

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 17 September 2013
 Planning Application Report of the Planning and Development Manager**

Application address: 320 Portswood Road SO17 2TD (Talking Heads)			
Proposed development: Alterations and conversion to provide 18 flats for student accommodation with a part two-storey and part single-storey rear extension and associated parking (re-submission of 12/01764/ful).			
Application number	13/01015/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	27.09.2013	Ward	Portswood
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Adrian Vinson Cllr Matthew Claisse Cllr Linda Norris

Applicant: Mr A Bajar	Agent: Concept Design & Planning
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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. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, on the acceptability of the development, particular account has been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing. Furthermore this development addresses the previous reason for refusal ref 12/01746/FUL because it cannot be argued the development would result in the loss of a community facility given the building could be converted into an A1 retail use without needing planning permission.

Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted in accordance with the following policies: City of Southampton Local Plan Review (March 2006) Policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP15, CLT5, H2, H7 and H13 of the City of Southampton Core Strategy (January 2010) Policies CS5, CS6, CS7, CS11, CS13, CS15, CS19, CS20 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	Development Plan Policies	2	12/01746/FUL Decision Notice

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education will be permitted to occupy the flats.
- iii. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site.
- iv. A Site Waste Management Plan.
- v. Submission and implementation within a specified timescale of a Travel Plan.
- vi. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
- vii. 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.
- viii. The development signs up to the national best practise code for student accommodation (not managed and controlled by educational establishments) or equivalent best practise (SASSH).

2) In the event that the legal agreement is not completed within two months of the Panel meeting 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 vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

1.0 The site and its context

- 1.1 Two-storey detached character building occupied as a pub / live music venue with flat over. Access is taken from Portswood Road and a parking area is located to the rear. A small outdoor seating area with canopy over is located to the rear/side of the building. The ground floor comprises a small bar and a larger function area.
- 1.2 The street comprises a mix of residential and commercial use. The adjacent side of the street comprises two-storey terraced housing. To the southern side is a 4-bed student HMO, to the northern side is a grade II listed building occupied as a dwelling (324 Portswood Road). A bus stop is located outside the application site.

2.0 Proposal

- 2.1 The proposal seeks extension and conversion of the building into 18 self contained student flats. A modest single-storey extension is proposed to the rear and a first-floor mansard roof (with gables to the south elevation) is proposed to be added to the existing flat-roofed rear extension. Limited external alterations are proposed to existing window and door openings and velux windows are proposed to the side roof slopes.
- 2.2 The main entrance into the building is to the side with an emergency exit to the rear. 10 self contained studio flats are proposed on the ground floor along with a laundry and store. 6 self contained studio flats are proposed at first floor level and 2 self contained flats proposed within the roof.
- 2.3 Communal amenity space is located to the rear (180 square metres in area). A car park / drop off point providing 4 spaces is located to the rear with vehicular access taken from Portswood Road. Bin storage is located along the side access.

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 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 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 12/01764/FUL
Alterations and conversion to provide 18 flats for student accommodation with a part two-storey and part single-storey rear extension and associated parking.
Refused on 21.03.2013

- 4.2 13/00493/PLDC
Application for a lawful development certificate for a proposed change of use from a public house (class A4) to a supermarket (class A1)
No objection (Approved) 18.06.2013

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, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **3 representations** have been received from surrounding residents which include 2 letters in support and 1 objection.

The representations can be summarised as follows:

In support

- 18 students cannot possibly be as noisy as the current music venue which is licensed until 3am.
- As this is a vastly populated student area the proposed use would not be out of keeping.
- The exterior of the building would be greatly improved by the alterations.
- If the development is properly managed, cannot see why this application should not be passed (Officer Response - The development will be required to sign up to SASHH through the S106 legal agreement).

Against

- Excessive number of students already living in the area.
- It is not fair that a lively and well attended pub is to be lost.
- Overdevelopment.

- 5.2 **SCC Highways** - No objection subject to conditions to prevent obstruction of the public highway during construction works and to secure the parking area for drop off/collection only. The proposed development will generate fewer trips than a pub.
- 5.3 **SCC Housing** – Confirms that there will be no affordable housing requirement for this scheme and request that occupancy is restricted to students only, via the Section 106 agreement.
- 5.4 **SCC Sustainability Team** – If the case officer is minded to approve then a condition should be added seeking 20% C02 savings through renewable or fabric measures over a Building Regulations part L baseline.
- 5.5 **Police** – No objection in principle but this type of accommodation and its occupants are classified as being vulnerable to burglary, therefore the police seek information from the applicant as to what security measures they intend to put in place to mitigate this. The drawings show defensible planting but with little detail and that will not be sufficient on its own.

It is strongly recommended that the applicant meets the requirements of the Police 'Secured by Design' (Part 2 Physical Security) in the interests of reducing crime and disorder.

- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions to control bonfires, hours of work and to secure a construction environment management plan and soundproofing to the building (to protect occupiers from traffic noise from Portswood Road).
- 5.7 **Southern Water** – No objection subject to an informative regarding connection to the public sewer.
- 5.8 **SCC Environmental Health (Contaminated Land)** - Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning conditions recommended.

Officer Response - This is considered an unreasonable request given the proposal only seeks excavation for a modest (2m depth) rear extension to provide bin storage. Evidence from Environmental Health indicates that contaminating land uses have existed near but not on the site. A recent appeal dismissal indicated that conditions seeking contamination assessment should only be applied if there is evidence to show that contaminating uses have existed on site. The unsuspected contamination condition will be applied

- 5.9 **City of Southampton Society** - No objection but suggest the following conditions:
- 1, That any development respects the quaint, old, crenellated building that lies adjacent to the north of the site,
 - 2, That the solid wall on the southern edge of the site be retained,
 - 3, That particular attention be paid to sound proofing the rear of the building which will overlook Thomas Lewis way and be subject to significant traffic noise and also the Ice Cream factory that has refrigeration units in constant use.

6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Background and principle of development
 - ii. Impact on the character and appearance of the area
 - iii. Residential environment for future occupiers
 - iv. Transport and parking issues
 - v. Impact on residential amenity

6.2 **Background and principle of development**

A planning application for conversion and extension of the building into 18 flats, similar to that proposed, was refused on 21.03.13 (ref 12/01764/FUL). The scheme was refused because granting consent would have effectively allowed for the loss of this community facility.

- 6.3 An application for lawful development certificate was subsequently submitted seeking legal confirmation that conversion of the pub/music venue into an A1 retail use would be allowed under permitted development (not requiring planning permission). The Local Planning Authority agreed that conversion of the venue into A1 retail use was permitted development and the lawful development certificate was issued with no objection.

Effectively this meant that the venue should not be protected as a community facility when it can be converted into a retail unit without needing planning permission.

- 6.3.1 The venue closed in January 2012 but was rescued later that year with the current landlord taking on a 10 year lease. There was always uncertainty as to whether the venue could continue as a viable business and the previous application(ref 12/01764/FUL) was submitted by the freeholder as a fallback position in the event the current landlord failed to make the venue work. It now unfortunately appears that the venture has proven unviable and the current landlord has served notice on the owner.
- 6.3.2 The application is the same as previously submitted (ref 12/01764/FUL) and therefore the Local Planning Authority is simply considering the previous reason for refusal.
- 6.3.3 The proposed extension and conversion of the building into student accommodation is acceptable in principle. The site is not safeguarded for a particular planning use and (student) residential use would be compatible with neighbouring land uses. It has been accepted that the venue can be converted into an A1 retail use without needing planning permission (through granting of a lawful development certificate) and therefore, while the loss of a community facility is regrettable, it is considered that the fallback position and the proximity of other facilities in the area means that a reason for refusal cannot be supported.
- 6.3.4 The proposed development has a density of 194 dwellings per hectare. Whilst this density level is greater than the maximum advocated by policy CS5 of the Core Strategy of between 50-100 dwellings in areas of medium accessibility, it is considered that density should not be an arbitrary figure that defines the manner in which the City develops. Instead, density should be taken as a guide to the appropriateness of a scheme; if a residential layout and design is considered to be appropriate for its context (as is the case here) it is these assessments that should prevail.
- 6.3.5 The site is considered to be a suitable and sustainable location for student accommodation, located within walking distance of Southampton University Highfield Campus and in close proximity to amenities and regular bus services within Portswood District Centre. Furthermore the provision of purpose built student accommodation may reduce the demand for converting the city's existing family housing stock into shared housing.
- 6.3.6 Impact on the character and appearance of the area

Retention of this character building with limited external changes is welcomed and the development will not adversely harm the character and appearance of the area. The proposed alterations to the existing window and door openings are in

keeping with the design of the building. Furthermore the proposed first-floor and single-storey rear extensions are both subservient and in keeping in design terms. The resultant build footprint and layout is in keeping with the spatial character of the area. The rear of the site is currently occupied for car parking and therefore the modest rear extension will not result in the loss of garden land.

6.3.4 Residential Environment for future occupiers

All habitable rooms will receive sufficient outlook and day lighting. The Council does not have minimum room size standards in relation to self-contained studio flats. 180 square metres of communal amenity space is provided to the rear which is acceptable given the nature of the units (students only) and residential mix (single occupiers). The amenity area is sufficiently usable and private.

6.3.5 Transport and parking issues

The site is close to principal bus routes and within reasonable walking distance of Southampton University Highfield Campus and amenities within Portswood District Centre. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

6.3.6 The development represents a 'car free' scheme and whilst students will be discouraged from bringing a car to the city due to the limited availability of unrestricted on street parking within this area, a restrictive clause is recommended within the S106 legal agreement to prevent occupiers applying for parking permits .

6.3.7 Four car parking spaces are provided at the rear for drop off/collection times at the start and end of terms. The S106 agreement will secure a travel plan and the submission of a student drop off/collection management plan to ensure that any traffic problems are mitigated. The management plan will ensure that controls are put in place to stagger student arrival and departure times at the start and end of term in order to prevent harmful disruption to the surrounding highway network. A condition will be added to ensure that measures are put in place to prevent the area being used for general parking outside of drop off collection times. Satisfactory bin and bicycle storage provision has been made.

Impact on Residential Amenity

6.3.8 The residential amenities of neighbouring residents will not be adversely harmed. The proposed conversion to student residential accommodation may represent an improvement in noise terms, given the existing pub premises is licensed until 3am. Furthermore the development will be required the SASHH scheme, via the S106 agreement, to ensure the student accommodation is responsibly managed in accordance with best practise guidance.

6.3.9 The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy. The single-storey rear extension will have no impact on adjacent neighbours and the proposed first-floor extension / mansard has a hipped roof to prevent any harmful impact on the properties to the north (324 and 324a Portswood Road). The development will not generate any harmful overlooking with the first-floor rooms using existing habitable room window openings and the velux windows set in the side room slope would be set 2m above the finished floor level.

7.0 Summary

- 7.1 The existing A4 drinking establishment is not safeguarded and conversion of the building into student residential accommodation is policy compliant. Retention of this character building is welcomed and the proposed external alterations are in keeping with the character and appearance of the building and will not harm the visual amenities of the area. The application cannot be refused for loss of a community facility because the pub could be converted into an A1 retail unit without needing planning permission.
- 7.2 The site is considered to be a suitable and sustainable location for student accommodation, and the provision of purpose built student accommodation may reduce the demand for converting the city's existing family housing stock into shared housing. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. This application has addressed the previous reason for refusal ref 12/01746/FUL.

8.0 Conclusion

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(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

AG for 17/09/13 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. APPROVAL CONDITION - 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.

04. APPROVAL CONDITION - Security Measures

A scheme of security measures to mitigate against risk of crime shall be submitted to the Local Planning Authority and agreed in writing with the Local Planning Authority (in consultation with the Police). The development shall be carried out and retained in accordance with the agreed scheme of security measures.

Reason:

In the interests of reducing crime and disorder

05. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Portswood Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason:

In order to protect occupiers of the flats from traffic noise.

06. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

07. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

08. APPROVAL CONDITION - Parking drop off/collection area (Pre-commencement condition)

The parking area to the rear shall only be used for student drop off/collection in conjunction with the management plan secured through the S106 associated with this application. The area shall not be used for parking at any time outside the agreed drop/off/collection periods and details of the method to prevent parking shall be submitted to the Local Planning Authority and agreed in writing prior to first occupation. The development shall be carried out and retained in accordance with the agreed details.

REASON: In the interests of sustainable travel and to reduce congestion.

09. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. 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 as a communal area 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 flat units.

REASON:

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

11. APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation 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 approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

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

12. APPROVAL CONDITION - Bicycle Storage

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for a minimum of 18 bicycles to be stored for the benefit of the residents in accordance with plans to be submitted to and approved in writing

by the Local Planning Authority. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON: To encourage cycling as a sustainable form of transport.

13. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

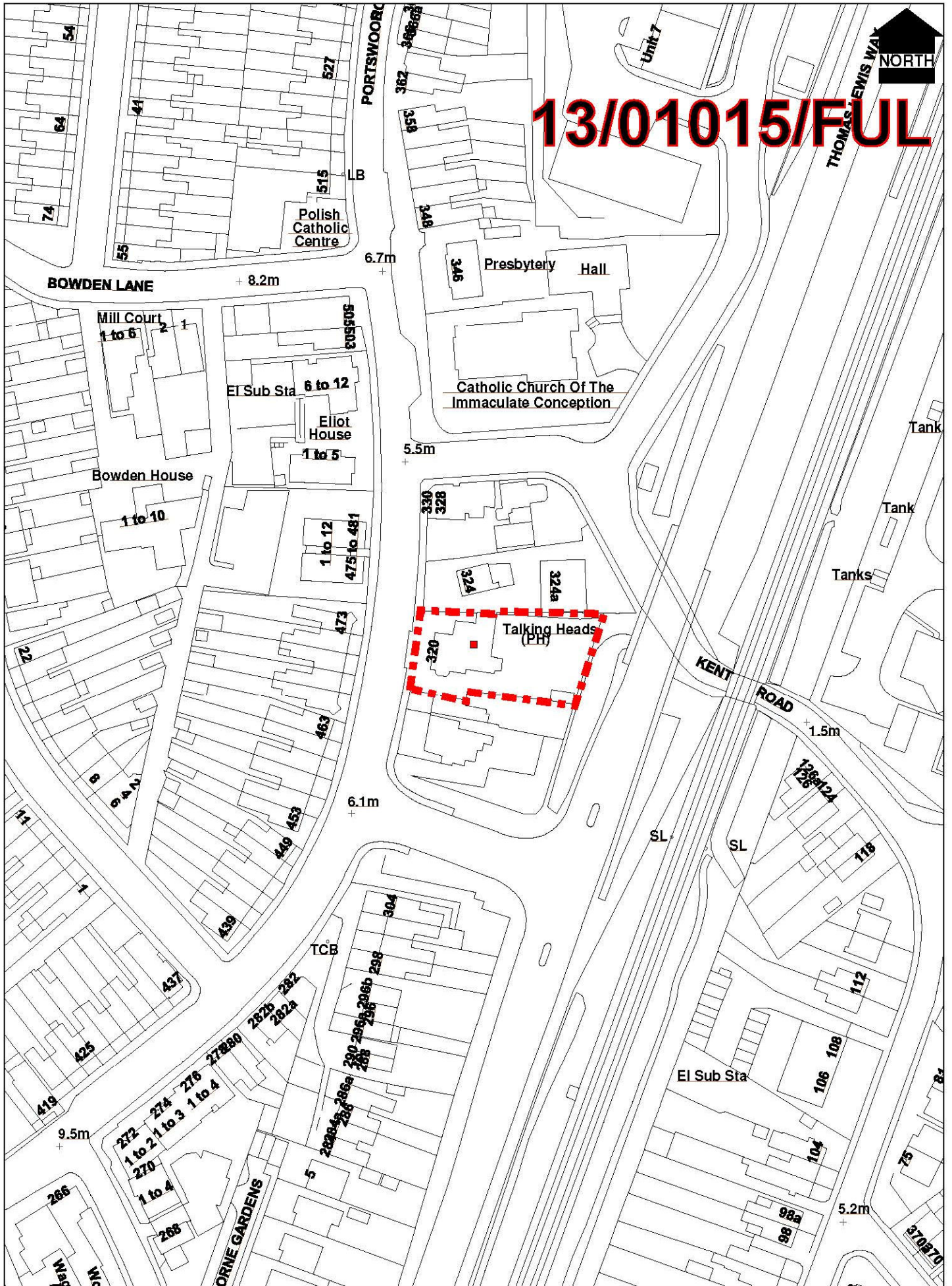
For the avoidance of doubt and in the interests of proper planning.

Notes to applicant:

1. Southern Water - Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne or www.southernwater.co.uk.

02. It is strongly recommended that the applicant meets the requirements of the Police 'Secured by Design' (Part 2 Physical Security) in the interests of reducing crime and disorder.



13/01015/FUL



Scale : 1:1250

Date 04 September 2013

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