

Planning, Transport & Sustainability Division
Planning and Rights of Way (EAST) Panel - 1 March 2016
Planning Application Report of the Planning and Development Manager

Application address: 34 Albany Road			
Proposed development: Erection of a part two-storey and part single-storey building with accommodation in the roof to create 3 flats (1 x three bed and 2 x one bed) with associated cycle and refuse storage following demolition of existing building. (resubmission 15/01839/FUL)			
Application number	15/02363/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	16.02.2016	Ward	Freemantle
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton
Referred by:	Cllr Moulton	Reason:	None given

Applicant: Mr G Rana	Agent: Mr Amrik Chahal
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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, SDP5, SDP7, SDP9, H1, H2, H6 and H7 of the City of Southampton Local Plan Review (Amended 2015); CS5, CS13, CS16, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is formed of a detached two-storey dwelling house located on the south-eastern side of Albany Road. It is the last house on that side of the road. To the west, the site is bounded by a car parking area which serves residents of 36-50 Albany Road (a purpose built residential block).
- 1.2 Albany Road is a cul-de-sac formed of detached and semi-detached housing. The properties vary in design but are predominately similar in proportion and scale. The surrounding area is residential in nature, with the Freemantle Arms pub situated further up the road.

2. Proposal

- 2.1 The current application proposes redevelopment of the existing plot to create a new residential dwelling comprising of 3 units (1x 3-bed and 2x one bed). The development is broadly similar to a number of previous applications submitted on the site (two refused and one approved) but increases the number of units in the property to 3.
- 2.2 The proposal consists of a single building which is internally subdivided into 3 separate units (with the 3 bed unit at ground floor level and the one bed units at first floor and in the roof space). The 1-bed units are accessed from the front while the ground floor 3-bed unit is accessed from the side of the building.
- 2.3 The amenity space for would be subdivided into 2 sections, one immediately to the rear, for the 3 bed unit to access directly, and an additional section to the rear accessed from the side of the property.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). 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. Relevant Planning History

- 4.1 An initial application for redevelopment of the plot was submitted in 2011 under planning application reference 11/00896/FUL. This application proposed subdividing the new property to form 3 units (2x 2-bed and 1x 1-bed). This application was refused on four principle issues:
1. Loss of a family dwelling (loss of a 3-bed unit with direct access to private amenity space within the site)
 2. Physical overdevelopment (design and character of proposal inappropriate)

- and harmful to neighbouring amenity)
- 3. Poor living environment for occupiers of proposed unit (outlook and light)
- 4. Unsafe parking arrangement (proposed parking spaces overhung pavement) and inappropriate refuse arrangement

This decision was then appealed. The Planning Inspector supported the Council on these points and the appeal was dismissed.

- 4.2 Following on from this, a second application was submitted under planning application reference 12/00338/FUL. The application reduced the scale of the proposed dwelling and changed the internal layout to comprise 2 units (1x 3-bed and 1x 2-bed). This application addressed the previous reasons for refusal by inclusion of a family dwelling (as defined by CS16) together with other amendments to the internal layout to improve outlook, by reducing the scale of the proposed dwelling and removing all on-site car parking. This application was approved by the Planning Panel in 2012.
- 4.3 A more recent application was submitted in 2015 under planning application 15/01839/FUL. This application sought a number of alterations to the previously approved scheme. Primarily the main alterations were an increase in the roof form to create additional accommodation within the roof space to facilitate the use of the property at 3 units (1x 3-bed and 2x 1-bed). This application was refused on the grounds that the design of the resultant roof form would be out of character with the surrounding area.
- 4.4 Full details of the previous applications can be found in **Appendix 2**.

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 and erecting a site notice (12.01.2016). At the time of writing the report **21** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2
 - Will exacerbate existing parking issues in surrounding area

Response: It is important to note that the earlier planning permission for this site did not incorporate any off-street car parking and whilst the current application increases the number of flats by one, the number of bedrooms remains the same as the approved scheme. Overall, having regard to the planning history of the site and the accessibility to public transport and local facilities, the provision of no car parking is considered to be acceptable.
- 5.3
 - Development would result in the loss of a family home and be out of character with the surrounding area

Response: The development retains a family dwelling as defined by Policy CS16 (a three bed dwelling with direct access to useable private amenity space for the sole use of the household).
- 5.4
 - 3 bed unit will not be occupied by a family but will be used as an shared occupancy dwelling

Response: It is noted that planning permission would be needed to occupy the property as a Class C4 House in Multiple Occupation (3-6 unrelated individuals sharing). The current application has been submitted on the basis of a Class C3

use.

- 5.5
- Additional windows in the roof will overlook neighbouring property
- Response: This issue is addressed in section 6 below.

- 5.6
- Additional residential intensity would be harmful to amenities of neighbouring occupiers in terms of additional noise
- Response: It is noted that the number of bedrooms (5) remains the same as the previously approved scheme and, as such, it is not considered that the proposal would result in a significant increase in activity when compared with the approved scheme.

- 5.7
- Should not demolish existing building (replacement building excessive in scale and out of character)
- Response: While the Local Planning Authority encourages the retention existing structures where possible, the application must be determined on its merits. The existing building is not listed building (nor is it locally listed) and its retention is not otherwise safeguarded. As such, the principle of redeveloping the site is acceptable. This is subject to the design of the replacement building being otherwise acceptable. A further assessment of the impacts of the proposed structure can be found in section 6 below.

- 5.8
- The height and width of the new dwelling would be out of character with the surrounding area
- Response: It is noted that the proposed dwelling has a height of 8.4m and a width of 5.2m. The adjacent property at 32 Albany Road has a height of 8.35m and a width of 5.55m. Furthermore, the appearance of the properties within Albany Road is varied. As such, the scale and massing of the building would not appear significantly different within the street scene.

- 5.9
- There would be noise and disruption to neighbouring occupiers during demolition and construction works
- Response: Conditions are recommended to mitigate the temporary disruption which would be caused by any building works.

- 5.10
- The existing road retains surface water
- Response: A condition is suggested to secure details of foul and surface water disposal.

5.11 Consultation Responses

- 5.12 **Highways** - The proposal is similar to previous schemes and the potential difference in parking demand is difficult to differentiate (notwithstanding there will be an increase in demand from 1 to 3 units). The applicant may wish to conduct a parking survey to demonstrate there has been no change in circumstances over the last 4 years.

- 5.13 **Archaeology** – The site lies in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy. It is in Freemantle, on an area of higher ground surrounded by stream valleys to the south, east and west. No archaeological investigations have taken place in the immediate vicinity, although some burnt flints of possible prehistoric date were found during an investigation on Firgrove Road, about 175 metres to the east. Prehistoric evidence has also been found in the wider area. However on current evidence,

and given the small scale of the development, I do not require any archaeological conditions to be attached to the planning consent.

- 5.14 **Environmental Health** – No objection subject to suitable conditions controlling impact of demolition and construction works on adjoining properties.
- 5.15 **CIL** – 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. If any existing floor space is to be used as deductible floor space the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.
- 5.16 **Sustainability** – No objection subject to the subject of suitable conditions in accordance with CS20 and recent government guidance.

6. Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Design and impact on character and amenity;
- iii. Parking and highways and;
- iv. Impact on designated habitats.

6.2 Principle of Development

- 6.2.1 The previous application was refused on the grounds of the impacts of the proposed physical form of development on the overall character of the surrounding area. As such the main consideration of the current application will be if the proposal has addressed the previous reason for refusal.
- 6.2.2 The site is currently used for residential purposes. There is no principle objection to the continued use of the site for residential purposes, subject to the proposed new development being otherwise acceptable. The proposal meets the requirements of Core Strategy Policy CS4 and Local Plan Policy H2 which encourage the efficient use of previously developed sites to provide further residential development.
- 6.2.3 The property retains a 3-bed unit with direct access to private amenity space. In accordance with Policy CS16, the property therefore retains a defined family unit and, as such, is not considered contrary to policy in relation to the loss of a family home.
- 6.2.4 Given the proximity of the site to Shirley Road, the property lies within the area of defined high accessibility to public transport in accordance with the adopted Parking Standards Supplementary Planning Document. In terms of housing density and the provisions of policy CS5, the area lies within an area suitable for densities between 50-100 dwellings per hectare. The current proposal is 122 dwellings per hectare. Policy CS5 confirms that higher densities can be acceptable, subject to considering the merits of the proposal in the round.

6.3 Character and amenity

- 6.3.1 There are a number of differences between the proposed development and the previously considered schemes. Notwithstanding that all three proposals include a total of 5 bedrooms, the subdivision is different. The originally refused scheme consisted of 3 flats (2x2-bed, 1x1-bed) and the approved scheme had 2 flats (1x3-bed and 1x2-bed). The current scheme consists of 3 flats (1x3-bed and 2x1-bed).
- 6.3.2 In order to facilitate this layout the application proposes additional massing and a different roof form to allow additional accommodation in the roof. Given the position of the dwelling and relative layout of surrounding properties, the application site effectively forms a corner plot on Albany Road. Given the arrangement of surrounding land and the adjacent car parking area the property is visible on both its front and side elevations within the surrounding street scene.
- 6.3.3 The surrounding area has a mix of different roof forms and types, including a variety of different ridge and eaves heights. On this basis, no objection is raised to the overall increase in height proposed as part of the application. The previously refused scheme utilised large flat roofed sections. The roof form for the current application has been modified from the previously refused scheme to form a hipped roof, similar in overall form to the adjacent property. It is not considered that the current proposal represents significant harm to the overall character of the surrounding area and is felt to integrate into the existing style within the immediate street scene.
- 6.3.4 The property involves a number of changes in terms of physical form when compared to the existing property. No objection was raised to these elements under the previous application as it was not considered that there was a harmful impact on the amenities of neighbouring occupiers in terms of the creation of an overbearing or overshadowing form of development.
- 6.3.5 There is one window at first floor level looking towards the neighbouring property at 32 Albany Road and two windows in the roof. The first floor window serves a hallway and the roof windows serve staircases. A condition is recommended to ensure that these windows are obscured to further mitigate the potential for overlooking. There are a number of habitable room windows facing towards the property at 36-50 Albany Road, however it is noted that the set-back between the two properties is 19m (section 2.2.7 of the RDG requires a set-back of 12.5m between two-storey buildings and 15m for 3 storey buildings). As such, it is not considered that the proposal will result in significant harm in terms of overlooking.
- 6.3.6 The layout of the garden and relationship for residential outlook remains broadly similar as the previously approved scheme and most recent refused scheme. The site retains sufficient amenity space to comply with the requirements of section 2.3.12-13 of the RDG.

6.4 Parking and Highways

- 6.4.1 The Parking Standards SPD confirms that the maximum car parking provision for the proposed scheme is 4 spaces, with the application proposing no on-site parking. A lesser provision of parking can be considered acceptable, particularly in areas of high accessibility, such as the application site. It is further noted that the previously approved scheme was put forward as a car free scheme and in

terms of this issue, the policy context is substantially unchanged since the determination of that application.

- 6.4.2 While local residents have highlighted that the surrounding area already experiences significant parking constraints, given the fact that the overall residential intensity is similar to the previously approved scheme (with the same number of bedrooms), it is not felt that a reason for refusal on the grounds of a lack of on-site parking would be justified.

6.5 Impact on Designated Habitats

- 6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). This contribution has been secured and so the proposal is considered to have addressed this requirement.

7. Summary

- 7.1 The application is similar in design to a number of schemes previously submitted on the site. The most recent application received was refused solely on the impact of the physical alterations and their impact on the character of the surrounding area. It is considered that the current proposal addresses this reason for refusal.

8. Conclusion

- 8.1 For the reasons discussed above the application is recommended for conditional 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)(f), 4(f)(vv), 6(a)(b)

JF for 01/03/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development hereby permitted shall begin no 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. Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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.

03. Energy & Water

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

04. Energy & Water Implementation

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development has minimised 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).

05. Demolition - Dust Suppression

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason: To protect the amenities of users of the surrounding area.

06. Hours of work

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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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. Obscure Glazing

The single first floor and two roof windows in the eastern elevation (as identified on Drawing No. 2015/01 Rev A serving a hallway and staircase) shall be obscure glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

08. Boundary fence

Prior to the occupation of the development hereby approved, the rear garden boundary treatment shall be implemented in accordance with the submitted details (namely a 1.8m high close boarded fence as identified in Drawing No 2015/02 Rev A). The boundary treatment shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of approved dwellings.

09. Cycle and refuse storage

They cycle and refuse storage (as shown on Drawing No. 2015/02 Rev A) must be made available prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

Reason:

To encourage cycling as an alternative form of transport and prevent storage of refuse bins on the highway in the interests of residential amenity.

10. 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.

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Scale: 1:1,250

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