

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 19 January 2010
 Planning Application Report of the Head of Division

Application address	1a - 1h Janson Road Southampton SO15 5SU		
Proposed development	Conversion of 8 town houses to provide a total of 40 x one-bedroom flats and relief from Conditions 4, 5, 6 and 8 of previous planning permission reference 01/01003/FUL to enable retention of works carried out to convert garages to flat/bin store and retention of conservatories.		
Applicant	Mr P Louizou	Agent	Southern Planning Practice Attn Mr Ian Donohue Youngs Yard, Churchfields, Twyford, Winchester, So

Application number	09/01133/FUL	Application type	FUL
Case officer	Andy Amery	Application category	Major (Large)

Recommendation Summary	1. Refuse 2. Authority to serve up to 8 separate enforcement notices against the breaches of planning control identified at 1a - 1h Janson Road.
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Reason for Panel consideration	Major application and Enforcement issues.
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Date of receipt	17/11/2009	City Ward	Shirley
Date of registration	17/11/2009	Ward members	Councillor Matthews
Publicity expiry date	24.12.09		Councillor Dean
Date to determine by	16.02.10		Councillor Cooke

Site area	400sq m (0.04ha)	Usable amenity area Landscaped areas	shown: 31.2 sq.m. per 'house'
Density - whole site	Existing = 200 d.p.h Proposed = 1000 d.p.h		shown: 4.9 sq.m. per flat

Site coverage (developed area) 60%		Site coverage :60%	
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Residential numbers	unit size				
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mix						
Studio / 1-bedroom	40	16 sq m (max)				
2-bedroom						
3-bedroom						
Accessibility zone			Parking Permit Zone			
Car parking provision	Proposed: 0		Existing: 8		Policy maximum: 5	
Motor cycles / Bicycles	Proposed: 0					
Key submitted documents supporting application						
Supporting Statement dated 17 November 2009.						
Appendix attached						
1	Local Plan Policy schedule		2	Planning History		
3	Letter from agent giving series of management procedures					

Recommendation in full

That the planning application be Refused and that the Service of 8 Enforcement Notices be endorsed by the Panel.

Proposed Development & Surrounding Context

Located at the south-western end of Janson Road, and formally known as land to the rear of 325-327 Shirley Road, the site was quite recently developed (2006) to provide 8 three bedroom town houses in a three storey terrace.(01/01003/Ful - attached as an appendix to this report).

It is a high accessibility location, within the Shirley Town Centre boundary, close to all facilities and services.

The proposals seek to regularise the convert each of the 8 existing 3 bedroom town houses into 5 studio flats bringing the total number of flats across the development to 40.

The application also seeks to retain the conservatories which have been added to each of the properties without planning permission and relief of those originally imposed planning conditions which relate to the retention of the existing garages for car parking.

It should be noted that the application is part retrospective, the applicant having already converted 4 of the 8 units into self-contained flats.

For purposes of clarification, at the time of the application site visit on undertaken on 3 December 2009 it was identified that:

1a Janson Road was being lived in as a shared house with bed-space for up to 9 individuals but with individuals sharing some facilities including kitchen and bathroom.

1b Janson Road was being lived in as a HMO by 4 individuals with 4 rooms occupied but with no obvious communal interaction in the shared kitchen and bathroom areas.

1c Janson Road was being lived in as a HMO by 4 individuals with 4 rooms occupied but with no obvious communal interaction in the shared kitchen and bathroom areas.

1d Janson Road had been converted into 5 self-contained studio flats of which 4 were occupied. Only the ground floor unit, which was formerly the garage area, was not in occupation.

1e Janson Road had been converted into 5 self-contained studio flats of which 4 were occupied. Only the ground floor unit, which was formerly the garage area, was not in occupation.

1f Janson Road had been converted into 5 self-contained studio flats all of which were occupied.

1g Janson Road was being lived in as a HMO by 4 individuals with 4 rooms occupied but with no obvious communal interaction in the shared kitchen and bathroom areas.

1h Janson Road Janson Road had been converted into 5 self-contained studio flats of which 4 were occupied. Only the ground floor unit, which was formerly the garage area, was not in occupation.

The integral garage spaces for all units have, without the benefit of planning permission been converted into living accommodation, although at the time of the visit only one of the eight former garage spaces (1f) was being occupied.

Each of the units has been provided, without the benefit of planning permission, with conservatories to the rear elevation.

Two applications submitted in 2008 seeking to retain the conservatories and remove the conditions requiring the garages to remain were refused under delegated powers. The details of these applications are included in **Appendix 2** (Relevant Planning History).

Whilst not directly a planning issue it is considered that the Panel should be aware that the occupation of 7 of the 8 properties (1a being the exception) is by short-term tenancy agreements with a local charity who house homeless and other vulnerable individuals.

Relevant Planning Policy

The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

Relevant Planning History

The history of the site is attached in **Appendix 2** to this report.

Consultation Responses & Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice.

At the time of writing the report, 15 representations had been received from surrounding residents and local councillors.

Summary of Representations made

The Council, across a number of departments, has received numerous complaints about activity, disturbance, poor refuse management and parking problems relating to this site.

Local residents are very concerned about the impact the development has on the character of the area and the amenities of those residents living close by.

It is considered that the creation of 40 flats is a gross over-development and over-intensive use of the site.

It is considered that the loss of family houses in this location is unacceptable both in policy terms and in terms of the character of the area.

There is a great deal of local anger at the flagrant breaches of planning control and the apparent lack of respect for the planning system.

Summary of Consultation comments

Southern Water raises no objections.

The City Council's Housing team note the application and highlight that should it be refused the charity through which existing occupants have been housed would need to be notified.

Highways recognise that the lack of parking is well below the maximum requirement of 16 and that refuse and cycle storage facilities are not currently achieved to the required standards. Concern is also raised regarding the design of the garage doors which open out over the pavement and are a potential hazard if not managed properly.

Planning Consideration Key Issues

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

1. Principle of Development

The authorised use of the site is as 8 family town houses. Whilst policies in the adopted Local Plan Review 2006 do not prevent the conversion of houses to flats (policies H1 and H12 are most relevant) policies in the Core Strategy should now be given significant weight. The approved supplementary document on family housing (June 2009) should also be given significant weight when considering the principle of development.

Regard must also be had to whether the development can provide the appropriate facilities to provide occupiers with an acceptable living environment and also provide facilities such as refuse storage in such a manner as to safeguard the character of the area and the amenities of nearby residents. Policies SDP1, SDP7 and H7 in addition to requirements of the Residential Design Guide with regard to amenity space, refuse storage, cycle storage must be demonstrated to be satisfied.

2. Loss of Family Housing

Policy CS 16 of the Core Strategy states that the council will seek to provide a mix of housing types and more sustainable and balanced communities through **no net loss of family homes on sites capable of accommodating a mix of residential units**. The site, as approved, provides 8 family sized dwellings . The proposal to convert these purpose built family units to flats is contrary to the Council's policies contained within the Core Strategy and the approved Supplementary Planning Document : Family Housing (June 2009).

3. Provision of Specialist Housing for Homeless and Vulnerable Individuals

It is recognised that the Council's housing needs survey identifies a continuing need within the city for small households in particular to deal with the vulnerable and homeless.

The applicant has stated that the unauthorised conversion of the buildings is meeting this need and as such the development is compliant with the council's housing and planning policies.

Should the application be refused and any subsequent enforcement action is successful, up to 40 individuals would potentially be required to vacate the premises.

In this instance however it is considered the family housing policies and the supporting family housing document have the greatest weight when considering the application.

4. Car-parking

One element of the application seeks relief from the originally imposed conditions 4, 5 and 6 which required the retention of the existing garage spaces. The garages have been converted into living accommodation without the benefit of planning permission. An application in 2008 (**08/01667/Ful**: Relief from conditions 4, 5 and 6 of permission reference 01/01003/FUL to allow partial conversion of garage to kitchen with removal of garage doors and creation of open parking areas - Retrospective application) was refused on 12.01.2009. The reasons for the refusal are set out in **Appendix 2** and remain relevant.

The maximum parking requirement for the existing development of 8 town houses would under today's policies would be 5, although at the time of granting consent in 2005 one space per unit was required.

The maximum number of spaces to serve 40 flats on the site is 16. The proposals are therefore significantly deficient in meeting the travel and parking needs of the development and as such are considered contrary to policies SDP3 and SDP5 of the Local Plan Review 2006.

5. Amenity Space

The standards set out in the Core Strategy and the Residential Design Guide 2006 requires a minimum of 20sq m of amenity space to be provided per unit. The proposals only provide for 4.9sq m of amenity space per flat which represents a significant deficit and results in occupiers of the building having an unacceptable living environment. This is considered particularly relevant given the size of the average studio unit is only 16sq m which includes living, sleeping, kitchen and wash areas. The construction of the conservatories has only served to exacerbate this situation.

6. Provision for and management of refuse storage and other facilities

There have been a number of repeated complaints about the condition and appearance of this site, in particular the manner in which refuse has been allowed to accumulate and be left out in full public view. The amount of refuse associated with the properties is a reflection of the density of occupation and poor on-site management. The original scheme was designed prior to the introduction of re-cycling facilities and therefore the approved refuse storage areas are not designed to accommodate the two bins now associated with a three bedroom family house.

Experience has shown that the unauthorised conversion of the houses to flats combined with the occupation of at least three of the other units as HMO's rather than as if there were family houses (in the case of 1b, 1c, 1d and 1g each occupant has a separate tenancy agreement and has no connection with other occupiers) has led to serious problems of refuse storage.

Evidence suggests that the garage doors, which still remain in place, are often left broken and open over the footway, large quantities of refuse are left stored in the open and without proper management leading to problems of litter in addition to being unsightly and detrimental to the character of the area.

Since the initial site meeting the applicant has written to identify a series of management procedures that have been introduced including the employment of a site warden. A copy of this letter is appended to the report for information as **Appendix 3**.

Ultimately, the provision of refuse storage is not in accordance with the requirements set out in the Residential Design Guide.

It is also noted that no provision is made for adequate cycle storage provision. The standards as set out in the Local Plan Review and the Residential Design Guide require provision of 1 space per flat and 4 visitor spaces. It is not clear from the submission where secure and covered space for 44 cycles could be accommodated.

7. Retention of the unauthorised Conservatories

An application seeking the retention of the unauthorised conservatories - 08/01405/Ful: was refused on 28.11.2008 due to the provision of Insufficient amenity space. The conversion of the units to flats only increases the deficiency of amenity space and it is considered this element of the application should be refused on similar grounds to those previously stated.

Summary

The proposals are wholly unacceptable.

CONCLUSION

The application results in the loss of 8 family houses contrary to the most relevant and up-to date housing policies of the Council.

The provision of 40 flats on this site represents an over-intensive use of the site manifesting itself in poor living conditions and lack of amenity space for occupiers together with inadequate car parking and inadequate and poor management of refuse storage. The result is a detrimental impact on the character of the area and the amenities of nearby residents.

For these reasons the application is wholly unacceptable and should be refused.

Authorisation is also sought to serve up to 8 separate enforcement notices against the breaches of planning control identified on each of the units 1a - 1h Janson Road.

The notices would require the return of the properties at 1a-1h Janson Road to 8 three bedroom town houses as approved under 01/01003/Ful. In doing the notices would also require the removal of the conservatories and the re-instatement of the garages.

The time period for compliance is suggested as 6 months due to the length of the existing short-hold tenancies and the amount of work required to return the buildings to their authorised condition.

The reasons for serving the notices would be as set out in the reasons for refusal but with minor alterations to address the exact nature of the breach of planning control within each individual unit.

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

(Andy Amery 4 January 2010)

Relevant Planning Policy

Adopted City of Southampton Local Plan Review Policies

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP5	Development Access
SDP6	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H8	Housing Density
H12	Housing Type and Design
CLT5	Provision of Open Space
CLT6	Provision of Children's Play Space
IMP1	Provision of Infrastructure

Core Strategy - Planning Southampton to 2026

CS 3	Town, district and local centres
CS 4	Housing Delivery
CS 5	Housing Density
CS 15	Affordable Housing
CS 16	Housing Mix and Type
CS 19	Car and Cycle Parking

Relevant Planning History

99/00893/Ful: Redevelopment of the site by the construction of 7 no. maisonettes: Approved 23.05.2000

01/01003/Ful: Amendment to previous permission 99/00893/FUL - to redevelop site into 8 new dwellings: Approved 06.07.2005

05/01057/Ful: Erection of 8 no. three-bed, three-storey dwellings with associated car parking. Refused 13.09.2005 (due to failure of applicant to enter into s106 agreement).

08/01405/Ful: Vary condition 8 to permission 01/01003/FUL to allow construction of individual single storey conservatory to rear of each property. Refused 28.11.2008 for the following reason:

REASON FOR REFUSAL - Insufficient amenity space

The variation of condition 08 to permission 01/01003/FUL, to allow the enlargement of the dwellinghouses will fail to leave adequate private amenity space to serve each property. This would create an unacceptable living environment for occupiers of each property. As such, the proposed development would prove contrary to Policies SDP1 (i - particularly paragraphs 2.3.12-2.3.14 and Section 4.4 of The Residential Design Guide 2006 [September 2006]) and H7 (iii) of the City of Southampton Local Plan Review (March 2006).

08/01667/Ful: Relief from conditions 4, 5 and 6 of permission reference 01/01003/FUL to allow partial conversion of garage to kitchen with removal of garage doors and creation of open parking areas (Retrospective application). Refused 12.01.2009 for the following reasons:

01. REASON FOR REFUSAL - Interrupt traffic flow

Notwithstanding that the principle of a car free development in this location is acceptable the proposed garage conversions will result in additional on street parking in a location that is already heavily parked, whereby the impact of the free flow of traffic on Janson Road would be to the detriment of highway safety for all users. Furthermore, the subsequent length of retained driveway fail to retain sufficient parking to accommodate one vehicle and will, therefore, result in unsatisfactory parking taking place upon the site resulting in the obstruction of pedestrians using the adjacent highway land. The development would therefore prove contrary to the provisions of Policy SDP1, SDP3, SDP5, SDP7, SDP10 of the City of Southampton Local Plan (Adopted Version) March 2006 as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

02. REASON FOR REFUSAL - Vehicle security

Hampshire Constabulary have confirmed that there is evidence that residents on Janson Road have experienced and reported anti-social behaviour, which is often linked to criminal damage to vehicles parked on the road. The proposed garage conversions will result in additional on street parking and, therewith, more vehicle related crime on Janson Road to the detriment of the owners of the parked vehicles. Furthermore, the subsequent length of retained driveway of the host properties will result in parked vehicles overhanging adjacent highway land and, therefore, a likely increase in criminal damage to vehicles to the detriment of the owners. The development would therefore prove contrary to the provisions of Policy SDP1, SDP3, SDP5, and SDP10 of the City of Southampton Local Plan (Adopted Version) March 2006 as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006)

03. REASON FOR REFUSAL - Out of character

The proposed alteration to form an undercroft feature, by reason of its depth and design, would be out of character with design of the original dwellings and therefore

result in an incongruous addition to the street scene to the detriment of visual amenities in the local area. The proposed development would thereby prove contrary to policies SDP1(ii), SDP7 and SDP9 of the City of Southampton Local Plan Review (Adopted Version) March 2006 as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006)

RECOMMENDATION: REF

CONDITIONS for 09/01133/FUL

01. Reason for refusal - loss of family housing, inadequate refuse, cycle and amenity provision for future occupiers, impact on character of the area and the amenities of local residents.

With regard to the Conversion of the 8 Town Houses to 40 flats:

a. The proposal results in the loss of 8 family houses for which there is an identified need and shortfall within the city. As such the proposals are contrary to Policy CS16 of the Core Strategy and the requirements of the Supplementary Planning Document: Family Housing June 2009 .

b. Notwithstanding the above the proposals fail to provide an appropriate mix of dwelling types and sizes contrary to the requirements of policy H12 of the City of Southampton Local Plan Review 2006 and the requirements of the Supplementary Planning Document: Family Housing June 2009.

c. The proposal represents an over-intensive use of the site which by reason of the level of activity and facilities associated with 40 individual households would be detrimental to the character of the area and the amenities of nearby residents contrary to Policies SDP1 (i) _ (iii), SDP7 (iii), (iv) _ (v), SDP9 (v), SDP 10 (ii) and H4 (i), (ii) _ (iii) of the City of Southampton Local Plan Review 2006.

d. The proposal fails to make adequate provision for facilities to serve future occupiers of the units including amenity space, refuse storage and cycle storage. The significant deficit of amenity space is compounded by the size and layout of the individual units resulting in a failure to provide an acceptable living environment for future occupiers. The proposals are therefore contrary to policies SDP1 (i), and H4 of the City of Southampton Local Plan Review 2006 and paragraphs 4.4.1 - 4.4.4 (amenity space), 5.2.1 - 5.2.2 (car-parking), 5.3.1 - 5.3.4 (cycles), and 9.2 - 9.4.7 (refuse) of the Residential Design Guide 2006.

02. REASON FOR REFUSAL - Lack of Car Parking

With regard to the relief of conditions 4, 5 and 6 of planning consent 01/01003/Ful:

a. Given number of individual units proposed, notwithstanding the high accessibility location of the site, a car free scheme is not considered appropriate and the proposed garage conversions will result in additional on street parking in a location that is already heavily parked, whereby the impact of the free flow of traffic on Janson Road would be to the detriment of highway safety for all users. Furthermore, the subsequent length of retained driveway fail to retain sufficient parking to even accommodate one vehicle and will, therefore, result in unsatisfactory

parking taking place upon the site resulting in the obstruction of pedestrians using the adjacent highway land particularly during the process of unloading and loading of goods or items given the current short term nature of the tenancies. The development would therefore prove contrary to the provisions of Policy SDP1, SDP3, SDP5, SDP7, SDP10 of the City of Southampton Local Plan (Adopted Version) March 2006 as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

b. Hampshire Constabulary have confirmed that there is evidence that residents on Janson Road have experienced and reported anti-social behaviour, which is often linked to criminal damage to vehicles parked on the road. The proposed garage conversions will result in additional on street parking and, therewith, more vehicle related crime on Janson Road to the detriment of the owners of the parked vehicles. Furthermore, the subsequent length of retained driveway of the host properties will result in parked vehicles overhanging adjacent highway land and, therefore, a likely increase in criminal damage to vehicles to the detriment of the owners. The development would therefore prove contrary to the provisions of Policy SDP1, SDP3, SDP5, and SDP10 of the City of Southampton Local Plan (Adopted Version) March 2006 as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006)

03. Reason for refusal - Inadequate Amenity Space

With regard to the relief of Condition 8 of planning permission 01/01003/Ful and the retention of the existing conservatories:

The variation of condition 08 to permission 01/01003/FUL, to allow the enlargement of the dwelling houses will fail to leave adequate private amenity space to serve each of the proposed flats. 4,9sq m of external amenity space per flat is significantly below the council's adopted minimum standards and coupled with the internal living accommodation provided creates an unacceptable living environment for occupiers of each property. As such, the proposed development would prove contrary to Policies SDP1 (i - particularly paragraphs 2.3.12-2.3.14 and Section 4.4 of The Residential Design Guide 2006 [September 2006]) and H7 (iii) of the City of Southampton Local Plan Review (March 2006).

04. REASON for Refusal - s106 contributions

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

A) Measures to satisfy the public open space requirements of the development have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 Policy CLT5.

B) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site have not been secured contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;

C) Measures to support strategic transportation initiatives have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;

D) Measures to support a refuse management plan to outline the methods of storage and waste collection of refuse from the land in line with policy SDP1 of the City of Southampton Local Plan March 2006.

E) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase; and

Section106A Informative

The applicant is advised that the reason for refusal could be overcome following the completion of a S.106 Legal Agreement to support an acceptable scheme.