MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/16/77830

DESCRIPTION	Conversion of house of multiple occupation to 2no. 1 bedroom flats & 2no. studio flats
ADDRESS	282 Southampton Road Eastleigh SO50 5QG

SITE VISIT DATE	18 February 2016
ARE PLANS ACCURATE?	It is considered that sufficient information has been provided to allow for the assessment of the development proposed.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the conversion of the property from a 5 bedroom house in multiple-occupation to 2no. 1 bedroom flats and 2no. studio flats. The proposals also include the provision of bin and cycle storage to the rear along with 2no. parking bays, as well as elevational alterations to the building.
SITE AREA	178sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	224.7 dwellings per hectare.
TOPOGRAPHY	The site is relatively flat and level.
TREES	None affected.
BOUNDARY TREATMENT	The frontage of the site is surrounded by a low-level brick wall with hedging/conifers in behind to the eastern side. The side boundaries of the rear garden are marked by timber fencing with the rear boundary onto the service road / alleyway being open to allow for vehicular access.
SITE CHARACTERISTICS	The application property is a mid-terrace Victorian/Edwardian two storey dwelling which is currently used as a 5 bedroom house in multiple occupation (C4 use). The rear of the site is predominantly laid to hardstanding. There is a private access road which links to Cherbourg Road to the north and provides vehicular access to the dwellings within this section of Southampton Road.
CHARACTER OF LOCALITY	The surrounding area is predominantly residential in nature and is dominated by terraced two-storey dwellings. To the front of the site on the opposing side of Southampton Road is the main Southampton to London railway line with the long-stay airport car park beyond this.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
282 Southampton Road		
F/07/61271	Conversion from 5 bed house of multiple-	REFUSED – 23/11/2007

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
	occupancy to 4no. 1 bed flats with 2 parking spaces, cycle and refuse storage and rear garden.	
274 Southampton Road		
F/04/50242	Conversion of existing dwelling into 2no. two bed flats.	PERMIT – 10/08/2004
286 Southampton Road		
F/07/61268	Conversion from 6 bed multiple-occupancy house to 4no. 1 bed flats with 2 parking spaces, cycle and refuse storage with rear garden.	REFUSED – 23/11/2007
288 Southampton Road		
F/04/51351	Conversion of existing dwellings to create 2no. 2 bed flats with 2 car parking spaces at rear, following demolition of existing single storey rear extension	PERMIT – 25/11/2004
F/07/61270	Conversion of 6 bed house in multiple-occupancy to 4no. 1 bed flats with 2 parking spaces, cycles and bin storage with new rear garden.	REFUSED – 23/11/2007
F/14/74952	Conversion of existing HMO to 1no. 1 bed flat and 3no. studio flats with associated cycle / bin store, parking and amenity space.	PERMIT – 21/01/2015
290 Southampton Road		
F/06/58184	Change of use from house of multiple occupancy to 2no. 1 bed flats and 2no. studio flats.	REFUSED – 16/11/2006
F/06/58800	Change of use from house of multiple occupancy to 2no. 1 bed flats and 2no. studio flats with associated parking, cycle and bin stores.	REFUSED – 16/11/2006 (ALLOWED ON APPEAL – 30/07/2007)

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
296 Southampton Road	Objection on the following grounds: • There being no formal planning permission for the use of the property as a HMO. • Policy conflicts with policy 86.H, as it does not have amenity space, parking is in the back garden and would be insufficient for the number of units, and the sound insulation is not in place. • The application should be considered on the original purpose of the property as a 3 bedroom mid terrace house.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	• Intensification of use. • Potential for odour from the amount of waste stored within the rear garden, as well as from ventilation and flues needed for kitchens. • Insufficient parking. • Impact on the character of the area due to flats and HMOs being occupied by non-family units. • Insufficient and restricted amenity space. • Visual impact of obscure-glazed window to front elevation associated with shower room upon the character of the street scene. • The number of utility meters required changing the visual look of the property. • Conversions to HMOs resulting in the substantial loss of 3-bedroom family homes. • The property is below the minimum internal space for residential development. • Impact on amenity and privacy of neighbouring properties from habitable windows at first floor level. • Reference was made to previous refusal on the site and that nothing has changed since then. • Reference was also made to a dismissed appeal at 140 Southampton Road in January 2016.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation and Engineering	The Head of Transportation and Engineering made the following comments in relation to the application: No objection. Whilst the proposal is below standard in regard to parking, it is located within a reasonable distance of the town centre, a distance where walking and cycling is realistic to gain access to longer distance travel modes such as buses or trains. As such, the need to own a car is reduced accordingly. In addition, the site is located in a CPZ [Controlled Parking Zone] area, and as new development the future residents will not be entitled to parking permits, and so additional strain on parking availability should not be adversely affected. Whilst there is a potential for street parking outside of the CPZ hours (Monday to Friday 0800-2000), the inconvenience of this would likely discourage most. Additionally, it is noted that the existing HMO use has a higher level of beds compared to the proposed, and as such there may indeed be a reduction (realistically) in terms of potential parking need issues. A potential requirement for sustainable transport contributions was highlighted.
Head of Environmental	The Head of Environmental Health made the following comments in

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Health	relation to the application: With this type of development we would advise a careful internal layout to minimise potential noise impacts to future occupiers, for example not locating living spaces above/below bedrooms. I note that the one bedroom flats seem to show a layout with the upper flat having a bedroom above a living room. We would advise altering this layout so the bedroom is located above a bedroom instead of a living room. Conditions were also recommended for amenity protection reasons in relation to hours of work and to restrict on site burning during construction.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), saved policies 28.ES, 59.BE, 85.H.
Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising: Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014. Policies DM1 (General Criteria for New Development), DM24 (Parking), DM25 (Residential Development in Urban Areas), DM29 (Internal Space Standards).
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Residential Parking Standards

CHARACTER APPRAISAL AREA

Eastleigh Character Area:

The site falls within the area *ELAC15.* The Council's adopted character appraisal sets out the following guidance principles for new development in this area:

- Maintain the predominant shallow building setbacks and continuous building frontage in order to retain the sense of enclosure provided by existing development.
- Minimise the requirement for on-street parking in new development.
- Maintain the predominant brick wall plot boundaries.
- Ensure that the materials in new development are similar or complementary to those prominent in existing development.

SPECIAL POLICY AREA

The site does not fall within a designated special policy area.

NATIONAL PLANNING POLICY GUIDANCE

In respect of this application, the following sections or paragraphs of the NPPF are considered to be of particular relevance:

- Paragraph 6 states that "the purpose of the planning system is to contribute to the achievement of sustainable development".
- Paragraph 14 sets out that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking". The Framework sets out that for decision-taking this means "approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted."
- Paragraph 17 details the 12 core planning principles that should underpin decision-taking, these include that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- Paragraph 32 states that decisions should take account of whether "safe and suitable access to the site can be achieved for all people" and Paragraph 35 states that developments should be located and designed where practical to "give priority to pedestrian and cycle movements, and have access to high quality public transport facilities."
- Paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development".
- Paragraph 56 states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to the principle of the development proposed, its layout and design, parking, and the impact of the proposals upon neighbouring amenity and the character of the area.

COMMENT ON CONSULTATION RESPONSES

The comments received are noted with the matters raised being covered in the below assessment of the proposals.

COMMENT ON REPRESENTATIONS RECEIVED

The majority of the issues raised are considered in the below assessment of the proposals. With regards to the matter of the use of the premises as a HMO, as of April 2010, permission was not required to change from C3 to a C4 use.

PLANNING OBLIGATION/CONSIDERATIONS

Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy

as set out in the Ministerial Statement of 28 November 2014, and the subsequent changes to the National Planning Practice Guidance, the threshold for which affordable housing and tariff based contributions can be sought has been increased. This means that developments of 10 units or less (and which have a maximum combined floor space of no more than 1000sqm) will be exempt from the need to provide tariff based planning obligations or affordable housing. As such and in light of this, the planning obligations towards community infrastructure, sustainable transport, and public open space (standard charge, wildlife sites and local green space) originally requested are deemed to no longer be required. There are no other planning obligations requirements associated with this application.

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Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Development Plan Policies:

Eastleigh Borough Local Plan Review (2001-2011):

Saved Policy 28.ES requires that provision should be made in the design and layout of housing developments for the storage and collection of domestic waste and recyclable materials and that these must be sited in locations that would not give rise to disturbance to the occupiers of residential property.

Saved Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting both in relation to themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Saved Policy 85.H states that planning permission will be granted for the conversion of detached, semi-detached and end of terrace dwellings to units of smaller accommodation, provided the property to be converted is over 100sqm in gross floor area. It states that planning permission will not be granted for the conversion of mid-terrace properties or those of less than 100sqm in gross floor area. A number of criteria are set out that proposals should adhere to which include: providing an appropriate level of amenity space; car parking areas being visually unobtrusive and at least 3m from the nearest point of any dwelling; the proposed intensity of use of gardens should be carefully considered, to avoid adverse effects on neighbours; any external features should be sympathetically designed; the cumulative impact of the proposal with other similar proposals must not adversely affect the character of the area or have unacceptable environmental, amenity or traffic implications or result in the significant loss of houses for family accommodation; and car parking should be provided in accordance with the relevant standards.

MATERIAL CONSIDERATIONS

Principle:

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The application site lies within the urban edge where the basic principle of development is considered to be acceptable, with any planning approval being based upon the exact nature, design and impact of that proposed being considered to be appropriate and in accordance with the relevant development plan policies and associated guidance.

In this regard, Saved Policy 85.H is of particular relevance to this application. As noted above this policy states that the conversion of mid-terrace dwellings to flats will not be permitted. As the application property is a mid-terrace dwelling, in basic principle terms, it conversion to flats is therefore not acceptable and planning permission should be refused unless material considerations indicate otherwise.

In this respect, regard must be had to the planning history of nearby neighbouring properties, and principally Nos. 288 and 290 which lie three dwellings to the south of the application site. In terms of No. 290, planning approval was granted by way of appeal in 2007 for the conversion of the premises from a HMO to form 4no. one bedroom flats. Permission was later granted for No. 288 to be converted from a HMO to 1no. 1 bed flat and 3no. studio flats in 2015. These were for very similar schemes to that proposed at No. 288 and are therefore notable material considerations in the determination of this application. In both cases, the view was taken that despite the schemes not meeting the requirements of Saved Policy 85.H, they were nonetheless considered to be acceptable and would not result in any adverse harm to neighbouring properties, occupiers of the development itself, or the character of the surrounding area.

The Planning Inspector's decision at No. 140 Southampton Road is also referenced by the occupier of No. 296 in their letter of representation. This scheme, unlike that at No. 288 which is the subject of this application, included extensions to the building associated with its conversion. The property also lay adjacent and in close proximity to a block of flats which is 4 storeys in height in this position. The appeal was dismissed on the grounds of the impact of the proposed extensions on neighbouring amenity, as well as the compromised outlook and light that would be afforded to the windows of the ground floor bedrooms within the development given the close proximity to the adjacent and substantial block of flats. Whilst this decision is therefore noted, it is not deemed that the particulars of the development proposed or the context of the site are directly comparable to the current application at No. 288.

Layout and design:

It is proposed to provide a total of four flats in the form of one one-bed unit and one studio flat on each floor of the building. All of these units will utilise the current front door to the property as their main entrance, with a communal access being provided to the rear of the site where a small amenity area, bin and cycle store, and two off-road parking spaces would be provided. Externally there will be little change to the appearance of the building with only minor alterations being proposed to the fenestration at the rear of the premises.

Impact on the character of the area:

Given that there are minimal external changes proposed to the building, there will be no adverse impact upon the street scene with the property largely continuing to appear as existing.

With regards to the impact of the proposals upon the character of the surrounding area, concerns have been raised that this will result in the loss of another family dwelling in the locality. The property is, however, currently used as a HMO which means that it has already been lost as a

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family unit. It is acknowledged that a reasonable number of terraced houses in Eastleigh have been converted into HMOs and flats. These units do provide for lower-cost housing for those who need it but there is nothing to suggest that this is having an unacceptably detrimental impact upon the nature of the wider area, with the vast majority of housing still being utilised for 'family' purposes. It would therefore be difficult to argue that this specific proposal would have such a detrimental impact as to warrant the refusal of the application, particularly in light of the property currently being used as a HMO.

Residential amenity:

In this respect, consideration must be given to both the level of amenity that would be afforded to the occupiers of the proposed development, as well as the impact that this development would have upon the amenity of the occupiers of neighbouring properties.

In terms of the latter first of all, it is not considered that the proposed conversion would unacceptably compromise the amenity of neighbouring residents. If existing party walls with the adjoining terraces are not currently sufficiently sound proofed, additional mitigation could be installed in this regard, and this matter would be covered by Part E of the Building Regulations outside of the planning process. Whilst acknowledging that the proposals do include side facing windows serving habitable rooms, it is considered that the material impact of this will not be substantively different to the existing arrangement given that the building is currently a HMO and as such these rooms are already utilized for such purposes.

In terms of the amenity afforded to the future occupiers of the development, whilst privacy will not be unduly compromised and light and outlook will be afforded to habitable rooms, the proposals fall notably short in respect of the level of external amenity space to be provided, with the Council's adopted Quality Places SPD requiring the provision of 25sqm per unit in this regard. The individual flats are also somewhat modest in terms of their internal floor space. The scheme is however very similar in these respects to those approved at Nos. 288 and 290 and given the proximity of No. 282 to these properties and that the developments were approved under the same local plan polices against which the current application is assessed, it is considered that it would be difficult to justify a refusal on these grounds. In respect of the issue raised by the Council's Head of Environmental Health concerning the living space for the upper floor front flat being above that of the corresponding ground floor unit, whilst these concerns are noted, it is not considered that this arrangement would result in such material harm to the amenity of residents as to justify the refusal of the application. The conditions recommended for amenity protection reasons (hours of work and on-site burning) will be imposed accordingly.

Bin and cycle storage:

Saved Policy 28.ES requires that provision should be made in the design and layout of housing developments for the storage and collection of domestic waste and recyclable materials and that these must be sited in locations that would not give rise to disturbance to the occupiers of residential property. In addition, Saved Policy 59.BE (vi.) states that provision should be made for the secure storage of bicycles. The submitted layout shows acceptable provision to be located to the rear of the building and a condition will be imposed to ensure that this is provided prior to the occupation of the development.

Highway matters:

The application proposes the provision of two car parking spaces to the rear of the site which will

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be accessed via the service road which links to Cherbourg Road to the north. This parking provision is under the minimum requirements of the Council's Residential Parking Standards SPD which would usually require a minimum of four spaces. However, given the sustainable location of the site in relatively close proximity to the town centre and the facilities and transport links which it provides, the Head of Transportation and Engineering has raised no objections in this regard.

An objection has been raised by the occupier of No. 296 Southampton Road on the grounds that the proposed conversion will add to existing parking pressures in the local area. However, as the site is located within a controlled parking zone (CPZ), the future residents would not be entitled to parking permits. As such, whilst there could be potential for on-road parking outside of the hours of the CPZ, it is not considered that the proposals would place unacceptable additional strain on parking availability.

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made to the submitted Eastleigh Borough Local plan 2011-2029 July 2014. However, very little weight can be given to these policies as, although the Submission Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

In conclusion, whilst the proposed scheme is lacking in a number of areas and cannot meet certain amenity space and parking requirements, it is not considered that any of these concerns either individually or cumulatively are sufficient such as to justify the refusal of the application in light of the previous approvals allowed at Nos. 290 and more recently at No. 288 which are situated just a few doors further along the road. This being the case, it is considered that there is no unacceptable conflict with the requirements of the relevant local plan policies and associated supplementary planning guidance and it is therefore recommended that planning permission be granted subject to conditions.