

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 15th October 2013
Planning Application Report of the Planning and Development Manager

Application address: 33 Selborne Avenue			
Proposed development: Change of use from a residential institution (Class C2) to 11 flats (5 x one bedroom and 6 x two bedroom)			
Application number	13/00838/R3CFL	Application type	R3CFL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	20.08.13	Ward	Harefield
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Fitzhenry Cllr Daunt Cllr Smith

Applicant: Southampton City Council - Mr Stephen Ransley

Agent: Capita Symonds

Recommendation Summary

Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report

Community Infrastructure Levy Liable

Yes, with scheme eligible for affordable housing relief.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 15.10.13 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of neighbouring occupiers. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, planning permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, HE1, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) Policies CS3, CS4, CS5, CS13, CS14, CS16, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the Head of Property and Procurement Services providing a written undertaking for the provision within the contract of sale that the purchaser of the land enter into a Legal Agreement prior to the completion of the sale of the land requiring:

i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

ii. A clause to restrict the occupancy of the development to temporary accommodation for the homeless and not to be sold/leased/rented on the private market in lieu of affordable housing requirements in accordance with adopted LDF Core Strategy Policy CS15;

iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer and;

2. That the Planning and Development Manager be given delegated authority to add to, delete or vary planning conditions and relevant parts of the Section 106 agreement.

3. In the event that the undertaking is not provided within two months of the panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. Background

1.1 The application is submitted under Regulation 3 of the Town and Country Planning General Regulations which relates to proposals made by the Local Authority. It is general practice that following the proper assessment of the planning merits of the proposal, that Regulation 3 applications should be either approved if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

2. The site and its context

2.1 The site comprises a two-storey pitched roof building which is a residential institution in planning terms (Use Class C2) and was previously used as a children's home. To the rear of the site is an open space area which contains a number of mature trees. The surrounding area is residential and has a suburban character which is comprised of terraced and semi-detached, two-storey dwellings.

3. Proposal

- 3.1 The application seeks to convert the building into 11 self-contained flats which would provide temporary accommodation for those who find themselves without accommodation. The physical works to the building would be mainly internal with the exception of some slight changes to the fenestration. The existing car parking area to the front of the building, would be retained and this can accommodate 10 vehicles.

4. Relevant Planning Policy

- 4.1 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**.
- 4.2 The site is not allocated for a particular use or development within the Development Plan but lies within an area of high accessibility for public transport (Public Transport Accessibility Level 6). Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 4.3 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.

5. Relevant Planning History

- 5.1 The site was originally developed as a children' home in the early 1970s but there have been no relevant applications since this time

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (05.07.13) and erecting a site notice (05.07.13). At the time of writing the report **1** representation has been received from surrounding residents. The following is a summary of the points raised:

6.2 Prospective residents could result in noise and anti-social behaviour

6.3 Response

There is no reason to believe that the occupants will generate noise and anti-social behaviour and such issues can be addressed through Environmental Health legislation. A condition is suggested to secure details of the day-to-day management of the site.

6.4 ***Concern that the proposal will exacerbate existing on-street car parking pressures***

6.5 Response

The Council's Parking Standard Supplementary Planning Document permits a maximum of 17 car parking spaces to serve the development. The provision of 10 spaces accords with this standard, although car ownership amongst the intended occupants is likely to be low.

Consultation Responses

6.6 **SCC Highways** - No objection. Suggests conditions to secure storage for refusal and cycles.

6.7 **SCC Housing** – This is an SCC temporarily homeless scheme for families, who because of their financial and general circumstances are unable to access other forms of housing, and who will spend up to 12 months in the scheme before moving on into other forms of housing, such as council housing. The scheme is intended to remain available for the longer term. The proposal is considered to meet the definition of Affordable Housing and as such, no further Affordable Housing provision is required as part of this application.

6.8 **SCC Sustainability Team** – No objection. Suggests a condition to secure energy saving measures within the development

6.9 **SCC Environmental Health (Contaminated Land)** - No objection. Recommend a contaminated land assessment be carried out.

6.10 **SCC Ecology** – No objection. If vegetation has to be removed to facilitate the conversion works, it should either be undertaken outside the bird breeding season, which runs from March to August inclusive, or following an inspection by a suitably qualified ecologist. Any vegetation removed should be replaced within the site to maintain foraging habitat and ecological connectivity with the adjacent open space.

6.11 **Southern Water** – No objection. Suggest an informative be placed on the decision notice to make the applicant aware of the requirement to apply to connect to the public sewerage system.

7. Planning Consideration Key Issues

7.1 The key issues for consideration in the determination of this planning application are:

- i. The principle of development;
- ii. The impact of the proposal in terms of character and residential amenity;
- iii. The quality of the residential environment proposed;
- iv. Parking and highways and;
- v. Mitigation of direct local impacts and Affordable Housing.

7.2 Principle of Development

7.2.1 Saved Local Plan policies H1 and H5 support the creation of residential accommodation through the conversion of existing buildings. The proposed use would meet an identified housing need in the city and is therefore supported in principle. Although the application does not incorporate any family housing units,

this is considered to be justifiable in light of the specialist nature of the accommodation proposed. The residential density at 113 dwellings per hectare is in excess of the density range of 35-50 dwellings per hectare as set out in policy CS5 of the Core Strategy however, as detailed below, this is not considered to be harmful in terms of character and amenity whilst making full use of the existing building.

7.3 Impact on Character and Residential Amenity

7.3.1 The external changes proposed would have a negligible impact on the appearance of the existing building and so would not have a significant impact on character or amenity. The introduction of flats would be sympathetic to this otherwise residential area.

7.4 Quality of the Residential Environment

7.4.1 An area of 122 sq.m is available to the rear of the site for amenity space purposes and this equates to 11sq.m per unit. This is less than the 20 sq.m standard set out in the Residential Design Guide Supplementary Planning Document however, the site is immediately adjacent to an area of public open space and having regard to the temporary nature of the accommodation proposed, this is considered to be acceptable. There is sufficient space on site to accommodate cycle and refuse storage and a condition is suggested to secure this. Overall, the proposal is considered to offer a good residential environment for prospective tenants.

7.5 Parking and Highways

7.5.1 The development would make use of the existing vehicular access into the site and the existing car parking area to the front of the building. As such, the highways team is satisfied that the proposal would be acceptable in highway safety terms. The level of car parking accords with the adopted maximum car parking standards and is considered acceptable for the type of accommodation proposed.

7.6 Section 106 and Affordable Housing

7.6.1 The development triggers the need for a legal agreement to secure appropriate off-site contributions to mitigate the specific highway impacts of the proposal. The type of accommodation is considered to fall within the definition of affordable housing and a clause will therefore be included within the agreement to restrict the site from being used as general needs flats.

8. Summary

8.1 The proposal would make good use of the existing building to provide flats which will meet a specialist housing need and the scheme is development plan compliant.

9. Conclusion

9.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. 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) (vv) 6. (a) (c) (f) (i) 7 (a)

JT for 15/10/13 PROW Panel

PLANNING CONDITIONS

01. 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).

02. APPROVAL CONDITION - Materials to match [Performance Condition]

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

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 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.

04. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include

all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
historical and current sources of land contamination
results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.
Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

05. 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).

06. APPROVAL CONDITION - Cycle Storage [pre-occupation condition]

Prior to the use hereby approved commencing, secure and undercover storage for cycles shall be implemented in accordance with a scheme that has been submitted to and approved by the Local Planning Authority in writing. The storage shall thereafter be retained for that purpose.

Reason:

To encourage cycling as a sustainable transport alternative to the private car.

07. APPROVAL CONDITION - Refuse Storage [pre-occupation condition]

Prior to the use hereby approved commencing, secure and undercover storage for refuse and recycling containers shall be implemented in accordance with a scheme that has been submitted to and approved by the Local Planning Authority in writing. The storage shall thereafter be retained for that purpose.

Reason:

To secure an acceptable residential environment and in the interests of the visual amenity of the area.

08. APPROVAL CONDITION - Management of accommodation [pre-commencement condition]

Prior to the first occupation of the residential part of the development hereby approved, a detailed Management Plan to deal with the day-to-day running of the residential units shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the residential part of the development hereby approved. The agreed details shall apply during the lifetime of the development.

Reason:

In the interests of reducing issues of noise and anti-social behaviour

09. 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.

Note to Applicant

1. A formal application for a connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H4	Houses in Multiple Occupation
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

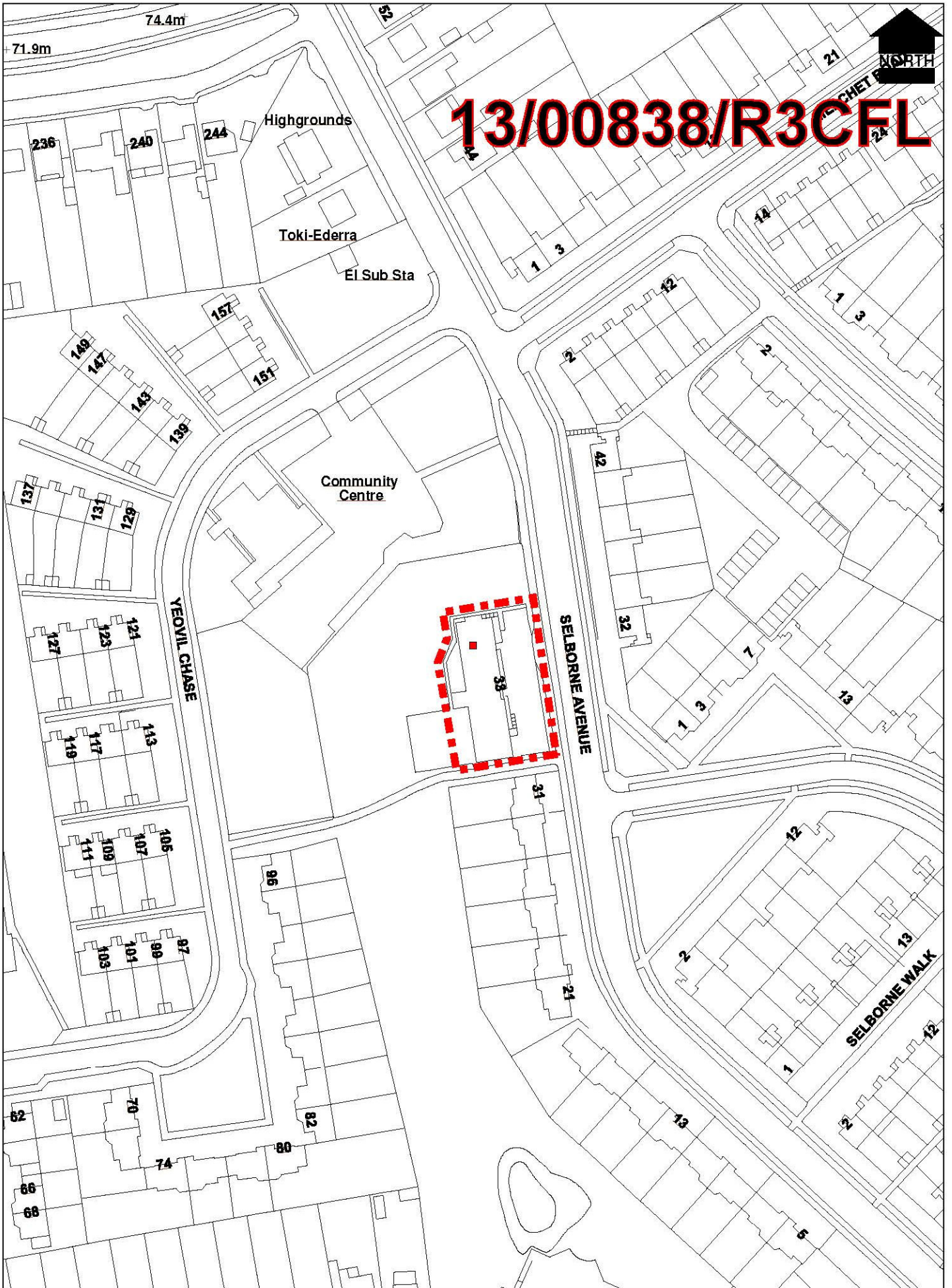
Planning Obligations Adopted 1st September 2013

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

Southampton Community Infrastructure Levy Charging Schedule September 2013



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Scale : 1:1250

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