

Planning and Rights of Way Panel 30th January 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

Application address: 171 Osborne Road North, Southampton SO17 2FH			
Proposed development: Erection of a two storey rear extension to facilitate conversion into 2 flats (1 x 1 bed and 1 x 2 bed) with associated bin and cycle storage (Resubmission of 17/00784/FUL).			
Application number	17/01541/FUL	Application type	Minor Dwellings
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	13.12.17 Over	Ward	Portswood
Reason for Panel Referral:	Panel referral request from Cllr O'Neil concerning additional on-street car parking pressure.	Ward Councillors	Cllr O'Neil Cllr Claisse Cllr Savage

Applicant: Mr M Yeganegy	Agent: Concept Design & Planning
Recommendation Summary	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
Community Infrastructure Levy Liable	Yes

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The design, scale, bulk and massing of the extension has already been approved under planning permission reference 17/00786/FUL. The conversion of the existing 2-bed house into 2 flats does not result in the net loss of a family dwelling (defined as 3-bed plus under policy CS16) and the net additional dwelling will assist towards meeting housing need in the City and will provide greater housing choice to meet the needs of the community. Other material considerations including impact on neighbouring amenity and on street car parking pressure 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, SDP4, SDP5, SDP7, SDP9, SDP12 and H1 of the City of Southampton Local Plan Review (2015) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (2015)

Appendix attached			
1	Development Plan Policies	2	17/00786/FUL – Approved plans
3	Parking Survey		

Recommendation in Full

1. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and to secure financial contribution towards Solent Disturbance Mitigation Project (SDMP) to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
2. That the Service Lead be given delegated powers to add, vary and /or delete relevant conditions as necessary.
3. In the event the SDMP is not resolved the service lead to be given delegated powers for failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010.

1 The site and its context

- 1.1 The application site comprises a two-storey semi-detached dwelling house with part two-storey part single-storey rear projections. The adjoining property has a two-storey flat-roofed rear extension. The property has a small gated front garden with dropped kerb access onto Osborne Road North.
- 1.2 The surrounding area is residential in character predominantly comprising two-storey dwelling houses. There are no parking restrictions within the street.

2 Proposal

- 2.1 The proposal seeks permission for the erection of a two-storey rear extension and conversion of the existing 2-bedroom property into two flats (1 x 2-bed and 1 x 1-bed). The scheme provides nil parking. Refuse storage is provided within the front garden. The rear garden is proposed to be sub-divided with fencing and planting to provide separate garden areas and cycle storage for both flats. Access into the building is taken from the side. The internal layout provides lounge areas to the front of the building and bedrooms to the rear. The first-floor second bedroom is served by a roof light.
- 2.2 The proposed two-storey rear extension has a depth of 3m and has a pitched roof form. The application form indicates the extension will have painted brickwork to match the existing building. The proposed extension itself has planning permission.

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 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 Planning application reference 17/00784/FUL for the erection of a 2-storey rear extension to facilitate conversion into 2 flats (1x 2-bed, 1x 1-bed) was refused on 31.08.2017 for the following reasons:

01. The proposal represents an un-neighbourly form of development because the first-floor kitchen/dining/lounge window within the rear elevation would lead to actual and perceived oblique overlooking and loss of privacy to the garden of no. 173 Osborne Road North. As such the proposal would be harmful to residential amenities of those neighbouring occupiers, contrary to policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

02. 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. The development would, therefore, be contrary to the provisions of Policy SDP1 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).

4.2 The current application seeks to address these reasons for refusals and the following changes are proposed:

- Revised internal layout with the rear first-floor window now serving a bedroom to remove the concerns relating to actual and perceived overlooking;
- A car parking survey has been submitted indicates the availability of 18 spaces at 9pm on the 18th October 2017.

4.3 Planning permission was granted on 31.08.2017 for the erection of a two-storey rear extension (Reference 17/00786/FUL). The physical form of the extension is as currently proposed.

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 (24/10/2017). At the time of writing the report **02 representations** have been received from Portswood Central Residents Association and from Cllr O'Neil, including a Panel referral request. The following is a summary of the points raised:

5.2 **This application is a resubmission of application 17/00784/FUL that was refused on grounds of being un-neighbourly and the potential of the additional housing to cause parking problems. The same concerns still apply and the proposal represents an overdevelopment of the site.**

5.2.1 *Officer Response – The proposal is considered to address the previous reason for refusal because a parking survey shows available on-street parking capacity at a time of high demand (9pm). Furthermore the internal layout has been revised to place the lounge areas at the front and bedrooms to the rear in order to*

prevent actual and perceived harmful overlooking of the neighbouring garden from the first-floor rear window. The amount of physical development is the same as the two-storey rear extension approved under planning permission reference 17/00786/FUL. The proposal will not have an un-neighbouring impact having regard to the approved two-storey rear extension, internal layout and the provision of a velux window to prevent overlooking to the side. The proposal is not considered to represent an overdevelopment of the site because the scheme exceeds the minimum garden size standards of 20sqm per flat as set out within policy CS16 and the Residential Design Guide SPD and less than 50% of the site is covered by hardstanding and buildings.

5.3 This proposed development would create additional pressure on an already congested area for parking. A parking survey was carried out but at a time when most people were at work and so parking was not as bad as it can be

5.3.1 Officer Response – *The submitted parking survey indicates the availability of 18 spaces at 9pm on the 18th October 2017. The parking availability is also evidenced by photos provided with the survey. The width of the carriageway within Osborne Road North only allows for vehicles to park on one side of the road and therefore the number of available spaces may be slightly less than 18. Nevertheless the parking survey shows on-street availability at a time of high demand and outside of school/university holidays. The maximum number of spaces permissible for this development is 2 spaces under the Parking Standards SPD, however these standards are maximums and less than the maximum can be provided in sustainable location providing there is existing on-street parking capacity and providing any parking overspill does not prejudice highway safety.*

5.3.2 *No objections has been raised by Highways Development Management with existing TRO controls in place at the junction with Portswood Road. The site is located within a sustainable area, in close proximity to Portswood District Centre and regular bus services on Portswood Road. An additional on-street parking space will become available if the existing dropped kerb access is re-instated to a full height kerb.*

Consultation Responses

5.4 SCC Highways – No objection subject to the following conditions.

The front hardstanding is of inadequate dimensions to accommodate a car, therefore the gates should be removed and a fence erected to prevent this from happening, and the dropped kerb along the frontage raised to a full height kerb and the footway levels re-laid to suit (works to be carried out under licence with Balfour Beatty). Details of the bin stores are required which show adequate storage for 2 x 360ltr bins and 2 x glass boxes. Details of the secure cycle storage is also required.

5.5 Southern Water – No objection subject to an informative regarding connection to the public sewerage system.

5.6 Sustainability – No comments.

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;
 - The impact of the design of the building on the character of the area;
 - The quality of the residential environment
 - The impact on the amenities of neighbouring and surrounding residents;
 - Highways safety, car parking.
 - Habitat Regulations.

Principle of Development

- 6.2 The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The proposed conversion of the existing 2-bedroom house into 2 flats would result in the net gain of 1 x 1-bed dwelling and would assist in meeting housing need in the City.
- 6.3 The existing 2-bedroom house does not fall within the definition of family dwelling under policy CS16 which defines family housing as dwellings with 3-bedrooms or more. Furthermore there is no requirement to re-incorporate a family home as part of the conversion, having regard to the requirements of policy CS16 of the Core Strategy. The provision of a 1-bed and 2-bed unit would accord with national and local planning policy which requires a wide choice of homes to meet the needs of the community. Affordable Housing is not required on developments of 10 dwellings or less, as confirmed by a ministerial statement on 28 November 2014.
- 6.4 Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of medium accessibility (PTAL 3) where net density levels of 50-100 dwellings per hectare will be sought, providing the character and appearance of the area is not compromised. The development achieves 74 dwellings per hectare which accords with policy CS5.
- 6.5 Therefore the principle of residential redevelopment is supported and no principle objection was previously raised for conversion of the property into 2 flats (Ref 17/00784/FUL).

The impact of the design of the building on the character of the area

- 6.6 Householder planning permission has been granted for the two-storey rear extension under application reference 17/00786/FUL. The proposed extension is relatively minor in scale and has a design which is in keeping with the character and appearance of the area. The 3m depth of extension will match the existing adjoining two-storey extension at 173 Osborne Road North and the proposed roof form and finishing materials will match the existing property. The extension has an eaves height to match the existing property and a lower subservient ridge height. Adequate rear garden space will be provided at the resultant building footprint to plot size ratio will remain in keeping with the spatial character of the area.

The quality of the residential environment produced for prospective residents.

- 6.7 The proposed living environment is considered acceptable with all habitable rooms receiving genuine outlook and day lighting. The revised layout provides improved stacking with lounge above lounge and bedroom above bedroom. The 2nd bedroom at first floor level is served by a velux window only to prevent sideways overlooking. The provision of a velux window to serve the bedroom is considered acceptable because there are other rooms within the first-floor flat with genuine outlook.
- 6.8 Both flats are provided with provided with acceptable private rear garden space with an area of 85sqm for Flat A and 55sqm for Flat B which exceeds the minimum requirement of 20sqm, as required under policy CS16 and the Residential Design Guide SPD. A condition is recommended to ensure low level fencing and planting is used to sub-divide the garden area to ensure the area is not corralled by 1.8m height fencing

The impact on the amenities of neighbouring and surrounding residents:

- 6.9 The proposed development will have no adverse impact on the residential amenities of neighbouring occupiers. The extension will not extend beyond the rear building line of no. 173 and 45-degree outlook has been demonstrated to the rear windows within no. 169. Furthermore the extension will not lead to unreasonable sense of enclosure or shadowing to the garden of no. 169 having regard to the building orientation (due north of no. 169), size of the neighbouring garden, limited depth of the extension, 1.5m separation distance from the boundary and existing planting along the southern boundary.
- 6.10 The first-floor kitchen windows in the side elevation can be obscured to a height of 1.7m above the finished floor level to prevent overlooking. Furthermore the 2nd bedroom in the upper floor flat is served by a velux window to prevent overlooking. The internal layout has been revised to address the previous reason for refusal concerning oblique overlooking from the rear first-floor kitchen/dining/lounge window by switching the lounge to the front at first floor level. The scheme now complies with Local Plan Review policy SDP1(i)

Highways safety and car parking

- 6.11 The scheme provides nil car parking and the maximum number of car parking spaces permissible for this development under the requirements of the Parking Standards SPD is 2 spaces. The raising of the existing dropped kerb at the front of the property will provide one additional on-street car parking space. It should be noted that the Council's parking standards are maximums and less than the maximum can be provided in sustainable locations and where it can be demonstrated that any additional on-street car parking demand will not prejudice highway safety or cause harmful on-street parking stress
- 6.12 The application is supported by a parking survey which shows the availability of 18 spaces at 9pm on the 18th October 2017. No objections has been raised by Highways Development Management with existing TRO controls in place at the junction with Portswood Road. The site is located within a sustainable area, in close proximity to Portswood District Centre and regular bus services on Portswood Road. Therefore having regard to the sustainable locality, limited size of the proposed residential units and parking evidence provided, the proposal is unlikely to cause harmful on-street parking stress and will not prejudice highway safety.
- 6.13 Bin and bike storage facilities are provided for each plot and should be secured

by condition.

Habitat Regulations

- 6.14 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 £181 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 will be secured through a S111 form or S106 agreement as part of the above recommendation.

7 Summary

- 7.1 The design, scale, bulk and massing of the extension has already been approved under planning permission reference 17/00786/FUL. The conversion of the existing 2-bed house into 2 flats does not result in the net loss of a family dwelling (defined as 3-bed plus under policy CS16) and the net additional dwelling will assist towards meeting housing need in the City and will provide greater housing choice to meet the needs of the community. Other material considerations including impact on neighbouring amenity and on street car parking pressure 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 has addressed the previous reason for refusal.

8 Conclusion

- 8.1 Taking a balanced assessment of the details discussed above, this application is recommended for approval, following SDMP resolution, for the reasons set out above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, d, g, 4f, 6a,

AG for 30/01/2018 PROW Panel

PLANNING CONDITIONS

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. 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. Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

04. Obscure Glazing (Performance Condition)

All windows in the side elevations, located at first floor level and above of the hereby approved development, other than the velux window in the side roof slope, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

05. APPROVAL CONDITION - First-floor rear bedroom (Performance Condition)

The first-floor rear bedroom, as shown on drawing C17/036.05 Rev B, shall not be occupied as a lounge/kitchen/dining area for the lifetime of the development.

REASON

To prevent harmful oblique overlooking of the neighbouring garden at 173 Osborne Road North.

06. APPROVAL CONDITION - Details of means of enclosure (Pre-Occupation)

Prior to first occupation of the flats hereby approved details of the front boundary wall and means of enclosure of the rear garden area shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure to sub-divide the garden shall comprise low level fencing and planting and shall be installed and retained as agreed.

Reason: To secure a satisfactory form of development and to ensure the garden is not subdivided by 1.8m height fencing in the interests of the character and appearance of the area.

07. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling which show adequate storage for 2 x 360ltr bins and 2 x glass boxes, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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

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

08. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

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

09. Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

10. APPROVAL CONDITION - Existing dropped kerb [Pre-Occupation Condition]

Prior to the first occupation of the flats hereby approved, the redundant dropped kerb shall be raised, the footway reinstated and the new access formed under a S171 licence issued and agreed by Balfour Beatty, the Council's Highways partners.

Reason:

In the interests of highway safety and to increase on-street parking capacity.

11. 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.