

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 17/12/2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 1-4 Avington Court			
<b>Proposed development:</b> Erection of a two-storey front extension, replacement of gable roof to hipped roof and alterations to fenestration to facilitate conversion of existing 4 x 1-bed flats into 4 x 2-bed flats with associated cycle/refuse storage.			
<b>Application number</b>	13/01630/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	09.12.2013	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Hannides Cllr Harris Cllr Harris

<b>Applicant:</b> H&H Developments	<b>Agent:</b> Sfd Ltd
------------------------------------	-----------------------

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
---	-----------------------

**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>	
1	Development Plan Policies

## **Recommendation in Full**

### **Conditionally approve**

#### **1.0 The site and its context**

- 1.1 The application is located in Avington Court which is accessed from Winchester Road. The property forms part of a comprehensive development comprised of 42 dwelling units. The dwelling units are arranged into four separate blocks of varying size and shape. The single block that contains numbers one to four is located at the north east tip of Avington Court and contains four x one bed flats at present.
- 1.2 Currently the building is not occupied as it is not fit for habitation. One to four Avington Court has been separated from the rest of the court and is now owned independently. The building benefits from a setting within the Court as originally provided however land surrounding the building that forms part of the application site is limited to the northern and eastern elevations. The area of the site to the east is constrained by trees and to the front (north) access is achieved from the public highway.
- 1.3 Dedicated parking areas have been designed into the original layout of the Court and vehicles are also able to park on public highway.

#### **2.0 Proposal**

- 2.1 The applicant has sought planning permission to enable the property to be extended to the north so that the building can accommodate four x two bedroom flats. The front elevation will be improved; as will the pedestrian access and the quality of the accommodation provided.

#### **3.0 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 National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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.

#### **4.0 Relevant Planning History**

- 4.1 2775/1528/M37 (RD) - The erection of 42 old persons dwellings on the sites of 463/465 Winchester Road. Conditionally Approved 31st January 1978.

#### **5.0 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 (22.10.2013). At the time of writing the report **11** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.1.1 ***Occupancy of the comprehensive development was restricted to elderly persons; the proposal includes no such age restriction. Occupancy by other than retired persons would clash with the lifestyles of the current occupiers of Avington Court. Occupation by non elderly persons would be contrary to policy CS16: The Council will provide 'improvement of, and increase in, the provision of homes for senior citizens and disabled people'.***
- 5.1.2 Comment: The previously approved scheme [2775/1528/M37 (RD)] did not restrict the occupancy of the residential units by means of a planning condition and the description of development (which does specify an age for the occupants) is not an adequately robust planning control to restrict occupancy to elderly persons. As such, from a purely planning perspective there is no reason why any of the units that were granted permission in 1978 could not be occupied by persons who are not senior citizens. Accordingly as the application is for an extension to the building the age of the occupants is not a material planning consideration.
- 5.1.3 It is therefore for the applicant to determine whether or not there are any legal agreements/covenants that encompass the site and restrict occupancy of the units to specific age groups. If there is a legal agreement/covenant which the applicant chooses to amend they will need to make the appropriate arrangements themselves.
- 5.1.4 The Council must assess whether or not the conversion alone will lead to disturbance and nuisance, sufficient to substantiate a refusal. The Council must determine applications with reasonable behaviour by occupants in mind rather than the worst case scenario. Furthermore there are more suitable alternative statutory powers other than the planning system that can be used to control noise and anti-social behaviour.
- 5.1.5 Policy CS16 seeks to improve and increase the provision of homes for senior citizens within Southampton and as the proposed scheme will be capable of being occupied by senior citizens the proposal is not judged to be contrary to the policy. It is also noteworthy that policy CS16 promotes a range of housing to encourage 'mixed communities'.
- 5.2 ***Increased parking pressure, decreased highways safety & reduced ease of access for medical staff and carers.***

5.2.1 Comment: The Council currently have maximum parking standards. The move towards encouraging alternative modes of transport and less reliance on private motor vehicles in areas where alternative means of transport and other services are available is enshrined by both local and national policies. Having considered both parking pressure issues and highways safety implications the Highways Officer does not oppose the development.

### 5.3 ***Increased refuse generation.***

5.3.1 Comment: Refuse storage can be achieved on site. Sufficient bin storage can be provided. It is not envisaged that there will be a significant increase in refuse generated as a consequence of the scheme.

### 5.4 ***Increased overlooking to residential properties to the east at 'the mount' (reduced tree cover and new windows).***

5.4.1 Comment: Below a height of 1.7m above the floor height of the bedroom facing 'The Mount' the bedroom window of flat number 4 can be obscurely glazed and non-opening. A condition is recommended to ensure that this occurs to prevent loss of privacy to occupiers on adjoining land.

### 5.5 **Consultation Responses**

#### 5.6 **SCC Highways**

5.6.1 No object in principle but would request that a kerb side parking survey is conducted and submitted to respond to the objections raised regarding the on-street parking reaching its capacity.

5.6.2 No objection is raised regarding highways safety.

#### 5.7 **SCC Environmental Health (Pollution & Safety)**

5.7.1 No objection.

#### 5.8 **SCC Ecology**

5.8.1 The site is of generally low ecological value although potential for bat foraging and roosting was identified at the pre-application stage. A bat survey submitted in support of the planning application indicates that there are no roosts present within the building which means that conversion and extension will not have any adverse impacts on bats. The survey did, however, identify foraging activity by at least two species of bats along the line of trees adjacent to the property, plus a possible bat roost in a major oak at the eastern end of the group. As a consequence, lighting around the site will need to be carefully designed to ensure that there is no increase in illumination of the tree canopies.

5.8.2 It should be noted that, due to their small size, it is impossible to rule out the presence of bats in a building. An informative should therefore be placed on any permission advising the developer that in the event of a bat being discovered during refurbishment, work should stop and advice be sought from Natural England on how to proceed.

5.8.3 The proposed development also includes some tree removal. This has the potential to adversely affect nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). All vegetation removal should be either undertaken outside the breeding season, which runs from March to August inclusive, or under the supervision of a suitably qualified ecologist. NB If active nests are found vegetation clearance would need to be delayed until the chicks have fledged.

5.8.4 Provided appropriate care is taken in respect of vegetation clearance and lighting design no adverse impacts on protected species should occur.

## 5.9 **Tree Team**

5.10 Trees on and adjacent to this site are protected by The Southampton (Winchester Road / Bassett Crescent) TPO 1965.

5.11 Further to new information submitted by the applicant including the removal of the bin/cycle store from underneath retained trees on site and the submission of drawing S2311/07/B which shows the retention of the silver birch to the front of the development the tree team do not object to this proposal.

## 6.0 **Planning Consideration Key Issues**

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

- i. Principle of development;
- ii. Impact on character of the host building;
- iii. Impact on character of the surrounding area;
- iv. Impact on neighbouring amenity; and
- v. Impact on highway safety.

### 6.2 Principle of Development

6.2.1 Paragraphs 5.1.1- 5.1.4 above identify why the principle of the development is not opposed. The scheme should be judged on the impact of the proposed extension to the building that will facilitate the formation of four x two bed units rather than four x one bed units. It should be noted that there are no policies within the development plan which oppose the principle of the development. Material planning considerations are discussed below.

### 6.3 Impact on character of the host building

6.3.1 The proposal involves adding a modest 1.2m front extension to the building, changing the form of the roof from a gable to hip, adding a front extension to accommodate an improved lobby area and staircase access to first floor; and alterations to the fenestration to improve the residential environment for the occupants.

6.3.2 The alterations to the fenestration include additional windows in the flank elevations of the building along with modest first floor front balconies.

6.3.3 Upon careful consideration and comparison between the original design and that which is proposed it is not considered that the proposal is significantly harmful to the character and appearance of the building. The building remains fairly modest in scale and retains its appearance as a residential block.

#### 6.4 Impact on character of the surrounding area

6.4.1 To facilitate the proposal and improve the environment for the occupants of 1 – 4 Avington Court three trees (currently located to the east of the building) will be removed. The trees to be removed will not significantly alter the character of the area as the boundary to the east will remain verdant in character. Sufficient trees will remain to improve maintain the landscaped quality and appeal of the site.

6.4.2 The proposed changes to the building, as discussed above in section 6.3, are not considered to be at variance with the character of Avington Court. It is considered that there will be no significantly adverse impact on the character of the area.

#### 6.5 The Impact on neighbouring amenity.

6.5.1 As discussed in paragraph 5.4.1 above obscure glazing can be used to ensure that overlooking of neighbouring gardens to the east does not occur (please refer to condition number 03).

6.5.2 Paragraph 5.1.3 above addresses representations made by local residents who oppose the scheme on the basis of the potential for noise to be generated by the occupants. The Council must identify whether or not additional and significant harm will be caused by allowing the building to be extended and four x two bed flats added where in the past there were four x one bed flats. Having assessed the proposal on this basis and considering reasonable behaviour by occupants it is considered unreasonable to oppose the development on his basis.

6.5.3 The Council have advised the applicant to provide a kerbside parking survey; provided that a kerbside parking survey is carried out the panel will be informed of the results at the Planning and Rights of Way meeting.

#### 6.6 Impact on highway safety

6.6.1 Harm to highways safety cannot be demonstrated as a direct and identifiable consequence of the development. The Highways Development Management Team does not oppose the scheme.

### 7.0 Summary

7.1 Upon consideration of the development plan for Southampton significant harm to neighbouring amenity, the character of the area, the character of the property and highways safety have not been identified. The principle of extending the building is also supported by the Councils adopted policies and guidance and therefore having consideration to reasonable behaviour and taking into account the setting and wider context of the neighbourhood justification for refusal is difficult to achieve.

## **8.0 Conclusion**

8.1 In conclusion, the proposal accords with the Development Plan and would therefore have an acceptable impact. As such the proposal is recommended for conditional approval.

### **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(q), 6(c), 7(a), 9(a), 9(b).

**MP3 for 17/12/2013 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 - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted into the ground floor southern flank elevation of the property or within any elevation at first floor level without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

03. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The windows in the side elevations of the building hereby approved [to the rooms indicated as ensembles and bedrooms for flats one, two and four & the ensuite for flat three] shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above floor level of the room which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

04. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings; and hardsurfaced areas. It is the

Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

#### 05. 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.

#### 06. APPROVAL CONDITION, Compliance with Arboricultural Report and Method Statement, (Performance Condition)

The hereby approved development shall be completed in compliance with the submitted; Arboricultural Report (Alex Mon, Tech Cert Arbor A, NCH Arb. dated November 2012).

Reason:

To ensure the retention of trees which make an important contribution to the character of the area.

#### 07 APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

#### 08 APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason:

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

An informative should therefore be placed on any permission advising the developer that in the event of a bat being discovered during refurbishment, work should stop and advice be sought from Natural England on how to proceed.



#### 09 APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

#### 10 APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality.

#### 11 APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

#### 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.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS13          Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

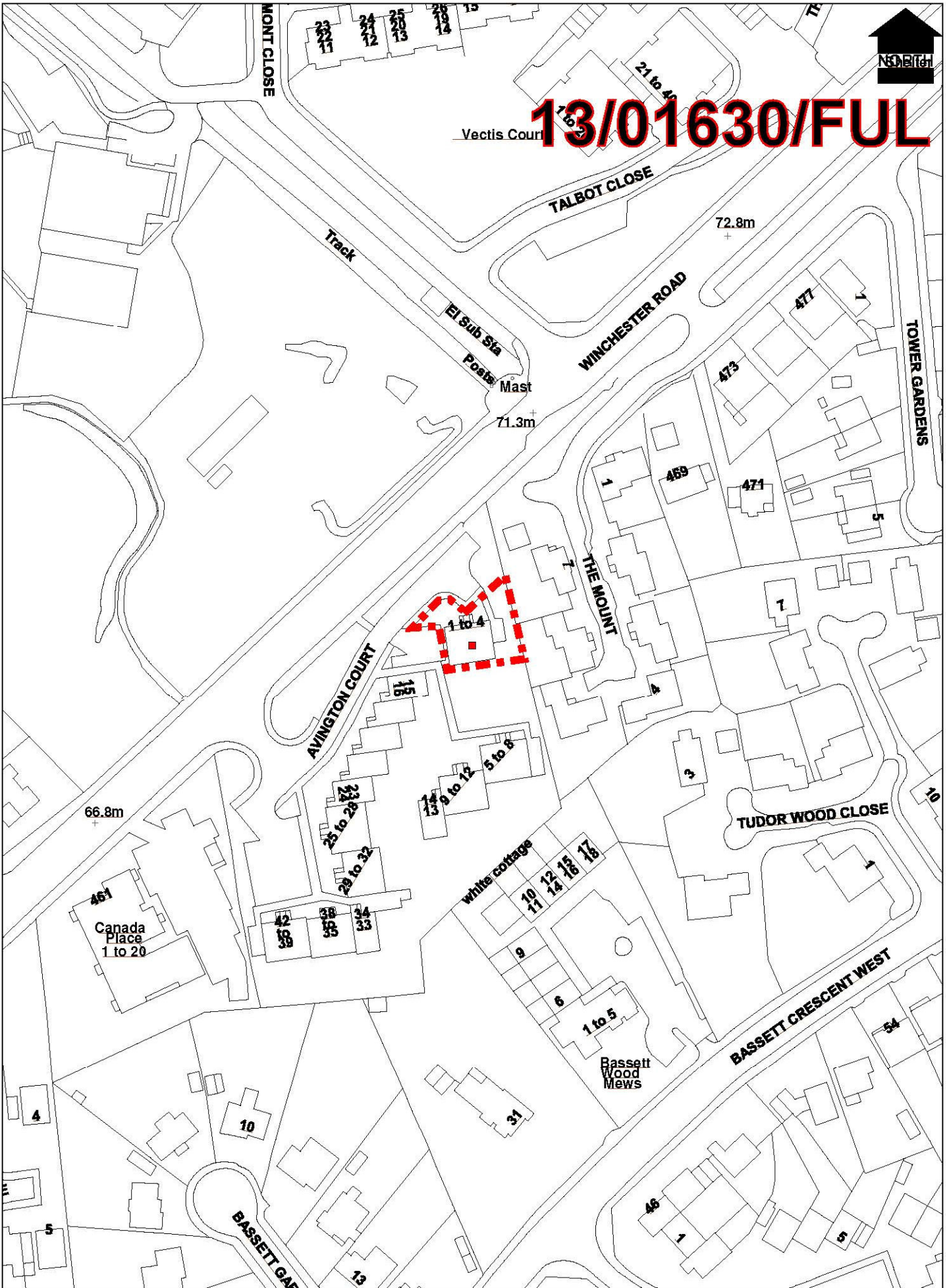
SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
The National Planning Policy Framework 2012



**13/01630/FUL**



Scale : 1:1250

Date 04 December 2013

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

