitats and Conservation

The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent

Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has not currently complied with the requirements of the SDMP and as such does not meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). Notwithstanding this, the applicant has identified their willingness to provide the contribution if the Panel is prepared to support approval of the application.

7.0 Summary

7.1 For the reasons discussed above, it is considered that the potential harm from the introduction of an additional residential unit is balanced by the levels of residential intensity proposed as part of the new unit and the intensity of the existing unit. Furthermore, the proposal would secure the refurbishment and use of a vacant and dilapidated property, to the benefit of the character of the area. It is considered that other issues can be resolved by the use of conditions.

8.0 Conclusion

8.1 In order to make the scheme acceptable, a contribution is required towards the SDMP and as such the recommendation is to delegate authority to approve the application following receipt of the contribution.

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)(g)(qq)(vv), 6(a)(c), 7(a), 9(b)

JF for 22/12/15 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition

The development 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. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest

of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. APPROVAL CONDITION - Refuse and Cycle Stores [Pre-Occupation Condition]

Prior to the first occupation of the use hereby approved details of the cycle and refuse stores shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with these details prior to the first occupation of the units hereby approved and shall be permanently maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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.

04. APPROVAL CONDITION - Means of Enclosure and Amenity Space [Pre-Occupation Condition]

Prior to first occupation of the use hereby approved a plan shall be submitted to and approved in writing by the Local Planning Authority identifying the height and materials of replacement boundary treatments and other means of enclosure to the front and rear of the site. The site shall be implemented in accordance with these agreed details prior to the first occupation of the use hereby approved and retained as such thereafter.

Reason:

To ensure appropriate facilities are available for occupiers of the flats at all times and in the interests of the character and appearance of the host dwelling.

05. APPROVAL CONDITION - 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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APPENDIX 2

Relevant Planning History

881478/W, Erection of a two-storey rear extension
Conditionally Approved, 10.08.1988