

Planning and Rights of Way Panel 9th October 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

Application address: 32 Clifton Road, Southampton, SO15 4GX			
Proposed development: Conversion of existing building from 5 flats to 10 flats (7x studio flats and 3x 1-bed flats) and increase on site car parking from 11 to 16 spaces (part-retrospective) (resubmission 18/00590/FUL)			
Application number	18/01332/FUL	Application type	Minor Dwellings
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	03.10.2018	Ward	Millbrook
Reason for Panel Referral:	Request by Ward Member and more than 5 objections received.	Ward Councillors	Cllr Sarah Taggart Cllr David Furnell Cllr Steven Galton
Referred to panel by:	Cllr Furnell	Reason	Increase in housing and condition of site.

Applicant: Mr I Bajar	Agent: Concept Design & Planning
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Recommendation Summary	Delegate to service lead – Infrastructure, Planning and Development to grant planning permission subject to content listed in the report.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The resultant studio units are in keeping with the size of other studio units within the building as approved in 2012 (ref 12/01600/FUL). Furthermore the proposal addresses the previous reason for refusal (ref 18/00590/FUL) by providing additional car parking spaces to meet the parking demands of the additional flat proposed. 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 (2018).

Policies - SDP1, SDP4, SDP5 and H1 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies
2	HRA assessment
3	18/00590/FUL - Reasons for refusal and plans

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to Service Lead – Planning, Infrastructure & Development to grant conditional planning permission subject to receipt of a Solent Disturbance Mitigation Project payment. In the event that this issue is not resolved within 1 week from the date of the Planning Panel delegation also given to refuse the application for failure to accord with the Development Plan.

1 The site and its context

- 1.1 The application site is located on the northern side of Clifton Road and has seen incremental development over the years. The site comprises a main villa which has been extended and two flatted blocks at the rear. There are currently 21 flats on the site. Planning permission has been granted to convert the villa from 5 into 9 flats however the building is currently occupied as 8 flats.
- 1.2 A frontage parking area provides 11 car parking spaces with access from Clifton Road. A communal amenity area is located to the rear of the villa. The site frontage is enclosed by a boundary wall with tree planting and bin storage behind. A communal amenity area is located to the rear of the main villa.
- 1.3 The surrounding area is predominantly residential in character comprising flatted blocks and housing. Cedar Lodge Park is located to the West of the site. There are no on-street parking restrictions within Clifton Road.

2 Proposal

- 2.1 Planning permission was granted in 2012 for conversion of the villa building from 5 to 9 flats (Ref 12/01600/FUL). This planning permission was partially implemented at first floor level however the works undertaken were not carried out in accordance with the approved plans because a 1-bed flat (flat I) was split into 2 no. studio flats resulting in an overall net gain of one additional self-contained unit. Therefore this planning application looks to regularise the unauthorised works and seeks approval for conversion of the villa building from 5 to 10 flats comprising 7x studio flats and 3x 1-bed flats. This would result in a total of 23 flats on site with an overall mix of 7 x studio flats, 11 x 1-bed flats and 5 x 2-bed flats.
- 2.2 The proposed 2 no. studio flats (identified as F16 and F17 on the proposed floor plans) are both self-contained and have all the facilities for day to day living (bathroom and lounge/bedroom with kitchenette). Flat F16 has an area of

19sqm with side facing first-floor windows. Flat F17 has an area of 29sqm with front facing first floor windows.

- 2.3 The proposal also seeks to reconfigure the car parking layout to achieve an additional 5 car parking spaces (increase from 11 to 16 spaces). The additional spaces are achieved by re-orientating the parking bays east west with a reduced aisle width (min 6m aisle width distance still achieved). The revision to the parking layout requires alterations to the front boundary wall in order to move the site access to a central position. The revised access design provides necessary 2m x 2m driver sightlines. Additional landscaping and tree planting is proposed behind the front boundary wall, either side of the new site access.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The updated National Planning Policy Framework (NPPF) came into force on 24th July 2018 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 18/00590/FUL - Planning permission was refused on 03.07.2018 for conversion of existing building from 5 flats to 10 flats (7x studio flats and 3x 1-bed flats) (part-retrospective) for the following reasons:

01. REFUSAL REASON - Car Parking

Based on the information submitted, it has not been adequately demonstrated that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. As such, it is not clear the level of car parking proposed is sufficient to meet the travel demands of the development, particularly since less spaces would be provided than the Council's maximum adopted standards. Furthermore the proposed site plan is considered to be inaccurate because there is currently insufficient space available to achieve an additional parking space (2.4m width) plus a minimum 900mm pedestrian access width without compromising the existing landscaping arrangements. The development would, therefore, be contrary to the provisions of Policies SDP1 and SDP4 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

02. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to

secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

- 4.1 12/01600/FUL – Approved 21.12.2012
Internal alterations to allow conversion of existing building from 5 flats to 9 flats (5 x studio flats and 4 x one bedroom flats) with associated landscaping, parking and cycle/refuse stores.
- 4.3 12/00122/OUT - Refused 21.03.12 - appeal dismissed
Erection of a two storey building at the front of 32 Clifton Road to provide 4 x 1 bed flats with associated parking and cycle/refuse storage (Outline application seeking approval for access, appearance, layout and scale).
- 4.4 11/01034/OUT - Refused 23.08.11 - No appeal lodged
Erection of a two storey building at the front of 32 Clifton Road to provide 4 flats (3x 1-bed and 1x studio) with associated parking and refuse/cycle stores (Outline application seeking approval for access, appearance, layout and scale)
- 4.5 08/01740/FUL - Approved - 02.02.2009
Erection of a two storey building rear of 32 Clifton Road to provide 4x1-bed flats with associated parking and bin/cycle storage following demolition of existing garage
- 4.6 05/01569/FUL - Approved - 28.12.2005
Erection of a three-storey building (including accommodation in the roofspace) to comprise 5 x 2-bedroomed flats with associated car parking
- 4.7 04/01079/FUL – Approved - 23.08.2004
Conversion of the existing dwelling house (34 Clifton Road) into 4 x 1 bedroom 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 and erecting a site notice (17/08/2018). At the time of writing the report **29 objections** have been received from surrounding residents. The following is a summary of the relevant points raised:
- 5.2 **Intensification of flats represents an overdevelopment of the site which is out of keeping with the area.**
RESPONSE: This proposal essentially seeks to convert a previously approved 1-bed flats into 2 studios resulting in a net gain of one self-contained unit with a single bed space. The proposal would provide a total of 23 flats rather than the approved 22 flats (achieved incrementally through a number of planning approvals). The proposal does not seek to create any additional residential floor space. An additional 5 car parking spaces are being provided as part of this proposal and a sufficient communal amenity spaces is available to meet the needs of 23 flats (in accordance with Residential Design Guide standards). Therefore this proposal is not considered to represent a site overdevelopment and the conversion of a 1-bed flat into 2 studio units is not considered out of keeping with the area having regard to policy requirements to achieve mixed and balanced communities

5.3 The proposed intensification of flats would create overcrowded accommodation.

RESPONSE: The proposal seeks to convert the approved 1-bed unit with an area of 49.5sqm into 2 no. studio units with an area of 19sqm and 29sqm. It is accepted that the proposal does result in smaller more cramped units which fall below the nationally prescribed space standards (March 2015) of 37sqm. However the Council does not currently have an adopted planning policy requiring min space standards. Furthermore the proposed studio units are comparable in size to the units consented in 2012 (ranging from 19sqm to 26sqm – albeit ahead of the national space standards coming into force). Therefore the officer recommendation is, again, to support the proposed flat sizes and the Panel will note that the previous scheme was not refused on this basis. However, members of the Planning and Rights of Way Panel may wish to give greater weight to the nationally prescribed space standards, and should note that Appeal Inspectors are now having regard to the national space standard even in circumstances where there are no local plan policy requiring minimum room sizes.

5.4 Insufficient car parking. There are currently spaces for 11 cars but often 14 cars parked in the parking area

RESPONSE: The schemes would provide a total of 16 car parking spaces which represents an increase of 5 parking spaces. The proposed development seeks to change a 1-bed unit into 2 no. studio and therefore the provision of 5 spaces would exceed the Councils maximum car parking standards for this proposal (maximum permissible 2 spaces). However it is considered that an increase above the maximum standards is acceptable having regard to the total number of flats that would be authorised on site (23 flats).

5.5 Parking layout may restrict access to the rear of the site for emergency vehicles

RESPONSE: No objection raised by Highways Development Management. The proposal does not result in significant change to the current rear access arrangements.

5.6 Visitors parking in neighbouring Clifton Court

RESPONSE: This is a private civil matter. The proposal exceeds the Council's maximum car parking standards in relation to the amount of new development proposed.

5.7 The landlord does not maintain the bin area with insufficient bin storage provision

RESPONSE: It is considered reasonable and necessary to impose a condition requiring bin storage capacity to meet the needs of all 23 flats in accordance with Council standards. This would require the 3 no. euro bins shown being increased to 4 no. euro bins to meet the general waste and recycling requirements for this site. A 240ltr wheeled bin is also required for glass collection.

5.8 Grounds and gardens poorly maintained

RESPONSE: Such concerns regarding an absentee landlord are not grounds to refuse planning permission.

5.9 **Anti-social behaviour from existing tenants**

RESPONSE: Anti-social behaviour is controlled by the Police and through Environmental Health legislation.

5.10 **No provision to repair any damage to existing landscaping or to replace any trees that need to be removed.**

RESPONSE: A landscape plan has now been received showing landscaping and tree planting on the site frontage.

Consultation Responses

5.11 **Highways Development Management** - No objection subject to conditions to ensure the turning area is kept clear at all times and to secure the retain the pedestrian visibility splays (2m x 2m) as shown on the site plan.

5.12 **CIL** – The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the development. If any existing floor area is to be used as deductible floor area the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development..

5.13 **Sustainability** – No objection. Each of the proposed dwellings will make either a total or substantial use of the existing building. Therefore, no sustainability conditions are requested.

5.14 **Urban Design Manager** – The front boundary wall is too high and should be lowered to be in keeping with other properties in the street. The planting bed to the east of the entrance looks as though it's too narrow to accommodate trees as the bed needs to be 1.5m in width to successfully plant trees. The proposed Laurel is more commonly planted as a hedge as it's not a tree, it's a large shrub and I think this probably makes more sense in this location. In hedge form they would more normally be planted a 3 per sq.m. I am unclear as to what is being planted as undercover for the plant bed to the west of the entrance beneath the proposed evergreen oaks. This species is slow growing and ultimately very large so planting two trees in close proximity is a mistake as there is only sufficient space for one tree to fully develop in this location. However critical to any plant established is that as this area is being made from an area of previously tarmacked car park that an adequate depth of clean new topsoil will be needed for the plant beds to ensure establishment of any planting. The evergreen oak will need at least 1.5 cubic metres of topsoil and shrub areas will need a minimum 600mm depth of topsoil

5.14.1 *OFFICER RESPONSE: The height of the front boundary wall is established and therefore it would be unreasonable to require a lower height wall. Furthermore a lower height boundary wall would expose the large car parking area which may have an adverse visual impact on the street scene. The requested landscaping amendments have been put to the applicants and an update with the provided at the Panel meeting.*

6. Planning Consideration Key Issues

6.1 The key issues for consideration during the determination of this planning application are:

- the principle of the development;
- residential environment ;
- whether the previous parking reason for refusal has been addressed.
- Impact on the appearance of the area; and
- Habits regulations

Principle of Development.

6.2 Planning permission was granted in 2012 for conversion of the property from 5 to 9 flats which included studio flats similar in size to those proposed. This planning application seeks retrospective consent to change an approved 1-bed unit into 2 no. studio flats. There have been no significant change in national and local planning policies which would presume against conversion of the building into smaller flat units. Policy CS16 of the Core Strategy promotes a mix of housing types in order to provide sustainable and balanced communities. No loss of family housing is proposed. It should also be noted that a planning application for the same proposal earlier this year was refused for car parking and SDMP reasons only. Therefore the principle of conversion of the building from 5 to 10 flats is supported.

Residential environment and impact on residential amenities

6.3.1 The proposal seeks to convert the approved 1-bed unit with an area of 49.5sqm into 2 no. studio units with an area of 19sqm and 29sqm. It is accepted that the proposal does result in smaller more cramped units which fall below the nationally prescribed space standards of 37sqm per 1-bed flat. The Council does not currently have an adopted planning policy requiring min space standards. Furthermore the proposed studio units are comparable in size to the units consented in 2012 (ranging from 19sqm to 26sqm). Therefore the officer recommendation is to support the proposed flat sizes.

6.3.2 However, members of the Planning and Rights of Way Panel may wish to give greater weight to the nationally prescribed space standards and should note that Appeal Inspectors are increasingly using nationally prescribed standards as the measure in terms of quality of living environment.

6.3.3 The layout result in a studio flat (F16) with single aspect to the side however this flat will not directly overlook any neighbouring habitable room window or amenity space (faces a driveway and blank wall) and therefore will not result in any harmful overlooking. Furthermore there is an 8m gap between the buildings and therefore the single aspect flat will receive reasonable daylight, sunlight and outlook (east facing).

6.3.4 The site currently provides circa 600sqm of communal amenity spaces which satisfies the minimum requirements of 20sqm for a total of 23 flats.

Parking and Highway Safety

6.4.1 The proposal is considered to address the previous reason for refusal by providing 5 additional car parking spaces on site which exceeds the Council's maximum car parking standards of 1 space for the additional studio unit. However the additional parking is considered acceptable having regard to the parking demands of the site as a whole and will reduce the risk of overspill

parking into Clifton Road and surrounding streets. This is a betterment of the scheme.

- 6.4.2 The current parking layout has an excessive aisle turning width of 12m. The proposed re-orientation of the parking bays east-west and reducing the aisle width to 6m achieves the additional spaces with a total of 16 parking bays provided. The revised car parking layout provides adequate space behind the front boundary wall for bin storage, landscaping and tree planting. The proposed layout maintains pedestrian access to the rear. Therefore the proposal is considered to address the previous car parking reason for refusal and no objection has been raised by Highways Development Management.

Impact on the appearance of the area

- 6.5.1 The proposal seeks no changes to the external appearance of the building. The revisions to the front boundary will not be harmful to the street scene and new landscaping and tree planting have been secured.

Habitat Regulations

- 6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see Appendix 1. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7 Summary

- 7.1 The scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The proposal addresses the previous reason for refusal (ref 18/00590/FUL) by providing additional car parking spaces to meet the parking demands of the additional flat proposed. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application.

8 Conclusion

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable once the SDMP payment has been secured. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (b) (d), 4 (f) (g) (vv), 6 (a) (b), 7 (a).

AG for 09/10/2018 PROW Panel

PLANNING CONDITIONS to include:

01.Full Permission Timing Condition (Performance)

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.APPROVAL CONDITION - Landscaping and Parking

The parking layout, access and associated hard and soft landscaping scheme to the site's frontage as shown on plan C18/022.02 Rev A (or as subsequently amended in agreement with the Local Planning Authority) shall be completed within 2 months of the date of this decision.

Once these works have been completed they shall be maintained thereafter in accordance with the agreed maintenance schedule. 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 minimum period of 5 years from the date of planting.

The parking and access shall be retained as approved.

REASON:

To ensure a landscaping scheme is provided and to ensure that safe and adequate parking is provided to meet the needs of the site prior to the intensification of use.

03. Refuse & Recycling

Within 2 months of the date of this decision 4 no. euro bins for refuse & recycling and a glass pod shall be provided and thereafter retained to serve this site. The refuse bins shall be stored in the location on shown on plan C18/022.02 Rev A (or as subsequently amended in agreement 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.

03. Refuse & Recycling

Within 2 months of the date of this decision 4 no. euro bins for refuse & recycling and a 240ltr wheeled bin for glass collection shall be provided and thereafter retained to serve this site. The refuse bins shall be stored in the location on shown on plan C18/022.02 Rev A (or as subsequently amended in agreement 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 - Amenity Space Access

The existing external amenity space to the rear of the development, and pedestrian access to it, shall be made available as a communal area at all times for the use of residents of the flat units.

REASON:

To ensure the provision of adequate amenity space in association with the approved flats.

05.APPROVAL CONDITION - Hours of work for [Performance Condition]

All works relating to the conversion of the building hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

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.