

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 19th November 2013
 Planning Application Report of the Planning and Development Manager**

Application address: 52-54 Seagarth Lane			
Proposed development: Internal and external alterations to facilitate conversion of building from a children's home to 8 x 2-bedroom flats, with associated parking and bin/cycle storage.			
Application number	13/01462/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	07.11.13	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides

Applicant: GRH Construction	Agent: Colin Fulton Architect
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 19.11.13 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 the neighbouring properties. The level of parking is in accordance with the Council's adopted parking standards. 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. 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).

“Saved” Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, HE6, 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 CS4, CS5, CS6, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within National Planning Policy Framework (March 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 completion of a S.106 Legal Agreement to secure

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 SPD relating to Planning Obligations (September 2013);

ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).

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.

iv. The submission of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013)

In the event that the legal agreement is not completed two months after Planning and Rights of Way Panel, 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.

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

1. The site and its context

1.1 The application site comprises an attractive red-brick property which lies adjacent to Hollybrook Infant School and dates from the early 1930s. The building makes a positive contribution to the character and appearance of the area and is currently vacant but previously provided a facility for social services before being disposed of by the Council. There is currently vehicular access to the north side of the building into a rear car parking area.

- 1.2 The curtilage of Hollybrook Infant and Junior School abuts the rear site boundary. The surrounding area is otherwise residential and typically comprises two-storey, terraced properties.

2. Proposal

- 2.1 The application seeks full planning permission to convert the existing building into 8 flats which would all be two-bedroom size. The application proposes minimal external alterations which include replacement of windows, the demolition of a curtilage store and the re-configuration of the rear car parking area to incorporate more car parking and soft landscaping.
- 2.2 A further vehicular access point would be provided to the south side of the building, to enable a one way system through the car park. In total, 8 car parking spaces would be provided. A purpose built refuse store would be provided to the front of the site and a secure and undercover cycle store would be provided to the rear of the building.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site is not allocated for a particular use within the Development Plan but lies within an area of Low Accessibility to public transport.
- 3.3 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.

4. Relevant Planning History

- 4.1 In 2001, planning permission was granted for the use of the building for a social services support unit (reference 01/00172/R3CFL). This application approved 5 car parking spaces to the rear of the site. There have been no other recent or relevant applications relating to this site.

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 (20.09.13). At the time of writing the report **13** representations have been received from surrounding residents (including from Ward Cllrs B Harris and Hannides). The following is a summary of the points raised:
- 5.2 ***The proposed flats are not served by sufficient car parking and the area is not well-served by public transport. The development would therefore lead***

to overspill car parking onto Seagarth Lane and exacerbate existing parking issues to the detriment of the amenities of existing residents within the street.

Response

The application proposes 8 car parking spaces which would provide one for each flat and accords with the maximum number of spaces permitted by the Parking Standards Supplementary Planning Document. The maximum number of spaces that could be provided for a development of this size is 16 spaces, however, there is insufficient space on site to provide anymore spaces than the 8 already shown without compromising the quality of the development and decreasing the on-site external amenity space.

5.3 ***The development will overlook Hollybrook Infant School and lead to a loss of privacy for the school.***

Response

The existing building on site does already include various windows at first floor level which face onto the boundary with Hollybrook School. The application proposes no additional windows within the building and since the proposal involves the re-use of the existing building, which is welcome, some degree of overlooking cannot be avoided. There are no planning policy requirements to avoid new development from looking onto school grounds. Furthermore, the building has a similar relationship with the Hollybrook School than other properties within the vicinity of the site.

5.4 ***The new access next to the entrance to the school would create a highway safety issue.***

Response

The proposal would provide a one-way system for traffic using the rear car parking area, which involves the creation of a new vehicular entrance into the site adjacent to the entrance to Hollybrook School. The existing vehicular access into the site is narrow and does not allow two vehicles to pass one another within it. The provision of a one-way route through the site would avoid vehicles entering the site from needing to wait on the public footway or highway, while vehicles exit the site. A planning condition is suggested to restrict the new access to being an entrance only and would ensure drivers would have adequate visibility of pedestrians approaching the school entrance. Overall, the proposal represents a betterment in highway safety terms.

5.5 ***The development will lead to a loss of privacy to the neighbouring residential properties***

Response

The application proposes no additional windows to the building to which currently exists. The layout of the flats are designed to either take outlook from over the street or over the car parking area to the rear of the site. As such, the private spaces and windows of the neighbouring residential properties would not be adversely affected by the proposal.

5.6 ***The proposal will result in the loss of trees from the site which are an important part of the character of the street.***

Response

The trees on site are not subject to a Tree Preservation Order and so there is no objection to their removal, subject to replacements being provided on site at a ratio of two for each one removed. A condition is suggested to secure this.

Overall, the development would increase the amount of soft landscaping which currently exists and so the proposal is considered to be acceptable in this respect.

- 5.7 ***The bin storage at the front of the property would block visibility of pedestrians, lead to refuse spilling onto the highway and appear out of character.***

Response

The application proposes a purpose built refuse store which is of a sufficient size to serve the development. As such, there is no reason to assume that refuse would spill onto the public highway. A condition is suggested to seek revised details of the location of the refuse store, away from the vehicular accesses into the site. This would ensure that visibility is not compromised. The external appearance of the store will also be secured by condition to ensure that it is acceptable in terms of its appearance.

- 5.8 ***The proposal represents an over-intensive use of the site.***

Response

The application proposes a residential density of 93 dwellings per hectare which is higher than suggested density range of 35-50 d.p.h set out in policy CS4 of the Core Strategy. However, the policy caveats this by setting out that density needs to be considered in the round taking into account other factors including, character, open space and making efficient use of the previously developed land. The proposed residential density is higher due to the building not benefitting from a meaningful area of curtilage. The units themselves are a generous size (between 47 and 52 square metres in floor area). Overall, it is considered that the proposal has been designed to provide the maximum possible levels of parking, soft landscaping, whilst providing a good residential environment for prospective occupiers and the scheme is not, therefore, symptomatic of overdevelopment.

Consultation Responses

- 5.9 **SCC Highways** - No objection. Conditions are suggested to secure the details of the new vehicular cross-over into the site and to secure details of construction management.
- 5.10 **SCC Housing** – No objection. The development triggers the need for 2 affordable housing units and in this case, a financial contribution towards the provision affordable housing units off-site is considered to be acceptable.
- 5.11 **SCC Sustainability Team** – No objection subject to a condition to secure the required sustainability measures.
- 5.12 **SCC Environmental Health** - No objection subject to conditions to control construction management.
- 5.13 **Southern Water** – No objection. Suggests a condition to secure details of measures to protect the public sewer during construction and a note to applicant advising of the requirements to connect to the public sewerage system.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development;

- ii. The design of the proposal and impact on the character of the area;
- iii. The impact on the amenities of neighbours of the site;
- iv. The quality of the residential environment proposed;
- v. Parking and highways and;
- vi. CIL and S106 mitigation.

6.2 Principle of Development

6.2.1 The saved policies of the Local Plan Review encourage the conversion of vacant, commercial buildings to residential use within residential locations, such as the application site. The retention and conversion of the existing building is welcome both in terms of sustainability benefits and since the existing property is an attractive character property within the street scene. Whilst the proposed level of density at 93 dwellings per hectare is higher than is typically characteristic in areas of Low Accessibility, this needs to be balanced against making good use of an existing building to provide housing, and the retention and re-use of the existing building. The residential density proposed is largely dictated by the nature of the existing building and the manner in which it can be suitably converted. The conversion of the building into fewer, albeit larger, flats is not considered to be an acceptable solution, since the limited external space and opportunities for car parking would make the site unsuitable for larger, family units. As such, the principle of development is considered to be acceptable.

6.3. Design and Impact on the Character of the Area

6.3.1 As stated above, the application proposes limited external changes to the property and the site. The retention and re-use of the existing building would have a positive impact on the character of the area and the application proposes to enhance the existing soft-landscaping on site. Subject to a condition to ensure that the replacement windows are sympathetic to the appearance of the building, the proposal is, therefore, considered to be acceptable in this respect.

6.4 Impact on Residential Amenity

6.4.1 The absence of significant physical alterations or extensions to the building reduces the impact that the proposal would have on residential amenity. Habitable room windows are positioned to overlook either the street or the rear car parking area and as such would not impact upon privacy of occupiers of neighbouring residential properties.

6.5 Quality of the Residential Environment

6.5.1 The amount of amenity space proposed is less than the amount required by the Residential Design Guide, however ground floor flats would have direct access to small areas of amenity space immediately adjacent to the building. Furthermore, the site is less than 500 metres from The Common and Sports Centre which affords a good quality open space and recreation area. The proposed landscaping provides suitable defensible space between ground floor habitable room windows and access and circulation areas. Outlook from habitable room windows would also be good. The occupiers of the development would have safe and convenient access to secure parking and refuse storage. On balance, it is considered that the provision of 1 for 1 car parking in an area of on-street car parking pressure is preferable to providing a private, communal amenity space area to the rear of the site.

6.6 Parking and Highways

6.6.1 The level of parking proposed does accord with the Council's adopted maximum car parking standards and the provision of 1 space per flat is considered to be acceptable. The adopted Development Plan policies confirm that car parking is a key determinant in the choice of the mode of travel and therefore the provision of 8 off-road car parking spaces would comply with current planning guidance in the form of the National Planning Policy Framework, which emphasises the need to reduce car dependence. The provision of secure and convenient cycle storage would promote cycling as an alternative to the private car. The level of car parking proposed to serve the development is therefore considered to be acceptable. As stated in paragraph 5.4 above, the proposed access arrangements are considered to be a betterment in highway safety terms and as such, the Council's Highway Team have raised no objection to the proposal and the proposal is considered to be acceptable in this respect.

6.7 CIL and Section 106 Mitigation

6.7.1 Since the existing building is currently vacant, the development would be liable for the Community Infrastructure Levy. The development would also trigger the need for a section 106 agreement to secure site specific highway mitigation and affordable housing.

7. Summary

7.1 The proposed conversion makes good use of the existing building and since the site has limited external space its use for a flatted development is considered to be the best solution. Having regard to the positive appearance of the existing building, a conversion solution, albeit of a high residential density, is deemed more appropriate than a redevelopment. Overall, the fact the scheme does not meet the suggested amenity standards is considered to be outweighed by the benefits the scheme offers in making a good use of the site. There are no planning grounds that outweigh the re-use of this existing building. The proposal is considered to represent the best option for the re-use of the site and the recommendation is therefore to approve.

8. Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report and the completion of the section 106 legal agreement, 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) (g) 6 (a) (c) (f) (i) 7 (a) 8 (a)]

JT for 19/11/13 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. The existing wall-mounted pub sign and the iron-work to the gables shall be retained unless otherwise agreed in writing by the Local Planning Authority.

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 - Refuse & Recycling Bin Storage – Details to be submitted [pre-commencement condition]

Notwithstanding the information already submitted, details of revised siting of the refuse storage, towards the centre of the frontage, together with the elevations of the storage of refuse and recycling and the management of the storage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

In the interests of the visual appearance of the building and the area in general.

04. APPROVAL CONDITION - Cycle Storage [performance condition]

Cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The cycle storage shall be thereafter retained.

Reason:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

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

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and

approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels, means of enclosure to include a 600mm high front boundary wall to the Seagarth Lane frontage and any hard surfacing materials and external lighting;
- ii. planting plans including defensible planting adjacent to ground floor habitable room windows, and means of demarcating pedestrian access from the car park to the rear of the site; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise); and
- iv. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision. The means of enclosure shall be thereafter retained as approved.

Reason:

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

06. APPROVAL CONDITION – Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both points of access to the site and the 8 parking spaces for the development shall be provided in accordance with plans hereby approved. The southernmost access (adjacent to the entrance to Hollybrook School) shall be used as an entrance only to the car park with the northernmost access (adjacent to 56 Seagarth Lane) used as an exit only from the car park. The parking and access shall be retained for that purpose and not used for any commercial activity.

Reason

To ensure a satisfactory form of development

07. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions [as required in core strategy policy CS20] 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).

08. 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.

09. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

10. APPROVAL CONDITION – Public Sewer Protection Measures [pre-commencement]

Prior to the commencement of development hereby approved, details of measures to protect the public sewers and water apparatus during the commencement of the development shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the approved details.

Reason:

To secure a satisfactory form of development.

11. APPROVAL CONDITION - Amenity Space Access [performance condition]

The amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

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

12. 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. Note to applicant - Southern Water

A formal application for connection to the public sewerage system and a formal application to connect to the water supply in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH.

2. Note to Applicant - Community Infrastructure Liability (Approval)

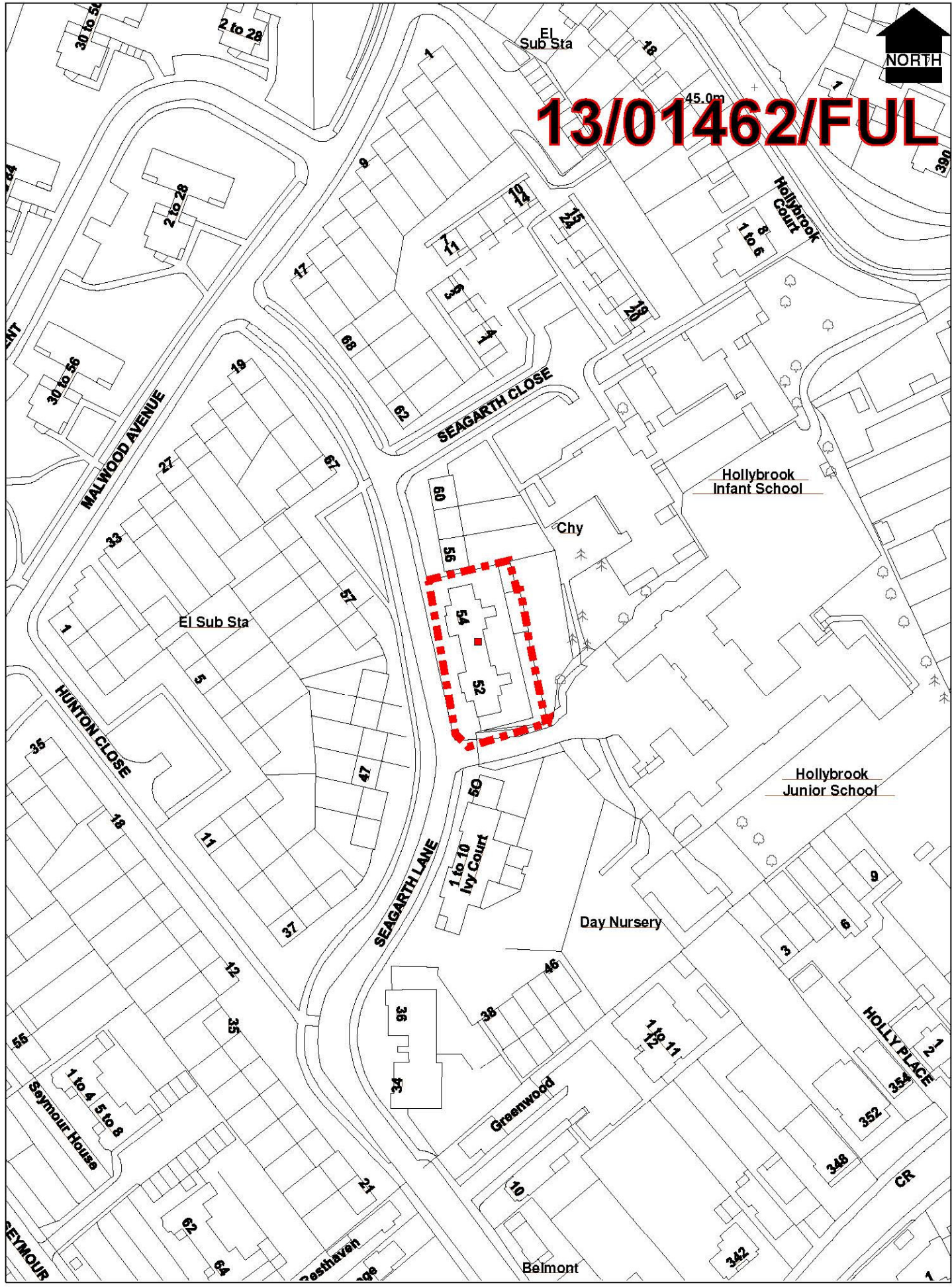
You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

3. Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.



13/01462/FUL



Scale : 1:1250

Date 06 November 2013

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POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)