Planning, Transport & Sustainability Division Planning and Rights of Way Panel (West) 2 June 2015 Planning Application Report of the Planning and Development Manager

Application address: Banister Grange, Banister Road				
Proposed development: Provision of an additional floor on the existing residential block to provide six new two bedroom flats				
Application number	15/00110/FUL	Application type	FUL	
Case officer	Mathew Pidgeon	Public speaking time	5 minutes	
Last date for determination:	07/04/2015	Ward	Freemantle	
Reason for Panel Referral:	Request by Ward Member or five or more letters of objection have been received.	Ward Councillors	Shields Moulton Parnell	
Referred by:	Cllr Moulton Cllr Shields	Reason:	Overdevelopment. Neighbouring amenity (shading). Construction noise. Lack of amenity space. Parking pressure.	
Applicant: Brighton Land Limited		Agent: Ksa Limited		
Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report			
Community Infrastructure Levy Liable	Yes			

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact on the surrounding character and amenity and the living environment provided for the residents have been considered and are not judged to have sufficient weight to justify a refusal of the application. The positive aspects of the development, namely the provision of housing units and efficient use of the site outweigh the negative. Where applicable conditions have been applied in order to satisfy these matters. The scheme is judged to be

in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted.

Saved Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS15, CS16, CS19, CS20 and CS25 of the City of Southampton Core Strategy (as amended 2015).

Ap	pendix 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 Section106 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 Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
- 2. In the event that the legal agreement is not completed within two months of 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.
- 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 consists of a three-storey building containing 18 two bedroom flats. The building is set back 12m from Banister Road, 11m from the north boundary, 8.5m from the rear boundary and 18m from the boundary with Archers Road. To the front of the site, and wrapping around the southern edge, is a hard surfaced area with sufficient space for the parking of 32 vehicles. Refuse storage is also accommodated on the hard surfaced area and is positioned to the north of the block. The southern boundary of the site is lined with dense vegetation including mature trees which provide good screening of the site from the public realm. The eastern boundary of the site also has landscaping on the boundary however planting density and height of the vegetation is not as extensive as that which is on the southern boundary. The landscaping also includes a number of large mature trees which are protected under the Southampton (Bannister's Park (No 2) Tree Preservation Order 1974 (T2-063), the majority of those trees are

positioned on the road frontage.

- 1.2 The application site lies within an area of standard accessibility, 0.2 miles north of the city centre which has high accessibility due to public transport links in the area. The site and the surrounding area is generally fairly flat with no significant changes in level that need to be taken into account. The site is accessed from Banister Road. There is a single vehicular access and a separate pedestrian entrance to the site.
- 1.3 The majority of buildings in the area are of three storeys including the building directly to the north (Abbey Court) and directly to the West (Gateley Hall) however there are also four storey buildings within the local neighbourhood including Carlton Court (on Banister Road further to the north) and Dorrick Court (on Archers Road to the west) which is of a similar style to Banister Grange.

2 Proposal

- 2.1 The application proposes to construct an additional storey to the roof of the building which would add six flats to the 18 which already exist on the site. The density of the development will increase from 70 to 93 dwellings per hectare.
- 2.2 Amended plans have been received to improve the design of the building. The additional storey would now replicate the existing footprint of the building and the design of the existing roof. It would match in all respects the lower floors of the building other than by the removal of balconies on the front and sides. Improved arrangements for bicycle and refuse storage would be provided to the rear and side of the building.
- 2.3 The amended plans will also provide an improved residential environment by the addition of private amenity space to the rear including soft landscaping treatment. The plans also now include provision of three additional car parking spaces taking the total number of spaces from 32 to 35.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at *Appendix 1*.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27 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 Planning permission was granted in 1950 for the erection of Banister Grange.
- 4.2 In 1989 planning permission was refused for the construction of a dormer roof to provide an additional six residential units at third floor level. In August 1990 the appeal was dismissed by a planning inspector. The appeal was dismissed by the inspector. The following is a summary of the reasons that were given:
- 4.3 Banister Grange is already considered to be a building of considerable mass and the addition of a fourth storey would add very noticeably to its bulk, particularly in views of the centre of its frontage where screening trees are relatively small. As altered it would look somewhat oppressive and un-neighbourly because of its height and scale.
- 4.4 The increased density would result in an overdevelopment of the site, additional traffic moving in and around the site (both on foot and in cars) will lead to more noise and disturbance particularly to ground floor residents. The scale of such activity will seriously detract from the living conditions.
- 4.5 It has not been shown that the additional parking spaces required for the proposed flats can be provided without an unacceptable loss of private amenity space for the existing residents, notwithstanding that full advantage is not being taken of the rear court yard at present.
- 4.6 It is noteworthy that when coming to the decision the inspector also considered impact on neighbouring amenity and highways safety; both of which were found not to be significantly harmful.
- 4.7 With regard to the impact on neighbouring amenity the inspector judged that neighbouring windows and gardens were already overlooked from existing flats and there would be no significant additional loss of privacy. The inspector also confirmed that there would be no significant loss of sunlight to habitable rooms or outlook from flats within the neighbouring properties.

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 (20.02.2015). At the time of writing the report 12 representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 **Increased residential density.** Noise generation from residents and movement of private motor vehicles including headlights of cars at night.

RESPONSE: This matter was previously discussed by the planning inspector however since the decision was made in 1990 there has been a change of focus with regard to town planning. The proposal seeks to make an efficient use of the site and provide additional housing to help achieve the Councils housing targets. The accessibility of the location allows for the density of the site to increase. The design and layout of the development is judged to have carefully balanced relevant policies and design standards at the same time as considering local residential amenity. Officers consider that an acceptable balance has been achieved. The density of the development of 93 dwellings per hectare is

acceptable given its context and as such is compliant with Policy CS5. Regarding noise, planning decisions need to be made with reasonable behaviour in mind.

5.3 Impact on conservation area.

RESPONSE: The Historic Environment Group Leader does not consider that the proposal would harm the character of The Avenue Conservation Area. The boundary of the Avenue Conservation Area is located 160m to the East.

5.4 **Visual impact/unacceptable height**. The additional storey of accommodation will appear harmful when viewed from properties on nearby roads. Negative change in character.

RESPONSE: the original design was not satisfactory therefore amended plans have been requested and have now been submitted. The revised plans are now judged to be acceptable and would not harm the appearance of the building. Since the appeal decision in 1990 national planning policy has focused development on previously developed land and in locations that are sustainable and close to public transport hubs. The proposed site falls within this category and therefore it is considered that the site is suitable for the proposed additional storey of residential accommodation.

5.5 **Position of bins and an increase of vermin**. Location of bins without management will lead to more rats on the site.

RESPONSE - Provided the bin store is maintained there should be no reason for vermin to be attracted to the site any more than they would be at present or for any other well managed site. Separate legislation is used to control vermin. It is the responsibility of the Environmental Health Team to investigate environmental problems.

5.6 **Parking pressure**. The proposal will lead to increased parking pressure on the site and in the surrounding streets.

RESPONSE - Three additional parking spaces will be provided taking the total number of parking spaces on site to 35. That is therefore 35 car parking spaces for 24 x two-bed flats. This is a ratio of 1.45 car parking spaces per flat. It is noted that the maximum number of car parking spaces allowed for the development would be two spaces per flat; therefore a total of 48. From a practical perspective the parking proposed is reasonable given the position of the site relative to the city centre and associated major public transport links. The Highways Development Management Team have not objected to the proposal.

5.7 Insufficient amenity space for new residents.

RESPONSE - Quality of the garden space at rear is inadequate at present. The proposal seeks to improve the quality of the garden. Furthermore the site is within easy walking distance of Southampton Common and the city centre which includes public open space.

RESPONSE - The development does not propose the removal of any trees on site.

5.9 **Unneighbourly.** Overlooking and shadowing.

RESPONSE - This has been addressed by the Inspector when considering the appeal that was determined in 1990. The Inspector was satisfied at that time that the additional storey of accommodation would not harm neighbouring amenity by means of overlooking or increased shadowing.

5.10 Construction noise affecting home working.

RESPONSE – Working within the building is an ancillary use to the main use of the building as a residential home. Impact on home workers cannot be used as a reason to prevent the development. The Council must find the appropriate balance between providing new homes in the city in sustainable locations and temporary disturbance that may affect local residents. Compromise is achieved by applying conditions to prevent construction during the most sensitive hours of the day and week during which the residents can expect peace and quiet.

5.11 Safety concerns regarding the fourth floor (structural stability).

RESPONSE - This is not a material planning consideration. Building control legislation will manage construction.

5.12 **Security of the bike store.**

RESPONSE - The amended plans have moved the bike store to the rear of the property and to within the amenity area. The store will be overlooked by habitable room windows in the rear elevation of the property.

5.13 Re-consultation.

A re-consultation exercise was undertaken 16 April 2015 in response to the Council having received amended plans. Should any further comments be received from members of the public the Planning and Rights of Way Panel will be verbally updated at the meeting.

Consultation Responses

- 5.14 **SCC Highways** No objection raised.
- 5.15 **SCC City Design** The amended plans seem to show that the proposal is designed to match the existing. A condition is recommended to ensure that the whole building is re-painted should permission be granted.
- 5.16 **Heritage and conservation** The current proposals would not harm the setting of The Avenue Conservation Area, nor, if the existing materials (including the materials used for the fenestration) are used would the proposal be harmful to the existing street scene.
- 5.17 **SCC Sustainability Team** No objection subject to the imposition of recommended conditions.

- 5.18 **SCC Trees** No objection; no trees currently overhang the existing roofline.
- 5.19 **SCC CIL** The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the residential building. The charge will be levied at £70 per sq m on the Gross Internal Area of the extension
- 5.20 **Southern Water** No objection. Apply recommended condition and informative.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - Principle of development:
 - Changes to the planning policy framework;
 - Character and design;
 - The impact on neighbouring residential amenity;
 - The quality of residential environment for future occupants; and
 - Parking and highways issues.

Principle of Development

- The Council must consider whether or not the proposal complies with planning policies and the core planning principles set out in the National Planning Policy Framework (NPPF). Core planning principles set out in the NPPF identify that the Council must make every effort to meet housing need, make efficient use of land, and manage patterns of growth by making full use of potential public transport, walking and cycling opportunities; and focus development in sustainable locations.
- 6.3 In accordance with Policy H2 of the Amended Local Plan Review (2015), the Council must seek to ensure that development achieves maximum use of derelict, vacant and underused land for residential development provided that the location of the development, amongst other matters unrelated to this application, would not have a significantly detrimental effect on the amenity of occupiers on adjoining land.
- 6.4 Policy CS5 of the Core Strategy provides density guidance parameters for development. As the site is within a medium accessibility area the policy suggests density of between 50 and 100 dwellings per hectare for new residential development. With the addition of six dwellings the density would increase from 70 to 93 dwellings per hectare. The scheme therefore meets the Council's density requirements.
- The creation of additional residential accommodation is acceptable and accords with policies contained within the development plan which has changed significantly since 1990 when the previous appeal decision was made. As such it is appropriate to re-consider the application now, notwithstanding the similarities between the current scheme and the scheme dismissed at appeal approximately 25 years ago.

Character and Design

- The proposal to add an additional floor of residential accommodation would be acceptable in scale and massing terms. There is 4 storey development nearby to the application site. In addition the building has a generous set back from the pavement edge and is well landscaped on the southern boundary and north east corner where large trees are prominently viewed. The neighbouring properties, whilst being three storeys in height, have steep pitched roof that add mass above their third stories. The application building, in contrast, has a flat roof which cannot be seen from the public realm. As such it is judged that the proposed height of the building would not appear out of keeping.
- Amended plans have been received as a consequence of the consultation process which has led to the upper floor having a far more sympathetic appearance to the original design of the building when compared to the scheme dismissed at appeal and the original plans submitted with this current scheme. Overall it is considered that the proposed development would not appear out of context and would not harm the appearance of the existing building within the street scene.

The impact on neighbouring residential amenity

The inspector, when considering the 1990 appeal, considered the impact of the development on the amenities of neighbouring occupants. The inspector concluded that there would be no significant harm to the occupants of neighbouring dwellings. Officers consider that there have been no significant changes to the local surroundings that would now justify opposition to the scheme on this basis. As identified by the inspector overlooking of neighbouring flats occurs at present and the proposal would not lead to significant additional loss of privacy. The position of the building is also considered to be sufficiently far from neighbouring buildings to justify the additional storey, preventing the building from being viewed as overbearing or dominant. Neighbouring gardens and habitable rooms will also not suffer from unacceptable overshadowing as a consequence of the development.

The quality of residential environment for future occupants

6.9 Each of the occupants of the flats within the building would have access to an improved garden area to the rear of the block. The garden would have additional landscaping as compared to the existing rear amenity space and parking of cars to the rear of the block will be prevented to stop habitable rooms being effected by vehicular noise and the impact caused by car headlights. The new storey of accommodation follows the pattern and layout of development on the lower floors. Each flat would have access to natural light and outlook. The residential environment created is fit for its intended purpose Refuse and cycle storage facilities within the site will also be improved.

Parking and highways issues

6.10 Whilst the location of the development is not within a high accessibility area it is close to the edge of the city centre and thus dependence on private cars is not necessary for day to day living. That said the available car parking provision on site is comparatively generous when compared to other similar development

within the local area. Three additional car parking spaces are proposed as part of the development and there are 32 car parking spaces that exist at present. The parking is not allocated to individual flats however the parking is for occupants of the flats only. The resulting 35 parking spaces for 24 flats, at a ratio of almost 1.5 car parking spaces per flat, is acceptable. The highways development management team do not oppose the development n parking or highways safety related reasons.

7 **Summary**

- 7.1 The location if the development is not within a quiet suburban residential area, it is rather located near the edge of city centre where higher densities are expected. The scale of the development is also not considered to be out of character and the activity generated is not likely to be unreasonable given its location. Government policy has moved on since 1990 when the previous appeal decision was issued and now requires development to be focused on brown field sites with an emphasis on efficient use of those sites.
- 7.2 The Inspector was satisfied at the time of the appeal that the additional storey of accommodation would not harm neighbouring amenity by means of overlooking or increased shadowing. The residential environment created is fit for purpose and car parking is provided on site at a level that is acceptable given its context.

8 <u>Conclusion</u>

8.1 The proposed development provides additional residential accommodation which will contribute towards achieving the City's housing target within a high accessibility area and by securing completion of a Section 106 Legal Agreement, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Planning and Development Manager.

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

1. (a) (b) (c) (d) 2. (b) (c) (d) 3. (a) 4. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

MP3 for 02/06/2015 PROW Panel

PLANNING CONDITIONS

1.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).

Notwithstanding the submitted information, no development shall take place until details (and samples where required) of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. These details shall include paint, roofing materials and windows. The development shall be carried out in accordance with the approved details and the whole building will be painted in the approved paint once the development is completed and prior to occupation of the new flats.

REASON:

In the interests of ensuring that the new development is constructed in accordance with the submitted details and to secure a harmonious form of development.

3.APPROVAL CONDITION - Refuse & Recycling Bin Storage [Performance condition]

Bin 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 facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

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

4. 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.

5.APPROVAL CONDITION – Lighting Scheme [pre-commencement condition]

Prior to the commencement of the development hereby approved a detailed lighting scheme shall be submitted to the Local Planning Authority for approval. This shall include details of the lighting of the entrances to the building, cycle and refuse store. The scheme shall be implemented in accordance with the approved details prior to the development first coming into occupation.

REASON

To secure a safe and attractive environment for users of the site

6.APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local Planning Authority.

REASON:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

7.APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

8.APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

REASON:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

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.

10.APPROVAL CONDITION - foul and surface water sewerage disposal, Pre-Commencement Condition.

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Once approved the development shall be carried out in accordance with the approved details.

REASON:

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

11. APPROVAL CONDITION - Private amenity space [Pre-Occupation Condition] The approved amenity space shall be laid out and separated from the parking area in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

REASON:

To ensure that satisfactory amenity space is provided for each resident of the hereby approved flats.

12.APPROVAL CONDITION - On site vehicular parking [Pre-Occupation Condition]

The approved vehicular parking spaces proposed shall be set out on site in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

REASON:

To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced.

POLICY CONTEXT

Core Strategy - (as Amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
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 – (as Amended 2015)

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
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

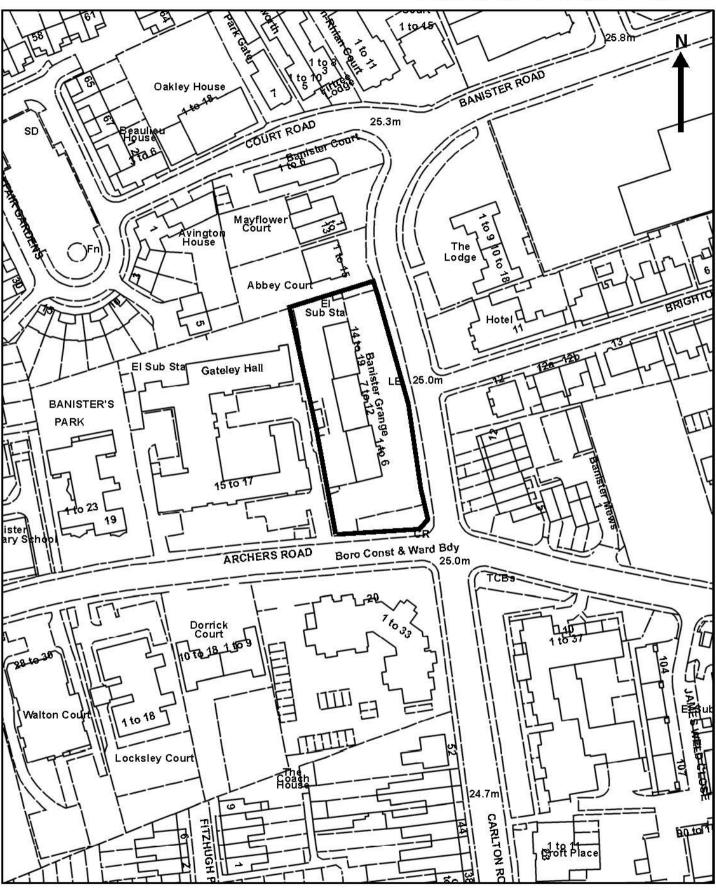
Planning Obligations (Adopted - September 2013) Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

15/00110/FUL



Scale: 1:1,250



