

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) - 11 November 2014
Planning Application Report of the Planning and Development Manager

Application address: 8 Norfolk Road, SO15 5AS			
Proposed development: Conversion of dwelling to 2 x three bedroom flats.			
Application number	14/01618/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	21/11/2014	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton

Applicant: Mr Singh	Agent: Sanders Design Services Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area characterised by pairs of two storey, semi-detached dwellinghouses. Whilst this proposal would result in the creation of two flats, it would retain a family dwelling on site, contributing to the city's family housing need and remaining in keeping with the character of the wider area. A number of other material considerations have been assessed and are not viewed as having sufficient weight to justify the refusal of this application. A number of suitably worded planning conditions are proposed in order to fully satisfy these matters. This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted.

Policies - SDP1, SDP6, SDP7, SDP9, SDP10, H2, H7, of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement or a S111 agreement to secure:

i. A financial contribution of £172 per new residential unit to fund a mitigation scheme known as the Solent Disturbance Mitigation Project (SDMP).

2. In the event that the legal agreement is not completed by 21/11/2014, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 or Section 111 Legal Agreement.

1. The site and its context

- 1.1 The application site is a two storey, semi-detached dwellinghouse on the north eastern side of Norfolk Road. There is a two storey projection located to the rear of this property. This property is served by a small front forecourt bounded by a low brick wall as is characteristic of the properties along this road. A narrow access way located adjacent to the eastern elevation and served by a timber entrance gate currently provides pedestrian access to the rear of the property. The rear garden comprises an area of hardstanding bounded by blockwork walls.
- 1.2 The applicant has indicated on the submitted application form that the current use of the property is as a Class C4 HMO. However, due to the lack of sufficient evidence to demonstrate this, the property will be treated as a Class C3 dwellinghouse.
- 1.3 This property is located within a predominantly residential area characterised by two storey, semi-detached dwellinghouses. A number of properties appear to have been converted into self-contained flats (detailed further in section 4.0) however the vast majority of properties within the area are family dwellings which do not appear to have been subdivided.
- 1.4 There are no parking restrictions in place along Norfolk Road. As such, on street car parking is available on both sides of the road. A number of properties along this road have established off road parking through the conversion of their front forecourt.

2. Proposal

- 2.1 At present, this property comprises a lounge, bedroom, kitchen and WC at ground floor level in addition to four bedrooms and a bathroom at first floor level. The applicant has indicated that the existing use of the property is as an HMO however the submitted information fails to demonstrate this. As such, this property will be treated as a Class C3 dwellinghouse.
- 2.2 As a result of this proposal, 2 x 3 bedroom flats would be established. The applicant has confirmed that these will be used for purposes falling within Class C3 (dwellinghouse). The first flat would be located at ground floor level and would comprise a bathroom, a kitchen/lounge area and three bedrooms. This flat would be served by a rear amenity area measuring approximately 40sqm. A cycle store would be sited within this rear amenity area, along the boundary with the amenity area serving the first floor flat. This would measure approximately 2.2m in width by 1.3m in depth with a flat roof measuring approximately 2.2m in height.

- 2.3 The second flat would be located at first floor level and would comprise a kitchen/lounge area, a bathroom and three bedrooms. This flat would be served by a rear amenity area measuring approximately 28 sqm. A cycle store would be sited within this rear amenity area, along the boundary with the amenity area serving the ground floor flat. This would measure approximately 2.2m in width by 1.3m in depth with a flat roof measuring approximately 2.2m in height.
- 2.4 A 1.8m high timber fence would be constructed around the proposed amenity areas.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). 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.

4. Relevant Planning History

- 4.1 There is no planning history for the application site. However, the following applications are considered to be relevant in the determination of this application;

* Application ref.08/00417/FUL. In 2008, planning permission was granted for the conversion of 68 Norfolk Road to form 2 x one bedroom flats.

* Application ref.870642/W. In 1987, a Lawful Development Certificate was issued for the established use of 6 Norfolk Road as two self-contained flats.

* Application ref.1407/14/B. In 1970, planning permission was granted for the conversion of 43B Norfolk Road to two self-contained flats.

* Application ref.1407/14/A. In 1970, planning permission was granted for the conversion of 43A Norfolk Road to two self-contained flats.

- Application ref.954/55. In 1950, planning permission was granted for the conversion of 33 Norfolk Road into two flats.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report, 11 representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 The proposed creation of 2 x 3 bedroom flats would exacerbate existing car parking issues in the area. Whilst there is on street parking available along Norfolk Road,

due to high demand in the area, car parking currently overflows to nearby residential roads.

Response: The City Council's Highways department have raised no objection to this proposal. The applicant has been asked to provide a parking survey to demonstrate that sufficient on street parking provision is available to meet any additional demand. This will be reported verbally to the Planning and Rights of Way Panel.

- 5.3 The proposed subdivision of this property would change the character of the street.

Response: It is not considered that the character of the area would be significantly affected by this proposal.

- 5.4 This property was originally designed as a family home. Considerable demand remains for this type of accommodation within the city with an existing surplus of HMOs and flats being experienced, particularly within the Shirley area. The proposed subdivision would reduce the stock of family homes within the city forcing families to move elsewhere and changing the community feel of the area.

Response: The existing dwelling is a family home. This proposal would retain one family home with 3 bedrooms and direct access to a rear amenity area. As such, this proposal would not result in the net loss of a family home.

- 5.5 The proposed subdivision of the property would result in increased noise and disturbance for neighbours, particularly due to the proposed creation of a kitchen at first floor level.

Response: The level of activity associated with one additional dwelling is not considered to be significantly greater than that of the existing arrangement.

- 5.6 There has been a marked deterioration in the building in recent years due to there being a live out landlord. The proposed subdivision would worsen this.

Response: This does not represent a sustainable reason for refusal in planning terms.

- 5.7 There is no designated fire escape for the proposed first floor flat leading to concerns over the safety of future occupants.

Response: This does not represent a sustainable reason for refusal in planning terms. This is something that will be considered fully under the Building Regulations.

Consultation Responses

- 5.8 **SCC Highways** - The application site is situated near a district centre and I understand that there are concerns regarding potential parking overflow in the area. There are no parking restrictions in the close vicinity of the site meaning any member of the public has the right to park. This is an existing situation and the proposed development will not create any additional impact with regards to this. It is difficult to say whether a 5 bed dwelling or 2 x3 bed flats would create more demand for on-street parking but in terms of bedrooms, there would only be an increase of one. It could therefore be argued that no matter the scale of impact, there could be a potential increase in parking demand. For this reason, I recommend that a parking survey be conducted to indicate the current parking pressure situation.

- 5.9 However, regardless of whether there is an increase in parking demand, I do not consider this impact to be concerning in highway safety terms. It is more of an amenity issue. The situation exists and the scale of this development and its potential impact is not large enough to clearly define that it will create any additional harm which is not present at the current time.
- 5.10 **SCC Sustainability Team** – The applicant has submitted a completed Sustainability Checklist which shows that energy saving improvements are proposed. Overall, the measures proposed, particularly the replacement boiler, new windows and loft insulation, should enable the development to meet the requirement in CS20 for a 20% improvement on Building Regulations Part L.
- 5.11 **SCC Environmental Health** - No objections
- 5.12 **Southern Water** – Southern Water has no objection to the proposal.

6. Planning Consideration Key Issues

- 6.1 The determining issues for this application relate to whether the proposed conversion is acceptable in principle; whether the proposal would provide an acceptable residential environment for future occupiers; whether the proposal would be acceptable in design terms; whether the proposal would be acceptable in terms of its impact on the residential amenities of adjoining occupiers; whether the proposal would be acceptable in terms of its highways impact; and whether the proposal would be acceptable in terms of SPA mitigation.
- 6.2 Principle of Development
- 6.3 Policy CS16 of the Core Strategy seeks to: 'Prevent the net loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss'. This is to achieve both a mix of housing types and more sustainable and balanced communities.
- 6.4 Policy CS16 states that: 'Family homes are dwellings of three or more bedrooms with direct access to usable private amenity space or garden for the sole use of the household'. Currently, the application site is a single, 5 bedroom dwelling with access to a rear garden, It can therefore, be classed as a family home. Policy CS16 also outlines minimum space standards for amenity areas associated with family homes of varying size. For flats and maisonettes, the minimum size for an associated amenity area is 20sqm. Both proposed flats would have access to their own private amenity area of more than 20sqm (approximately 40sqm for the ground floor flat and 28sqm for the first floor flat). These would both be located at ground floor level to the rear of the property.
- 6.5 The amenity area for the ground floor flat would be located immediately outside the rear elevation, wrapping around the side elevation of the two storey rear projection. It would benefit from direct access from the proposed kitchen/lounge in addition to a secondary access from the side of the property. Having regard to its shape, size, flat surface and orientation, the proposed amenity area is considered to be sufficient to meet the requirements of a family home (hanging out washing, sitting out etc.).
- 6.6 The amenity area for the first floor flat would back onto the amenity area for the ground floor flat. Whilst this proposed flat would not benefit from direct access to the

rear amenity area, its principal access from the side of the property is considered to be a convenient arrangement. Whilst this amenity area would have an irregular triangular shape, its size and orientation combined with the presence of a flat surface would ensure that it would comprise a usable space for residential purposes.

- 6.7 Both proposed flats would have 3 bedrooms. The proposed first floor flat would not benefit from direct access to its rear amenity area. The proposed ground floor flat would however, have direct access to its rear amenity area and would therefore, constitute a family home. As a result, there would be no net loss of family homes on this site. As such, this proposal is considered acceptable in principle in accordance with policy CS16 of the Core Strategy.
- 6.8 Quality of the residential environment
- 6.9 As discussed previously, adequate amenity space would be provided for future occupants of the proposed flats. Whilst this is the case, the area to the rear of this property is relatively bland, currently comprising an area of hardstanding. As such, a suitably worded planning condition will be imposed to secure an acceptable landscaping scheme prior to occupation to enhance the living conditions for future occupiers of the proposed flats.
- 6.10 The construction of a 1.8m fence between the proposed amenity areas would ensure that sufficient privacy would be achieved. The retention of this will be controlled with a suitably worded planning condition. There is scope to further enhance the privacy of the rear amenity areas through landscaping and this is something that the applicant is advised to address in the submission associated with the landscaping condition.
- 6.11 Each habitable room within both the proposed ground floor and first floor flat would have sufficient outlook and access to daylight. Having regard to the relationship between habitable room windows and the rear amenity areas, it is not considered that any significant overlooking would occur. The residential environment is therefore, considered to be acceptable.
- 6.12 Design
- 6.13 No external alterations would be made to this property as a result of this proposal.
- 6.14 The siting of the proposed cycle stores within the rear amenity areas would ensure that they would not be visible from the wider streetscene. This, combined with their relatively modest scale would ensure that they would be acceptable in design terms in accordance with Policy CS13 of the Southampton Core Strategy.
- 6.15 This property is served by a low boundary wall to the front. This is a characteristic feature of the properties along this road. A number of properties have previously removed their front boundary wall in order to establish off road parking however this is often done in an unsympathetic way which can be detrimental to the appearance of the wider streetscene. In order to maintain a boundary wall in this location and to protect the appearance of the wider streetscene, a suitably worded condition will be imposed.
- 6.16 Amenities of adjoining occupiers
- 6.17 This property is one half of a semi-detached pair of properties with no.10 Norfolk Road adjoining this property on its western elevation. On the opposite side, there is

a separation distance of approximately 1.2m between the side elevation of the application site and the common boundary with no.6 Norfolk Road. This increases to approximately 2.4m between the side elevation of the original two storey projection and the common boundary.

- 6.18 No additional windows would be installed within the side or rear elevations of this property as a result of this proposal. As such, no additional overlooking of any neighbouring properties would occur.
- 6.19 The relatively modest scale of the proposed cycle storage facilities would ensure that they would not give rise to any adverse impacts in terms of loss of light or overbearing relationship with the adjoining property at no.10 Norfolk Road.
- 6.20 This proposal would result in the creation of one additional dwelling. The existing dwelling contains 5 bedrooms, only one less than the proposed arrangement. The level of activity associated with one additional dwelling is not considered to give rise to a significant increase in noise or disturbance detrimental to the residential amenities of any adjoining occupiers. As such, this proposal is considered to be acceptable in terms of residential amenity.
- 6.21 Highways Impact
- 6.22 No off road parking is possible for this property. The lack of any parking restrictions does however mean that on street parking is available along Norfolk Road.
- 6.23 The Parking Standards SPD outlines maximum car parking standards for residential development within the city. For each 3 bedroom dwelling, maximum car parking standards of 2 parking spaces apply. This document does however, state that: 'Provision of less than the maximum parking is permissible. Developers must demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum permissible amount, or a lower quantity'. The City Council's Highways department have provided comments on the proposed scheme. They have no objections to the proposal in terms of highways safety however advise that a parking survey should be undertaken to demonstrate that there is sufficient on street capacity to accommodate any additional parking demand. A parking survey has not yet been provided however the panel will be verbally updated following receipt of this.
- 6.24 In terms of cycle parking, the Parking Standards SPD requires 1 long stay space per unit. Each cycle store would provide 2 cycle spaces. This proposal is therefore, compliant with this requirement.
- 6.25 SPA Mitigation
- 6.26 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 £172 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. The recommendation that is presented is for delegated authority to grant planning permission upon receipt of the required £172 for the additional dwelling that is proposed. Provided that this is achieved, this application will have complied with the requirements of the SDMP and would meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7. Summary

- 7.1 The application site is capable of comfortably accommodating a mix of residential units. Of the two proposed units, one would comprise a family dwelling subsequently avoiding the loss of a family home and complying with policy CS16 of the Core Strategy. The development is considered to be acceptable in terms of other planning considerations.

8. Conclusion

- 8.1 To conclude, this proposal is considered to have an acceptable impact and can therefore, be recommended for conditional 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(g), 4(vv), 7(a), 9(a) and 9(b).

LAUGRI for 11/11/14 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works 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).

2. 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.

3. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the

Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

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.

4. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. Details of any proposed boundary treatment, including retaining walls; and
- iii. A landscape management scheme.

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.

The approved landscaping scheme site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

5. APPROVAL CONDITION, Boundary Treatment [Pre-Occupation Condition]

Unless otherwise agreed in writing, before occupation of the development hereby approved the boundary treatment used to divide the two separate garden areas shall be erected on site and formed by 1.8m high close boarded fencing. Once installed the boundary treatment shall be retained thereafter whilst the property is being used for residential purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities and privacy of occupiers of the adjoining property

6. APPROVAL CONDITION Private amenity space [Pre-Occupation Condition]

The private amenity space, as shown on the approved plans, shall be provided before the first occupation of the 3 bedroom flats hereby approved and retained thereafter for the exclusive use of these flats.

Reason:

To ensure that satisfactory amenity space is provided for the residents of the hereby approved three bedroom flat in accordance with Core Strategy Policy CS16.

7. APPROVAL CONDITION Cycle Storage Facilities [Pre-Occupation Condition]

The approved cycle storage facilities shall be constructed in accordance with the approved plans prior to the first occupation of the hereby approved development. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport and in the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties.

8. APPROVAL CONDITION Retention of boundary wall

The front boundary wall shall be retained at all times unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of the visual amenities of the locality in accordance with Core Strategy Policy CS13.

9. APPROVAL CONDITION ' Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
H2	Previously Developed Land
H7	The Residential Environment

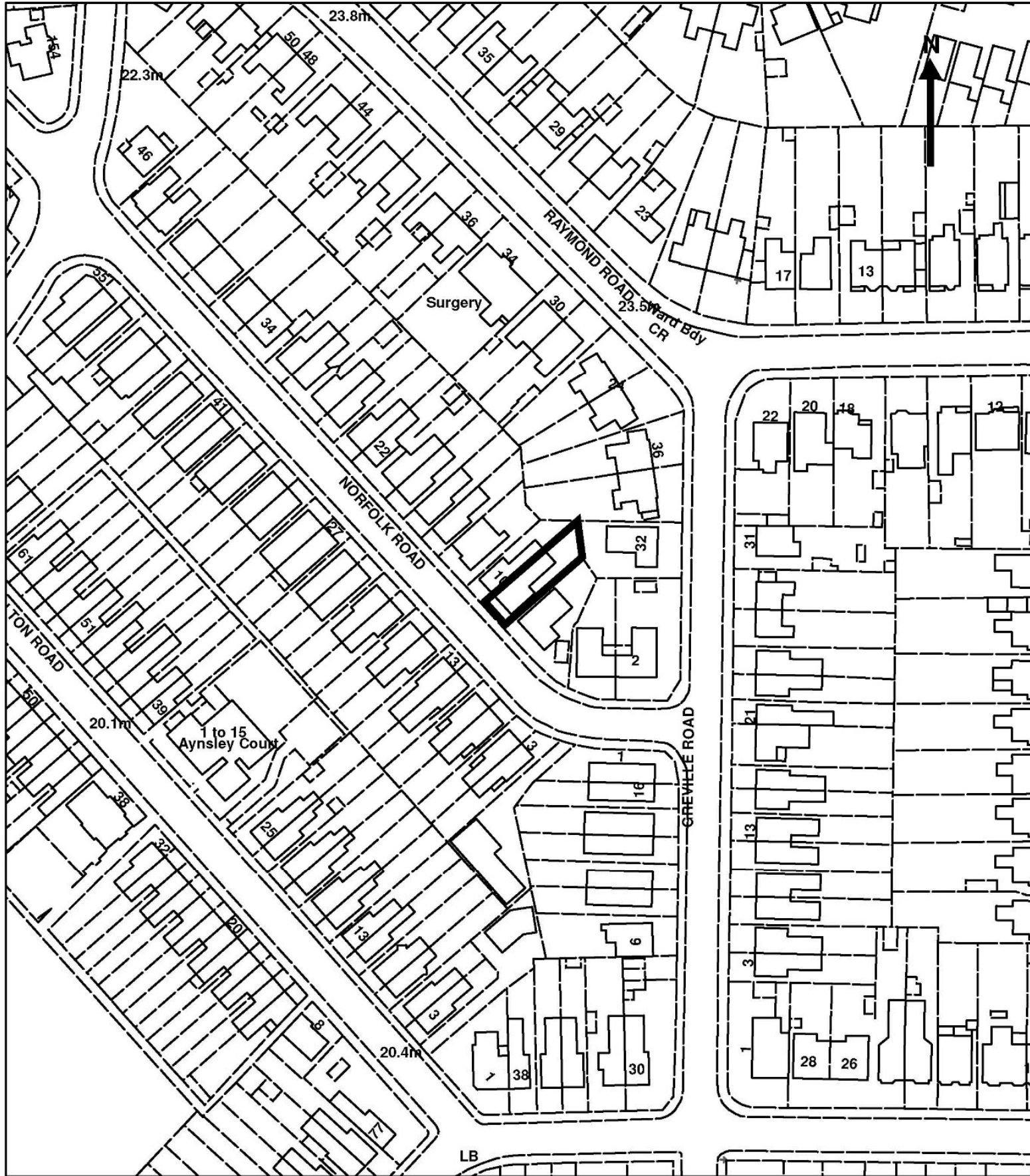
Supplementary Planning Guidance

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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Scale: 1:1,250

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