

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 March 2014
Planning Application Report of the Planning and Development Manager

Application address: Former Park Hotel, 90 Shirley Road.			
Proposed development: Erection of two-storey extensions to both sides of the building and conversion to provide 11 flats (6 x one-bedroom and 5 x two-bedroom) with associated parking and storage facilities.			
Application number	13/01960/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	28/02/2014	Ward	Freemantle
Reason for Panel Referral:	Referred by the Planning and Development Manager due to wider public interest	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton

Applicant: Mr Glen Sahota	Agent: Knight Architectural Design
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Yes
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Refusal

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Refuse Permission on the following grounds

- 1) Reason For Refusal - Design.

The design of the proposed extensions fails to respect or harmonise with the host building which is of local interest. The scheme fails to respect the established pattern of development in the neighbourhood and represents a contrived design which would be harmful to the character of the street scene. In particular the set back of the front building line of the extension at ground floor adjacent to Shirley Road is insufficient and the height of the extension on Shirley Road fails to respect or harmonise with the design and

proportions of the existing building. Consequently the proposal is contrary to Policies SDP1 (i - particularly the guidance of section 2.3, 3.10.4 of the approved Residential Design Guide SPD - September 2006), SDP7 (ii), (iii), (iv) & (v) and SDP9 (i), (iv) & (v) of the saved City of Southampton Local Plan Review (March 2006); Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and paragraph 64 of the National Planning Policy Framework (2012).

2) Reason for Refusal – Amenity space and parking.

The proposed layout of buildings, access arrangements, car parking, refuse and cycle parking on the site has resulted in awkward car parking arrangements insufficient cycle and refuse storage areas and a lack of usable amenity space for the occupants of the proposed residential units. Accordingly the proposal fails to provide high quality housing for future occupants and is considered contrary to the provisions of policies SDP1 (i - particularly the guidance of paragraphs 9.2.2, 9.2.6, 5.1.15, 5.3.2 of the approved Residential Design Guide SPD - September 2006) and SDP5 (iii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS19 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010).

3) Reason for Refusal – Lack of Section 106 agreement to secure planning obligations.

In the absence of a Section 106 agreement the development fails to mitigate its impact in the following areas:

- 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. The provision of affordable housing in accordance with Policy CS15 of the Core Strategy.
- iii. No resident shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
- iv. 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.
- v. Contributions towards the Carbon Offset Fund as required by Policy CS20 of the Core Strategy.

1 The site and its context

- 1.1 The site is located on the corner of Shirley Road and Sir George's Road. Shirley Road provides excellent transport links to the city centre and also provides a route out of the city to the North West. Throughout the day there is a large amount of traffic movement along Shirley Road.
- 1.2 The site is currently occupied by a vacant Public House named The Park Hotel. Although somewhat neglected at present, the building makes a positive contribution to the streetscape. Construction works associated with the proposed development have begun on site however the Planning Enforcement Team has contacted the applicant to require all construction works to stop until such time that a valid planning approval has been granted.

- 1.3 The area surrounding the site is mixed use, but predominantly residential, comprising a mix of terraced houses, semi-detached houses, flats (on the opposite side of Shirley Road) and commercial units fronting Shirley Road.
- 1.4 The surrounding houses and shops are generally two storeys high with pitched roofs; however there are a number of three storey blocks of flats within the immediate locality. Materially the character of the area is comprised of redbrick and white / pale render with grey or brown interlocking tiles / slates on the roof.
- 1.5 Controlled Parking Zone 8 is in operation along Sir George's Road. The parking restriction in place only allows permit holders to park on the road between 8am and 6pm Monday - Saturday. Otherwise non-permit holders are allowed to park on the street during those times stated for only one hour with no return within 2 hours.

2 Proposal

- 2.1 The proposal would result in the incorporation of 11 residential units within the existing and extended elements of the building occupying the site. The scheme seeks to provide a mixture of residential unit types, five 2 bedroom flats and six 1 bedroom flats along with associated refuse and cycle parking facilities. The proposal does not provide a family unit (defined as a unit with three bedrooms and direct access to private amenity space).
- 2.2 Three vehicular parking spaces are also provided. Amenity space in the form of small private balconies for three of the units and a small shared garden space will be available.
- 2.3 The existing building would be retained, renovated and extended. The additions to the existing building extend across the two road frontages of Shirley Road and Sir Georges Road and also into the rear of the site where previously there was a single storey garage structure. Fronting Shirley Road there would be a first floor extension over the single storey element of the host building. Addressing Sir Georges Road there would be an extension towards the neighbour at number 1. The extension will be two storeys in height and have a flat roof.

3 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 Relevant Planning History

- 4.1 The building first appears on the 1869 map and is extended into its present form by 1897.
- 4.2 In December 2012 planning permission was granted for the erection of two-storey extensions to both sides of the building and conversion to provide 11 flats (7 x one bedroom and 4 x two bedroom) with associated parking and storage facilities (12/01482/FUL).
- 4.3 In November 2013 a planning application was submitted for the erection of two-storey extensions to both sides of the building and conversion to provide 11 flats (5 x one-bedroom and 6 x two-bedroom) with associated parking and storage facilities. This application was subsequently withdrawn (13/01637/FUL).

5 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 (10/01/2014) and erecting a site notice (03/01/2014). At the time of writing the report 3 representations have been received from surrounding residents including a local ward councillor. The following is a summary of the points raised:

- Support is given to the scheme.
- The addition of the third parking space is judged to be an improvement.
- Support is given to the proposed deletion of the extension to the west elevation, adjacent to the neighbour at 1 Sir Georges Road, and replacement by an addition to the rear (replacing the garage).

5.1.2 Response

The planning application that was approved by Panel and granted permission in December 2012 is judged to be a better scheme than the current application for a number of reasons. In particular when considering the two points raised by local residents, as listed above, the current proposal significantly reduces the amount of available shared garden space and fails to respect the established pattern of development in the local area whereby buildings front highways and private space is provided behind. These negative aspects of the scheme have come as a direct consequence of the decision to increase the number of parking spaces available and build on the footprint of the garage rather than extending the building on the Sir Georges Road frontage.

- 5.1.3 It should also be noted that whilst the previous scheme would have had an impact on the neighbour at number 1 Sir Georges Road prior to the panel meeting which supported the development amended plans were received to reduce the impact to an acceptable level. The relationship was not judged to be uncommon in urban areas (the flank walls of two buildings being in relative close proximity to one another) and the proposed building was set off the boundary by a similar distance to that of the building of number 1 Sir Georges Road.

5.2 Consultation Responses

- 5.2.1 **SCC Highways** – The proposed parking layout does not work due to insufficient turning space. As proposed on the site plan (amended; Rev B), the vehicles would be able to reverse straight back but will struggle to manoeuvre round and out through the proposed gates. This is due to the close proximity of the parking space closest to the gates and the corner of the bin store. This may encourage residents to park straight in and thus reverse straight out.
- 5.2.2 The 2m x 2m pedestrian sightlines looking left when exiting the site is sufficiently provided but looking right, falls short of the 2m due to the pillar. Further details of boundary treatment are needed and conditions can be applied if minded to approve.
- 5.2.3 The proposed cycle store does not provide sufficient space for the required 11 spaces. Bin storage would also need to be increased as 2no. 1100L Euro bins would serve only 9 flats. Due to the required increase of both the bin and cycle storage space, this may mean less available space for parking purposes or garden space.
- 5.2.4 Boundary treatment can be conditioned to ensure that sightlines are achieved to maintain highways safety.
- 5.2.5 **SCC Historic Environment** – Object to the scheme on design grounds. The proposal is judged to inadequately reflect the character of the non-designated heritage asset.
- 5.2.6 **SCC Sustainability Team** – If minded to approve apply relevant conditions.
- 5.2.7 **SCC Planning Policy** - The recommended density of developments in this area is over 100dph. The area of the site proposed for development is 0.065 hectares with 11 dwellings which gives a density of 169 units per hectare.
- 5.2.8 The proposed development will result in a net increase of 11 dwellings, which would equate to the provision of 3 affordable dwellings (20%) under Policy CS15 of the adopted Core Strategy. The application does not state whether this will be provided.

Response

Affordable housing units would be sought by legal agreement should Panel be minded to support the scheme.

- 5.2.9 The development will provide 11 units and does not include any family housing (dwellings of three or more bedrooms with direct access to useable private amenity space or garden for the sole use of the household). The Council seeks a mix of housing types in development and this scheme should be looking to provide 4 units of family housing in accordance with policy.

Response

The scheme previously supported also did not include family housing for viability reasons. The approach, and therefore principle of the current application, has been supported at this location previously and it has been noted that owing to

the position of the current building it is less suited to family housing than other sites in the city.

- 5.2.10 **SCC Environmental Health (Pollution & Safety)** - No objection.
- 5.2.11 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Apply recommended conditions.
- 5.2.12 **SCC Ecology** – Work affecting areas that could be used by bats, for example soffits, weather boards, roof tiles etc., should be undertaken by hand as the presence of bats can never be ruled out and the condition of the building has deteriorated since the submitted bat survey was undertaken.
- 5.2.13 **SCC Community Infrastructure Levy** - The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq m on the Gross Internal Area of the new units.
- 5.2.14 **SCC Employ** – Local Development Framework Core Strategy Policy CS24 (Access to Jobs). An Employment and Skills Plan (ESP) will not be required for the planning application.
- 5.2.15 **Hampshire Constabulary** – The positioning of the apartment doors at the rear of the building in a secluded area is not generally advocated however, in this case the issue is mitigated to some degree by the security gates and the fact that the courtyard is overlooked by a number of habitable rooms (kitchens and living rooms). Conditions will need to ensure that security gates (and the bin store doors) are appropriate in terms of design and security; and there is good management of them.
- 5.2.16 The ground floor layout is a concern it is always recommended that wherever possible a 'buffer zone' between dwellings and the public space should be provided to protect ground floor windows and the occupant's privacy. This is particularly so when the rooms are bedrooms. It is inappropriate for persons to be able to stand directly outside such windows where there actions may be unlawful or anti social but because they are in a public space they are less likely to be challenged. The situation can be worse at night when residents are trying to sleep and can result in them not being able to leave windows open for ventilation.
- 5.2.17 It is appreciated that the existing building and site boundary are one and the same and that creating a defensible space is not realistic, therefore, to mitigate this it is recommend that ground floor apartments are reconfigured and bedrooms do not face the street. Additionally, if there is space and window openings allow, then I would look to see if decorative wrought iron work could be affixed to the ground floor window sills to add protection to the glazing. They would not need to be full height.
- 5.2.18 **SCC Housing** – Three affordable housing units must be secured by legal agreement.

6. Planning Consideration Key Issues

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

- the principle of the development;
- the impact of the design of the building on the character of the area;
- the quality of the residential environment produced for prospective residents;
- the impact on the amenities of neighbouring and surrounding residents;
- highways safety, car parking and access.

6.2 Principle of Development

6.3 The existing building is in a prominent position and is of local interest although it is currently in poor condition. The re-use of the building is to be commended. The principle of the extension of the building and use for residential purposes is supported by national and local policy.

6.4 Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy H8 of the Local Plan Review Policy sets a minimum density of 100 dwellings per hectare for new residential development in high accessibility areas. The area of the site proposed for development is 0.065 hectares. With 11 dwellings the density would be 169 units per hectare. The scheme therefore meets the council's density requirements.

6.5 Policy CS16 seeks a target of 30% family housing on sites where 10 or more residential properties are proposed. The scheme does not include family housing however given the constraints of the site; namely the re-use of this commercial building, the location on a busy road and limited available garden space, it is considered that the site is not conducive to family housing. The precedent for extending and converting the building into 11 flats has been established by the previous planning permission

6.6 The impact of the design of the building on the character of the area

6.7 An assessment is required to consider whether the design of the extension to the building, when viewed from the public realm, will be harmful to the character of the host building, which is recognised as having some local interest, and the appearance of the building in the street scene.

6.8 The proposal involves a considerable extension to the existing building. When compared to the previously approved scheme the Shirley Road elevation will, at first floor, appear greater in width and at ground floor has a reduced set back from the front building line of the host building.

6.9 With the aim of reducing the visual impact of the extension amended plans have been received that reduce the height of the first floor element fronting Shirley Road, this approach, and the appearance of the extension, due to the width and setback proposed, would contribute towards the erosion of the distinctive character that the Park Hotel currently exhibits.

6.10 The proposed extension does not complement the features of the existing building and fails to adequately comply with the principles set out in the

residential design guide. Failure to respect or enhance the appearance of the local heritage asset or reinforce local distinctiveness is a serious short coming of the proposal and is at odds with the Councils adopted policies.

- 6.11 The proposal does not provide a suitable visual connection with the surrounding buildings in terms of storey height, eaves level, proportions and setbacks. Paragraph 64 of the National Planning Policy Framework (NPPF) supports the recommendation to refuse permission on design grounds: *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*
- 6.12 The quality of the residential environment produced for prospective residents.
- 6.13 Whilst the proposed amenity space would provide approximately 93 square metres in area, the previously approved scheme managed to provide some 130 square metres of amenity space. It is noted that Council standards seeks 20 square metres per flat and therefore the total amount of garden space required would be 220 square metres. Previously lack of sufficient garden space was not opposed as the soft landscaped area was judged to be of benefit to the residents by providing a setting to the internal environment as well as relief from the hard surfaces which would otherwise dominate the residential accommodation.
- 6.14 The privacy experienced by residents will be acceptable. Where windows are located on the pavement edge a lower section of obscure glazing can be incorporated (controlled by condition) to prevent harmful inter-looking from the street if the Panel were minded to approve the development. Where new windows will be added defensible space has been provided in front of them and obscured glazing can be used where required.
- 6.15 Whilst defensible space is not in front of each window at ground floor level the resulting situation is considered to be an acceptable compromise given that the proposal results in the reuse of the existing façade. The benefit of having habitable room windows on the external wall of the building ensures that natural surveillance of the street is achieved.
- 6.16 Impact on the amenities of neighbouring and surrounding residents.
- 6.17 The position of the proposed windows at first floor level, and in part the use of obscure glazing, should ensure that neighbouring amenity (privacy) will not be significantly affected.
- 6.18 The proposal is not judged to have a significant impact on neighbouring occupants.
- 6.19 Highways safety, car parking and access.
- 6.20 The dwelling is in a high accessibility area where greater than 20 buses per hour pass the site. Within a high accessibility area the adopted maximum parking standards would allow up to one parking space per residential unit. There is no requirement for the developer to provide any vehicular parking given that the standards are set at a maximum rather than minimum.

- 6.21 Previously two parking spaces were considered acceptable by the Council, as such the principle of three parking spaces is not opposed.
- 6.22 Owing to the design philosophy now adopted by the applicant the rear of the site needs to accommodate both vehicular and pedestrian access from Sir Georges Road, parking for three cars and 11 bicycles; along with refuse storage. In addition there needs to be sufficient space for vehicles to manoeuvre into the parking spaces without obstruction and the access arrangement needs to provide suitable visibility splays so that the safety of all highways users is achieved. The access also needs to be secure and therefore gates which can be locked are needed. In addition the refuse storage needs to be positioned so that collection can be achieved without the need to enter the private area of the site.
- 6.23 The resulting layout has unsuccessfully managed the components required to achieve an acceptable form of development. Officers are unconvinced that the proposed refuse and cycle storage facilities are of sufficient scale and thus would not enable the storage of one bicycle per flat and bins would need to be stored elsewhere, either on the public highway and/or within the shared amenity space thus further reducing the limited supply of garden available. The vehicular access security gates and position of the bin store are considered to impede the movement of cars when entering or exiting the site and the gates to the bin store and boundary treatment between the pedestrian entrance and vehicular security gate would impede the visibility splay required for highways safety reasons. Accordingly the proposal fails to provide high quality housing for future occupants.
- 6.24 As such the current arrangement proposed is contrived and gives an indication that the site is not capable of accommodating the amount of residential units provided without compromising the amenity space provision, cycle parking, refuse storage and vehicle parking.

7. Summary

- 7.1 The Council is committed to providing high quality residential environments for the citizens of the city and aim to work with developers to make efficient use of available land. The scheme does not manage to achieve this.
- 7.2 The design of the scheme fails to adequately acknowledge or enhance the building of local value and the arrangement needed to access and service the development are inadequate and would compromise the environment created for occupants.

8. Conclusion

- 8.1 The positive aspects of the scheme are judged to be outweighed by the negative and as such the scheme is recommended for refusal.

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

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

MP3 for 25/03/14 PROW Panel

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards (September 2011)

Other Relevant Guidance

NPPF National Planning Policy Framework

13/01960/FUL

