

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager

Application address: 34 Albany Road SO15 3EG			
Proposed development: Erection of a part 2-storey, part single storey building to create 2 flats (comprising 1x3-bed and 1x2-bed) with associated parking and cycle/refuse storage, following demolition of existing building (resubmission of 11/00896/FUL)			
Application number	12/00338/FUL	Application type	FUL
Case officer	Bryony Stala	Public speaking time	5 minutes
Last date for determination:	26.04.2012	Ward	Freemantle
Reason for Panel Referral:	Member referral	Ward Councillors	Cllr Moulton Cllr Parnell Cllr Shields

Applicant: Mr G Rana	Agent: Concept Design & Planning
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Recommendation Summary	Conditionally approve
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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 including its design and impact on the character of the street scene, the level of car parking, access to the site, the number and layout of units and the amenity and privacy of adjacent occupiers 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.

Policies - SDP1, SDP5, SDP7, SDP9, H2, of the City of Southampton Local Plan Review (March 2006) and CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site is formed of a detached two storey dwelling house located on the south eastern side of Albany Road. It is the last house on this side of the road.

- 1.2 To the west, the site is bounded by a car parking area which serves the residents of 36-50 Albany Road (a purpose built elderly persons block). Albany Road is a cul-de-sac formed of detached and semi-detached housing. The properties vary in design but all appear to have been built in the late 1800's/early 1900's and are similar in proportion and scale.
- 1.3 The surrounding area is predominately residential with some community uses interspersed throughout. The Freemantle Arms pub is situated part way along the Albany Road.
- 1.4 To the rear of the site is a parking area which is shared with residents of 29 and 37 Nelson Road and 28 and 32 Albany Road. The application site does not have a gate leading onto this shared parking area and the applicant only has rights of access for maintenance over this land and as such can not use it for parking.

2. Proposal

- 2.1 The application seeks full planning consent for a two storey building with single storey rear addition to accommodate two dwellings 1 x 3 bed and 1 x 2 bed.
- 2.2 The property has been designed to appear as a detached dwelling house of similar height and proportion to the neighbouring property. A main entrance for one dwelling is retained to the frontage with a second access on the side (south east) elevation. To the rear, the building drops to single storey height for a depth of 6.8m.
- 2.3 There is no parking provided on site.
- 2.4 The proposed scheme revises a similar scheme recently considered and refused by the local planning authority and dismissed at appeal. The main revisions to the scheme can be summarised as follows
- The design and position of the building has been revised to reflect the existing design and build line of neighbouring properties.
 - The width of the building has been reduced by 1m and the depth by 4.5m.
 - There is a reduction in the number of units proposed from 3 to 2. A three bed unit with direct access to the garden is provided.
 - Off road parking has been removed.
 - Private gardens are provided with separate cycle and refuse storage.

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 Developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 11/00896/FUL - Erection of a part 2-storey, part single storey building to create 3 flats (comprising 2x2-bed and 1x1-bed) with associated parking and cycle/refuse storage, following demolition of existing building. Refused. 01.09.2011.

Reasons for refusal

1. Loss of a family dwelling

The proposed development would result in the loss of a family sized dwelling. The retained residential accommodation provided does not meet the specification of a family home as set out in Policy CS16 of the Local Development Framework Core Strategy (January 2010) by failing to provide an appropriate number of bedrooms. As such, the proposal does not contribute an appropriate mix of housing type contrary to Policy CS16 of the adopted Local Development Framework Core Strategy (January 2010).

2. Over development

The proposed building by reason of its design, footprint, and depth would be out of character with and result in an erosion of the spatial characteristics and established pattern of development within Albany Road. Furthermore, the proposal failure to meet the 45 degree code represents a disproportionately large building that would appear overbearing and over dominant when viewed from the dwelling and curtilage of neighbouring dwellings eroding the existing sense of space as enjoyed within those gardens. This would be contrary to Policies SDP1 (I (with particular regard to paragraphs, 2.2.1 and 2.2.11 of the Residential Design Guide [September 2006] SDP7 (ii) (iv), SDP 9 (i) (v) and H2 (iii) of the City of Southampton Local Plan Review (March 2006) and Cs13 of the City of Southampton Core Strategy (January 2010).

3. Poor residential environment

The Local Planning Authority is not satisfied that appropriate and satisfactory living conditions would be created for the proposed flats. This is by reason of ground floor habitable room windows being located in close proximity to the boundary fencing and car parking spaces which results in poor outlook, limited light and loss of amenity as vehicles manoeuvre onto and from the site (particularly from headlight glare in the evening). It is judged that such an arrangement is symptomatic of over development and results in an over intensive form of development with insufficient light and outlook to habitable rooms which leads to an unacceptably poor residential environment for future occupants of the site contrary to the principle of saved Policy SDP1 (i) of the City of Southampton Local Plan review (March 2006) and Policies CS13 and CS16 of the adopted Core Strategy as supported by paragraph 2.2.1 of the Residential Design Guide.

Dismissed at appeal 30th January 2012.

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 also undertaken which included notifying adjoining and nearby landowners and erecting a site notice 05.04.2012. At the time of writing the report 7 representations have been received from surrounding residents. Planning related concerns are as follows:

- The revised proposal has not addressed parking issues relating to the site. The proposed development will exacerbate existing parking issues within Albany Road. The road is narrow and heavily parked resulting in emergency services and refuse collectors being unable to access the mid to end section of the road.
- A lack of parking does not comply with the new Southampton City Council Parking Standards Policy.
- Private residents' parking for flats 36 – 50 Albany Road is often used for parking by other residents.
- Concern that residents will try and park to the rear of Nelson Road and that construction vehicles will enter the site from this car park.
- There is not a lot of difference between the proposed and previously refused plans.
- Concern regarding demolition and construction, in particular vehicles entering and existing the site and the maintenance of access to neighbouring dwellings during construction works.
- Impact of construction vehicles on the road surface.
- Objection to the conversion of a single occupancy dwelling/site to multiple occupancy dwellings and question the need for such accommodation in a predominately single occupancy (family) residential area.

5.2 **SCC Highways** – No objections raised.

5.3 **SCC Sustainability** - The front page of a pre-assessment estimator for the Code for Sustainable Homes has been submitted, which shows that the development will meet Code Level 4. However, the full pre-assessment estimator has not been submitted so it is unclear how these conclusions have been reached. However, if the case officer is minded to approve the application conditions are recommended to secure the sustainable measures proposed.

5.4 **Southern Water** – A formal application for connection to the public sewer is required. An informative to this effect should be attached to any consent.

6.0 **Planning Consideration Key Issues**

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

- Overcoming the previous reasons for refusal
- Principle of development
- Character and appearance
- Highway safety and parking

6.2 **Principle of Development**

6.2.1 The principle of redeveloping the site to improve and provide additional residential accommodation is accepted subject to the proposal being policy compliant.

6.2.2 At appeal the Inspector supported the local planning authority's view that the previous proposal resulted in the loss of a family home and was thus contrary to policy CS16 of the adopted Core Strategy as it failed to contribute an appropriate mix of houses types as required.

6.2.3 The revised proposal provides a three bedroom family unit which has direct access to a private and usable garden area. This addresses the first reason for

refusal of application 11/00896/FUL and complies with policy CS16.

6.2.3 The site is located just outside a high accessibility area of the city which is predominately characterised by dwelling houses occupied by families, with a proportion of mixed/shared accommodation. The proposal to provide 1 x 3 bed and 1 x 2 bed unit on site is considered to respond to the mix of accommodation within the immediate area and make an appropriate provision for smaller family accommodation within the city.

6.2.3 The density of the development is 89 dwellings per hectare which accords with policy CS5 of the adopted Core Strategy which advocates that developments within such an area of accessibility should accord with 50 – 100 dph.

6.3 Character and appearance

6.3.1 In order to address the Inspector's findings in relation to character and appearance the bulk, scale and massing of the building has been reduced with the two storey rear projection having been removed and the overall depth of the building reduced by 4.5m.

6.3.2 The proposal respects the established build line of property on the south eastern side of Albany Road and its design and proportions are in keeping with the typical form of dwelling in the road.

6.3.3 The two storey depth of the existing building has been increased by 2m, however, the proposal complies with the 45 degree code and will not adversely affect outlook from neighbouring property 32 Albany Road. A continued projection of 6.8m at single storey level and an overall depth of 17m creates a footprint of build that is greater than neighbouring properties (typically 11m/12m). However, the single storey element of the build is to be set away from the boundary with 32 Albany Road and the siting of a private car park on the opposite side of the site ensures that the depth of build will not have an adverse impact on the residential amenity of neighbouring properties.

6.3.4 The reduction in the overall size of the building reduces the number of units to 2, which allows a more appropriate residential environment to be created for future occupants. Habitable room windows are concentrated to the front and rear of the site, with one bedroom window at first floor level on the side elevation.

6.3.5 Appropriate outlook and light is therefore afforded to all habitable rooms. In addition, the reduction in the number of units on site allows for private amenity space of 35m² and 50 m² being provided in accordance with amenity standards set out in section 2 of the Residential Design Guide.

6.3.6 Each dwelling will be able to accommodate the storage of its own refuse and cycles.

6.4 Highway Safety & Parking

6.4.1 The previous application proposed two parking spaces to the front of the property. Due to the limited depth of the site's frontage this would have resulted in cars overhanging the public highway which was considered detrimental to pedestrian safety. In addition, the proximity of the parking spaces to a ground floor habitable

room window would have results in headlight glare which would have created a poor residential environment. These issues were supported at appeal.

- 6.4.2 In order to address these issues the parking spaces have been removed and the proposal is now a car free scheme.
- 6.4.3 The parking issues identified by local residents are understood; however, in terms of the council's adopted maximum parking standards (as set out in the recently adopted parking standards SPD) there are no grounds to refuse the application on the insufficient provision of car parking.
- 6.4.4 The existing site does not currently benefit from on site parking and it is not considered that the vehicular trips generated from one additional unit will be harmful to the public highway and/or highway safety.
- 6.4.5 A local resident has raised concern regarding the proposals failure to comply with Parking SPD; Table 2; Conditions E and F. It should be noted that this table should only be applied when the applicant/developer is intended to use on-street parking as part of the site's parking provision.
- 6.4.6 The application has been put forward as a car free scheme and as such compliance with table 2 of the SPD is not required.
- 6.4.7 The applicant has no rights of access over the land at the rear of the site for parking and as such, parking provision cannot be made within the rear garden.
- 6.4.8 Whilst it is recognised that it would be preferable for parking provision to be made on site, in light of existing policy it would not be reasonable to refuse this application on the basis of no parking.

7.0 Summary

- 7.1 The principle of the redevelopment of the site for additional housing is accepted. The proposal adequately addresses the issues raised by the Inspector in the appeal decision of the 30 January 2012 and complies with policies listed in Appendix 1 of this report.

8.0 Conclusion

- 8.1 It is recommended that planning permission is granted subject to the imposition of the recommended 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(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 8(j), 9(a) and 9(b).

BS for 29.05.2012 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 - Details & samples of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

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.

03. APPROVAL CONDITION - Boundary fence [Pre-Commencement Condition]

Prior to the commencement of the development hereby approved, details of the design and specifications of the boundary treatment of the site (including detail of the height and materials for the refuse collection point) shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of approved dwellings

04. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt, in the interests of the amenities of nearby residents and to avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

05. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in

the form of a design stage assessment, 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).

06. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, 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).

07. 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 dwelling units.

REASON:

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

08. Approval Condition - Cycle and refuse storage (Pre-occupation condition)

They cycle and refuse storage as shown on drawing C12/027.04 must be made available prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

Reason

To encourage cycling as an alternative form of transport and prevent storage of refuse bins on the highway in the interests of residential amenity.

09. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

10. 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.

11. 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.

Notes to Applicant

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

2. Southern Water: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk

POLICY CONTEXT

Core Strategy - (January 2010)

CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H2	Previously Developed Land

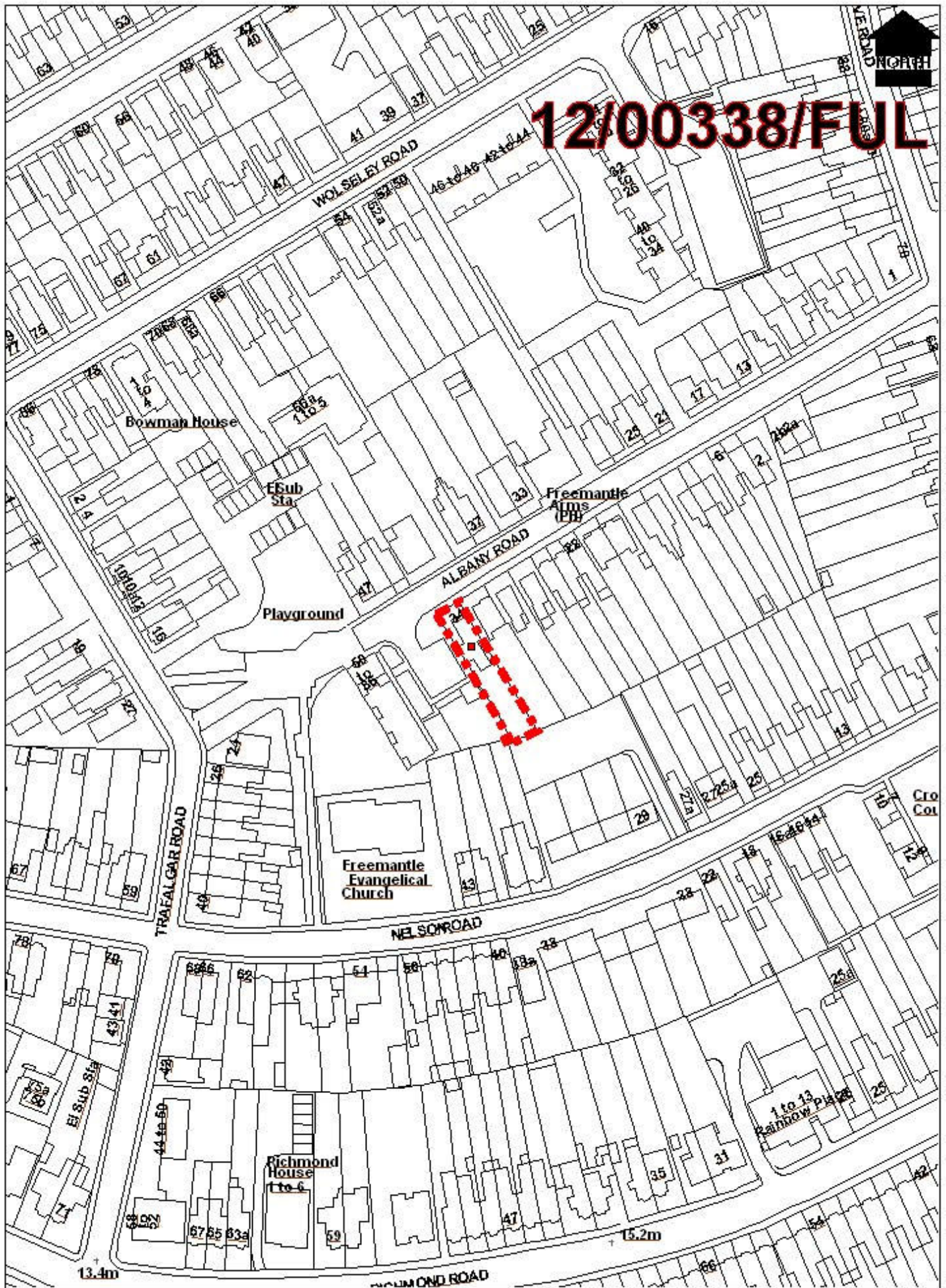
Supplementary Planning Guidance

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

National Planning Policy Framework



12/00338/FUL



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