

**Planning, Transport and Sustainability Division  
 Planning and Rights of Way Panel (East) 5 May 2015  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 46 Peartree Avenue			
<b>Proposed development:</b> Internal and external alterations to facilitate conversion of the existing building from a Family Centre (Class D1) to nine flats comprising three x one-bed, five x two-bed and one x three-bed (Class C3) with associated parking and bin storage.			
<b>Application number</b>	15/00141/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	03.04.2015	<b>Ward</b>	Peartree
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Lewzey Cllr Dr Paffey Cllr Keogh

<b>Applicant:</b> Mrs N Batley	<b>Agent:</b> Concept Design and Planning - Mr Rob Wiles
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The reuse of the existing building can sufficiently accommodate the level of accommodation proposed without causing harm to the amenity of local residents and highway safety. An existing building will be retained which strongly contributes to the character of the local area. It is proposed to provide a mix of housing to contribute towards the City's housing need as well as creating a mixed and balanced community. 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 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, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
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 Section 106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport 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. 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.
  - iii. Financial contributions towards Solent Disturbance Mitigation in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
2. In the event that the legal agreement is not completed within two months of the Panel date 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.
3. 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 is located within the ward of Peartree. The local area is predominantly residential in character. The properties along this part of Peartree Avenue mainly have long plots. Either side of the site a number of plots have been combined to form substantial sized back land development sites, including Bramden Mews and the adjacent housing cul-de-sac.
- 1.2 The existing property was formerly used as a Social Services Family Centre (non-residential class D1 use). The building is large in size compared to other properties in the street. The property sits in a large plot that extends to the side behind the adjoining properties to create a large amenity space.

### **2. Proposal**

- 2.1 It is proposed to re-use the existing vacant building with minimal external alterations to provide nine flats comprising three x one-bed, five x two-bed and one x three-bed (Class C3) with associated parking and bin storage. There are nine parking spaces proposed including 1 disabled space to the front.

### **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 Partial Review (March 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the City and its citizens. Policy H2 encourages the maximum use of vacant land for residential use, whilst Policy H5 accepts the principle of converting non-residential premises into housing.
- 3.3 Policy CS5 of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply. The opportunity to modernise an existing building whilst providing a mix of housing accommodation should be given due consideration when balancing all the other material considerations.
- 3.5 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council’s approach to car and cycle parking standards for new developments in the City, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).
- 3.6 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. Relevant Planning History**

- 4.1 The building has had various extensions up to the 1980s. It was granted permission for a family centre use in 1992 (ref no. 921212/EH).

### **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 (17.02.2015). At the time of writing the report 24 representations (15 objections and seven support) have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Comments in support:

- in keeping with the residential area
- an improvement on commercial use
- sufficient parking facilities provided
- reusing existing building to prevent it going derelict, retain the original features of attractive building, and better for the environment than redeveloping
- reasonable sized and affordable accommodation for modern flats

5.1.2 Comment

Out of character as the property can be occupied by 25 persons as a 1 bed unit can be occupied by more than a single person. The street is mainly owner occupied properties.

Response

The overall density of the site (9 units) will be 48 dwellings per hectare. This density of housing is not out of character with the context of the surrounding area. It is normal that 1 bed flats can be occupied by more than 1 person. The level of occupancy is not considered to have an adverse impact on the amenity and character of the local area which is considered to be typical for a development of this scale and nature. The Council's housing policies encourage a mix of households as part of a sustainable and balanced community.

5.1.3 Comment

Noise disturbance to neighbouring occupiers from the level of residents using the rear amenity space.

Response

The amenity space is large so its overall use by the occupants will be dispersed. Furthermore, the units will be occupied as separate self-contained units, where it is likely that the occupiers of the separate flats would lead their own separate lifestyles and not gather as large groups to socialise.

5.1.4 Comment

As the accommodation model is for short term lets, there will be insufficient off street parking causing pressure on surrounding street parking. There will be an increase of traffic using the access.

Response

The Highway Officer has raised no concern regarding the impact on highway safety.

5.1.5 Comment

Loss of privacy to residents on Merridale Road and Peartree Avenue.

Response

The back to back separation distances between the properties along Merridale Road would be 60 metres, which is sufficient to prevent any adverse loss of privacy from overlooking of the rear flats. The interlocking between the properties on Peartree Avenue is an existing situation and therefore will not cause any further harm to the privacy of the neighbouring occupiers.

5.1.6 Comment

Over-intensification of use. Adverse impact on amenity of neighbouring occupiers from comings and goings of visitors and vehicular traffic due to the number of flats proposed for the size of property.

#### Response

There may be the opportunity for double occupation of the 1 bedroom units, however, these units would be occupied as a single co-habiting unit. As such, the +lifestyle habits would vary between each unit where the comings and goings of the occupiers would differ during the day. It is considered that the activity associated with 9 units will be typical of a property of this size and, therefore, would not be an over-intensification of use.

#### 5.1.7 Comment

The building should be replaced with a more modern design and energy efficiency.

#### Response

The existing building is an attractive building which makes a strong contribution to the character of Peartree Avenue. The environmental impact of replacing the building would be much greater than retaining it, especially as the developer is required to provide energy efficiency improvement measures.

### **Consultation Responses**

5.2 **SCC Highways** - No objection

5.3 **SCC Trees** – No objection

5.4 **SCC Sustainability Team** – No objection

5.5 **SCC Environmental Health (Pollution and Safety)** - No objection

5.6 **Southern Water** – No objection

### **6.0 Planning Consideration Key Issues**

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

- Principle of development
- Impact on character and amenity
- Living conditions for future occupiers
- Impact on highway safety
- Solent disturbance mitigation

#### 6.2 Principle of Development

6.2.1 The surrounding area is predominantly residential in character. There is no policy presumption against the reuse of the existing building for residential use and, therefore, the principle of development is accepted subject to an assessment of the relevant material considerations as set out below. Policy CS16 encourages developments to come forward with a mix of housing to help contribute towards a mixed and balanced community, however, there is no policy requirement to provide family housing on sites less than 10 dwellings.

### 6.3 Impact on Character and Amenity

- 6.3.1 There will be minimal changes to the external appearance of the existing building. The character of the local area will be preserved by re-using the existing building. The restoration of an existing building that would otherwise become derelict if left empty would be a significant benefit to the character and appearance of Peartree Avenue.
- 6.3.2 Either side of the site a number of plots have been combined to form substantial sized back land development sites, including Bramden Mews and the adjacent housing cul-de-sac. The existing property is large in size compared to other properties in the street, with a large plot that extends either side at the rear behind the adjacent properties forming a large and leafy amenity space.
- 6.3.3 The layout and size of the existing property lends itself to conversion to flats. Converting this empty property will contribute towards meeting the City's housing need by providing a mix of housing accommodation whilst retaining an attractive building forming a strong part of the local character. The overall density of the development will be 48 dwellings per hectare, demonstrating that the building envelope can comfortably accommodate a development of this scale without being out of character with the local area.
- 6.3.4 The long back to back distances of 60 metres between the properties on Merridale Road will ensure there will be no harmful loss of privacy to the adjacent properties. As there will be no new side openings, interlocking between neighbouring properties on Peartree Avenue will remain unchanged. The overall use of the amenity space will be dispersed across its large area and, therefore, unlikely to cause undue disturbance to the properties in Merridale Road.
- 6.3.5 A certain level of noise from the comings and goings is normally associated with a development of this scale, however, this has to be expected for a large development plot with the potential for residential use. The number of units will sit comfortably within this large building and its grounds. As such, this would not be an over-intensification of use.

### 6.4 Living Conditions for Future Occupiers

- 6.4.1 The applicant has opted to retain the existing layout of parking and amenity space. Although the rear amenity space is separated from the flats by the parking area, this space will be easily accessible, private, and good for sitting out and recreation.
- 6.4.2 The layout of the new units utilises the layout of the existing building. Unit 8 on the first floor wholly relies on side aspect for its habitable rooms, however, this is considered acceptable on balance given that the side driveway provides a decent relief to the main outlook. As such, the quality of the housing accommodation being provided is considered to be acceptable.
- 6.4.3 It is considered necessary and reasonable to require the removal of the redundant external staircase prior to the occupation of the units in order to improve the outlook of unit 3 on the ground floor.

## 6.5 Impact on Highway Safety

- 6.5.1 The Highway Officer has raised no concern with regards to parking and traffic arising from the development. The Officer recommends that the existing demarcation for pedestrians should be retained along the side access leading to the rear parking, as well retaining sufficient on-site turning area for the rear parking. They have also requested further details of the cycle and refuse storage to be agreed by condition. As such, the proposal is not considered to adversely affect highway safety.

## 6.6 Solent Disturbance Mitigation

- 6.6.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## 7. Summary

- 7.1 In summary, the reuse of the existing building can sufficiently accommodate the level of accommodation proposed without causing harm to the amenity of local residents and highway safety. An existing building will be retained which strongly contributes to the character of the local area. It is proposed to provide a mix of housing to contribute towards the City's housing need as well as creating a mixed and balanced community.

## 8. Conclusion

- 8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with the Council's current policies and guidance and, therefore, is recommended for conditional approval.

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

**SB for 05/05/15 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 [Performance Condition]**

The materials and finishes to be used in the alterations hereby permitted shall be in accordance with the application forms.

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 and Recycling [Pre-Commencement Condition]**

Prior to the first occupation of the use hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

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

**04. APPROVAL CONDITION - Cycle Storage [Pre-Occupation Condition]**

The development to which this consent relates shall not be occupied until details have been submitted and agreed in writing by the Local Planning Authority for a secure, covered space with cycle stands to store a minimum of 9 cycles. The cycle store hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

**05. APPROVAL CONDITION - Energy (Pre-Commencement 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 - Landscaping [Pre-occupation Condition]

Notwithstanding the submitted details before the occupation of the units hereby approved a detailed hard and soft landscaping scheme and implementation timetable shall be submitted, which includes hard surfacing materials; planting plans; 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; 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 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.

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

#### 07. APPROVAL CONDITION - Parking and Circulation [Pre-Occupation Condition]

The units shall not be occupied until space for parking has been laid out within the site in accordance with the plan number C15/007.09 and for vehicles to turn so that they can enter and leave in a forward gear. The turning space for vehicles shall be kept clear at all times and the existing demarcated pedestrian route along the side access shall be retained.

Reason:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway and pedestrian safety.

#### 08. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flats.

Reason:

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

#### 09. 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.

#### 10. 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 for the tree in rear car park 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.

#### 11. APPROVAL CONDITION - Remove staircase (Pre-occupation Condition)

Prior to the occupation of the units hereby approved, the existing external staircase on the south west elevation shall be removed and any subsequent damage to the building fabric shall be made good.

Reason:

In the interests of creating a decent residential environment for future occupiers.

#### 12. 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.

### 13. 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 Partial Review - (March 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
H1	Housing supply
H2	Previously developed land
H7	Residential environment

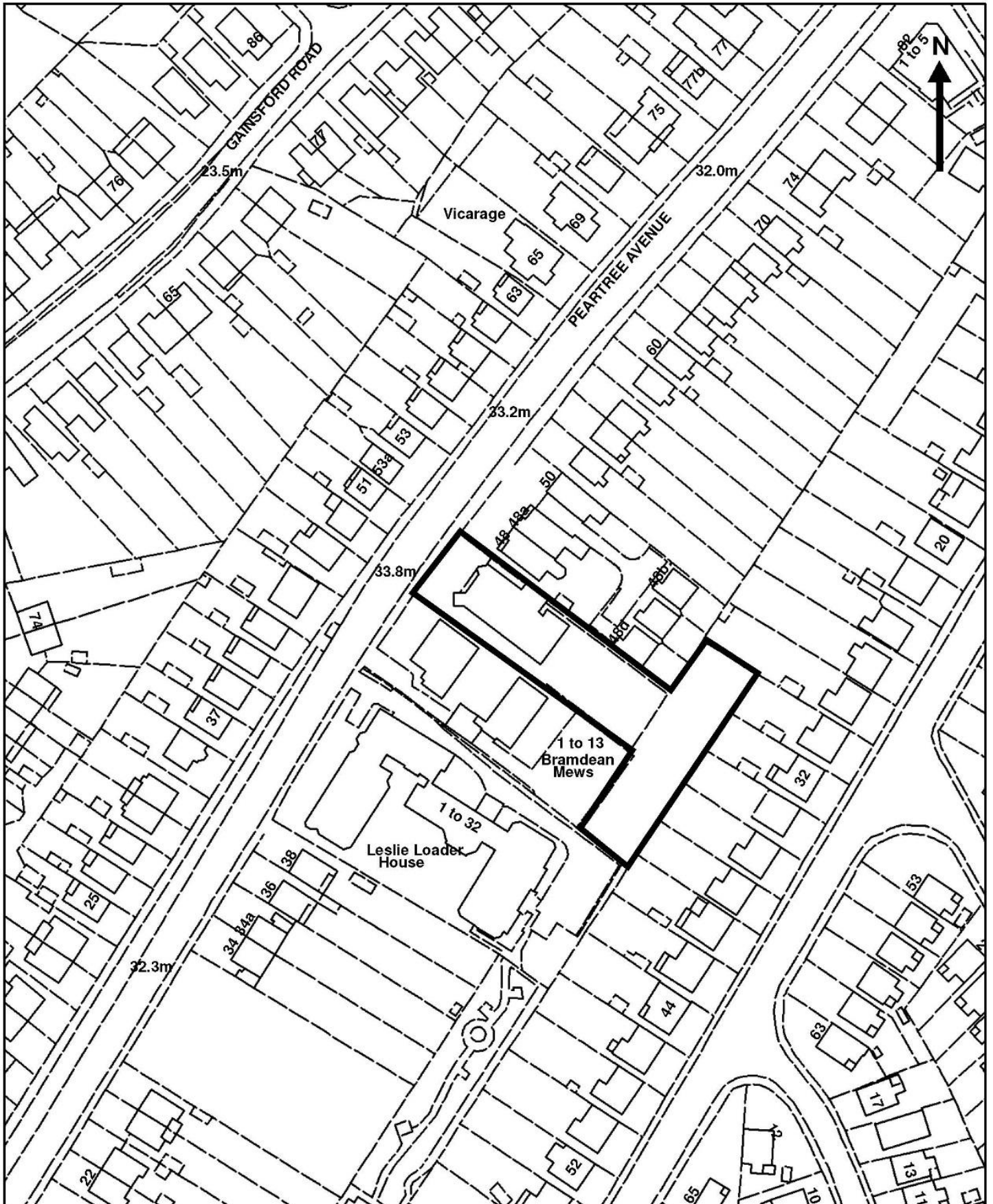
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

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

# 15/00141/FUL



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