

Planning, Transport & Sustainability Division

Planning and Rights of Way Panel 22.7.14

Planning Application Report of the Planning and Development Manager

Application address: 10-11 Palmerston Road SO14 1LL			
Proposed development: Alterations and conversion of existing Public House to create 9 flats (4 x studio, 4 x 1-bedroom, 1 x 2-bedroom) with associated works.			
Application number	14/00935/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	31.7.14	Ward	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Matt Tucker

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
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development sought will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The development would secure additional flats and bring a vacant building back into use. The site is located in a sustainable location close to public transport, central parks and city centre amenities and therefore reduced parking and private amenity space can be supported in this area. Furthermore the proposed residential use is likely to have less noise impact on neighbouring residents than the authorised public house (Use Class A4).

Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and 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, SDP9, SDP10, SDP11, SDP16 and H1 of the City of Southampton Core Strategy (January 2010) Policies CS4, CS5, CS13, CS15, CS16, 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	13/00969/OUT and 12/01887/FUL
3	Site Map		

Recommendation in Full

1. 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 contributions for highway 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 SPD relating to Planning Obligations (September 2013);

ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).

iii. 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.

iv. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

v. No resident, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

2. In the event that the legal agreement is not completed within two months of the decision 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 add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1.0 The site and its context

- 1.1 The application site comprises a vacant three-storey pub building (Use Class A4) which fronts Palmerston Road. The building has an asymmetric roof pitch with dormer windows to the rear. The site levels step down to the rear and the building incorporates a basement level with outlook onto an enclosed yard area to the rear. Gated rear pedestrian access is available into Cossack Green. Flatted development is located immediately to the south and east, known as Central Park and Green Park Court which ranges in scale from three to five storeys. The buildings to the north form a terrace of three-storey buildings with a courtyard to the rear. Palmerston Park is located adjacent to the west. Parking restrictions exist within surrounding streets.

2.0 Proposal

- 2.1 The proposal seeks to convert the vacant pub building into nine flats. Limited external works are proposed to facilitate the conversion with changes to openings and the insertion of basement level windows within the rear elevation. The rear courtyard area will provide an amenity area with cycle storage facilities. Rear pedestrian access is provided onto Cossack Green. No on-site car parking is available.
- 2.2 The basement level contains 2 x 1-bed flats with rear outlook provided to the habitable rooms (lounge and bedrooms). The main entrance into the building is from Palmerston Road. The ground floor contains an integral bin store with access onto Palmerston Road, 1 x 1-bed flat and 2 x studio flats. The first floor contains 1 x 1-bed flat and 2 x studio flats and the second floor contains 1 x 2-bed flat. Rear access is taken from ground floor level which steps down to the rear yard area.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Developments are expected to meet high sustainable construction standards in accordance with 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 13/00969/OUT - Re-development of the site. Erection of Sui Generis halls of residence building providing five-storey of accommodation (arranged as 19 flats for student occupation) following demolition of existing building. Outline application seeking approval for Layout, Access and Scale. Refused on 12.09.2013
- 4.2 12/01887/FUL - Demolition of existing building and re-development to provide 21 units of student accommodation in a 4-storey building plus basement. Refused on 27.03.2013
- 4.3 11/00261/FUL - Redevelopment of site. Erection of 3-storey building (including basements) comprising 5 flats (1x 1-bed and 4x 2-bed) following demolition of existing building. Conditionally Approved on 14.04.2011

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 (13.06.2014). At the time of writing the report 7 representations have been received from surrounding residents and Cllr John Noon. The following is a summary of the points raised:

Noise nuisance arising from nine flats

Response - It is likely the flats will have less noise impact than the authorised pub use. Statutory noise nuisance from future tenants would be controlled by Environmental Health legislation. Flatted development would be in keeping with the surrounding character of the area. The proposal seeks C3 planning use and the application cannot be refused because of a perceived noise impact from any future residents which may be key workers or students.

Impact of traffic and loss of parking

Response - This is a highly sustainable location where zero car parking provision can be supported. Parking controls are in place within the city centre and residents of the development would not be automatically entitled to apply for parking permits. Bin and bike storage would be contained within the site. The applicants have provided land registry details to indicate they have rear access rights for bins, cycles and pedestrians. The planning application form indicates this is a zero parking scheme. Residents would not be entitled to park on neighbouring private land without the landowners consent.

Overdevelopment

Response - There is no upward density level within the city centre and therefore the proposed density of 246 dwellings per hectare would be policy compliant.

Furthermore the Council doesn't have any planning policies requiring minimum room size standards. All habitable rooms are provided with outlook

and natural daylighting. There is an identified need for one and two-bed flats within the city centre.

Issues regarding right of access over third party land to gain rear access to Cosack Green

Response - The applicant has submitted title deed information which claims a right of access for pedestrians, to include bin and bike access.

Concern regarding noise, dust and debris during construction work

Response - The impact of noise dust and debris is far less for a conversion compared to a redevelopment. An hours of work condition can be added to ensure construction noise is limited to Monday to Friday 8am-6pm and Saturday 9am-1pm. Furthermore, a construction environment management plan can also be added to control the location of parked construction vehicles and materials storage.

There is concern that residents will park within the private courtyard adjacent (rear of 12-13 Palmerston Road).

Response - The planning application form indicates this is a zero parking scheme. Residents would not be entitled to park on neighbouring private land without the landowners consent.

Concern regarding potential damage to neighbouring parked vehicles during construction works

Response - This is a civil matter and cannot be controlled by planning condition nor can planning permission be refused for this reason.

Concerns regarding the impact of large delivery vehicles on the neighbouring courtyard

Response - The applicant does not have a right of vehicle access into the neighbouring courtyard. The proposed conversion is unlikely to generate high levels of large construction vehicles.

Concerns regarding bin storage

Response - It would appear the rear bin storage area cannot be served by the Council refuse collection team because euro bins cannot be stored on the public footway and the applicant does not have the right to store bins on third party land.

Therefore integral storage to the front has been incorporated.

Consultation Responses

- 5.1 **SCC Highways** - No objection subject to conditions to secure sufficient bin and bike storage.
- 5.2 **SCC Sustainability Team** – If the Local Planning Authority is minded to approve the application, then a condition is recommended to ensure the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations

- 5.3 **SCC Historic Environment Team** - No objection
- 5.4 **SCC Environmental Health (Pollution and Safety)** -At the time of writing no comments have been received and an update will be provided at the panel meeting. It is likely that conditions will be required regarding hours of work and to ensure suitable glazing is used to protect the building from traffic noise on Palmerston Road.
- 5.5 **Southern Water** – No objection. Request a condition regarding details of foul and surface water disposal and an informative regarding connection to the public sewer.

6.0 **Planning Consideration Key Issues**

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

- Principle of development
- Impact on the character and appearance of the area
- Residential environment for future occupiers
- Transport and parking issues
- Impact on residential amenity

6.2 **Principle of Development**

- 6.2.1 The proposed conversion of this pub building into nine flats is acceptable in principle and residential use would be compatible with neighbouring uses. The site is not safeguarded for A4 use and the proposal would bring the building back into use. The pub is not considered a community facility, in line with paragraph 70 of the National Planning Policy Framework (March 2012), because it has been vacant since at least 2011 and there are many alternative drinking establishments and community facilities within the city centre. Furthermore pubs are not safeguarded as community facilities within policy CS3 of the Core Strategy. Residential development would be compatible with neighbouring land uses.
- 6.2.2 The development has a density of 246 dwellings per hectare which accords with policy CS5 of the Core Strategy. Densities in excess of excess of 100dph can be considered in high accessibility areas, such as the City Centre. The proposal seeks conversion of the existing building and as such the density will not harm the character of the area. The proposal seeks 9 units and therefore there is no requirement for family housing provision under policy CS16 of the Core Strategy. The provision of 1 and 2-bed units is suitable in this locality and there is need for such units within the city centre.
- 6.2.3 The site planning history indicates that elapsed planning permission for redevelopment of the site with a 3-storey building comprising 5 flats was approved in 2011. Subsequent redevelopment schemes (References 13/00969/OUT and 12/01887/FUL) for larger 4-storey buildings with deeper footprints were refused. This current conversion scheme is materially different to those previous refusals.

6.3 Impact on the character and appearance of the area

- 6.3.1 The proposed conversion of the existing building and limited external works will not adversely impact on the appearance of the area. Bringing the building back into use will enhance the area and residential use would be compatible with neighbouring flats and offices.

6.4 Residential Environment for future occupiers

- 6.4.1 All habitable rooms will receive sufficient outlook and day lighting. The Council does not have minimum room size standards in relation to self-contained flats. 67 square metres of communal amenity space is provided to the rear which is acceptable given the nature of the units, residential mix (predominantly 1-bed units) and proximity to city centre parks and amenities.

6.5 Transport and parking issues

- 6.5.1 The development represents a 'car free' scheme which can be supported in the city centre because the area is high accessibility. The site is located close to public transport and city centre amenities. 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. On-street parking controls are in place. Details bike storage will be reserved by condition. The bin storage has been amended because of land ownership complications with rear access and therefore integral storage has been provided with aluminium louvered access doors.

6.6 Impact on Residential Amenity

- 6.6.1 The residential amenities of neighbouring residents will not be adversely harmed. A reasonable back to back separation distance of up to 21m is provided with Green Park Court which is acceptable having regard to the tighter urban grain within the city centre and opportunity to bring this building back into use. It is likely the flats will have less noise impact than the authorised pub use. Statutory noise nuisance from future tenants would be controlled by Environmental Health legislation.

7.0 Summary

- 7.1 The existing A4 drinking establishment is not safeguarded and conversion of the building and bringing it back into use for residential purposes 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 due to the amount of alternative community facilities and pubs available within the city centre and the pub has been vacant since 2011.
- 7.2 The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable.

8.0 Conclusion

- 8.1 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 22/7/14 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, doors and windows (including recesses) 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 - Construction management (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, construction vehicles, 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.

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 Palmerston 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 ' Energy (Pre-Occupation 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).

07. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage 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

08. APPROVAL CONDITION - Cycle storage

The building shall not be occupied in full or in part until secure, covered space has been laid out within the site for 09 bicycles to be stored for the benefit of the occupants 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.

09. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

REASON:

To ensure satisfactory drainage provision for the area.

10. 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.