

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 25 October 2011
Planning Application Report of the Planning and Development Manager

Application address: 36 Edward Road SO15 3GZ			
Proposed development: Conversion of existing building into 3 flats comprising of 1x 3-bed and 2x 2-bed with external alterations including new windows and doors and associated parking and cycle/refuse storage			
Application number	11/00987/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	15.09.2011	Ward	Millbrook
Reason for Panel Referral:	Request by Councillor Furnell & more than 5 objections received	Ward Councillors	Councillor Furnell Councillor Thorpe Councillor Wells

Applicant: Goodstone Developments Ltd	Agent: Tony Oldfield Architects
--	--

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Reason for granting Permission Reason for Granting Outline Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. The proposed conversion would not have a harmful impact on residential amenity or highway safety and the proposal is considered to be acceptable. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Conditionally approve

1. The site and its context

1.1 The application site contains a public house located on the corner of Edward

Road and Kentish Road which leads to Henry Road. The public house, which is now vacant, included residential accommodation at first floor level. The existing building is an attractive character property within the street.

- 1.2 The surrounding area is predominantly residential in character and typically comprises two-storey, semi-detached and terraced properties.

2. Proposal

- 2.1 The application seeks to convert the existing building to provide 3 flats (1 no. 3 bed, 2 no. 2 bed units). The application proposes to remove single storey elements to keep the original footprint of the pub. A residential density of 90 dwellings per hectare is proposed.
- 2.2 Three parking spaces are proposed to serve this site and a rear amenity space is proposed for the three units. The area is divided into two to provide a private area for the three bed unit which could house a family. Boundary treatment between the parking spaces and the amenity space is to be a dwarf road topped by close boarded fencing. The parking area is to be bordered by soft landscaping to reduce the harsh appearance. The rest of the building is enclosed by 0.9m high iron railings which would add to the existing interest of the building.
- 2.5 Approximately 32sq.m of private and useable amenity space would be provided to the rear of the site with 20sqm to be provided for the three bed unit. This amenity space is accessed to the side as are units 2 and 3. Unit one is accessed either via the side via or via the entrance on the front elevation. Within this amenity area there would be the refuse bins and cycle storage for the ground floor unit the cycle store for the other units is in the hallway to those units.

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 The application site is not allocated in the current development plan. The Council’s usual requirements for achieving context-sensitive residential design as required by Core Strategy policy CS13 and policies SDP1, SDP7 and SDP9 of the Local Plan are applicable. Applications for new residential dwellings are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 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.

4. Relevant Planning History

- 4.1 11/00986/FUL Erection of 2 x two-storey, three bed semi-detached houses with associated cycle/refuse storage. Pending.
- 4.2 None of the other applications approved at the site are relevant to this proposal as they formed external changes to the public house building.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also 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 **22** (21 objections and 1 letter of no objection) representations have been received from surrounding residents and **2** objections from ward Councillors. Councillor Furnell has requested this application be considered by the Panel.
- 5.2 **Concerned that a covenant was imposed on the pub requiring it to remain as a pub and forcing redevelopment.**

Response

Covenants are not planning issues as they relate to civil law.

- 5.3 **The proposals would result in an overdevelopment of the site**

Response

The development utilises a brownfield site and all the units proposed have adequate amenity space and residential amenities. The proposal broadly complies with the residential standards, albeit the communal amenity space is 8 sq.m short of the guideline. This of itself is not seen as sufficient reason to warrant refusal of the proposals. See section 6.0 for further discussion.

- 5.4 **The proposal will add to parking pressures in the vicinity of the site as the number of off-road parking spaces proposed is insufficient to serve the development**

Response

The surrounding road does have a high level of on-street car parking; however, the application site lies within an area of high accessibility for public transport and is within close proximity of Shirley Town Centre. The provision of one parking space per unit is acceptable in this highly accessible area. The maximum car parking spaces for three and two bedroom units is two spaces as stated in the Parking Standards Supplementary Planning Document for a high accessibility area. However, this scheme was submitted prior to the approval of these documents and these are still maximum standards and the number of spaces are considered to be acceptable and is in accordance with policy CS19 of the Core Strategy and SDP5 of the Local Plan which looks to reduce reliance on the private car.

- 5.5 **The pub could be a bat roost and the grounds could house other protected species**

Response

No evidence of roosting bats or other protected species were found. See section 6.7 for further details.

5.6 The proposal does not provide social housing

Response

A scheme of this size does not require social housing, however, both schemes together provide family housing and smaller units which provides a development which caters for different social groups and as such the proposal complies with policy.

5.7 **SCC Highways** – No objection. Suggests conditions to secure details of the site set up during the construction process, provision of wheel cleaning facilities during construction and that landscaping surrounding the car parking is only 600mm high.

5.8 **SCC Sustainability Team** – No objection as the proposal complies with policy CS20 as the scheme provides renewable energy in the form of photovoltaic cells but suggests the inclusion of a condition to secure the proposal will meet Code Level 3.

5.9 **SCC Ecology** – No objection satisfied with the bat survey submitted (see section 6.7).

5.10 **Hampshire Constabulary** – No objection in principle to this development

5.11 **Southern Water** – No objection but a formal application to connect to the foul sewer is required.

5.12 **Environmental Health** – Request a hours of work condition and no bonfires to be allowed on site. The hours of work condition has been recommended but the no bonfires condition has not as it seems excessive for this development.

6. Planning Consideration Key Issues

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

- i. Principle of development;
- ii. Design;
- iii. Residential amenity;
- iv. Residential Standards; and
- v. Highways and parking.
- vi. Ecology

6.2 Principle of Development

6.2.1 The saved policies of the Local Plan Review encourage the conversion to residential accommodation of un-neighbourly, non-residential uses within residential areas such as this. The retention and conversion of the existing building is welcome both in terms of sustainability benefits and since the existing property is an attractive character property within the street scene. The application proposes a mix of accommodation which would contribute to creation

of a balanced community by providing additional housing on previously developed land.

6.3 Character and Design

- 6.3.1 The proposal utilises the existing property and only provides minor changes to the elevations. The main alterations are the removal of the brick wall to the front elevation and the insertion of a car parking area fronting Edward Road. The existing doors on the corner of the building will be converted into windows and the windows and doors on the rear elevation will be replaced by a high level window. The changes at first floor level are the removal of two windows on the rear elevation to prevent loss of privacy.
- 6.3.2 The proposal seeks to alter the boundary treatment on site by providing iron railings to front and the side of the building facing the properties at Edward Road. On the side facing the properties at Edward Road set back from highway is a dwarf wall topped with wooden fencing.
- 6.3.3 Whilst the proposed level of density at 90 dwellings per hectare this is acceptable in an area of High Accessibility, the proposal result in the redevelopment of a building which adds character to the street. The proposal due to the minimal alterations including the insertion of the car parking area is deemed acceptable as it will not detract from the character of the area.

6.4 Residential Amenity

- 6.4.1 In terms of the impact on the proposed dwelling to the rear of the site both schemes has been designed to prevent loss of light and privacy by providing no windows on the elevation of the pub fronting the new dwellings at first floor and only an obscured glazed bathroom on the side elevations of the dwellings. It is noted that the proposal does not meet the privacy distance guidance set out in the Residential Design Guide. However, due to the proposed windows configuration on each of the properties this close proximity would not be harmful to either proposal. With regard to the properties on Edward Road there are two windows at first floor facing the side elevation of no 28 Edward Road one is to be obscured and one serves the lounge. These windows are currently in situ and serve a residential unit so the proposal would not cause further harm. The side elevation is 12.5m away and therefore complies with the Residential Design Guide.
- 6.4.2 On balance, therefore, the relationship of the proposal with the neighbouring residential properties is considered to be acceptable in principle.

6.5 Residential Standards

- 6.5.1 The amount of amenity space proposed is less than the amount required by the Residential Design Guide, however this space would be private and not restricted by an awkward shape or undue enclosure. All of the flats would have direct access to the garden area and, furthermore, a landscaping condition is suggested to secure improvements to the space. The three bed unit has sufficient private separate space which complies with policy. As such the lack of amenity space is not a sufficient reason for refusal as the proposal complies with policy and the guidance in the Residential Design guide in all other matters.

6.5.2 There is an area of defensible space along Edward Road and the Kentish Road frontage to private loss of privacy from people passing by. A condition is suggested to secure this iron railing boundary wall and landscaping details of the area between the railings and the property's wall in order to prevent this area being used for the housing or rubbish. Secure cycle storage would be provided within the rear garden area for the ground floor and the shared hallway for the first floor flats. The access to the amenity area and the flats is via a footpath on Edward Road adjacent to the parking spaces. Refuse storage would also be provided to the rear of the site and would not be readily visible from the street. A bin collection point is included; containers could be moved with ease to the public highway for collection purposes.

6.6 Highways and Parking

6.6.1 As set out in section 5.4 the level of parking 1: 1 complies with the policy requirements at the time of submitting the application. Although the adopted standards have changed as the site lies in an area of high accessibility the number of spaces provided is deemed acceptable. Local Plan policy SDP5 confirms that car parking is a key determinant in the choice of the mode of travel and therefore the provision of two off-road car parking spaces would comply with current planning guidance in the form of PPG13: 'Transport', PPS1 'Delivering Sustainable Development' and PPS3 'Housing, which emphasises the need to reduce car dependence.

6.6.2 The policies within the Core Strategy and the Local Plan seek to promote more sustainable forms of transport to the private car and the availability of car parking is highlighted as a key determinant of the mode of travel. As such the provision of three car parking spaces is fully in accordance with the policy aims and intentions for sustainable patterns of development within accessible locations. Prospective residents of the development will be aware that the development has only one space and as the average household in Southampton only has an average of 1.0 car this proposal is acceptable (Source - Parking Standards Supplementary Planning Guidance). The site is within walking distance of shops and services within Shirley Town Centre and highly accessible by public transport and as such there is no reason to believe that the proposal will exacerbate on street parking pressures.

6.6.2 The provision of secure and convenient cycle storage would promote cycling as an alternative to the private car. The level of car parking proposed to serve the development is therefore considered to be acceptable.

6.7 Ecology

6.7.1 A phase 1 Bat Survey was submitted and the results submitted indicate that there is no evidence of bats as there are no spaces or voids in the building as it has been well maintained. In addition, the site is considered to offer a negligible potential for other protected species. As such the proposal complies with European Directives and 'saved' Local Plan policies.

6.8 Sustainability

6.8.1 The application is accompanied by a Code for Sustainable Home pre-assessment report and a Sustainability Checklist. The submitted documentation demonstrates

that the development can achieve Level 3 of the Code for Sustainable Homes and through low energy technologies achieve a reduction of between 43%- 51% in Carbon Dioxide emissions over standard building regulations requirements. This is compliant with policy CS20 of the Core Strategy and a condition is suggested to secure these measures.

- 6.8.2 The car parking area proposed would be brick paving in design to reduce surface run off and aid sustainably drainage.

7. Summary

- 7.1 The proposed conversion makes good use of the existing building and having regard to the positive appearance of the existing building, a conversion solution, is deemed more appropriate than a redevelopment. Overall, the fact the scheme meet the suggested amenity standards indicates the proposal is not an overdevelopment of the site. There are no planning grounds that outweigh the re-use of this existing building and the recommendation is therefore to approve.

8. Conclusion

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore 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) (c) (d) 4 (f) 6 (c) 7 (a) (b) (e) (k) 9 (a), 10(a) and 10 (b)

ARL for 25/10/2011 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 Boundary Treatment [performance condition]

Prior to the development first coming into occupation the boundary treatment shall be fully implemented in accordance with the drawing no P25 received 07.09.2011 hereby approved and thereafter retained as approved unless agreed otherwise in writing by the Local Planning Authority.

REASON

To secure a satisfactory form of development

04. APPROVAL CONDITION - Landscaping Implementation [Performance condition]

The hard and soft landscaping works shall be carried out in accordance with the drawing no P25 received 07.09.2011 hereby approved . The works shall be carried out before any of the development is occupied unless agreed otherwise in writing by the local Planning Authority.

REASON:

To ensure that the works are carried out as approved in the interests of the visual amenities of the area.

05. APPROVAL CONDITION - Landscaping Replacement [performance condition]

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

06. APPROVAL CONDITION - Defensible Space details [Pre-Occupation Condition]

Notwithstanding the approved drawing P25 received 07.09.2011 details of the proposed landscaping between the proposed iron railing and the property's walls shall be submitted to and be agreed in writing by the Local Planning Authority. The approved scheme shall be implemented and retained at all times.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

07. APPROVAL CONDITION - Refuse and Cycle Storage [performance condition]

Bin and cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with drawing no P25 received 07.09.2001 and drawing no P23 received 21.07.2011. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days.

REASON:

In the interests of highway safety and visual amenity and to encourage recycling.

08. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved in accordance with drawing P25 received 07.09.2011, and pedestrian access to it, shall be made available

prior to the first occupation of residential flats hereby approved and shall be retained with access to it at all times for the use of the residents to this scheme.

REASON:

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

09. APPROVAL CONDITION - Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures as detailed in CO2 reduction report submitted 31.08.2011 shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. 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.

11. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

12. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of [0.6m / 0.75m] above carriageway level within the sight line splays.

Reason:

To provide safe access to the development and to prevent congestion on the highway.

Notes to Applicant

1. Pre-Commencement Conditions: Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before

development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

2. Performance Conditions: Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
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)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)

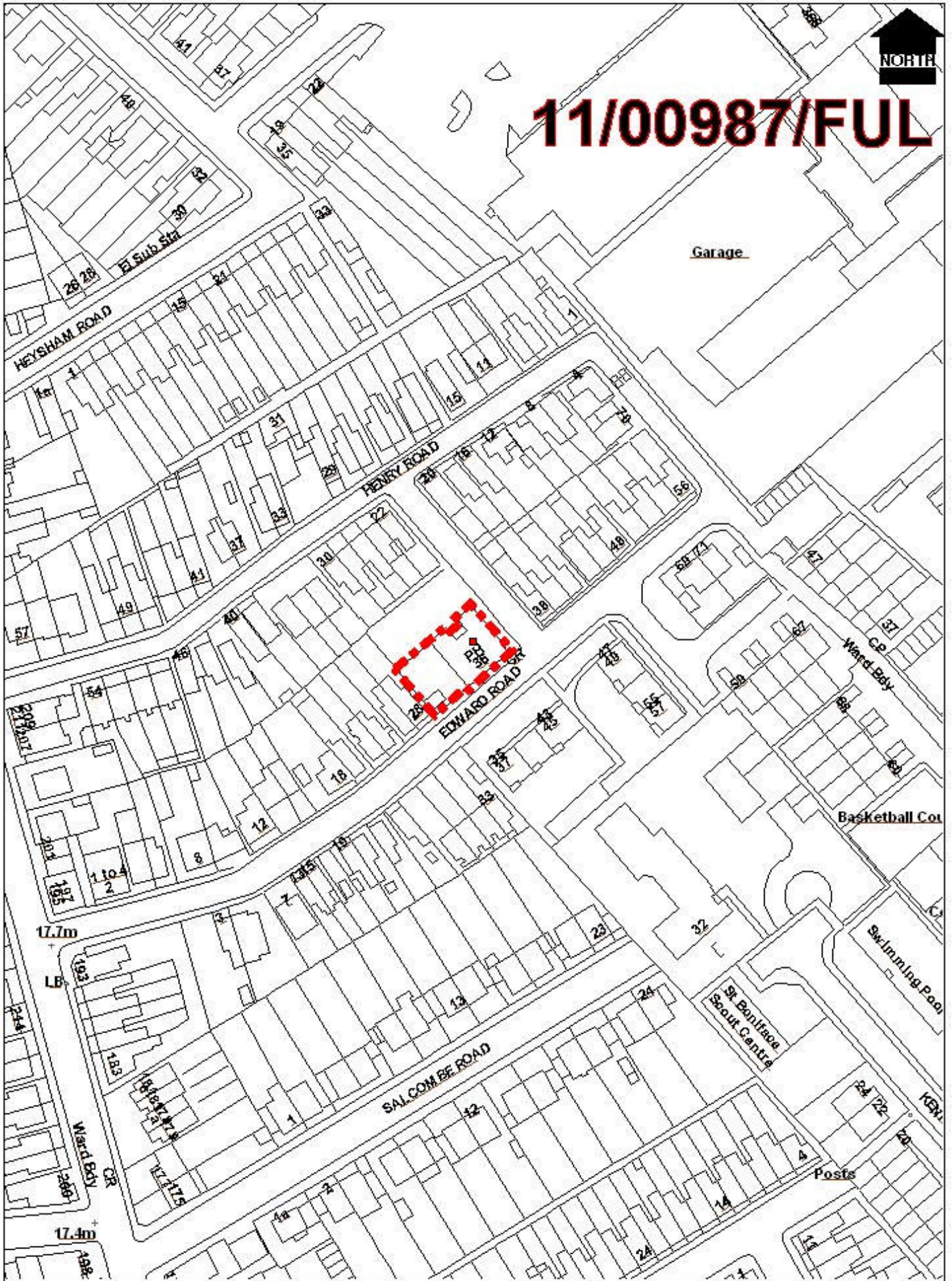
PPS3 Housing (November 2006)

PPG13 Transport (April 2001)

PPS22 Renewable Energy (August 2004)

NORTH

11/00987/FUL



Scale : 1:1250

Date :12 October 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

