

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 12th July 2016
 Planning Application Report of the Planning and Development Manager**

Application address: The Court Yard, 468-480 Portswood Road, Southampton.			
Proposed development: Internal alterations to create an additional 4 student housing flats (54 in total).			
Application number	16/00635/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	18/07/2016 (Extended)	Ward	Swaythling
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Mintoff Cllr Vassilou Cllr Painton
Referred to Panel by:	Cllr Mintoff	Reason:	Overdevelopment Insufficient car parking. Inadequate amenity space for occupiers.

Applicant: Brick Projects (Chertsey) Ltd	Agent: Studio Four Architects
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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 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, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP16, H2, H7 and H13 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS19, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Previous appeal decision for 09/00409/OUT

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and 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 (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) 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. A parking permit restriction. All occupiers of Residential Units are to be notified in writing that they are ineligible to be granted a Residents Parking Permit to park a vehicle within a Residents Parking Bay located in the vicinity of the Land (holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970 being exempt from the requirement to display a Residents Parking Permit when parked in a Residents Parking Bay).
 - iv. Student housing restriction to ensure the units shall only be occupied by students. Not to permit or allow Occupation of the Residential Units unless and until the Owners have agreed to be bound by the terms of the Southampton Accreditation Scheme for Student Housing and provided evidence thereof to the Council
 - v. Student intake management plan. The development shall not be occupied until this has been submitted to and approved in writing by the Council. This shall then be implemented for the lifetime of the development.
 - vi. Pool sharing club. The development shall not be occupied until a scheme detailing the timing and operation of a pool car sharing club for the Development has been submitted to and obtained approval from the Council.
 - vii. Declaration of highway land. Prior to Occupation the Owner shall dedicate to the Council as Highway Authority a two metre wide footway on the Belgrave Road frontage of the Development and enter into any legal documents necessary to give effect to such dedication.

- viii. Solent Disturbance Mitigation Project (SDMP). Not to Commence the Development unless the Solent Disturbance Mitigation Project Contribution plus the Additional Amount (if any) has been paid to the Council.
2. In the event that the legal agreement is not completed within three months of the 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
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. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1.0 The site and its context

- 1.1 This application site is a part 2 / part 3 / part 4 storey purpose built block of student flats positioned on the corner of Portswood Road and Belgrave Road. At present, the site comprises a total of 50 studio units at ground, first, second and third floor level with a separate laundry on each level. There is also a retail unit at ground floor level fronting Portswood Road. At basement level, there is a large communal social room and laundry for residents in addition to office accommodation and ancillary storage facilities for both the student accommodation and retail elements of the scheme.
- 1.2 At present, there are 2 car parking spaces within an internal courtyard. This would not be altered by this application.

2.0 Proposal

- 2.1 Each floor has its own laundry room at present and it is these rooms which are subject of this application. Permission is sought for the creation of 4 additional flats, 1 at first, second, third and fourth floor level. These flats would replace the existing laundry facilities. The communal laundry at basement level would remain for the use of residents.
- 2.2 Initially, permission was sought for 5 additional units, incorporating a vacant office unit at basement level. The scheme has however, been amended to reduce the total number of additional flats to 4. This was in response to concerns from the Environmental Health Team regarding noise and disturbance for future occupiers of this fifth unit caused by the neighbouring car garage.

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 (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 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.

4.0 Relevant Planning History

- 4.1 In 2009, application ref.09/00409/OUT was refused at the City Council's Planning and Rights of Way Panel. A subsequent appeal (ref.10/00008/APFUL) against this refusal was allowed and planning permission was granted for the redevelopment of the site through the erection of a new building (part two-storey, part three-storey, part four-storey plus lower ground floor) to provide 50 student housing units and a retail unit within Class A1 with associated parking. This was an outline application seeking approval for layout, access, appearance and scale.
- 4.2 In 2013, conditional approval (ref.13/00820/REM) was granted for the approval of reserved matters approval (landscaping) pursuant to outline planning permission (reference 09/00409/OUT) for redevelopment of the site to provide 50 student housing flats and a retail unit.
- 4.3 In 2013, an application for of conditions 11 (construction method statement), 13 (bird hazard management plan), 16 (cycle store), and 19 (noise attenuating windows), of planning permission 10/00008/APOUT was approved.
- 4.4 In 2013, an application (ref.13/01749/DIS) for of conditions 11 (construction method statement), 13 (bird hazard management plan), 16 (cycle store), and 19 (noise attenuating windows), of planning permission 10/00008/APOUT.
- 4.5 In 2013, an application (ref.13/01949/DIS) for the approval of details reserved by Condition 12 (Archaeology) of planning permission reference 09/00409/OUT was approved.
- 4.6 In 2014, an application for a non-material amendment (ref.14/00648/NMA) was approved. This sought permission for a non-material amendment to planning permission reference 13/00820/REM to relocate the student entrance, lift core, facility management office and security accommodation. This also sought permission for a sub-station.
- 4.7 In 2015, an application (ref.15/00769/DIS) for the approval of details reserved by conditions 7 (shop front details), 8 (materials), 9 (contamination) and 12 (archaeology) of planning permission ref 09/00409/OUT was submitted. This is pending consideration with a recommendation for approval.
- 4.8 In 2015, an application (ref.15/01772/DIS) for the approval of details reserved by conditions 15 (layby works), 17 (CO2 Saving), 22 (external gate details) of planning ref 09/00409/OUT was submitted. This is pending consideration with a recommendation for approval.

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 (03/05/2016). At the time of writing the report 4 representations have been received from surrounding residents. This also includes an objection and panel referral request from Ward Councillor Mintoff. The following is a summary of the points raised:

- 5.1.1 The proposed additional flats are likely to increase the number of cars accessing the site to the detriment of neighbouring industrial uses.

Response: There are 2 car parking spaces serving the existing 50 flats and this would remain unchanged as a result of this proposal. The City Council's Highways Team are satisfied that the amount of parking proposed is sufficient to serve the resulting 54 flats. No objection to the scheme has been raised from this team. The proposed increase of 4 flats is not considered to give rise to a significant increase in parking demand at this site over and above that of the existing 50 flats. Furthermore, the site is located in close proximity to bus services along Portswood Road and Swaythling Train Station.

- 5.1.2 50 flats is sufficient for this site and the addition of more units would constitute an overdevelopment of the site.

Response: The proposed scheme does not require any additional built form to accommodate the 4 extra flats. It would utilise existing floorspace at ground, first, second and third floor level to provide the proposed additional residential floorspace. It would effectively use existing floorspace to provide much needed student accommodation. Furthermore, sufficient refuse and cycle storage would be provided on site.

- 5.1.3 The proposed additional units would conflict with neighbouring uses.

Response: The closest neighbour to the site is the car garage located immediately adjacent to the site along Belgrave Road. The principle of student accommodation has already been established through the approval of 50 student flats under application ref.09/00409/OUT. It was not considered at this stage that the scheme would be harmful to the operation of the neighbouring garage. A further 4 flats would not have a significant impact over and above that of the existing 50. Furthermore, the scheme has been amended to remove a flat at basement level in response to concerns from the Environmental Health Team regarding noise and disturbance from this neighbouring use. Following the removal of this flat, it is considered that the proposed scheme would not be detrimental to the operation of this neighbouring use.

- 5.1.4 There is still a requirement for the laundry facilities.

Response: Adequate laundry facilities will be continue to be provided at basement level and will meet the needs of existing and future residents. A planning condition will be imposed to require the retention of this.

- 5.1.5 The building has an overbearing impact on neighbouring properties and the proposed additional flats would give rise to additional noise and disturbance to the detriment of neighbouring residential properties.

Response: Permission has already been granted at appeal for the construction

of 50 student flats and it has already been established that the proposed building would not be detrimental to the residential amenities of neighbouring occupiers. The proposed creation of 4 additional units would not require any further built form and so this scheme would not result in any further loss of light, outlook or privacy. Furthermore, the creation of 4 additional units is not considered likely to give rise to a significant increase in activity in this location over and above that associated with the existing 50 flats.

Consultation Responses

5.2 SCC Highways - No objection subject to conditions and amendments to the S106.

Secure cycle parking is required to ensure there is 1:1 provision for all occupants of this scheme. The student intake management plan and refuse management plan will also need to be reviewed to ensure that provision is made for the additional units/residents.

5.3 SCC Environmental Health (Pollution & Safety) – No objection.

Following a further perusal of this application I have now revised my original comments as there are concerns about noise from operations at "Car Work", which is located very close to the external wall of the proposed basement "Student Studio Flat 006", adversely affecting any future occupiers of this accommodation.

As this proposed studio flat does not benefit from a corridor arrangement, unlike the other proposed additional units, then it is likely that any future occupier would suffer from noise nuisance from sound emanating from "Car Work" and as such we would recommend that the space in question is not converted for domestic residential use.

We have no objections to the other 4 units being converted to studio flats, provided they are constructed to the same technical specification in terms of sound attenuation to those of adjacent residential units.

5.4 SCC CIL Officer – No objection.

The development is CIL liable as there is a net gain of residential units. Notwithstanding this the floorspace to be converted is within a building that is in use and therefore there will be no CIL charge for this reason.

5.5 Southern Water – No objection subject to informatives.

Southern Water requires a formal application for any new connection to the public foul water sewer to be made by the applicant or developer. The detailed design of the proposed basement should take into account the possibility of the surcharging of public sewers. Should this application receive planning approval, an informative should be added to the consent to advise of this.

6.0 Planning Consideration Key Issues

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

- (a) The principle of development.
- (b) The quality of the living accommodation proposed.
- (c) The impact on neighbouring uses
- (d) The impact in terms of highways safety.

6.2 Principle of Development

6.2.1 Paragraph 48 of the NPPF states that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

6.2.2 Core Strategy policy CS4 states that: 'An additional 16,300 homes will be provided within the City of Southampton between 2006 and 2026'.

6.3.2 The principle of student accommodation in this location has already been established through the previous scheme which granted planning permission for a total of 50 student flats on this site. This scheme would establish an extra 4 flats in a location where student accommodation has already been deemed acceptable and would, to some degree, reduce the pressure for the city's housing stock to be converted to HMO use. The principle of this type of accommodation is supported by saved Local Plan policy H13 which relates to new student accommodation within the city. This policy states that permission will be subject to: *'iii) The accommodation being easily accessible by foot, cycle or by public transport from the relevant education establishment'; and 'v) The occupancy of the development being controlled through the imposition of planning conditions or an appropriate legal agreement'*. The site is located in close proximity to Portswood Road which is served by a number of local bus services, particularly those operated by Uni Link which specifically serve the City's Universities. It is also a short walk from Swaythling Railway Station (approximately 15 minutes). In light of this, the site is considered to benefit from good accessibility to public transport facilities. Furthermore, the scheme will be restricted to student occupation only through a Section 106 legal agreement. This scheme is therefore, considered to be compliant with this policy.

6.2.3 Having regard to the above, the proposed creation of 4 student flats is considered to be acceptable in principle.

6.3 Quality of the living accommodation

6.3.1 Saved policy SDP1 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for development which: (i) does not unacceptably affect the health, safety and amenity of the city and its citizens'.

6.3.2 Saved policy H7 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for residential development provided that the highest standards of quality and design are applied'.

6.3.3 Section 2.2 of the Residential Design Guide SPD expands upon this. Paragraph 2.2.1 states that: 'New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'.

Paragraph 2.2.10 goes on to state that: 'The design, layout and detail of new housing development should also aim to minimise problems such as noise, fumes and vibration from neighbouring roads and sites that can spoil the enjoyment and privacy of housing and garden areas'.

- 6.3.4 Each new unit would have a similar layout to those already established on site and would be accessed via an internal corridor with a window facing the internal courtyard. Habitable room windows would benefit from sufficient access to light and outlook and all units would benefit from adequate privacy levels. It is acknowledged that the proposed flats are relatively small and that levels of outlook, access to light and privacy could be improved. However, as this type of accommodation is more temporary in nature than standard residential flats, it is considered that the proposed accommodation would provide an acceptable residential environment.
- 6.3.5 Initially, permission was sought for 5 additional flats. This unit would however, immediately adjoin an existing car garage. In light of this, the City Council's Environmental Health Team raised objection to the provision of an additional flat at basement level. The scheme has been amended to remove this basement flat in response to these concerns.
- 6.3.6 With regards to the 4 additional flats, the City Council's Environmental Health Team have not raised any objection relating to noise or disturbance for the proposed units. All additional units would be accessed via an internal corridor running alongside the southern boundary of the site. This would provide additional separation from noise associated with the neighbouring car garage. Having regard to this, it is not considered that the proposed additional units would be adversely affected by noise or disturbance.
- 6.3.7 A large communal social room has been provided at basement level in addition to a number of tables within the internal courtyard. It is considered that sufficient communal space would be provided for occupiers of the existing flats and the 4 additional flats.
- 6.3.8 Having regard to the above, it is considered that an acceptable residential environment would be provided for future residents.

6.4 Impact on neighbouring uses

- 6.4.1 There is an existing car garage located immediately adjacent to the application site. Following the removal of the proposed basement flat, it is not considered that any flats would be adversely affected by noise or disturbance associated with this neighbouring use. As such, the proposed scheme is not considered likely to affect the operation of this longstanding neighbouring use.
- 6.4.2 The scheme is not considered to give rise to any adverse impacts in terms of residential amenity.
- 6.4.3 Having regard to the above, it is considered that the proposed scheme would have an acceptable impact on neighbouring uses.

6.5 Highways safety, car and cycle parking and refuse storage

- 6.5.1 The existing 50 flats are served by 2 car parking spaces and this arrangement would remain unchanged as a result of this proposal. The City Council's highways Team have raised no objection to the level of parking provided. It is not considered that a modest increase of 4 flats is likely to result in a significant increase in parking demand over and above that associated with the existing 50 units.
- 6.5.2 The City Council's highways Team have requested that each flat has access to a single cycle parking space. This will be secured by a planning condition.
- 6.5.3 With regards to refuse storage, the City Council's Highways Team have advised that the approved Refuse Management Plan should be reviewed and amended to incorporate the 4 additional units. This will be secured by planning condition.
- 6.5.4 The requirement to submit a Student Intake Management Plan has been included within the S106 agreement. This will outline procedures which will be implemented to ensure that student drop off or collection at the beginning or the end of the academic year does not cause any disturbance to the surrounding highway network.
- 6.5.5 Having regard to the above, it is considered that car parking, cycle parking and refuse storage arrangement for the additional flats would be acceptable.

7.0 Summary

- 7.1 The proposed scheme is policy compliant with issues relating to the principle of development, highways safety, transport, design and residential amenity being adequately addressed.

8.0 Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions.

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(c), 2(d), 2(e), 2(f), 4(g), 4(u), 4(vv), 6(a) and 6(b).

LAUGRI for 12/07/16 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no 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).

2. 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.

3. Refuse Management Plan

Prior to the first occupation of the units hereby permitted, a refuse management plan is to be submitted and to be agreed upon in writing by the local planning authority. The management plan should include details of refuse provision and procedures in place for the movement of refuse storage on collection days. The approved scheme shall then be implemented in full and retained thereafter.

Reason:

In the interests of highway safety and to protect the residential amenities of nearby residential occupiers.

4. Cycle storage facilities (Pre-Occupation Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall supplement the cycle storage previously approved (plan ref.133_SKE_131105 and received 14/02/2014) under 16/00635/DIS. The approved storage shall thereafter be retained as approved.

Reason:

To encourage cycling as an alternative form of transport.

5. Noise Attenuation Measures

The development hereby permitted shall be implemented prior to occupation in accordance with the details approved under planning application ref.13/01749/DIS (report ref.17125 R1, received by the local planning authority on 31/10/2013) in respect of noise attenuation.

Reason:

In the interests of residential amenity.

6. Laundry facilities

The laundry facilities at basement level shall be retained for that purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity.

7. Car Parking Provision

No more than 3 car parking spaces shall be provided on the site; 2 spaces shall be reserved for use by disabled persons and the 3rd space shall be reserved for a pool car club vehicle all as shown on the approved drawings. Occasional use may be made of the spaces and courtyard for temporary parking when tenants are moving into or leaving the accommodation at the beginning or end of their tenancies. The parking spaces shall be kept available for parking use thereafter.

Reason:

In the interests of highways safety and residential amenity.