

Planning, Transport & Sustainability Division 14/01/2014
Planning and Rights of Way Panel
Planning Application Report of the Planning and Development Manager

Application address: 80 Sydney Road SO15 5RB			
Proposed development: Demolition and rebuilding of 2-storey building to provide 2 flats (1x 2-bedroom and 1x 1-bedroom)			
Application number	13/01561/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	18/12/2013	Ward	Shirley
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Mead Cllr Kaur Cllr Chaloner

Applicant: Mr R Poswall	Agent: Jenkins Architecture Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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Reason for granting Planning 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, SDP22, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies
2	Officers Delegated report, 11/01692/FUL.

1.0 The site and its context

- 1.1 The application site was until very recently formed of a two storey semi-detached dwelling house located on the southern side of Sydney Road. However, the property has been demolished on the advice of structural engineers following structural problems identified whilst undertaking works to construct an extension approved in January 2012.
- 1.2 Sydney Road is characterised by early 1900's dwellings of a similar size and character. The property has a garden depth of 6m which can be accessed external via a shared footpath between 80 and 82 Sydney Road.
- 1.3 The site is on the edge of Shirley Town Centre as defined by RE15 of the adopted Local Plan Review.

2.0 Proposal

- 2.1 The application seeks consent for the erection of a modest two storey house that will form one half of a pair of semi-detached houses. The property will also have a single storey lean-to element to its rear which was also part of the dwelling prior to its demolition. As such the proposal would not alter the design and layout of the property from the previous building which was demolished. Previously permission was granted for the conversion of the property into two flats, the same layout will be replicated upon reconstruction if permission is granted.

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 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 11/01692/FUL - Alterations to include replacement and extension of single storey rear extension to facilitate change of use from 2-bed house to 1x 2-bed flat and 1x 1-bed flat – Conditionally Approved.

Appendix 2 – Officers Delegated report, 11/01692/FUL.

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 (31/10/2013). At the time of writing the report 1 letter of representation has been received from surrounding residents. The following is a summary of the points raised:

5.2 Affecting a listed building, overdevelopment, poor design, road safety, shortage/loss of car parking, unhappy with the demolition of the house and retrospective application.

5.3 RESPONSE: The Council will need to control the materials used to ensure that the appearance is adequate. The design will not significantly change from the building previously on site. There will be no change to the parking arrangements/potential in the area as a consequence of the development. Road safety will not be affected. The Listed building to which the objector refers has not been named and the statutory list of protected buildings indicates that there are no listed buildings close to the site.

5.4 Consultation Responses

5.5 Building Control

5.6 The scheme has been discussed in detailed with the applicant's engineer. When inspecting the footings for the rear extension the structure was judged to be significantly out of plumb with limited integrity.

5.7 The Building Control Team has confidence in Complete Structural Engineers who are considered to have provided sound advice and information.

5.8 Due to the close proximity to the neighbouring property and the highway the need for urgent removal was accepted. The demolition work was undertaken for safety reasons.

5.9 SCC Sustainability Team

5.10 As this is a new build dwelling, as stated in the submitted sustainability checklist, a pre-assessment estimator for the code for sustainable homes should be submitted showing that level 4 has been achieved. This has not been submitted.

5.11 SCC Environmental Health (Contaminated Land)

5.12 This department considers the proposed land use as being sensitive to the affects of land contamination.

5.13 Records maintained by SCC - Environmental Health Services do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent.

- 5.14 Therefore this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

6.0 Planning Consideration Key Issues

- 6.1 The application will need to be judged on the acceptability of design in relation to the character of the dwelling and surrounding streetscene, neighbouring amenity, the living environment for the occupants; and acceptability of the dwelling in policy terms.
- 6.2 Character of the dwelling and surrounding streetscene
- 6.3 The design of the dwelling that has been demolished will be replicated and therefore the impact on the streetscene and character of the surroundings will be unchanged. There are no concerns relating to the design of the property.
- 6.4 Neighbouring amenity
- 6.5 The position of the building on the plot is identical to the previous building and therefore the impact of the development will not be different to the situation that previously existed.
- 6.6 Living environment for the occupants
- 6.7 The habitable rooms and garden provided for the occupants will provide an acceptable living environment for the occupants.
- 6.8 Acceptability of the dwelling in policy terms
- 6.9 The property will not achieve Code Level 4 of the code for sustainable homes (code). This therefore means that the development is contrary to policy CS20. However, officers are of the opinion that there are mitigating factors in this specific case to justify an exception. The demolition of the building was not pre-meditated. It has resulted in additional cost and delay for the applicants who are now seeking only to replicate what was previously present and approved on the site. The new build will need to meet Building Regulations sustainability criteria and will therefore be a more sustainable, energy efficient building than previously existed. On those grounds it is reasonable to support the scheme. The decision to recommend conditional approval follows discussions with the applicant, Officers within the building control team and the applicant's structural engineer.
- 6.10 The property was bought by the applicant in a poor state of repair. After purchasing the property the applicant made an application to the Council for the change of use to two flats and planning permission was granted (see section 4.1). To facilitate the change of use a moderate extension was proposed to be added and as such the original rear single storey projection needed to be demolished. The foundations were then dug and concrete was poured ready for the construction of the walls. Following this the chimneys were demolished at which point the whole building became unsafe and unstable. Complete Structural Engineers were called in and they advised the applicant that the building would need to be pulled down and then rebuilt. This occurred and as the foundations were being constructed for the replacement building the planning enforcement

team contacted the applicant to explain that a planning application would be required.

- 6.11 From looking at the information available and after discussing the matter with the Building Control Officer the Planning Team are convinced that the applicant was forced to unexpectedly demolish and rebuild the dwelling. The applicant has therefore incurred additional costs which were not known to him when the property was first purchased. Achieving code level 4 will incur further cost to the development which the applicant did not initially foresee.
- 6.12 Officers have taken a practical approach when considering how reasonable it is to require the development to be built to code level 4 and therefore have not required code 4 to be achieved. Officers do however acknowledge the importance of sustainability in development schemes and therefore have added condition 14 to ensure that sustainable principles are adopted. It is also noted that condition 14 was also used when approving the previous permission (11/01692/FUL). The development will need to achieve better sustainability credentials than the minimum requirement set by building regulations.

7.0 Conclusion

- 7.1 The principle of the building, impact on the character of the area, proposed residential environment and impact on neighbouring amenity has previously been supported. Conditions can be used to control the development and it is judged to be unreasonable, given the unforeseen additional costs that the applicant has incurred, to require code level 4.
- 7.2 Accordingly whilst this application represents a departure the proposal is recommended for approval.

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

1 (a), (b), (c), (d), 2 (b), (d), 4 (f), 6 (c), 7 (a), 9 (a) and (b)

MP3 for 14/01/2014 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 - 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.

03. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

04. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

05. 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.

06. APPROVAL CONDITION - Hours of work for Clearance / Construction [Performance Condition]

All works relating to the 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.

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

The materials and finishes to be used for the external walls, (window 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 semi-detached partner (number 78 Sydney Road).

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.

08. Approval Condition, Provision of refuse storage, cycle storage and amenity space (Pre-occupation condition)

The refuse storage, cycle storage and amenity space to serve the ground floor flat hereby approved must be made available prior to the first occupation of the ground floor flat and thereafter retained for that purpose at all times.

Reason

In the interest of residential amenity

09. Approval Condition, Refuse storage for first floor flat (Pre-occupation condition)

Notwithstanding the approved plans prior to the first occupation of the development hereby approved details of refuse storage including position and enclosure structure shall be submitted to and approved in writing by the local planning authority. Once agreed, the refuse storage for the two flats shall be constructed in accordance with the approved details prior to occupation and thereafter retained for that purpose at all times.

Reason

To ensure an appropriate form of refuse storage is provided in the interests of residential amenity and the character of the street scene.

10. APPROVAL CONDITION Private amenity space [Pre-Occupation Condition]

The approved private amenity space shall be laid out in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

Reason:

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

11. APPROVAL CONDITION, Cycle Storage [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the secure storage of at least one bicycle for the use by the occupants of the ground floor flat shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facility shall be retained whilst the building is used for residential purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties

12. APPROVAL CONDITION, Boundary Treatment [Pre-Occupation Condition]

Before occupation of the development hereby approved full details of all proposed boundary treatment (including the boundary to the front, adjacent to the highway; and boundary treatment at the rear [including treatment to divide the front of the site from the rear]) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall subsequently be installed to the specification as approved prior to first occupation and retained thereafter whilst the property is being used for residential use.

Reason:

To protect the amenities and privacy of occupiers of the adjoining property and the proposed flats.

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

No work shall be carried out on site unless and until provision is available within the site 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.

14. APPROVAL CONDITION - Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% [as required in core strategy policy CS20] 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).

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Southampton City Council - Planning Development Control Delegated Report

Case Ref:11/01692/FUL	Case Officer: Bryony Stala
Registered Date:21/10/2011	Application Type: FUL
Consultation Expiry Date:08.12.2011	Application Expires:26/12/2011

1. Application Address:

80 Sydney Road

2. Proposal Description:

Alterations To Include Replacement And Extension Of Single Storey Rear Extension To Facilitate Change Of Use From 2-Bed House To 1X 2-Bed Flat And 1X 1-Bed Flat

3. Site & Surrounds:

Site visit date: 21.12.11	Photographs Taken: Y	Consults Checked on site:
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The application site is formed of a two storey semi-detached dwelling house located on the southern side of Sydney Road.

Sydney Road is characterised by early 1900's dwellings of a similar size and character. The property has a garden depth of 6m which can be accessed external via a shared footpath between 80 and 82 Sydney Road.

The site is on the edge of Shirley Town Centre as defined by REI5 of the adopted Local Plan Review.

The property is currently vacant and in a state of disrepair.

4. Development Plan Policies/guidance of relevance:

City of Southampton Local Plan Review (2 March 2006)	Other Policy - SPG etc. to note:
SDP1 (Quality of Development)	Residential Design Guide
SDP4 (Development Access)	(18 Sep 2006)
SDP5 (Parking)	
SDP7 (Context)	
SDP9 (Scale, Massing and Appearance)	

Local Development Framework Core Strategy
Development Plan Document (January 2010)

CS5 (Density)
CS13 (Fundamentals of Design)
CS16 (Housing Mix and Type)
CS19 (Parking)
CS20 (adapting to and tackling climate change)

The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this

application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

If this report is being read as part of an eventual householder appeal, the Inspector's attention is drawn to Appendix 'M' of the adopted residential design guide. This details the 2 year programme of public participation that took place prior to adopted. This includes stakeholder design workshops, where completed residential developments were reviewed and extant guidance of the new residential standards development control brief (1989) evaluated. Part of this evaluation included a review of some 200 relevant appeal decisions between 1989 - 2004. As such, the Local Planning Authority affords the Council's significant weight to that Supplementary Planning Guidance.

5. Relevant Site History and Land Uses:

None relevant

6. Consultation Response Summary:

Sustainability - If the case officer is minded to approve the application condition K065 is recommended.

Highways - I will be recommending approval subject to details being submitted and agreed in writing by the local planning authority to address the concerns relating to refuse store being located within a shared access.

Southern Water - A formal application for connection to a public sewer is required.

7. Notification Representations:

Number received:0

Summary of Comments:-

8. Planning Considerations:

The application seeks consent for the conversion of a modest two storey house to two flats. The property currently has a single storey lean-to to its rear which appears to be original to the property. The application proposes to extend this by an additional 0.5m to its length and width to create a large ground floor area. This reduces the existing garden size to a depth of 5m and overall size of 25m².

The property has a shared access with its non adjoining neighbour, 82 Sydney Road. The owner has a right of way over this access. It is proposed that the ground floor flat will be accessed via this shared access, with a door to the rear of the property, with the first floor flat accessed via the existing front door. The ground floor flat is to have sole use of the garden, with bin and cycle store being kept within it. Whilst the first floor flat will not have any access to a garden or cycle storage and its bin storage kept within the properties front garden.

The conversion of a two bedroom property to flats does not result in the loss of a family home and as such is compliant with policy CS16 of the adopted Core Strategy. The proposed ground floor two bedroom unit is policy compliant in that it provides direct access

to a garden, cycle and refuse storage and provides a private and secure residential environment.

Given the sites location on the edge of a city centre it is considered reasonable that the one bedroom flat (which is unlikely to be occupied by a family) does not benefit from amenity space, when such a provision would compromise the privacy of the ground floor unit. It is not ideal for the refuse storage for the first floor flat to be located to the front of a bedroom window for a separate unit. However, this is the only possible location for it, without it affecting the access to the proposed ground floor unit. The refuse store is to be appropriately screened to improve the residential environment for future occupants and the street scene.

The failure to provide cycle storage for the first floor unit is not considered reason alone to refuse the application. Future occupiers would be aware of such a situation and buy into/rent accordingly.

The site is in a highly accessible location and as such zero parking complies with CS19 of the adopted Core Strategy.

In order to ensure compliance with CS20 of the Core Strategy condition K065 (insert 20%) is recommended.

On balance, it is judged that the proposal complies with the provisions of policy SDP1, SDP5, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16, CS19 and CS20 of the adopted Core Strategy (January 2010). The application is recommended for approval subject to the imposition of recommended conditions.

9. Recommendation:	Conditionally Approve
Planning Application Case Officer: Bryony Stala Signature:	Date of Report:03.01.2012 Date report submitted:03.01.2012
Authorised Officer for sign off: Signature	Date Report Considered: Date DN to Business Support:

Exception Report (only required if recommendation is made after expiry of 8 week date):
Application was due during the Christmas break when the offices were shut. Amended plans were needed in order to find an appropriate solution for refuse storage on site; these were received on 23rd December 2011.



13/01561/FUL

Scale : 1:1250

Date :02 January 2014

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